ATTRIBUTION OF RESPONSIBILITY FOR A SERIOUS CRIMINAL ACT - INNOCENT UNTIL PROVEN GUILTY?

A thesis submitted in partial satisfaction of the requirements for the degree of Master of Arts in Psychology

by

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ABSTRACT

ATTRIBUTION OF RESPONSIBILITY FOR A SERIOUS CRIMINAL ACT - INNOCENT UNTIL PROVEN GUILTY?

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The sex of the criminal defendant and the defendant's criminal history were varied in a factorial design. Two hundred and forty male and female subjects, instructed to assume the role of juror, read an account of a defendant implicated in a criminal homicide. On the basis of attribution theory, it was hypothesized that female defendants would be held more responsible for the criminal act than males. If personal similarity were salient, an interaction between the sex of subject and the sex of stimulus person factors was predicted. Additionally, a defendant's criminal past was expected to affect the juror's perception of responsibility.

Only the manipulation of the defendant's past generated significant data. Defendants who had criminal records were seen as more responsible for the criminal homicide than defendants who had never before been involved with the law enforcement system. These
results were discussed in relationship to the presumption that a defendant is considered innocent until proven guilty. Stereotypic responses of jurors to defendants on trial were also considered.
Various criminal types are distinguished in anecdotal and archival reports. However, only recent experimentation has yielded empirical support for these differences. Evaluative variables, such as attorney's prestige, defendant's character, race and any other variable that influences affect, may have a decided impact on a subject's perception of a criminal offender's responsibility for his behavior. Of particular interest in this study is a consideration of the sex of the defendant and the defendant's prior involvement with the criminal justice system. One paradigm for assessing the responsibility of the defendant for his actions is attribution theory which will be discussed following a review of the literature.

Little attention has been given to the adult female criminal in the literature. The only women in crime we know about are those involved in the justice system and we know very little about them. The relatively low frequency of crime attributed to women as well as a legal system that is predominately male undoubtedly accounts for much of the lack of interest. Extensive analyses of criminal records show female involvement in crime is minimal compared to that of men (Wolfgang, 1958; Green, 1961; Ward, Jackson, and Ward, 1969; Nagel, 1969). Even though women make up nearly 51% of the general population, they comprise little more than 15% of the criminal offenders (U.S.F.B.I., 1974). This imbalance may be the result of differential social attitudes toward males and females that have been fostered for generations.
Theorists such as Lombroso (1899), Thomas (1907), Pollak (1950), and Freud (1925, 1958) have proven most influential in shaping social attitudes toward the female criminal. Many notions advanced by these criminologists have persisted and the present criminal justice system appears resistant to new views of the female criminal (Klein, 1973; Burkhart, 1973; Adler, 1975).

The criminal literature, both past and present, focuses on the psychological dimensions of women dissatisfied with conventionally defined roles. Differential role expectations and socialization patterns generate a double standard of conduct for each of the sexes. The impact of this double standard appears to affect women more so than men. Women are trapped by social constraints. They are encouraged to adjust to the prevailing norms rather than generate social upheaval by challenging prescribed roles. Criminal women defy society's standards.

Lombroso (1899) believed the social constraints on the female to be so powerful that of "a woman (who) commits a crime, we may conclude that her wickedness must have been enormous before it could triumph over so many obstacles" (p. 152). Pollak (1950), too, views criminality as a rebellion against the double standard. He believes that sexual suppression gives rise to vicarious daydreams and subsequent aggressive acts toward the oppressors. Characteristically, in crimes of passion, women justify their actions, exonerating themselves of any guilt. Additional burdens arising from economic depressions attendant to their inferior status generate frustration and rebellion.
Pollak maintains that the documented low frequency of deviant acts may be misleading; women "by nature" are secretive and their actions may go undetected. Pollak finds support for his beliefs in the sexual act. A man cannot hide his excitement or failure. A woman's body, however, permits pretense and she may engage in intercourse without orgasm. Founded in the biological structure of women, this notion of deceitfulness can be extrapolated to account for the apparently passive conduct appropriate to women in general. The conditions for crime are nearly ideal.

It is without dispute that Freud's view of women (as his perspective of social order) has shaped much of present day thought. In his essay "Criminality from a Sense of Guilt" (1925, 1958) he maintains that guilt arising from the Electra complex precedes a deviant act. The conscience, originating in the Electra stages, seeks punishment to appease the existing guilt feelings. With this "revelation" Freud hoped to shed new light on the psychology of the criminal.

Freud affected such writers on female deviance as Davis, Pollak, and Knopka, who turn to concepts of sexual maladjustment and neurosis to explain women's criminality. Healthy women would now be seen as sexual misfits. Most importantly, psychological factors would be used to explain criminal activity and social, economic, and political factors would be ignored. Explanation would seek to be universal and historical possibilities of change would be refuted (Klein, 1973, pp. 18-19).

Of particular research interest is the greater likelihood that female offenders as opposed to male offenders are seen as internally motivated.
The writers (concerned) with female crime see criminality as the result of individual characteristics that are only peripherally affected by economic, social, and political forces. These characteristics are of a physiological nature and are uniformly based on implicit or explicit assumptions about the inherent nature of women. This nature is universal, rather than existing within a specific historical framework (Klein, 1973, p. 4).

The evaluations presented by these criminal theorists suggest that female criminals are defying traditional stereotypes, and the motivations are attributed to her psychological states. The literature suggests these explanations are more often applied to female deviancy than male. Inferiority and passivity defined as a woman's lot feed rebellion. To break her constraints is out-of-role behavior and leads to socially undesirable consequences.

Not only is bias evident in the literature dealing with criminal activity, but the objectivity of the courtroom trial of criminal defendants has been questioned. Analyses of police and court records reveal prejudicial responses to nonlegal factors such as sex, age, race, education, place of birth, and the characteristics of courts in northern and southern communities (Green, 1961; Gleisser, 1968; Nagel, 1969).

Green's (1961) preliminary investigations of 1,437 Philadelphia defendants indicate young, white females receive more lenient sentences than defendants who are old or black or male. However, Green emphasizes these differences may be more apparent than real. In general, women are convicted of less serious crimes than men. Lesser crimes, by their nature, incur lighter sentences. Green discovered prior criminal involvements affected the dispositions of
defendants. Youthful offenders have less serious criminal records than older violators. Black defendants tend to be older than whites and, thus, have had a greater opportunity to acquire a record.

