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PUBLIC ATTITUDE TOWARD WOMEN  
IN THE CRIMINAL JUSTICE SYSTEM

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DANA CARROLL BURNHAM

Public Attitude Toward Women in the Criminal Justice System

A Thesis

Presented for the

Master of Arts

Degree

Austin Peay State University

Dana Carroll Burnham

November, 1999



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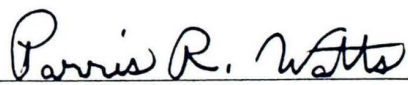
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Dr. Jean Lewis, Major Professor

We have read this thesis  
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## DEDICATION

This thesis is dedicated to my children

Zachary and Lydia Lyons

and my husband

Raymond Wood

who have given me a lifetime

of unwavering love and support.

## ACKNOWLEDGEMENTS

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## ABSTRACT

Existing research indicates controversy regarding how females are treated within the criminal justice system. This study was done to determine whether judges would rate female offenders leniently compared to male offenders for the same crimes. Whether the gender of the rater would affect judgments was also examined. A scenario based questionnaire called the Crime Scenario Scale (CSS) was developed in a male and female offender form and distributed to 116 male and female college students. An analysis of variance indicated a significant difference between forms of the CSS with  $p < .000$ , and mean scores indicated that female criminals were sentenced leniently compared to their male counterparts. An ANOVA showed a significant difference between judge's gender at  $p < .033$ , i.e., males rated both male and female criminals more leniently than females did. This tendency extends back in the literature more than 20 years and indicates that in spite of the current shift towards equity in the dynamics of gender roles, social perspectives of women are slow to change.



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## CHAPTER 1

### INTRODUCTION

While it is generally accepted that women and men are treated differently within the American criminal justice system, it is unclear whether women are treated leniently, similar to, or more harshly when compared to their male counterparts (Armstrong, 1977; Johnston, Kennedy, & Shuman, 1987; Steffensmeier, Kramer, & Streifel, 1993). A variety of factors contribute to the dispute including legislature, various compounding factors, the Equal Rights Movement, and the chivalry theory. Paternalistic treatment of women in society was reflected in some of the early legislature that affected female criminals. Compounding factors such as prior record, number of counts, seriousness of the crime, and even race have been suggested to influence sentence length. Steffensmeier et al. found that male and female offenders were treated equally when their crimes and circumstances were similar. The chivalry theory suggests that due to an overriding perception of women as incapable of committing evil deeds, judges, police, and juries are reluctant to accuse and convict women. This reluctance has been reflected in research studies and in applied settings is believed to result in fewer arrests, higher parole rates, and shorter sentences for women (Chesney-Lind, 1978). Armstrong (1977) believed that American's social attitudes towards women resulted in protective efforts which led to longer prison sentences. It is well known that Freud's label of hysterical applied only to women and presumed they were incapable of controlling emotions. Therefore, women were irresponsible for any criminal acts committed under distress and should not be held accountable, but rather protected and rehabilitated by society. In light of an obvious divergence of research findings, sentence length for female offenders continues to be a worthwhile and stimulating topic of study.



## REVIEW OF LITERATURE

### Harsh Treatment for Female Offenders

The Muncy Act was a paternalistic effort to 'protect' adult women which resulted in longer sentences (Armstrong, 1977). The Act, authorized at the turn of the century, influenced judges' sentencing of women across the United States for over 70 years. It required female offenders sentenced to at least one year to spend three years in state mental health institutions. Placement in these institutions eliminated opportunities for early release, possibility of parole, and legal representation.

