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Crossing the Line?

Victim and Defendant Attractiveness Impacts Juror Perceptions in a Stalking Case

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Requirements for Commonwealth Honors in Psychology

Bridgewater State University

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## Victim and Defendant Attractiveness in Stalking 2

### Author Note

Special thanks to Amanda Langley for assisting with coding the reason for verdict data.

**Abstract**

Stalking cases can often be ambiguous, which makes it difficult for jurors to determine if the defendant crossed the line from romantic courtship to stalking. The present research used a mock juror experiment to assess the effect of victim attractiveness and defendant attractiveness on juror decision-making in a stalking case. Community member participants ( $N = 296$ ) read a stalking trial summary in which we manipulated attractiveness of the victim and defendant via images and asked participants to rate perceptions such as credibility, sympathy, and stalking typicality. We found a main effect of defendant attractiveness such that a more attractive defendant led to more pro-defendant ratings (e.g., higher defendant credibility, higher sympathy for the defendant). Also, we found a main effect of victim attractiveness such that a more attractive victim led to more pro-victim ratings (e.g., higher victim credibility, lower victim blame). Further, we also found that women were more anti-defendant than men; women provided lower ratings of defendant credibility, sympathy for the defendant, and romantic courtship typicality. However, the predicted effect of attractiveness on verdict was not supported. Results provide insight into how jurors' perceptions of attractiveness of both the victim and defendant play a role in decision-making in stalking.

### Crossing the Line?

#### Victim and Defendant Attractiveness Impacts Juror Perceptions in a Stalking Case

Stalking crimes are becoming more prevalent with almost 20 million women stalked each year in the United States, according to The National Intimate Partner and Sexual Violence Survey (Black et al., 2011). According to the U.S. Department of Justice's Office of Justice Programs (1998), based on a sample of 8,000 women, 3% were raped, 19% were physically assaulted, and 10% were stalked in a 12 month span. Although stalking is prevalent, high percentages of stalking perpetrators (85.4% to 93.6%) are not prosecuted, with about a 40% conviction rate for prosecuted cases (Tjaden & Thoennes, 2000). Stalking can happen in many different contexts with regard to the relationship between the victim and defendant, including strangers, acquaintances, and ex-intimate partners.

Stalking research has focused primarily on intimate partner stalking based on its prevalence with more than 10 million victims per year (Centers for Disease Control and Prevention, 2014). In a legal context, this type of stalking can often make it difficult for jurors to determine if the defendant's behavior crossed the line between normal romantic courtship and stalking. Jurors make decisions primarily based on evidence provided in court, but they may use "extra-legal" factors, such as victim gender, defendant gender, and expression of fear, when the situation is ambiguous (e.g. Dennison & Thomson, 2002; Dunlap, Hodell, Golding, & Wasarhaley, 2012; Hills & Taplin, 1998; Phillips, Quirk, Rosenfield, O'Connor, 2004). Stalking cases are often ambiguous because individual behaviors involved in stalking may seem harmless alone, but together the pattern of behaviors over time may be open to interpretation (Ybarra, Langhinrichsen-Rohling, & Mitchell, 2016). In a legal context, stalking is defined based on what behaviors each state chooses to include in its statute and may be classified as a felony or

misdemeanor. Disagreement in legislation criteria includes the target affected (e.g., victim, family member, companion), proof of an explicit threat, and the level of fear (e.g., frightened, terrorized, fear of injury or death, and emotional distress; The National Center for Victims of Crime, 2012). Stalking is classified in 14 states as a felony upon the first offense, in 35 states as a felony upon the second offense and/or with aggravating factors, and in one state it is always considered a misdemeanor (The National Center for Victims of Crime, 2012). This divergence in stalking legislation contributes to the ambiguity of the behaviors that constitute stalking.

Although research is limited, previous empirical stalking literature has looked at the impact of certain extra-legal factors on verdict decisions in stalking cases. For instance, Dunlap et al. (2012) manipulated the victim's expressed fear using a mock juror method. Participants read a criminal stalking trial summary then determined the verdict and rated the victim and defendant on factors such as believability and sympathy. The researchers found that female participants rendered more guilty verdicts regardless of the manipulated expressed fear. However, male participants' verdicts varied based on victim fear such that the more fear the more guilty verdicts and the lower fear the less guilty verdicts (Dunlap et al., 2012). To better understand the underlying causes of this gender difference in perceptions of stalking, Dunlap and colleagues (2014) studied perceptions of intimate partner stalking with respect to participant gender, acceptance of stalking myths, and gender stereotyping (Dunlap, Lynch, Jewell, Wasarhaley, & Golding, 2014). They found that men more than women believed stalking myths, such as victim blaming and that stalking should be considered as flattering to victims, which minimize stalking. Thus, participants with higher stalking myth acceptance rated the victim as less fearful and the defendant as being less dangerous, which resulted in fewer guilty verdicts. Further, participants higher in gender role stereotyping rated the defendant's intent as less

dangerous and thus rendered fewer guilty verdicts (Dunlap et al., 2014). Such findings from the previous stalking literature suggest that this serious crime calls for more research to understand juror perceptions of intimate partner stalking and how jurors may rely on extra-legal factors to determine if the case is truly stalking or just a former lover trying to win back his heartthrob. Despite the contributions of previous stalking research to our understanding of the role of victim expressed fear, there are other extra-legal factors researchers have yet to examine. One such factor that may be salient to jurors in the courtroom is the attractiveness of the victim and defendant. Therefore, the present study will examine mock juror perceptions of victim and defendant attractiveness in a stalking case.