Green found significant effects of criminal history when the defendant had prior felony convictions and numerous misdemeanors incurring prison and nonprison sentences. However, the number of arrests not resulting in conviction had no effect whatsoever on the severity of the sentence. Green demonstrates the single most important determinant in the severity of imprisonment is the offense itself. Offense, in Green's study, is scaled according to the degree of violation or injury to the victim.

Lawyers have long recognized the value of selecting jurors with dispositions favoring their clients. An understanding of street psychology, the naive common sense psychology of each prospective juror, plus knowledge of the factors that may influence a juror's decision, enables an attorney to match his client's offense and demeanor with a favorable juror (Gleisser, 1968).

Experimental manipulations of the characters of the defendants corroborate analyses of actual judge-jury-defendant interactions. For example, sexual orientation of the juror interacted with the sexual orientation of the accused in a 1967 study by Lipsett and Strodtbeck. Male subjects tested for sex role identification and found to be unconsciously and consciously feminine were more likely to acquit a male homosexual on trial. An unattractive defendant low in social desirability was sentenced to a greater number of years in prison than a highly desirable individual (Landy
and Aronson, 1969). Offenders who were physically attractive received lighter prison terms than unattractive offenders provided the crime committed was not attractiveness related. A woman using her "God given" assets at the expense of others was condemned harshly (Sigall and Ostrove, 1975).

Mitchell and Bryne (1973) investigated the relationship between jurors' attitudes and authoritarianism in a simulated jury situation. Subject-jurors, either high or low in authoritarianism, responded to the accused whose attitudes were either similar or dissimilar from their own on five issues irrelevant to the case. They found a significant interaction between authoritarianism and attitude similarity on the certainty of the defendant's guilt and the length of prison term given the defendant. Individuals scoring high on authoritarianism liked the similar defendant, were less certain of the defendant's guilt, and recommended more lenient sentences than did egalitarians in a similar condition. A dissimilar defendant was rated less attractive, more likely to have committed the offense, and judged more harshly by the authoritarians than the egalitarians.

As a juror's perception of himself can influence his perception of the defendant, it is reasonable to believe that a juror's sexual identification and his views of behaviors appropriate to that sex may influence the responsibility attributed to a defendant for his criminal action. For example, a male with a strong internalized sex-role standard may feel certain behaviors are inappropriate or undesirable for men. A strongly sex-typed female may also have a limited repertoire of behaviors considered feminine. Bem (1974)
defines a third type of individual as androgynous. One considered androgynous may freely exhibit "masculine" or "feminine" behaviors depending on the demands of the situation. The Bem Sex Role Inventory (BSRI) was constructed to assess sex-typed standards. It will be used in this study to identify and classify the subject-jurors as masculine, feminine, or androgynous in order to determine if this classification correlates with their perceptions of the defendant.

Fundamental to the criminal justice system is the belief that a defendant is innocent until proven guilty. Perhaps this system is not as impartial as we would like to believe. It is difficult to ignore the implications of the research presented. Jurors do have preconceptions about the characters of defendants and these notions have a demonstrated influence on the innocence or guilt, lenient or harsh sentences, and the degree to which the defendant is held responsible for his actions. Evidence does exist to suggest male and female criminal defendants elicit discrepant juridic responses. Although this idea is based in investigations of jury records and the criminal literature, a manipulation of the sex of the defendants committing similar crimes has received little attention. Similarly, the defendants' previous involvement with the criminal justice system seems to bias a juror's perception of the defendant, but no experimental investigation has focused on this aspect. The emphasis, then, of this study centers on the impact of the sex of stimulus person and prior criminal history on the juror's perception of the accused. To study this problem within a theoretical context, the attribution theory paradigm will be utilized.
Attribution theory provides a framework and a language for understanding the causes of behavior. Highly cognitive, attribution theory assumes an individual seeks an orderly and consistent world. Heider, in *The Psychology of Interpersonal Relations* (1958) describes attribution theory as a naive, common sense psychology. The theory deals with social perceptions and self perception processes.

In an attempt to understand his world, the individual seeks invariant, dispositional properties. These properties allow the individual to predict and control conditions of his world. A naive analysis of action outcomes isolates two contributing factors - a "person" variable and the "environment" or social context of the action. The component factors of the person variable are "power," or the abilities an individual brings to the action, and "trying" or effort. Effort can also be seen as exertion or motivation. This distinction between ability and effort is quite useful in the analyses of patterns of behavior.

A basic task, then, of any individual is to isolate or interpret the causal antecedents of actions. Jones and Davis (1965) explore the ways in which an observer makes assumptions about an actor's personal attributes from his overt behavior in an effort to understand why the individual acted in that particular manner. Jones and Davis attempt to differentiate the actor's intentions from those of other individuals in the same situation. The observer makes a correspondent inference between an individual and his behavior based on the informational value of the observed act.

The observer not only assumes the actor is able to foresee
the consequences of his behavior, he also considers the actor's ability to affect these consequences. One cannot achieve outcomes merely because he desires it. Rather he must be competent and possess the skills necessary to alter his situation.

A correspondent inference will be made to the extent the observer determines the actor's behavior to be unique compared to probable, alternative actions, and the social desirability of the consequences of these actions. In other words, consequential actions reveal little if they were bound to occur. There is little informational value in knowing the businessman across the hall combs his hair or brushes his teeth before going to work. These behaviors have a high probability of occurrence. Not only are these normative behaviors, they are socially desirable.

An investigation by Jones, Davis and Gergen (1961) illustrates this proposition. Subjects reported they learned more about a stimulus person and were more confident about their judgments of him when he behaved "out-of-role" rather than in line with behavioral requirements. Four conditions were designed: in two conditions the prospective submariner and astronaut responded in line with the job requirements for their specific occupations. In the other two conditions the stimulus persons did not respond to the job qualifications. For example, when the job of submariner required an other directed individual, the interviewee-accomplice presented himself as inner directed.

Results supported their hypothesis. In-role behavior was expected, and therefore, revealed little about the interviewee. The
reasons for the behavior could be found in the actor's setting and thus told little about him personally. However, out-of-role behavior was unexpected in such a setting and subjects looked to the individual's personality for an explanation of events.

One hypothesis to be tested in this thesis states that women are considered more deviant and therefore more responsible for their behavior than men when participating in criminal acts. A deviant steps out of the role society prescribes. As an individual steps out of role we learn a great deal about him personally and are more likely to see him as personally responsible for his actions (Jones and Davis, 1965).

