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Race stereotypic crimes and juror decision making: Hispanic, black, and white defendants

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RACE STEREOTYPIC CRIMES AND JUROR DECISION MAKING:
HISPANIC, BLACK, AND WHITE DEFENDANTS

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ABSTRACT

Race Stereotypic Crimes and Juror Decision Making: Hispanic, Black, and White Defendants

by

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A race stereotypic crime is a crime that most people tend to associate with a certain race. This is a type of racial bias that affects juror decision making by undermining the presumption of innocence and lowering the prosecution's burden of proof. Two studies investigated race stereotypic crimes. Study 1 used a new scale to identify race stereotypic crimes for black, Hispanic, and white males. Study 2 used a mock juror paradigm with a realistic stimulus and sensitive measures to focus on the influence of this type of bias on mock juror decision making.

Study 1: Participants were 143 undergraduate students divided into 3 groups. Group 1 evaluated a Hispanic target, group 2 a black target, and group 3 a white target. The dependent measure was the Crime Probability Scale, a list of 20 different crimes with a probability scale for each crime. All participants rated on a 0-100% scale the probability that the target would commit each of the crimes listed. Results revealed that vehicle theft is a Hispanic and black stereotypic crime, welfare fraud and illegally entering the United States are Hispanic stereotypic crimes, and robbery is a black stereotypic crime. No white stereotypic crimes were identified.

Study 2: Participants were 144 undergraduate students divided into 3 groups. Group 1 judged a black defendant, group 2 a white defendant, and group 3 a Hispanic

defendant. The stimulus was a realistic summary of a criminal trial for vehicle theft. The dependant measures were the verdict (guilty or not guilty), the Confidence in the Verdict Scale wherein participants rated their confidence in their verdict on a 0-100% scale, and the Guilt Index which was computed by multiplying the value of the verdict (1 for guilty and -1 for not guilty) by the score on the confidence scale. Participants acted as jurors and responded individually. Results revealed that only 24 defendants were judged guilty: 6 black defendants, 13 white defendants, and 5 Hispanic defendants. Analysis of the Guilt Index data revealed that, although all races of defendant were generally perceived to be not guilty, participants judged the white defendant to be less innocent than the black and Hispanic defendants.

Results did not agree with past research on race stereotypic crimes. For Study 1, this was probably because Study 1 measured the concept in a new and more sensitive way (a percentage scale). In Study 2, the stimulus may not have been balanced (the evidence for the prosecution may have been too weak), or the provision of more information about the defendant and the use of judicial instructions may have negated the race stereotypic bias.

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CHAPTER 1

INTRODUCTION

A Brief History of the Jury

In the Western world, trials by jury have existed as far back as the time of the Troy, around 1200 B.C. Perhaps the most famous jury trial of all time occurred in Athens in 399 B.C., the trial of Socrates, memorialized in Plato's *Crito*. Roman law contained provisions for appeal to the *populus romanus*, an assembly of the people, which functioned as a kind of early jury that acted as a check on government officials. The Carolingian kings, Germanic tribes, and the Danes all resorted to some form of group decision making in deciding controversies and criminal accusations. When the Normans invaded Britain in 1066 they brought with them the inquest, a form of group decision making to determine the disposition of property and settle claims made by individuals. King Henry II (1154-1189) expanded the use of juries by allowing local participation in the adjudication of disputes, and he submitted some disputes between the crown and the church to juries for resolution. A significant milestone in the evolution of the jury was Magna Carta, signed by King John in 1215. Clause 39 of Magna Carta states "No freeman shall be arrested and imprisoned, or dispossessed, or outlawed, or banished, or in any way molested; nor will we set forth against him, nor send against him, unless by the lawful judgment of his peers and by the law of the land." In 1791 William Blackstone, in his *Commentaries on the Law of England*, recognized the importance jury trials had achieved over the years by referring to jury trials as the "bulwark of liberty," and as the institution which "ever will be looked upon as the glory of the English law" (Nemeth, 1981).

Even before Blackstone eulogized the jury trial, English colonists had brought the jury trial to the new world and had experienced its power. In the trial of John Peter Zenger in 1735, an American jury refused to convict Zenger of libel even though he clearly had violated the law; the jury judged the law to be wrong and refused to enforce it. The British crown learned that it could not enforce its laws in America without the cooperation of American juries. For this reason, the crown tried to enforce the controversial Stamp Act of 1765 by placing jurisdiction over violations of the act in the admiralty courts, which did not use juries. The colonists were so outraged by this attempt to remove the protection of trial by jury that they forced the repeal of the Stamp Act. American colonists were so devoted to the use of juries that even before the Declaration of Independence all the colonies used some form of jury trial. The Declaration of Independence lists many grievances against King George III, including "For depriving us, in many Cases, of the Benefits of Trial by Jury...." After the American Revolution, the Article of Confederation guaranteed the right to trial by jury (Nemeth, 1981).

The right to a trial by jury is perhaps the most fundamental and most protected of all rights enjoyed by American citizens. Indeed, the right to a jury trial is the only right mentioned in both the original United States Constitution and in the Bill of Rights. Article III, Section 2, clause 3 of the Constitution states "The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury...." The Sixth Amendment to the Constitution begins "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed...." The Seventh Amendment to the

Constitution assures the right to a jury trial in civil proceedings: “In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved....”

Although this language, on its face, appears to be unequivocal, absolute, and universal, the United States Supreme Court has held that the quoted language refers to the right to a jury trial as it existed in common practice in the states at the time the Constitution was adopted. At that time the common practice in criminal cases was to use juries only for trials of serious offenses (felonies) such as murder or robbery. For many years the Supreme Court also held that the right to a jury trial enumerated in the Sixth Amendment applied only to trials in federal courts, not in state courts.

However, over time the Supreme Court has modified its rulings so that today the Sixth Amendment right to a trial by jury does apply to the states. Nevertheless, the states are free to regulate the use of juries, and the rules regarding jury trials do vary among the states.

In the state of Nevada, the right to a trial by jury is regulated by the Nevada Constitution, Nevada Revised Statutes (NRS), and court decisions. The Nevada Constitution, Article I, Section 3 states “The right of trial by Jury shall be secured to all and remain inviolate forever....” Despite this seemingly absolute and universal guarantee, the Nevada Supreme Court has held that this quoted language refers only to the right to trial by jury as it existed at the time the United States Constitution was adopted (*State v. McClear*, 1876; *Hudson v. City of Las Vegas*, 1965; *Howard v. State*, 1967).

The seriousness of the charge and the type of court that tries the case determine whether or not a criminal defendant has the right to a trial by jury. All defendants tried in District Court (Nevada's court of general jurisdiction) have the right to trial by jury (NRS 175.011); the defendant may waive the right to a jury trial with the agreement of the state (district attorney) and the court (NRS 175.011). The district court tries all felony cases, that is, crimes punishable by death or imprisonment in the state penitentiary (NRS 193.120). The Justice Court, presided over by a Justice of the Peace, tries all misdemeanor and gross misdemeanor cases, that is, crimes punishable by confinement in the county jail for not more than six months and fines of not more than \$10,000 (NRS 193.120). In Justice Court, the defendant must request a jury trial at least 30 days prior to the scheduled date of trial, and if the defendant does not submit such a request within the prescribed time then the trial will be a bench (judge alone) trial (NRS 175.011). In the District Court juries are composed of 12 jurors, and in Justice Court juries are composed of 6 jurors (NRS 175.021; in both types of courts the jury decision must be unanimous (NRS 175.481).

Although the right to a jury trial is a traditional and fundamental right of every American accused of a crime, today defendants are exercising this right ever more infrequently. When the United States was young, jury trials were the rule and not the exception. In the early 1800s almost every criminal case in the United States was decided by a jury, and guilty pleas were very rare. In contrast, today about 90% of all criminal cases are decided by guilty pleas arising from plea bargains. The jury trial has become so procedurally complex, expensive, and time consuming that it simply is not practical or possible to conduct jury trials very often. Jury trials are disappearing

from the American criminal justice system. The modern American criminal process has become administrative rather than adjudicative. The outcome of most criminal cases is determined through negotiations between prosecutors and defense attorneys that result in a plea of guilty (Alschuler & Deiss, 1994). Nevertheless, defendants still retain their right to trial by jury, and jury trials still occur regularly. The right to a trial by jury remains one of the foundation principles of the American criminal justice system.

Purpose and Significance of This Study

Juries are supposed to function by hearing all the admissible evidence, receiving the applicable law from the judge, determining the facts from the evidence, then applying the law to the facts to reach a verdict (Kalven & Zeisel, 1966). When determining the facts of a case, juries are not supposed to consider anything except the evidence admitted in court and the law as stated by the judge. Any information that is not admitted into evidence at the trial is considered to be an extra legal factor, and extra legal factors are not supposed to influence jurors in their determination of the facts or their application of the law to the facts.

In reality, extra legal factors do influence jury decision making. Researchers have investigated a number of potential extra legal factors and have found that several extra legal factors do influence jury decision making. Some of the factors that have been researched most extensively have been race (race of the defendant, race of the victim, race of witnesses, and race of the jurors), gender (gender of the defendant, gender of the victim, gender of witnesses, and gender of the jurors), the physical and social attractiveness of the defendant and the victim, and pretrial publicity. A large

body of research supports the conclusion that all of these factors do influence jury decision making (Austin & Allen, 2000; Baldus, Woodworth, Grosso, & Christ, 2002; Bowers, Steiner, & Sandys, 2001; Cruse & Leigh, 1987; DeSantis & Kayson, 1997; Escamilla, 2002; Gray & Ashmore, 1976; Kramer, Kerr, & Carroll, 1990; Landy & Aronson, 1969; MacCoun, 1990; Marder, 1987; Mazella & Feingold, 1994; Mitchell, Haw, Pfeiffer, & Meissner, 2005; Moore, Wuensch, Hedges, & Castellow, 1994; Mustard, 2001; Sigall & Ostrove, 1975; Steblay, Besirevic, Fulero, & Jimenez-Lorente, 1999; Stewart, 1985; Sweeney & Haney, 1992; Williams & Holcomb, 2001).

A substantial amount of research supports the conclusion that race affects jury decision making. This study will explore a specific type of racial bias that infects juries called race stereotypic crimes. Race stereotypic crimes are crimes that most people perceive to be associated with certain races. Research indicates that people tend to associate certain crimes with certain races (Gordon, Bindrim, McNicholas, & Walden, 1988).

The concept of race stereotypic crimes can be explored from either of two perspectives: type of crime, or race of the perpetrator. If the focus is on the type of crime, then we would look at a specific crime and ask: Do people perceive that perpetrators of one race are more likely to commit this crime than perpetrators of other races? If the focus is on the race of the perpetrator, then we would look at different races and ask: What specific crimes do most people believe perpetrators of a certain race are most likely to commit?

If the concept of race stereotypic crimes is a valid concept, then no matter which of the two perspectives we use to explore the concept, the results should be

consistent. For example, suppose we focus on the type of crime. We might choose the crime of murder and ask if people believe perpetrators of one race are more likely to commit murder than perpetrators of other races. For the purpose of this example, suppose we research this question and discover that people tend to think black perpetrators are more likely to commit murder than a white or Hispanic or any other race of perpetrator. To continue this example, suppose that next we focus on the race of perpetrators and ask what types of crimes people think black perpetrators are most likely to commit. Again, for the purpose of this example, suppose we research this question and discover that people think certain crimes are more likely to be committed by black perpetrators, and one of these crimes is murder. In this example, our research of the concept of race stereotypic crimes would have produced consistent results from both perspectives, and the general conclusion would be that people associate the crime of murder with blacks more than with whites or Hispanics or any other race. Another way to say this is to assert that most people believe certain crimes are more likely to be committed by members of certain races, and most people believe that certain races are more likely to commit certain crimes than other crimes.

The concept of race stereotypic crimes is important because it explains one way that race can bias a jury. If a defendant is charged with a crime that is considered to be stereotypical for his race (is associated with his race), then most probably he will be treated more harshly by a jury, more likely to be convicted and more likely to receive a severe sentence.

Past research has focused primarily on race stereotypic crimes for whites and blacks. Perceived stereotypic crimes for whites appear to be embezzlement, child

molestation, rape, and counterfeiting; and perceived stereotypic crimes for blacks appear to be assault, grand theft auto, assault on a police officer, solicitation, and burglary (Gordon, 1990; Gordon et al., 1988; Jones & Kaplan, 2003; Sunnafrank & Fontes, 1983). A few studies have explored race stereotypic crimes for Hispanics, but the studies were limited in scope and suffered from methodological problems. Nevertheless, what little research exists on Hispanic stereotypic crimes suggests that people perceive certain crimes to be stereotypical for Hispanics, just as they perceive certain crimes to be stereotypical for blacks and whites (Bodenhausen, 1988; Bodenhausen, 1990; Esqueda, 1997; Gordon, Michels, & Nelson, 1996; Jones, 1997; Perez, Hosch, Ponder, & Trejo, 1993).

More rigorous research needs to be done on race stereotypic crimes for Hispanics. The Hispanic population in the United States is increasing faster than the population of any other racial group. From 2000 to 2003, the Hispanic population increased by 13%, from 35,650,000 to 39,899,000. The projection is that from 2005 to 2010 the number of Hispanics in the United States will increase from 41,801,000 to 47,756,000. In 2003 Nevada had a total population of 2,241,000; the Hispanic population in Nevada was 491,000, and by July 1, 2005 the Hispanic population of Nevada was 568,356. The number of Hispanics in Nevada is soaring, and in 2005 Hispanics comprised 23.5% of Nevada's population. By 2005 Hispanics comprised 26% of the population of Clark County. From 2000 to 2005 the Hispanic population in Nevada increased by 44%, which is about twice the state's overall growth rate (Statistical Abstract of the United States: 2004-2005; *Las Vegas Review Journal*, August 4, 2006).

One of the most contentious political issues today is the topic of illegal immigration. Hardly a day goes by without the media featuring a story or opinion piece on this issue. The primary focus of the media appears to be on the illegal immigration of Hispanics from Mexico. No one knows what affect media stories about illegal Hispanics in the United States may be having on public opinion about Hispanics in general.

Nevada does not collect data on the number of criminal defendants by race. Nevertheless, as the number and percentage of Hispanics in Nevada grows, it is inevitable that ever more Hispanics will find themselves accused of crimes in Nevada's courts. Increasingly, Hispanic defendants will face juries that most probably will reach decisions tainted by the race stereotypic crime bias.

Research Hypotheses

Based upon the research that has been done, the following hypotheses are proposed:

1. Race stereotypic crimes for Hispanics will include crimes of violence, such as homicide and assault, property crimes such as larceny and vehicle theft, and drug related crimes.

This hypothesis is based upon the research concerning race stereotypic crimes, and research investigating how people perceive Hispanics. One early study found that people perceive Chicanos to be cruel (Fairchild & Cozens, 1981), although this study divided the population of peoples from Central and South America into Chicano, Hispanic, and Mexican-American, distinctions that probably are no longer

valid. Today the term “Hispanic” is commonly used by whites to identify all people from Central and South America as well as people from the Caribbean.

Marin (1984) also found that Hispanics tend to be stereotyped negatively. In his review of past studies he found that whites have negative perceptions of Hispanics. Whites tend to perceive Hispanics as lazy, cruel, and pugnacious. Marin recruited 100 white students, mean age 18.5 years, to be his subjects. He hypothesized that whites would rate Americans (their own racial group) more positively than other racial groups.

Marin gave his subjects a questionnaire that asked the subjects to write traits for Americans, Mexican Americans, Chicanos, Japanese, Hispanics, Germans, and Puerto Ricans. Apparently Marin did not define these groups for his subjects. Marin also had the subjects rate the same groups on seven Semantic Differential Scales, but he does not explain what these are.

The results showed little agreement on the assignment of stereotypes to particular groups. However, 64% said that Chicanos were aggressive. All four Hispanic groups (Mexican American, Chicano, Hispanic, and Puerto Rican) were perceived to be aggressive. Three unspecified Hispanic groups were perceived to be lazy and uneducated. In general, Americans were rated more positively than any of the other racial groups. This is a poorly designed study, and some important details are not explained in the article. However, a reasonable interpretation of this study is that it found white Americans held some negative perceptions about several groups of people whom today we would classify as Hispanic.

The first hypothesis also is based upon the probable perceptions people have of minorities based on television news and entertainment shows. The media promote racial stereotypes related to certain crimes. For example, the media often present Asians as involved in drug-related crimes, and Indians often are portrayed as thieves (Esqueda, 1997).

Oliver (1994) looked at how minorities are portrayed in television reality shows. Television news and fictional programs typically over represent violent crime and under represent nonviolent crime; they over represent the successful solution of crimes, usually through the use of violence and the violation of civil rights by the police; and fictional programs over represent the proportion of criminals who are white while news programs over represent the proportion of criminals who are racial minorities. Because reality television shows are hybrids of news and fictional programs, Oliver reviewed samples of five reality shows to determine which races are represented as police and criminals. He coded the shows for the types of crimes portrayed, the resolutions shown, the ethnic and racial composition of the police and criminals portrayed, and the incidence of aggressive behavior and towards whom the aggressive behavior was directed.

He found that 88.3% of the police portrayed were white, 9% were black, and only 2.6% were Hispanic. Of the criminals portrayed, 54.3% were white, 29.9% were black, and 15.8% were Hispanic. Whites most often appeared as police, but blacks and Hispanics most often appeared as criminals. Black and Hispanic criminals were more likely than the white criminals to be the victims of unarmed physical aggression from the police. Oliver compared these results to labor statistics, and found that

whites were over represented and blacks were under represented as police (at this time the government did not keep labor statistics on Hispanics, so he could not determine if Hispanics were over or under represented as police). Oliver concluded that reality programs greatly over represented violent crime and the proportion of crimes solved. These programs were most likely to portray whites as police, and to portray blacks and Hispanics as criminals. The police were portrayed as more likely to use aggressive behavior, and the criminals were more likely to be the recipients of aggressive behavior by the police. Black and Hispanic criminals were portrayed as much more likely to receive aggressive behavior from the police than white criminals.

Oliver felt that exposure to reality shows might make the public more likely to support the police and to support the violation of civil liberties by the police. These shows might also cause white viewers to over estimate the involvement of minorities in crime and to believe that minorities are more dangerous and threatening than whites. The findings by Oliver make it reasonable to think that the public may well possess a stereotype of Hispanics (and blacks) as criminals and dangerous persons. The average white American citizen may well stereotype Hispanics as violent law breakers.

Dixon and Linz (2000) performed the first and only reported study of how Hispanics are portrayed on television news programs. TV news affects public opinion. People who watch a lot of TV tend to believe that the real world is like the world they see on TV. Dixon and Linz reasoned that if TV news programs most often portrayed minorities such as blacks and Hispanics as perpetrators of crime, and

portrayed whites mostly as police officers, then the public may come to perceive blacks and Hispanics as evil, and whites as defenders of law and order.

Dixon and Linz sampled 116 TV news programs in the Los Angeles area covering 20 weeks in 1995 and 1996. They coded the race of perpetrators and the race of police according to 4 racial categories: white, black, Hispanic, and other. They conducted 3 comparisons. In the inter-group comparison, they compared the numbers of black and Hispanic perpetrators to the number of white perpetrators as portrayed on TV news. In the inter-role comparison, they compared the number of perpetrators by race to the number of police by race as portrayed on TV news programs. In the inter-reality comparison, they compared the numbers of perpetrators and police by race as portrayed in TV news programs to real crime and employment statistics.

They found that blacks and Hispanics were more likely than whites to be portrayed as perpetrators, and this was especially true for felony crimes. Blacks and Hispanics were 4 times more likely to be portrayed as perpetrators than as police, and whites were less likely to be portrayed as perpetrators than as police. As portrayed on TV news programs, for felony crimes 44% of all perpetrators were black, 34% were Hispanic, 18% were white, and 4% were others; arrest records revealed that of all suspects arrested, 21% were black, 47% were Hispanic, 28% were white, and 4% were other. As portrayed on TV news programs, 69% of police were white, 14% were black, 10% were Hispanic, and 7% were other; employment records revealed that in reality 59% of police are white, 25% are Hispanic, 11% are black, and 5% are other.

Dixon and Linz concluded that blacks and Hispanics are more likely than whites to be portrayed on TV news programs as perpetrators of crime. Blacks and Hispanics also are more likely to be portrayed as perpetrators than as police. Compared to reality, blacks are over represented, Hispanics are under represented, and whites are slightly under represented as perpetrators. There is a possible problem with this conclusion, because in TV news programs the same people can be shown multiple times as perpetrators (e.g., repeat offenders), and the same people can be shown repeatedly as public relations representatives for police; but in crime statistics and employment records each individual is counted only once. Blacks are represented accurately, but Hispanics are under represented and whites are over represented as police on TV news. In general, Hispanics did not receive as much media attention in crime stories as did blacks; this may be because few reporters speak Spanish, and the sample drawn here did not contain any news programs from Spanish language TV stations. Accurately or inaccurately, when Hispanics are portrayed in TV news crime stories, usually they are portrayed in a negative way.

2. Mock jurors will convict Hispanic defendants more often than black or white defendants, on the same evidence, when Hispanic defendants are charged with a Hispanic stereotypic crime.

This hypothesis is based upon the research reviewed in Chapter 2, indicating that defendants accused of race stereotypic crimes are more likely to be convicted and more likely to receive harsher sentences. It also is based upon research showing that Hispanic defendants are convicted more often than white defendants even when charged with a non-stereotypic offense. Lipton (1983) performed the first jury

experiment using Hispanic defendants. Lipton was investigating the behavior of jurors and was more interested in the characteristics of jurors than in the ethnicity of the defendant. However, he found that the characteristics of the jurors interact with the characteristics of the defendant to determine jury outcomes.

Lipton attempted to enhance external validity by creating a realistic situation. He did this by deceiving the subjects into believing that they were sitting on a real jury, and that their decisions would directly affect the defendant. Lipton created a fictional Inter Campus Grievance Committee to decide “real” cases of student misconduct. The subjects were students.

The experiment was a 2 (race of subject, either white or Hispanic) X 2 (race of defendant, either white or Hispanic) X 2 (sex of subject) between subjects design. There were 96 subjects: 48 whites and 48 Hispanics, and 48 males and 48 females, with an equal number of males and females in each racial group. The subjects were divided into 16 juries of 6 persons each. There were 4 types of juries: (1) majority white with equal numbers of males and females; (2) majority Hispanic with equal numbers of males and females; (3) majority male with equal numbers of whites and Hispanics; and (4) majority female with equal numbers of whites and Hispanics. The stimulus was a written transcript of a fictitious hearing, and the charge against the defendant was either cheating or property destruction. Each jury decided one cheating case and one property destruction case. The race of the defendant was manipulated by changing the name of the defendant (either an obviously Hispanic name or a neutral name). The race of the defendant was counterbalanced. The juries deliberated to a unanimous decision, or they were hung. The dependent measures

were a predeliberation questionnaire asking for the subject's verdict (guilty or not guilty) and the penalty, and a postdeliberation questionnaire asking the same questions plus having the subjects rate the defendant on the characteristics of intelligence, physical attractiveness, honesty, and the likelihood of recidivism.

For both predeliberation and postdeliberation measures, male subjects were more lenient on the Hispanic defendant when they were on female majority juries; female subjects were harshest on Hispanic defendants when they were on male majority juries. On the predeliberation measures, white subjects were more likely than the Hispanic subjects to find the Hispanic defendant guilty, but this effect disappeared on the postdeliberation measures. White subjects rated the Hispanic defendants as less intelligent and more dishonest than the white defendants. After deliberation, the white subjects were more likely to change their vote from not guilty to guilty, but the Hispanic subjects were more likely to change their votes from guilty to not guilty. After deliberation, white subjects were more likely to change their votes from guilty to not guilty if they were on Hispanic majority juries, and Hispanic subjects were more likely to change their votes from not guilty to guilty if they were on white majority juries. Overall, female subjects of both races and Hispanic male subjects were more likely to change their vote from not guilty to guilty after deliberation.

Lipton concluded that racism exists among jurors. Even though the evidence was held constant, jurors changed their minds from predeliberation to postdeliberation because of the race and characteristics of the other jurors and how these characteristics interacted with the characteristics of the defendant. Although Lipton does not discuss it, I believe this study also shows that white jurors are biased against

Hispanic defendants. Even though the crimes charged against the defendants were not stereotypic crimes, the Hispanic defendants fared worse than the white defendants on the same evidence. This biasing effect should be heightened if the crime charged is a Hispanic stereotypic crime.

3. Jurors who convict will make more internal attributions than external attributions about the causes of the defendant's behavior when the defendant is convicted of a race stereotypic crime than when he is convicted of a non-race stereotypic crime.

This hypothesis is based upon research described in the Literature Review, Chapter 2, that relies on attribution theory to explain the effects of race stereotypic crimes on jurors. This research has found that jurors tend to make dispositional attributions when the defendant is charged with a race stereotypic crime. Jurors believe race stereotypic crimes are caused by the personality characteristics of the defendant rather than by external causes (Gordon, 1990; Gordon, 1993; Gordon & Anderson, 1995; Gordon, Bindrim, McNicholas, & Walden, 1988; Jones & Kaplan, 2003).

CHAPTER 2

LITERATURE REVIEW

Race Stereotypic Crimes: The Birth of the Concept

The concept of race stereotypic crimes arose with the research of Sunnafrank and Fontes (1983). They theorized that there were two types of racial bias that could occur in trials. The first type, which they called general racial bias, is caused by stimulus generalization. This occurs when people assign certain characteristics to a person based upon that person's membership in a certain group. The stereotype asserts that all members of the group share the same characteristics. According to Sunnafrank and Fontes, general racial prejudice is a general racial bias because people are attributing some characteristic to a person based solely on that person's race. The second type of racial bias identified by Sunnafrank and Fontes is a specific racial bias that they called a crime related stereotype. This type of racial bias is specific because it leads people to believe that members of certain racial groups are more likely to commit certain crimes than other crimes. For example, people might believe that a black person would be more likely to commit assault than embezzlement. Or people might believe that a white person was more likely to commit embezzlement than an assault. Sunnafrank and Fontes originated the term "race stereotypic crime" to describe crimes that are commonly associated with certain races. To test their theory, Sunnafrank and Fontes (1983) performed two studies. In the first study they sought to determine if crime related racial stereotypes really existed, and if so could they identify some race stereotypic crimes and some non-stereotypic crimes. The subjects were 78 college students. The subjects were shown

photographs of 10 defendants, 5 black males and 5 white males. The subjects were given a list of 10 crimes: assault, grand theft auto, assault on a police officer, solicitation of prostitution, fraud, embezzlement, child molestation, counterfeiting, rape, and vehicular manslaughter. The subjects were told that each of the 10 defendants had committed one of the crimes on the list, and the subjects were instructed to match the defendant to the crime he probably committed. The researchers did not conduct any significance testing. The crimes of assault, grand theft auto, assault on a police officer, and solicitation of prostitution were most often matched to black defendants; the crimes of fraud, embezzlement, child molestation, rape, and counterfeiting were most often matched to white defendants; the crime of vehicular manslaughter was matched equally to black and white defendants.

In a second study, Sunnafrank and Fontes sought to determine if vehicular manslaughter really was a race neutral crime. Subjects were 75 college students. The subjects were shown a video tape of a criminal trial for vehicular manslaughter. The dependent variable was the verdict, guilty or not guilty. The independent variable was the race of the defendant: the two experimental conditions showed either a black or a white defendant, and a control condition did not reveal the race of the defendant. The researchers hypothesized that the black defendant would be convicted more often than the white defendant because of general racial bias. However, the hypothesis was not supported.

Sunnafrank and Fontes concluded that the results of their two studies supported the concept of race stereotypic crimes. They speculated that the existence of crime related racial stereotypes might affect the decisions of jurors. More specifically, they

suggested that if the defendant's race matches the stereotype for the crime charged, then the defendant is more likely to be found guilty, and if the race of the defendant does not match the stereotype for the crime charged then the defendant is more likely to be acquitted. They also speculated that if the defendant's race matches the stereotype for the crime of which he is convicted then he might receive a more lenient sentence because the jury would think that this particular criminal behavior is typical for him, and if the defendant's race does not match the stereotype for the crime of which he is convicted then he might receive a harsher sentence because the particular criminal behavior is atypical for him. The reasoning was that black crimes would be considered to be more acceptable behavior for blacks and less acceptable behavior for whites, and white crimes would be considered to be more acceptable behavior for whites and less acceptable behavior for blacks. This means that jurors would be prejudiced against defendants charged with a race-congruent stereotypic crime on the verdict, but would be prejudiced against defendants convicted of a non-race-congruent stereotypic crime.

Researching the Concept of Race Stereotypic Crimes

Later experiments sought to replicate the findings of Sunnafrank and Fontes. In the course of replication, researchers also sought to discover what effects are produced by the concept of race stereotypic crimes, and if the concept produced bias in jurors. In addition, researchers sought the mechanisms that produce the effects, and ways to reduce or eliminate any juror bias that might be caused by race stereotypic crimes. Finally, researchers attempted to discover more race stereotypic crimes for blacks and whites, and they tried to determine if there were race

stereotypic crimes for other races. Most of the studies on this concept combine several purposes. For example, a single study might try to replicate past findings while at the same time uncovering the mechanism by which the concept produces bias in jurors. For clarity, the remainder of this literature review is organized into the subtopics of mechanisms (cognitive processes, attribution theory, and Social Identity Theory), possible remedies for the bias produced by race stereotypic crimes, and attempts to identify more race stereotypic crimes.

