JURORS PERCEPTION OF GUILT, AND EVIDENCE BASED ON GENDER

BY

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The thesis of Aaron Cody Hovsepian, "Jurors Perception of Guilt, and Evidence Based

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DEDICATION

I dedicated this paper first to my parents Doreen and Michael Barrango, who took me in when I had nowhere to go, and no one else to turn to. You showed me what a loving family truly is. I love you both more than you can possibly imagine. Secondly, I dedicate this to two women who became two unexpected mothers; Elaine Collins & Melissa Ambrose. Thank you for seeing the potential in me, while allowing me to see the beauty life can offer. Thank you for taking a risk, and being fabulous caring creatures.

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I would like to acknowledge my committee for putting up with my ridiculousness, my hard headedness, and my procrastination. I know I was not easy to handle, but thank you for helping in every way you all did. Dr. Aguilar, and Dr. Gamez, you both rock for everything you've done for me! Thank you for being mentors in this process! A special thank you for my chair, Dr. Ana Gamez. Not only has this woman helped me through this process, she did it with grace and with a smile. You are the best and I wish you well in life!

ABSTRACT OF THE THESIS

Jurors Perception of Guilt and Evidence Based on Gender

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The present study was conducted to understand if there were gender differences among juries. A total of 122 self-reported vignette style surveys were distributed to a sample of convenience at a private Christian university. The study contained two separate conditions (rape and murder) in which participants were asked a series of questions pertaining to their condition. The use of DNA evidence was also looked at for any influential impact on participants' decision making. A 2x2 MANVOA and a Factorial ANOVA were used to analyze the data. The 2x2 MANOVA was used to test whether the two separate crime conditions had an impact on perception of guilt. The Factorial ANOVA was used to test if DNA evidence had an impact on jurors' perception of guilt as well. The results indicated that when it came to the type of crime, the participants in the murder condition gave the defendant a much harsher punishment than those in the rape condition. Results also revealed that DNA evidence had a higher rate of influencing the female participants. Unfortunately, limited to no support was found for gender being a determining factor for jury's perception of guilt.

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Chapter 1

THE PROBLEM STATEMENT

In criminal proceedings, evidence as well as juror perspectives are an integral component in the solving of a criminal case. Prior research has found support for gender differences in both the prevalence of and the way that certain sex crimes are handled. For example, Hodell, Wasarhaley, Lynch, and Golding (2014) found that within partner homicide, women were four times more likely to be victims than men. Landsman (2015) found that rape cases were handled in the defendant's favor. Applegate (2013), who researched rape reporting and false accusations, however, found that there was a large margin of false accusations (2%-90%). False accusations have caused many gender differences regarding rape (Applegate, 2013).

Researchers have also found gender differences in murder cases. For instance, Bottoms et al. (2014) found that the women participants of their study used more emotional based thinking (empathy) in murder cases than the male participants. Moreover, Hodell et al. (2014) found that participants had more sympathy for the female victim. This study explored the way the genders viewed certain crimes. It also explored the perception of guilt based on gender differences.

This study aimed to delve into the interworking of juries, and examine the extent to which gender differences play a crucial role in the decision-making process. This study explored the way that males and females view certain crimes, and guilt based on gender differences.

Problem Statement

In a court of law, it is up to the jury to convict a criminal. It is the job of the jury to hear both sides of the case, and determine whether the defendant is guilty or not. It is the jury's job to take the evidence presented, decide if it is useful, and make a judgment. What if the gender of

the juror is a factor in determining the guilt? The question is whether having more men than women on a jury will lead to the defendant being perceived as guilty more often or not. The reason this study is being conducted is to determine if gender plays a key role in whether the juror perceives guilt.

Not much research has been conducted on this specific topic. It needs to be explored more, however. How can a defendant get a fair trial, if a jury of his or her peers already thinks they are guilty? This study was designed to understand if there are gender differences in perceived guilt.

Purpose of the Study

The purpose of this study to understand the decision-making process of jurors, and examine the influence of gender in this decision-making process. The need to understand the extent to which gender plays a role in the decision-making process is vital to future jury selection, and the present study is aimed to discover if it does. The use of DNA evidence is important, and this study also aimed to understand the powerful impact DNA evidence can have.

Research Questions/Hypotheses

Research Questions

1. Is there a main effect for type of crime on perceptions of guilt?

2. Is there a main effect for the type of crime on sentencing?

3. Is there a main effect for the gender of participants and the perceptions of guilt?

4. Is there a main effect for the gender of participants on sentencing?

5. Is there an interaction effect between the type of crime and gender of participants and the perceptions of guilt?

6. Is there an interaction effect between the type of crime and the gender of participants on sentencing?

7. Is there a main effect on the type of crime for DNA evidence?

8. Is there a main effect on gender of participants for DNA evidence?

9. Is there an interaction effect between the type of crime and gender on DNA evidence?

Hypotheses

1. There will be a main effect for type of crime on perceptions of guilt.

2. There will be a main effect for the type of crime on sentencing.

3. There will be a main effect for the gender of participants and the perceptions of guilt.

4. There will be a main effect for the gender of participants on sentencing.

5. There will be an interaction effect between the type of crime and gender of participants and the perceptions of guilt.

6. There will be an interaction effect between the type of crime and the gender of participants on sentencing.

7. There will be a main effect on the type of crime for DNA evidence.

8. There will be a main effect on gender of participants for DNA evidence?

9. There will be an interaction effect between the type of crime and gender on DNA evidence?

Delimitations

This study will solely rely on a convenient sample of college-aged students at a private religious university. Real jurors are not being used nor interviewed, and a mock-jury approach is being emulated instead.

Assumptions

In every study, assumptions are used to bridge the gap between opinion and fact. One assumption will be that since women are more empathic towards victims (Bottoms et al.. 2014), they will be more likely to hand down harsher punishments. Another assumption will be that juries will expect some form of physical evidence to reach a verdict (Fawcett & Clark, 2014).