Taynor and Deaux (1973) view sex differences as involuntary constraints. A female in a masculine situation will be rewarded for positive behavior more than a man for identical behavior. Person perception is affected by behavior that does not obey traditional definitions. Perhaps a woman will be more severely condemned for criminal behavior as she was rewarded for positive behavior.

As discussed earlier, a woman's social role is more restricted than a man's. The latitude allowed her behavior is narrow. Actions disregarding socially prescribed behaviors have informational value and personal attributes are made. Additionally, personal attributes are made with greater confidence when the behavior has low social desirability. By definition, criminal activity is non-normative and low in social desirability. Thus it is hypothesized that those women who are also criminals will be seen as more responsible for their behavior because they (1) stepped out of role and
(2) effected outcomes that have low social desirability.

Kelley (1973) distinguishes two cases that are encountered in attribution theory. These cases are differentiated by the amount of information available to an observer.

Case 1 describes a situation where a perceiver has information about the outcome of an actor's behavior at two or more points in time. The covariation principle underlies this case of multiple observations: "an effect is attributed to the one of its possible causes with which, over time, it covaries" (Kelley, 1973, p. 108).

When the attributor has information from only one observation (configuration concepts) he cannot credit a given cause for producing an effect if other plausible causes are present. An attribution is made with greater skill and confidence if an effect can be observed over time.

Information about a defendant's previous criminal activity (or the lack of it), would fit Kelley's categorization of covariation and configuration. It would seem logical to hypothesize that a defendant with a history of criminal activity would be seen more responsible for his latest crime than someone who had never before been in contact with the law enforcement system. It may be much easier for an observer to attribute a first offense (a single observation) to extenuating external factors rather than to the actor regardless of sex.

A further refinement would distinguish varying degrees of previous legal involvement. A defendant who has been arrested, tried, and convicted on charges similar to the ones he now faces may be
viewed as more responsible for the present crime than a defendant who had been arrested, tried, and acquitted of charges, or a defendant who had arrest charges dropped due to the lack of evidence, or a defendant who had never been arrested. Our present criminal justice system would suggest a person acquitted of a crime should be viewed as similar to someone who has never been arrested or convicted. In fact, the fundamental notion that all are innocent until proven guilty demands that criminal history have no bearing on a juror's perception of the responsibility of the defendant until after a pronouncement of guilt. One goal of the present study is to test the validity of this presumption.

The investigations of the consequences of automobile accidents by Walster (1966) and Shaver (1970) also have implications for the criminal justice system. Walster found the assignment of responsibility to the stimulus person for a car accident varied directly with the severity of consequences of the incident. This pattern of response characterizes the law enforcement system. In our system major crimes (e.g., criminal homicide, robbery and larceny) involve greater consequences, to the offender as well as the victim, than lesser crimes (e.g., embezzlement and fraud). Magnitude of consequence then refers to the seriousness of the crime. An individual committing a crime of great magnitude may be seen as more responsible than a stimulus person committing a crime of lesser seriousness. Kelley iterates Walster's thinking in his 1973 paper.

However, Shaver (1970) failed to replicate Walster's (1966) findings. Instead he found subjects who were most similar to the
stimulus person saw this individual as less responsible for severe consequences. Shaver explains his data in terms of defensive attribution. As subject and stimulus person are similar, Shaver hypothesizes the subject's response is due to the belief that "it could happen to me." As the subject would not wish to be blamed if he were involved in such an accident, so he withholds blame from the similar perpetrator and assigns less responsibility.

Shaver believes personal relevance operates only after the subject perceives situational relevance. If indeed the subject can envision himself in circumstances similar to one in which the stimulus person is found, personal relevance may then contribute to the subject's perception of the stimulus person's responsibility. Personal relevance refers to perceived similarity or dissimilarity of beliefs, values, and personal characteristics. In order to test for the possible effect of personal relevance, male and female subjects will be represented in each of the three conditions dealing with the sex of the offender. The stimulus person will be presented as male or female or referred to as "the defendant."

The studies of Walster (1966) and Shaver (1970) suggest the magnitude of consequences for automobile accidents may parallel the magnitude of consequences for various types of crime, and that defensive attribution may operate for the most serious outcomes. An exploratory study was conducted to determine the most serious of several different criminal activities. Subjects were asked to rate the seriousness of criminal homicide, robbery, larceny, embezzlement, and fraud. It was found that criminal homicide consistently ranked
above all other offenses in seriousness and will be held constant across conditions in the present investigation.

A 2 x 3 x 4 experimental design (sex of subject x sex of offender x offender's criminal history) will be utilized to investigate three hypotheses. The first hypothesis is that women as compared to men will be seen as more deviant, hence more responsible, for criminal behavior. This hypothesis is based on the fact that the female criminal is a relative rarity. Thus for a woman to engage in this activity means she must step out of narrow social boundaries. Unlawful behavior, by definition, has low social desirability which, in turn, strengthens the attribution of personal causality. A main effect of sex of offender is therefore predicted.

The second hypothesis predicts an interaction between the sex of the subject and the sex of the offender if personal similarity is salient. This interaction will of course modify the above expected main effect of sex of offender. Given perceived similarity of sex, female offenders will be viewed as more responsible than male criminals, but there will be a tendency for the female stimulus person to be assigned less responsibility by female subjects than male subjects. The same response pattern is predicted for male subjects rating male stimulus persons; male subjects will have a tendency to rate male offenders lower in responsibility than female subjects rating male offenders. Individuals classified as masculine or feminine using the BSRI are expected to support this hypothesis. Subjects who are strongly aware of their sexual identities should perceive greater personal relevance than those not as strongly aware.
The more the defendant reminds the subject of himself, the greater
the likelihood the subject will deny the defendant's responsibility
for the commission of a crime. This is in line with Shaver's (1970)
discussion of defensive attribution.

The third hypothesis concerns the defendant's previous
criminal history. It is predicted that individuals known to the
police (i.e., who have a prior criminal history) will be assigned
greater responsibility for their participation in the crime than those
never before involved with law enforcement. Further, four levels
of involvement have been defined. A defendant who has been arrested,
tried, and convicted of a crime similar to the one for which he
again faces charges may be seen as more responsible than an individ-
ual who has been acquitted by a jury of a similar crime or who has
had charges dropped due to insufficient evidence. It is also pre-
dicted that defendants arrested and released without trial will be
held less responsible for their behavior than those with records, but
more responsible than an individual who has never been arrested. This
hypothesis, if supported by the data, would obviously challenge the
basic tenets of the criminal justice code.
METHOD

Subjects

Subjects were California State University, Northridge, students enrolled in introductory psychology classes. These students participate in university research projects for course credit.