Mechanisms

Cognitive Processes

Bodenhausen and Wyer (1985) conducted two studies to find what effects stereotypes would have on jury decision making and on the information processing strategies of jurors. In their first study, the researchers used 28 college students as subjects. The subjects read a case file of an employee accused of a workplace violation. In the experimental condition the ethnic group of the employee was manipulated by changing the name of the employee to make him either white or Arab. The researchers conducted a pilot study to determine that a stereotypical infraction for the white employee was non-cooperation with management, and a stereotypical infraction for an Arab employee was laziness. Thus there were four conditions, with either a white or Arab accused of either a stereotypic or non-stereotypic infraction. The dependent measures were the determination of the punishment and the likelihood that the employee would commit the infraction again in the future. The subjects perceived the infraction as being more likely to recur when the infraction was stereotypic, and subjects recommended more severe

punishment when the infraction was stereotypic. Subjects also recalled less information about the employee when he was charged with a stereotypic offense.

In the second study, the subjects were 84 college students. All subjects read two case files. One file was the same for all subjects, but the second file was the experimental condition in which the independent variables were manipulated. The independent variables were the ethnic group of the defendant, either white, Hispanic, or indeterminate, manipulated by changing the names of the defendants; the stereotypicality or non-stereotypicality of the crimes charged, determined by a pilot study which found that larceny crimes were stereotypical for whites and assault crimes were stereotypical for Hispanics; and the nature of the information provided about the defendant, which either did or did not suggest a non-stereotypical explanation for the defendant's behavior, along with a variety of other information about the defendant. The dependent measures were recommendations for parole, ratings of the likelihood that the defendant would commit the same crime again in the future, a recommendation for length of prison sentence if the defendant did reoffend, and a recall of information task.

Results supported the conclusion that people use stereotypes as heuristics to interpret the behavior of others, and they will look for other explanations of behavior only if a stereotype-based explanation cannot be applied. Crimes that are consistent with a stereotype of the defendant are attributed to more stable causes and produce harsher recommendations for punishment. Once a stereotype is activated, it eliminates consideration of other available information that might explain the defendant's behavior. If no stereotype is activated then people will look for and use

other available information to explain the defendant's behavior. If the crime is race stereotypic and a consistent race stereotype is activated then people will use the stereotype to decide that the crime was caused by internal and stable factors, and they will be more punitive towards the defendant. If the crime is not race stereotypic, people are more likely to attribute the cause of the crime to external factors and to be more lenient towards the defendant. People recall information more accurately if it is consistent with stereotypes that are activated.

In summary, these two studies support the conclusion that race stereotypic crimes cause jurors to rely on heuristics, specifically stereotypes, to make their decisions. These studies also provide limited support for the possibility that race stereotypic crimes produce their effects through the use of attributions.

Bodenhausen and his colleagues continued to explore the effects of stereotypes on cognitive processing by using a race stereotypic crime and employing jury simulation methodology. In 1987 Bodenhausen and Lichtenstein sought to discover if stereotypes exerted a greater influence on information processing when the cognitive task is complex rather than simple. They hypothesized that task complexity would moderate the use of stereotypes, and that subjects who received a complex cognitive task would use ethnic stereotypes as heuristics to make judgments, but subjects would not use ethnic stereotypes if the cognitive task was simple. The researchers performed a short study to confirm their assumption that a judgment regarding guilt or innocence is a more complex cognitive task than a judgment about whether a person possessed a certain trait. The subjects were 40 college students. The design was a 2 (half the subjects were told they would be making a judgment about guilt and

half were told they would be making a judgment about traits) X 2 (half expected to review a large quantity of information and half expected to review a small quantity of information). The researchers manipulated the expectations about quantity of information simply by giving half the subjects a large number of pages to read, and half a small number of pages to read; in reality both booklets contained the same amount of information. The subjects rated how difficult they expected their task would be on an 11 point scale. Results showed that subjects rated the guilt judgment to be more difficult than the trait judgment regardless of the amount of information they thought they were being given.

In the major study of this experiment, the subjects were 104 college students. Half the subjects read information with the assigned task of determining the guilt of a defendant, and half read information with the assigned task of attributing traits to a defendant. The alleged crime was assault for all defendants; this was considered to be a race stereotypic crime for Hispanics based on past research. The researchers manipulated the ethnicity of the defendant by changing the name of the defendant so he appeared to be either Hispanic or nondescript. Half the subjects received a thick booklet (suggesting lots of information) and half received a thin booklet (suggesting less information to read), although both types of booklets contained the same amount of information. Half the subjects received information that was positive about the defendant, and half received information that was negative about the defendant. Thus the design was a 2 (cognitive processing objective, either determining guilt or assigning a trait) X 2 (ethnicity of the defendant, either Hispanic or nondescript) X 2 (expected information processing load, large or small) X 2 (nature of the information

presented about the defendant, either positive or negative). The evidence of guilt was equivocal. The dependent measures were a judgment regarding the guilt of the defendant, a judgment regarding whether the defendant was aggressive, and a recall test of the information they had read about the defendant (all subjects made both judgments and took the recall test, regardless of what they had been told at the time they were assigned to the guilt or trait determination groups).

The results showed that the ethnicity of the defendant had no effect on judgments of either guilt or trait when the subjects had been assigned to determine a trait. However, the ethnicity of the defendant had a great effect on both judgments of guilt and trait when the subjects had been assigned to determine guilt. Subjects who had the complex task of determining guilt judged the Hispanic defendant more likely to be guilty, to be more aggressive, and to be more likely to commit assault and be aggressive in the future, than the nondescript defendant. The quantity of expected information had no effect on the impact of stereotypes on judgments. Subjects who had been assigned to the guilt determination condition recalled more negative (stereotype consistent) information and less positive (stereotype inconsistent) information when the defendant was Hispanic. Subjects assigned to the trait judgment condition recalled the same proportion of positive and negative information about the defendant regardless of his ethnicity.

The researchers concluded that it is the complexity of the information processing required at the time the information is provided that determines the impact of stereotypes on judgments, rather than the complexity of the actual judgments made later. The complexity of the information processing does moderate the effect of

stereotypes on judgments about individuals. When people are confronted with a complex cognitive task, they will activate an available stereotype and use it to organize the available information into a mental representation that is consistent with the stereotype. Information that is consistent with the stereotype is encoded more deeply and recalled better than information that is inconsistent with the stereotype. Information that is inconsistent with the stereotype is encoded less well or not encoded at all, and is recalled less well. In this case, the stereotype about Hispanics, that they are aggressive, was relevant to both cognitive tasks, the guilt and trait judgments, but the stereotype was used only in the complex cognitive task, the guilt judgment. Cognitive load impacts the effect of race stereotypic crimes.

Bodenhausen (1988) continued to explore how stereotypes produce their effects in race stereotypic crime cases. He proposed that there were two possible ways that stereotypes could bias evidence processing. The Interpretation Hypothesis says that the stereotype influences the meaning given to evidence; the activation of the stereotype causes people to interpret information differently than they otherwise would. The Selective Processing Hypothesis says that the activation of the stereotype cause selective information processing of the evidence. Evidence that corroborates the stereotype receives more attention and rehearsal and is processed more deeply, but evidence that is inconsistent with the stereotype is neglected and not processed very deeply. The stereotype causes a distortion of the allocation of processing resources in favor of stereotype consistent information.

Bodenhausen (1988) performed a couple of studies to determine which hypothesis was correct. In the first study he used 90 college students as subjects. The alleged

crime in the stimulus was assault, a race stereotypic crime for Hispanics. He manipulated the ethnicity of the defendant by using either a Hispanic name or a nondescript name. The defendant's name was the cue that activated the stereotype for the Hispanic defendant. Bodenhausen manipulated the timing of stereotype activation by presenting the evidence either before or after the presentation of the defendant's name. And he manipulated the valence of the evidence, either favorable to the defendant or to the prosecution. Thus the design was a 2 (evidence valence, favorable to either the defendant or the prosecution) X 2 (stereotype activation, either activated or not activated) X 2 (evidence presentation order, either before of after the name of the defendant was provided). Dependent variables were ratings of the defendant's guilt on an 11 point scale, ratings of the subjects' confidence in their judgments on an 11 point scale, ratings of the valence of the evidence on an 11 point scale, and a recall task of the evidence.

Results indicated that the Hispanic defendant was judged guilty more often only when the stereotype was activated prior to the presentation of evidence. There was no difference between the Hispanic and nondescript defendants on judgments of guilt when the stereotype was activated after the presentation of evidence. Subjects also recalled more negative evidence against the Hispanic defendant only when the stereotype was activated prior to the presentation of evidence. Bodenhausen concluded that the results supported the Selective Processing hypothesis, not the Interpretation hypothesis. The stereotype produces biased judgment because it biases information processing, not because the stereotype serves as a piece of independent evidence.

In the second study of this experiment, the subjects were 30 students. The procedures were the same as in the first study except that the subjects rated the valence of the evidence immediately after they read the evidence. The results showed that, when subjects rated the evidence before stereotype activation, the stereotype activation had no effect on subjects' judgments. The nondescript defendant was judged the same as the Hispanic defendant, and the ratings of the valence of the evidence were the same for the stereotyped and non-stereotyped defendants. In addition, the recall of the evidence was not affected by stereotype activation. Subjects recalled the same amount of prosecution and defense evidence for both the nondescript and Hispanic defendants. Bodenhausen reasoned that by forcing the subjects to rate the valence of the evidence immediately after the presentation of evidence he was forcing the subjects to pay attention to, evaluate, and process the evidence to the same degree regardless of whether the stereotype had been activated before or after evidence presentation. This eliminated the biasing effects of the stereotype.

Bodenhausen's overall conclusion was that activation of a racial stereotype produces biased information processing. Information that supports the stereotypes is processed more elaborately and recalled more easily than information that does not support the stereotype. Stereotypes do not bias judgments by affecting the interpretation of information. Therefore he pronounced that these two studies supported the Selective Processing hypothesis and not the Interpretation hypothesis. He also stated that stereotypes function at encoding and not at retrieval of

information. Stereotype effects occur automatically and without conscious awareness.

Bodenhausen (1990) next researched the relationship between race stereotypic crimes and the hindsight bias. The hindsight bias appears to be produced by automatic tendencies in information processing. Knowledge of the outcome causes the perceiver to focus on a subset of available information that supports the outcome, and this subset of information is integrated into the mental representation of the event such that the mental representation enhances the likelihood of the outcome. Bodenhausen suspected that the bias produced by race stereotypic crimes may be stronger than the bias produced by the hindsight bias.

In this experiment Bodenhausen (1990) used 120 college students as subjects. He manipulated the type of crime, either stereotypic or non-stereotypic, the type of offense, and the type of outcome information given to the subjects. The subjects were told that they were reading a summary of a real case that had been decided; some subjects were told that the defendant had been found guilty, some were told the defendant had been found not guilty, and some were given no information about the outcome of the trial. The charges were either assault or sexual molestation. In the stereotypic case of molestation, the defendant was identified as a male homosexual accused of molesting a young boy; in the non-stereotypic molestation case, the defendant was identified as a heterosexual male accused of molesting a female student. In the race stereotypic assault case, the defendant was identified as a Hispanic (a pretest had determined that people perceived Hispanics as more likely to commit assault than whites); in the non-race stereotypic condition, the defendant was

nondescript (not identified by race or ethnic group). Thus the design was a 2 (type of offense, assault or sexual molestation) X 2 (the stereotypicality of the offense, either stereotypical or not stereotypical) X 3 (the type of outcome information about the trial provided to the subjects, either that the defendant was found guilty, or that the defendant was found not guilty, or no information about the trial outcome). The dependent measure was a questionnaire in which the subjects were asked to rate the percentage of probability that the defendant was really not guilty of the offense.

Bodenhausen hypothesized that, for the non-stereotypic offenses, the subjects would display hindsight bias, so that subjects told that the defendant had been found guilty would rate the defendant less likely to be not guilty than the subjects who were told that the defendant had been found not guilty or had been given no information about the trial outcome. He also hypothesized that, for the stereotypic offenses, subjects would rate the defendant less likely to be not guilty regardless of whether they were told that the defendant had been found guilty or not guilty or given no information about the trial outcome. The results supported the hypotheses. Subjects displayed the hindsight bias in the non-stereotypic offense conditions; the subjects who were told that the defendant had been found guilty rated the defendant less likely to be not guilty than the subjects who had been told that the defendant had been found not guilty or had been given no information on trial outcome. Subjects did not display hindsight bias in the stereotypic offense conditions; subjects rated the stereotyped defendants less likely to be not guilty regardless of whether they had been told the defendant had been found guilty or not guilty or given no information on trial outcome.

Bodenhausen concluded that when subjects knew the outcome of the trial, they displayed hindsight bias only when social stereotypes had not been activated. Any outcome information that contradicted the expectations of the stereotypes had no effect on ratings of the likelihood of the defendant's innocence. Past research shows the hindsight bias is robust, but it can be overcome by salient stereotypes. Outcomes that violated the stereotypes prevented the occurrence of hindsight bias. Stereotypes had a more powerful effect on cognitive processing and judgments than did the information on outcomes. Stereotypic expectations are stronger than hindsight bias.

Social Identity Theory

Some researchers have attempted to explain bias in jury decision making by applying various psychological theories to the phenomena. One of the most popular theories used by psychologists who do jury research is Social Identity Theory (Hewstone, Islam, & Judd, 1993; Tajfel & Turner, 1986). This theory asserts that people categorize themselves and others along relevant dimensions, such as race, gender, social status, and religion among others. Race and gender probably are the most dominant categories because they are the categories most readily visible and are the most important categories to most people (Miller, Urban, & Vanman, 1998). Social identity consists of those aspects of a person's self image that derive from categories to which he believes he belongs (Tajfel & Turner, 1986). People who share a characteristic on an important dimension categorize themselves into the same group, the ingroup. People choose their ingroups depending upon how they define themselves and how members of other groups define them. A group is a collection of individuals who perceive themselves as members of the same social category (Tajfel

& Turner, 1986). For example, all men are in the same ingroup on the dimension of gender; all whites are in the same ingroup on the dimension of race.

It is possible for the same people to be in the ingroup on one dimension and in the outgroup on another dimension. The classic paradigm is two orthogonal groups crossed on two dimensions. This will produce four groups: double ingroup (II), double outgroup (OO), ingroup-outgroup (IO), and outgroup-ingroup (OI). For example, two white men would be II, ingroup on the dimensions of race and gender. A white man and a black woman would be OO, outgroup on the dimensions of race and gender. A white man and a white woman would be IO, ingroup on the dimension of race and outgroup on the dimension of gender. And a white man and a black man would be OI, outgroup on the dimension of race but ingroup on the dimension of gender. The dimension that is thought to be the most important to the person involved is listed first and is the dominant dimension; the dimension of lesser importance, the subordinate dimension, is listed second. Simultaneous membership in more than one group is called cross categorization (Hewstone et al., 1993; Miller et al., 1998; Urban & Miller, 1998).

In general, people want to see themselves in a positive light relative to others. People desire to maintain a positive social identity, so they tend to favor fellow ingroup members over outgroup members. They tend to attribute positive characteristics to themselves and other ingroup members, and they may attribute negative characteristics to members of outgroups. This is commonly called ingroup bias or ingroup favoritism, and outgroup bias or outgroup derogation (Daudistel, Hosch, Holmes, & Graves, 1999; Tajfel & Turner, 1986). However, when categories

are crossed, as described above, sometimes it is difficult to determine whether two cross categorized persons will consider themselves ingroup or outgroup. For example, a white man and a black man are ingroup on the dimension of gender but outgroup on the dimension of race. When people are cross-categorized, the dimension that is most important to the people involved (usually the dimension based on physical characteristics, but not always) will determine whether they consider each other to be ingroup or outgroup (Daudistel et al., 1999; Eurich-Fulcher & Schofield, 1995; Urban & Miller, 1998). Much research has explored the four possible cross categories resulting from two groups, and at least six different patterns of results have been reported (Miller et al., 1998). Many factors such as salience of the dimensions, personal importance of the dimensions, motivation of the persons involved, and the current positive or negative affect of the persons involved, among other factors, determine whether two cross categorized persons will consider themselves to be ingroup or outgroup, and whether they will behave with positive or negative bias towards each other. Sometimes cross categorization reduces negative bias, but sometimes it increases negative bias (Daudistel et al., 1999; Eurich- Fulcher & Schofield, 1995; Hewstone et al., 1993; Miller et al., 1998).

In general, if only one category (one dimension) separates two people or two groups, then group membership will become salient when the dimension that separates them is important to them, and the more important the characteristic on which they differ, the more salient group membership will become. The more important the characteristic separating the two people or two groups, and the more salient group membership becomes, the greater the ingroup/outgroup bias will be

(Daudistel et al., 1999). In real life, however, almost everyone belongs to many groups, and people often find themselves cross categorized with almost everyone they encounter. In real life, multiple cross categorization is the most common situation, which often makes it difficult to predict how people will behave towards one another. A good example is juries, which are heterogeneous, and most if not all of the jurors will be cross categorized with each other and with the defendant. Sometimes this cross categorization can reduce bias against defendants, but sometimes it can increase bias against defendants (Islam & Hewstone, 1993).

Perez, Hosch, Ponder, and Trejo (1993) used Social Identity Theory and the ingroup/outgroup principle to investigate whether or not the ethnicity of the jurors might interact with the ethnicity of the defendant to produce biased decisions. Research has shown that Hispanics are more sensitive than whites to ingroup/outgroup ratios; Hispanics are more competitive when they are in the minority of a group, but whites seem not to be affected by the minority/majority ratio. The researchers reasoned that jurors who are in the ethnic minority on a jury would perceive ethnicity as more salient than the jurors who are in the ethnic majority, and when ethnicity is more salient, ingroup/outgroup effects should be more pronounced. If this reasoning were correct, then the defendant's ethnicity should increase the ingroup/outgroup effects on a jury when the minority jurors are the same ethnic group as the defendant. To explore the relationship between the ethnicity of the defendant and the ethnicity of jurors, the researchers conducted an experiment where the defendant was Hispanic and the juries had either a Hispanic majority or a Hispanic minority.

This study is unusual in that it employed very realistic procedures, more realistic than in most jury research. The external validity of this study should be strong. The subjects were 480 students, 53% female and 47 % male, with a mean age of 20.5 years. Almost half were voters. The stimulus was a 75 minute video tape of a trial for robbery. A real local judge played the judge, and local attorneys played the roles of prosecutor and defense counsel. A local police officer played the role of investigating officer and witness. Students played the role of the defendant. The defendant did not testify in the trial. The subjects were divided into 6 person juries, with 40 juries per condition. An experimenter conducted voir dire (the process of questioning prospective jurors and selecting the jury). The experimenter also instructed the subjects on the presumption of innocence, the burden of proof, reasonable doubt, and the elements of the offense. The independent variables were the race of the defendant, either Hispanic or white; and the racial makeup of the juries, either a Hispanic majority or a white majority. Juries were required to deliberate until they reached a unanimous decision (only two juries ended up hung). The dependent measures were the verdict, either guilty or not guilty, and if the jury found the defendant guilty then it had to determine the sentence and make a recommendation on parole. The subjects also rated the defendant on his similarity to the juror, and on the personality variables of likeability, trustworthiness, credibility, persuasiveness, honesty, and knowledge.

The researchers propounded two hypotheses. They expected that, overall, the Hispanic defendant would be convicted more often and receive a more severe sentence than the white defendant. And they expected that Hispanic majority juries

would be more lenient with Hispanic defendants, but white majority juries would be more lenient with white defendants.

Results did not support the first hypothesis. There was no main effect for defendant's ethnicity on conviction rate, although white majority juries were more likely to convict than Hispanic majority juries. The second hypothesis was supported in part, in that white majority juries convicted Hispanic defendants much more often than white defendants. Hispanic majority juries, however, convicted Hispanic and whites defendants at the same rate. White majority juries were harsher, and were more likely to recommend the maximum sentence and no parole; the Hispanic majority juries were more lenient, and were more likely to recommend the minimum sentence and early parole.

The researchers concluded that ethnicity does affect jury decisions, but the effects are very complex. The results of this study did not reveal any evidence of overt discrimination against an ethnic minority defendant. Defendants did not appear to be helped or hurt by stereotyping. The quantity and quality of the evidence seemed to overcome any ethnic biases of the jurors. [Past experiments had used evidence that was either equivocal, or that portrayed the defendant as guilty. This may be one reason for the discrepancy between the results of this study and the results of prior research on the effects of racial stereotypes on juror decisions.] Stereotypes exist and do affect perceptions of others, but stereotypes do not always cause biased behavior. Here the white majority juries convicted more often and were harsher on the defendants because white jurors perceived all defendants as less honest. The results did support the conclusion that jurors are biased in favor of their ingroup, because the

white majority juries convicted the white defendants at a lower rate. The researchers speculated that the results may have been affected by the fact that this research was conducted in El Paso, Texas, where Hispanics are in the numerical majority; since whites are the minority in El Paso they may have behaved like a minority and demonstrated the ingroup bias expected of minorities by putting their own ethnic group (white defendants) in a positive light and convicting them less often. Hispanic jurors may have been more lenient because they are more tolerant of crime or more skeptical of government prosecutions. In any event, the outcome of jury trials can be affected by the ethnic makeup of the jury. The researchers recommended that all juries have some ethnic minority members to counter the biases of the ethnic majority members.

Attribution Theory

Social Identity Theory can be combined with Attribution Theory to produce a more detailed possible explanation for the effects of extra legal factors on juror decision making. Attribution theorists argue that one of the ways people display ingroup/outgroup bias is through their attributions. Ingroup members are positively biased towards other ingroup members. If jurors decided that the defendant is an ingroup member, then they probably will attribute external causes to his criminal behavior. They will perceive the ingroup defendant to be less responsible for his behavior and less likely to reoffend in the future, because external factors are less stable and less likely to recur. If jurors feel that the crime was caused by external or environmental factors, then they probably will be more lenient towards the ingroup defendant (Daudistel et al., 1999).

Ingroup members generally are positively biased towards other ingroup members and negatively biased towards outgroup members. If jurors decide that the defendant is an outgroup member, they will attribute internal causes to his criminal behavior because this will make him more responsible for his crime and make it more likely that he will reoffend in the future. If the crime was caused by dispositional or character factors then the defendant's responsibility for his actions is greater, and because internal factors are stable and enduring this makes it more likely that the defendant will reoffend. Therefore jurors are likely to be harsher towards defendants who are perceived as outgroup members (Daudistel et al., 1999).

Gordon, Bindrim, McNicholas, and Walden (1988) applied attribution theory to explain the effects of race stereotypic crimes on jurors. They assumed that people make stronger associations between blacks and blue collar crime, and stronger associations between whites and white collar crime. Acting on these assumptions they hypothesized that a black defendant who commits a blue collar crime would be judged more harshly than a white defendant who is guilty of the same crime, and that a white defendant who commits a white collar crime would be judged more harshly than a black defendant who commits the same crime. To test their hypothesis, they designed a 2 (race of defendant, black or white) X 2 (type of crime, burglary or embezzlement) experiment. The subjects were 56 undergraduates, 24 males and 32 females. The dependent measures were rating the severity of the crime, setting the amount of bail, determining the length of jail sentence, and rating the likelihood that the defendant would commit the crime again in the future.

Results supported the hypothesis. The black defendant who committed burglary (the blue collar crime) was given a longer jail sentence than the white defendant who committed burglary. The white defendant who committed embezzlement received a longer jail sentence than the black defendant who committed embezzlement. White subjects perceived embezzlement to be a more serious crime than burglary.

The researchers used attribution theory to explain their results. They did not measure attributions, but reasoned that when jurors perceive a defendant to be typical of the sort of person who commits a specific crime, jurors will attribute internal (dispositional) causes for the crime and will be harsher on the defendant. If jurors perceive that defendant is not typical of the sort of person who commits a specific crime, jurors will attribute external (situational) causes for the crime and be more lenient on the defendant. Interestingly, this experiment also showed evidence of a general racial bias against black defendants. Black defendants were perceived to be more likely to reoffend regardless of the type of crime. Nevertheless, results supported the concept of race stereotypic crimes, and supported the conclusion that embezzlement is a race stereotypic crime for whites and burglary is a race stereotypic crime for blacks. Because attributions were not measured, the conclusion that attributions moderated the effects of race stereotypic crimes was supported only by inference and not by data.

Gordon (1990) decided to explore attributions for blue-collar and white-collar crimes, and this time he did measure attributions directly. He accepted the results of past research showing that there are strong crime-related stereotypes. He believed that assault and theft are perceived as blue-collar crimes and are associated with

blacks, and that fraud and embezzlement are perceived to be white-collar crimes and are associated with whites. He also relied on his own prior research suggesting that if a crime is perceived to be caused by external (situational) factors then the defendant will be treated more leniently, and if a crime is perceived to be caused by internal (dispositional) factors then the defendant will be treated more harshly. He reasoned that if a defendant's characteristics, such as race or ethnicity, are perceived as being typical of those persons who commit a certain type of crime, then the association between the characteristics and the crime will cause people to make internal attributions about the cause of the crime; when the crime is not perceived to be typical behavior for the defendant, then people will attribute the cause of the crime to external factors.

Gordon used 48 white (22 males and 26 females) and 48 black (18 males and 30 females) undergraduate and graduate students as subjects. The design was 2 (race of defendant, black or white) X 2 (race of subject, black or white) X 2 (type of crime, burglary or embezzlement). The stimuli were written summaries portraying the defendant as guilty. The dependent measures were length of sentence, perceived likelihood of reoffense by the defendant, perceived typicality of the crime for the defendant, rating the extent to which the subjects perceived the crime to be caused by dispositional or situational factors, and rating the extent to which the subjects believed certain characteristics of the defendant (race, sex, age, intelligence, income, or education) might have caused the crime.

Results revealed that the white embezzler received a longer jail sentence than the white burglar. The black burglar received a longer jail sentence than the white

burglar. Thus the amount of punishment was affected by the interaction between the defendant's race and the type of crime (race stereotypic or non-race stereotypic). The black burglar's crime was perceived to be caused more by internal factors than the crime of the black embezzler. Burglary was perceived to be a more typical crime for a black than for a white. However, most of the effects were produced by the responses of the black subjects. Black subjects gave longer jail sentences to all defendants than the white subjects. Black subjects thought that race was a more important causal factor for the white embezzler than for the white burglar. Nevertheless, for both black and white subjects the correlation between length of sentence and the perceived typicality of the crime was positive.

Gordon concluded that the results replicated his prior research and supported an attributional bias in sentencing decisions. Subjects clearly viewed the behavior of the black burglar as caused by personality characteristics more so than the behavior of the black embezzler. Gordon was surprised to find that black subjects were more punitive than white subjects, although past research on this point had been inconsistent. He also was surprised that the interaction between the type of crime and the defendant's race was due to the responses of the black subjects. In general, he felt that racial stereotypes associated with certain crimes do affect jurors' sentencing decisions. He speculated that, because of this race stereotypic effect, it may take less evidence to convict a defendant charged with a race stereotypic crime, and more evidence to convict a defendant charged with an atypical crime (a crime considered to be stereotypic for another race).

Gordon and his colleagues continued to investigate the relationship between race stereotypic crimes and attributions. Gordon and Anderson (1995) built upon prior research showing that stereotypes can be used to help organize information and to save time in making decisions. Increased cognitive load seems to increase the reliance on stereotypes to make decisions. Also, prior research shows that attributions about the causes of crime can mediate judgments of guilt and punishment. Gordon and Anderson thought that response latency might be useful as a measure of cognitive efficiency and attitude effects. People exhibit individual differences in their use of stereotypes and their attributions. The researchers wondered if asking people to respond quickly to a stimulus might reduce the effects of individual differences in stereotype use and attributions.

Gordon and Anderson (1995) proposed three hypotheses: (1) the interaction between the defendant's race and the type of crime will be stronger among subjects who are instructed to respond quickly to evaluations of the defendant; (2) attributions will mediate the relationship between the perceived typicality of the crime and the amount of punishment awarded; (3) the perceived severity of the crime will mediate between the perceived typicality of the crime and the amount of the punishment awarded. Their experiment provided support for all three hypotheses.

The subjects were 216 students, 145 females and 71 males. The independent variables were 2 (race of the defendant, either black or white) X 2 (type of crime, either burglary or embezzlement) X 3 (reaction time instructions, either respond quickly, or respond slowly, or no instructions). The stimuli were written descriptions of the crimes, burglary with either a black or a white defendant, and embezzlement

with either a black or white defendant; the stimuli made it obvious that the defendant was guilty. The subjects in the quick response condition were instructed to respond as quickly as possible while making sure that the responses accurately reflected their opinions. The subjects in the slow response condition were instructed take their time and think carefully before responding and to be sure their responses reflected their opinions accurately. The subjects in the no instruction condition were told simply to answer the questions and make sure their responses reflected their opinions accurately. The dependent measures were length of jail sentence, length of time served to parole, rating the extent to which the defendant's behavior was due to situational or dispositional factors, rating the severity of the offense, rating the extent to which subjects perceived the defendant to be a typical offender, and rating the likelihood that the defendant would reoffend.