Attractiveness can bias perceptions and judgments of others in that people often attribute positive characteristics to attractive individuals (Webster & Driskell, 1983). Research has shown social (Benson, Karabenick, & Lerner, 1976), academic (Ritts, Patterson, & Tubbs, 1992), political (Lewis & Bierly, 1990), occupational (Hosoda, Stone-Romero, & Coats, 2003), and economic (Loh, 1993) advantages for attractive individuals. Eagly et al. (1991) completed a meta-analytic review of attractiveness and discovered that people attribute positive personality traits and life outcomes to attractive individuals (Eagly, Ashmore, Makhijani, & Longo, 1991). The researchers found that attractiveness had a moderate effect on perceptions of social competence in terms of sociability, popularity, and other attributes (Eagly et al., 1991). Jackson et al.'s (1995) meta-analytic review found that participants perceived attractive individuals as more intellectually competent than unattractive individuals (Jackson, Hunter, and Hodge, 1995). This attractiveness bias has also been associated with advantages in legal proceedings. Castellow, Wuensch, and Moore (1990) examined physical attractiveness of a plaintiff and defendant in a sexual harassment case. They found that participants decided in favor of an

attractive plaintiff/victim when paired with an unattractive defendant and decided in favor of an attractive defendant when paired with an unattractive plaintiff/victim. Further, men and women rated the attractive defendant with more positive personal characteristics than the unattractive defendant. The results of this study indicated that the attractiveness bias can include leniency in court for attractive defendants (Castellow et al., 1990). Moreover, a meta-analysis showed mock jurors' perceived physically attractive defendants as less guilty compared to plain-looking defendants across a variety of crimes (Mazzella & Feingold, 1994). These findings support that an attractiveness bias places advantages and positive characteristics on attractive individuals, which could affect perceptions of a stalking case. The extensive support for this phenomenon made it relevant to look at in a stalking mock juror decision-making scenario.

In addition to its effect on general guilt in court, attractiveness is particularly relevant to examine in a stalking context because attractiveness may also serve as an indicator of realistic romantic courtship (Taylor, Fiore, Mendelsohn, & Cheshire, 2011; White, 1980). Perceptions of romantic courtship have been linked with levels of attractiveness based on the matching hypothesis. The matching hypothesis explains that generally people tend to match their mate on attractiveness, which in turn determines how interested the mate is in reciprocating attraction (Bersheid, Dion, Walster, & Walster, 1971). The matching hypothesis has gained support with various studies researching how attractiveness and social desirability play such a large role in mate selection. White (1980) studied attractiveness of couples ranging from casually dating, seriously dating, cohabiting, and engaged/married. He found that similar attractiveness was positively correlated with the progress of a relationship for less serious relationships. Further, matching mattered in earlier stages of dating because partners were more likely to break up if their attractiveness levels were different. He also found that for more serious relationships,



physical attractiveness levels were similar and therefore those more successful relationships matched with regard to attractiveness (White, 1980). Further support for this hypothesis was provided by Taylor et al.'s (2011) study, which examined the matching hypothesis using online dating profiles. The researchers studied the physical attractiveness of partners via activity logs on the site, which recorded who was communicating with each other. They found that people received the most responses from potential dating partners that matched their attractiveness (Taylor et al., 2011, Experiment 2). Based on the matching hypothesis, mock jurors in a stalking case may rely on how the victim's attractiveness matches with the defendant's attractiveness to determine if the defendant's behavior is realistic courtship or stalking.

In sum, stalking is a prevalent and serious crime, but jurors may face difficulty in determining verdict based on the uncertainty of how to interpret the defendant's behavior: romantic courtship or stalking. This uncertainty may cause jurors to rely on extra-legal factors in decision-making. According to the attractiveness bias, jurors may be more inclined to side with an attractive defendant, as evidenced in prior mock juror studies. According to the matching hypothesis, jurors may look at how the victim and defendant match on attractiveness to determine if the defendant's behavior is realistically courtship. The present study will therefore apply these social psychological concepts and extend previous research by examining attractiveness, a yet unexamined extra-legal factor, in a stalking context.

In the present study we examined how victim and defendant attractiveness predicted perceptions of a stalking case using a mock juror method. Specifically, we studied how victim attractiveness (high/low), defendant attractiveness (high/low), and participant gender (male/female) affected juror perceptions of the victim and defendant, such as credibility and blame, and verdict judgments. We tested three primary hypotheses based on previous research:

*H1a.* We predicted that there would be a main effect of defendant attractiveness, such that when a defendant was attractive participants would render fewer guilty verdicts and have more pro-defendant judgments, in comparison to an unattractive defendant. Additionally, with an attractive defendant, participants would rate the scenario as more typical of romantic courtship and less typical of stalking. This hypothesis was consistent with the findings based on leniency for attractive individuals in court (Castellow et al., 1990; Mazzella & Feingold, 1994).

*H1b.* We predicted that there would be a main effect of victim attractiveness, such that when a victim was attractive participants would side more with the victim and therefore render more guilty verdicts and have more pro-victim judgments. This hypothesis was consistent with the findings on the attractiveness bias (Castellow et al., 1990).

*H2.* We predicted an interaction such that the effect of the defendant's attractiveness would depend on the victim's attractiveness (see Figure 1). Specifically, we expected that an attractive victim and unattractive defendant would produce more guilty verdicts compared to all other conditions. We predicted this finding because the victim and defendant's attractiveness did not match and therefore it may not seem realistic that an unattractive male would pursue an attractive woman for romantic courtship. Therefore, participants in this condition would also rate the scenario as less typical of romantic courtship and more typical of stalking compared to the other conditions. In the conditions in which victim and defendant attractiveness levels matched (e.g., attractive victim and attractive defendant, unattractive victim and unattractive defendant), we predicted that there would be the least amount of guilty verdicts. This hypothesis is consistent with the matching hypothesis such that people are more likely to engage in a successful relationship with someone equally attractive and therefore mock jurors would consider equal attractiveness as normal romantic courtship and not stalking (Taylor et al., 2011; White 1980).

Finally, the condition with an unattractive victim and attractive defendant would result in more guilty verdicts compared to the attractive matched condition and the unattractive matched condition but fewer guilty verdicts compared to the other mismatched condition (attractive victim, unattractive defendant). Based on the matching hypothesis, the unattractive victim, attractive defendant condition would be seen as less realistic of courtship compared to the matched conditions, but due to the attractiveness bias participants would be more favorable toward an attractive defendant compared to the other mismatched condition.

*H3.* We predicted that there would be a main effect of participant gender such that female participants would render more pro-victim judgments than male participants (e.g., victim credibility, guilty verdicts). We expected to replicate the robust participant gender differences shown in the stalking perception literature (Dunlap et al, 2012; Dunlap et al., 2014), and the victimization literature more broadly (e.g., Hodell, Dunlap, Wasarhaley, & Golding, 2012; Lynch, Wasarhaley, Golding, & Simcic, 2013) in the present study. Furthermore, across all conditions, we expected that women would view the defendant's behavior as less likely of romantic courtship and more typical of stalking compared to men.

