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Perceptions of Female Defendants as a Function of Pregnancy Status

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Perceptions of Female Defendants as a Function of Pregnancy Status

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Outline

- Background literature
- Hypotheses
- Methods
- Results
- Discussion
- Future directions
- References

Background

- ▶ Elliot and Verdeyen, (2002) *Game Over! Strategies for Redirecting Inmate Deception*.
 - ▶ Women who were pregnant upon legal sentencing were placed in a community setting instead of the general prison population
 - ▶ One woman, Mary, received a sentence break due to her pregnancy
 - ▶ This led me to the question of whether she used pregnancy as a means to lesser sentencing

Background cont.

Rudman, Glick, and Phelan, (2008) *From the laboratory to the bench: Gender stereotyping research in the courtroom.*

- Women and men are viewed differently in job settings, women as warmer and less competent than men
- Gender plays a role in hiring decisions, economics, etc.
- Women cannot be too feminine or too masculine

Background cont.

Eagly and Koenig (2008). *On the risks of occupying incongruent roles.*

- Descriptive norms versus injunctive norms
- In regards to gender content relates to communication: sensitivity, nurturing, cooperation and agency: aggression, competitiveness, dominance
- Individuals challenging traditional gender roles seen as failing to be sufficient in feminine behaviors

Background cont.

- ▶ Miller and Thomas' study (2015) *Understanding changes in community sentiment about drug use during pregnancy using a repeated measures design.*
 - ▶ Examined perceptions of women who used drugs during pregnancy
 - ▶ Specifically, how harshly people sentenced women in scenarios based on a variety of factors
 - ▶ For the most part there was strong support for legal action against those women
 - ▶ There were also strong negative emotional responses towards those using while pregnant

Hypotheses

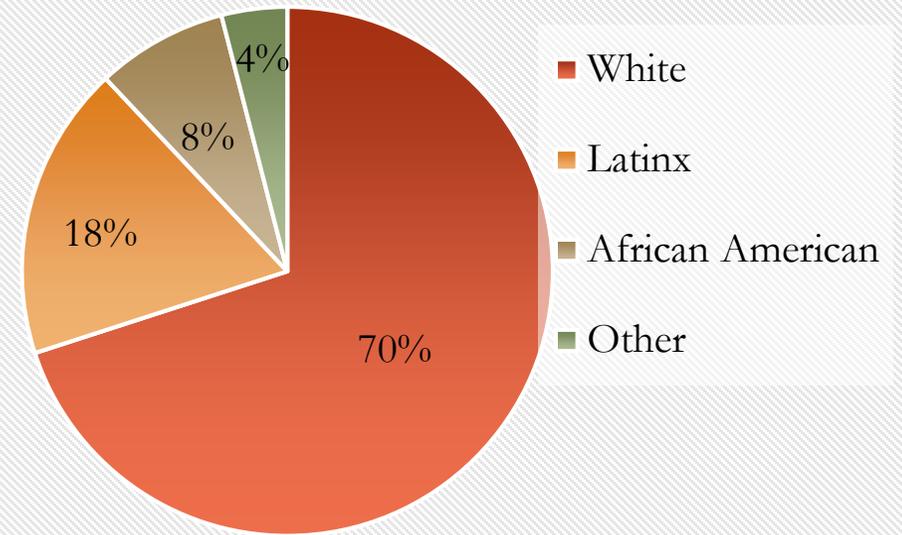
- Hypothesis 1: A pregnant defendant would evoke sympathy in a trial situation and consequently a pregnant woman would be sentenced less harshly by a juror than a non-pregnant woman when committing similar crimes.
- Hypothesis 2: There would be gender differences in perceptions of female defendants; however, no specific direction for gender differences in perception of culpability was predicted.