Results supported all three hypotheses. The quick response subjects gave harsher punishment and perceived the offense to be more serious for the black burglars than the white burglars, and more serious for the white embezzlers than for the black embezzlers. The quick response subjects attributed the behavior of the black burglar and the white embezzler to be caused more by personal characteristics. All subjects perceived the black burglar and the white embezzler to be more typical offenders. Attributions did mediate between the perceived typicality of the crime and the punishment awarded. The perceived severity of the crime did mediate between the perceived typicality of the crime and the punishment awarded. The quick response subjects accounted for these mediation effects.

This experiment provided further support for the concept of race stereotypic crimes, because subjects treated defendants accused of race stereotypic crimes more harshly than defendants accused of non-stereotypic crimes. Furthermore, the interaction between the defendant's race and the type of crime was produced by the quick responding subjects. This suggests a relationship between cognitive load and stereotype usage. The race by type of crime interaction found here and in past studies may be due to the reliance on stereotypes to make judgments. When cognitive load is increased after the stereotype is activated then it is more likely that the stereotype will be relied upon in making decisions. Attributions also mediate the relationship between the perceived typicality of the crime and the decision on punishment. A match between the defendant's race and the stereotypicality of the crime makes the crime appear more severe and increases the punishment. In general, stereotypes play a powerful role in judgments about the severity of the crime and the appropriate punishment. And if people are forced to make quick judgments, this increases their reliance on stereotypes and increases the race stereotypic crime effect.

Esqueda and Swanson (1997) explored attributions and race stereotypic crimes of American Indians. The media portray minorities in criminal stereotype roles. These racial stereotypes often are used as explanations for crimes, and when racial stereotypes are activated and perceived as causes of crime, the defendant usually is viewed as increasingly culpable. Largely because of the media, Americans tend to have two stereotypes of Indians: (1) the good Indian, who is noble, proud, faithful, gentle, and kind; and (2) the bad Indian, who is savage, cruel, ignorant,

untrustworthy, lazy, and a drunk. The drunken Indian stereotype is common among white Americans.

Esqueda and Swanson hypothesized that whites would demonstrate biased ratings of criminal culpability and find Indians more culpable for crimes than whites. When determining the culpability of defendants, whites should benefit from alcohol abuse but Indians should not. Alcohol abuse should reduce culpability for crimes for white defendants, but alcohol abuse should increase culpability for Indian defendants. If an Indian commits a racially stereotypic crime while drunk then whites should attribute more culpability to him because whites will attribute the cause of the crime to internal factors. If a white person commits a racially stereotypic crime while drunk then whites should attribute less culpability to him because whites will attribute the cause of the crime to external factors. Whites will view alcohol abuse as a character trait for Indians, and therefore will not consider alcohol abuse as a mitigating factor. However, white defendants often successfully use alcohol abuse as a mitigating factor, probably because whites generally do not view alcohol abuse as a character trait for whites.

Esqueda and Swanson obtained 286 students as subjects, 106 males and 180 females, mean age 19. All but 9 of the subjects were white, and data from only the white subjects were analyzed. Subjects read a standard offense report that contained information about the crime and the racial identification of the suspect; all factors except the race of the suspect were held constant. The design was between subjects 2 (race of the suspect, either Indian or white) X 3 (type of crime, either shoplifting, embezzlement, or burglary) X 2 (alcohol abuse, either the suspect had or had not been

drinking). It was assumed that burglary was not a race stereotypic crime; embezzlement was considered to be a race stereotypic crime for whites and shoplifting (a larceny crime) was considered to be a race stereotypic crime for Indians. Crossing the 3 independent variables produced 12 conditions. The main dependent measure was a rating of the suspect's culpability for the offense.

Results showed that the subjects perceived greater culpability for the suspect when alcohol use was involved. When alcohol use was present, Indians were perceived as more culpable for the offenses of shoplifting and embezzlement. When alcohol use was stated, Indians were perceived as more likely to commit the offense of shoplifting again in the future. Overall, subjects had more sympathy for the suspect when no alcohol use was present; and there was less sympathy for the Indian suspect when he used alcohol than when he did not use alcohol. The subjects thought that alcohol was more responsible for the offense for the white suspect than for the Indian suspect.

The researchers felt that the results confirmed their hypothesis in part. The data did reveal biased culpability ratings against Indians. The Indian suspect was perceived to be more responsible when he committed the race stereotypic crime of shoplifting, but he also was held more responsible when he committed the white race stereotypic crime of embezzlement. There was less sympathy for the Indian suspect who had used alcohol. Overall, alcohol use and race stereotypicality did influence perceptions of responsibility for both the white and Indian suspects. When the white suspect did not use alcohol, subjects made more internal attributions about the cause of the crime of shoplifting. Contrary to past research, subjects made more internal

attributions about the cause of shoplifting for the Indian suspect who had used alcohol. Alcohol use did benefit the white suspect because subjects made more external attributions about the causes of the crimes when the suspect was white. The general conclusion was that negative stereotypes of minorities, especially the myths about Indians as drunks, may bias jurors' decisions especially when the defendant is Indian and was drinking. The actual effects in real trials may be greater than found here because other research shows that students generally rely less on stereotypes than the general population.

A complex experiment performed by Jones and Kaplan in 2003 supported the argument that attributions produce the race stereotypic crime effect. This study also elucidated the cognitive processes underlying the effect. Jones and Kaplan were aware of the prior research suggesting that jurors make dispositional attributions about the causes of criminal behavior when the defendant is charged with a race stereotypic crime, and situational attributions about the causes of criminal behavior when the defendant is charged with a non-race stereotypic crime. They designed an experiment to test directly the attributions made by jurors for race stereotypic and non-race stereotypic crimes. They also explored the type of information processing strategies used by jurors when they must decide guilt or innocence for race stereotypic and non-race stereotypic crimes.

Jones and Kaplan reasoned that people would need less diagnostic information, and would require less certainty, to accept a preferred hypothesis as opposed to a non-preferred hypothesis. When a defendant is charged with a race stereotypic crime, the preferred hypothesis should be guilt; when a defendant is charged with a non-race

stereotypic crime, the preferred hypothesis should be innocence. Jones and Kaplan distinguished between two kinds of information gathering strategies that people use to test their hypotheses: (1) Diagnostic strategies are used if people really are trying to choose among competing hypotheses, and no one hypothesis is preferred over the others. The researchers thought that if the race of the defendant and the race stereotypicality of the crime charged are not congruent, then people would use the diagnostic strategy to get a broader range of information that would aid in distinguishing among the competing hypotheses. (2) Confirmation strategies are used by people who really are entertaining only one hypothesis, the preferred hypothesis. The researchers believed that if the race of the defendant and the race stereotypicality of the crime charged are congruent, then people would use the confirmation strategy to seek only limited information that confirms the preferred hypothesis.

The subjects were 360 white students, 180 males and 180 females, all over the age of 18. The design of the experiment was a 3 (type of crime: race stereotypic [embezzlement for white defendants or auto theft for black defendants]; non-race stereotypic [auto theft for white defendants and embezzlement for black defendants]; or neutral [vehicular manslaughter for both black and white defendants]) X 2 (race of the defendant, either black or white) X 3 (definition of reasonable doubt, either a strict definition, a lax definition, or no definition). The design was between subjects. The stimulus was a two page summary of a trial, and the evidence was equivocal. The dependent variables were a judgment of guilty or not guilty; a rating of confidence in the verdict; choosing the appropriate punishment; making either

internal or external attributions about the cause of the defendant's behavior; estimating the likelihood that the defendant would reoffend; attributions of responsibility for the crime; and choosing from a list of 10 additional pieces of evidence, 5 diagnostic and 5 confirmatory, as many additional pieces of evidence as they wanted.

Results strongly supported the concept of race stereotypic crimes, and supported the proposition that attributional processes are the underlying mechanism of the race stereotypic crime effect. White defendants charged with embezzlement were found guilty more often than not guilty; black defendants charged with auto theft were found guilty more often than not guilty; there was no difference between verdicts for blacks charged with embezzlement and for whites charged with auto theft, and no racial effects for the vehicular manslaughter charge. Subjects had more confidence in their verdicts of guilty for the white defendant charged with embezzlement and for the black defendant charged with auto theft. Black defendants charged with auto theft received a harsher punishment than white defendants charged with the same crime, but both black and white defendants charged with embezzlement received equivalent punishments. White defendants received the harshest punishment for the crime of embezzlement, and black defendants received the harshest punishment for the crime of auto theft. For the crime of embezzlement, subjects made stronger internal attributions for the white defendant than for the black defendant. For the crime of auto theft, subjects made stronger internal attributions for the black defendant than for the white defendant. For the crime of vehicular manslaughter, there was no difference between internal and external attributions for the black and white

defendants. The crime of embezzlement was perceived as more stable behavior for the white defendant; the crime of auto theft was perceived as more stable behavior for the black defendant. Subjects rated the white defendant as more responsible than the black defendant for the crime of embezzlement; subjects rated the black defendant as more responsible than the white defendant for the crime of auto theft. For the crime of embezzlement, subjects requested fewer items of additional evidence for the white defendant; for the crime of auto theft, subjects request fewer items of additional evidence for the black defendant. For the crime of embezzlement, subjects requested more confirmatory items of evidence when the defendant was white; for the crime of auto theft, subjects requested more confirmatory items of evidence when the defendant was black.

A path analysis indicated that crime-race congruence directly affected stability, internality, and responsibility attributions. The effect of race-crime congruence on verdict confidence was mediated by dispositional attributions. Race-crime congruence and stability attributions directly affected the severity of punishment.

The researchers' general conclusions were that the racial bias of jurors is directly affected by the race stereotypicality of the crime charged. Race-crime congruence affects verdict confidence, the amount of punishment, dispositional attributions made about the defendant, the information gathering strategies used by jurors to test competing hypotheses (guilt of innocence), and the amount of evidence needed to convict the defendant. However, black defendants were punished more severely regardless of the crime charged, which indicates there still exists a general bias against black defendants. Nevertheless, punishments were more severe for both black

and white defendants when they were charged with race stereotypic crimes. Race-crime congruence leads to greater confidence in verdicts and to harsher punishment. Most importantly, attributional processes may account for the race-crime congruence effect on verdicts and punishments. Jurors seek less information and use a confirmatory information gathering strategy when deciding the fate of a defendant charged with a race stereotypic crime. Jurors seek more information and use a diagnostic information gathering strategy when judging a defendant charged with a non-race stereotypic crime. However, jurors tend to use a confirmatory strategy when the defendant is black regardless of the type of crime charged, which means that jurors have a presumption of guilt when the defendant is black. White jurors are generally biased against black defendants, but the bias is not really a bias to convict; it is a bias to seek less information and to seek confirmatory information when making their judgments (this also leads to a bias on punishment). Apparently white jurors have a normative expectation that black defendants are guilty, so they rely on heuristics (stereotypes) rather than more effortful cognitive processes to reach their decisions.

Possible Remedies for the Biasing Effects of Race Stereotypic Crimes

In 1993 Gordon studied the effects of strong versus weak evidence on race stereotypic crimes. He thought that strong prosecution evidence might overcome the effects of race stereotypic crimes on juror judgments. He hypothesized that crime related race stereotypes would have less effect on judgments if the jurors received a large quantity of incriminating evidence, and he hypothesized that strong evidence of

guilt would increase jurors' assignment of dispositional causes of the crime, especially when the defendant was charged with a race stereotypic crime.

Gordon (1993) set up a complicated experiment with lots of dependent measures to test his hypotheses. He used 144 students as subjects, most of whom were white. The stimulus was written and included 13 items of evidence. He manipulated the strength of the evidence; in one condition subjects received evidence that was more favorable to the prosecution, and in the other condition the subjects received evidence that was more favorable to the defendant. I have several criticisms of this study, and one of my concerns is the manipulation of the strength of the evidence. To me the manipulation seemed weak; the valence of the evidence was not greatly different in the two conditions (the difference between the two conditions was the addition of a mere two items of evidence, either for the prosecution or for the defense).

Based on past research, Gordon chose assault as a race stereotypic crime for blacks, embezzlement as a race stereotypic crime for whites, and vehicular manslaughter as a non-stereotypic crime. The design of the experiment was a 3 (type of crime, either assault, or embezzlement, or vehicular manslaughter) X 2 (race of defendant, either black or white) X 2 (strength of evidence, either strong for the prosecution or strong for the defense). Gordon had many dependent measures: length of sentence, length of time to parole, amount of bail, rating the perceived guilt of the defendant on an 11 point scale, rating the subject's confidence in his/her decision of guilt, rating the perceived typicality of the defendant for the type of crime he was accused of, rating the extent to which the defendant's behavior was caused by dispositional or situational factors, rating the 13 items of evidence for favorability to

the defendant, and a recall test of everything the subjects could remember about the case.

Results were confusing, at least to me. Gordon asserted that his findings support the concept of race stereotypic crimes, and that they support the conclusion race stereotypic crimes affect jurors' judgments. Gordon also stated that providing jurors with strong evidence for guilt may not reduce the effects of race stereotypic crimes on determinations of guilt, but may reduce the impact of race stereotypic crimes on punishment. However, I think that at least some of the results do not support the concept of race stereotypic crimes, or at least indicate the effects are inconsistent and unexplainable.

Some of the results that do support the effect of strong prosecution evidence include the finding that subjects who received the stronger prosecution case gave the defendants longer sentences and said the defendant should serve more time in prison until parole. Subjects who received a weak prosecution case gave white defendants accused of embezzlement higher bail, a longer time to parole, and (marginally) longer jail sentences. Overall, subjects who received the strong prosecution case perceived all defendants to be more guilty. Subjects perceived the black defendant accused of assault to be more guilty than the white defendant accused of assault. Subjects who received the strong prosecution case did perceive the defendant's behavior to be due more to dispositional causes. The black defendant accused of assault was perceived to be a more typical defendant than the white defendant accused of assault.

However, many of the findings did not support the concept of race stereotypic crimes. For example, subjects who received the strong prosecution case gave the

white defendant charged with vehicular manslaughter a higher bail, longer time to parole, and a (marginally) longer sentence. Thus subjects appeared to consider vehicular manslaughter to be a white stereotypical crime, even though past research had indicated it was a non-stereotypic crime. Furthermore, subjects did not perceive the white defendant accused of embezzlement to be more guilty than the black defendant accused of embezzlement, even though embezzlement is supposed to be a white stereotypic crime. All subjects perceived the white defendant accused of vehicular manslaughter to be more guilty than the black defendant accused of vehicular manslaughter, even though vehicular manslaughter is supposed to be a race neutral crime. Most importantly, there was no race by type of crime interaction. And there was no significant difference between the black and the white defendant on the measure of perceived typicality for the crime of embezzlement. My conclusion is that this study is seriously flawed, and it produced almost as many results contradicting the concept of race stereotypic crimes as it did in support of the concept. With so many inconsistent results, I do not think this study helps in understanding race stereotypic crimes. It may be true that strong evidence can overcome or at least reduce the bias produced by race stereotypic crimes, but this experiment does not provide strong support for this conclusion.

Jones (1997) also sought a way to counter the adverse effects of race stereotypic crimes. She reasoned that one way to prevent the activation of a stereotype would be to motivate people to think of others as individuals and not to stereotype them, and one way to do this would be to provide more detailed information about the other persons. Past research had shown that this method worked, but only when the

information provided is highly relevant to the decision in question. Jones knew that eyewitness testimony is very persuasive to jurors, and the more detailed the testimony is, the more persuasive it is even when the details are trivial (this is called trivial persuasion). Jones suspected that detailed testimony might be sufficient to overcome the effects of the race stereotypic crime bias.

Jones (1997) crafted two hypotheses. First, she said that a defendant would not be stereotyped, even when charged with a race stereotypic crime, when the prosecution and defense eyewitnesses differed in the amount of detail in their testimony; instead, jurors would vote for the side that presented the witness who gave the more detailed testimony. Second, she said a defendant charged with a race stereotypic crime would be stereotyped by jurors and would be convicted more often when both the prosecution and defense eyewitnesses provide an equal amount of detail in their testimony.

To test these hypotheses, Jones recruited 104 white students, 60 females and 44 males. The stimulus was a four page booklet that the subjects read. The charge was robbery and murder, which Jones considered to be race stereotypic crimes for Hispanics. The race of the defendant was manipulated by giving him either a Hispanic name or a nondescript name. The experimental design was a between subjects 2 (race of the defendant, either Hispanic or nondescript) X 2 (amount of detail in the testimony of the prosecution eyewitness, either high detail or low detail) X 2 (amount of detail in the testimony of the defense eyewitness, either high detail or low detail). The manipulation of the detail of the witness was very weak; the only difference between the high and low detail testimony was the alteration of one

sentence: The witness said either that the defendant got a six pack of Pepsi and some Tylenol, or he said the defendant got a few items. The dependent measures were the verdict, guilty or not guilty; a rating of confidence in the judgment; rating the credibility and memory of the two witnesses (one prosecution and one defense witness); rating the degree of detail in the testimony of the two witnesses; and recalling personal characteristics of the defendant.

Results showed that, overall, the conviction rate was 38%, and the Hispanic defendant was more likely to be found guilty. Both types of defendant were more likely to be convicted when the prosecution witness gave more detailed testimony and the defense witness gave less detailed testimony. The Hispanic defendant, but not the nondescript defendant, was more likely to be found guilty when the defense witness gave less detailed testimony. When both the prosecution and defense witnesses gave less detailed testimony, the Hispanic defendant was more likely to be found guilty, but when both witnesses gave more detailed testimony there was no effect on judgments of guilt between the two types of defendant. This last finding provided partial support for Jones's second hypothesis. When the prosecution witness gave more detailed testimony and the defense witness gave less detailed testimony, or when the prosecution witness gave less detailed testimony and the defense witness gave more detailed testimony (i.e., when the two witnesses differed in the amount of detail in their testimony), Hispanic and nondescript defendants were judged equally; this finding supported the first hypothesis. When both the prosecution and defense witnesses provided more detailed testimony, but not when the two witnesses provided

less detailed testimony, the Hispanic defendant was found guilty more often than the nondescript defendant.

Jones concluded that the biasing effects of race stereotypic crimes are not inevitable. Stereotypes can be countered by providing more powerful information, such as more credible evidence or witnesses. When both the prosecution and defense cases are weak, jurors are more likely to rely on stereotypes to reach their decision. This suggests that jurors will rely on stereotypes to make their decisions when the prosecution and defense cases are of equal weight, and if this is true it violates the basic legal principles of the presumption of innocence and the placement of the burden of proof on the prosecution to prove its case beyond a reasonable doubt. The data in this study supported the trivial persuasion hypothesis, because adding even a small amount of irrelevant detail to a witness's testimony seemed to make the witness more credible. Jones suggested that if the defense can produce witnesses that provide even slightly more detail than the prosecution witnesses then this may prevent the biasing effects of race stereotypic crimes. In my opinion, this is unlikely to happen in real trials, because usually the prosecution witnesses are better prepared and provide more detail, accurate or inaccurate. In any event, the attorneys must take their witnesses as they find them, and may not suborn perjury to bolster their case. Also, as stated above, forcing the defense to present a stronger case to counter the biasing effects of race stereotypic crimes undermines the presumption of innocence and the placement of the burden of proof.

There was a possible confound in this experiment that is not mentioned or discussed by Jones. The subjects may have possessed a pro-prosecution bias, because

the degree of detail in the testimony of the defense witness had no effect on the subjects' evaluation of the prosecution witness. If the subjects were not biased in favor of the prosecution then you would expect that, in the conditions where the defense witness gave stronger testimony than the prosecution witness, the subjects would have evaluated the defense witness as more credible and possessing a better memory.

Discovering More Race Stereotypic Crimes

Most of the research prior to the mid 1990s had focused on race stereotypic crimes for blacks and whites. No one had attempted to determine if there were race stereotypic crimes for other racial groups. Gordon, Michels, and Nelson (1996) decided to remedy this gap in the research by investigating the relationship between five racial groups and 14 different crimes, to determine which crimes were race stereotypic for which of the five races. The subjects were 224 students, 89 males and 135 females (but only 6 subjects were minorities). The researchers selected 14 crimes from the categories and operational definitions of the Uniform Crime Reports, and they selected the five racial categories used by the Uniform Crime Reports. The Uniform Crime Reports did not use a racial category for Hispanics at that time, but the researchers decided to use the category of Hispanic in this study. The subjects were given a list of the crimes and their definitions. Subject also received a paper that listed five racial categories across the top of the page and 14 crimes down the left side of the page. The researchers rank ordered the 14 crimes by race using arrest (not conviction) data from the Uniform Crime reports.

The independent variables were 5 (race: white, black, American Indian or Alaskan Native, Asian or Pacific Islander, and Hispanic) X 14 (crimes: offenses against the family, simple assaults without weapons, arson, drug abuse violations, rape, motor vehicle theft, criminal homicide, fraud, prostitution and commercialized vice, robbery, embezzlement, larceny-theft, aggravated assault, forgery and counterfeiting) X 2 (gender). The dependent variable was the ranking of the 14 crimes from 1 through 14 under each of the 5 races; 1 was the crime committed most often by a racial group and 14 was the crime committed least often by a racial group. The researchers then compared the subjects' rank ordering of the crimes by race with crime by race data from the Uniform Crime Reports.

The subjects judged that white collar crimes such as embezzlement, forgery, and fraud would be committed more often by whites than by blacks, Hispanics, or Indians. Subjects also estimated that whites would commit embezzlement and forgery more often than Asians. Minority groups were perceived to commit aggravated assault and motor vehicle theft more often than whites. Theft, simple assault, and arson were judged to be equally likely crimes for all races (no race stereotype). Blacks were believed to commit rape and homicide more often than the other four racial groups. Blacks were also judged to commit robbery and drug offenses more often than whites. Whites were seen as more likely to commit offenses against the family than Hispanics or Asians, and Asians were judged to be the least likely to commit offenses against the family and rape.

The researchers interpreted the results as showing strong support for a race by crime interaction across the 14 crimes listed. The strongest interaction was for the

white collar crimes of embezzlement, forgery, and fraud, which were judged to be committed most often by whites. In general, the results of this study agreed with past research. New findings included the result that Asians were perceived as being less likely to commit offenses against the family than any of the other four racial groups, and less likely to commit rape than whites, blacks, or Hispanics. Another new finding was that whites were perceived to commit aggravated assault and motor vehicle theft less often than any other racial group (this contradicted some past research, at least in part). Blacks and Hispanics were perceived as more likely to commit robbery. The subjects' perceptions generally agreed with data from the Uniform Crime Reports, but only because the over-estimates and under-estimates of the subjects cancelled out. White subjects over estimated the occurrence of embezzlement and offenses against the family by whites, and under estimated the occurrence of theft, motor vehicle theft, and aggravated assault by whites. Blacks over estimated the occurrence of motor vehicle theft, rape, and homicide by blacks, and under estimated the occurrence of forgery and fraud by blacks (but apparently there were only 6 black subjects, at most, so it is unlikely that over or under estimation by the black subjects had much impact on the analysis). The researchers concluded that whites are more accurate at judging the offenses most likely to be committed by minority groups than they are at judging the offenses likely to be committed by their own racial group.

Esqueda (1997) attempted to replicate the findings of Gordon and Anderson (1995) and expand the list of race stereotypic crimes. Based upon past research on race stereotypic crimes and on media representation of minority groups, Esqueda

hypothesized that Hispanics would be perceived as more likely to commit assault, Asians would be perceived as more likely to commit drug crimes, and American Indians would be perceived as more likely to commit theft.

Esqueda recruited 80 whites, 22 males and 58 females, mean age 20.5 years. She gave each subject 5 crime sheets. At the top each sheet was the name of a male of a specific race (ethnic names were used to identify the races): white, black, Hispanic, Asian, or American Indian. Each sheet listed 21 crimes divided into 4 categories: white collar crimes (embezzlement, tax evasion, fraud, counterfeiting, bribery, and forgery), property crimes (arson, shoplifting, auto theft), violent crimes (armed robbery, assault/mugging, assault on a police officer, rape, murder, assault, child molestation, and wife beating), and vice (narcotics sales, narcotics possession, promoting prostitution). The subjects were instructed to mark a “yes” or “no” next to each of the 21 crimes listed, according to their belief that the designated male whose name was listed at the top of the page had committed the specific crime. Subjects were permitted to mark “yes” to the same crime for multiple designated males.

Results showed that whites were perceived to commit embezzlement, fraud, tax evasion, counterfeiting, bribery, and forgery (white collar crimes) more than any of the other racial groups. Hispanics and whites were thought to commit arson more than other races. Hispanics, blacks, and Indians were perceived to commit shoplifting more than whites or Asians. Blacks and Hispanics were perceived to commit auto theft more than the other three racial groups. Blacks were perceived to commit violent crimes, except for child molestation, more than the other four races. Also, blacks, Hispanics, and whites were thought to commit rape, murder, assault, and wife

beating more than Asians or Indians. Whites were perceived to commit child molestation more than any other race. Blacks and Hispanics were perceived to be guilty of narcotics sales and possession more than the other three races. Whites were thought to promote prostitution more than the other races.

Esqueda stated that this study confirmed and extended past research. Whites were perceived to commit white collar crimes more than any other race, which agreed with past research. Blacks and Hispanics were perceived to be more likely than other races to commit violent crimes, again agreeing with past research. In addition, blacks and Hispanics were perceived as more likely to commit property and drug crimes. Contrary to past research, blacks were not considered more likely to commit rape. Indians were perceived as more involved in theft crimes, and Asians were perceived as more likely to commit narcotic offenses and shoplifting. Esqueda concluded that, in general, her hypothesis was supported by the findings.

Esqueda argued that there is now substantial evidence for racial stereotyping of crimes. She felt that this stereotyping could affect every stage of the criminal legal process – arrest, charging, plea bargaining, trial, conviction rates, and sentencing. She believed that whenever a defendant is accused of a race stereotypic crime, decision making throughout the criminal process may be biased. She suggested that if the persons who make decisions in the criminal process were educated about the effects of race stereotypic crimes then possibly the effects could be reduced or eliminated.

Other Related Research

A British study (Macrae & Shepherd, 1989) supported the general conclusion of Bodenhausen and Wyer (1985) that stereotypes influence juridic judgments, although in this study the factor of interest was stereotypical criminal appearance and not racial stereotypes. The researchers used 100 students, 50 males and 50 females, as subjects. The stimulus was a videotapes showing the face of the defendant and describing a crime, either a theft or an assault. The faces of the defendants had been rated previously for aggressiveness or non-aggressiveness, or for honesty or dishonesty. For the assault condition subjects saw a face that had been rated as either aggressive or non-aggressive, and for the theft condition subjects saw a face that had been rated as either honest or dishonest. For all conditions, subjects rated the defendant who fit the criminal stereotype (aggressive appearing defendant charged with assault, and dishonest appearing defendant charged with theft) as much more likely to be guilty, and rated the defendant who did not fit the criminal stereotype (non-aggressive defendant charged with assault, and honest defendant charged with theft) as much more likely to be not guilty. The researchers concluded that stereotypes do influence judgments of guilt.

Does looking more stereotypically black make it more likely that a defendant will be sentenced to death? Yes, according to a study by Eberhardt, Davies, Purdie-Vaughns, and Johnson (2006). This study did not directly investigate the race stereotypic crime effect; however, the results might provide some insight into the mechanism of the race stereotypic crime effect, and the results possibly could be explained by the race stereotypic crime effect. The researchers defined the

stereotypically black appearance to consist of a broad nose, thick lips and dark skin. They thought that most people associate these physical traits with criminality, and that the more stereotypically black a defendant looks, the more culpable juries will perceive him to be.

The researchers examined 600 murder cases from Philadelphia where the defendant was black and the victim was white. The subjects were 51 students. The subjects were shown photographs of 44 black defendants from these cases, and the subjects rated the stereotypical blackness of the faces of the black defendants on a scale of 1 to 11. Then the researchers split the defendants according to high–low scores on the scale of stereotypical blackness, and examined the sentences given to the defendants in their trials. They also investigated other non-racial factors that might have affected the sentence: aggravating circumstances, mitigating circumstances, the severity of the murder, the defendant’s physical attractiveness, and the social and economic status of both the defendant and the victim. They found that, beyond the effects of the other six factors, defendants whose appearance was perceived to be more stereotypically black were more than twice as likely to receive the death penalty than defendants who were perceived to be less stereotypically black.

The researchers concluded that people associate black physical traits with criminality, and they probably use race as a heuristic to determine the blameworthiness of the defendant and to determine the severity of the crime. The researchers did not mention the race stereotypic crime effect. However, past research indicates that crimes of violence are perceived to be stereotypic for blacks, and it is possible that the murder of a white person is perceived to be an especially stereotypic

crime for blacks. This would explain why defendants who appear the most stereotypically black would receive the most severe sentence (death); jurors tend to award harsher sentences when the crime is perceived to be racially stereotypic. It would be interesting to perform an experiment to determine if the race stereotypic crime effect is enhanced by the factor of stereotypically black appearance.