## **Method**

### **Participants**

Three hundred and sixty four community members recruited via Mechanical Turk (MTurk; Buhrmester, Kwang, & Gosling, 2011) participated in this study. All were U.S. citizens, at least 18 years old, and jury-eligible. We excluded the data of 68 participants based on the following criteria: exiting the study prior to the trial (29), not completing the manipulation check questions (28), and indicating previous exposure to either the victim image, defendant image, and/or the trial content (11). The final sample included 296 participants. The participants

consisted of 111 males and 185 females. Participants self-identified as Asian or Pacific Islanders (7%), Black or African American (8%), Hispanic or Latino (6%), Native American (2%), White (80%), and other (1%). The age of the participants ranged from 19-86 years ( $M = 38.48$ ,  $SD = 12.65$ ). Also, 21% of participants served as jurors previously, and none on a stalking trial.

### **Design**

The study was a 2 (Victim Attractiveness) x 2 (Defendant Attractiveness) x 2 (Participant Gender) between-participants design. The study randomly assigned participants to 4 conditions: attractive victim and attractive defendant, attractive victim and unattractive defendant, unattractive victim and attractive defendant, and unattractive victim and unattractive defendant.

### **Materials**

**Criminal trial summary.** Participants were presented a 2,471 word trial summary of stalking in the second-degree (Dunlap et al., 2014). The description of the trial indicated that the State charged the defendant with Stalking in the Second-Degree, a Class A Misdemeanor. We chose to use the misdemeanor charge presented in prior research rather than a felony charge to reduce the potential for the participants not rendering a guilty verdict if the charge was too severe. The State provided evidence that the defendant intentionally and repeatedly engaged in behaviors that would cause a reasonable person in the victim's circumstances to fear for her safety or suffer emotional distress. The criminal trial summary described the victim's ex-boyfriend, the defendant, who allegedly stalked her for approximately 6 months. At the time of the alleged stalking the victim and the defendant were 20 year-old college sophomores. This trial included the prosecution's case, defense's case, and judge's instructions. The prosecution's case provided testimony from the victim and victim's roommate. The defense's case provided the

testimony from the defendant and the defendant's roommate. Cross-examination occurred for both the prosecution's witnesses and the defense's witnesses.

After participants read each section of the trial summary, we added comprehension questions that asked about the content of the criminal trial summary. If participants got the question wrong they were prompted with specific directions to read all content carefully. These questions consisted of basic content check such as "what is the relationship between the defendant (Michael Jones) and the alleged victim (Jessica Klein)." The questions were multiple-choice with three answers to choose from (e.g., the above question had "a. teacher and student, b. ex-boyfriend and ex-girlfriend, c. strangers"). These questions were used to ensure the researcher that participants were reading the trial summary.

Once the participants read the trial summary and answered the content check questions they were directed to read the judge's specific instructions that presented the statute (*Kentucky Revised Statutes* 508.150, 2002). Specifically, the judge's instructions asked jurors to:

"...find the defendant guilty of Second-Degree Stalking (a Class A Misdemeanor) if, and only if, they believe from the evidence beyond a reasonable doubt all of the following: (1) the defendant purposely engaged in a course of conduct directed at Ms. Klein and (2) that he knew or should have known that his course of conduct would cause a 'reasonable person in the victim's circumstances' to fear for her safety or the safety of a third person or (3) suffer other emotional distress (significant mental suffering)."

**Images.** We used images of both unattractive and attractive men and women to depict both the victim and defendant in order to manipulate each condition. Each time the victim or defendant was mentioned the respective images were presented within the trial summary. The images were pre-rated on attractiveness by a separate pilot sample using a ten-point scale

(Lynch, 2014). Participants in the pilot sample ( $N = 46$ ) rated the high attractive male ( $M = 4.76$ ,  $SD = 1.72$ ) as more attractive than the low attractive male ( $M = 2.91$ ,  $SD = 1.47$ ),  $t(45) = 8.33$ ,  $p < .001$ . The pilot sample also rated the high attractive female ( $M = 5.13$ ,  $SD = 1.64$ ) as more attractive than the low attractive female ( $M = 3.74$ ,  $SD = 1.63$ ),  $t(45) = 5.49$ ,  $p < .001$ .

**Trial questionnaire.** The 48-item questionnaire asked participants to rate various aspects of the trial on 7-point scales with specific endpoints (see Appendix A). We asked participants to render a verdict (*guilty* or *not guilty*), rate how confident they were in the verdict (1= *not at all*, 7 = *completely*), rate the guilt of the defendant (1= *not guilty at all*, 7 = *completely guilty*), and explain their reasoning for the verdict (open-ended). Following, participants rated how credible, honest, and believable they viewed the victim and defendant, how much blame they assigned, and how responsible the victim and defendant were (1= *not at all*, 7 = *completely*). They also rated how much sympathy and anger they had towards the victim and defendant (1= *none*, 7 = *a lot*). Then participants rated how typical the victim, defendant, and scenario were of stalking, how typical the scenario was of romantic courtship, and how typical the defendant's behaviors were of romantic courtship (1= *not at all*, 7 = *very much*). Next, we included manipulation check questions, where participants were asked to rate how attractive they found the victim and defendant (1= *not at all*, 7 = *extremely attractive*). Then, they rated several items that asked how reasonable was the victim's emotional distress, victim's fear, victim's annoyance, and for the victim to feel flattered (1= *not reasonable*, 7 = *completely reasonable*). They were also asked questions relating to if the defendant should have known he was causing the victim reasonable emotional distress, how much emotional distress he intended to cause, how much she feared for her safety, and how much fear he intended to cause (1= *no way to have known/ emotional distress / fear*, 7 = *absolutely should have known/ extreme emotional distress/ extreme fear*).