A practice that still results in longer prison terms for women is indiscriminate sentencing. The assumption is that women are emotionally more receptive to rehabilitation which can take an indeterminate length of time, therefore judges leave sentence length up to the institutional managers where women are held (Mann, 1984). Paternalism is protectiveness within the justice system which stems from the traditional belief that women and children require protection and supervision. It also appears to be a source of longer sentences for adult and juvenile females (Armstrong, 1977). A status offense is a noncriminal violation of parental authority for which minors can be arrested (Chesney-Lind, 1989). These offenses include running away from home; being in need of supervision, care, or protection; and being incorrigible, truant, or beyond control. Juvenile females have historically been detained for significantly more status offenses than juvenile males indicating societal efforts to restrict and protect females (Chesney-Lind, 1989). In the past, authorities also believed that females required more supervision than males because their crimes were assumed to be motivated by a desire for sexual attention, i.e., when girls were arrested for waywardness, their behavior was assumed to be sexual waywardness (Hoyt & Scherer, 1998). Status offenses of juvenile males have rarely been interpreted as sexual in nature. Arresting girls, but not boys, more often for status

offenses and sexual misconduct may be an effort to maintain the compliance of girls to patriarchal authority (Chesney-Lind, 1989). Although the justice system has not neglected female delinquents, psychological research has systematically omitted them and limited attention has been devoted to the theoretical development of female criminality. (Bergsmann, 1989; Chesney-Lind, 1989; Hoyt & Scherer, 1998).

Zingraff and Thomson (1984) suggested that when women commit crimes that are inconsistent with a female gender role expectation, they receive harsher treatment than men in the criminal justice system. In their study to examine whether sentencing outcomes favored women, Zingraff and Thomson investigated 9,464 cases processed in North Carolina from 1969 through 1977. They studied four felony offenses (second degree murder, voluntary manslaughter, larceny, and forgery) and four misdemeanor offenses (simple assault, child abandonment, worthless checks, and shoplifting). They further controlled for variables that might effect sentencing outcome, such as type and seriousness of offense and prior record. Results indicated that women received shorter sentences for each of the felony offenses. Results also indicated that there was no significant difference in sentencing on the basis of gender for the misdemeanor offenses, except for one inconsistency in the data. Women received significantly harsher sentences than men in the case of sentences for the misdemeanor of child abandonment.

#### Equal Treatment for Male and Female Offenders

Curran (1983) argued that the chivalry hypothesis was weak and inconsistent because the empirical basis for it was flawed. He believed that when relevant legal and nonlegal variables were controlled, sentencing disparity between men and women was eliminated. Curran also believed that men and women were treated differently at different stages of the judicial process. He examined the judicial process at the negotiation, prosecution, conviction and sentencing stages. He controlled for variables that might



affect the outcome including seriousness of the offense, number of counts, and prior arrests. Curran's multiple regression analysis of 543 adult felony cases indicated that women and men were treated equally at all stages of processing except sentencing. At the sentencing stage women benefited with shorter sentence lengths.

A secondary result of the Zingraff and Thomson study (1984), in which preferential treatment of women in the criminal justice system was investigated is notable. They argued that when relevant variables such as type and seriousness of offense and prior record are controlled for, the discrepancy in treatment between men and women disappears. Zingraff and Thomson compared felony offenses (second degree murder, manslaughter, larceny, and forgery) and misdemeanor offenses (simple assault, child abandonment, worthless checks, and shoplifting). No disparity in sentence length for the misdemeanor offenses occurred between men and women. However, they found that women received shorter sentences than men for all of the felony offenses studied. In fact sex was the only statistically significant variable of those considered, which were age, sex, race, and court location.

In a comprehensive empirical evaluation of over 61,000 imprisonment decisions, Steffensmeier et al. (1993) found gender not to be a major contributor to unequal treatment during sentencing. These investigators argued that previous research studies citing gender as a major factor in sentencing decisions lacked appropriate controls and results that suggested lenient treatment due to chivalry were an artifact. Judges' decisions were influenced, rather, by the degree of blameworthiness, i.e., how responsible the offender was for the crime. This included such factors as past offenses and practical issues such as the responsibility of children and the availability of correctional facilities. Steffensmeier et al. found that gender per se, had only a small effect on sentencing decisions. Instead, responsibility for children, inadequate correctional facilities, few or no



prior offenses, and the nonviolent nature of the crimes (i.e., property crime versus person crime) influenced sentence lengths. It was these other factors that led to women receiving shorter sentences than men.