A Contradictory Study

In her 1996 dissertation study, Townsend used the concept of race stereotypic crimes to investigate the effects of race on perceptions of crime severity. She found no support for the race stereotypic crime concept. She recruited 440 members of the jury pool in Philadelphia. The subjects read a short (less than one page) report of a crime. There were three crime conditions: rape, robbery, and vehicular manslaughter. Based upon prior research, Townsend considered rape to be a white stereotypic crime, robbery to be a black stereotypic crime, and vehicular manslaughter to be a race neutral crime. After eliminating subjects who had prior involvement with the specified type of crime, there were 121 subjects in the rape condition, 139 subjects in the robbery condition, and 138 subjects in the vehicular manslaughter condition. The final sample of 398 subjects was 66.4% female and 58.1% white. Only white and black subjects were used. The demographic data about the defendant and the victim provided to the subjects listed the races of the defendant and the victim, and in this way the race of the defendant and the victim was manipulated between black and white. This was a 3 (type of crime: rape, robbery, or vehicular manslaughter) X 2 (race of defendant, black or white) X 2 (race of victim,

black or white) X 2 (gender of the subject) X 2 (race of the subject, black or white) between subjects design.

Twenty-five variables were measured, all on nine-point scales. The one dependent measure relevant here is the question: In comparison with all other persons who have committed [type of crime, either rape or robbery or vehicular manslaughter], how typical do you consider the defendant in this case? This question tested in part Townsend's first hypothesis, which was that jurors evaluate crimes involving racially typical defendants more negatively than crimes involving nontypical defendants. She thought that her subjects would evaluate white defendants who commit rape more negatively, and black defendants who commit robbery more negatively. However, the results showed that her subjects did not think white rapists were more typical than black rapists, and they thought white robbers actually were more typical than black robbers. These findings do not agree with prior research on the perceptions of race typicality for the crimes of rape and robbery. The theory of race stereotypic crimes would not have predicted these results.

Townsend's only explanation for her anomalous results on this measure was that her stimulus differed from the stimuli used in past race stereotypic crime research. She claimed that in prior research subjects had been tasked to stereotype crimes only in the abstract; that is, past studies had asked subjects to assign only a general category of crime, such as rape or robbery, to a particular race. In contrast, she argued that in her study she presented the subjects with a concrete example of a crime, a description of an actual crime, and perhaps people have different perceptions when they are asked to evaluate an actual crime as opposed to an abstract crime

category. However, this cannot be the correct explanation for her results, because her characterization of prior research is incorrect. Research conducted prior to her study had used stimuli that described actual, specific crimes and not just crimes in the abstract. One plausible explanation for her results is the fact that her sample differed from the samples usually used in psychological research. Her sample appears to have been substantially older than the convenience sample of students normally used. Her sample also may have had less formal education than the samples usually used. Of course, her sample was certainly more similar to real jurors than the samples researchers normally use, and that should give her results more external validity. Another possible explanation is that her stimulus may have been too weak to produce the race stereotypic crime effect. Her stimulus was less than one page in length and provided very little information to the subjects. Past research on race stereotypic crimes routinely used longer and more detailed stimuli.

Summary

Research provides ample support for the race stereotypic crime effect. Researchers have made some progress in explaining the mechanisms that produce this effect. However, the research has focused mostly on comparisons of black and white defendants, with the goal of identifying black stereotypic crimes. There have been some attempts to identify Hispanic stereotypic crimes, but these studies have several weaknesses. The studies involving Hispanic defendants usually used dichotomous scales or other measures that were not very sensitive, and they usually compared Hispanic defendants with defendants of indeterminate race rather than with the other two major racial groups, blacks and whites.

There have been 19 studies of race stereotypic crimes: seven studies compared black and white defendants; one study compared a black, a white, and an indeterminate race defendant; one study compared a white and an Arab defendant; one study compared a white and an American Indian defendant; one study compared a black, a white, an American Indian, an Alaskan Native, and an Asian/Pacific Islander defendant; one study compared a white and an American Indian defendant; five studies compared a Hispanic and an indeterminate race defendant; one study compared a white, a Hispanic, and an indeterminate race defendant; one study compared a white and a Hispanic defendant; and one study compared a white, a black, a Hispanic, an Asian, and an American Indian defendant. The three major racial groups in the United States are white, Hispanic, and black, and there has never been a study that made a direct comparison of just these three racial groups.

The two studies described herein were designed to remedy some of the major methodological deficiencies of past research on race stereotypic crimes. Study 1 made direct comparisons of a white, a black, and a Hispanic male target, and employed a more sensitive continuous measure, a percentage scale, to determine which crimes are stereotypic for these racial groups. After Study 1 identified race stereotypic crimes for the three racial groups, Study 2, a juror simulation study, was conducted to compare the three racial groups using a Hispanic stereotypic crime in a very realistic stimulus. Study 2 explored the same concept as Study 1 but focused on only one crime and used a different paradigm with different measures.

CHAPTER 3

METHOD

Study 1

Participants

Participants were 157 undergraduate students at the University of Nevada, Las Vegas. Of these 157 participants, one was disqualified because she revealed after the experimental session that she had guessed the premise of the study; one was disqualified because he revealed after the experimental session that he was not a United States citizen and therefore not eligible to participate; and 12 were disqualified because their pattern of responses indicated that they did not understand or follow the instructions or did not give serious attention to the performance of the experimental task. This left 143 suitable participants. All participants were awarded one credit towards the completion of the Psychology 101 research requirement. All participants were advised of the risks and benefits of participation, and all signed an informed consent prior to participation (Appendix A).

Of the 143 participants, 41 (28.7%) were male and 102 (71.3%) were female. The mean age was 22.60 (S.D. = 6.59) with a range of 18 to 53. The racial breakdown of the sample was: 3 (2.1%) American Indian, 32 (22.4%) Asian, 12 (8.4%) black, 24 (16.8%) Hispanic, 62 (43.4%) white, and 10 (7.0%) other. The religious breakdown of the sample was: 5 (3.5%) Buddhist, 57 (39.9%) Catholic, 1 (0.7%) Jewish, 7 (4.9%) Mormon, 10 (7.0%) Protestant, 58 (40.6%) other (this category consisted mostly of atheists, agnostics, and non-denominational Christians), and 4 (2.8%) who declined to indicate any religious preference. The income levels of the sample were: 35 (24.5%)

less than \$10,000; 20 (14.0%) \$10,000-20,000; 13 (9.1%) \$20,000-30,000; 17 (11.9%) \$30,000-40,000; 15 (10.5%) \$40,000-50,000; 18 (12.6%) \$50,000-75,000; 9 (6.3%) \$75,000-100,000; and 16 (11.2%) more than \$100,000.

Materials

The main measure was the Crime Probability Scale. This scale contained a brief description of an adult male, the target individual. There were three different versions of this scale. Each version contained a brief written description of the target. The descriptions of the targets were identical in all three versions except for the race of the target. All descriptions described the target as 22 years old, male, 5 feet 10 inches tall, and weighing 170 pounds. The descriptions differed only in the name and race of the target. The white target was named Robert Johnson and his race was given as white (Caucasian). The black target was named Demetrius Jackson and his race was given as black (African American). The Hispanic target was named Carlos Gonzales and his race was given as Hispanic (Latino).

The Crime Probability Scale was used to rate the probability that the described target individual would commit certain specified crimes. The Crime Probability Scale consisted of a list of 20 crimes randomly ordered as follows: 1. driving under the influence of alcohol or drugs; 2. embezzlement; 3. stealing a vehicle (not carjacking); 4. identity theft; 5. failure to pay child support; 6. making or possessing child pornography; 7. sale, manufacture, or distribution of a controlled substance; 8. possession and use of a controlled substance; 9. sexually abusing a child; 10. welfare fraud; 11. physical spouse abuse; 12. larceny (stealing without force); 13. murder; 14. tax evasion; 15. shoplifting; 16. assault and battery; 17. vehicular manslaughter; 18. robbery (taking money or things

of value from others by force); 19. rape; 20. illegally entering the United States. Under each crime was a percentage scale ranging from 0% to 100% in 5% increments. The participants were informed that 0% means the target definitely would not commit the crime, 50% means that it is equally likely that the target would or would not commit the crime, and 100% means that the target definitely would commit the crime. The participants were asked to consider the target individual and estimate, from 0% to 100%, the probability that the target individual would commit each of the crimes listed (Appendix B).

The Reasonable Doubt Scale measured the participants' opinion about the meaning of "reasonable doubt." This scale asked the participants how certain they would have to be of a defendant's guilt before voting to convict the defendant in a criminal trial. The scale ranged from 0% (no certainty of guilt) through 50% (the evidence is evenly balanced between guilt and innocence) to 100% (complete certainty of guilt), in 5% increments. There were two versions of the Reasonable Doubt Scale. One version contained the Nevada Revised Statutes judicial instruction on the definition of reasonable doubt (Appendix C). The other version did not contain any definition of reasonable doubt (Appendix D). These two scales were created by the author and have not been used previously.

The Political Philosophy Scale (Jost, 2006) assessed the political viewpoints of the participants. This is a 7 point Likert type scale ranging from 1 (very liberal) through 4 (moderate) to 7 (very conservative). Participants were asked to circle the number that most accurately describes their general political viewpoint (Appendix E). This scale was adapted by the author from a telephone survey conducted by the American National

Election Studies every two years from 1972 to 2004 (www.electionstudies.org). To the author's knowledge, this is the first time this scale has been used in an experiment.

A Recall Test served as a manipulation check. This measure asked the participants to recall and write the name of the target individual, the age of the target, the race of the target, and whether each of four crimes appeared on the Crime Probability Scale. The key question on the Recall Test was the race of the target; this question was used as a manipulation check, and any participant who did not recall the race of the target would have been disqualified and his/her data would not have been used; however, all participants correctly recalled the race of the target so no participant failed the manipulation check (Appendix F).

A Demographic Questionnaire asked participants to give their age, gender, race, income, religion, and whether they had ever served on a jury (Appendix G).

Procedure

For the Crime Probability Scale, participants were assigned randomly to one of three groups. Group 1 evaluated the Hispanic target and contained 50 participants; group 2 evaluated the black target and contained 46 participants; group 3 evaluated the white target and contained 47 participants. Participants were instructed to rate the probability that the individual described would commit each of the 20 crimes listed on the scale.

After completing the Crime Probability Scale, participants were given the Reasonable Doubt Scale. For this measure, participants were divided into two groups. Group 1 was given the version of the Reasonable Doubt Scale that contained the Nevada statutory definition of reasonable doubt; group 2 was given the version that contained no definition of reasonable doubt. The participants were instructed to indicate on a

percentage scale, ranging from 0% to 100%, how certain of a defendant's guilt they would have to be in order to vote to convict.

Next all participants were given the Political Philosophy Scale and instructed to indicate their general political viewpoint on the scale ranging from 1 (very liberal) to 7 (very conservative).

After completing the Political Philosophy Scale, all participants were given the Recall Test, asking them to answer seven questions about the Crime Probability Scale they previously completed.

Finally, all participants were given the Demographic Questionnaire which asked them to provide certain personal information.

Participants completed the materials in the following order: first the Crime Probability Scale, next the Reasonable Doubt Scale, then the Political Philosophy Scale, followed by the Recall Test, and finally the Demographic Questionnaire. After completing all the measures, participants were given a Debriefing Form (Appendix H), and were debriefed by the researcher.

Study 2

Participants

Participants were 148 undergraduate students from the University of Nevada, Las Vegas. Of these 148 participants, one was disqualified because his responses were contradictory and evinced a lack of understanding of the instructions; and three participants were disqualified because they failed the manipulation check, that is, they failed to recall the race of the defendant on the Recall Test given near the end of the experiment. This left 144 qualified participants. All participants were awarded 1.5

research credits towards the completion of the Psychology 101 research requirement. All participants were advised of the risks and benefits of participation, and all signed an informed consent form prior to participation (Appendix I).

Of the 144 participants, 65 (45.1%) were male and 79 (54.9%) were female. The mean age of the sample was 22.56 (S.D. = 6.54), with a range of 18 to 53. The racial breakdown of the sample was: 23 (16.0%) Asian, 12 (8.3%) black, 20 (13.9%) Hispanic, 73 (50.7%) white, 11 (7.6%) mixed race, and 5 (3.5%) other. The religious breakdown of the sample was: 3 (2.1%) Buddhist, 38 (26.4%) Catholic, 1 (0.7%) Hindu, 4 (2.8%) Jewish, 8 (5.6%) Mormon, 1 (0.7%) Muslim, 13 (9.0%) Protestant, 70 (48.6%) other (this category consisted mostly of atheists, agnostics, and non-denominational Christians), and 6 (4.2%) who declined to indicate any religious preference. The income levels of the sample were: 44(30.6%) less than \$10,000; 25 (17.4%) \$10,000-20,000; 15 (10.4%) \$20,000-30,000; 12 (8.3%) \$30,000-40,000; 7 (4.9%) \$40,000-50,000; 14 (9.7%) \$50,000-75,000; 10 (6.9%) \$75,000-100,000; and 17 (11.8%) more than \$100,000.

Materials

The data from Study 1 were analyzed statistically to determine which crimes are perceived to be stereotypic for a black male, for a Hispanic male, or for a white male. The stimulus was a written summary of a criminal trial (Appendix J). The crime charged was vehicle theft, a black and Hispanic stereotypic crime as determined by an analysis of the data from Study 1. The trial summary included the opening statements of the prosecutor and the defense counsel; the testimony of witnesses; the testimony of the accused; a description of exhibits admitted into evidence at the trial; the closing arguments of the prosecutor and defense counsel; and judicial instructions on the burden

of proof, the standard of proof, the elements of the offense, reasonable doubt, and jury procedures. The evidence was manipulated to be evenly balanced for the prosecution and the defense, as determined by a pilot study to evaluate the weight of the evidence for each side. There were three versions of the trial summary, with the race of the defendant manipulated to be either white or black or Hispanic. Except for the race of the defendant, the three versions of the trial summary were identical.

The dependent measures consisted of several scales. The Pretrial Juror Attitude Questionnaire (PJAQ) (Lecci & Myers, 2008) served as a substitute for voir dire and assessed prejudice either for or against the prosecution and defense (Appendix K). The PJAQ is a new scale and its reliability has not yet been tested. However, Lecci and Myers (2008) have investigated the validity of the PJAQ and have determined that the PJAQ has good convergent validity with other scales used to predict pretrial bias such as the Juror Bias Scale (Kassin & Wrightsman, 1983; De La Fuente, De La Fuente, & Garcia, 2003) and the Revised Legal Attitudes Questionnaire-23 (Kravitz, Cutler, & Brock, 1993), and the PJAQ has better predictive validity than these two widely used scales. The PJAQ also appears to provide new information not obtainable from other pretrial bias scales. It is important to note that research indicates that the completion of a pretrial attitude questionnaire by prospective jurors has no effect on the verdicts rendered (Morris & Lecci, 2005).

A dichotomous Verdict Form offered a choice of a guilty or not guilty verdict (Appendix L). A Confidence in the Verdict Scale rated the participant's confidence in his/her verdict on a scale of 0% to 100% in 5 percent increments, with 0% meaning that the participant is sure his/her verdict was wrong, 50% meaning that it is equally likely

that the verdict was right or wrong, and 100% meaning that the participant is sure his/her verdict was right (Appendix M). A Likelihood That the Defendant Committed the Crime Scale was used to rate the participant's belief in the likelihood that the defendant committed the crime, on a scale of 0% to 100% in 5 percent increments, with 0% meaning that the defendant definitely did not commit the crime, 50% meaning that it is equally likely the defendant did or did not commit the crime, and 100% meaning that the defendant definitely did commit the crime (Appendix N). The Reasonable Doubt Scale (without the Nevada statutory definition of reasonable doubt, Appendix D) and the Political Philosophy Scale (Appendix E) from Study 1 also were used. An Attributions Measure asked those participants who found the defendant guilty to rate, on a nine point Likert type scale, the extent to which the participants believed that the defendant's behavior was caused by his situation or by his personality (Appendix O). A Recall Test served as a manipulation check (Appendix P). A Demographic Questionnaire asked the participants to give their age, gender, race, income, and religion (Appendix Q).

Procedure

All participants signed an informed consent form (Appendix I). The number of participants in each session varied from one to six, depending on the number who volunteered for each session.

Participants were randomly assigned to one of three groups. Group 1 judged the black defendant, group 2 judged the white defendant, and group 3 judged the Hispanic defendant.

After completing the consent form and being assigned to a group, all participants completed the Pretrial Juror Attitude Questionnaire which was labeled simply Juror Questionnaire.

Next, all participants read the appropriate version of the stimulus, i.e., the case summary. Participants in group 1 read the case summary with the black defendant; participants in group 2 read the case summary with the white defendant; participants in group 3 read the case summary with the Hispanic defendant. After all the participants completed reading the case summary, the researcher retrieved the case summaries and distributed copies of the judicial instructions (Appendix R). The participants were permitted to retain the judicial instructions and consult the instructions until after they had rendered their verdicts.

After reading the case summary and the judicial instructions, the participants responded individually and completed the measures in this order: the Verdict Form, the Confidence in the Verdict Scale, the Likelihood That the Defendant Committed the Crime Scale, the Attribution Measure (only participants who convicted the defendant completed the Attribution Measure), the Reasonable Doubt Scale, the Political Philosophy Scale, the Recall Test that served as a manipulation check, and the Demographic Questionnaire.

After all the dependent measures were completed, the researcher gave each participant a Debriefing Form (Appendix S) and explained the nature and purpose of this experiment.

Institutional Review Board Approval

Prior to any contact with participants and the collection of any data, the University of Nevada, Las Vegas Office for the Protection of Research Subjects Social/Behavioral Institutional Review Board reviewed and approved the protocols for both Study 1 and Study 2. The approval for Study 1 is attached in Appendix T and the approval for Study 2 is attached in Appendix U.

CHAPTER 4

RESULTS

Study 1

Data from 143 participants were analyzed. Forty-one participants (28.7%) were male and 102 (71.3%) were female. The mean age of the participants was 22.60 (S.D. = 6.59) with a range of 18 to 53.

Data from the Crime Probability Scale were analyzed using 20 Oneway ANOVAs with Group (Hispanic, black, or white) as the independent variable and the score for each of the 20 crimes listed as the dependent variables. Significant results were found for vehicle theft $F(2,140) = 5.91, p = .003$; welfare fraud $F(2, 140) = 4.00, p = .020$; robbery $F(2, 140) = 3.82, p = .024$; and illegally entering the United States $F(2, 140) = 105.34, p = .000$. Follow-up Tukey's HSD tests revealed that, for vehicle theft, the Hispanic group ($M = 47.70, S.D. = 22.77$) and the black group ($M = 52.72, S.D. = 28.53$) both differed from the white group ($M = 35.96, S.D. = 20.79$), $p = .048$ and $p = .003$ respectively. For welfare fraud, the Hispanic group ($M = 43.70, S.D. = 26.57$) differed from the white group ($M = 28.72, S.D. = 23.39$), $p = .018$. For robbery, the black group ($M = 52.93, S.D. = 29.97$) differed from the white group ($M = 38.30, S.D. = 22.34$), $p = .020$. For illegally entering the United States, the Hispanic group ($M = 69.90, S.D. = 25.04$) differed from the black group ($M = 14.25, S.D. = 22.43$) and the white group ($M = 10.96, S.D. = 19.61$), $p = .000$ and $p = .000$ respectively.

In addition, statistical analysis produced marginally significant results for failure to pay child support $F(2, 140) = 2.93, p = .054$; and assault and battery $F(2, 140) = 2.86, p = .061$. Tukey's HSD tests revealed that, for failure to pay child support, the black

group ($M = 61.20$, $S.D. = 24.06$) differed from the white group ($M = 49.79$, $S.D. = 25.26$), $p = .053$; and for assault and battery, the black group ($M = 57.89$, $S.D. = 27.21$) differed from the white group ($M = 46.70$, $S.D. = 23.60$), $p = .074$.

The mean and standard deviation scores on the Crime Probability Scale for all 20 crimes are reported in Table 1.

Study 1 was conducted to test the first hypothesis, that race stereotypic crimes for Hispanics would include crimes of violence such as homicide and assault, property crimes such as larceny and vehicle theft, and drug related crimes. Data analysis provided minimal support for this hypothesis. The data did not indicate that the crimes of violence that were investigated (murder, assault and battery, robbery, and rape) were Hispanic stereotypic crimes. Vehicle theft, a theft type crime, was found to be a Hispanic stereotypic crime; however, the data did not indicate that the other types of theft crimes investigated here (larceny and shoplifting) were Hispanic stereotypic crimes. The data did not support the contention that drug related offenses (sale, manufacture, or distribution of a controlled substance; and possession and use of a controlled substance) were Hispanic stereotypic crimes.

The hypothesis was explored in a different way by combining some of the data to create four general categories of crimes. The scores for murder, assault and battery, robbery, and rape were summed to create the new variable Violent Crimes. The scores for vehicle theft, larceny, and shoplifting were summed to create the new variable Property Crimes. The scores for embezzlement, identity theft, and tax evasion were summed to create the new variable White Collar Crimes. The scores for sale, manufacture, or distribution of a controlled substance were added to the scores for

possession and use of a controlled substance to create the new variable Drug Crimes. Four Oneway ANOVAs were performed with group (Hispanic, black, and white) as the independent variable, and each of the new composite variables (violent crimes, property crimes, white collar crimes, and drug crimes) as the dependent variables. None of the ANOVAs produced significant results, all $ps > .05$. Means and standard deviations for these four variables are in Table 2.

Exploratory Analysis

Participant Gender Differences in Responses

Further analysis of the demographic factors age, religion, and income revealed that these factors had no effect on Crime Probability Scale scores, all $ps > .05$. However, the gender of the participants did produce a significant effect on the scores for some of the crimes investigated. Twenty 2 X 3 factorial ANOVAs were performed. The independent variables were Gender (male and female) and Group (Hispanic, black, and white). The dependent variables were the Crime Probability Scale scores for each of the 20 crimes investigated.

For the crime of driving under the influence, female participants marked higher scores for all the targets, $F(1, 142) = 7.19, p = .008$. Female participants gave mean scores of 64.34 (S. D. = 15.52) to Hispanic targets, 59.83 (S. D. = 17.59) to black targets, and 63.68 (S. D. = 23.69) to white targets; male participants gave mean scores of 51.57 (S. D. = 16.70) to Hispanic targets, 46.88 (S. D. = 21.36) to black targets, and 60.77 (S. D. = 16.94) to white targets.

For the crime of embezzlement, female participants marked higher scores for all targets, $F(1, 142) = 6.24, p = .014$. Female participants gave mean scores of 35.53

(S.D. = 18.67) to the Hispanic target, 38.33 (S.D. = 25.24) to the black target, and 40.15 (S. D. = 23.34) to the white target; the male participants gave mean scores of 29.17 (S. D. = 19.29) to the Hispanic target, 20.94 (S. D. = 16.45) to the black target, and 33.85 (S. D. = 22.56) to the white target.

For the crime of vehicle theft, female participants again marked all targets higher than male participants, $F(1, 142) = 9.07, p = .003$. Female participants gave mean scores of 51.18 (S. D. = 20.78) to the Hispanic target, 60.83 (S. D. = 25.77) to the black target, and 36.32 (S. D. = 20.94) to the white target; male participants gave mean scores of 36.67 (S. D. = 26.14) to the Hispanic target, 37.50 (S. D. = 27.93) to the black participant, and 35.00 (S. D. = 21.21) to the white participant.

For the crime of making or possessing child pornography, female participants marked all targets higher than did the male participants, $F(1, 142) = 4.80, p = .030$. Female participants gave mean scores of 33.68 (S. D. = 21.20) to the Hispanic target, 32.33 (S. D. = 23.52) to the black target, and 37.79 (S. D. = 27.86) to the white target; male participants gave means scores of 19.58 (S. D. = 19.24) to the Hispanic target, 18.75 (S. D. = 17.84) to the black target, and 36.92 (S. D. = 24.88) to the white target.

For the crime of sale, manufacture, or distribution of a controlled substance, female participants again marked all targets higher than did male participants, $F(1, 142) = 13.31, p = .000$. Female participants gave mean scores of 58.68 (S. D. = 19.55) to the Hispanic target, 65.33 (S. D. = 21.05) to the black target, and 51.32 (S. D. = 26.84) to the white target; male participants gave mean scores of 35.83 (S. D. = 21.93) to the Hispanic target, 43.44 (S. D. = 26.00) to the black target, and 49.62 (S. D. = 20.56) to the white target.

For the crime of possession and use of a controlled substance, female participants marked the Hispanic and black targets much higher than did male participants, $F(1, 142) = 6.34, p = .013$. Female participants gave mean scores of 61.18 (S. D. = 21.16) to the Hispanic target, 70.33 (S. D. = 17.91) to the black target, and 55.15 to the white target; male participants gave mean scores of 42.50 (S. D. = 22.61) to the Hispanic target, 50.31 (S. D. = 26.80) to the black target, and 62.69 (S. D. = 19.75) to the white target.

The pattern was the same for the crime of sexually abusing a child. Female participants gave higher overall scores to Hispanic and black targets than did male participants, $F(1,142) = 6.45, p = .012$. Female participants gave mean scores of 33.55 (S. D. = 23.13) to the Hispanic target, 38.67 (S. D. = 23.00) to the black target, and 37.21 (S. D. = 26.80) to the white target; male participants gave mean scores of 23.33 (S. D. = 22.80) to the Hispanic target, 14.37 (S. D. = 17.12) to the black target, and 38.08 (S. D. = 23.85) to the white target.

For the crime of welfare fraud, female participants gave higher mean scores to all targets than did male participants, $F(1, 142) = 5.36, p = .022$. Female participants gave mean scores of 46.05 (S. D. = 26.56) to the Hispanic target, 46.67 (S. D. = 30.92) to the black target, and 29.56 (S. D. = 24.78) to the white target; male participants gave mean scores of 36.25 (S. D. = 26.30) to the Hispanic target, 25.63 (S. D. = 22.35) to the black target, and 26.54 (S. D. = 20.04) to the white target.

For the crime of physical spouse abuse, female participants gave higher mean scores to the two minority targets than did the white participants, $F(1, 142) = 5.74, p = .018$. Female participants gave mean scores of 51.54 (S. D. = 21.31) to the Hispanic target, 60.50 (S. D. = 23.02) to the black target, and 47.35 (S. D. = 21.08) to the white

target; male participants gave mean scores of 40.42 (S. D. = 22.81) to the Hispanic target, 37.19 (S. D. = 22.28) to the black target, and 51.15 (S. D. = 30.90) to the white target.

For the crime of shoplifting, female participants gave higher mean scores to all three targets than did the male participants, $F(1, 142) = 5.93, p = .016$. Female participants gave mean scores of 53.29 (S. D. = 18.97) to the Hispanic target, 59.17 (S. D. = 25.09) to the black target, and 47.50 (S. D. = 20.90) to the white target; male participants gave mean scores of 36.25 (S. D. = 25.86) to the Hispanic target, 45.00 (S. D. = 30.22) to the black target, and 46.92 (S. D. = 25.54) to the white target.

For the crime of assault and battery, female participants gave higher mean scores to the Hispanic and black targets than did the white participants, $F(1, 142) = 6.60, p = .011$. Female participants gave mean scores of 52.37 (S. D. = 21.40) to the Hispanic target, 64.66 (S. D. = 24.24) to the black target, and 46.03 (S. D. = 23.61) to the white target; male participants gave mean scores of 35.00 (S. D. = 20.45) to the Hispanic target, 45.63 (S. D. = 28.75) to the black target, and 48.46 (S. D. = 24.44) to the white target.

For the crime of robbery, female participants gave higher mean scores to all three targets than did the male participants, $F(1, 142) = 10.75, p = .001$. Female participants gave mean scores of 48.16 (S. D. = 23.49) to the Hispanic target, 60.67 (S. D. = 25.15) to the black target, and 38.97 (S. D. = 21.94) to the white target; male participants gave mean scores of 27.08 (S. D. = 25.00) to the Hispanic target, 38.44 (S. D. = 33.60) to the black target, and 36.54 (S. D. = 24.19) to the white target.

For the crime of rape, female participants gave higher mean scores to all three targets than did the male participants, $F(1, 142) = 9.04, p = .003$. Female participants gave mean scores of 41.97 (S. D. = 25.03) to the Hispanic target, 51.50 (S. D. = 28.59) to

the black target, and 43.97 (S. D. = 25.73) to the white target; male participants gave mean scores of 24.17 (S. D. = 21.09) to the Hispanic target, 30.94 (S. D. = 26.28) to the black target, and 38.46 (S. D. = 28.24) to the white target.

For the crime of identity theft the difference between male and female participants' scores was marginally significant, $F(1,142) = 3.55, p = .062$. For the crime of failure to pay child support the difference between male and female participants' scores was marginally significant, $F(1, 142) = 3.10, p = .081$. For the crime of larceny the difference between male and female participants' scores was marginally significant, $F(1, 142) = 2.68, p = .10$. For the crime of murder the difference between male and female participants' scores was marginally significant, $F(1, 142) = 3.10, p = .080$. And for the crime of illegal entry into the United States the difference between male and female participants' scores was marginally significant, $F(1, 142) = 2.71, p = .10$.

Overall, female participants differed significantly from male participants in their responses for 13 of the 20 crimes investigated, and for 5 more crimes the differences between the responses of the female participants and male participants were marginally significant. The pattern of differences was the same for all the crimes: Female participants believed the male targets were much more likely to commit crimes than did the male participants, and for most of these crimes the female participants rated the minority targets (Hispanic and black) as much more likely to commit crimes than the white target. Table 3 gives the mean and standard deviation scores on the Crime Probability Scale for all 20 crimes by participant gender.