Further, they were asked if the defendant should have known he was causing her reasonable emotional distress, fear, and flattery, how annoyed and how flattered she was (1= *not reasonable/ annoyed/ flattered*, 7 = *completely reasonable/ extremely annoyed/ extremely flattered*). Further, they rated how credible the victim's roommate was (1= *not at all*, 7 = *completely*). Lastly, we included additional manipulation check questions, which asked participants what the alleged victim's gender was (male or female) and what crime was the defendant charged with (open-ended).

### **Procedure**

Participants signed up for this study via MTurk. They were then directed to Qualtrics to complete the study online. The study consisted of an electronic informed consent form, demographic questions, instructions, the criminal trial summary, and the trial questionnaire. Participants completed the electronic informed consent form where answering "yes" continued the study on Qualtrics and "no" exited participants from the survey. Those that consented then answered demographic questions. The questions asked participants to identify the following: if they were a U.S. citizen, their gender, ethnicity, age, and prior jury experience. The study then instructed all participants to assume the role of a juror. Then each participant read the criminal trial summary, which presented one of the four attractiveness conditions (randomly assigned). After reading the trial summary they were directed to the trial questionnaire to rate items based on the stalking trial. Lastly, they were thanked for their participation. A copy of the informed consent form was provided for them to download as well as a statement debriefing them on the study. The study took an average of 21.24 minutes to complete.

## Results

Before analyzing the data, we created subscales for the rating variables regarding the victim, defendant, and defendant's behaviors (e.g., Golding, Lynch, & Wasarhaley, 2015). We only focused on the rating variables that had theoretical relevance to our hypotheses and used a Cronbach's  $\alpha$  level of .70 as the minimum value for an acceptable scale (Lance, Butts, & Michels, 2006). We created the victim credibility subscale by averaging the ratings for victim credibility, honesty, and believability (Cronbach's  $\alpha = .95$ ) and the defendant credibility subscale by averaging the ratings for defendant credibility, honesty, and believability (Cronbach's  $\alpha = .94$ ). The victim blame subscale was created by averaging the ratings for victim blame and responsibility (Cronbach's  $\alpha = .88$ ), and the defendant blame subscale by averaging the ratings for defendant blame and responsibility (Cronbach's  $\alpha = .86$ ). We created the romantic courtship typicality subscale by averaging the responses from questions relating to typicality of the defendant's behavior and typicality of the scenario to romantic courtship (Cronbach's  $\alpha = .77$ ). The variables we examined as single item predictors were victim and defendant sympathy and anger and stalking scenario typicality. See Table 1 for means and standard deviations, and Table 2 for correlations between all primary dependent variables.

For the primary analyses, we ran a hierarchical logistic regression with dichotomous verdict as the dependent variable. We controlled for participant gender in Step 1 and included the main effects of victim and defendant attractiveness in Step 2. Step 3 contained the two-way interaction of victim attractiveness by defendant attractiveness. For all other dependent variables we ran a series of hierarchical linear regression analyses with the same steps as described for the logistic regression. We also examined the open-ended responses in which participants described their reasons for rendering a guilty or not guilty verdict. This data was coded by the lead



researcher and a research assistant, both of whom were unaware of the experimental condition, and resulted in 92.51% agreement. The lead researcher resolved any disagreement and analyzed the reasons most often given for verdict. The researchers coded for 12 categories that participants indicated were most important in choosing their verdict, including victim blame, romanticizing the defendant's behavior, victim attractiveness, defendant attractiveness, and whether the defendant seemed like a typical stalker.

We examined victim and defendant attractiveness in two ways: (1) manipulated victim and defendant attractiveness and (2) participant ratings of victim and defendant attractiveness. We conducted a set of *t*-tests to determine the effectiveness of our manipulation. The first analysis included the victim attractiveness condition (0 = attractive, 1 = unattractive) as the grouping variable, and perceived victim attractiveness as the dependent variable. This analysis revealed a significant effect of our manipulation,  $t(293) = -5.81, p < .001$ , such that participants viewed the attractive victim ( $M = 4.45, SD = 1.30$ ) as more attractive than the unattractive victim ( $M = 3.50, SD = 1.50$ ). We next conducted a *t*-test with the defendant attractiveness condition (0 = attractive, 1 = unattractive) as the grouping variable, and perceived defendant attractiveness as the dependent variable. This analysis revealed a significant effect of our manipulation,  $t(293) = -4.54, p < .001$ , such that participants viewed the attractive defendant ( $M = 3.26, SD = 1.76$ ) as more attractive than the unattractive defendant ( $M = 2.42, SD = 1.41$ ).

We first tested all of our predictions using the manipulated (binary) victim and defendant attractiveness and found that these variables did not predict verdict or any other dependent measures, with the exception of the romantic courtship typicality subscale ( $\beta = -0.15, p = .008$ ). Although the images were pre-rated for attractiveness and our manipulation was successful, it is possible that the degree of attractiveness of the victim and defendant may have affected

participants' ratings. Therefore, we decided to run the analyses of verdict and trial ratings using the continuous ratings of attractiveness as our predictors.

### **Hypothesis 1: Main Effects of Attractiveness**

Overall guilty verdict ratings resulted in participants rendering 70.5% guilty verdicts and 29.5% not guilty verdicts. The logistic regression model for verdict was not significant ( $p = .34$ ) nor were any of the individual predictors. We will not present further consideration of this variable.

The linear regression model for victim credibility was significant at step 2 ( $p < .001$ ). Defendant attractiveness ( $\beta = -0.17, p = .01$ ) and victim attractiveness were significant predictors of victim credibility ( $\beta = .23, p < .001$ ). The more attractive the defendant, the less credible the victim and the more attractive the victim, the more credible participants viewed her, supporting hypotheses 1a and 1b. The model for defendant credibility was significant at step 2 ( $p < .001$ ). Defendant attractiveness was a significant predictor for defendant credibility ( $\beta = .27, p < .001$ ) but victim attractiveness was not significant ( $\beta = -0.12, p = .05$ ). The more attractive the defendant, the more credible participants viewed him, supporting hypothesis 1a. The model for victim blame was significant at step 2 ( $p < .001$ ). Defendant attractiveness was not a significant predictor for victim blame ( $\beta = .11, p = .08$ ) but victim attractiveness was a significant predictor for victim blame ( $\beta = -0.21, p < .001$ ). The more attractive the victim, the less participants blamed her, supporting hypothesis 1b. The model for defendant blame was significant at step 2 ( $p = .02$ ). Defendant attractiveness was not a significant predictor for defendant blame ( $\beta = -0.08, p = .20$ ) but victim attractiveness was a significant predictor for defendant blame ( $\beta = .19, p < .001$ ). Therefore, the more attractive the victim the more participants blamed the defendant, supporting hypothesis 1b.

