

Effects of Crime Type, Perception of Offenders Physical Attraction and Crime Victim's Status on Perceived Severity of Judgment

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Several researches have been conducted on factors influencing sentencing decisions and severity of judgments with literature suggesting that some elements of bias undermine the outcome of judgment. The Nigerian Judicial system seems not to be free from this postulation as reflected in the many disparities in court judgments. However, literature is insufficient on the effects of crime type and crime victim status on severity of judgment. These disparities and the gaps earlier identified escalated the need to research into the rationale behind these discrepancies in judgment. This work, therefore, investigated the effects of crime type, perception of offenders' physical attraction, crime victim's status on perceived severity of judgment. A total of 120 randomly selected student participants served as judges' in the experiment. These participants comprised 100 Level students of Psychology, Sociology and Law in the University of Ibadan taking same course in the Department of Psychology. Each of the eight experimental group comprised of 15 participants assigned through randomization. Case scenarios alongside photographic images of offenders were presented to each of the participants from which they had to make judgments. Data were analyzed using Multinomial Logistic Regression. Crime type, perception of offenders' physical attraction and crime victim's status had no significant interaction effect on severity on judgment $-2\log\text{likelihood} = 40.13$; $X^2 = 2.65$; $df = 2$; $P > .05$. However, crime type as an independent variable alone had a significant effect on severity of judgment denoted $-2\log\text{likelihood} = 72.77$; $X^2 = 19.28$; $df = 2$; $P < .01$. The implications of the findings from this study have been elaborately highlighted in the body of the research with directions for further researches discussed.

Background to the Study

The justice system starts to run with the commission of a crime and straddles subsequent interventions by agencies of the system such as arrest, arraignment, trial, sentencing and punishment of the offender. A sentence or judgment of the court can be defined as a definite disposition order issued by a court or other competent tribunal against a person standing trial, at the conclusion of a criminal trial, subsequent to the finding of guilt against him and must be an order which is definite in its nature, type and quantum (Adeyemi, 1990).

According to Ashworth (1992), sentencing is a form of communication. The sentence otherwise known as judgment is often presented as an action that will make it less likely that the offender or others will commit offences in the

future. This common view of sentencing is *consequentialist* as it is concerned with the effect the judgment has on future behavior.

Judgments or sentencing decisions do not occur in a vacuum. There are a number of actors and audiences and each has a unique perspective or construction of sentencing (Gergen, 1985).

There are a couple of factors (seen and unseen) that may influence severity in judgment. For instance, some legal factors such as the severity of the offence, criminal history, other offender characteristics such as history of past victimization, role the defendant performed in the offence (Steffensmeier *et al.*, 1998), and mental health status (Hartley *et al.*, 2007) have all been identified as possible factors that influence sentencing decisions.

Research shows that attractive people are usually associated with positivity, whereas unattractive people are usually associated with negativity. Higgins, Heath & Grannemann, (2007) posited that society has greatly disadvantaged those who lack a physically attractive exterior, from early childhood throughout life. This supposition therefore suggests that physically unattractive individuals are more likely to receive unfavorable judgments in contrast to their contemporaries who are perceived as being physically attractive as past evidence demonstrates that irrelevant defendant characteristics have an effect on juror sentencing.

Offence seriousness is a key factor in sentencing. It plays an important role in the sentencing framework. A great deal of theoretical and empirical research explores whether for example gender influences sentencing outcomes in general but the dearth on research works exploring crime type and sentencing decision remains fallow.

A few research works have tried to incorporate type of crime alongside gender as predictors of sentencing decisions. Mustard's (2001) analysis of convicted federal offenders found that gender differences were strongest for bank robbery and drug trafficking, with females being sentenced to similar number of years in prison as males. However, gender differences were considerably noted for less grievous crimes such as larceny, fraud, and immigration violations, with sentencing of fewer months compared to males. No gender differences were observed for firearms violations. Although these differences are relatively small, they nonetheless provide evidence that contradicts the typicality thesis that gender differences will be reduced for serious and violent crime. Two other relevant studies that examined only two separate types of crimes assessed interaction effects between crime type and gender. These results show that gender did not interact with offence type to affect sentencing among assault and property offenders (Farnworth and Teske, 1995) or among drug and property offenders (Koons-Witt, 2002). In other words, crime type or gender may have had main effects on sentencing decisions but did not interact to produce any significant effect.