Participant Racial Differences in Responses

Because most of the minority racial categories contained a small number of participants, race was divided into two categories for analysis: white and non-white. The white group contained 62 participants and the non-white group contained 81 participants. Twenty 2 X 3 factorial ANOVAs were run. The independent variables were race (white and non-white) and group (Hispanic, black, and white). The dependent variables were the Crime Probability Scale scores for the 20 crimes investigated.

For the crime of embezzlement the non-white participants gave significantly higher scores to the black and white targets than did the white participants, $F(1, 142) = 4.51, p = .035$. The non-white participants gave mean scores of 33.55 (S. D. = 18.31) to the Hispanic target, 39.05 (S. D. = 25.48) to the black target, and 43.10 (S. D. = 19.06) to the white target; white participants gave mean scores of 34.74 (S. D. = 20.10) to the Hispanic target, 26.60 (S. D. = 21.35) to the black target, and 30.83 (S. D. = 27.24) to the white target.

For the crime of physical spouse abuse the non-white participants gave significantly higher mean scores to all the targets than did the white participants, $F(1, 142) = 5.00, p = .027$. The non-white participants gave mean scores of 49.68 (S. D. = 21.87) to the Hispanic target, 61.90 (S. D. = 23.85) to the black target, and 51.03 (S. D. = 21.48) to the white target; white participants gave mean scores of 47.37 (S. D. = 22.63) to the Hispanic target, 44.40 (S. D. = 23.82) to the black target, and 44.17 (S. D. = 27.45) to the white target.

For the crime of murder the non-white participants gave significantly higher mean scores to all targets than did the white participants, $F(1, 142) = 5.13, p = .025$. Non-white

participants gave mean scores of 37.10 (S. D. = 26.36) to the Hispanic target, 53.81 (S. D. = 31.02) to the black target, and 43.79 (S. D. = 23.78) to the white target; white participants gave mean scores of 35.00 (S. D. = 24.89) to the Hispanic target, 37.20 (S. D. = 27.12) to the black target, and 31.67 (S. D. = 26.62) to the white target.

For the crime of assault and battery the non-white participants gave significantly higher mean scores to all targets than the white participants, $F(1, 142) = 4.98, p = .027$. The non-white participants gave mean scores of 48.39 (S. D. = 24.24) to the Hispanic target, 69.05 (S. D. = 24.42) to the black target, and 48.97 (S. D. = 21.27) to the white target; white participants gave mean scores of 47.889 (S. D. = 19.24) to the Hispanic target, 48.12 (S. D. = 26.16) to the black target, and 43.06 (S. D. = 27.18) to the white target.

For the crime of vehicular manslaughter (which all past researchers have regarded as a non-race stereotypic crime), the non-white participants gave higher mean scores to all three targets but especially high scores to the black target, $F(1, 142) = 3.88, p = .051$. Non-white participants gave mean scores of 39.35 (S. D. = 25.36) to the Hispanic target, 49.76 (S. D. = 24.57) to the black target, and 42.59 (S. D. = 22.74) to the white target; white participants gave mean scores of 33.16 (S. D. = 23.11) to the Hispanic target, 33.40 (S. D. = 24.61) to the black target, and 40.28 (S. D. = 27.84) to the white target.

For the crime of robbery non-white participants gave higher mean scores to black and white targets, but a lower mean score to the Hispanic target, than did the white participants, $F(1, 142) = 4.34, p = .039$. Non-white participants gave mean scores of 40.81 (S. D. = 25.60) to the Hispanic target, 66.43 (S. D. = 29.16) to the black target, and 41.38 (S. D. = 23.06) to the white target; white participants gave mean scores of 46.84

(S. D. = 25.01) to the Hispanic target, 41.60 (S. D. = 26.13) to the black target, and 33.33 (S. D. = 20.79) to the white target. A post hoc Tukey's HSD test revealed that the black target was scored significantly higher than the white target, $p = .016$.

In addition, the crime of failure to pay child support revealed participant racial differences of marginal significance, $F(1, 142) = 3.44$, $p = .066$, with non-white participants giving a much higher mean score to the black target than to the Hispanic or white targets. Non-white participants also gave marginally significant higher mean scores to black and white targets for the crime of sexually abusing a child, $F(1, 142) = 3.50$, $p = .064$. And, for the crime of rape, non-white participants gave marginally significant higher mean scores to the black and white males, $F(1, 142) = 2.75$, $p = .10$.

In sum, analysis revealed racial differences in responses on the Crime Probability Scale between non-white and white participants for 6 of the 20 crimes investigated, and 3 other crimes produced marginally significant racial differences. The overall pattern for these 9 crimes was for the non-white participants to give significantly higher scores to the minority Hispanic and black targets, and most often the highest scores were given to the black target. In fact, for all 20 crimes the non-white participants gave higher mean scores to the black target than did the white participants. On only 7 of the crimes did the non-white participants give higher mean scores to the Hispanic target than did the white participants. These results may indicate an unexpected negative ingroup bias, a bias by minority participants against minority males. In contrast, white participants tended to give lower scores overall and to show no significant differences among their scores for the three targets. Furthermore, for all 20 crimes the white participants gave lower mean scores to the white target than did the non-white participants, which may indicate a

positive ingroup bias. Table 4 lists mean and standard deviation scores on the Crime Probability Scale for all crimes by participant racial grouping.

Study 2

Data from 144 participants were analyzed. Sixty-five participants (45.1%) were male and 79 (54.9%) were female. The mean age of participants was 22.56 (S.D. = 6.54) with a range of 18 to 53.

Study 2 was conducted to test hypotheses 2 and 3. Hypothesis 2 was that mock jurors would convict Hispanic defendants more often than black or white defendants, on the same evidence, when Hispanic defendants are charged with a Hispanic stereotypic crime. Study 1 indicated that, except for illegal entry into the United States, vehicle theft was the only crime investigated that was a Hispanic stereotypic crime (however, Study 1 also indicated that vehicle theft was a black stereotypic crime, so the expectation was that both Hispanic and black defendants would be convicted more often than white defendants in Study 2). Based upon the results of Study 1, vehicle theft was chosen as the crime used in the case summary read by participants in Study 2. Study 2 produced 24 (16.7%) guilty verdicts and 120 (83.3%) not guilty verdicts.

Data were analyzed by Oneway ANOVA with group (black, white, Hispanic) as the independent variable and the guilt index as the dependent variable. Recall that the guilt index variable was created by multiplying the verdict (1 for guilty and -1 for not guilty) by the confidence in the verdict (0% to 100% confidence), so that the guilt index variable had a possible value ranging from -100 to 100. Results were significant, $F(2, 141) = 4.50, p = .013$. Tukey's HSD post hoc tests revealed that both the black group ($M = -63.70, S.D. = 54.89$) and the Hispanic group ($M = -63.16, S.D. = 50.43$) differed

significantly from the white group ($M = -31.33$, $S.D. = 72.24$), $p = .024$ and $p = .028$ respectively. These results indicate that participants judged all three races of defendants to be not guilty, in general; however participants judged the black and Hispanic defendants to be less guilty than the white defendant. Another way to express this finding is to state that participants judged the white defendant to be less innocent than the black or Hispanic defendants. Table 5 gives the mean and standard deviation scores on the Guilt Index measure.

To test hypothesis 2 in another way, data from the Likelihood That the Defendant Committed the Crime Scale also were analyzed. A Oneway ANOVA was performed with group (black, white, and Hispanic) as the independent variable and scores on the Likelihood That the Defendant Committed the Crime Scale as the dependent variable. The results were not significant, $p > .05$. Therefore the data from Study 2 do not support the second hypothesis.

Hypothesis 3 was that jurors who convict will make more internal attributions than external attributions about the causes of the defendant's criminal behavior when the defendant is convicted of a race stereotypic crime than when he is convicted of a non-race stereotypic crime. Of the 24 guilty verdicts, 6 black defendants, 13 white defendants, and 5 Hispanic defendants were convicted. The Attribution Measure measured internal and external attributions, and only the 24 participants who convicted defendants completed this measure. The Attribution Measure contained two questions; question 1 measured external/situational attributions and question 2 measured internal/character attributions. To test hypothesis 3, two Oneway ANOVAS were run with group (black, white, and Hispanic) as the independent measure and the scores on the

two questions in the Attribution Measure as the dependent variables. Results were not significant for either dependent variable. Therefore the data from Study 2 do not support the third hypothesis. The means and standard deviations of the scores on the two questions from the Attribution Measure are contained in Table 6.

Exploratory Analysis

Just as with Study 1, data were analyzed to see if there were any gender or racial differences in responses on the Guilt Index. A Oneway ANOVA was performed with gender as the independent variable and Guilt Index scores as the dependent variable; no gender differences were found, $p > .05$.

As in Study 1, the racial makeup of the sample was divided into white and non-white participants. There were 73 (50.7%) white participants and 71 (49.3%) non-white participants. A Oneway ANOVA was performed with the two categories of race as the independent variable and Guilt Index scores as the dependent variable; no racial differences were found, $p > .05$.

CHAPTER 5

DISCUSSION AND RECOMMENDATIONS

Study 1

The results of the first study disagreed with most of the past research on race stereotypic crimes. According to prior research, white stereotypic crimes are white collar crimes in general, such as embezzlement (Sunnafrank & Fontes, 1983; Gordon et al., 1988; Gordon, 1990, Gordon, 1993; Gordon & Anderson, 1995; Gordon et al., 1996; Esqueda, 1997; Jones & Kaplan, 2003), forgery (Gordon et al., 1996; Esqueda, 1997), fraud (Gordon, 1996; Esqueda, 1997), and tax evasion (Esqueda, 1997). Study 1 identified no white stereotypic crimes. Study 1 investigated three crimes normally considered to be white collar crimes: embezzlement, tax evasion, and identity theft. For the crime of embezzlement the means on the Crime Probability Scale were in the expected direction, with the white target having the highest mean score, but the mean scores of the three targets were not significantly different. For tax evasion, the Hispanic target had the highest mean, followed by the white target then the black target. For identity theft, the white target had the highest mean followed by the Hispanic target then the black target, but again the three targets did not differ significantly. For the composite variable of White Collar Crimes, the white target had the highest mean score followed by the Hispanic target then the black target, but the mean scores of the three racial groups did not differ significantly.

Past research suggests that violent crimes in general are black stereotypic crimes. Previously identified black stereotypic crimes are: assault (Sunnafrank & Fontes, 1983; Gordon, 1993), burglary (Gordon et al., 1988); Gordon, 1990; Gordon & Anderson,

1995), vehicle theft (Esqueda, 1997; Jones & Kaplan, 2003), rape (Gordon et al., 1996; Esqueda, 1997), homicide (Gordon et al., 1996; Esqueda, 1997), shoplifting (Esqueda, 1997), robbery (Gordon et al., 1996), and violent crimes in general (Esqueda, 1997). Study 1 investigated the violent crimes of murder, assault and battery, robbery, and rape. The results of Study 1 agreed with past research only to the extent of identifying robbery as a black stereotypic crime. Murder, assault and battery, and rape were not stereotypic for any of the three races explored in Study 1, although for all three of these crimes the means were in the expected direction with the black target having the highest mean score on the Crime Probability Scale. For the composite variable of Violent Crimes, the black target had the highest mean score followed by the white target then the Hispanic target, but the mean score differences for the three targets were not significant.

Only a few researchers have attempted to identify race stereotypic crimes for Hispanics. Past research has found some Hispanic stereotypic crimes: assault (Bodenhausen, 1985; Bodenhausen & Lichtenstein, 1987; Bodenhausen, 1988; Bodenhausen, 1990; Esqueda, 1997), robbery (Gordon et al., 1996; Jones, 1997), murder (Esqueda, 1997; Jones, 1997), shoplifting (Esqueda, 1997), vehicle theft (Esqueda, 1997), rape (Esqueda, 1997), drug use and possession (Esqueda, 1997). Study 1 explored many of these same crimes: assault and battery, robbery, murder, rape, shoplifting, drug crimes, and vehicle theft. The results of Study 1 agreed with past research on Hispanic stereotypic crimes only with respect to vehicle theft, and even for this crime the mean score for the Hispanic target was lower than the mean for the black target, making vehicle theft both a black and Hispanic stereotypic crime. For most of the other supposedly Hispanic stereotypic crimes the mean scores were not even in the expected direction. For

assault and battery, robbery, shoplifting, and sale, manufacture, or distribution of a controlled substance, the means for the Hispanic target were lower than the means for the black target and higher than the means for the white target. For murder and possession and use of a controlled substance the means for the Hispanic target were lower than the means for both the black and white targets. For the composite variables of Property Crimes and Drug Crimes, the means for the Hispanic target fell between the means for the black target (highest) and the white target (lowest). Data from Study 1 did reveal two previously undiscovered Hispanic stereotypic crimes: welfare fraud and illegal entry into the United States.

Study 2

The results of Study 2 appear inconsistent with the results from Study 1. Study 1 supported the conclusion that vehicle theft was a black and Hispanic stereotypic crime. Esqueda (1997) and Jones and Kaplan (2003) previously concluded that automobile theft was a Hispanic stereotypic crime. Therefore the results of Study 1 and the results of past research would lead to the expectation that in Study 2 the black and Hispanic defendants would be convicted more often than the white defendant. However, data from Study 2 suggest that vehicle theft is not a race stereotypic crime, and that white males are perceived to be more likely to commit vehicle theft than black or Hispanic males. In fact, of the 24 guilty verdicts in Study 2, the white defendant was convicted 13 times while the black defendant was convicted only 6 times and the Hispanic defendant only 5 times.

Inconsistencies in the Research

Juror research often produces apparently inconsistent results (Bornstein, 1999; Devine, Clayton, Dunford, Seying, & Pryce, 2001; Diamond, 1997). These

inconsistencies probably are caused by the great variety of methodologies employed by researchers. Results may be affected by the differences in the variables the researchers choose to manipulate or not manipulate, differences in the strength of the manipulations, differences in the stimuli used (the degree of realism), differences in the dependent measures employed, differences in the characteristics of the samples, differences in the strength of the evidence presented, differences in the amount and nature (positive or negative) of the information presented about the defendant, differences in the statistical tests used (correlations or experimental), and many other methodological factors that vary among studies. A brief comparison between the methodology used in Studies 1 and 2 and the methodologies used by some past race stereotypic crime researchers will demonstrate why the results of Studies 1 and 2 differ so much from past research on this topic.

Dependent Measures

Sunnafrank and Fontes (1983) performed the grandfather study on race stereotypic crimes; they formulated and defined the concept. They proposed no hypotheses for this study. They presented their participants with a list of 10 different crimes and 10 photographs of males (5 white and 5 black). Participants were told that each of the 10 men pictured had committed a crime, and participants were asked to match the photographs to the crimes. No statistical tests were conducted. Therefore this study explored 10 crimes and two races. However, the matching task was very unrealistic (participants were told that all 10 targets were guilty criminals) and limited the number of crimes that could be attributed to each target. In addition, the physical attractiveness of the targets may have been a confounding factor (the photographs were taken from wanted

posters). This study was not experimental, and the methodology was very weak. Nevertheless the results were accepted by later researchers and laid the foundation for the concept of race stereotypic crimes.

After Sunnafrank and Fontes (1983), researchers continued to investigate race stereotypic crimes but often they used methods and measures that are inappropriate and unrealistic. Many researchers used the mock juror/jury paradigm to try to discover race stereotypic crimes. Bodenhausen and Wyer (1985) had participants determine the punishment to be awarded to the offender and make recommendations for parole; real jurors do not perform either of these tasks. In 1988 Bodenhausen had participants rate the guilt of the defendant on an 11 point scale, again an unrealistic measure because real jurors must make a dichotomous choice.

Gordon and his associates (1988) had their participants rate the severity of the crime, the amount of bail, and the length of the jail sentence. In 1990, 1993, and 1995 Gordon asked the participants to determine the length of jail sentence, the amount of time to be served prior to parole, and the likelihood that the defendant would reoffend, or the amount of bail. In real life jurors do not make any of these decisions. In 1996 Gordon and his colleagues had participants rank order 14 different crimes under each of 5 races listed across the top of a page, then compared his results to the FBI's Uniform Crime Report numbers for arrests (not convictions) by race. Gordon is one of the primary researchers of the race stereotypic crime concept, but he routinely employs unrealistic and insensitive measures.

Esqueda (1997) attempted to explore the concept of race stereotypic crimes by giving her participants 5 sheets of paper; at the top of each sheet was the name of a racial

group of males (African American males, Native American males, Asian American males, Hispanic American males, and European American males), and on each sheet 21 different crimes were listed. Participants were instructed to write either yes or no by each of the 21 crimes to indicate the participants' belief that the named group does commit that crime. This measure appears to be very insensitive and very confusing. It is a dichotomous measure, and the instructions to the participants seem very ambiguous. It is impossible to determine what criteria participants used in making their decisions and marking the measure. In another study done in 1997, Esqueda and Swanson asked their participants to rate the suspect's culpability for the alleged offense and the recommended sentence; both measures are unrealistic and do not reflect how jurors operate in the real world.

Jones (1997) and Jones and Kaplan (2003) used a dichotomous measure, guilty or not guilty, and a continuous measure, a rating of confidence in the verdict on an 11 point scale. The dichotomous measure is realistic and the continuous measure is sensitive. However, the researchers did not attempt to combine the two measures (as was done in Study 2) to produce a continuous scale rating the culpability of the defendant. Therefore they did not have an overall sensitive measure of guilt or innocence, like the Guilt Index used by the author in Study 2.

The measures used in Study 1 and Study 2 were more sensitive, were continuous, and were more realistic than the measures used by most past researchers of race stereotypic crimes. Recall that a race stereotypic crime is a crime that most people tend to associate with a certain race, a crime that most people tend to believe is more likely to be committed by members of one race rather than members of other races. Study 1

measured this concept directly by asking participants to rate the probability, on a scale of 0% to 100% with 5% intervals, that the target male would commit each of 20 listed crimes. The targets were clearly identified by an ethnically appropriate name and specifically by race. No photographs were used so physical attractiveness could not be a confounding variable. The only other information given about the target was his age (22), and his height and weight; therefore there was no personal information about the target that could influence the participants' judgment. The participants had nothing upon which to base their judgments except their own racial stereotypes. This was a pure measure of the degree of association between race and crime for young males of the three target races. This measure was very sensitive with 20 choice points and a complete range of probability from 0% to 100%. The Crime Probability Scale is superior to all measures used in the past to identify race stereotypic crimes.

In Study 2 a realistic measure, a dichotomous verdict measure, was used along with a continuous measure of the participants' confidence in their judgments. These two measures were combined by multiplying their scores to create a sensitive yet realistic index of guilt. This type of measure was used by Kassin and Wrightsman (1979), and it was recommended by Diamond (1997) to counter the common criticism of juror research that it uses inappropriate dependent measures.

Experimental Stimuli

Past juror researchers have used a variety of stimuli including written police reports, written case summaries, audio recordings of mock trials, and video recordings of mock trials. Audio and video recording of mock trials are rarely used because of the time and expense required for their preparation. Most past researchers have used written case

summaries of various lengths and various degrees of realism. Some researchers have eschewed stimuli completely and simply told their participants that the targets/suspects/defendants were guilty; this practice makes their research very unrealistic because the principal duty of jurors is to determine guilt or innocence. If the participants are instructed that the defendant is guilty then the participants are no longer functioning as jurors.

A brief review of the stimuli used by past researchers will demonstrate how inadequate many of these stimuli were. As mentioned above, Sunnafrank and Fontes (1983) used photographs of black and white males taken from wanted posters, and the participants were told that the targets had committed crimes. The researchers did make an attempt to balance the general physical characteristics of the black and white targets, but no attempt was made to rate the photographs for attractiveness as compared with the general population, so it is quite possible that physical attractiveness was a confounding variable (especially considering the quality of wanted poster photographs).

Bodenhausen and Wyer (1985) gave their participants case files to read. These files appear to have been rather short, something like an employee disciplinary record, and the participants were told that the employee had committed the work-related infraction. In 1987 Bodenhausen and Lichtenstein gave their participants a booklet to read; the booklet contained some unspecified amount of information about a hypothetical criminal trial. It is impossible to determine how realistic this summary of a criminal case may have been. In 1988 Bodenhausen again gave his participants a booklet to read; the booklet contained some background information on the defendant and various items of evidence, but again it is impossible to determine how realistic the booklet's depiction of a

criminal trial really was. In two 1990 studies Bodenhausen gave his participants a written summary of evidence from supposedly real trials, and the participants also were told the ostensible results of the trial, either a guilty or a not guilty verdict. This is not a realistic way to present a case to participants who are supposed to function as jurors. Bodenhausen is another primary researcher of race stereotypic crimes, and he repeatedly used stimuli that appear to be unrealistic because they are nothing more than short written summaries of evidence. A written summary of a criminal case can be made realistic by including all the essential elements of a real trial presented in the format of a real trial, but Bodenhausen did not strive for realism in his stimuli.

Another prominent researcher of race stereotypic crimes is Gordon. In his 1988 study his stimuli were very brief (three paragraphs) written descriptions of a crime that concluded with a statement that the defendant was guilty. In 1990 Gordon re-used these same stimuli for another study. In 1993 Gordon gave his participants an even shorter written description of a crime followed by 13 items of evidence and a statement that the defendant had pled not guilty. Gordon changed the presentation method of his stimulus in 1995. In this study he used the same brief descriptions of crimes he had used in some of his previous studies, and again he told his participants that the defendant was guilty, but this time he presented the stimulus materials on a computer screen instead of on paper. In 1996 Gordon simply gave his participants a piece of paper with 5 racial categories listed across the top of the page and 14 crimes listed under each racial category; participants were instructed to rank order the 14 crimes under each race from 1 (the crime committed most often) to 14 (the crime committed least often). Of all the stimuli used by Gordon the one used in his last study is the best because it consists only

of a plain identification of a racial category, thereby giving the participants no criteria for judgment except their own personal stereotype biases (although the dependent measure of rank ordering is weak).

Esqueda (1997), like Gordon (1996), simply listed racial categories as her stimulus; but also like Gordon (1996) she used an insensitive and unrealistic measure by instructing her participants to mark either yes or no for 14 crimes listed under each racial category. Her stimulus was appropriate but her measure was inappropriate. In another 1997 study Esqueda used a different stimulus. This time she had participants read a police Standard Offense Report that contained demographic information and a narrative report by the investigating officer describing the allegations of the victim. This is completely unrealistic; jurors in real trials never see police reports, and evidence is never presented in this manner.

Melinda Jones (1997) gave her participants a 4 page booklet to read. The booklet contained some demographic information about the defendant, 14 items of evidence previously used by Bodenhausen (1988) in one of his studies, and summaries of the prosecution and defense cases including the summarized account of an eyewitness. This is a very short written stimulus, but it does contain at least some parts of a real trial, such as the summarized report of an eyewitness; it is impossible to determine how realistically the prosecution and defense cases were presented.

Christopher Jones and Martin Kaplan (2003) gave their participants a two page case summary to read. There were three versions of the case summary, but it is impossible to determine how detailed these case summaries were. The researchers also gave the participants instructions on reasonable doubt, but the standard of reasonable

doubt was one of the variables manipulated and there were 3 different versions of the reasonable doubt instruction, so at least 2 and possibly all 3 versions were not realistic.

In summary, the primary researchers of the race stereotypic crime concept have been lax in the creation of their stimuli. None have used audio or video recordings. Most used very brief written stimuli or police reports. It appears that none have attempted to present cases in a realistic format. The stimuli used in Study 1 and Study 2 are superior to the stimuli used by past race stereotypic crime researchers.

In Study 1 the stimuli was simply the ethnically appropriate name and race of the target. Gordon (1996) used much the same stimulus in his last study and Esqueda (1997) also used the same stimulus in one study. This stimulus provides a pure measure of racial stereotypes because it does not provide any other information about the targets that could influence the participants' judgment, thus forcing them to rely solely on their personal stereotypes to make their decisions.

In Study 2 the stimulus was an 11 page (single spaced) summarized record of a criminal trial for vehicle theft. It contained all the essential elements of a real trial in their correct sequence: opening statements of the prosecution and defense, the prosecution's case in chief with the summarized direct and cross examination of identified prosecution witnesses and the introduction of prosecution exhibits, the defense case in reply with summarized direct and cross examination of identified defense witnesses, the prosecution case in rebuttal with the summarized direct and cross examination of a prosecution witness, closing arguments of the prosecution and defense attorneys in the correct order, and real Nevada jury instructions on the elements of the trial, the burden of proof, the standard of proof (beyond a reasonable doubt), and jury

procedures. This was a very detailed and realistic case summary of a hypothetical but perfectly plausible trial. Even the format followed the format of a real summarized record of trial. Most participants took about 45 minutes to read the stimulus. After they read the case summary it was taken from them, except for the jury instructions, so that they were forced to rely on their memory of what they had read when they rendered their verdict, just as in a real trial where jurors have to rely on their memories of what they saw and heard during the trial in reaching their verdict. The stimulus used in Study 2 was immensely more realistic than any of the stimuli used by past race stereotypic crime researchers, and superior to the stimuli used by most other juror researchers.

Sample Size and Characteristics

The samples used in Study 1 and Study 2 were comparable to the samples used by past race stereotypic crime researchers. All past studies used the convenience sample of students. Some past studies used fewer and some used more participants than Study 1 and Study 2. Sunnafrank and Fontes (1983) used 78 college students. Bodenhausen and his colleagues used 28 and 84 participants in two 1985 studies, 104 and 40 in two 1987 studies, 90 and 30 in two 1988 studies, and 120 and 120 in two 1990 studies. Gordon and his associates used 56 participants in a 1988 study, 96 in a 1990 study, 144 in a 1993 study, 216 in a 1995 study, and 224 in a 1996 study. Esqueda used 80 white college students and 277 white college students in her two 1997 studies. Jones used 104 white college students in her 1997 study. Jones and Kaplan used 360 white students in their 2003 study. In every study except one, females predominated over males in the samples; in one study the number of females and males was equal (Bodenhausen and Sunnafrank and Fontes failed to give the gender breakdown of their samples). In studies where the

racial breakdown of the samples was given whites constituted the majority except in one study where the number of white and black participants was equal.

Study 1 had 143 college student participants, 102 female and 41 male. Study 2 had 144 college student participants, 79 female and 65 male. In Study 1 whites constituted 43.4% and Asians 22.4% of the sample. In Study 2 whites constituted 50.7% and Asians 16% of the sample. The samples used in Studies 1 and 2 appear to have been more racially diverse than samples used in past research and to have contained more Asians than any past sample. Therefore the samples used in Studies 1 and 2 are generally the same as samples used by past researchers with regard to age and gender, but probably differ from prior samples in their racial composition. It is possible that differences in the racial makeup of the samples could account for at least some of the differences between the results of the present research and prior research. Analysis revealed that non-white participants in Study 1 invariably viewed minority targets, especially the black target, as more criminally inclined than the white target (see the above discussion of racial differences in responses). However, analysis revealed no racial differences in participants' responses in Study 2.

Apparent Contradiction between the Results of Studies 1 and 2

Study 1, in agreement with past research, definitely supported the conclusion that vehicle theft was a black and Hispanic stereotypic crime. However, the results of Study 2 definitely suggest that vehicle theft is a non-stereotypical crime. In Study 2 the black and Hispanic defendants were convicted less often than white defendant, and participants viewed the black and Hispanic defendants as more innocent than the white defendant. There are several possible explanations for this discrepancy in results.

Possibly Unbalanced Stimulus in Study 2

Research strongly supports the conclusion that the strength of the evidence is the most important factor in juror decision making. The strength of the evidence used in a stimulus must be carefully balanced because, if it is not, strength of evidence may mask or overwhelm other biasing factors that might affect juror decision making (Devine, Clayton, Dunford, Seying, & Pryce, 2001).

For Study 2 the author made an effort to balance the strength of the evidence in the stimulus to produce an approximately equal number of guilty and not guilty verdicts. The author wrote the stimulus based on his legal training and years of experience as a trial attorney. The case summarized in the stimulus is hypothetical but completely realistic. The standard of proof for conviction in a criminal trial is beyond a reasonable doubt. In other studies performed by the author he determined that most people consider the threshold for conviction to about 90% certainty of guilt, that is, jurors would have to be 90% certain of guilt before they would vote to convict. Therefore the author tried to balance the evidence to favor the prosecution without making the evidence for conviction so strong as to be overwhelming, so that about half the participants would vote to convict and about half would vote to acquit. After writing the stimulus the author performed a pilot study with a graduate psychology class to test the stimulus; the results of this pilot study led the author to revise the stimulus to strengthen the prosecution case. The author then gave the revised stimulus to his research assistants and received their opinions on the guilt or innocence of the defendant. Based on the feedback from his research assistants the author again made some changes to the stimulus to strengthen the prosecution case slightly. Finally the author believed that he had achieved a properly balanced stimulus

that would produce about an equal number of guilty and not guilty verdicts from the participants. However, in Study 2 the participants gave far more acquittals than convictions.

