



# FACTORS OF JUSTICE THAT ARE SENSITIVE TO BIAS

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# THE ROLE OF BIAS IN DUE PROCESS

## Rehavi and Starr (2014)

- ❖ Prosecutorial abuse of discretionary privileges
- ❖ Black male defendants 65% more likely to be charged with crimes carrying a mandatory minimum

## Kleider, Knuycky, & Cavrak (2012)

- ❖ Jurors make heuristic-based decisions to conserve cognitive resources
- ❖ Effort to resolve cognitive dissonance

PERCEPTIONS OF JUSTICE INFLUENCE THE JUDICIAL PROCESS PRIOR TO SENTENCING

# Factors that potentially influence bias

- ❖ Race of the offender
- ❖ Crime committed by offender
- ❖ Combination of both variables

## Hypothesis:

Perceptions of justice are sensitive to both the race of the offender and the crime committed by the offender.

# Methods:

- ▷ Survey: 3 x 3 Factorial Design
- ▷ 45 participants recruited via haphazard sampling
- ▷ Offered a small candy bar as incentive. Most declined.
- ▷ Ages 18 – 69
  - Average age 33
- ▷ Race/Ethnicity – Asian/Pacific Islander, Caucasian, Latino/Hispanic, Native American, Middle Eastern/Arabic

# 3 x 3 Factorial Design



**IV: Race/Ethnicity of offender**

Caucasian, African-American, Hispanic



**IV: Crime committed by offender**

Larceny, Robbery, Drug Trafficking



**DV: Severity of Sentence**

Length of recommended sentence

# Questionnaire Vignette

Offender Race/Ethnicity

is convicted of:

Crime

- ❖ A 35-year-old Caucasian male
- ❖ A 35-year-old African - American male
- ❖ A 35-year-old Hispanic male

- ❖ stealing \$5,000 worth of *property*, intending to sell it
- ❖ *robbing* \$5,000 a bank, intending to use the money for personal use
- ❖ stealing \$5,000 worth of *opioids*, intending to sell them.

Sentence Recommendation


- ❖ Probation - no time in prison
- ❖ Prison for less than a year
- ❖ Prison term for 1 -5 years
- ❖ Prison term for 10 -15 years
- ❖ Prison term for 15+ years

# Questionnaire Sample

Diego J., A 35-year-old Hispanic male, has been convicted of robbing \$5,000 from a bank. He had a handgun but did not point it at the teller when he demanded the money. The gun was not fired. He intended to use the money for personal use.

What sentence should he receive?

- a) Probation - no time in prison
- b) Prison for less than a year
- c) Prison term for 1 -5 years
- d) Prison term for 10 -15 years
- e) Prison term for 15+ years



**Hypothesis: Perceptions of justice are sensitive to the race/ethnicity of offender and the crime committed by the offender.**

**Statistics Tests:**

❖ ANOVA

❖ T-Test

❖ Descriptive Analysis



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# Results

## Two-Way ANOVA Tests of Between-Subjects

Source	Type III Sum of Squares	df	Mean Square	F	Sig.
Corrected Model	4.711 <sup>a</sup>	8	.589	.841	.573
Intercept	417.089	1	417.089	595.841	.000
<b><u>Race</u></b>	<b><u>.044</u></b>	<b><u>2</u></b>	<b><u>.022</u></b>	<b><u>.032</u></b>	<b><u>.969</u></b>
<b><u>Crime</u></b>	<b><u>2.178</u></b>	<b><u>2</u></b>	<b><u>1.089</u></b>	<b><u>1.556</u></b>	<b><u>.225</u></b>
<b><u>Race * Crime</u></b>	<b><u>2.489</u></b>	<b><u>4</u></b>	<b><u>.622</u></b>	<b><u>.889</u></b>	<b><u>.480</u></b>
Error	25.200	36	.700		
Total	447.000	45			
Corrected Total	29.911	44			

a. R Squared = .158 (Adjusted R Squared = -.030)

## Severity Difference by Gender

	Gender	N	Mean	Std. Deviation	Std. Error Mean
Severity Score of Sentence	Male	21	3.33	.856	.187
	Female	22	2.77	.685	.146

## Independent Samples Test

		Levene's Test for Equality of Variances		t-test for Equality of Means						
		F	Sig.	t	df	Sig. (2-tailed)	Mean Difference	Std. Error Difference	95% Confidence Interval of the Difference	
									Lower	Upper
Severity Score of Sentence	Equal variances assumed	.643	.427	2.376	41	.022	.561	.236	.084	1.037
	Equal variances not assumed			2.363	38.298	.023	.561	.237	.081	1.041

## Severity by Race and Crime

Race of Convicted Offender	Crime of Convicted Offender	Mean	Std. Deviation	N
White	Drug Trafficking	3.40	.894	5
	Robbery	3.20	.447	5
	Larceny	2.60	.548	5
	Total	3.07	.704	15
African-American	Drug Trafficking	3.20	.447	5
	Robbery	3.20	.837	5
	Larceny	2.60	1.673	5
	Total	3.00	1.069	15
Hispanic	Drug Trafficking	3.40	.548	5
	Robbery	2.60	.548	5
	Larceny	3.20	.837	5
	Total	3.07	.704	15
Total	Drug Trafficking	3.33	.617	15
	Robbery	3.00	.655	15
	Larceny	2.80	1.082	15
	Total	3.04	.824	45

# DISCUSSION

## No Support For Hypothesis

- ❖ Design Structure
- ❖ More Participants
- ❖ Execution

## Future Research

- ❖ Improved Design/ Content might yield different results
- ❖ Other factors responsible for disproportionate impact



**Thanks!**

**Questions?**