The model for sympathy for the victim was significant at step 2 ( $p < .001$ ). The linear regression showed that defendant attractiveness ( $\beta = -0.19, p < .001$ ) and victim attractiveness were significant predictors for sympathy for the victim ( $\beta = .23, p < .001$ ). Results indicate that the more attractive the defendant, the less sympathy participants had for the victim and the more attractive the victim, the more likely they were to have sympathy for her, supporting hypotheses 1a and 1b. The model for sympathy for the defendant was significant at step 2 ( $p < .001$ ). The linear regression showed that defendant attractiveness ( $\beta = .27, p < .001$ ) and victim attractiveness were significant predictors for sympathy for the defendant ( $\beta = -0.20, p < .001$ ). Therefore, the more attractive the defendant, the more sympathy they had for him and the more attractive the victim, the less sympathy they had for the defendant, supporting hypotheses 1a and 1b. The model for anger for the victim was significant at step 2 ( $p = .03$ ). Defendant attractiveness was not significant ( $\beta = .05, p = .45$ ), but victim attractiveness was a significant predictor for anger for the victim ( $\beta = -0.17, p = .01$ ). The more attractive the victim, the less anger participants had toward her, supporting hypothesis 1b. The model for anger for the defendant was marginally significant at step 2 ( $p = .05$ ). Defendant attractiveness was not a significant predictor for anger toward the defendant ( $\beta = -0.64, p = .53$ ) but victim attractiveness was significant ( $\beta = .14, p = .02$ ). This finding shows that the more attractive the victim, the more anger participants had for the defendant, supporting hypothesis 1b.

The model for romantic courtship typicality was significant at step 2 ( $p < .001$ ). Defendant attractiveness was not a significant predictor for romantic courtship typicality ( $\beta = .09, p = .15$ ). However, victim attractiveness was a significant predictor for romantic courtship typicality ( $\beta = -0.17, p < .001$ ). Therefore, the more attractive the victim, the less likely it was for participants to view the defendant's behavior as that of romantic pursuit, supporting hypothesis

1b. The model for typical stalking scenario was significant at step 2 ( $p < .001$ ). Defendant attractiveness was not significant ( $\beta = -0.09, p = .15$ ) but victim attractiveness was a significant predictor for typical stalking scenario ( $\beta = .24, p < .001$ ). The more attractive the victim, the more likely participants saw the scenario as a typical stalking scenario, supporting hypothesis 1b.

**Verdict Reasoning Data.** We conducted descriptive analyses on the open-ended responses that participants had given as their reasons for rendering a guilty or not guilty verdict. Across each independent variable, participants' reasons for rendering guilty verdicts were based on the defendant's behavior (66%-72%), blaming the defendant (30%-39%), and victim fear (31%-34%). In the unattractive defendant condition specifically, 21% of participants who rendered guilty verdicts mentioned the defendant being a "typical stalker." Participants who rendered not guilty verdicts across all conditions tended to mention reasons based on romanticizing the defendant's behavior in hopes of pursuing the victim romantically (28% - 35%). Participants who rendered guilty verdicts mentioned the defendant's behavior (65% - 72%) as the leading reason for their verdict.

### **Hypothesis 2: Interaction of Victim and Defendant Attractiveness**

None of the linear regression analyses for the rating variables resulted in a significant result for the interaction term (all  $p$ 's  $> .05$ ). Therefore, we found no support for the interaction of victim and defendant attractiveness having an effect on perceptions of the victim, defendant, or scenario.

### **Hypothesis 3: Participant Gender Main Effect**

The linear regression showed that participant gender was a significant predictor for defendant credibility ( $\beta = -2.16, p = .03$ ). Men were more likely to find the defendant credible compared to women. Participant gender was also a significant predictor for sympathy for the

defendant ( $\beta = -0.15, p = .01$ ), such that men were more likely to sympathize with the defendant than women. Finally, participant gender was a significant predictor for romantic courtship typicality ( $\beta = -0.17, p < .001$ ) such that men were more likely to see the defendant's behavior as courtship than women. Participant gender was not significant in the linear regression analyses for the other rating variables, including victim credibility, victim blame, sympathy toward the victim, anger toward the victim, anger toward the defendant, and typical stalking scenario (all  $p$ 's  $> .05$ ).

### **Discussion**

We examined the effect of victim and defendant attractiveness on mock juror perceptions of a stalking trial by manipulating victim and defendant attractiveness through images. This study aimed to better understand jurors' use of extra-legal factors for making verdict decisions in ambiguous stalking cases. Overall, the findings in this study provided mixed support for our predictions. We found a main effect of defendant attractiveness on various ratings, such that the more attractive the defendant the less credible participants viewed the victim, and the less sympathetic they were to her. We also found that defendant attractiveness was positively associated with defendant credibility and sympathy toward the defendant. Further, our reason data showed that 21% of participants who rendered guilty verdicts in the unattractive defendant condition did so based in part on their perception of the defendant being a "typical stalker." This finding shows that when the defendant is unattractive it may seem like he is obsessively pursuing the attractive woman. Participants may report this "typical stalker" reasoning because they may only register attractiveness as a factor on an implicit level and would not explicitly report attractiveness as a reason. These findings support hypothesis 1a, which explains how the

attractiveness bias places advantages on attractive individuals and plays a role in juror perceptions of the defendant (Castellow et al., 1990; Mazzella & Feingold, 1994).

We found a main effect of victim attractiveness on various ratings, such that the more attractive the victim the less they blamed her, the less they viewed the situation as romantic courtship, the less they sympathized with the defendant, and the less anger they had toward her. Further, we found that victim attractiveness was positively associated with victim credibility, defendant blame, victim sympathy, anger towards the defendant, and stalking typicality. These findings support hypothesis 1b stating that advantages are given to attractive victims through the attractiveness bias which plays a role in juror perceptions of the victim (Castellow et al., 1990).