Crime victims have become increasingly important players in the criminal process in recent years. This is true across the United States, where the Crime Victims' Rights Act (CVRA) of 2004 accords victims a wide range of rights, including being notified of all public proceedings in criminal cases, and the right to participate in many of those proceedings (Bierschbach, 2006). Though, the dearth of research on crime victim's status influencing sentencing is yet to be adequately addressed, a few researches have shown that victim social status is a factor that influences the outcome in death penalty cases (Phillips, 2009).

Williams and Holcomb (2004) suggested that the victim's race, gender and societal status also had effects on sentencing. In their study, they found that, homicides involving white female victims were significantly more likely to result in a death sentence than homicides with other victim characteristics.

Based on the assertions posited by literature, it becomes necessary to test empirically the effect of crime type, perception of offenders' physical attraction and crime victim's status on severity of judgment.

Statement of Problem

In determining a criminal judgment, certain factors must be explicitly considered by law, for example, the type of crime, degree of intent, the offender's life circumstances and particular motivations. All these factors render the offender and his or her action an "ambiguous stimulus" to be judged (Sherif, 1936; Sporer, 1982). Several sentencing decisions have been undermined consequent upon judges' bias. This is a major problem in the judicial system of any country just as it is in Nigeria. For instance, a certain "phone thief" was sentenced to forty-five (45) years imprisonment by an Osogbo High Court for stealing a serving Governor's phone however, another culprit who stole #27.2billion pension funds was jailed two years with an option of fine to the tune of #.75million (*Punch News*, 2013). This kind of disparity in judgment suggests that the more corrupt you are, the lesser the judgment you get. These disparities are enough to devalue the worth of any judicial system.

In Nigeria of today, people are of the opinion that once you belong to the rich class, you are more likely to evade the arm of the law. Over the years, researchers have paid more attention to gender and physical attraction as factors likely to influence sentencing decisions. Downs and Lyons (1991) found that highly attractive defendants in misdemeanor cases received less in fines than unattractive defendants. However, the dearth of literature on victims' status has been left begging for research attention. Though, some works have discussed how a defendant's status may influence sentencing decisions but in reality, less has been done on crime victim's status which could as well influence sentencing decisions. To date, there has been no satisfactory or well thought out empirical research on the role of crime type on sentencing of convicted persons especially, from a Nigerian perspective. Of the extant research, only (Farnworth and Teske, 1995) explicitly address the question as to whether crime type could affect the relationship between gender, any other variable and sentencing decisions. However, much like the research by (Koons-Witt, 2002), (Farnworth and Teske, 1995) only employed two types of crime in their comparisons. Clearly, additional efforts are required to more adequately assess the effect of crime type on judgments. This research hopes to address considerably, the gap(s) being posed by crime type on sentencing decisions.

Owing to these loopholes identified above, this research work intended address empirically the factors that likely influence severity of judgment.

Crime Type and Severity of Judgment

In a study by Moore and Newton (2005), they evaluated what effects crime severity, defendant's socioeconomic status and community involvement had on the sentencing phase of a trial. They used voluntary manslaughter and involuntary manslaughter to manipulate the severity of crime. Their findings showed that, sentencing was more lenient for defendants who were guilty of involuntary manslaughter compared to voluntary manslaughter. This finding justifies the assertion

that crime type could play a significant role in the severity of judgment.

In a more recent work by Kulig (2012), she replicated the effect of a defendant's physical attractiveness in cases involving sexually coercive tactics. In the experiment she conducted, participants read a case file that included one of two (attractive or unattractive) digitally altered photographs of a defendant and one of two vignettes (physical or verbal coercion). They then completed a questionnaire about the case. The results indicated that more women than men found the defendant guilty, and jurors assigned significantly longer sentences to the defendant in the physical tactic condition than in the verbal tactic condition. In contrast to two of the hypotheses, the more attractive defendant was evaluated more harshly than the unattractive defendant and an interaction between attractiveness and tactic was not found. From her finding, attractiveness was of a disadvantage especially where the offence involved a crime of physical sexual abuse.

The finding from this study suggests that where the crime was perceived as being serious such as sexual abuse, physical attractiveness was not in any way going to help whittle down the outcome of judgment.