Method

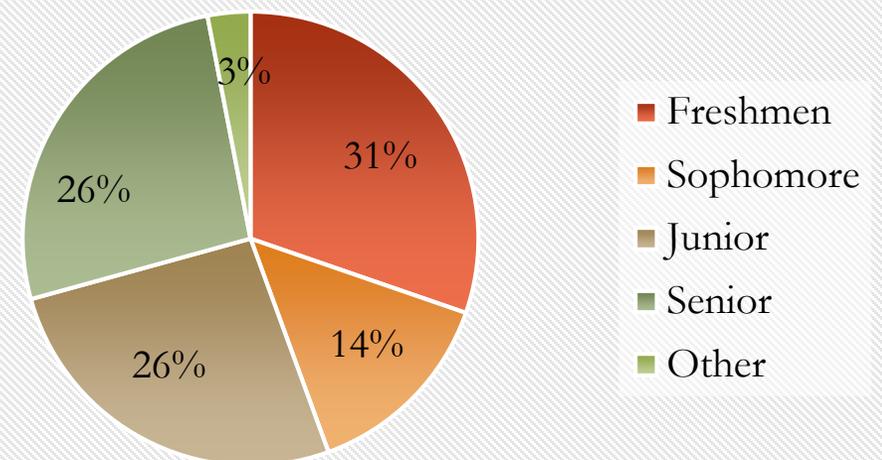
Participants

- 290 undergraduate and graduate students
 - men (n = 62) and women (n = 228)
- From a regional university in the Pacific Northwest
- Just over 5% had been previously convicted of a misdemeanor offense
- 1% had been previously convicted of a felony

Ethnicity



Year in College



Method cont.

Measures

➤ *Demographics Questionnaire*

- Age, gender, race, year in college, and previous experience with the legal system.

➤ *Jury Perception Scenarios*

- Six identical scenarios with two versions:

- one with a pregnant woman

- one with a non-pregnant woman

- Participants answered questions as a hypothetical juror.

- Follow-up questions asked about verdict given (guilty/not guilty) and sentence given assuming a guilty verdict. Sentences ranged from probation to the death penalty.

Method cont.

Jury Perception Scenarios

“Valerie is 30 years old and has been married to her husband for several years. **She is six months pregnant.** Valerie is now on trial for the murder of her husband. He was found shot three times, her fingerprints were found on the gun and they were alone in the house that night.”

- Please circle the verdict you would give the woman in the scenario.

Guilty Not guilty

- If you judged the defendant to be guilty, what sentence would you give her? *Check one.*

1 year probation_____

20-30 years in prison_____

1-5 years in prison_____

Life in prison, no parole_____

10-15 years in prison_____

Death penalty_____

Method cont.