Definition of Key Terms

Unacknowledged Rape: A rape experience labeled as "bad sex" or a "miscommunication" (Krebs et al., 2011).

Positive ID: When an eye-witness positively identifies the suspect (Pozzulo, Lemieux, Wilson, Crescini, & Girardi, 2009).

Non-ID: When an eye-witness cannot be sure about the identity of the suspect (Pozzulo et al., 2009).

Foiled-ID: When an eye-witness falsely identifies the wrong person as the suspect (Pozzulo et al., 2009).

Inter Partner Violence (IPV): When a couple has domestic violence within the relationship (Hodell, Wasarhaley, Lynch, & Golding, 2014).

Traditional Rape: This is rape committed by a stranger and harm comes to the victim (Shanahan, 1999).

Non-traditional Rape: This is rape committed by someone known to the victim and physical harm normally isn't a factor (Shanahan, 1999).

Chapter 2

LITERATURE REVIEW

Introduction

Crime in America is a part of society, as can be exemplified by the increase in national statistics on reported rape, or the public discourse on which inmate is being executed on death row. As Americans, we are used to the idea that actions which lie outside the norm, committed by a member of society, result in his or her being sent to prison or jail. The process by which a criminal gets into the prison system is far more complicated than the average American is aware of. For instance, if the crime committed is egregious enough, the offender will face a jury trial. The jury's ruling of guilty or not guilty depends on evidence, witnesses, how well the prosecution or defense does, and how the jury is selected. There are many factors that can and will influence the way a trial can proceed. This thesis is aimed to understand and uncover how juries perceive guilt.

Prevalence of Rape

Over the course of 40 years, the percentage of reported rape has increased steadily. Not only has the percentage increased, but per the National Rape Statistics, 68% of rapes go unreported (Landsman 2015). In addition, statutes on rape can be completely different depending on the state in which the act was committed. For example, Massachusetts is one of many states that requires the presence of force when prosecuting rapists while Colorado is strictly consent based and without the requirement of force when convicting rapists (Landsman, 2015). In 1996, only 43.3% of reported rapes led to arrests. Wilson and Miller (2016) reported that one in seven women over 18 and one in eleven girls under the age of 18 will experience rape in her lifetime.

They also found that one in 33 men over the age of 18, and one in 50 boys under the age of 18 will experience rape in his lifetime (Wilson & Miller, 2016). A study by Krebs et al. (2011) revealed that college aged women were the most at risk for rape. They found that one out of four college women were raped (Krebset al., 2011).

A comparison was done with Massachusetts and Colorado over a 40-year period. In 2012, both states were compared to the national rape statistics. The number of reported rapes in Massachusetts was 1,650, which is 24.8% per 100,000 people in the state. Colorado had 2,122 rapes reported, with a 40.9% per 100,000 people ratio. During this year, the national statistics read that 85,141 reported rapes occurred with a 26.9% per 100,000 people ratio. This means that in both states, the number of reported rapes was either way over the national average, or just about the same. Respectively, Massachusetts, and then Colorado, only had a 1.3% and 1.5% arrest rate of reported rapes (Landsman, 2015). These low numbers coupled with the current rape law is astounding.

Psychological Impact of Rape

Shanahan (1999) discussed the psychological harm that can impact a rape victim. Shanahan calls rape a form of "soul-murder," and states that rape denies the victim the experience of being a person. Whether there is an element of physical harm done, rape, in Shanahan's words, causes psychological damage to the victim. Victims of all types of rape, violent or non-violent, completely change their lifestyles (Shanahan, 1999). Rape completely removes any kind of trust a victim has in people, and creates irrational fear for victims (Shanahan, 1999). Shanahan also states, "that the current rape law leaves rape victims two choices; refrain from all behaviors that the law and men consider as consent, or relinquish her

right to protection of her sexual autonomy" (p. 30). Wilson and Miller (2016) also found a wide variety of psychological impacts on a rape victim. They found that victims of rape can develop insomnia, sexual dysfunction, depression, anxiety, self-blame, loss of trust, can turn to substance abuse, and have suicidal thoughts (Wilson & Miller, 2016).

Victim and Perpetrator Typology

Per Greenall and West (2007), rape committed by a stranger will not follow a victim type. Victims are chosen at random and neither the behavior nor the appearance will single the victim out (Greenall & West, 2007). Victims are more likely to comply with the rapist if a weapon is wielded or acts of violence occur (Greenall & West, 2007).

"Members of the public invariably bring to the courtroom a set of stereotypical beliefs about rape, rape victims, and those accused of rape which are often flawed" (Fradella & Brown, 2007, p. 271). These beliefs about rape help the acquittal rate of defendants (Fradella & Brown, 2007). There are some victim typologies that will help or hinder a victim in the eyes of the juror. For example, if the victim and the defendant have a prior relationship, the juror will have a decreased belief that a crime occurred (Fradella & Brown, 2007). If the victim is attractive, and her manner of dress is deemed sexual, this will also decrease a juror's positive perception of the victim. There is also a type of victim that a juror will feel is being more honest. If the victim is considered a "good girl" and young, then the consensus of juries is that she is telling the truth (Fradella & Brown, 2007). These types of characterizations of the victim will influence? the mind of jurors in their decision-making process (Fradella & Brown, 2007).