In one study by Wuensch *et al.* (1993) using Chinese college students as participants, they made the Chinese subjects read a description of either a burglary or a swindle where the defendant was male or female, physically attractive or unattractive, and Chinese or American. The participants were asked to indicate the length of sentence appropriate for the crime, rate the seriousness of the crime, and rate the defendant on 12 personal characteristics. Results indicated that the swindler was rated more favorably than the burglar on 7 of the 12 personal characteristics. This outcome further buttresses the assertion that type of crime has an influence on outcome of judgment as the swindler may have been perceived to dupe people without possessing a dangerous weapon or causing any bodily harm unlike the burglar who most likely may have burgled his victim's home armed with a dangerous weapon.

Offenders' Physical Attraction and Severity of Judgment

Efran (1974) studied the effects of attractiveness on sentencing of a college student accused of cheating. Physically attractive defendants were adjudged less guilty and received lesser punishment than physically unattractive defendants.

Similarly, Landy and Sigall (1974) found that a poor essay written by an attractive person was adjudged to be of better quality than the same paper when said to have been written by a less attractive person. This finding seems to further project the woes that befall less attractive people.

In another related study by Smith and Hed (1979), pictures of physically attractive and unattractive women, who were either young or old, were attached to either case of swindle or a burglary. Juries of three female college students each were then asked to sentence the defendants to between 1 and 10 years in jail. It was hypothesized that that the young, attractive defendant would be sentenced less harshly than the old, unattractive defendant and that this effect would be more evident in the crime of burglary than in the case of swindle as the attractiveness of the con artist might be viewed as an integral component of the crime of swindle. Older defendants were judged more harshly than young defendants and, for the burglary condition, attractive people were judged less harshly than unattractive people. However, in the swindle condition, attractiveness had no influence on the sentencing by the jury.

In a very recent experimental study by (Umukoro and Egwuonwu, 2013), they investigated the effect of offenders' physical attractiveness and sex on sentencing decisions. Data was collected from 48 participants. The participants of the study were mock judges, each of whom passed sentencing decisions on four hypothetical offenders. The results indicated that both offenders' sex and physical attraction had main effects on severity of sentencing decision of judges. However, offenders' sex and physical attraction had no interaction effect on severity of sentencing decision of judges.

Sigall and Ostrove (2005) studied how attributes of a person, like attractiveness, can

change a juries' sentencing of the defendant. In order to experimentally test this phenomenon, they took samples of subjects and put them on simulated juries. The subjects were presented with a case that they had to determine a sentence for. The attractiveness of the defendant was manipulated so that the defendant was attractive, unattractive, or not specified. Results indicated that attractiveness of the defendants and the nature of the crime worked together to determine how members of a jury would sentence them.

It then can be concluded that perceived physically unattractive individuals seem to be at a disadvantage at almost every point in time as earlier identified by (Higgins, Heath & Grannemann, 2007).

Crime Victim's Status and Severity of Judgment

A meta-analysis of experimental research on mock juror judgments was conducted by Mazzella and Feingold, (1994) to assess the effects of physical attractiveness, race, socioeconomic status (SES), and gender of both defendants and victims to test the theory that jurors use characteristics that are correlated with criminal behavior as cues to infer guilt and to recommend punishment. In general, it was advantageous for defendants to be physically attractive, female, and of high SES, although these advantages were nil for some crimes. There were no overall effects of race on mock jurors' judgments, but the effect of defendant race on punishment was strongly moderated by type of crime. Effects of victim characteristics on jurors' judgments were generally inconsequential, although defendants were at a disadvantage when the victim was female.

Mckelvie, Arnott, and Sullivan (1993) conducted an experiment on effects of offenders' and victims' characteristics on severity of punishment using 244 undergraduates who read a transcript of a murder case, and then made recommendations for treatment of the offender. In Exp. 1, length of sentence for a convicted murderer was unrelated to his mode of attire. In Exp. 2, sentences were unrelated to intention but were longer with than without a motive. In Exp. 3, punishment was not consistently related to the victim's gender.

Though this study had earlier identified the dearth in literature for severity of judgment as influenced by crime victims' status the few literature works discussed above suggest that crime victim status had no significant influence on severity of judgment.

It is based on the inconsistency in results on status of victim that informed on its being included in the present study. In this present study, three variables (crime type, perception of offender's physical attraction and crime victim status) were manipulated to see their influence on severity of judgment thus generating the hypothesis below

Physically attractive offenders' who engage in armed robbery leading to the murder of high-status victim would receive more severe judgment than unattractive offenders' who engage in armed robbery leading to the murder of a low-status victim.