Our findings for victim attractiveness were more robust than those of defendant attractiveness, but our findings still showed that defendant attractiveness played a role in juror perceptions. Specifically, the ratings associated defendant attractiveness was based on credibility and sympathy for both the victim and defendant, whereas victim attractiveness affected varied ratings including victim perceptions, defendant perceptions, and typicality of the scenario. The effect that defendant attractiveness had on ratings showed that his attractiveness mattered more for the emotional appeals of the participants, specifically in terms of credibility and sympathy. Participants saw the attractive victim as more credible, less to blame, and they had more sympathy for and less anger towards her, which shows the positive perceptions that we expected to see from the attractiveness bias (Castellow et al., 1990). The impact victim attractiveness had on defendant ratings add to our understanding that the more attractive the victim the more participants were likely to be anti-defendant in terms of blaming, anger, and having less sympathy for the defendant. Victim attractiveness also impacted the scenario by being viewed as more typical of stalking and less typical of romantic courtship. These results show that victim

attractiveness played a more varied role compared to defendant attractiveness, which shows how influential the victim's appearance is in a stalking case for the victim herself and the defendant as well. However, victim and defendant attractiveness both played a role in victim credibility, defendant sympathy, victim sympathy, victim anger, and stalking typicality. These ratings impact how jurors perceive the victim, the defendant, and the scenario as extra-legal factors in a stalking court case.

Despite the effects attractiveness had on perceptions of the victim and defendant, we found no direct effects of attractiveness on verdict. We chose only to examine the direct effects of the independent variables on verdict but in the future research should examine indirect effects of attractiveness on verdict via ratings. In other words, victim attractiveness, defendant attractiveness, or participant gender may impact certain perceptions and ratings, which then impact guilty verdicts. For instance, the more attractive the victim the more credible participants view her, and the high credibility rating may increase the likelihood of rendering a guilty verdict. These potential indirect effects may add support for how attractiveness plays a role in juror perceptions on an implicit level meaning that attractiveness effects perceptions of people, which in turn impacts decision making.

Additionally, we found no support for an interaction between defendant attractiveness and victim attractiveness. It could be that participants did try to use the matching hypothesis (Taylor et al., 2011; White, 1980), but limitations in our study design did not allow us to test this hypothesis effectively. One reason may be that the victim and defendant images were presented separately and therefore, it may have been difficult for our participants to determine if the couple in question matched on attractiveness. Future studies should present images side by side to allow for participants to be able to more easily compare attractiveness to determine if the victim and

defendant could reasonably be in a relationship. Additionally, our manipulation was successful for testing the main effects. However, the pre-rated images we used did not match on levels of respective attractiveness across gender; specifically, our unattractive images were objectively unattractive but relative to each other the unattractive woman was more attractive than the unattractive man. This may have affected our results because if the images did not match then participants would view the condition with an unattractive victim and an unattractive defendant that should have been a match as unrealistic courtship. Future research should use images that have similar ratings of unattractiveness and attractiveness across gender to represent victim and defendant attractiveness. However, perhaps the interaction was not significant because the matching hypothesis may not be relevant in the context of stalking based on participants paying more attention to defendant's behavior in the scenario when giving a reason for the verdict they choose. Across all conditions, most participants specifically mentioned the defendant behaviors (65% - 72%), which included sending multiple emails to the victim and showing up at her work, as to why he was guilty. Therefore, participants might have been more focused on the behavior pattern instead of the appearance of the victim and defendant.

Consistent with previous stalking and victimization research findings that women tend to relate more to victims (Spitzberg, 2002), we found that women were more anti-defendant than men. Specifically, women were less likely to rate the defendant as credible, see the behavior as a courtship, and sympathize with the defendant than men. This result shows that women tend to side less with the defendant and have more anti-defendant perceptions (Dunlap et al., 2012), which provided support for hypothesis 3. The support for this hypothesis adds to the body of victimization research that has found this result. Further, it suggests that jury pools should have



equal gender representation to minimize the effects on these ratings during victimization cases in court.

### **Limitations and Future Directions**

The present study had some additional limitations to note. We drew our participant sample from MTurk users which, although a popular source (DeSoto, 2016), may have not been very representative of the general population (Paolacci & Chandler, 2014). However, we chose to use MTurk because it was a more representative sample of a potential jury pool than a student subject pool made up of a more homogeneous population. Additionally, MTurk has “expert” workers, who have participated in many studies and may not respond in the way researchers are trying to study (DeSoto, 2016). These “expert” workers may have read similar trials or participated in other mock juror studies, which may have affected our results based on familiarity and anticipating what we are studying. However, we added questions asking if participants had seen either the victim or defendant images and if they had previously read the trial summary. Future research should replicate the study with a more representative community sample. Additionally, we chose to use the Kentucky Statute for stalking based on trying to account for the severity of the charges against the defendant. Although the lead researcher is based in Massachusetts, we chose to use the misdemeanor Kentucky charge presented in Dunlap et al.’s (2014) trial summary rather than present the Massachusetts statute, which is a felony. We made this decision to decrease the possibility of a floor effect, where if the charges were too high participants may be less inclined to render a guilty verdict even if they believed the defendant committed a crime. Furthermore, participants were recruited by MTurk and therefore could be from any state, and would follow the statute provided. However, future research should use different statutes to increase the generalizability of the results.

## **Implications**

This study provides support for the attractiveness bias seen in other jury decision making cases (Mazzella & Feingold, 1994) and this highlights another area where this concept affects perceptions. No support was found for the matching hypothesis, however, limitations such as the lack of pictures presented side by side could have led to this null finding. In many stalking cases, determining verdict can be difficult due to ambiguity. As a result, jurors may look to extra-legal factors, such as attractiveness, to judge a case; therefore, research on attractiveness is important to understand how it impacts juror perceptions in the courtroom. This study contributes to a growing body of experimental work that can help to better understand these cases, although there are also real world implications for these results.