Mentioned above were types of rapes that can occur. Moreover, this will categorize the rapist into three different categories: the anger rapists, the power rapist, and the sadistic rapist

(Fradella & Brown, 2007). The anger rapist will have had a previous history with antisocial personalities growing up; he can attack his victim using two different styles (blitz and confident-approach), and is often psychologically disturbed (Fradella & Brown, 2007). The anger rapist will attack at random, picking whomever is around when he "snaps" (Fradella & Brown, 2007). The blitz style rapist is the more violent of the two styles because the use of a weapon or being extremely violent is used to subdue the victim. The confident-approach is the instilling a false sense of security with the victims and then raping them. When this rapist "snaps," the rape is in response to a release of built up anger. This anger is normally from the aspects of rapists' lives they cannot control (Fradella & Brown, 2007). This second type of rapist is the power rapist. He is about the control he can obtain over his victims. This stems from the need to compensate with short comings within his life (Fradella & Brown, 2007). This type of rapist is looking for his social-dominant image to be restored or validated. He rapes for sexual conquest and the rapes are compulsive and competitive (Fradella & Brown, 2007). He will view women as objects, and choses victims that he can easily over-power and ultimately conquer (Fradella & Brown, 2007). The last rapist is the sadist rapist. He is the most violent of the three. He will receive the most sexual gratification from the most pain inflicted. The rape is violent in nature, and is about pain and fear (Fradella & Brown, 2007).

Types of Rape

The public misunderstands rape and sexual assault. Per Shanahan (1999), the law consists of two separate types of rape/sexual assault. The first being stranger rape, or better known as traditional rape, and non-stranger rape, also known as non-traditional rape. Under the current rape laws, these two egregious acts upon a fellow human being are treated very differently

(Shanahan, 1999). Traditional rape is punished more severely than the counterpart of non-traditional rape (Shanahan, 1999). The reason that traditional rape is treated as such is because there is generally more physical harm that befalls the victim (Shanahan, 1999). When a stranger rapes a victim, there is more force used, more threats used, and generally more pain inflicted towards the victim (Shanahan, 1999). Traditional rape typically has more light shed on it compared to non-traditional rape, and is more often covered in the media.

In the category of rape, there are three different types. The first type is anger rape, which is when sexuality becomes a hostile act against someone. The second is called power rape, and is when the sex act itself is used for an expression of conquest. The final type is sadistic rape, which is the type most commonly reported on in the news and portrayed on television. Current rape law revolves around sadistic type rapes. Sadistic rape is when anger and power become eroticized for the rapist (Shanahan, 1999). In most states, rape statues require that a fact of force in the way of physical harm, brandishing a weapon, or threats to victim's life be used. Rape law requires that a victim of a rape must have been physically harmed for a crime to have been committed (Shanahan, 1999).

The second umbrella type of rape is non-stranger rape, or non-traditional rape. This rape is when the rapist is someone that the victims knows, whether this be a close family member, or an acquaintance. Non-stranger rape is, by law, a lesser crime because the use of physical harm is diminished (Shanahan, 1999). Society is reluctant to label non-traditional rape as a crime because of the rapist being someone the victim knows. Per Shanahan (1999), physical harm should not be the indication if the crime of rape should be punishable. Rape is a crime that causes psychological harm to the victim. Whether non-traditional or traditional, rape is a violent

crime. When a person is raped, his or her level of trust in people is diminished to almost nothing. Studies have shown that victims of both traditional and non-traditional rape often change their lifestyles completely by avoiding risky behavior such as walking home alone after work. The law leaves rape victims with two choices: either refrain from any behavior which the law and man deems risky, or let their right to protect their sexual autonomy be eliminated (Shanahan, 1999).

Jury's Perceptions in Rape Cases

Research shows that a false accusation can hinder juror perceptions in a rape trial. The main difference between rape and murder is that the victim cannot make a false accusation in a murder trial. False accusations and recantations are one of the leading causes of mistrial, as is the unwillingness to report the crime (Applegate, 2013). Recantation is the most straightforward evidence that the victim has made a false accusation against the attacker (Applegate, 2013). Due to this, the jurors' perception is that false accusations are more common than not. For a rape accusation to go to court, the police must believe that the rape occurred (Applegate, 2013). When they believe the victim, they file the necessary documentation to the prosecutor's office. From there, if the prosecutor thinks the case is winnable, then the case makes it to the courtroom (Applegate, 2013). These factors limit the reliability and believability of the victim by the jurors if the case gets that far. Due to current rape laws, it is hard for juries to make sound decisions on cases of rape.

Prevalence of Murder

Gurian (2015) found that in 1985 that there may have been 35 active murderers in the U.S., that in 1988 there were about 100 active murderers in the U.S., and in 2015, there were 660 serial murderers that killed in the U.S. Gurian (2015) stated that, currently, murder accounts for

0.1% of violent crimes in the U.S. and 0.01% in England and Wales. In 2012, 437,000

intentional murders happened worldwide (Gurian, 2015).

Zeoli, Grady, Pizarro, and Melde (2015) conducted a statistical analysis on murders in

New Jersey. Out of 560 homicides, 126 were disputes that escalated to homicide, 120 were drug

related homicide, 107 were revenge homicides, 75 were robbery homicides, 48 were intimate

partner homicides, 42 were family homicides, and 42 were ganged motivated (Zeoli et al., 2015).

Victim and Perpetrator Typology

Research has shown that there are a few different definitions and types of what serial

murders are. Canter and Wentink (2004) described the Holmes and Holmes Model of murder

typologies. This model included background characteristics of the offender, psychological

motives of the offender, crime scene evidence (which included victim characteristics, and the

method of murder), and offender's spatial behavior (Canter & Wentink, 2004). These

characteristics helped shape the model of five different types of serial murders.