Methodology

The study was carried out using an experimental method. The design featured a multivariate design. The participants comprised one hundred and twenty randomly selected male and female students of the University of Ibadan. The participants were students from three various departments of Psychology, Sociology and Law.

Instruments

Exhibit A: This image represents a physically unattractive individual as adjudged by the conference of experts in the course of the pilot study. This image was presented to a group of sixty conference of experts in which they were asked to adjudge the individual as either attractive or unattractive. Results from the pilot study $X^2=41.67$; $df=1$; $P<.001$ suggest that the individual was considered unattractive and hence, was adopted for the experiment proper as an **unattractive image**.

Exhibit B: This image represents a physically attractive individual as adjudged by the conference of experts in the course of the pilot study. The image was presented to a group of sixty experts who perceived the individual as attractive as posited by the result from the pilot

study $X^2=32.27$, $df=1$, $P<.001$. Based on this result finding, the individual was adopted for the experiment proper as an **attractive image**.

Scenarios: There were a total of eight scenarios developed for the purpose of the experiment. Each scenario presented a story line of how a victim was robbed by either an unattractive or attractive robber. The scenario went further to tell whether the victim was killed or otherwise and suggests if the victim was a high-status victim or otherwise. Participants read each scenario as it affects each group and made judgments as they perceived severe for each scenario presented.

Measuring Severity of Judgment: This is the type of verdict a judge passes on an offender. It could range from a jail term to even a death penalty. Perceived severity of judgment was categorized into three levels:

1. Jail for a number of years
2. Jail for life
3. Death penalty

The researcher was able to establish unanimity by presenting a group of sixty conference of experts with a vignette telling a story of how a victim was robbed and killed. This conference of experts had to choose from these three categories of judgments, which was appropriate for the alleged crime and which of these judgments they perceived as less severe, severe and more severe.

Data collected was subjected to analysis using Chi Square. The result thereafter suggested that more of the respondents averred that the death penalty was most severe compared to jail for some years and life jail, $X^2=26.27$, $df=2$, $P<.05$.

Procedure

Having successfully enlisted 120 participants, the researcher assisted by 7 research assistants presented each group with a scenario alongside photographic images in which they had to make judgments as they find appropriate to the offenders crime. An advertorial was first placed around campus requesting interested participants to make themselves, available on a particular

day at a particular place. The researcher availed himself to prospective participants at least six months before the experiment proper to enlist them and obtain their consent. A minimum of 200 participants were enlisted just in case there were cases of attrition, the researcher could replace such participants.

On the day of the experiment proper, "yes" or "no" responses poured in a basket were given to the enlisted participants to choose from. This way, every enlisted participant had a chance of being among the 120 participants for the experiment proper. These 120 participants using randomization were later assigned randomly to each of the eight experimental groups. They were again required to pick numbers from 1-120. Whoever that picked 1 fell into group one, whoever that picked 2 fell into group two until the 8th individual who fell into group eight. Repeating the same process, the 9th individual fell into group one, 10th individual fell into group two, 11th individual fell into group three. This procedure was maintained till the 120th individual.

Sequel to this, the researcher presented participants in each group with scenarios paired with images of the offenders. With the information at their disposal, they were expected to make judgments from these categories (jail for a number of years, jail for life and death penalty).

Data from this study were analyzed using Multinomial Logistic Regression.

Results

DATA ANALYSIS: Both descriptive and inferential statistics were used to analyze the data. Hypothesis one was tested with Pearson product moment correlation, hypothesis two with hierarchical multiple regression and hypothesis three with analysis of variance.

Results

Hypothesis one stated that academic self-efficacy, age and personality characteristics will be significantly correlated with achievement motivation. This was tested with a Pearson Product Moment Correlation as presented in a correlation matrix in Table 1.

Table 1: Summary Multinomial Regression Table Showing Interaction Effect of Crime Type, Perception of Offenders Physical Attraction and Victim Status on Perceived Severity of Judgment

IV	-2log	X ²	df	P	B	SE	Wald	df	P	Cox&Snell	Nagelkerke	Exp(B)
Crime Type* Physical attraction *Victim Status	40.13	2.65	2	>.05	2.17	1.38	2.46	1	>.05	0.300	0.347	4.67

From the result above, crime type, offender's physical attraction and victim status had no significant interaction effect on perceived severity of judgment -2loglikelihood =40.13, X²=2.65, df= 2, P>. 05. However, it was observed that 73.3% of the participants suggested a more severe judgment (death penalty) for armed robbery leading to the murder

of high status victim by the physically attractive offender as compared to 86.7% of the participants who suggested a more severe judgment (death penalty) for armed robbery leading to the murder of low status victim by the physically unattractive offender. This difference did not approach significant level (see **Table 2**).