These findings could educate the justice system personnel to better address stalking cases in court. Currently there are low conviction rates for stalking and this research can better support the ability for justice system personnel to see how these ambiguous cases can be difficult to convict and therefore they need to equip jurors, prosecution, and defense with training on what type of evidence should be taken into consideration. Victims may be more willing to seek legal help if they feel the justice system is making strides to better protect and serve these victims. This study has implications for stalking and across intimate partner violence as a whole. If positive perceptions relating to helping victims is presented then victims may feel safer telling their stories and not living in fear of their stalker or abuser.

## **Conclusion**

In conclusion, the present study helps to expand the research on juror perceptions of victims and defendants in a stalking case. We found support for women being more pro-victim and victim attractiveness impacting victim blame and romantic courtship typicality. The present

findings suggest that attractiveness does impact juror perceptions of both victims and defendants in the courtroom. This research highlights the importance of understanding juror perceptions and the use of extra-legal factors in court, especially with regard to their role in stalking.

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Table 1

*Descriptive Statistics for Primary Variables by Condition – Means (Standard Deviation)*

Victim	Attractive	Attractive	Unattractive	Unattractive
Defendant	Attractive	Unattractive	Unattractive	Attractive
	<i>n</i> = 58	<i>n</i> = 75	<i>n</i> = 74	<i>n</i> = 72
Verdict (percent guilty)	73%	72%	64.9%	72.2%
Victim Credibility Subscale	5.69 (1.29)	5.85 (1.01)	5.59 (1.33)	5.63 (1.24)
Defendant Credibility Subscale	3.83 (1.76)	3.76 (1.59)	3.90 (1.74)	4.00 (1.53)
Victim Blame Subscale	1.88 (1.45)	1.92 (1.27)	2.10 (1.32)	2.42 (1.68)
Defendant Blame Subscale	5.68 (1.77)	5.77(1.26)	5.45 (1.53)	5.34 (1.64)
Victim Attractiveness	4.39 (1.39)	4.51 (1.21)	3.39 (1.42)	3.61 (1.57)
Defendant Attractiveness	3.14 (1.80)	2.32 (1.49)	2.51 (1.34)	3.39 (1.71)
Sympathy for Victim	5.49 (1.58)	5.52 (1.38)	5.05 (1.66)	5.40 (1.45)
Sympathy for Defendant	2.80 (1.73)	2.67 (1.56)	2.85 (1.73)	3.13 (1.78)
Anger toward Victim	1.74 (1.31)	1.60 (.94)	1.72 (1.29)	1.99 (1.40)
Anger toward Defendant	3.74 (2.10)	3.73(1.97)	3.47 (1.97)	3.71(2.03)
Typicality of Stalking Scenario	5.19 (1.81)	5.13 (1.62)	4.78 (1.87)	5.18 (1.90)
Romantic Courtship	3.20 (1.76)	2.90 (1.46)	3.4 (1.66)	3.59 (1.54)
Typicality Subscale				

Table 2  
*Correlations among Trial Ratings*

Variable	1	2	3	4	5	6	7	8
1. Verdict (percent guilty)								
2. Confidence in Verdict	.377**							
3. Victim Credibility Subscale	.562**	.357**						
4. Defendant Credibility Subscale	-.485**	-.264**	-.329**					
5. Victim Blame Subscale	-.470**	-.277**	-.599**	.375**				
6. Defendant Blame Subscale	.643**	.336**	.609**	-.523**	-.531**			
7. Victim Typicality Subscale	.572**	.207**	.547**	-.468**	-.465**	.604**		
8. Defendant Typicality Subscale	.619**	.252**	.566**	-.577**	-.428**	.696**	.691**	
9. Victim Attractiveness	.097	-.061	.176**	-.050	-.182**	.162**	.277**	-.133**
10. Defendant Attractiveness	-.002	-.136*	-.086	.177**	.021	-.017	-.013	-.041
11. Sympathy for Victim	.589**	.260**	.758**	-.451**	-.647**	.652**	.571**	.608*
12. Sympathy for Defendant	-.500**	-.394**	-.466**	.639**	.486**	-.583**	-.496**	-.596*
13. Anger toward Victim	-.237**	-.253**	-.438**	.189**	.594**	-.318**	-.222**	-.223**
14. Anger toward Defendant	.385**	.210**	.344**	-.472**	-.334**	.504**	.400**	.464**
15. Typicality of Scenario	.631**	.230**	.604**	-.518**	-.512**	.676**	.721**	.860**
16. Romantic Courtship Typicality	-.347**	-.157**	-.332**	.376**	.485**	-.448**	-.291**	-.285**

Variable	9	10	11	12	13	14	15
1. Verdict (percent guilty)							
2. Confidence in Verdict							
3. Victim Credibility Subscale							
4. Defendant Credibility Subscale							
5. Victim Blame Subscale							
6. Defendant Blame Subscale							
7. Victim Typicality Subscale							
8. Defendant Typicality Subscale							
9. Victim Attractiveness							
10. Defendant Attractiveness	.325**						
11. Sympathy for Victim	.223**	.051					
12. Sympathy for Defendant	-.123**	.171**	-.501**				
13. Anger toward Victim	-.162**	-.021	-.384**	.342**			
14. Anger toward Defendant	.135**	.025	.533**	-.396**	-.068		
15. Typicality of Scenario	.214**	-.002	.647**	-.579**	-.299**	.415**	
16. Romantic Courtship Typicality	-.153**	-.002	-.379**	.421**	.293**	-.173**	-.366**