Procedures

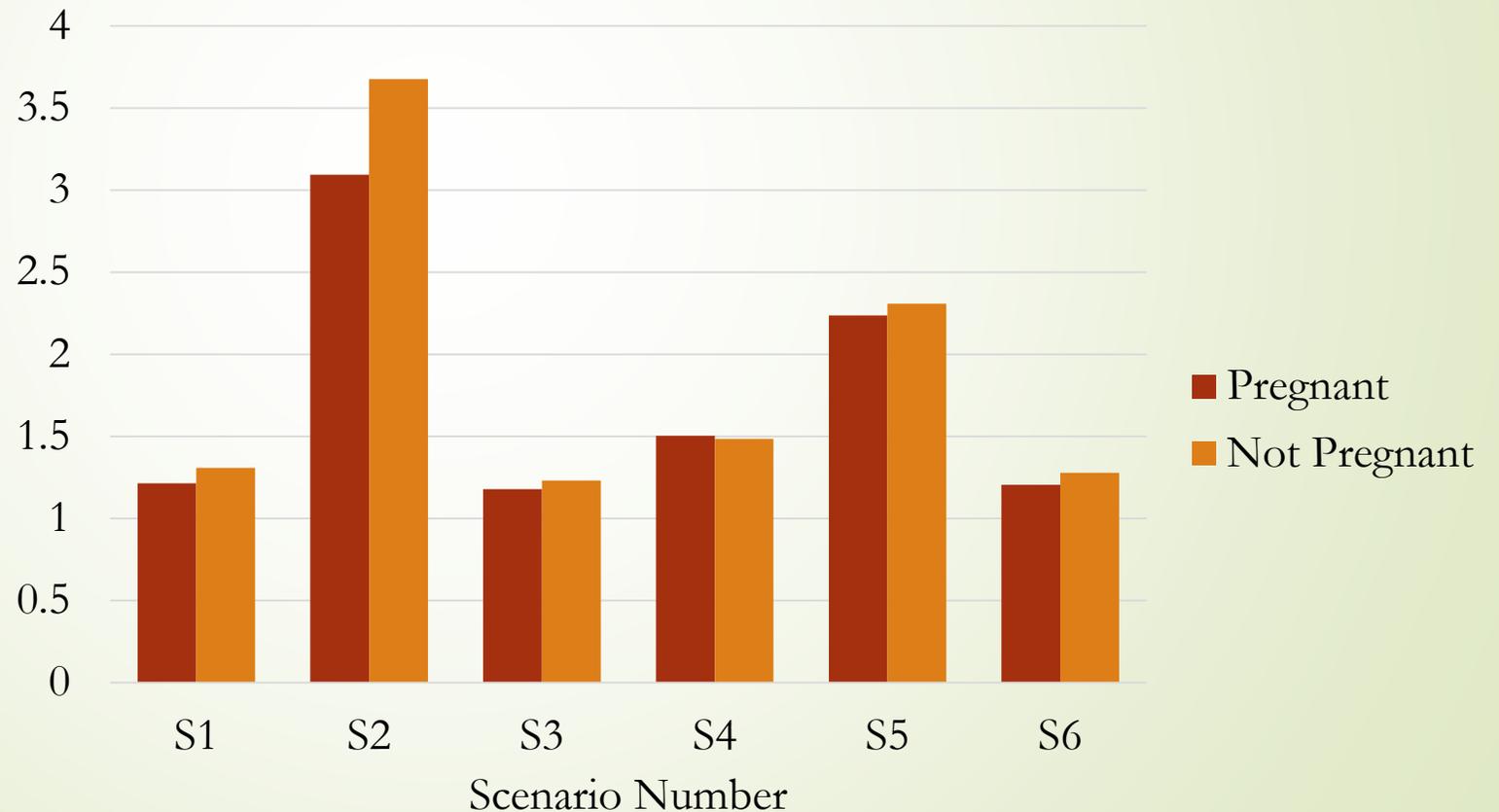
- Participants were recruited through *Sona* (an online site used by the university for research) and completed the online questionnaire packet via *Survey Monkey*. Participants received research credit in exchange for participation.
- All received the 6 scenarios – 3 indicating pregnant and 3 indicating not (This was altered across two conditions)
- All procedures were in accordance with American Psychological Association ethical guidelines and approved by the University's Institutional Review Board.

Hypothesis 1: A pregnant defendant would evoke sympathy in a trial situation and consequently a pregnant woman would be sentenced less harshly by a juror than a non-pregnant woman when committing similar crimes.

Only Scenario 2
(defendant committed
murder) showed
statistically significant
difference