The first type of murder is the Mission Killer. The Mission Killer focuses on the act of

murder itself. These people are compelled to exterminate a certain group of people that this

murderer deems unworthy of living (Canter & Wentink, 2004). The second type of murderer is

the Visionary Killer. This type of murderer suffers from psychotic breaks from reality, and

believe that an external force (God, demons, angels, etc.) ask them to murder a specific

individual. The murder is considered a job that needs to be done without hesitation (Canter &

Wentink, 2004). Holmes and Holmes' third classification of murder is the Hedonistic Killer. This

type has two sub-types that fall under this classification: Lust Killer and Thrill Killer (Canter &

Wentink, 2004). The Lust Killer murders for sexual gratification. Sex is the focus of this type of

murder whether the sex happens before or after the murder itself. Cannibalism, necrophilia, and dismemberment are prevalent with this type of murderer (Canter & Wentink, 2004). The second sub type is the Thrill Killer, and this murderer gets excitement and pleasure from murdering someone. Once the murder is completed, a loss of interest in the victim takes place. This type of murderer will try and prolong the murder and torture the victim (Canter & Wentink, 2004). The last classification of murderers is the Power and Control Killer. This type of murderer derives pleasure from the control and dominance over their victim. This killer likes to prolong the murder to keep the power and control (Canter & Wentink, 2004).

While Holmes and Holmes created a murder typology, Kelleher and Kelleher developed a similar typology for only female serial murders (Farrel, Keppel, & Titterington, 2013). Kelleher and Kelleher created nine different categories for the different types of female serial murderers. The first classification is the Black Widow classification. This murderer starts young, and will have six to eight different victims (Farrel, Keppel, & Titterington, 2013). She will murder close family members or spouses by way of poison (Farrel et al., 2013). The second classification is called the Angel of Death. This woman is known as the lethal care taker. She will work in a hospital, nursing home, or a child daycare. The number of victims is unknown but at the time of being caught eight victims will discovered. Weapon of choice is lethal injection or suffocation (Farrel et al., 2013). The third classification is the Sexual Predator and these are very, very rare (Farrel et al., 2013). The fourth classification is the Revenge murderer. She murders for revenge, and the victims is mainly her own children. The number of victims are 3-4 and when she gets caught she is remorseful (Farrel et al., 2013). The fifth is the For-Profit murderer. She is not like the Black Widow because she is very organized, very concise, and very intelligent. She

does not murder her family, and will only kill for financial gain. She will have five to ten victims (Farrel et al., 2013). The sixth classification is the Team killer. She will collaborate with another person to murder. Most likely she will not be the actual murderer, but in cases where she teams up with a man, the murder will be a sexual homicide (Farrel et al., 2013). The seventh classification is the Question of Sanity killer. This is a woman who will most likely have Munchausen by Proxy and be given an insanity plea (Farrel et al., 2013). The eighth classification is the unexplained because she will murder for no inexplicable reason other than to murder (Farrel et al., 2013). The ninth and last classification is the Unsolved murderer. This is a murder that goes unsolved, but it is believed that a woman has done it (Farrel et al., 2013).

Previous research has indicated that there are three type categories of murders: solo male, solo female, and partner murders (Gurian, 2015). These three categories of murders have certain victimology. Research shows that solo males have a higher rate of targeting adult female strangers, and using a wide variety of weapons for the attack (Gurian, 2015). Solo female serial murderers are the smallest population of the three, and typically target family members or close acquaintances (Gurian, 2015). Poison is the weapon of choice for female solo murders (Farrel et al., 2013; Gurian, 2015). The last category is partner serial murderers target adult strangers of both sexes, and also use a variety of methods to murder their victims (Gurian, 2015).

Gender differences with Regards to Perceptions of Rape & Murder

The literature has identified gender differences on the perceptions of rape and murder. Men and women differ on a variety of social issues and perceptions, and studies have shown that there are gender differences in the courtroom as well. Bottoms et al. (2014) sought the answer to these gender differences in the courtroom. The women in their study perceived guilt at a higher

rate than their male counterparts in the rape cases these researchers looked at. In this study, there were staunch differences between the genders. The study included sexual assault scenarios in which there was either a child present or not. The attitudes towards child testimony between the genders were that women were far more likely to believe the child whereas men were prone to believe that children could fabricate false allegations. These two beliefs can impact judgment in deliberation.

Emotions are also an important part in juror decision making. Bottoms et al. (2014) concluded that jurors with more rape victim empathy were more likely to be female and more likely to make pro-victim judgement. Men were shown to have far less rape victim empathy. This also showed that jurors with child victim empathy would favor the child and want to punish the abuser.

Bottoms et al. (2014) conducted two separate experiments within their study, both based around child sexual abuse. The first test they did was around the reliability and discriminate validity of child testimony and age of the child. The jurors overall viewed younger children to be more open and honest about the abuse they endured. Older children (13+) were viewed as less creditable because they had higher cognitive functions than younger children. The results of showed gender differences (Bottoms et al., 2014). Women were more likely to feel empathy towards the child victims, they believed the children more often, and sanctioned the defendant to higher degrees of guilt than their male counterparts. The second part to the study was to see the strength of the child sexual abuse evidence. When the abuser had a criminal history, had psychological evaluations, had the child testimony, and left DNA evidence, the jurors convicted at a higher rate than when there was only a child testimony. There were three different conditions

for the test: strong, moderate, and weak evidence. The results were as follows: the *not guilty* versus *guilty* were well balanced (48.5% not guilty v. 51.5% guilty) Again, according to Bottoms et al., in all three conditions women were more empathic towards the child and opposed adult/child sex than their male counterparts. Fewer men voted guilty, which further supported that gender differences existed on juries existed.

Jurors & Forensic Evidence

There have been many studies that highlight the different types of evidence that jurors can and cannot understand while serving on a jury. Fawcett and Clark (2014) stated that in 73% of rape cases, 46% murder cases, and 46% other criminal cases, jurors expected to see some form of scientific evidence presented. Finkelstein and Bastounis (2010) studied the effects of forensic psychology, psychiatric experts, and crime scene photos as influencers on juries. Participants were separated into two different groups: the high-level and the low-level groups. The high-level group included those who were in their last year of becoming magistrates, while the low-level group included those who were social science students. The different levels were based on prior knowledge of legal matters. The two groups were then measured on if the presence of a crime scene photo and/or an expert witness caused the punishment to be harsher or less severe. Unsurprisingly, the group with the higher amount of knowledge of legal matters gave a harsher punishment in general. That same group also handed out harsher punishments with crime scene photos present. The low-level group handed down less severe sentences when the crime scene photo was present. These researchers felt that the emotions brought out by the photo would in fact be an influential factor when handing down punishments.