Table 2: Summary Table Showing Judges Scores on Crime Type Perception of Physical Attraction and Victim's Status on Perceived Severity of Judgment

Status	Attractiveness	Crime Type	Judgment	Frequency scores	Percentage scores	
high status	attractive	armed robbery cum murder	jail for years	2	13.3%	
			jail for life	2	13.3%	
			death penalty	11	73.3%	
		armed robbery	jail for years	3	20.0%	
			jail for life	6	40.0%	
			death penalty	6	40.0%	
	unattractive	armed robbery cum murder	jail for years	2	13.3%	
			jail for life	0	.0%	
			death penalty	13	86.7%	
		armed robbery	jail for years	7	46.7%	
			jail for life	5	33.3%	
			death penalty	3	20.0%	
low status	attractive	armed robbery cum murder	jail for years	0	.0%	
			jail for life	8	53.3%	
			death penalty	7	46.7%	
		armed robbery	jail for years	4	26.7%	
			jail for life	6	40.0%	
			death penalty	5	33.3%	
		unattractive	armed robbery cum murder	jail for years	1	6.7%
				jail for life	1	6.7%
				death penalty	13	86.7%
	armed robbery		jail for years	3	20.0%	
			jail for life	5	33.3%	
			death penalty	7	46.7%	

Discussion

Findings from this study suggests that crime type, perception of offenders' physical attraction and crime victim status had no significant interaction effect on severity of judgment.

This finding is in sharp contrast to the study of Wuensch *et al.* (1993) where they varied crime type and physical attractiveness; they averred that attractiveness was associated with lenient sentencing thus suggesting that the

attractive offenders were sentenced severely than unattractive offenders.

Similarly the findings of this study tilted in a different path when compared with the works of Sigall and Ostrove (2005) who studied how attributes of a person, like attractiveness, can change a juries' sentencing of the defendant. In order to experimentally test this phenomenon, they took samples of subjects and put them on simulated juries. The subjects were presented

with a case that they had to determine a sentence for. The attractiveness of the defendant was manipulated so that the defendant was attractive, unattractive, or not specified. Results indicated that attractiveness of the defendants and the nature of the crime worked together to determine how members of a jury would sentence them.

The finding of this study was slightly similar to the findings by McKelvie and Coley (2003), who posited that attractiveness had no effect in the more serious crime condition. This implies that physical attractiveness may not always reduce a perpetrator's sentencing or punishment and that the severity of the crime may be an important moderator. Furthermore, the finding of this current suggests that attractiveness had no significant role to play in the outcome of judgment especially where the crime committed had involved a loss of life.

The study by Mazzella and Feingold (1994) which set out to assess the effects of physical attractiveness, race, socioeconomic status (SES), and gender of both defendants and victims to test the theory that jurors use characteristics that are correlated with criminal behavior as cues to infer guilt and to recommend punishment was in tandem with the findings of this study. They found that victim characteristics on jurors' judgments were generally inconsequential supporting the outcome from this research that victim status had no significant main or interaction effect in severity of judgment.

The finding of this current study tends to suggest that attractiveness or unattractiveness plays very little role in the outcome of judgment especially where the crime committed is perceived as being socially unacceptable by the mock judges. This is even better reflected in the study of Smith and Hed (1979), who found that between a burglary and a swindle condition, attractiveness had no influence on the sentencing by the jury in the swindle condition. They suggested that the mock juries may have perceived attraction as an integral component in the crime of swindling. This further gives credence to the assertion that, where a crime is perceived as socially unacceptable, physical attractiveness would have little or no influence on outcome of judgment.

A possible explanation why crime type, perception of offenders' physical attraction and

crime victim status had no significant interaction effect on severity of judgment may be attributed to the fact that the crime of robbery regardless of either or not resulting in death was perceived as being bad enough and as such, physical attractiveness couldn't assuage the severity of judgment.

Limitation of Study

The research didn't use real judges instead it made use of mock judges thereby, making it difficult to generalize the findings emanating from this study on the real population.

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