

University of La Verne Undergraduates' Perceptions on Criminal Sentencing based on Ethnicity and Gender

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INTRODUCTION

Many believe the court systems in the United States should be blind when it comes to conducting legal procedures. Criminal sentencing has been one of the procedures people have had to deal with throughout history. Many consider sentencing an individual for a criminal act a serious matter, however, many researchers, and people in general, have come to realize that criminal sentencing is affected by the biases of imperfect humans. The biases demonstrated by people who could potentially become jurors or even judges in a court room have been swung towards a particular gender or a race and ethnicity. This is why in the present study it was important to analyze perceptions of criminal sentencing based on the ethnicity and gender of a defendant. Considering past research, it is obvious that gender and ethnicity do have a relationship with the sentence severity of an individual.

Researchers have predicted that data from the State Court Processing Statistic (SCPS) would demonstrate that females would get better pre-trial treatment, that Black and Hispanic defendants would receive harsher punishment, and that a gender effect would be present throughout all racial and ethnic markers (Demuth & Steffensmeier, 2004). The gender effect demonstrates a common underlying belief that women cannot be as guilty as men for a committed crime because of close ties women more likely have with their children or family. In particular researchers found that the gender effect was strongest among Hispanic defendants and weakest among White defendants. In addition, Black and Hispanic defendants received harsher pre-trial treatment; Hispanics, however, received the harshest treatment. This supports similar findings found in previous studies.

Steffensmeier and Demuth (2000) studied the effects of ethnicity on United States Federal Courts cases for 1993-1996. It was predicted that the ethnicity of a defendant would have a significant effect on the final court's decision and that Hispanics would receive harsher sentencing. The results of the analysis indicated that ethnicity did have a moderate impact; White defendants received more favorable sentencing, followed by Black and Hispanic defendants. It seems that ethnic bias can be present in legal proceedings.

The results of previous studies showed that females typically receive better sentencing treatment compared to males and that defendants of Black and Hispanic ethnicity receive harsher treatment and longer sentencing time. Therefore, in the present study, it was hypothesized that participants would give Black defendants harsher sentencing time compared to White defendants. In addition, it was also hypothesized that males, regardless of their ethnicity would receive harsher punishment. Finally, participants were expected to give Black defendants harsher sentences compared to all other groups in the study.

METHOD

Participants

There were 231 participants (153 female, 78 male) in the study. The sample was composed of male and female undergraduates from a small, private university in Southern California. Participants were chosen via convenience sampling. The only exclusion criteria used in sampling was that participants had to be over eighteen and an undergraduate. Participants ranged between the ages of eighteen to older than twenty four years old. Of the 231 participants, 44.2% were Latino American, 33.8% were Caucasian, 14.6% stated 'Other', 5.2% were African American, and 2.2% were Asian American.

Instruments

The researchers designed a questionnaire with photo stimuli to examine racial bias towards different ethnicities among people committing crimes. There were six different types of questionnaires. Four of the six questionnaires had photographs of "perpetrators" that helped identify their racial background. One picture was of an African American male, the second was of an African American female, and the last two were of a Caucasian male and female. Additionally, two of the six questionnaires served as controls and only contained a small vignette exclusively identifying the gender of the perpetrator and excluding their ethnicity. All questionnaires consisted of a total of six questions, and a short description of the perpetrator and the crime he/she had committed. The description of the perpetrator for all six surveys had the same age, the same crime, and the same crime location. The only variations were the descriptions of gender and ethnicity.

The first four questions on the survey asked participants to indicate their age, gender, ethnicity, and class standing. The last two survey questions asked about perceptions regarding the perpetrator. One was a close-ended question asking whether the perpetrator should be imprisoned ("yes" or "no") and the second question was open-ended and asked how long the imprisonment should last. Participants needed to respond in number of months.

Photo Stimuli



Procedure

The study was conducted in numerous classrooms throughout the University campus. Classes were from differing departments and only undergraduate students were surveyed. Before consent forms were handed out, the researcher explained that their participation was voluntary and they could feel free to not participate or to cease participation if they felt uncomfortable. It was also explained that the participants could seek the researchers if they needed any questions answered and most importantly, that they had to be over eighteen to participate. Participants were informed that their responses would remain confidential. Before beginning the survey, students were informed to not write their name anywhere, to not speak with fellow classmates, and to follow directions correctly.