Procedure

Two hundred and forty subjects were randomly assigned a packet of research materials. Each packet contained one of twelve experimental conditions. Male and female subjects were equally represented in all twelve conditions. Instructions accompanied each packet.

A cover sheet introduced the study as an investigation of the processes by which jurors make decisions concerning individuals on trial. Subjects read the following:

As students in psychology you are all aware of the fact that you are required to participate as subjects in a number of experiments. A current research interest of the Psychology Department is the study of juror's decision making processes in a courtroom situation. We hope to isolate factors important to jurors who must make decisions concerning a defendant on trial.

On the pages that follow you will find a description of a person engaged in a criminal act. Based on the limited information available you will be asked to express your own opinions on the same kind of questions jurors in the courtroom must consider. Some questions will be more difficult than others to answer. There are no "right" or "wrong" answers. Please consider
all questions carefully and answer all of them to the best of your ability.

Please mark your answers clearly. All responses are confidential and your name is not required. Thank you for your help.

A short paragraph describing the accused and defining the crime of homicide followed the introduction and instructions. Subjects also received a synopsis of the police report. The report placed the defendant with the victim prior to the incident and stated that witnesses were willing to testify for the prosecution (see Appendix C for complete details).

Sex of Offender Manipulation

Contained in the packet of experimental materials was a description of one of three types of stimulus persons: male, female, and a neutral stimulus person referred to as "the defendant."

The male offender was described as "Joe, a 30 year old male,..." "Jane" referred to the female defendant and all references to sex were feminized. No references to sex were made in the paragraph describing "the defendant."

Criminal History

Previous criminal history of the stimulus person was manipulated in four ways. The first condition described the defendant's arrest, trial, and conviction of a similar crime: "The defendant has been known to the police. The defendant has a criminal record. Several years ago the defendant had been arrested for a similar crime of criminal homicide. The defendant had been given a jury trial and found guilty of the charges. The defendant had
served time in prison for the criminal action and had been released."

The second condition described the jury's acquittal of the defendant: "The defendant has been known to the police. The defendant has a criminal record. Several years ago the defendant had been arrested for a similar crime of criminal homicide. The defendant had been given a jury trial and was found not guilty of the charges. Since the defendant had been acquitted, the defendant did not serve time in prison and was released following the trial."

A third condition stated: "The defendant has been known to the police. The defendant has a criminal record. Several years ago the defendant had been arrested for a similar crime of criminal homicide. Due to the lack of evidence all charges were dropped and the defendant was released without going to trial or confined in prison."

The fourth condition deleted all reference to criminal activity: "The defendant has never before been known to the police. The defendant does not have a criminal record."

Dependent Measures

Following the description of the case, each subject received a questionnaire. In addition to manipulation checks on stimulus person, type of crime, and knowledge of the defendant's previous history, subjects were asked to rate: (a) "How responsible is the defendant for the criminal action?" (b) "How likely do you think it is that anyone with a criminal past will commit a similar crime?" (c) "How confident are you that you have made a fair judgment concerning the defendant's responsibility for the criminal
action?" (d) "How serious would you rate the crime of criminal homicide?" Respondents were asked to mark their answers on a seven point scale with "extremely likely" (a rating of 7) and "not at all likely" (a rating of 1) as the labelled end points.

If there is a positive correlation between responsibility and punishment respondents viewing defendants as highly responsible should sentence them to a greater number of years in prison. Subjects were asked: "If the defendant were convicted of this crime and you were on the jury, how many years of imprisonment would you sentence the defendant?" A score of 7 represents the maximum sentence under the law while 1 represents a suspended sentence.

To further explore jurors' bias with respect to sex role stereotypes, subjects were asked "How likely is it that this type of crime would be committed by a male?" and "How likely is it that this type of crime would be committed by a female?" A rating of 7 indicates extreme likelihood while 1 indicates no likelihood at all.

The literature indicates that female criminals are motivated from within rather than in response to external pressures. To test this assumption respondents were asked "What do you believe was the principle source (internal vs. external) of the defendant's motivation to commit a criminal act?" Possible responses range from 7, indicating motivations internal to the defendant, to 1, indicating pressures external to the defendant.

Situational and personal relevance was assessed by the following questions: (a) "To what degree do you see the defendant as similar to yourself?" (b) "How likely do you think it is that
You would commit this type of crime?" (c) "How likely do you think it is that you would be a victim of this type of crime?" Subjects used a seven point scale to rate their responses.

To allow a more personal response subjects were asked if they had ever committed, been arrested for, and/or been convicted of a crime of any kind. If yes, each was asked to indicate which crimes. These questions were open-ended. Subjects were reminded all information was confidential and for research purposes only.

The Bem Sex Role Inventory

Experimental evidence indicates a juror's perception of himself can influence his perception of the accused. A juror's sexual identification and his views of appropriate sex role behaviors may interact with the sex of the defendant and the juror's view of the defendant's responsibility for his behavior. To ascertain the subject's view of himself, each was asked to fill out the Bem Sex Role Inventory. The inventory is composed of 60 adjectives. Subjects rated themselves on each adjective using a scale marked from 1 to 7 with 1 indicating "never or almost never true" and 7 indicating "almost or almost always true."

Summary of Design

A 2 x 3 x 4 experimental design was developed to investigate attribution of responsibility for the commission of criminal homicide. The stimulus person was presented in three different ways: as a male, as a female, and without reference to gender, as "the defendant." The offender's criminal past was varied in four
ways: (a) the most involvement with police was represented by a defendant who had been arrested, tried, and convicted of criminal homicide several years ago; (b) some involvement with the police was represented by a defendant who had been arrested prior to this incident and had been acquitted of the charges by a jury; (c) little involvement with the police described a defendant who had been arrested but released due to the lack of evidence; (d) a defendant who had no prior involvement with the police did not have a police record.