The social attractiveness of the defendant may have been a confounding factor that unbalanced the stimulus and contributed to the excess of not guilty verdicts. Social attractiveness includes such characteristics as socio-economic status (SES), employment record, marital status, religious practices, and education level. Social attractiveness is recognized as a factor that can influence juror decision making. Jurors generally are more lenient with socially attractive defendants (Baumeister & Darley, 1982; Egbert, Moore, Wuensch, & Castellow, 1992; Landy & Aronson, 1969; Nemeth & Sosis, 1973). In Study 2 the author attempted to make the defendant neutral in social attractiveness. However, upon reflection, it is possible that at least some of the participants considered the defendant to be socially attractive. The defendant was a high school graduate who was saving money for college, and he had a positive employment record. These facts alone may have made the defendant appear socially attractive to some participants and may have affected their verdicts.

It also is possible that the weight of the prosecution's evidence simply was insufficient to convince most participants of the defendant's guilt. Data from the Likelihood That the Defendant Committed the Crime Scale were analyzed using a Oneway ANOVA, with the independent variable being group (black, white, or Hispanic) and the dependent variable being the scores on this measure. There were no significant differences between groups, $p > .05$. An examination of the group means and the total mean reveals that most participants considered the prosecution case to be much too weak

to justify conviction. The mean scores were 32.60 (S. D. = 24.00) for the black defendant, 41.56 (S. D. = 28.06) for the white defendant, and 36.12 (S. D. = 24.71) for the Hispanic defendant, and the overall mean was 36.60 (S. D. = 25.65). These low mean scores on the Likelihood That the Defendant Committed the Crime Scale suggest that the stimulus was not balanced properly and that the prosecution case was too weak to convince many participants to convict. An improperly balanced stimulus would be a confounding factor that could weaken or completely mask the biasing effects of racial stereotypes regarding crimes.

Political Philosophy of the Participants in Study 2

It is possible that the political views of the participants in Study 2 affected their verdicts. Jurors with more liberal political beliefs generally are considered to be more favorable to the defense in a criminal trial and more lenient with minority defendants (based upon the author's personal experience as a trial attorney). All participants in Study 2 completed a Political Philosophy Scale. The mean score was 3.61 (S. D. = 1.35). The median and mode were both 4 (moderate). The average participant's political philosophy was about halfway between slightly liberal (3) and moderate (4). The average college student probably is a little more liberal in his/her politics than the average real juror, but it appears that the students in this sample were only slightly liberal, not at all extreme, in their political beliefs. It is unlikely that the political philosophy of the sample affected the results of Study 2 in any significant way. Of course it is possible that the Political Philosophy Scale does not measure the construct of political philosophy accurately. This is the first time this scale has been used in an experiment, and there are no reliability or validity data for this scale.

Racial Makeup of the Samples of the Two Studies

As discussed above, there were racial differences in participants' responses in Study 1 but not in Study 2. In Study 1 there were 81 white participants and 62 non-white participants; in Study 2 there were 73 white participants and 71 non-white participants. In Study 1 non-white participants evidenced a bias against non-white targets on 6 of the 20 crimes, while white participants appeared to show a favorable (but not statistically significant) bias towards the white target on every crime. Data from Study 2 did not demonstrate any racial differences in participants' responses. It is possible that the different racial composition of the two samples may explain the apparently contradictory results, but this is speculation and would need to be investigated in future studies.

Methodological Differences between Study 1 and Study 2

Both studies explored the same concept – race stereotypic crimes – but used two different methods. Study 1 used a scale; Study 2 used a mock juror design with a lengthy and detailed stimulus. It is possible that the differences in methodology may account for the apparent differences in the outcomes of the two studies. In Study 1 the participants had no meaningful information about the target except for his race; therefore participants had to rely exclusively on their personal racial stereotypes in making their decisions. In Study 2 the mock juror design provided participants with much more information about the defendant and provided a much more realistic framework for decision-making, which may have cured whatever natural biases might have existed among participants at the beginning of Study 2. Again this is speculation, but this possibility could be explored in future studies.

Limitations and Strengths of Studies 1 and 2

Critics of mock juror/jury research emphasize several weaknesses found in most of the studies. The criticisms usually fall into the following categories: sampling, stimuli, deliberations, dependent variables, and external validity (Weiten & Diamond, 1979).

Sampling

Critics complain about the routine use of college students rather than the venire (the pool of jury eligible citizens from which jurors are drawn) as participants. The argument is that college students are less mature, more subject to peer pressure or normative pressure, and are better at most cognitive tasks than older venire members. College students may be better at following complex judge's instructions, or they may have fewer or weaker biases because of the changes in societal attitudes over the last generation. Therefore college students may perform differently than real jurors, and the use of college students may underestimate the biases of real jurors or overestimate the ability of real jurors to understand complex evidence or judge's instructions. On the other hand, college students in a laboratory setting may be less motivated at their task than real jurors in a real trial where verdicts have real world consequences.

Both Study 1 and Study 2 used the convenience sample of undergraduate students, and so both studies are subject to this criticism. Nevertheless, most psychology and law studies use this kind of sample. Indeed, the use of venire members as participants is the exception, not the rule, in this type of research. It is much more expensive, time consuming, and difficult to recruit venire members for a sample. All the past researchers of race stereotypic crimes have used college students as participants.

Furthermore, some research shows that the results of juror/jury studies are the same regardless of which kind of sample is used (Bornstein, 1999; Diamond, 1997).

Stimuli

Study 1 used a scale created by the author to explore the concept of race stereotypic crimes and to identify which crimes are race stereotypic and which are not. Past researchers have attempted to identify race stereotypic crimes by using matching tasks, listing tasks, yes or no responses, or the mock juror/jury paradigm. When the mock juror/jury paradigm was used, only one or two crimes could be investigated in each experiment. Furthermore, prior studies that used the mock juror/jury paradigm were limited by the design in the number of races that could be compared so that only two races could be compared against each one in any one study. Most prior studies of race stereotypic crimes compared only whites against blacks, although a few did comparisons that included Hispanics, Asians, American Indians, or a nondescript target (no race given). No prior researchers ever attempted to use a scale to measure race stereotypic crimes.

Psychology routinely uses scales to measure almost every kind of concept, principle, attitude, belief, or characteristic. There is no reason why the concept of race stereotypic crimes should not be measured with a scale. The Crime Probability Scale was created by the author precisely for this purpose. It compared the three major racial groups in the United States today – whites, Hispanics, and blacks. The scale easily could be adapted to investigate race stereotypic crimes for other races, and to make whatever racial comparisons a researcher desired including comparisons of multiple races in one study. The Crime Probability Scale investigated 20 different crimes quickly and

efficiently; the scale easily could be modified to investigate any other crime and any number of crimes. Unlike past measures, the Crime Probability Scale is very sensitive, measuring probability from 0% to 100% with 5% intervals, giving participants 20 choice points. Finally, the Crime Probability Scale gives a pure measure of racial bias because participants are given no other information about the target except for his race; when the mock juror/jury paradigm is used, participants receive other personal information about the targets that may increase or decrease the participants' racial bias. These features make the Crime Probability Scale superior to all prior measures of race stereotypic crimes.

One possible weakness of the Crime Probability Scale is that the cognitive task it requires may be too difficult for participants. Participants are asked to judge a target person completely out of context; no relevant information about the target is supplied except for his name and race. Participants may find it impossible to judge a hypothetical person without a situational background. If this were the case, participants might mark the target as having 0% probability of committing every crime. This did not occur; no subject marked 0% for every crime on the scale.

Another potential problem with the crime Probability Scale is that it may be transparent, that is, the purpose of the scale may be too obvious. Participants may recognize that the purpose of the scale is to evaluate racial bias, and because the expression of racial bias is socially undesirable they may try to respond in such a way as to conceal any racial bias they might have. In Study 1 twelve participants marked 50% for all 20 crimes. The data from these twelve participants were not used because of the possibility that they had guessed the premise of the study and were not responding

naturally. Esqueda (1997) and Gordon (1996) used a very similar stimulus; they simply listed racial categories and asked participants to evaluate the population of the categories. Neither discussed the possibility that their stimulus was too obvious or that their participants may have guessed their premise and responded falsely. This is a potential concern that can be resolved by further examination of the reliability and validity of the Crime Probability Scale.

Study 2 employed a completely different design from Study 1 and therefore used a different stimulus. In Study 2 the stimulus was a written case summary. Even the best simulations cannot reproduce all the complexities, length, and uncontrollable variables of a real trial. Nevertheless, some stimuli are better than others. A video of a simulated trial, with actors playing all the key roles and containing all the essential parts of a trial, is the gold standard in stimuli for juror/jury research. However, this is rarely used because of the great expense and time and difficulty in preparing such a stimulus. The next best stimulus is an audio tape of a realistic trial with actors reading the parts. Next in preference is a written case summary, and finally written police investigative reports.

Most researchers use a written case summary of variable length and detail. Most of the summaries are quite short, only a few pages, to limit the amount of time participants have to spend reading. Most of these short summaries simply recount the evidence for and against the defendant, and do not present the evidence in a real trial format. In contrast, the case summary used in Study 2 was quite lengthy, 11 pages single spaced. It was organized like a real summarized record of trial. It contained all the essential elements of a real trial: opening statements by the prosecutor and defense attorney, the prosecution case in chief with the direct and cross examination of

prosecution witnesses and the admission of physical evidence, the defense case in reply with the direct and cross examination of defense witnesses, the prosecution case in rebuttal with the direct and cross examination of a prosecution witness, closing arguments by the prosecutor and defense counsel, and judge's instructions that complied with Nevada law. It would be difficult to create a written stimulus more realistic than the one used in Study 2. To the author's knowledge, the written stimulus used in Study 2 was superior to any written stimulus used in any previously published study.

Deliberations

Many mock jury studies do not use deliberations because some research shows that the predeliberation majority vote usually becomes the final verdict after deliberation, and therefore deliberations do not change the outcome in most studies. However, on real juries there may be extensive deliberations before the first ballot is taken, so jurors may change their minds even before they cast their first vote. Also, some research indicates that deliberations may reduce or eliminate individual biases of the jurors. All things, considered, jury research probably should include deliberations to make it more realistic and to explore the possible effects of deliberation on key variables such as biases (Diamond, 1997).

Study 1 was not a mock jury study, and Study 2 was a mock juror study which explores only individual responses, not group responses. Therefore the designs of Studies 1 and 2 precluded the use of deliberations. Nevertheless, Study 2 would have been stronger, more realistic, and could have explored more variables had it been a mock jury study rather than a mock juror study. The difficulty in recruiting participants prevented using the mock jury design for Study 2.

Dependent Variables

Mock juror/jury studies are criticized often for their routine use of unrealistic and inappropriate dependent measures. Researchers commonly use such measures as estimates of the amount of punishment the defendant should receive (fines or prison time), or estimates of gradations of guilt measured on a Likert scale. The extensive shortcomings of the measures used by race stereotypic crime researchers have been discussed thoroughly above. Also, the superiority of the measures used in Studies 1 and 2 has been enumerated above. The two studies reported herein cannot be criticized for their dependent measures. Both studies used appropriate and sensitive measures. Study 2 is especially noteworthy for using a recent innovation in the field of psychology and law, the combination of a dichotomous measure (the guilty/not guilty verdict) with a continuous measure of confidence in the verdict to produce a new continuous and sensitive measure of blameworthiness/guilt.

External Validity

Because of the shortcomings discussed above, critics argue that psychology and law research has poor external validity. They say that scientific psychological research cannot help us understand how the justice system really operates. Laboratory studies are too limited and too different from the real world. In real life, legal outcomes are the products of myriad complex, uncontrolled, and unknowable variables; laboratory studies can control and explore only a few variables.

Attempts have been made to discover if the results of laboratory research does agree with real world outcomes. Psychological scientists use other methods to research the legal system. They interview or conduct surveys of real jurors after trials. They

analyze jury verdicts and trial outcomes from archival sources. And they occasionally do experiments with real juries or at least with participants from the venire. They compare the results of these methods with the results of mock juror/jury studies. And they have found that mock jurors/juries operate much like real jurors/juries, and that the results of mock juror/jury experiments correspond closely to real world results (Devine et al, 2001; Diamond, 1997). Bornstein (1999) reviewed 20 years of jury simulation research in *Law and Human Behavior* and he concluded that, even though 65% of the studies used students as participants and 55% used written stimuli, the results were generally consistent with more realistic research; he believes that jury simulation research probably has satisfactory external validity. In any event, for all its faults, scientific investigations of the justice system are more reliable and trustworthy than traditional nonscientific and non-empirical methods such as armchair philosophizing, anecdotal reports, and speculation.

Summary Evaluation of the Strengths and Weaknesses of Studies 1 and 2

Studies 1 and 2 suffer from the defects of using the convenience sample and not using deliberations. However, most psychology and law studies are subject to this same criticism. Studies 1 and 2 are superior to most prior psychology and law research because they used realistic stimuli as well as sensitive and appropriate measures. The two studies reported herein possess just as much if not more external validity as most other studies in the field.

Recommendations for Future Research

The Crime Probability Scale is a major improvement in the field of race stereotypic crime research. The stimulus is pure and forces responders to base their

judgments solely on their personal biases, because no information about the targets except for race is provided. The percentage scale is sensitive and offers 20 choice points. The format can be adapted easily to explore any number of crimes quickly and efficiently, and it can be modified to give any combination of racial comparisons. The Crime Probability Scale should be used to explore other crimes and other races to discover other race stereotypic crimes. In addition, experiments should be conducted to determine the reliability and validity of this new measure.

Crimes that have been identified by the Crime Probability Scale as race stereotypic should be investigated further by using the mock juror/jury paradigm. The mock juror/jury design is extremely flexible and can be modified to explore the effect of any number of variables on the race stereotypic bias. For example, experiments could seek to discover if providing personal information about the defendant weakens or dissipates the race stereotypic bias, and if so how much and what type of personal information will accomplish this. Will information about the defendant's social and economic status overcome the bias? Will information about the defendant's prior criminal record strengthen the bias? Do judge's instructions cure the bias? What kinds of evidence will impact the bias – witness testimony, scientific evidence such as fingerprint identification or DNA evidence, character testimony, etc. – and how will it impact the bias (increase or decrease it)? Do deliberations really decrease the bias, or increase it, or have no effect? Do samples from different populations possess different race stereotypic biases for different races and different crimes? These and many other questions about race stereotypic crimes could be answered through the used of the mock juror/jury design.

Study 1 revealed gender and racial differences in the race stereotypic crime bias, and these differences should be explored further. Indeed, most of the effects found in Study 1 appear to have been produced by the female participants. To the author's knowledge this is a new discovery; no one has ever explored gender differences in the race stereotypic bias. Does this apparent gender difference in perception of crime stereotypicality extend to only certain crimes or certain types of crimes, or to all crimes? The discovery of racial differences in the race stereotypic bias also was a surprise. Most of the past research in this area used racially homogenous samples (white). Researchers should attempt to recruit large samples of Asian, Hispanic, and black participants and try to determine if different races have different perceptions about crime stereotypicality, and if so do these differences extend only to certain crimes or certain types of crimes or to all crimes. Much remains to be learned about the race stereotypic crime bias.

TABLES

TABLE 1

Mean (Standard Deviation) Scores on the Crime Probability Scale for All Crimes and All Groups

	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
DUI	61.31 (16.56)	55.33 (19.76)	62.87 (21.89)	59.90 (19.60)
Embezzlement	34.00 (18.82)	32.28 (23.89)	38.40 (23.06)	34.90 (21.95)
Vehicle Theft*	47.70 (22.77)	52.72 (28.53)	35.96 (20.79)	45.45 (25.01)
Identity Theft	35.90 (23.68)	34.02 (25.05)	38.09 (24.66)	36.01 (24.33)
Failure To Pay Child Support**	52.60 (21.05)	61.20 (24.06)	49.79 (26.26)	54.44 (23.80)
Making or Possessing Child Pornography	30.30 (21.44)	27.61 (22.48)	37.55 (26.82)	31.82 (23.86)
Sale, Manufacture, or Distribution of a Controlled Substance	53.20 (22.22)	57.72 (24.94)	50.85 (25.05)	53.88 (24.06)
Possession and Use of a Controlled Substance	56.70 (22.76)	63.37 (23.22)	57.23 (23.59)	59.02 (23.21)
Sexually Abusing a Child	31.10 (23.24)	30.22 (24.61)	37.45 (25.77)	32.90 (24.57)
Welfare Fraud*	43.70 (26.57)	39.35 (29.75)	28.72 (23.39)	37.38 (27.23)
Physical Spouse Abuse	48.80 (21.96)	52.39 (25.16)	48.40 (23.89)	49.83 (23.56)
Larceny	48.20 (21.14)	48.91 (26.12)	45.32 (23.09)	47.48 (23.35)
Murder	36.30 (25.57)	44.78 (29.83)	39.15 (25.33)	39.97 (26.98)
Tax Evasion	44.80 (26.58)	34.78 (25.45)	42.45 (24.98)	40.77 (25.86)
Shoplifting	49.20 (21.82)	54.24 (27.51)47	47.34 (21.99)	50.21 (23.85)
Assault and Battery**	48.20 (22.26)	57.89 (27.21)	46.70 (23.60)	50.77 (24.68)
Vehicular Manslaughter	37.00 (24.47)	40.87 (25.68)	41.70 (24.55)	39.79 (24.80)
Robbery*	43.10 (25.29)	52.93 (29.97)	38.30 (22.34)	44.69 (26.53)
Rape	37.70 (25.14)	44.35 (29.24)	42.45 (26.25)	41.40 (26.84)
Illegally Entering the United States*	69.90 (25.04)	14.45 (22.43)	10.96 (19.61)	32.66 (35.40)

*Results were statistically significant at the $p < .05$ level.

**Results were marginally statistically significant at the $p < .10$ level.

TABLE 2

Mean (Standard Deviation) Scores on the Crime Probability Scale for the 4 Composite Crime Categories

Crime Category	Hispanic	Black	White	Total
Violent Crimes	165.30 (88.16)	202.22 (109.72)	166.60 (86.96)	177.43 (95.98)
Property Crimes	145.10 (56.88)	155.87 (73.17)	128.62 (53.03)	143.15 (62.03)
White Collar Crimes	113.37 (55.09)	101.09 (60.25)	118.94 (61.81)	111.23 (59.10)
Drug Crimes	109.90 (41.75)	121.09 (45.76)	108.09 (47.03)	112.90 (44.88)

TABLE 3

Gender Differences in Mean (Standard Deviation) Participant Scores on the Crime Probability Scale for Each Target Group

Driving Under the Influence (significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	51.67 (16.70)	46.88 (21.36)	60.77 (16.94)	52.68 (19.21)
Female	64.34 (15.52)	59.83 (17.59)	63.68 (23.69)	62.79 (19.08)
Total	61.30 (16.56)	55.33 (19.76)	62.87 (21.89)	59.90 (19.60)

Embezzlement (significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	29.17 (19.29)	20.94 (16.45)	33.85 (22.56)	27.44 (19.69)
Female	35.53 (18.67)	38.33 (25.24)	40.15 (23.34)	37.89 (22.19)
Total	34.00 (18.82)	32.28 (23.89)	38.40 (23.06)	34.90 (21.95)

Vehicle Theft (significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	36.67 (26.14)	37.50 (27.93)	35.00 (21.21)	36.46 (24.83)
Female	51.18 (20.78)	60.83 (25.77)	36.32 (20.94)	49.07 (24.28)
Total	47.70 (22.77)	52.72 (28.53)	35.96 (20.79)	45.45 (25.01)

Identity Theft (marginally significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	29.17 (25.57)	20.63 (20.81)	41.15 (25.01)	29.63 (24.61)
Female	38.03 (23.00)	41.17 (24.45)	36.91 (24.80)	38.58 (23.86)
Total	35.90 (23.68)	34.02 (25.05)	38.09 (24.66)	36.01 (24.33)

Failure To Pay Child Support (marginally significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	51.25 (23.07)	49.06 (25.64)	48.08 (24.63)	49.39 (24.01)
Female	53.03 (20.68)	67.67 (20.83)	50.44 (25.83)	56.47 (23.52)
Total	52.60 (21.05)	61.20 (24.06)	49.79 (25.26)	54.44 (23.80)

Making or Possessing Child Pornography (significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	19.58 (19.24)	18.75 (17.84)	36.92 (24.88)	24.76 (21.85)
Female	33.68 (21.20)	32.33 (23.52)	37.79 (27.89)	34.66 (24.14)
Total	30.30 (21.44)	27.61 (22.48)	37.55 (26.82)	31.82 (23.86)

Sale, Manufacture, or Distribution of a Controlled Substance (significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	35.83 (21.93)	43.44 (26.00)	49.62 (20.56)	43.17 (23.29)
Female	58.68 (19.55)	65.33 (21.05)	51.32 (26.84)	58.19 (23.10)
Total	53.20 (22.22)	57.72 (24.94)	50.85 (25.05)	53.88 (24.06)

Possession and Use of a Controlled Substance (significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	42.50 (22.61)	50.31 (26.80)	62.69 (19.75)	51.95 (24.34)
Female	61.18 (21.16)	70.33 (17.91)	55.15 (24.85)	61.86 (22.24)
Total	56.70 (22.76)	63.37 (23.22)	57.23 (23.59)	59.02 (23.21)

Sexually Abusing a Child (significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	23.33 (22.80)	14.37 (17.12)	38.08 (23.85)	24.51 (22.91)
Female	33.55 (23.10)	38.67 (24.00)	37.21 (26.80)	36.27 (24.51)
Total	31.10 (23.24)	30.22 (24.61)	37.45 (25.77)	32.90 (24.57)

Welfare Fraud (significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	36.25 (26.30)	25.63 (22.35)	26.54 (20.04)	29.02 (22.81)
Female	46.05 (26.56)	46.67 (30.91)	29.56 (24.78)	40.74 (28.23)
Total	43.70 (26.57)	39.35 (29.75)	28.72 (23.39)	37.38 (27.23)

Physical Spouse Abuse (significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	40.42 (22.81)	37.19 (22.28)	51.15 (30.90)	42.56 (25.55)
Female	51.45 (21.31)	60.50 (23.02)	47.35 (21.08)	52.75 (22.18)
Total	48.80 (21.96)	52.39 (25.16)	48.40 (23.89)	49.83 (23.56)

Larceny (marginally significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	37.92 (25.89)	38.12 (25.81)	51.92 (21.75)	42.44 (24.88)
Female	51.45 (18.63)	54.67 (24.81)	42.79 (23.39)	49.51 (22.52)
Total	48.20 (21.14)	48.91 (26.12)	45.32 (23.09)	47.48 (23.35)

Murder (marginally significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	27.92 (24.07)	33.75 (33.24)	40.38 (28.54)	34.15 (29.02)
Female	38.95 (25.76)	50.67 (26.58)	38.68 (24.44)	42.30 (25.88)
Total	36.30 (25.57)	44.78 (29.83)	39.15 (25.33)	39.97 (26.98)

Tax Evasion (not significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	39.58 (24.35)	28.75 (24.73)	40.38 (30.65)	35.61 (26.56)
Female	46.49 (27.36)	38.00 (25.65)	43.24 (22.93)	42.87 (25.41)
Total	44.80 (26.58)	34.78 (25.45)	42.45 (24.98)	40.77 (25.86)

Shoplifting (significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	36.25 (25.86)	45.00 (30.22)	46.92 (25.54)	43.05 (27.25)
Female	53.29 (18.97)	59.17 (25.09)	47.50 (20.90)	53.09 (21.84)
Total	49.20 (21.82)	54.24 (27.51)	47.34 (21.99)	50.21 (23.85)

Vehicular Manslaughter (not significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	31.25 (24.60)	30.31 (23.06)	46.15 (25.59)	35.61 (24.80)
Female	38.82 (24.48)	46.50 (25.57)	40.00 (24.31)	41.47 (24.72)
Total	37.00 (24.47)	40.87 (25.68)	41.70 (24.55)	39.79 (24.80)

Assault and Battery (significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	35.00 (20.45)	45.63 (28.75)	48.46 (24.44)	43.41 (25.21)
Female	52.37 (21.40)	64.66 (24.24)	46.03 (23.61)	53.76 (23.94)
Total	48.20 (22.26)	57.89 (27.21)	46.70 (23.60)	50.77 (24.68)

Robbery (significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	27.08 (25.00)	38.44 (33.60)	36.54 (24.19)	34.51 (28.19)
Female	48.16 (23.49)	60.67 (25.15)	38.97 (21.94)	48.77 (24.81)
Total	43.10 (25.29)	52.93 (29.97)	38.30 (22.34)	44.69 (26.53)

Rape (significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	24.17 (21.09)	30.94 (26.28)	38.46 (28.24)	31.34 (25.55)
Female	41.97 (25.03)	51.50 (28.59)	43.97 (25.73)	45.44 (26.39)
Total	37.70 (25.14)	44.35 (29.24)	42.45 (26.25)	41.40 (26.84)

Illegally Entering the United States (marginally significant)

Participant Gender	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
Male	60.42 (28.96)	11.25 (20.45)	8.46 (18.86)	24.76 (32.17)
Female	72.89 (23.30)	16.00 (23.58)	11.91 (20.08)	35.83 (36.28)
Total	69.90 (25.04)	14.35 (22.43)	10.96 (19.61)	32.66 (35.40)

TABLE 4

Participant Racial Differences in Mean (Standard Deviation) Scores on the Crime Probability Scale for Each Group

Driving Under the Influence (not significant)

Participant Racial Group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	60.26 (15.77)	53.80 (21.76)	57.22 (28.45)	56.77 (22.20)
Non-white Participants	61.94 (17.26)	57.14 (17.43)	66.38 (16.20)	62.28 (17.10)
Total	61.30 (16.56)	55.33 (19.76)	62.87 (21.89)	59.90 (19.60)

Embezzlement (significant)

Participant Racial Group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	34.74 (20.10)	26.60 (21.35)	30.83 (27.24)	30.32 (22.74)
Non-white Participants	33.55 (18.31)	39.05 (25.48)	43.10 (19.06)	38.40 (20.79)
Total	34.00 (18.82)	32.28 (23.89)	38.40 (23.06)	34.90 (21.95)

Vehicle Theft (not significant)

Participant Racial Group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	47.89 (19.74)	47.20 (27.50)	32.50 (24.09)	43.15 (24.93)
Non-white Participants	47.58 (24.76)	59.29 (29.00)	38.10 (18.58)	47.22 (25.09)
Total	47.70 (22.77)	52.72 (28.53)	35.96 (20.79)	45.45 (25.01)

Identity Theft (not significant)

Participant Racial Group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	37.37 (24.52)	30.20 (22.29)	30.56 (23.38)	32.50 (23.15)
Non-white Participants	35.00 (23.52)	38.57 (27.85)	42.76 (24.66)	38.70 (25.01)
Total	35.90 (23.68)	34.02 (25.05)	38.09 (24.66)	36.01 (24.33)

Failure To Pay Child Support (marginally significant)

Participant Racial Group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	51.84 (20.76)	53.00 (22.03)	48.06 (28.08)	51.21 (23.29)
Non-white Participants	53.06 (21.55)	70.95 (23.16)	50.86 (23.80)	56.91 (24.03)
Total	52.60 (21.05)	61.20 (24.06)	49.79 (25.26)	54.44 (23.80)

Making or Possessing Child Pornography (not significant)

Participant Racial Group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	33.95 (21.51)	25.00 (19.26)	28.33 (21.21)	28.71 (20.55)
Non-white Participants	28.06 (21.44)	30.71 (25.95)	43.28 (28.64)	34.20 (25.99)
Total	30.30 (21.44)	27.61 (22.48)	37.55 (26.82)	31.82 (23.86)

Sale, Manufacture, or Distribution of a Controlled Substance (not significant)

Participant Racial Group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	55.79 (21.10)	51.80 (23.89)	47.22 (27.13)	51.69 (23.92)
Non-white Participants	51.61 (23.07)	64.76 (24.87)	53.10 (23.88)	55.56 (24.17)
Total	53.20 (22.22)	57.72 (24.94)	50.85 (25.05)	53.88 (24.06)

Possession and Use of a Controlled Substance (not significant)

Participant Racial group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	59.74 (22.51)	57.00 (24.54)	53.61 (27.80)	56.85 (24.65)
Non-white Participants	54.84 (23.08)	70.95 (19.47)	59.48 (20.76)	60.68 (22.06)
Total	56.70 (22.76)	63.37 (23.22)	57.23 (23.59)	59.02 (23.21)

Sexually Abusing a Child (marginally significant)

Participant Racial Group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	32.89 (21.49)	22.60 (19.59)	31.67 (25.26)	28.39 (22.10)
Non-white Participants	30.00 (24.53)	39.29 (27.26)	41.03 (25.86)	36.36 (25.91)
Total	31.10 (23.24)	30.22 (24.61)	37.45 (25.77)	32.90 (24.57)

Welfare Fraud (not significant)

Participant Racial Group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	45.26 (26.59)	35.40 (28.28)	24.72 (23.61)	35.32 (27.25)
Non-white Participants	42.74 (26.95)	44.05 (31.45)	31.21 (23.32)	38.95 (27.28)
Total	43.70 (26.57)	39.35 (29.75)	28.72 (23.39)	37.38 (27.23)

Physical Spouse Abuse (significant)