Research has shown that jurors' interpretation whether a witness can accurately recall the suspect (positive ID) may have a strong influence on the decision making (Pozzulo, Lemieux, Wilson, Crescini & Girardi, 2009). Research also shows that when there is more than one type of evidence, the number of guilty verdicts increased. However, one study did find that if only eyewitness testimony was the sole evidence, the defendant was found guilty more often because the participants were skeptical of the statistical evidence given rather than the physical evidence.

A study in France found that psychological assessments and biological data (DNA) had an impact on jury decision making (Finkelstein & Bastounis, 2010). Similarly, a study conducted on the influence of identification and DNA evidence sought to answer if juries based their decision on evidence that was presented. Pozzulo et al. (2009) wanted to know if DNA evidence and eyewitness testimony increased the number of guilty verdicts handed down. According Pozzulo et al. (2009), jurors' perceptions were influenced by the three types of identification that eye-witnesses could make: positive ID, foiled ID, or non-ID.

The positive ID is when an eye witness correctly identifies the suspect from a police lineup. The foiled ID is when an eye witness selects a known innocent person from the police lineup. Finally, the non-ID is when the witness cannot identify anyone from the police lineup. If the jurors heard the witness made a positive ID or a non-ID, the witness was deemed more reliable than a witness who made a foiled ID. When the eye witness made a foiled ID, it discredited their ability to recall events that took place, and jurors disregarded the witness altogether. In Pozzulo et al. (2009) study, jurors found the defendant guilty when the DNA evidence was consistent and easy to understand. DNA played a significant role in the decision-making process.

When evidence and relevance of evidence are presented in a courtroom, jurors need to decipher whether this information is worthwhile. Smith, Bull, and Holiday (2011) conducted a study to uncover whether relevance and strength of evidence played a role in jurors' perception of guilt. The research showed that investigation relevance and mobility (whether the evidence can be easily moved) of evidence could influence guilty verdicts. In this study, the data showed that if the evidence had strong relevance and low mobility, then the juror would be more influenced by the evidence. Overall, the juror was more likely to vote guilty if the forensic evidence was strong.

Chapter 3

METHOD

Participants

A total of *N*=122 participants were obtained through a convenience sample from a local private University in Riverside, California. A total of 50% were males (*n*=61), and 50% were females (*n*=61). Participates ranged in age between 18 to 35 years. A total of 50% (*n*=61) of participants completed the murder condition, and 50% (*n*=61) completed the rape condition. The education levels of the participants were as follows: A total of 12% (*n*=14) completed High School or GED, 69% (*n*=84) some college, 10% (*n*=12) associates degree, 7% (*n*=9) bachelors' degree, and 3% (*n*=3) completed a masters' degree. The ethnicity of the participants was as follows: A total of 41% (*n*=50) identified as White/Caucasian, 13% (*n*=16) Black/African American, 35% (*n*=43) Hispanic/Latino, 7% (*n*=9) Asian/Pacific Islander, .8 (*n*=1) American Indian/ Alaskan Native, and 3% (*n*=3) other.

The religious background of the participants was as follows: A total of 74% (*n*=90) were Christian, 16% (*n*=19) Catholic, 7% (*n*=8) Baptist, and 4% (*n*=5) other. The employment of participants was as follows: A total of 46% (*n*=56) were a student only, 43% (*n*=53) worked part-time, 9% (*n*=11) worked fulltime, .8% (*n*=1) were self-employed, .8% (*n*=1) were retired. Out of 122 participants, only 7% (*n*=8) reported having served in a U.S. jury. Of those who had served in a jury, a total of 63% (*n*=5) had served in a criminal case, and 38% (*n*=3) had served in a civil case.

Design

This study used a vignette survey research design.

Instrument

A total of two fictional vignettes were developed for the purpose of the study (See Appendix A), in addition to the total of eight demographic questions. The brief vignette contained a scenario of rape or murder. Following the brief vignette, a total of three questions followed pertaining to guilt, sentencing, and perceptions of the influence of DNA evidence.

Procedure

The Institutional Review Board of the University approved this study. Participation was voluntary. Data was collected in the classrooms with instructor approval. All participants completed a consent form and received a Participants' Bill of Rights form. Students were offered course credit for participation in the study. After completion of survey, participates were given a one-page list of community resources to help participants with any discomfort they experienced. The students who did not wish to participate had the option of completing a different extra credit activity provided by the instructor.

Data Analysis

The statistical program IBM SPSS was used to analyze the data. All data was screened for univariate, bivariate, and multivariate outliers. The statistical analyzes used in this study included a two-way multivariate analysis of variance (MANOVA), and a factorial analysis of variance (ANOVA). The two-way MANOVA was used to examine perceptions of guilt and sentencing among males and females who completed either the murder or rape vignette conditions. The factorial ANOVA was used to examine perceptions of level of influence of DNA evidence among males and females who completed either the murder or rape vignette conditions.

Chapter 4

RESULTS

Table 1 (see Appendix A) shows the means and standard deviations for type of crime committed, and the perceptions of guilt by gender. Table 2 (see Appendix B) shows the means and standard deviation for sentencing per gender based on the crime that was committed. Table 3 (see Appendix C) shows the means and standard deviations of DNA influence on gender and crime committed.

A 2 (Gender: Male and Female) X 2 (Crime: Rape and Murder) between groups Factorial Multivariate Analysis of Variance (MANOVA) was conducted to examine the effect of gender and type of crime on perceptions of guilt and length of sentencing.