Male and female subjects were represented in all of these conditions. Subjects were asked to answer a number of questions concerning the defendant's actions as well as fill out the BSRI.
RESULTS AND DISCUSSION

Manipulation Checks

The efficacy of the experimental manipulations was confirmed for all conditions involving the defendant's criminal past. Additionally, subjects were asked to indicate whether the defendant described was male, female, or "don't know." Subjects consistently identified the stimulus person correctly in all conditions except when the stimulus person was referred to simply as "the defendant" and all references to gender had been omitted. Twenty percent of all male subjects reading about a neutral stimulus person incorrectly reported reading about a male offender. Twenty-four percent of all females erred in the same direction. No subject in this condition believed the crime had been committed by a woman. Subjects may be prejudiced when they consider an offender's sex and type of crime. Subjects seem predisposed to viewing homicide as a crime most often committed by men. These implications of bias will be discussed fully later in this paper.

As a manipulation check on subjects' perception of the severity of crime, they were asked to rate criminal homicide. On a 7 point scale ranging from not at all serious (1) to very serious (7), males rated homicide at 6.67 and females rated it at 6.76. There were no significant results generated from this question. This indicates male and female subjects both viewed the crime similarly. Criminal homicide is, indeed, perceived as a grave crime.
Dependent Measures

**Attribution of Responsibility.** An analysis of variance performed on the data revealed no significant differences in subjects’ perceptions of the defendant's responsibility.

A possible explanation for such findings may be that any competent individual may be held responsible for his behavior regardless of sex or type of action. This may be especially true when subjects are presented with information associating an individual with a particular behavior. Too, criminal homicide may be such a serious offense that all differences between perpetrators may be masked.

Conversely, subjects may have felt they did not have sufficient information to determine responsibility. It may be that motive alone may highly influence the juror. Without knowledge of a motive, as in the present study, jurors may be faced with an attributional dilemma. Thus it is extremely difficult for them to establish correspondent inferences and consequently to draw conclusions. This results in randomized and undifferentiated responses for all stimulus persons.

The criminal literature presents a third possible explanation for the obtained results (Burkhart, 1973). It is given that men and women are subject to social stereotyping. Men are viewed as rugged and aggressive and women are characterized as warm and soft. However, women exhibiting behavior so deviant that they are arrested or appear to have an unconventional moral code may no longer be "protected" by such stereotypes. By their own actions
they defy socially prescribed roles and incur abuse and disdain. In this way, women in crime may approach equality with male offenders. Society's condemnation of a female criminal as a "woman" may be greatest when she is compared to a "proper" lady. This condemnation may be more severe for women than when male defendants are compared with conventional men. This comparison, i.e., women with women and men with men, may yield grossly disproportionate responses whereas male and female "defendants" yield similar responses.

There was no significant interaction between the sex of the subject and the sex of the offender. An interaction was predicted if personal relevance was salient for the subject. Quite possibly sexual identification alone is inadequate to evoke a feeling of personal similarity. According to Shaver personal relevance is necessary for the operation of defensive attribution.

In an attempt to elicit a feeling of personal similarity based on sexual identification rather than gender alone, subjects were classified as male, female, or androgynous according to their responses on the BSRI. Again, the interaction of the sex of the subject with the sex of the offender did not yield significant results.

Manipulation of the offender's criminal past generated a main effect that did approach significance: \( F(3,208) = 2.49, \) \( p < .06. \) The greatest source of variation was evident when the offenders who had a criminal history were compared to those without a police record. The three levels of criminal involvement did not differ from one another, but all levels differed from the fourth
condition which described a stimulus person without a police record. This indicates that jurors do consider a defendant's past experience when attributing responsibility to him for a present action. Perhaps jurors can more easily overlook sex differences than evidence of a criminal past. The principle that one is innocent until proven guilty may not be operational.

This pattern of results paralleled those obtained when subjects who admitted participating in criminal activities were removed from the total population. Subjects were asked if they had ever committed a crime of any kind. A definition of "crime" was left to individual interpretation. Responses ranged from "yes, ran a stop sign while riding a bicycle" to armed robbery and aggravated assault. Women were most often involved in shoplifting and drug possession while male subjects admitted to more varied experiences. These included "beating a maid," many instances of drug involvement and burglary, carrying firearms and drunkenness. More than thirty percent of all subjects confessed to involvement in some criminal activity. Far more males than females responded positively to the question (n = 51 males and n = 22 females).

With the "criminals" removed, an analysis of variance was conducted on 167 cases and a highly significant main effect of criminal history was obtained: F(3,141) = 3.30, p < .012. A Scheffe comparison revealed no differences among the means of stimulus persons with criminal pasts, but all means were markedly different from the fourth condition of noninvolvement. Known "criminals" were attributed greater responsibility for their present
Thus, the third hypothesis predicting a decrease in responsibility for decreasing degrees of involvement was not confirmed. However, when known criminals in the first three conditions were compared to first-time offenders, results supporting the hypothesis were obtained. Thus, subjects' perceptions of a defendant's responsibility did not depend on his level of involvement, but whether or not he had been involved at all.

**Juror Bias - Sex Role Stereotyping.** In an attempt to identify any bias that may be peculiar to the crime of criminal homicide and which may affect the results of this study, subjects were asked "How likely is it that this type of crime would be committed by a male?" and "How likely is it that this type of crime would be committed by a female?" The grand mean for these two measures indicated criminal homicide is most likely viewed as a man's crime ($\bar{x} = 5.01$ for males and $\bar{x} = 3.79$ for females). Further analysis, however, complicates this seemingly straightforward result.

When subjects considered the likelihood of a man committing this crime, a significant main effect for sex of stimulus person was obtained: $F(2,208) = 5.08, p < .007$. Subjects reading about a woman were most likely to believe homicide was a man's crime. Perhaps subjects find a murderess somewhat incredible. A Scheffe analysis revealed ratings for male and female stimulus persons differed significantly although neither differed from those reading about a neutral defendant.

A similar pattern of results was expected when respondents
were asked to determine the likelihood of a woman committing homicide. Results were also highly significant for the sex of the stimulus person factor, but inexplicably, they were in the opposite direction: $F(2,215) = 15.73, p < .001$. The source of variance involved the female stimulus person; those subjects reading about a woman arrested for illegal behavior rated women as most likely to commit homicide. A Scheffe analysis indicated this mean was reliably different from subjects' ratings of men and "defendants." Considering both measures, the likelihood of a woman committing a homicide increases when subjects read about a woman.

Consideration was given to the possibility that subjects incorrectly identifying the neutral stimulus person as a male may have responses discrepant from those who admitted they "didn't know" the sex of the stimulus person. If these data were different from each other it may clarify the pattern of results. A separate analysis was undertaken of this third level of the sex of stimulus person factor for the two dependent measures. No result reached significance.