Participant Racial Group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	47.37 (22.63)	44.40 (23.82)	44.17 (27.45)	45.24 (24.22)
Non-white Participants	49.68 (21.87)	61.90 (23.85)	51.03 (21.48)	53.33 (22.57)
Total	48.80 (21.96)	52.39 (25.16)	48.40 (23.89)	49.83 (23.56)

Larceny (not significant)

Participant Racial Group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	53.16 (21.49)	42.20 (24.33)	44.44 (28.85)	46.21 (24.97)
Non-white Participants	45.16 (20.68)	56.90 (26.48)	45.86 (19.23)	48.46 (22.15)
Total	48.20 (21.14)	48.91 (26.12)	45.32 (23.09)	47.48 (23.35)

Murder (significant)

Participant Racial Group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	35.00 (24.89)	37.20 (27.12)	31.67 (26.62)	34.92 (25.98)
Non-white Participants	37.10 (26.36)	53.81 (31.02)	43.79 (23.78)	43.83 (27.25)
Total	36.30 (25.57)	44.78 (29.83)	39.15 (25.33)	39.97 (26.98)

Tax Evasion (not significant)

Participant Racial Group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	46.11 (27.95)	32.80 (24.88)	38.61 (26.17)	38.44 (26.34)
Non-white Participants	44.03 (26.19)	37.14 (26.53)	44.83 (24.37)	42.53 (25.52)
Total	44.80 (26.58)	34.78 (25.45)	42.45 (24.98)	40.77 (25.86)

Shoplifting (not significant)

Participant Racial Group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	54.47 (17.79)	44.00 (24.41)	44.17 (23.84)	47.26 (22.57)
Non-white Participants	45.97 (23.64)	66.43 (26.46)	49.31 (20.95)	52.47 (24.69)
Total	49.20 (21.82)	54.24 (27.51)	47.34 (21.99)	50.21 (23.85)

Assault and Battery (significant)

Participant Racial Group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	47.89 (19.24)	48.12 (26.16)	43.06 (27.18)	46.56 (24.25)
Non-white Participants	48.39 (24.24)	69.05 (24.42)	48.97 (21.27)	53.95 (24.67)
Total	48.20 (22.26)	57.89 (27.21)	46.70 (23.60)	50.77 (24.68)

Vehicular Manslaughter (significant)

Participant Racial Group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	33.16 (23.11)	33.40 (24.61)	40.28 (27.84)	35.32 (24.94)
Non-white Participants	39.35 (25.36)	49.76 (24.57)	42.59 (22.74)	43.21 (24.29)
Total	37.00 (24.47)	40.87 (25.68)	41.70 (24.55)	39.79 (24.80)

Robbery (significant)

Participant Racial Group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	46.84 (25.01)	41.60 (26.13)	33.33 (20.79)	40.81 (24.53)
Non-white Participants	40.81 (25.60)	66.43 (29.16)	41.38 (23.06)	47.65 (27.74)
Total	43.10 (25.29)	52.93 (29.97)	38.30 (22.34)	44.69 (26.53)

Rape (marginally significant)

Participant Racial Group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	39.47 (21.92)	37.20 (28.07)	36.39 (28.01)	37.66 (25.92)
Non-white Participants	36.61 (27.22)	52.86 (28.96)	46.21 (24.84)	44.26 (27.33)
Total	37.70 (25.14)	44.35 (29.24)	42.45 (26.25)	41.40 (26.84)

Illegally Entering the United States (not significant)

Participant Racial Group	Group 1: Hispanic	Group 2: Black	Group 3: White	Total
White Participants	67.89 (27.76)	13.40 (25.44)	8.06 (15.16)	28.55 (35.30)
Non-white Participants	71.13 (23.62)	15.48 (18.77)	12.76 (21.98)	35.30 (35.37)
Total	69.90 (25.04)	14.35 (22.43)	10.96 (19.61)	32.66 (35.40)

TABLE 5

Mean (Standard Deviation) Scores on the Guilt Index for the Three Groups

Group 1: Black	Group 2: White	Group 3: Hispanic	Total
-63.70 (54.89)	-31.33 (72.24)	-63.16 (50.43)	-53.40 (60.95)

TABLE 6

Mean (Standard Deviation) Attribution Measure Scores

Attribution Question	Group 1: Black	Group 2: White	Group 3: Hispanic	Total
Attribution Question 1: External Attributions	6.00 (2.45)	6.38 (2.02)	6.40 (3.13)	6.29 (2.27)
Attribution Question 2: Internal Attributions	4.67 (2.50)	5.00 (2.97)	3.20 (3.49)	4.54 (2.93)

APPENDICES

APPENDIX A



INFORMED CONSENT

Department of Psychology

TITLE OF STUDY: Crime Probability

INVESTIGATOR(S): Murray Millar, Ph.D., and Joseph F. Boetcher, J.D., M.A.

CONTACT PHONE NUMBER: 702-895-0179

Purpose of the Study

You are invited to participate in a research study. The purpose of this study is to determine the probability that certain crimes will be committed.

Participants

You are being asked to participate in the study because you are at least 18 years of age, can read and write English, and are a United States citizen.

Procedures

If you volunteer to participate in this study, you will be asked to do the following: Consider a described individual and rate the probability that the person described would commit each of 20 listed crimes. You also will be asked to give your opinion about the meaning of "reasonable doubt." In addition, you will be asked to indicate your general political philosophical orientation. Finally, you will be asked certain demographic questions such as your age, gender, and race.

Benefits of Participation

There may be no direct benefit to you as a participant in this study. However, we hope to learn how people perceive the probability of certain crimes occurring. The information gained will benefit society by increasing the scientific understanding of how the criminal justice system operates.

Risks of Participation

There are risks involved in all research studies. This study has only minimal risks. You may become uncomfortable answering certain questions. It is expected that you will experience no greater discomfort than what is ordinarily encountered in daily life. The benefits obtained from this study will outweigh the minimal potential risks.

Cost /Compensation

There will be no financial cost to you to participate in this study. The study will take about one hour of your time. You will not receive any monetary compensation for your time. You will receive one hour of research credit towards the completion of the research requirement for PSY 101. You will receive one hour of research credit even if you withdraw from the study.

Contact Information

If you have any questions or concerns about the study, you may contact Murray Millar, Ph.D, or Joseph F. Boetcher, J.D., M.A., at 702-895-0179. For questions regarding the rights of research subjects, any complaints or comments regarding the manner in which the study is being conducted you may contact **the UNLV Office for the Protection of Research Subjects at 702-895-2794.**

Voluntary Participation

Your participation in this study is voluntary. You may refuse to participate in this study or in any part of this study. You may withdraw at any time without prejudice to your relations with the university. You are encouraged to ask questions about this study at the beginning or any time during the research study.

Confidentiality

All information gathered in this study will be kept completely confidential and anonymous. No reference will be made in written or oral materials that could link you to this study. All records will be stored in a locked facility at UNLV for at least 3 years after completion of the study. After the storage time the information gathered will be destroyed.

Participant Consent:

I have read the above information and agree to participate in this study. I am at least 18 years of age. A copy of this form has been given to me.

Signature of Participant

Date

Participant Name (Please Print)

Participant Note: Please do not sign this document if the Approval Stamp is missing or is expired.

APPENDIX B

Subject No. _____

Crime Probability Scale

Consider the following individual:

Name: Robert Johnson
Age: 22
Race: White (Caucasian)
Sex: Male
Height: 5 feet 10 inches
Weight: 170 lbs.

Your task is to estimate, in your own opinion, how probable it is that the man described above would commit certain crimes. Below is a list of 20 different crimes, and each crime is followed by a probability scale ranging from 0% to 100%.

0% means that the man definitely would not commit that crime.

50% means that it is equally likely that the man would or would not commit the crime.

100% means that the man definitely would commit the crime.

For each crime, mark on the scale below it your estimation of the probability that the man described above would commit that crime.

1. driving under the influence of alcohol or drugs

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

2. embezzlement

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

3. stealing a vehicle (not carjacking)

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

4. identity theft

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

5. failure to pay child support

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

6. making or possessing child pornography

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

7. sale, manufacture, or distribution of a controlled substance

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

8. possession and use of a controlled substance

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

9. sexually abusing a child

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

10. welfare fraud

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

11. physical spouse abuse

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

12. larceny (stealing without force)

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

13. murder

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

14. tax evasion

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

15. shoplifting

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

16. assault and battery

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

17. vehicular manslaughter

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

18. robbery (taking money or things of value from others by force)

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

19. rape

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

20. illegally entering the United States

0%---5---10---15---20---25---30---35---40---45---50---55---60---65---70---75---80---85---90---95---100%

APPENDIX C

Subject No. _____

Reasonable Doubt Scale

Under the law, a defendant may not be convicted of a crime unless the state proves the guilt of the accused beyond a reasonable doubt. The law of the State of Nevada defines reasonable doubt thusly:

"A reasonable doubt is one based on reason. It is not mere possible doubt, but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation."

If you were sitting as a juror in a criminal trial, after seeing and hearing all the evidence, how certain of the defendant's guilt would you have to be in order to vote for a conviction? Below you see a percentage scale, ranging from 0% to 100%.

0% means no certainty of guilt.

50% means that the evidence is evenly balanced between guilt and innocence.

100% means total certainty of guilt.

Please indicate on the scale, by circling the appropriate number, how certain of a defendant's guilt you would have to be before you would vote to convict.

Percentage Scale

0% 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100%

APPENDIX D

Subject No. _____

Reasonable Doubt Scale

Under the law, a defendant may not be convicted of a crime unless the state proves the guilt of the accused beyond a reasonable doubt. If you were sitting as a juror in a criminal trial, after seeing and hearing all the evidence, how certain of the defendant's guilt would you have to be in order to vote for a conviction? Below you see a percentage scale, ranging from 0% to 100%.

0% means no certainty of guilt.

50% means that the evidence is evenly balanced between guilt and innocence.

100% means total certainty of guilt.

Please indicate on the scale, by circling the appropriate number, how certain of a defendant's guilt you would have to be before you would vote to convict.

Percentage Scale

0% 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100%

APPENDIX E

Subject No. _____

Political Philosophy Scale

Below is a 7-point scale that lists political views from extremely liberal to extremely conservative. Where would you place your political views on this scale? Please circle the designation that most accurately describes your general political viewpoint.

1
Extremely
Liberal

2
Liberal

3
Slightly
Liberal

4
Moderate

5
Slightly
Conservative

6
Conservative

7
Extremely
Conservative

APPENDIX F

Subject No. _____

Recall Test

Think back to the first task you performed. It was the Crime Probability Scale. You were asked to consider a described individual and rate the probability that he would commit certain crimes. We want to see if you can remember certain details from this survey.

1. What was the name of the described individual you were asked to consider?

2. What was the age of the described individual? _____

3. What was the race of the described individual? _____

4. Was rape one of the crimes listed? Yes No

5. Was blackmail one of the crimes listed? Yes No

6. Was assault and battery one of the crimes listed? Yes No

7. Was counterfeiting one of the crimes listed? Yes No

APPENDIX G

Subject No. _____

Demographic Questionnaire

The information you provide is anonymous and will be kept confidential.

Age: _____

Gender:

Male _____

Female: _____

Race:

American Indian (Native American) _____

Asian _____

Black (African American) _____

Hispanic (Latino) _____

Other (please specify) _____

White (Caucasian) _____

Income (money that is available to you for your use regardless of who earns it):

Less than \$10,000 _____

\$10,000 - \$20,000 _____

\$20,000 - \$30,000 _____

\$30,000 - \$40,000 _____

\$40,000 - \$50,000 _____

\$50,000 - \$75,000 _____

\$75,000 - \$100,000 _____

More than \$100,000 _____

Religion:

Buddhist _____

Catholic _____

Hindu _____

Jewish _____

Mormon _____

Muslim _____

Other (please specify) _____

Protestant (please specify denomination) _____

Have you ever served on a jury?

Yes (how many times) _____

No _____

APPENDIX H

Debriefing Form

This experiment concerned the concept of race stereotypic crimes. A race stereotypic crime is a crime that most people perceive as more likely to be committed by members of one race rather than members of others races. Another way to put this is that most people perceive members of a certain race are more likely to commit certain crimes than other crimes. Past research has focused mostly on finding race stereotypic crimes for only blacks and whites. Also, past research has explored only a few crimes, and most of the past studies have methodological flaws.

This study seeks to remedy some of the shortcomings of past research. In this study we compared the three largest racial groups in the United States: whites, Hispanics, and blacks. You were in one of three experimental groups. When you completed your rating of the probability that a described hypothetical individual would commit certain crimes, you were asked to consider either a white male, or a Hispanic male, or a black male. Because subjects were assigned randomly to the three groups, only you know which group you were in (whether you were rating a white or a Hispanic or a black male).

In addition, this study explored 20 different crimes. The crimes were chosen either because of their seriousness, or their prevalence in society, or because they had been explored in past research and we wanted to see if our results would replicate past findings.

You were asked to complete some measures that were not related to the concept of race stereotypic crimes. For example, you were asked to give your opinion about the meaning of reasonable doubt by rating how certain of guilt you would have to be before you would vote to convict a defendant if you were on a jury. For this measure, subjects were divided into two groups. One group was asked to give a rating without being given any legal definition of reasonable doubt. The other group was given the Nevada statutory definition of reasonable doubt, and then asked to give the same rating. Once again, because subjects were assigned to these two groups randomly, only you know which group you were in. The purpose of this measure was to determine if the Nevada statutory definition of reasonable doubt, which is the instruction the judge reads to the jury in criminal cases in Nevada, biases the jury either for or against conviction of the defendant.

All of you were asked to complete a political philosophy scale. The scores on this scale will be correlated with the scores on the reasonable doubt scales and with the responses on the crime probability scales, to determine if political beliefs affect beliefs about reasonable doubt and beliefs about race stereotypic crimes.

If you would like more information about race stereotypic crimes, here are a few references you can consult (each has a list of other references that will lead you to even more information):

- Bodenhausen, G. V., & Wyer, R. S., Jr. (1985) Effects of stereotypes on decision making and information-processing strategies. *Journal of Personality and Social Psychology*, 48(2), 267-282.
- Esqueda, C. W. (1997). European American students' perceptions of crimes committed by five racial groups. *Journal of Applied Social Psychology*, 27(16), 1406-1420.
- Gordon, R. A., & Anderson, K. S. (1995). Perceptions of race-stereotypic and race-nonstereotypic crimes: The impact of response-time instructions on attributions and judgments. *Basic and Applied Social Psychology*, 16(4), 455-470.
- Gordon, R. A., Bindrim, T. A., McNicholas, M. L., & Walden, T. L. (1988). Perceptions of blue-collar and white-collar crime: The effect of defendant race on simulated juror decisions. *The Journal of Social Psychology*, 128, 191-197.
- Gordon, R. A., Michels, J. L., & Nelson, C. L. (1996). Majority group perceptions of criminal behavior: The accuracy of race-related crime stereotypes. *Journal of Applied Social Psychology*, 26(2), 148-159.
- Sunnafrank, M. U., & Fontes, N. E. (1983). General and crime related racial stereotypes and influence on juridic decisions. *Cornell Journal of Social Relations*, 17(1), 1-15.

If you have any questions or would like to talk with the researchers about this research, you may call Joseph F. Boetcher at 702-341-6898, or email him at boetche@unlv.nevada.edu

We will continue recruiting subjects for this study. Please do not discuss this study with other psychology students, or tell them anything about the nature and purpose of this study. Subjects must be naïve to the nature and purpose of the study, and if you tell others about this study then they will be disqualified from serving as subjects. Thank you for your cooperation, and thank you for participating in this study.

APPENDIX I



INFORMED CONSENT

Department of Psychology

TITLE OF STUDY: Mock Jury Study

INVESTIGATOR(S): Murray Millar, Ph.D., and Joseph F. Boetcher, J.D., M.A.

CONTACT PHONE NUMBER: 702-895-0179

Purpose of the Study

You are invited to participate in a research study. The purpose of this study is to determine how jurors make decisions in criminal trials.

Participants

You are being asked to participate in the study because you are at least 18 years of age, can read and write English, and are a United States citizen eligible to sit on a jury.

Procedures

If you volunteer to participate in this study, you will be asked to do the following: Complete a Juror Questionnaire, then read a summary of a criminal felony trial, decide on the guilt or innocence of the defendant, and complete a verdict form. You also will be asked to complete scales indicating your confidence in your verdict and the likelihood that the defendant committed the crime. Next, you will be assigned as a juror on a 6 person jury, deliberate on the case you have just read, and reach a group verdict on the guilt or innocence of the defendant. After deliberating and reaching a jury verdict, you will again be asked to complete scales estimating your confidence in the verdict and the likelihood that the defendant committed the crime. You also will be asked to complete a measure of attributions, a reasonable doubt scale, a political philosophy scale, and a demographic questionnaire which asks for your age, race, gender, and a few other items of personal information.

Benefits of Participation

There may be no direct benefits to you as a participant in this study. However, we hope to learn how jurors arrive at their decisions. The information gained will help to improve the administration of justice.

Risks of Participation

There are risks involved in all research studies. This study has only minimal risks. You may become uncomfortable answering certain questions. It is expected that you will experience no greater discomfort than what is ordinarily encountered in daily life. The benefits obtained from this study will outweigh the minimal possible risks.

Cost /Compensation

There will be no financial cost to you to participate in this study. The study will take about 2 hours of your time. You will not be compensated for your time. You will receive 2 hours of research credit towards the completion of the PSY 101 research requirement. You will receive 2 hours of research credit even if you withdraw from the study.

Contact Information

If you have any questions or concerns about the study, you may contact Murray Millar, Ph.D., or Joseph F. Boetcher, J.D., M.A., at 702-895-0179. For questions regarding the rights of research subjects, any complaints or comments regarding the manner in which the study is being conducted you may contact **the UNLV Office for the Protection of Research Subjects at 702-895-2794.**

Voluntary Participation

Your participation in this study is voluntary. You may refuse to participate in this study or in any part of this study. You may withdraw at any time without prejudice to your relations with the university. You are encouraged to ask questions about this study at the beginning or any time during the research study.

Confidentiality

All information gathered in this study will be kept completely confidential. No reference will be made in written or oral materials that could link you to this study. All records will be stored in a locked facility at UNLV for 3 years after completion of the study. After the storage time the information gathered will be destroyed. Deliberations will be in private and will not be monitored or recorded in any way. Be advised that during deliberations all comments made by any participant will be heard by other participants so there is no way for the researchers to guarantee the confidentiality of anything said during deliberations.

Participant Consent:

I have read the above information and agree to participate in this study. I am at least 18 years of age. A copy of this form has been given to me.

Signature of Participant

Date

Participant Name (Please Print)

Participant Note: Please do not sign this document if the Approval Stamp is missing or is expired.

APPENDIX J

Summary of a Criminal Trial

District Court, County of Clark, State of Nevada

State of Nevada vs. Richard Johnson

Defendant (the accused):

Name: Richard Johnson

Age: 22

Race/ethnicity: Caucasian (white)

Resident of Clark County, Nevada

Charge filed by the District Attorney:

Violation of Nevada Revised Statutes 205.273. Offense involving stolen vehicle.

Prosecution Opening Statement

This is a case about a stolen car. Mr. Richard Johnson is accused of stealing a 2004 Toyota Corolla, the property of Mr. Gerald Sawyer. Mr. Sawyer will testify and tell you how his car was stolen from the parking lot of a 7-11 while he was inside getting coffee and a donut. He came out of the store and found his car gone. An eyewitness to the theft, Ms. Laurel Hamilton, will testify and tell how she saw a young man matching the defendant's description get into the car and drive off. Although she saw his face only briefly, she is sure that the defendant is the person who stole the car. She can also identify the defendant by the distinctive jacket he was wearing at the time of the theft, a high school letter jacket from Millard Fillmore High School. Three days after the theft, Officer Larry Brown of the city police department was on patrol in the downtown area in the evening when he spotted the stolen car. He pulled the car over and found Richard Johnson was the driver, and Mr. Johnson's girlfriend was riding in the front passenger seat. Officer Brown arrested Mr. Johnson and impounded the car. In the trunk of the car Officer Brown found a Millard Fillmore High School letter jacket. Officer Brown will testify to these facts. We will introduce the letter jacket into evidence. Mr. Calvin Dillon from the local Toyota dealership will testify as to the value of the stolen car. Based upon this evidence, we will ask that you find Richard Johnson guilty of knowingly possessing and stealing a car worth more than \$2,500.00, a category B felony.

Defense Opening Statement

We admit that the defendant, Mr. Richard Johnson, was driving the stolen car when Officer Brown saw the car and arrested him. But Mr. Johnson did not know the car was stolen. He had borrowed the car from his friend and former fellow student at Millard Fillmore High School, Bob Martin. Mr. Johnson borrowed that car to drive his girlfriend

on a date. Mr. Johnson had no idea the car was stolen. He was shocked and humiliated when he learned that he was driving a stolen car. About the letter jacket found in the trunk of the stolen car, Mr. Johnson did at one time own a Millard Fillmore High School letter jacket like the one seen by Ms. Hamilton and like the one found in the trunk of the car. But Richard gave his jacket to his brother about 6 months before the theft, and later his brother had the jacket stolen from him. Mr. Johnson's friend, Bob Martin, also attended Millard Fillmore High and also owns a letter jacket from that school; the jacket Ms. Hamilton saw and the jacket found in the trunk of the car really belonged to Mr. Martin, not to Mr. Johnson. Mr. Johnson will take the witness stand and will testify to these facts. Mr. John Carpenter, the owner and proprietor of the local hardware store where Richard works, will testify as to Richard's good character for honesty. Mr. Carpenter will testify that Mr. Johnson has worked for him ever since he graduated from high school, and Mr. Carpenter considers Richard to be a hard worker and an honest, trustworthy employee who regularly handles cash at the store. We will show that all the prosecution's evidence has an innocent explanation, and that Mr. Johnson did not steal the car, and we will ask you to find Richard Johnson not guilty of this crime.

Prosecution Case in Chief

Direct Examination of Mr. Gerald Sawyer by the Assistant District Attorney

I work as a computer programmer for a local company. On the morning of Sunday, January 5, I was on my way to church, about 7:00 A.M., when I decided to stop at a 7-11 for some coffee and donuts. I was running late and in a hurry, so I left my car running in the parking lot, unlocked, while I dashed inside to get my food. Also, it was kind of chilly that morning and I wanted to leave the heat on in the car to keep the car warm, and that is why I left the car running. I thought I would be in the store only a couple of minutes, but when I got inside there was only one clerk working and a line of people waiting to pay, so I was inside the store for about 15 minutes. When I came out of the store I discovered my car was gone. My car is a white 2004 Toyota Corolla 4 door sedan. I used my cell phone to call the police. A police car arrived and a police officer took my information. I called my brother and he picked me up and took me home. I had to rent a car for a week until the police found my car and returned it to me. I see Prosecution Exhibit 1, a Millard Fillmore High School letter jacket. I have never owned a Millard Fillmore High School letter jacket, and I have never seen Prosecution Exhibit 1 before today in court. It was not in the trunk of my car when the car was stolen; the trunk was empty when the car was stolen. I bought the Toyota used about a year ago, and I paid \$6,000.00 for it.

Cross Examination of Mr. Gerald Sawyer by the Defense Attorney

I never saw the person who took my car, so I cannot identify Mr. Johnson as the thief. I do not recall seeing Mr. Johnson anywhere around the 7-11 on the morning my

car was stolen. When I got my car back, it was in good condition with no damage. I think it had been driven about 100 miles, judging from the odometer reading.

Direct Examination of Ms. Laurel Hamilton by the Assistant District Attorney

I work as a waitress at a local restaurant. On the morning of Sunday, January 5, I was at the 7-11 at about 7:00 A. M., picking up a few items for breakfast. I remember that as I was walking through the parking lot to the store entrance I noticed a young man wearing a Millard Fillmore High School letter jacket in the parking lot. I noticed him because of the jacket. I used to date a guy who went to Fillmore High, and he had a jacket just like the one this young man was wearing. At first I thought it might be my old boyfriend, but when I saw his face I realized he was not my old boyfriend so I did not attempt to speak to him. The man I saw was about average in height and build, maybe about 5'10 and 170 lbs. I saw the young man mostly from the side and the back, but as he was walking by me he turned his head and looked right at me so I did see his face. He was a white male in his early 20s and he had a mustache. As I look at the defendant in court today I am almost certain he is the man I saw take the car. The defendant is not wearing a mustache today and this makes it more difficult for me to identify him. I want to be fair so I will say I cannot be absolutely certain that the defendant is the thief, but even without the mustache I am pretty certain it is the same man. I have no doubt about the Millard Fillmore jacket I saw because I got a good long look at it and I am familiar with that type of jacket. I did see the man get into a white Toyota sedan that was parked in a parking space, and drive off. I did not think anything of it until a few minutes later when I was inside the 7-11 paying for my items, and a man came into the store and said his car was missing and had anyone seen anything of his car. He said it was a white Toyota Corolla. I remembered seeing the young man in the Fillmore jacket drive off in such a car, and I told him what I had seen. He called the police, and when the police arrived I gave a statement to the officer and described the thief. A few months later someone from the district attorney's office called me and told me I would have to be a witness in a trial, and here I am. The jacket marked Prosecution Exhibit 1 looks just like the jacket the thief was wearing when I saw him get into the white Toyota and drive off that Sunday morning.

Cross Examination of Ms. Laurel Hamilton by the Defense Attorney

I got only a brief look at the face of the young man wearing the letter jacket who drove off in the white Toyota, but it was a good clear view from about 15 feet away, and the sun was up so there was plenty of light. No, I never attended a lineup or looked at pictures of suspects. This morning the prosecutor walked me over to the courthouse from his office and told me to look at the man sitting in the hall outside the courtroom, and I looked at the defendant and identified him as the thief just before the trial began. This morning was the first time I have seen the defendant since the morning of the theft about 3 months ago. Yes, my old boyfriend had a jacket just like Prosecution Exhibit 1. I have no idea how many men have jackets like that, but I know Millard Fillmore High is a big

school and lots of students and former students must have jackets exactly like Prosecution Exhibit 1.

Direct Examination of Officer Larry Brown by the Assistant District Attorney

I am a police officer in this city, and I have worked as a police officer for about 4 years. Mostly I do routine patrol work. On the evening of Wednesday, January 8, I was on routine patrol in the downtown area. We had been notified of the car theft and were told to be on the lookout for a stolen 2004 white Toyota sedan. We had been given the license plate number of the car, too. About 8:00 P.M. that day I spotted the stolen car going down Main Street. I pulled the car over. Mr. Richard Johnson was driving the car, and there was a young woman riding in the front passenger seat. The woman later was identified as Marcie Lee. I arrested Mr. Johnson for suspected car theft. At the time I arrested Mr. Johnson he did have a mustache, but I see today in court that he has shaved it off. I searched the car and found a Millard Fillmore High School letter jacket in the trunk. Prosecution Exhibit 1 is the jacket I found. I seized the jacket and put it on a chain of custody. I impounded the car and had it towed to the police impound lot. The next day I notified Mr. Sawyer that we had recovered his car. He picked up his car the next day, and at that time I showed Prosecution Exhibit 1 to Mr. Sawyer, but he said it was not his and had not been in the trunk of his car when it was stolen.

Cross Examination of Officer Larry Brown by the Defense Attorney

When I stopped the stolen car and told Mr. Johnson the car he was driving had been stolen, he seemed a little upset but not overly so. The defendant did deny stealing the car. He told me he had borrowed the car from a friend. When I found the letter jacket in the trunk of the car I showed it to Mr. Johnson and asked him if the jacket was his, but he said the jacket was not his and he did not know whose jacket it was. Mr. Johnson was cooperative and obeyed my orders. He was no trouble. At the police station I interrogated Mr. Johnson for about 15 minutes, but I did not take a written statement from him. Mr. Johnson continued to deny stealing the car and he never confessed. I never bothered to try to get any fingerprints or other evidence from the car because a car theft case is not important enough to use the time and expertise of a criminalist. We have limited resources and we cannot do a "CSI" forensic investigation on every case. Car theft is a common crime. Besides, I caught the probable thief red-handed driving the stolen car, and I found a jacket that was probably his in the trunk, so the crime was solved and the case was closed as far as I was concerned.

Redirect Examination of Officer Larry Brown by the Assistant District Attorney

About a week after I arrested Mr. Johnson I did try to follow up on his story that he had borrowed the car from a friend. He had given me the name and address of his friend, Mr. Martin. I got out the police file and read Ms. Hamilton's description of the

suspect. Then I went to Mr. Martin's house and talked with him. I asked him if he had loaned the Toyota to Mr. Johnson, and Mr. Martin denied loaning a car to Johnson and said he knew nothing about the stolen Toyota. Mr. Martin did fit the general description of the thief given by the eyewitness, and he did have a mustache at that time although I saw him in the hall outside the courtroom this morning and I noticed he had shaved off his mustache. I did not find any evidence that Mr. Martin stole the car.

Direct Examination of Mr. Calvin Dillon by the Assistant District Attorney

I am the manager of Select Toyota dealership. I have been the manager for 20 years. My business is buying and selling cars, especially Toyotas. I have examined Mr. Sawyer's 2004 Toyota Corolla sedan. In my opinion, the car is worth at least \$3,500.00; that is what I would allow him on a trade in. He probably could sell it for more if he sold it instead of trading it in.