The two-way MANOVA revealed a simple main effect for condition [Wilks' Λ = .822, $F(2, 117)$ = 12.63, $p < .001$, multivariate η^2 = .178]. Thus, supporting the hypothesis which predicted a main effect for the type of crime. Univariate ANOVA test were conducted as follow-up tests. Results revealed statistically significant difference between the rape and murder condition for length of sentencing [$F(1,118)$ = 18.8, $p < .001$, partial η^2 = .137). Results indicated that the type of crime committed significantly determined the length of sentencing. Participants in the murder condition were significantly more likely to render a harsher sentence (M = 3.57, SD = .97), than participants in the rape condition (M = 2.81, SD = .96). No significant group differences between the rape and murder condition were found for perceptions of guilt.

The two-way MANOVA revealed no main effect for gender and length of sentencing, and perceptions of guilt.

The two-way MANOVA revealed no interaction effect between the crime condition and gender for length of sentencing and perceptions of guilt.

A 2 (Gender: Female and Male) X 2 (Crime: Murder and Rape) Factorial Analysis of Variance was conducted to examine the effect type of crime and gender on perceptions of perceived level of influence of DNA evidence. Results revealed a main effect for gender on perceptions of perceived level of influence of DNA evidence [$F(1,118) = 5.41$, $p = .02$], which supports the hypothesis of gender differences between males and females. Results indicated that females were more likely to be influenced by DNA evidence ($M = 5.44$, $SD = .742$) than their male counterparts ($M = 5.06$, $SD = 1.01$).

No main effect was found for crime type (Murder and Rape) on perceptions of perceived level of influence of DNA evidence.

No interaction effect was found between gender and type of crime on perceived level of influence of DNA evidence.

Chapter 5

DISCUSSION

Research has found that when DNA evidence was consistent, jurors found the defendant guilty (Pozzulo et al., 2009). This means that when DNA evidence was found to be a match to the defendant, the jury could use this as the proverbial "smoking gun" and perceive them as guilty. Finklestein and Bastounis (2010) found that emotions can also be influential when evidence is presented to a jury. The emotions that develop from the presentation of evidence was pivotal in the decision-making process that the jury made. Hodell et al. (2014) found that in the case of murdering an abusive spouse, the jury was three times more likely to convict the man of an abusive wife than the opposite. This correlates to how emotions can guide a juror's perception of guilt. This present study was aimed to examine if there were gender difference on juries, and examined the perceived guilt mock jurors had based on those differences. This study also aimed to identify if DNA evidence had any influence on gender as well. The results showed that two hypotheses were statistically significant. The first, that there was a statistically significant simple main effect for the type of crime on sentencing. Participants in the murder condition were far more likely to give a harsher sentence than those participants in the rape condition. This correlates with how Shanahan (1999) stated that rape was not viewed as serious by the law. These results coincided with this research. Even though this study did not have the gender of the victim or the gender of the suspect within the vignette, participants still gave harsher sentencing for the murder condition.

The results revealed that DNA evidence had more influence on the female participants in this study. DNA evidence did have an influence on the male participants, however it was not as strong as for the females. This coincided with findings in other studies that female jurors had more empathy towards victims (Bottoms et al. 2014). Bottoms et al. found that the female participants were more likely to use the evidence given to them as enough reasonable doubt to give a harsher sentence.

There was no significance in the type of crime and the perceived level of influence of DNA evidence. In the research, levels of DNA influence were found to be significant, but not between certain crimes (Pozzulo et al., 2009). There also was no significance found for gender and the length of sentencing or perceptions of guilt. There also was no significance between the type of crime and whether gender played a role for length of sentencing.

Limitations

Perhaps some of the most significant limitations to this study was the use of a small population of college students at a private university. This was a sample of convenience that included a mock jury consisting of 122 college students from a private Christian university. This may have caused some limitations in their thinking and subsequently their self-reporting. Secondly, most of the participants had never been a part of a jury, so this could have played in some apprehension to answer questions truthfully and to the best of their ability.

Self-Report and Interpretation

Participants were given a self-report questionnaire used for the sole purpose of this study. The answers reported are only valid as reported results and not "truths."

Future Research

Future research should be conducted to understand the complexities of jury selection and how gender differences can be an impact of the outcome of a jury trial. Future research should determine if there is a difference between those who have served on a jury before and those who have not and whether pervious jury service can predict what jurors will decide. Lastly, there should be research on how DNA evidence on television can influence lay people's perception of how evidence is used in real crime investigations.

REFERENCES

Applegate, B. E. (2013). Prior (False?) accusations: Reforming rape shields to reflect the
dynamics of sexual assault. *Lewis & Clark Law Review*, *17*(3), 899-930.

Binder, G. (2004). The origins of American felony murder rules. *Stanford Law Review*, *57*(1),
59-208.

Bottoms, B. L., Peter-Hagene, L. C., Stevenson, M. C., Wiley, T. A., Mitchell, T. S., &
Goodman, G. S. (2014). Explaining gender differences in jurors' reactions to child sexual
assault cases. *Behavioral Sciences & The Law*, *32*(6), 789-812. doi:10.1002/bsl.2147

Canter, D. V., & Wentink, N. (2004). An empirical test of Holmes and Holmes's serial murder
typology. *Criminal Justice & Behavior*, *31*(4), 489.

Edens, J. F., & Cox, J. (2012). Examining the prevalence, role, and impact of evidence regarding
antisocial personality, sociopathy, and psychopathy in capital cases: A survey of defense
team members. *Behavioral Sciences & The Law*, *30*(3), 239-255. doi:10.1002/bsl.2009

Greenall, P. V., & West, A. G. (2007). A study of stranger rapists from the English high security
hospitals. *Journal Of Sexual Aggression*, *13*(2), 151-167.
doi:10.1080/13552600701661540

Fradella, H. F., & Brown, K. (2007). The effects of using social scientific rape typologies on
juror decisions to convict. *Law & Psychology Review*, *31,* 1-19.