➔ $F(1, 286)=12.249,$
 $p=0.001, \eta^2=0.041.$

Figure 1. Mean Sentence Length as a Function of
Pregnancy Status

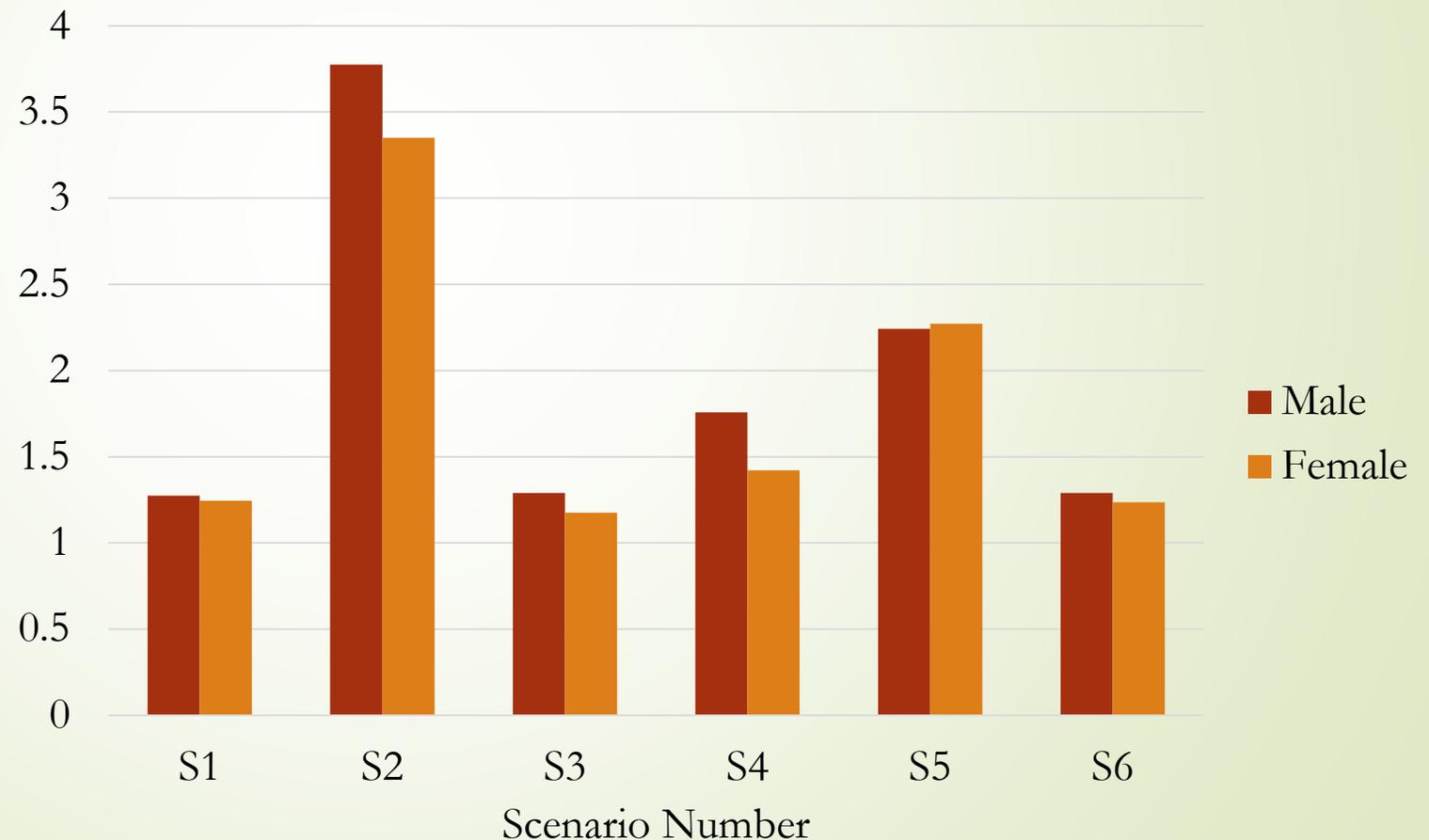


Hypothesis 2: There would be gender differences in perceptions of female defendants; however, no specific direction for gender differences in perception of culpability was predicted.

➤ Overall, male participants judged harsher regardless of pregnancy status of defendant in scenario than women, Wilks' Lambda, $F(6, 281) = 3.365, p = 0.003, \eta^2 = 0.067$.

➤ Significant for scenarios 2 (murder) and 4 (kidnapping)

Figure 2. Mean Proposed Sentence Length as a Function of Gender of Participants



Discussion

- Findings were somewhat consistent with that predicted
 - Harsher crimes (e.g., murder) result in differences in proposed sentence length
 - Men judge more harshly than women, but especially when the crimes are serious
- Limitations of research
 - Sample was limited to college students in psychology classes
 - Placed participants in hypothetical jury situations

Discussion cont.

- By understanding the role pregnancy plays in a trial the judicial system, we can better understand what is necessary for trials to be fair and equal.
- Knowing that one may be biased or persuaded to lean one way or another based on a pregnancy means that juries can be better structured in order to have a fair trial
- Overall, gender impacted the mean sentence length given regardless of pregnancy, and pregnancy did not have much of an impact on decision making

Future Directions

- Archival research looking at conviction rates of female defendants
- Interviews with previously/currently incarcerated people comparing their experiences for differences in sentencing

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