Note: \*  $p < .05$ , \*\*  $p < .01$

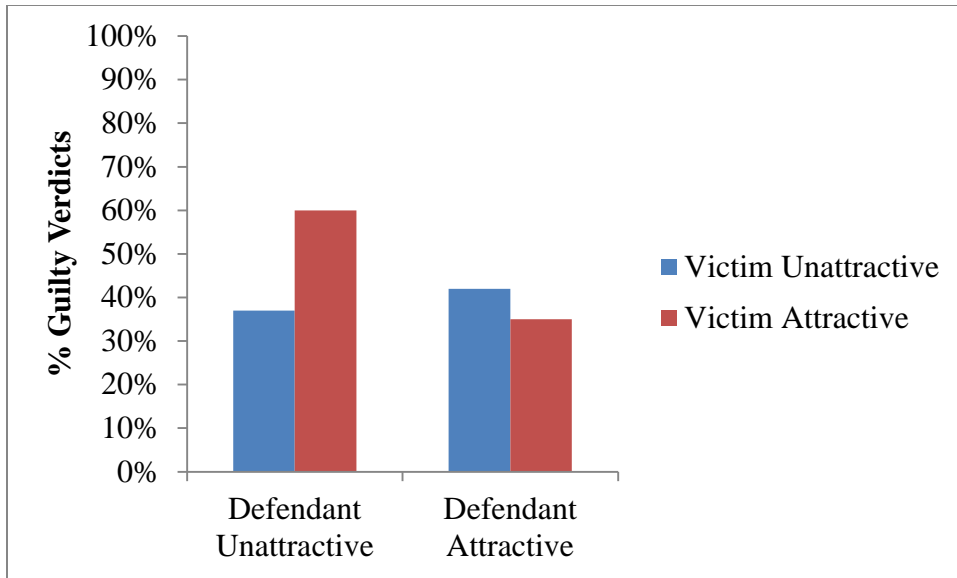


Figure 1. Expected verdict results for each condition.



Victim and Defendant Attractiveness in Stalking 37

Not at all  
 1            2            3            4            5            6            7  
 Very Much

To what extent was the alleged victim like a typical person who is stalked?

Not at all  
 1            2            3            4            5            6            7  
 Very Much

To what extent was the alleged victim like someone who you would expect to be stalked?

Not at all  
 1            2            3            4            5            6            7  
 Very Much

How attractive do you find the alleged victim?

Not at all  
 1            2            3            4            5            6            7  
 Extremely Attractive

How much emotional distress did the alleged victim experience due to the events in question?

No Emotional Distress  
 1            2            3            4            5            6            7  
 Extreme Emotional Distress

If you were in the alleged victim's circumstances, how much emotional distress would you feel?

No Emotional Distress  
 1            2            3            4            5            6            7  
 Extreme Emotional Distress

Given the alleged victim's circumstances, how "reasonable" was her emotional distress?

Not Reasonable  
 1            2            3            4            5            6            7  
 Completely Reasonable

How much did the alleged victim fear for her safety due to the events in question?

No Fear  
 1            2            3            4            5            6            7  
 Extreme Fear

Given the alleged victim's circumstances, how "reasonable" was her fear?

Not Reasonable  
 1            2            3            4            5            6            7  
 Completely Reasonable

How annoyed was the alleged victim due to the events in question?

Not Annoyed  
 1            2            3            4            5            6            7  
 Extreme Annoyed

Given the alleged victim's circumstances, how "reasonable" was her annoyance?

Not Reasonable  
 1            2            3            4            5            6            7  
 Completely Reasonable

If you were in the alleged victim's circumstances, how annoyed would you feel?

Not Annoyed  
 1            2            3            4            5            6            7  
 Extremely Annoyed

How flattered was the alleged victim due to the events in question?

Not Flattered  
 1            2            3            4            5            6            7  
 Extremely Flattered

Given the alleged victim's circumstances, how "reasonable" was it that she would feel flattered?

Not Reasonable						Completely Reasonable
1	2	3	4	5	6	7

How credible was the alleged victim's dorm roommate?

Not at all						Completely
1	2	3	4	5	6	7

How credible was the defendant?

Not at all						Completely
1	2	3	4	5	6	7

How honest was the defendant?

Not at all						Completely
1	2	3	4	5	6	7

How believable was the defendant?

Not at all						Completely
1	2	3	4	5	6	7

How much sympathy did you have for the defendant?

None							A lot
1	2	3	4	5	6	7	7

How much anger did you have toward the defendant?

None							A lot
1	2	3	4	5	6	7	7

How much did you blame the defendant?

Not at all						Completely
1	2	3	4	5	6	7

How responsible was the defendant for the alleged stalking?

Not at all						Completely
1	2	3	4	5	6	7

How similar was this defendant to other people who typically stalk others?

Not at all						Very much
1	2	3	4	5	6	7

To what extent was the defendant like a typical stalker?

Not at all						Very much
1	2	3	4	5	6	7

To what extent was the defendant like someone who you would expect to be a stalker?

Not at all						Very much
1	2	3	4	5	6	7

How attractive do you find the defendant?

Not at all  
 1            2            3            4            5            6            7  
 Extremely Attractive

Did the defendant intend to cause the alleged victim emotional distress?

Not Intent  
 1            2            3            4            5            6            7  
 Absolute Intent

Should the defendant have known that his behaviors would cause "reasonable" emotional distress?

No way to have known  
 1            2            3            4            5            6            7  
 Absolutely Should have known

If you were in the defendant's circumstances, would you have known that the behaviors in question would cause "reasonable" emotional distress?

No way to have known  
 1            2            3            4            5            6            7  
 Absolutely Should have known

Did the defendant intend to cause the alleged victim to fear for her safety?

No Intent  
 1            2            3            4            5            6            7  
 Absolute Intent

Should the defendant have known that his behaviors would cause "reasonable" fear?

No way to have known  
 1            2            3            4            5            6            7  
 Absolutely Should have known

How much danger did the defendant pose to the alleged victim?

No danger  
 1            2            3            4            5            6            7  
 Extreme Danger

How similar was the defendant's behavior to the typical behavior involved in pursuing a relationship?

Not similar at all  
 1            2            3            4            5            6            7  
 Very Similar

How similar was this scenario to a typical stalking scenario?

Not at all  
 1            2            3            4            5            6            7  
 Very much

How similar was this scenario to a typical romantic courtship scenario?

Not at all  
 1            2            3            4            5            6            7  
 Very much

What was the alleged victim's gender?

Male          Female  
 1            2

What crime was the defendant charged with?



Have you ever been a victim of stalking?

Yes            No

Have you seen a photo of this alleged victim before?

Yes            No    I'm not sure

Have you seen a photo of this defendant before?

Yes            No    I'm not sure

Have you read this trial before?

Yes            No    I'm not sure

How similar were the details of this particular trial compared to other trials you may have read on MTurk?

Exactly the same    Very Similar    Similar    Slightly Similar    Not at all similar    I haven't read another trial on MTurk

1

2

3

4

5

6

7

If at all similar to another trial you read on MTurk, what specific aspects of the present trial were familiar to you?