Farrell, A. L., Keppel, R. D., & Titterington, V. B. (2013). Testing existing classifications of
serial murder considering gender: An exploratory analysis of solo female serial
murderers. *Journal Of Investigative Psychology & Offender Profiling*, *10*(3), 268-288.
doi:10.1002/jip.1392

Fawcett, H., & Clark, K. (2015). Linkage analysis as evidence in court: A thematic analysis of mock juror deliberations. *Journal Of Investigative Psychology & Offender Profiling*, *12*(3), 247-266. doi:10.1002/jip.1429

Finkelstein, R., & Bastounis, M. (2010). The effect of the deliberation process and jurors' prior legal knowledge on the sentence: The role of psychological expertise and crime scene photo. *Behavioral Sciences & The Law*, *28*(3), 426-441. doi:10.1002/bsl.914

Gurian, E. A. (2017). Reframing serial murder within empirical research. *International Journal Of Offender Therapy & Comparative Criminology*, *61*(5), 544-560. doi:10.1177/0306624X15598572

Hodell, E., Wasarhaley, N., Lynch, K., & Golding, J. (2014). Mock juror gender biases and perceptions of self-defense claims in intimate partner homicide. *Journal Of Family Violence*, *29*(5), 495-506. doi:10.1007/s10896-014-9609-2

Krebs, C. P., Lindquist, C. H., Warner, T. D., Fisher, B. S., Martin, S. L., & Childers, J. M. (2011). Comparing sexual assault prevalence estimates obtained with direct and indirect questioning techniques. *Violence Against Women*, *17*(2), 219-235. doi:10.1177/1077801210397743

Landsman, P. (2015). Does removing the force element matter? An empirical comparison of rape statistics in Massachusetts and Colorado. *William & Mary Journal of Women and the Law*. 21 Wm. & Mary J. of Women & L. 767.

Pozzulo, J. D., Lemieux, J. T., Wilson, A., Crescini, C., & Girardi, A. (2009). The influence of identification decision and DNA evidence on juror decision making. *Journal Of Applied Social Psychology*, *39*(9), 2069-2088. doi:10.1111/j.1559-1816.2009.00516.x

Shanahan, C. E. (1999). Stranger and nonstranger rape: One crime, one penalty. *American Criminal Law Review, 36,* 1371.

Smith, L. L., Bull, R., & Holliday, R. (2011). Understanding juror perceptions of forensic evidence: Investigating the impact of case context on perceptions of forensic evidence strength. *Journal Of Forensic Sciences (Wiley-Blackwell)*, *56*(2), 409-414. doi:10.1111/j.1556-4029.2010.01671.x

Wilson, L. C., & Miller, K. E. (2016). Meta-analysis of the prevalence of unacknowledged rape. *Trauma, Violence & Abuse*, *17*(2), 149-159. doi:10.1177/1524838015576391

Zeoli, A. M., Grady, S., Pizarro, J. M., & Melde, C. (2015). Modeling the movement of homicide by type to inform public health prevention efforts. *American Journal Of Public Health*, *105*(10), 2035-2041. doi:10.2105/AJPH.2015.302732

APPENDICES

Appendix A

Table 1

Types of Crime Committed, & Perceptions of Guilt by Gender

Type of Crime	Male		Female	
	M	*SD*	*M*	*SD*
Murder	5.16	.78	5.27	.91
Rape	5.10	.92	5.42	.62
Total	5.13	.85	5.34	.77

Appendix B

Table 2

Sentencing by gender based on crime committed

Type of Crime	Male		Female	
	M	*SD*	*M*	*SD*
Murder	3.54	1.05	3.60	.89
Rape	2.63	1.03	3.00	.85
Total	3.09	1.13	3.29	.91

Appendix C

Table 3

DNA influence on gender and crime committed

Type of Crime	Male		Female	
	M	*SD*	*M*	*SD*
Murder	5.03	1.13	5.26	.82
Rape	5.10	.88	5.61	.61
Total	5.06	1.01	5.44	.74

INFORMED CONSENT

CONSENT TO ACT AS A HUMAN RESEARCH PARTICIPANT

You are invited to participate in a research project conducted by *Aaron Hovsepian* Graduate student in the *Department of Behavioral Sciences* under the supervision of Dr. Ana Gamez Associate professor of Psychology in the Department of Psychology at California Baptist University. I hope to learn whether there is a gender bias on crime committed and evidence presented. You were selected as a possible participant in this study because you are between the ages of 18-70 and a student at California Baptist University.

If you decide to participate, you will read a short vignette then answer a brief survey about what you have read. Your purpose in doing this will help me understand my hypotheses better. This should not take more than 5-10 minutes and you will only have to do this one time. You will not be videotaped, nor audio recorded. Once the survey is completed, the data will be collected and anonymously admitted into statistical analyses.

The purpose of this study is to understand if there are any differences between the genders when perceiving guilt while serving on a jury. If you are negatively affected in any way, the California Baptist University Counseling Center may be contacted and/or visited if need be: Address: 3510 Adams St. Riverside, CA 92504, Telephone: (951) 689-1120. Students will either be offered class credit/extra credit for participation in this research and another equitable option for extra credit will be available for those who do not wish to participate.

Any information obtained in this study that can be identified with you remains confidential and will be disclosed only with your permission or as required by law. Subject identities will be kept confidential by being assigned numbers to the surveys that are taken. All data will be de-identified. This study will not ask for identifying details and all information used in this study will be coded to protect participants' privacy and confidentiality. No identifiable information will be connected to the survey questions. All data will be stored in a safe and secure location. The consent forms will be kept separately from the survey data, so no identifying information will be connected to any data from the surveys.