Consent forms were then handed out and participants read and signed them. Once all consent forms were handed back to the researcher, the questionnaire was then administered. The researchers reminded the participants to read all directions and questions in detail. There were no written instructions for the second page of the survey, so students were verbally told what to do. If the questionnaire had a photo, participants were instructed to look at the photo, read the description to the right hand side of the photo, and answer the two questions at the bottom of the page to the best of their abilities. If the surveys did not have a photo, then participants were told to only read the description that was provided and answer the two questions at the bottom. Following their completion, participants were debriefed about the purpose of the questionnaire. After the debriefing period, they were released and thanked for their participation and cooperation.

RESULTS

An independent samples *t*-test and one-way ANOVA were used for analyses.

Hypothesis 1

The first hypothesis stated that the African American defendants would receive higher sentencing than the Caucasian defendants. Results indicated there were no significant differences between ethnic groups. All surveys were given similar sentencing, $t(154) = 0.520, p > .05$. The African Americans received similar sentencing ($M = 10.02, SD = 13.82$) to the Caucasians ($M = 8.89, SD = 12.80$).

Hypothesis 2

The second hypothesis stated that females, regardless of ethnicity would receive lesser sentencing than males. Results indicated that there were significant differences between female and male sentencing time. A *t*-test was performed to demonstrate that the female defendants received significantly shorter sentences ($M = 7.50, SD = 9.90$) than the male defendants ($M = 11.42, SD = 16.14$), $t(218) = 2.162, p = .032$.

Hypothesis 3

The third hypothesis stated that between the six different surveys, the African American male defendant would receive the longest sentence. A one-way ANOVA was conducted and showed no significant differences among the different defendants' sentences, $F(5, 214) = 1.315, p > .05$. However, in reviewing the data, Levene's test for equality of variances demonstrated that the variances of the groups were very different, $p = .014$, which means that the data can not be accurately interpreted. Transformation of the data could not be done on this type of data. Therefore, if future researchers were to replicate this study, they must take caution to find homogeneity of variance among the groups. Please refer to Table 1 for means and standard deviations of all surveys.

Table 1.
Group Statistics for Hypotheses 1 and 2

Variable	<i>M</i>	<i>SD</i>	<i>n</i>
African American (female and male)	10.02	13.82	90
Caucasian (female and male)	8.89	12.80	66
Control Female	7.50	9.91	107
Control Male	11.42	16.14	113

CONCLUSION

Women, regardless of ethnicity, were given shorter sentences compared to men. The study also found that presenting a picture of the perpetrator did not affect participants' answers because sentencing was the same for surveys with photos and those without.

The results indicated that the only factor that affected participants' answers was the gender of the perpetrator. In addition, it was found that participants' answers in the control conditions (questionnaires without photographs) were similar to those that included photos. Even though past studies demonstrated minorities such as African Americans and Hispanics are sentenced more harshly than Caucasian criminals, this study did not find these differences when comparing African American and Caucasian defendants. The study did show that gender was a significant factor. In fact, some of the participants noted (without being asked to) on the questionnaire that the female perpetrators may have had a valid reason for stealing (food, run away, no family, or to feed their child). There were no documented excuses for the male defendants and that their longer sentences would teach them a lesson.

Limitations to the present study included having only two ethnic groups compared. Also, college students, although adults, may not represent those that actually serve on juries to make these sentencing decisions, therefore, it is unknown how real jurors would give sentencing to these perpetrators.

Future research may wish to incorporate other ethnic groups such as Hispanic or Asian as the perpetrator to determine if there is a difference in sentencing for them. As well, it would be beneficial to look at different types of crimes, because this study only looked at robbery. It would have been interesting to look at the results of a more serious crime such as homicide. Lastly, future researchers should consider sampling individuals from a larger city because living in a larger city may change the perceptions of people and how they would most likely answer to the survey questions.