To further complicate the picture, the sex of subject manipulation proved significant when subjects were asked how likely was it a female would commit homicide: $F(1,215) = 4.20, p < .04$. Regardless of the sex of the stimulus person or a consideration of past criminal action, female respondents rated women more likely to engage in this activity than did male subjects. Perhaps women more so than men perceive other women as capable of effective criminal activity.
An additional source of prejudice between male and female criminals concerns the origin (internal vs. external) of the defendant's motivation to commit a criminal act. The literature stereotypes women as motivated from within rather than in response to economic, social, or political forces. The highly significant effect of the sex of subject variable lends indirect support to this point of view: $F(1,207) = 5.05, p<.024$. Women were more likely to see the defendant as internally motivated than male subjects. An interaction of sex of subject and sex of stimulus person approached significance: $F(2,207) = 2.71, p<.067$ (see Table 1). Here men rated men more internal than women while women rated women more internal than men. An intimate knowledge of factors that motivate males and females individually seems to affect the perception of same sex behavior.

**Innocent until proven guilty?** There is anecdotal evidence to suggest that individuals who have a police record are the first to be questioned when a crime is committed and the police do not have the offender in custody. The basic assumption seems to be that if a person has demonstrated a capacity for such crime at one time, he is likely to commit a similar crime again. However, should the accused be brought to trial, the jury is instructed to disregard prior involvement and judge the accused solely on the evidence at hand. When subjects simulating jurors were asked "How likely is it that anyone with a criminal past will commit a similar crime again?" results were only marginally significant: $F(1,208) = 3.00, p<.081$. Women are somewhat more likely than men to believe an offender will
TABLE 1

Cell means for the principle source (internal vs. external) of the defendant's motivation as a function of sex of subject and sex of stimulus person

<table>
<thead>
<tr>
<th>SEX OF STIMULUS PERSON</th>
<th>Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>4.37</td>
<td>4.36</td>
</tr>
<tr>
<td>Female</td>
<td>4.00</td>
<td>4.95</td>
</tr>
<tr>
<td>Neutral</td>
<td>4.26</td>
<td>4.58</td>
</tr>
</tbody>
</table>

**NOTE:** The larger number indicates a greater belief in internal motivation.
repeat a crime ($\bar{X} = 4.93$ for women and $\bar{X} = 4.63$ for men).

A juror is empowered to determine a defendant's guilt or innocence in a court of law. The juror is to be objective. Basic to the legal tradition is the belief in the defendant's innocence until he is proved guilty. Anyone asked to serve on a jury will most probably admit to such a belief and indeed, it is a highly valued presumption in our society.

Subjects' responses to this measure of a person's likelihood to commit crime must be evaluated with a second dependent measure. A highly significant outcome was obtained when jurors were asked to indicate the number of years of imprisonment they felt the defendant should serve for this crime of homicide if he were convicted:

$$F(3, 207) = 9.43, p < .001.$$ A score of 7 represented the maximum sentence allowable by law and 1 represented a suspended sentence. Despite subjects reported belief that a known offender is no more likely to commit a similar crime than someone without a criminal history, subjects penalized those who had previous involvements with the law more severely than those who did not. A Scheffe analysis of cell means isolated the fourth condition of noninvolvement as the source of variation. This parallels the data obtained in the measure of responsibility.

Thus, the data suggest that a defendant is held responsible for his behavior even before a verdict is reached. Moreover, once found guilty, a juror may feel free to "throw the book" at him if he had been involved in crime before.

Questioning subjects' confidence in their ability to
make a fair judgment yielded nonsignificant results. However, when those subjects who admitted to "crime" themselves were separated from the total population, a different and significant pattern emerged: $F(6,139) = 2.27$, $p < .04$. Here confidence of judgment depended on the sex of the stimulus person and offender's prior involvement (see Table 2). Subjects were most confident when they read about a male who had been previously convicted of homicide and who had served time in prison. Confidence reached its lowest point when subjects read about a male committing this act for the first time. This is in line with Kelley's discussion of configuration and covariation principles.

For female defendants the pattern was opposite. Subjects felt they made the fairest judgment when the police reported minimal involvement than when she had been arrested, tried, and convicted or arrested and acquitted. Inexplicably, having charges dropped due to the lack of evidence resulted in subjects believing they made a most fair decision in the case of the neutral defendant.

Although a main effect for the history variable was not significant, the results were in the predicted direction. Subjects reading about a known criminal were more confident in their determination of his responsibility for his present behavior than when the crime was committed by one without a record.

Similarity. Did subjects perceive defendants as similar to themselves? A difference significant at the .048 level was obtained for the sex of subject factor: $F(1,215) = 3.86$. Males saw themselves as more similar to the defendant than did females.
TABLE 2

Cell means for confidence of judgment
as a function of offender's past
and sex of stimulus person

<table>
<thead>
<tr>
<th>OFFENDER'S PAST</th>
<th>SEX OF STIMULUS PERSON</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
</tr>
<tr>
<td>Greatest involvement with police</td>
<td>5.05</td>
</tr>
<tr>
<td>Some involvement with police</td>
<td>4.36</td>
</tr>
<tr>
<td>Little involvement with police</td>
<td>3.25</td>
</tr>
<tr>
<td>No involvement with police</td>
<td>2.83</td>
</tr>
</tbody>
</table>

NOTE: The larger numbers indicate greater confidence.
Since criminal activity is an aggressive behavior perhaps males more easily identified with such behavior. Manipulation of the accused's past activities also yielded highly significant results: \( F(3,215) = 11.26, p < .001 \). Subjects were less likely to rate the defendant as similar when he had been involved in crime and most likely identified with the defendant in the fourth condition of non-involvement. Since nearly 70% of the population had not admitted participating in illegal activities themselves, this result is not surprising. In fact, when confessed "criminals" were pulled from the total population, the original pattern of results is duplicated: \( F(3,144) = 7.69, p < .001 \).

The main effects of history must be qualified since a significant interaction between the type of stimulus person and the various conditions of history was obtained: \( F(6,215) = 3.15, p < .006 \) (see Table 3). A Scheffe test revealed the effects of history were significant when subjects read about a male defendant. Similarity was greatest when the stimulus person was a male and when he had a clean police record. Female and neutral offenders had little impact on the interaction. Although these measures of similarity generated reliable results, they were either inappropriate or of insufficient strength to affect the subjects' perception of the defendant's responsibility for his behavior.