The Defense Attorney had no questions for Mr. Calvin Dillon

Prosecution Exhibit 1, a Millard Fillmore High School letter jacket, was admitted into evidence by the court.

The prosecution rested.

Defense Case in Reply

Direct Examination of Marcie Lee by the Defense Attorney

I go to school at the local college. I met Richard Johnson at a club out in town, and we started going out together shortly thereafter. We had been dating for about a month before this incident. Richard does not own a car, but I do, so usually we use my car. Richard had never before borrowed a car to take me on a date. We had a date set for the evening of Wednesday, January 8, and we were planning to use my car, but it broke down when I was driving it around the middle of the day. It had to be towed to a repair shop. I called Richard and told him we would have to cancel our date unless he could come up with a car, and he said he would try to get a car to use. Later he called me back and said he had borrowed a car to use that night. He picked me up about 7:30 P.M. and we were on our way to a movie when a policeman stopped us. The policeman said the car was stolen. Richard said he had borrowed the car and did not know it was stolen. The policeman parked and locked the car and took Richard away in the police car. I was left to find my own way. I called a girlfriend and she came and picked me up and drove me home. I have never seen Richard wear a Millard Fillmore High School jacket, but I know he graduated from Fillmore High because he told me so. Richard has his own apartment, and he has a job at a hardware store. As far as I know Richard is an honest person.

Cross Examination of Marcie Lee by the Assistant District Attorney

I do not know where Richard was at about 7:00 A.M. on the morning of Sunday, January 5, the date and time of the crime. He was not with me. I do not know what he usually does on Sunday mornings. Yes, Richard did wear a mustache when I met him and he had a mustache when we were stopped by the police, but he shaved it off a few days after he was arrested. He thinks a mustache makes him look older and more mature.

Redirect Examination of Marcie Lee by the Defense Attorney

I think I know Richard pretty well, and I do not believe he would steal a car. He is a hard worker with a steady job. He is trying to save money for college some day.

Direct Examination of Timothy Johnson, Brother of the Defendant, by the Defense Attorney

I am Timothy Johnson, brother of Richard Johnson the defendant in this case. I live in a neighboring city, and I work in construction. Some time ago, long before that car was stolen, I asked my brother Richard if I could borrow his old high school letter jacket to wear to work. I knew he did not wear it any more, and I needed a heavy jacket for the cold mornings. He gave me his Millard Fillmore High School letter jacket. We are about the same size, and it fit me OK. A few months after I borrowed his jacket, I left it in the back seat of my car one day at work and forgot to lock my car, and somebody stole the jacket out of my car. So I no longer have the jacket and cannot produce it.

Cross Examination of Timothy Johnson, Brother of the Defendant, by the Assistant District Attorney

Yes, Richard's jacket looked pretty much like Prosecution Exhibit 1, except that I think Richard's jacket was in a little better shape than the one here in court. After I started wearing it to work it got kind of dirty and it needed cleaning when it was stolen.

Direct Examination of Mr. John Carpenter by the Defense Attorney

I am the owner and operator of Carpenter's Hardware Store here in town. I hired Richard Johnson to work for me right after he graduated from high school, about 4 years ago. He started as the janitor and general cleanup man around the store. After a while I promoted him to stocker, then to clerk. He waits on customers, takes payment, makes change, and helps keep account of inventory. He is a hard worker, dependable, never

misses work, and I consider him trustworthy. He handles cash and keeps the cash drawer, and I have never found any shortage in the cash accounts. I trust Richard and I will continue to employ him in the future, unless of course he gets convicted here and goes to jail. Then I would have to replace him.

Cross Examination of Mr. John Carpenter by the Assistant District Attorney

No, the hardware store is not open on Sundays, so Richard would not be at the store on Sunday mornings. I see Prosecution Exhibit 1, a jacket. I cannot remember if I ever saw Richard wear such a jacket. If he ever wore such a jacket to work it must have been a long time ago.

Direct Examination of Richard Johnson, the Defendant, by the Defense Attorney

I am Richard Johnson, the defendant in this case. I swear I did not steal that car. I had nothing to do with the theft of Mr. Sawyer's car. On Wednesday, January 8, my girlfriend Marcie called me in the middle of the day and said her car had broken down and we could not go out that evening unless I could find a car. I told her I would try to borrow one from a friend. I called my friend Bob Martin. We went to high school together. I had talked with him the week before, and he mentioned he was trying to buy a used car from a relative. I called and asked him if he had a car and he said he had just bought a used car, a Toyota. He was hesitant to let me use it, but after I told him I needed it for a date he finally agreed to let me use it. After I got off work I walked over to his house, about 6 blocks from where I live, and he gave me the keys and told me to have it back by midnight because he wanted to go to bed by then and he would need the car in the morning. I took the Toyota and drove over to Marcie's place where she lives with some other girls, and picked her up about 7:30 P. M., and I was driving her to the movies when we were stopped about 8:00 P.M. by the police. The policeman said the car was stolen. I told him I had only borrowed the car from a friend, but he did not believe me, and he arrested me and took me to jail, and he locked up the car and left my girlfriend on the sidewalk. I spent 2 days in jail, then my mom got some money from my uncle and bailed me out. I used to have a letter jacket like Prosecution Exhibit 1, but I gave it to my brother months before the car theft. I think my jacket was a little cleaner and in better shape than Prosecution Exhibit 1 when I gave it to my brother. I have a job at Carpenter's Hardware Store. I have worked there for about 4 years, ever since I graduated from high school. I worked my way up from the clean-up man to be the head clerk. I help the customers and take their payments. Mr. Carpenter trusts me to handle the money. At the end of the day I total up the receipts and count the money, and turn all of it over to Mr. Carpenter. I am trying to save money for college, and I want to continue working at the hardware store.

Cross Examination of Richard Johnson, the Defendant, by the Assistant District Attorney

No one was present when Bob Martin loaned me the car. No one saw me get the car from Bob. On Sunday morning, January 5, at about 7:00 A. M., I was alone in my apartment, asleep. I had been out the night before with some friends, and I slept in that morning. No, I do not have an alibi for the time of the crime. When I was 18 and still in high school, I was convicted of petty theft. I paid a \$50.00 fine and \$100.00 in court costs. I was not put on probation.

The State introduced into evidence Prosecution Exhibit 2, a record of Richard Johnson's conviction for petty theft 4 years previously.

The Assistant District Attorney had Richard Johnson try on Prosecution Exhibit 1, and the jacket fit him.

I realize this jacket fits me, but it is a size medium, and I wear a medium. Lots of guys wear a medium size. This is not my jacket.

Redirect Examination of Richard Johnson, the Defendant, by the Defense Attorney

On the day I borrowed the car from Bob Martin, I noticed that he had recently grown a mustache. I mentioned it, and he said he kind of liked the way a mustache looked on me so he thought he would grow one too and give it a try. He shaved it off a couple of weeks after I got arrested.

The petty theft conviction happened because one night, while I was still in high school, I was with some friends on the baseball team, and we were just goofing around, when someone suggested we should do something daring and risky. After several suggestions, we decided to steal something of nominal value. I was elected by the group to go into a convenience store and try to steal a bottle of beer. I did it on a dare. I put the bottle of beer up the sleeve of my sweatshirt, and then went up to the counter and tried to buy a few snacks. The beer bottle fell out of my sleeve and broke on the floor. There was an off duty policeman in the store, and the owner called him over and had me arrested. I offered to pay for the beer and apologized, but the owner was mad and insisted that I be prosecuted. I went to court, paid for the beer, and paid a fine. It was a dumb thing to do. I have not been in any trouble before or since that incident. Mr. Carpenter knew of my petty theft conviction when he hired me because I told him. He hired me anyway.

The defense rested.

Prosecution Case in Rebuttal

Direct Examination of Bob Martin by the Assistant District Attorney

I am Bob Martin, a friend of Richard Johnson. We went to high school together, and we still see each other and hang out together sometimes. We go to football games and clubs together sometimes. I did not loan a car to Richard on Wednesday, January 8, or on any other day. I did not even see Richard on that day. I never saw that white Toyota before in my life.

Cross Examination of Bob Martin by the Defense Attorney

I do not own a car. I get around by getting rides from friends or taking the bus or walking. I am unemployed right now, but I work in construction and I got laid off because of the recession. I am living on unemployment benefits. Yes, I used to have a Millard Fillmore High School letter jacket like Prosecution Exhibit 1, but I threw it away a long time ago. It got really dirty and torn up because I used to wear it to my construction job, so I just threw it in the trash.

The Defense Attorney had Mr. Martin try on Prosecution Exhibit 1, and the jacket fit him.

I realize this jacket fits me, but I wear a size medium too. I am the same size as Richard. In fact, we used to wear each others clothes sometimes. Yes, I had a mustache for a short time but I shaved it off because my new girlfriend did not like it.

The prosecution rested its case in rebuttal.

Prosecution Closing Argument

The testimony of Officer Brown establishes that Richard Johnson was apprehended while in possession of and while driving the stolen vehicle. Mr. Sawyer, the owner of the stolen car, testified and confirmed that he is the lawful owner of the car in question. Ms. Hamilton testified and said that she actually witnessed the theft of the car, although at the time she did not realize that a theft was occurring. She saw the thief, and saw his face, and got a good look at his face, and she testified under oath that she is confident that Richard Johnson is the thief. She could not be absolutely certain because Mr. Johnson shaved off his mustache after he was arrested, and this makes the identification a little harder, but under oath she did identify the defendant as the thief. She is certain the thief had a mustache. On cross examination the defendant admitted he

was wearing a mustache when he was arrested, and Officer Brown confirmed that Richard Johnson had a mustache when he was arrested. The defendant admitted he normally wears a mustache. The fact that the defendant shaved off his mustache shortly after his arrest may have been an attempt to prevent any witnesses from identifying him. Ms. Hamilton also saw that the thief was wearing a high school letter jacket from Millard Fillmore High School, and she has no doubts about identifying the jacket. She recognized the jacket because she had dated a boy who attended that high school and he had a letter jacket from Millard Fillmore High School. A Millard Fillmore High School letter jacket was found in the trunk of the car when it was seized and searched by the police, and the car's owner, Mr. Sawyer, testified that the jacket was not his and he had never seen it before, so the jacket must have been put in the trunk by the thief. When the defendant testified, and when his girlfriend testified, they both confirmed that the defendant had attended Millard Fillmore High School. The defendant admitted he had owned a letter jacket like the one Ms. Hamilton saw the thief wearing, although Mr. Johnson claimed that he had disposed of the jacket about 6 months before the theft by giving it to his brother. But the defendant's brother was unable to produce the jacket; he claimed the jacket had been stolen. How convenient for the defendant. When the defendant tried on the jacket found in the trunk of the stolen car, right here in court, it fit him perfectly. The defendant claims he borrowed the car from his friend, Bob Martin, but there is not a scrap of evidence to support the defendant's claim. The defendant has tried to blame the crime on his friend, Bob Martin. However, on rebuttal the state called Mr. Martin as a witness, and he stated under oath that he had not loaned the car to his friend Richard Johnson, and in fact he had no knowledge of the car in question. There is no evidence to suggest that Mr. Martin stole the car in question. In addition, the state has introduced the criminal record of the defendant, a minor misdemeanor petty theft conviction. This is a crime of dishonesty and shows that the defendant certainly is capable of stealing things. Mr. Dillon, the manager of the local Toyota dealership, testified about the value of the stolen car, and estimated that it was worth at least \$3,500.00. In summary, the defendant was caught driving the stolen car. An eyewitness, Ms. Hamilton, identified Mr. Johnson as the thief with a high degree of certainty. She also positively identified the jacket the thief wore, and it was identical to a jacket known to have been owned by the defendant. The evidence is more than sufficient to find the defendant guilty of stealing the car, and we ask you to find Richard Johnson guilty.

Defense Closing Argument

Richard Johnson does not deny that he was driving the car in question. But he testified under oath as to the circumstances surrounding his possession of the car. He testified under oath that he borrowed the car from his friend Bob Martin, a former high school classmate. Mr. Martin denies that he loaned the car to Richard, but of course Mr. Martin has a powerful motive to lie about this because if he were to admit that he loaned the car to Richard then he would have to explain where he got the car, and most probably he, Mr. Martin, would be charged with theft of the car. So of course Mr. Martin will deny loaning the stolen car to Richard. Richard's girlfriend testified that she was riding

in the car at the time the police officer stopped the car and arrested Mr. Johnson. Do you really think that a car thief would take his girlfriend for a ride in a stolen car? Do you think a thief would drive a stolen car down a busy downtown street, where it would be likely that someone would spot the stolen vehicle? Ms. Hamilton, the eyewitness to the theft, admitted that she could not be absolutely certain that Richard Johnson is the person she saw take the car. All she could say was that Mr. Johnson looked like the thief, and the thief wore a Millard Fillmore High School letter jacket. The defendant candidly confirmed that he had attended Millard Fillmore High and had owned a letter jacket like the one found in the trunk of the car, but Mr. Johnson explained that he had given the jacket to his brother about 6 months before the theft. Richard's brother Timothy confirmed that Richard had given him the jacket long before the theft, but that the jacket had been stolen a couple of months later. Mr. Martin, although he now denies loaning the stolen car to Richard, did admit that he too had owned a jacket identical to the one Ms. Hamilton saw and identical to the jacket found in the trunk of the car. Mr. Martin was unable to produce his jacket, and the jacket found in the trunk of the car did fit Mr. Martin. The prosecution makes a point out of the fact that the jacket from the trunk of the stolen car fit Mr. Johnson, but remember that the jacket also fit Mr. Martin perfectly. And Mr. Martin was also unable to produce his letter jacket. Remember too that Mr. Martin is the same general height and build as Richard, and Mr. Martin used to wear a mustache like Richard but he also shaved it off after the theft. Mr. Martin is unemployed and in need of a car, so he had a motive to steal the car. Richard Johnson is a good citizen. He is gainfully employed and is trusted by his employer. Richard handles cash in his work, and his employer has no concerns about Richard handling money. Except for one minor offense as a teenager, a youthful prank, he has no criminal record. The petty theft conviction at age 18 was just a teenage prank that backfired – his friends challenged him to do something stupid, steal a bottle of beer, and they pressured and goaded him to do it, and he got caught. Teenagers do dumb things like that all the time; that does not mean they are criminals or bad people. That happened 4 years ago, and today Mr. Johnson is a mature and hard working citizen. To sum up, remember that the law requires you to presume the defendant is innocent, and the state has the burden of overcoming that presumption by presenting sufficient evidence to prove guilt beyond a reasonable doubt. The defense has presented a perfectly plausible innocent explanation for every piece of the prosecution's case – Richard's possession of the car and the jacket in the trunk. The defense's explanations are reasonable and believable, and so we argue that the prosecution has failed to prove its case beyond a reasonable doubt, and you should find Richard Johnson not guilty.

Prosecution Argument in Rebuttal

The defendant's brother has a very strong motive to lie about the jacket. He does not want his brother to go to jail. You should not give any weight to his testimony. Ms. Hamilton, the eyewitness, has no reason to lie about anything, and her identification of Richard Johnson as the thief was a strong identification. Ms. Hamilton got a good look at the thief and she identified the defendant in court under oath as the thief. Maybe Mr. Johnson's employer trusts him, but that is not proof that the defendant is really

trustworthy. Remember, the defendant does have that conviction for petty theft which proves he is not all that honest and is willing to steal things under the right circumstances. Richard Johnson was caught red-handed driving the stolen car, and the jacket found in the trunk did fit the defendant and is identical to a jacket he admitted he owned. From the mere fact that the defendant was caught in possession of the stolen car you may infer that he stole the car. This evidence is sufficient to prove beyond a reasonable doubt that Richard Johnson stole the car. We ask you to find the defendant guilty as charged.

APPENDIX L

Subject Number _____

Juror Verdict Form -1

_____ **Guilty**

_____ **Not Guilty**

APPENDIX M

Subject No. _____

Confidence in the Verdict

How confident are you in the correctness of your verdict decision? Below is a scale ranging from 0% to 100%.

0% means that you are sure your verdict was wrong.

50% means that it is equally likely that your verdict was right or wrong.

100% means that you are sure your verdict was right.

Circle the percentage on the scale that reflects your confidence in the verdict judgment you made in this case.

Percentage Scale

0% 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100%

APPENDIX N

Subject No. _____

Likelihood that the Defendant Committed the Crime

How likely do you think it is that the defendant in this case really committed the crime with which he was charged? Below is a scale ranging from 0% to 100%.

0% means that the defendant definitely did not commit the crime.

50% means that it is equally likely that the defendant did or did not commit the crime.

100% means that the defendant definitely did commit the crime.

Circle the number that represents your estimation of how likely it is that the defendant committed the crime.

Percentage Scale

0% 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100%

APPENDIX O

Subject No. _____

Attributions

1. To what extent do you believe the defendant's behavior in this crime was caused by the situation he was in?

1	2	3	4	5	6	7	8	9
Not caused by the situation								Very much caused by the situation

2. To what extent do you believe the defendant's behavior in this crime was caused by his personality or character?

1	2	3	4	5	6	7	8	9
Not caused by his personality								Very much caused by his personality

APPENDIX P

Subject Number _____

Recall Test

A short time ago you read a case summary of a trial. We would like to determine if you can recall certain facts about the trial. Please answer the questions below to the best of your ability.

1. What was the name of the defendant? _____
2. What crime was the defendant charged with? _____
3. How old was the defendant? _____
4. What race was the defendant? _____
5. In what kind of a store did the defendant work? _____
6. What was the defendant convicted of when he was 18? _____

APPENDIX Q

Subject No. _____

Demographic Questionnaire

The information you provide is anonymous and will be kept confidential.

Age: _____

Gender:

Male _____

Female: _____

Race:

American Indian (Native American) _____

Asian _____

Black (African American) _____

Hispanic (Latino) _____

Mixed race _____

Other (please specify) _____

White (Caucasian) _____

Income (money that is available to you for your use regardless of who earns it):

Less than \$10,000 _____

\$10,000 - \$20,000 _____

\$20,000 - \$30,000 _____

\$30,000 - \$40,000 _____

\$40,000 - \$50,000 _____

\$50,000 - \$75,000 _____

\$75,000 - \$100,000 _____

More than \$100,000 _____

Religion:

Buddhist _____

Catholic _____

Hindu _____

Jewish _____

Mormon _____

Muslim _____

Other (please specify) _____

Protestant (please specify denomination) _____

Have you ever served on a jury?

Yes (how many times) _____

No _____

APPENDIX R

Jury Instructions

Members of the jury, now that you have heard all the evidence, it is my duty to instruct you on the law which applies to this case. A copy of these instructions will be available to you for use during your deliberations.

It is your duty to find the facts from all the evidence in the case. To those facts you will apply the law as I give it to you. You must follow the law as I give it to you whether you agree with it or not. And you must not be influenced by any personal likes or dislikes, opinions, prejudices, or sympathy. That means that you must decide the case solely on the evidence before you. You will recall that you took an oath promising to do so at the beginning of the case.

In following my instructions, you must follow all of them and not single out some and ignore others; they are all equally important. You must not read into these instructions or into anything the court may have said or done any suggestion as to what verdict you should return – that is a matter entirely up to you.

This is a criminal case brought by the State of Nevada. The charge against the defendant is a violation of Nevada Revised Statutes 205.273: Offense involving stolen vehicle. The charge is contained in the Information filed by the District attorney. The Information is simply a description of the charge made by the state against the defendant; it is not evidence of anything.

In order to help you follow the evidence, I will give you a brief summary of the elements of the crime which the state must prove to make its case:

1. The person had in his possession a motor vehicle which he knew or had reason to believe had been stolen.
2. The value of the vehicle is \$2,500.00 or more, in which case the offense is a category B felony. If the value of the vehicle is less than \$2,500.00, the offense is a category C felony.

Recent, exclusive, and unexplained possession of stolen property by an accused person could give rise to an inference of guilt which might be sufficient to convict in the absence of other facts and circumstances; however the recent, exclusive, and unexplained possession of stolen property does not create a presumption that the accused is guilty.

The defendant has pleaded not guilty to the charge and is presumed innocent unless and until proved guilty beyond a reasonable doubt. The defendant does not have to testify or present any evidence to prove innocence. The state has the burden of proving every element of the offense charged beyond a reasonable doubt.

A reasonable doubt is one based on reason. It is not mere possible doubt, but is such a doubt as would govern or control a person in the more weighty affairs of life. If the minds of the jurors, after the entire comparison and consideration of all the evidence, are in such a condition that they can say they feel an abiding conviction of the truth of the charge, there is not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or speculation.

The evidence you are to consider in deciding what the facts are consists of:

1. the sworn testimony of any witness; and
2. the exhibits which have been received in to evidence – the Millard Fillmore High School letter jacket, and the record of X's conviction of petty theft.

The following things are *not* evidence, and you must not consider them as evidence in deciding the facts of this case:

1. statements and arguments of the attorneys;
2. questions and objections of the attorneys;
3. anything you may see or hear when the court is not in session even if what you see or hear is done or said by one of the parties or one of the witnesses.

In deciding the facts of this case, you may have to decide which testimony to believe and which testimony not to believe. You may believe everything a witness says, or part of it, or none of it.

In considering the testimony of any witness, you may take into account:

1. the opportunity and ability of the witness to see or hear or know the things testified to;
2. the witness's memory;
3. the witness's manner while testifying;
4. the witness's interest in the outcome of the case and any bias or prejudice;
5. whether other evidence contradicts the witness's testimony;
6. the reasonableness of the witness's testimony in light of all the evidence;
7. any other factors that bear on credibility.

The weight of the evidence as to a fact does not necessarily depend on the number of witnesses who testify.

The defendant has testified. You should treat his testimony just as you would the testimony of any other witness.

Deliberation Procedures

Now you will meet in private to deliberate and decide on the guilt or innocence of the defendant. The first thing you should do is select a foreperson. Each juror has an equal right to participate in the deliberations, to speak, to give opinions, and to ask questions. Voting on a verdict may occur at any time, and any method may be used for voting. Voting can be either secret (by secret written ballot) or public (by a show of hands or a vocal response). The foreperson will collect and count the written ballots if this method is used, or count the responses if public voting is used. After each vote the foreperson will announce the result of the vote. If a unanimous decision is reached, the foreperson will mark the Verdict Form to reflect the jury's decision. If a vote does not produce a unanimous decision, deliberation will continue. You can hold a vote as many times as you want, but once a unanimous decision is reached the deliberation will cease, the foreperson will mark the Verdict Form and summon the researcher. If you are unable to achieve a unanimous decision after one hour, the researcher will return and declare that you are a hung jury (unable to reach a unanimous decision).

APPENDIX S

Debriefing

The study you just participated in was designed to explore the concept of race stereotypic crimes. A race stereotypic crime is a crime that most people tend to associate with one race. For example, most people might think that members of one race are more likely to commit certain crimes than other crimes. Or people might think that a certain crime is more likely to be committed by members of one race rather than by members of other races. Past research suggests that most people think white collar crimes such as embezzlement are white stereotypic crimes, and blue collar crimes such as assault are black stereotypic crimes.

The concept of race stereotypic crimes is specific kind of bias that can affect jury decision making. If a defendant happens to be charged with a crime that most people consider to be stereotypical for his race, then the jurors, as soon as they see the charge and the defendant, might assume that this is the sort of crime he probably would commit, and this would bias the jurors towards voting for conviction before any evidence had been received. When this happens, it violates the presumption of innocence and reduces the burden of proof for the prosecution.

An earlier study suggested that vehicle theft is a black stereotypic crime and, probably, a Hispanic stereotypic crime. You read a multipage summary of a criminal trial for vehicle theft. There were 3 different versions of the case summary. In 1/3 of the summaries, the defendant was white; in 1/3 of the summaries the defendant was black; and in 1/3 of the summaries the defendant was Hispanic. Except for the race of the defendant, all the summaries were identical. The purpose of this study was to determine if defendants of one race would be convicted more often than defendants of other races on identical evidence. The case summary was designed to balance the evidence as evenly as possible between guilt and innocence, so that the weight of the evidence would be about the same for the prosecution and the defense. Therefore any significant difference in conviction rates among the 3 races of defendants could be attributed to the race of the defendant and not to the weight of the evidence.

The other measures investigated other concepts or questions. The attribution measure, which only some of you completed, was designed to determine if you attributed the causes of the defendant's criminal behavior to internal or external factors. Past research suggests that if a defendant is convicted of a crime thought to be stereotypical for his race, then people tend to attribute the causes of the criminal behavior to internal (character or personality) factors; if a defendant is convicted of a non-stereotypical crime then most people tend to attribute the causes of the criminal behavior to external (environmental or situational) factors.

Other measures were designed to determine if verdicts and opinions about reasonable doubt were related to political beliefs, age, gender, religion, race or income. The Juror Questionnaire you completed at the beginning of the study is the Pretrial Juror Attitude Questionnaire, which purports to predict whether jurors in a criminal trial will vote for conviction or acquittal.

If you have any comments or questions about this study, feel free to contact the researcher, Joseph F. Boetcher, at boetche@unlv.nevada.edu. If you feel any anxiety as a result of this study and desire psychological counseling, you may obtain free counseling and psychological services at 702-895-3627 or caps@unlv.edu. At this time you may withdraw your data from this study if you wish.

We are continuing to recruit subjects for this study. We need many more subjects. Please do not discuss this study with your fellow students at UNLV. Do not tell anyone about the details of this study, what the experimental tasks were, or what questions we asked. It is imperative that subjects be ignorant about the purpose and procedures of this study, so that they will respond naturally. Anyone who knows about the purposes and procedures of this study will be disqualified from participating. Thank you for your cooperation, and thank you for participating in this study.

APPENDIX T

Social/Behavioral IRB – Expedited Review Approval Notice

NOTICE TO ALL RESEARCHERS:

Please be aware that a protocol violation (e.g., failure to submit a modification for any change) of an IRB approved protocol may result in mandatory remedial education, additional audits, re-consenting subjects, researcher probation suspension of any research protocol at issue, suspension of additional existing research protocols, invalidation of all research conducted under the research protocol at issue, and further appropriate consequences as determined by the IRB and the Institutional Officer.

DATE: April 30, 2008

TO: Dr. Murray Millar, Psychology

FROM: Office for the Protection of Research Subjects

RE: Notification of IRB Action by Dr. Paul Jones, Co-Chair
Protocol Title: **Crime Probability**
Protocol #: 0803-2651

This memorandum is notification that the project referenced above has been reviewed by the UNLV Social/Behavioral Institutional Review Board (IRB) as indicated in Federal regulatory statutes 45 CFR 46. The protocol has been reviewed and approved.

The protocol is approved for a period of one year from the date of IRB approval. The expiration date of this protocol is April 24, 2009. Work on the project may begin as soon as you receive written notification from the Office for the Protection of Research Subjects (OPRS).

PLEASE NOTE:

Attached to this approval notice is the **official Informed Consent/Assent (IC/IA) Form** for this study. The IC/IA contains an official approval stamp. Only copies of this official IC/IA form may be used when obtaining consent. Please keep the original for your records.

Should there be *any* change to the protocol, it will be necessary to submit a **Modification Form** through OPRS. No changes may be made to the existing protocol until modifications have been approved by the IRB.

Should the use of human subjects described in this protocol continue beyond April 24, 2009, it would be necessary to submit a **Continuing Review Request Form** 60 days before the expiration date.

If you have questions or require any assistance, please contact the Office for the Protection of Research Subjects at OPRSHumanSubjects@unlv.edu or call 895-2794.

APPENDIX U

Social/Behavioral IRB – Expedited Review Approval Notice

NOTICE TO ALL RESEARCHERS:

Please be aware that a protocol violation (e.g., failure to submit a modification for any change) of an IRB approved protocol may result in mandatory remedial education, additional audits, re-consenting subjects, researcher probation suspension of any research protocol at issue, suspension of additional existing research protocols, invalidation of all research conducted under the research protocol at issue, and further appropriate consequences as determined by the IRB and the Institutional Officer.

DATE: January 30, 2009

TO: Dr. Murray Millar, Psychology

FROM: Office for the Protection of Research Subjects

RE: Notification of IRB Action by Dr. J. Michael Stitt, Chair
Protocol Title: **Mock Jury Study**
Protocol #: 0811-2938

This memorandum is notification that the project referenced above has been reviewed by the UNLV Social/Behavioral Institutional Review Board (IRB) as indicated in Federal regulatory statutes 45 CFR 46. The protocol has been reviewed and approved.

The protocol is approved for a period of one year from the date of IRB approval. The expiration date of this protocol is January 20, 2010. Work on the project may begin as soon as you receive written notification from the Office for the Protection of Research Subjects (OPRS).

PLEASE NOTE:

Attached to this approval notice is the **official Informed Consent/Assent (IC/IA) Form** for this study. The IC/IA contains an official approval stamp. Only copies of this official IC/IA form may be used when obtaining consent. Please keep the original for your records.

Should there be *any* change to the protocol, it will be necessary to submit a **Modification Form** through OPRS. No changes may be made to the existing protocol until modifications have been approved by the IRB.

Should the use of human subjects described in this protocol continue beyond January 20, 2010, it would be necessary to submit a **Continuing Review Request Form** 60 days before the expiration date.

If you have questions or require any assistance, please contact the Office for the Protection of Research Subjects at OPRSHumanSubjects@unlv.edu or call 895-2794.

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