Your participation is voluntary. Your decision whether or not to participate will not affect your relationship with California Baptist University. If you decide to participate, you are free to withdraw your consent and discontinue participation at any time without penalty.

If you have any questions about the study, please feel free to contact me by email at AaronCody.Hovsepian@calbaptist.edu or Dr. Ana Gamez, Associate Professor of Psychology, Practicum Director Forensic Psychology, at agamez@calbaptist.edu. If you have questions regarding your rights as a research subject, please contact the IRB (IRB@calbaptist.edu).

Your signature indicates that you have read and understand the information provided above, that you willingly agree to participate, that you may withdraw your consent at any time and discontinue participation without penalty, that you will receive a copy of this form, and that you are not waiving any legal rights or future claims. Your signature also acknowledges that you had an opportunity to ask questions at any time.

BILL OF RIGHTS

BILL OF RIGHTS for RESEARCH PARTICIPANTS

All persons asked to participate as a subject in a research project, before deciding whether or not to participate, have the right to:

1.   Be informed about the nature and purpose of the research.
2. Be given an explanation of the procedures used in the research and, if appropriate, any drug or medical device utilized.
3. Be given a description of any attendant discomforts and risks reasonably expected from or during the research.
4. Be given an explanation of any benefits to subjects potentially resulting from research, if applicable.
5. Be given a disclosure of any appropriate alternative procedures, drugs, or devices that might be advantageous to subjects, and the potential related risks and benefits.
6. Be informed about medical or psychological treatment, if any, available to the subject if complications arise during or after the research.
7. Be given an opportunity to ask any questions concerning the research purposes and procedures.
8. Be told that consent to participate in the research may be withdrawn at any time and subjects may discontinue participation in the research without prejudice.
9. Be given a copy of any signed and dated written consent form related to the research.
10. Be given the opportunity to decide to consent or not consent to participate in the research without the any element of force, fraud, deceit, duress, coercion or undue influence on the decision. I carefully read this Bill of Rights and fully understand my rights as a potential subject in a research project involving people as subjects. (Signatures required if the research involves medical experiments or if there is more than minimal risk associated with the research.)

PARTICPANT'S SURVEYS

Perceptions of Guilt

Demographic Information

1. Age _____

2. Gender: Male _____ Female _____

3. What is your highest level of education?
   - o Did not complete High School
   - o High School/GED
   - o Some College Education
   - o Associate's Degree
   - o Bachelor's Degree
   - o Master's Degree
   - o Doctorate Degree

4. Your Ethnicity (Select the best answer):
   - o White/Caucasian
   - o Black/African American
   - o Hispanic/Latino
   - o Asian/Pacific Islander
   - o American Indian/Alaskan Native
   - o Other   Specify:_____

5. Religious Affiliation: Circle only one
   - o Christian
   - o Catholic
   - o Baptist
   - o Jewish
   - o Mormon
   - o Muslim
   - o Other _____

6. Employment Status: Circle only one
   - o Student only
   - o Part-time
   - o Full-time
   - o Self-employed

- o Unemployed
- o Retired
- o Other_____

7. Have you ever served on a jury?
    - o Yes
    - o No

    If yes, what type of trial was it?
    - o Criminal
    - o Civil

Vignette

A.

Victim X was walking home after work. Suspect Z followed Victim X and forced Victim X into an alley. Victim X was found in the alley murdered. DNA evidence of Suspect Z was found on Victim X's body.

Answer the following questions:
1. How likely is it that Suspect Z is guilty?

Strongly Unlikely	Unlikely	Neutral	Somewhat Likely	Likely	Strongly Likely
1	2	3	4	5	6

2. What sentence should the defendant get?
    o None, Suspect Z is not guilty
    o Prison sentence of 1 – 10 years
    o Prison sentence of 11 – 24 years
    o Prison sentence of 25 years to life
    o Death sentence

3. How influential is the DNA evidence?

Extremely Insignificant	Insignificant	Neutral	Somewhat Influential	Influential	Extremely Influential
1	2	3	4	5	6

Perceptions of Guilt

Demographic Information

8. Age _____

9. Gender: Male _____ Female _____

10. What is your highest level of education?
    - o   Did not complete High School
    - o   High School/GED
    - o   Some College Education
    - o   Associate's Degree
    - o   Bachelor's Degree
    - o   Master's Degree
    - o   Doctorate Degree

11. Your Ethnicity (Select the best answer):
    - o   White/Caucasian
    - o   Black/African American
    - o   Hispanic/Latino
    - o   Asian/Pacific Islander
    - o   American Indian/Alaskan Native
    - o   Other   Specify:_____

12. Religious Affiliation: Circle only one
    - o   Christian
    - o   Catholic
    - o   Baptist
    - o   Jewish
    - o   Mormon
    - o   Muslim
    - o   Other _____

13. Employment Status: Circle only one
    - o   Student only
    - o   Part-time
    - o   Full-time
    - o   Self-employed
    - o   Unemployed
    - o   Retired

o   Other_____

14. Have you ever served on a jury?
    o   Yes
    o   No

If yes, what type of trial was it?
    o   Criminal
    o   Civil

Vignette

B.

Victim X was walking home after work. Suspect Z followed Victim X and forced Victim X into an alley. Victim X was found in the alley raped. DNA evidence of Suspect Z was found on Victim X's body.

Answer the following questions:

4. How likely is it that Suspect Z is guilty?

Strongly Unlikely	Unlikely	Neutral	Somewhat Likely	Likely	Strongly Likely
1	2	3	4	5	6

5. What sentence should the defendant get?
   o   None, Suspect Z is not guilty
   o   Prison sentence of 1 – 10 years
   o   Prison sentence of 11 – 24 years
   o   Prison sentence of 25 years to life
   o   Death sentence

6. How influential is the DNA evidence?

Extremely Insignificant	Insignificant	Neutral	Somewhat Influential	Influential	Extremely Influential
1	2	3	4	5	6