Subjects were also asked "How likely is it you would commit homicide?" Again, this was a measure of whether or not subjects identified with the defendant. Results were nonsignificant. Peripheral to these considerations was the question "How likely do you
<table>
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<th>OFFENDER'S PAST</th>
<th>SEX OF STIMULUS PERSON</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Male</td>
</tr>
<tr>
<td>Greatest involvement</td>
<td>1.42</td>
</tr>
<tr>
<td>with police</td>
<td></td>
</tr>
<tr>
<td>Some involvement</td>
<td>1.30</td>
</tr>
<tr>
<td>with police</td>
<td></td>
</tr>
<tr>
<td>Little involvement</td>
<td>1.53</td>
</tr>
<tr>
<td>with police</td>
<td></td>
</tr>
<tr>
<td>No involvement</td>
<td>3.10</td>
</tr>
<tr>
<td>with police</td>
<td></td>
</tr>
</tbody>
</table>

NOTE: The larger numbers indicate greater similarity.
think it is you would be a victim of this type of crime?" As before, all results were nonsignificant.
CONCLUSIONS

The major finding of this study was that a defendant's previous involvement with the law enforcement system affects subjects' perception of his responsibility for a criminal act and the severity of the prison sentence imposed on the defendant. The accused's past interacted with the sex of the stimulus person on measures of similarity and confidence of judgment. These results supported the third hypothesis in part. Decreasing degrees of previous criminal involvement were not significantly different from one another. However, involvement vs. noninvolvement generated reliable data.

The data did not uphold the first hypothesis that predicted women offenders would be viewed as more responsible for their illegal behavior than male offenders. The second hypothesis predicting an interaction between the sex of subject and sex of offender (if personal relevance was salient) received no support. It appears that sexual identification alone is insufficient to arouse feelings of personal similarity.

Quite possibly the hypotheses were not supported because any alert individual is held responsible for his behavior or perhaps, subjects were provided with insufficient information to determine responsibility, i.e., no motive. These possibilities were discussed earlier. Too, future research will be necessary to distinguish female offenders from conventional women and male criminals from
law abiding men. This comparison may demonstrate accused women are thought of in harsher terms than other women and these judgments are more severe than those that men receive even though they may be involved in crime.

Prejudice seems to be present in the courtroom. The sex of the defendant as well as the type of crime committed does yield differential, although somewhat inconsistent, results. All factors considered, the likelihood of a woman committing homicide increases when subjects read about a woman implicated in this type of crime. Too, women see other women as motivated from within while men tend to see other men as internally motivated.

There are basically two methodological considerations that may have contributed to the obtained results. The first deals with the subject population. Subjects were college students and academia fosters objectivity. Instructing respondents to imagine themselves as trial jurors may have made salient the need for impartiality. Too, stereotypic responses may be less evident in a college population. Since this study was designed to tap stereotypic notions, a sample of the population-at-large may yield quite different results.

A second methodological problem concerns the use of a questionnaire. It is quite possible the manipulation of the gender of stimulus person did not have the impact necessary to generate significant results. Subjects presented with a film, photographs, or short drama would likely respond differently than those reading an account of the action.

Subjects were asked to first assume the role of juror and
then read an account of a homicide. Questions following this description were designed to assess subject-jurors' perceptions and preconceptions. If subjects had been asked for spontaneous "gut-level" responses rather than thoughtful reflections responses could have been quite different.

In summary, the belief that a defendant is innocent until proven otherwise may be a fallacy. Impartiality in judicial matters is a highly valued attribute, but may exist in theory only. Experimental evidence supports anecdotal and archival findings that jurors are, consciously or unconsciously, prejudicial. The effects of such evidence is far reaching.
REFERENCES


Heider, F. The psychology of interpersonal relations. New York: Wiley and Sons, 1958.


APPENDICES
APPENDIX A

QUESTIONNAIRE

Please clearly circle the number that best describes your response to the following questions:

1. How responsible is the defendant for the criminal action?
   7 6 5 4 3 2 1
   completely responsible
   not at all responsible

2. How likely do you think it is that anyone with a criminal past will commit a similar crime again?
   7 6 5 4 3 2 1
   extremely likely
   not likely at all

3. How likely is it that this type of crime would be committed by a male?
   7 6 5 4 3 2 1
   extremely likely
   not likely at all

4. How likely is it that this type of crime would be committed by a female?
   7 6 5 4 3 2 1
   extremely likely
   not likely at all

5. How likely do you think it is that you would be a victim of this type of crime?
   7 6 5 4 3 2 1
   extremely likely
   not likely at all

PLEASE GO ON TO THE NEXT PAGE
6. How likely do you think it is that you would commit this type of crime?

7 6 5 4 3 2 1
extremely likely not likely at all

7. To what degree do you see the defendant as similar to yourself?

7 6 5 4 3 2 1
extremely similar not at all similar

8. How confident are you that you have made a fair judgment concerning the defendant's responsibility for the criminal action?

7 6 5 4 3 2 1
extremely confident not at all confident

9. What do you believe was the principle source (internal vs. external) of the defendant's motivation to commit a criminal act?

7 6 5 4 3 2 1
motivations internal pressures external
to the defendant to the defendant

10. How serious would you rate the crime of criminal homicide?

7 6 5 4 3 2 1
extremely serious not at all serious

11. If the defendant were convicted of this crime and you were on the jury, how many years of imprisonment would you sentence the defendant?

7 6 5 4 3 2 1
maximum sentence suspended sentence
under the law (no prison term)

ALL INFORMATION IS CONFIDENTIAL AND FOR RESEARCH PURPOSES ONLY

12. Have you ever committed a crime of any kind? YES NO

If yes, what crime(s):

PLEASE GO ON TO THE NEXT PAGE
13. Have you ever been arrested for a crime of any kind? YES NO
   If yes, what crime(s):

14. Have you ever been convicted of a crime of any kind? YES NO
   If yes, what crime(s):
APPENDIX B

BEM SEX ROLE INVENTORY

We would appreciate knowing a little about you, the juror. Please use the inventory on the following page to describe yourself. Using the scale of values from 1 to 7, rate yourself on the list of adjectives.

For example, if you feel yourself to be self-reliant on occasions, put a 4 beside the adjective self-reliant:

4 1. self-reliant

PLEASE GO ON TO THE NEXT PAGE
**DESCRIBE YOURSELF**

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<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>never or usually</td>
<td>sometimes</td>
<td>occasion-</td>
<td>often</td>
<td></td>
<td>usually</td>
<td>almost or</td>
</tr>
<tr>
<td></td>
<td>almost</td>
<td>not</td>
<td>but infre-</td>
<td>ally true</td>
<td>true</td>
<td>true</td>
<td>true</td>
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<td></td>
<td>never</td>
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<td>quently</td>
<td>true</td>
<td></td>
<td>almost</td>
<td>always</td>
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<td>1</td>
<td>self-reliant</td>
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<td>reliable</td>
<td></td>
<td>41</td>
<td>warm</td>
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<td>2</td>
<td>yielding</td>
<td>22</td>
<td>analytical</td>
<td></td>
<td>42</td>
<td>solemn</td>
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<tr>
<td>3</td>
<td>helpful</td>
<td>23</td>
<td>sympathetic</td>
<td></td>
<td>43</td>
<td>willing to take a stand</td>
<td></td>
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<tr>
<td>4</td>
<td>defend own beliefs</td>
<td>24</td>
<td>jealous</td>
<td></td>
<td>44</td>
<td>tender</td>
<td></td>
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<tr>
<td>5</td>
<td>cheerful</td>
<td></td>
<td></td>
<td>25</td>
<td>has leadership qualities</td>
<td>45</td>
<td>friendly</td>
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<tr>
<td>6</td>
<td>moody</td>
<td></td>
<td></td>
<td>26</td>
<td>sensitive to the needs of others</td>
<td>46</td>
<td>aggressive</td>
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<tr>
<td>7</td>
<td>independent</td>
<td></td>
<td></td>
<td>27</td>
<td>truthful</td>
<td></td>
<td>47</td>
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<td>8</td>
<td>shy</td>
<td></td>
<td></td>
<td>28</td>
<td>willing to take risks</td>
<td></td>
<td>48</td>
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<tr>
<td>9</td>
<td>conscientious</td>
<td></td>
<td></td>
<td>29</td>
<td>understanding</td>
<td></td>
<td>49</td>
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<tr>
<td>10</td>
<td>athletic</td>
<td></td>
<td></td>
<td>30</td>
<td>secretive</td>
<td></td>
<td>50</td>
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<tr>
<td>11</td>
<td>affectionate</td>
<td></td>
<td></td>
<td>31</td>
<td>makes decisions easily</td>
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<td>theatrical</td>
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<td>32</td>
<td>compassionate</td>
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<td>assertive</td>
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<td></td>
<td>33</td>
<td>sincere</td>
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<td>14</td>
<td>flatterable</td>
<td></td>
<td></td>
<td>34</td>
<td>self-sufficient</td>
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<td>15</td>
<td>happy</td>
<td></td>
<td></td>
<td>35</td>
<td>eager to soothe feelings</td>
<td></td>
<td>55</td>
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<tr>
<td>16</td>
<td>strong personality</td>
<td></td>
<td></td>
<td>36</td>
<td>conceited</td>
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<td>17</td>
<td>loyal</td>
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<td>37</td>
<td>dominant</td>
<td></td>
<td>57</td>
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<td>18</td>
<td>unpredictable</td>
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<tr>
<td>19.</td>
<td>forceful</td>
<td>38.</td>
<td>soft spoken</td>
<td>59.</td>
<td>gentle</td>
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<tr>
<td>20.</td>
<td>feminine</td>
<td>39.</td>
<td>likable</td>
<td>60.</td>
<td>conventional</td>
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<tr>
<td></td>
<td></td>
<td>40.</td>
<td>masculine</td>
<td></td>
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</table>

THANK YOU
APPENDIX C

OFFENDER'S PAST: GREATEST INVOLVEMENT WITH POLICE CONDITION

The defendant, a 30 year old, has been arrested and charged with the crime of criminal homicide. Criminal homicide is described as a willful felonious homicide as distinguished from death caused by negligence.

The police report stated the defendant had been seen with the victim prior to the incident. Witnesses were willing to testify that the defendant had fired the gun that killed the victim. The defendant has made no statement to the police regarding the charges. A lawyer has been called for the defense.

The defendant has been known to the police. The defendant has a criminal record. Several years ago the defendant had been arrested for a similar crime of criminal homicide. The defendant had been given a jury trial and found guilty of the charges. The defendant had served time in prison for the criminal action and had been released.
OFFENDER'S PAST: SOME INVOLVEMENT WITH POLICE CONDITION

The defendant, a 30 year old, has been arrested and charged with the crime of criminal homicide. Criminal homicide is described as a willful felonious homicide as distinguished from death caused by negligence.

The police report stated the defendant had been seen with the victim prior to the incident. Witnesses were willing to testify that the defendant had fired the gun that killed the victim. The defendant has made no statement to the police regarding the charges. A lawyer has been called for the defense.

The defendant has been known to the police. The defendant has a criminal record. Several years ago the defendant had been arrested for a similar crime of criminal homicide. The defendant had been given a jury trial and found not guilty of the charges. Since the defendant had been acquitted, the defendant did not serve time in prison and was released following the trial.
OFFENDER'S PAST: LITTLE INVOLVEMENT WITH POLICE CONDITION

The defendant, a 30 year old, has been arrested and charged with the crime of criminal homicide. Criminal homicide is described as a willful felonious homicide as distinguished from death caused by negligence.

The police report stated the defendant had been seen with the victim prior to the incident. Witnesses were willing to testify that the defendant had fired the gun that killed the victim. The defendant has made no statement to the police regarding the charges. A lawyer has been called for the defense.

The defendant has been known to the police. The defendant has a criminal record. Several years ago the defendant had been arrested for a similar crime of criminal homicide. Due to the lack of evidence all charges were dropped and the defendant was released without going to trial or confined in prison.
OFFENDER'S PAST: NO INVOLVEMENT WITH POLICE CONDITION

The defendant, a 30 year old, has been arrested and charged with the crime of criminal homicide. Criminal homicide is described as a willful felonious homicide as distinguished from death caused by negligence.

The police report stated the defendant had been seen with the victim prior to the incident. Witnesses were willing to testify that the defendant had fired the gun that killed the victim. The defendant has made no statement to the police regarding the charges. A lawyer has been called for the defense.

The defendant has never before been known to the police. The defendant does not have a criminal record.