### Lenient Treatment for Women

The majority of the research represents women as consistent recipients of lenient treatment within the criminal justice system (Faulkner & Steffensmeier, 1979; Frazier, Bock, & Henretta, 1983; Heilbrun, 1982; Mitchell, 1997; Rosenbaum & Chesney-Lind, 1994). Chivalry in the courtroom was believed by some to account for shorter sentences and lenient treatment for women (Faulkner & Steffensmeier, 1979) while others regarded it as a myth (Chesney-Lind, 1978) or an artifact because of failure to control for variables such as previous record and seriousness of offense (Steffensmeier et al., 1993).

Historically women have been represented as psychologically weak and needing male protection and care. Early theorists of female criminality such as Otto Pollak, Cesare Lombroso, and William Ferrero believed women to be less capable of and less responsible for criminal behavior (Flowers, 1987). Pearson (1997) argued that the mind set which affects treatment of women in the justice system is deeply ingrained in our social perspective and that women appear to be protected by it. Psychological literature supports the idea that female defendants are often viewed as victims. Rosenbaum (1989) examined the records of 159 females who had committed offenses as youths and determined that 90 percent continued to offend as adults. Rather than view them as responsible for their crimes, Rosenbaum argued that these women had criminal histories because they were victims of family violence and were mistreated by the justice system.

Frazier et al. (1983) empirically analyzed 309 criminal cases and found that males were more likely to receive harsher sentences than females and that females were less likely to be incarcerated, i.e., they were paroled for a crime for which a male went to jail.

Heilbrun (1982) studied the relationship between impulsiveness, crime, and gender and found that women were more impulsive than men when committing violent crimes.

Punishment for impulsive crime is less severe, and consistently women were given shorter sentences. However, Heilbrun also found that women were less impulsive than men when committing non-violent crimes, yet in these cases women received lighter sentences and/or less time on parole. Mitchell (1997) reported that in murder cases, the killer's gender was significantly related to sentencing and that female perpetrators were more likely than males to receive a diminished manslaughter charge. These studies underscore the premise that women are viewed as less responsible for their behavior than men. Horn and Hollin (1997) compared attitudes of police and non-police to determine whether police had a more negative view of offenders. The results indicated that both groups felt that female offenders were less capable of misbehavior than male offenders. Both police and non-police felt that women were more trustworthy and less capable of possessing the personality to commit violent crime which resulted in less severe judgments for them.

### Female Violence

There is little doubt that women are physically and psychologically as capable as men of committing violent acts. Although women have been arrested for fewer violent crimes than men, unofficial judicial processing and chivalry towards women have been believed to result in fewer convictions (Flowers, 1987). Another reason that arrest rates have been lower for women may be due to the environment in which women live. Women maintain a relatively low social profile and so do their victims (Mann, 1984). Pearson (1997) and Flowers (1987) argued that crimes against the family are the crimes for which women are most often found guilty and are the crimes that have the lowest report rates.

The homicides which women have been most likely to commit are infanticide, child abuse, child neglect which leads to death, reverse spousal abuse, and murder. How



many of these violent crimes go unreported is unknown but officials suspect that the rates are high. Reverse spousal abuse, when women batter their male or lesbian partners (Pearson, 1997), is probably the least reported among family crime (Flowers, 1987). Pearson argued that the social stereotype of women as incapable of committing violent crime facilitates instances of infanticide and Munchausen syndrome by proxy. Given the low report rates for these crimes and the tendency for the medical profession to label the deaths as accidental or mysterious, Pearson suggested that women use their social status to defer responsibility for criminal behavior. Mann (1992) reported that 75 percent of the White and 56 percent of the Black women in her study claimed non-responsibility for the homicides they committed. Their motives included self-defense, emotional reasons, and accidents.

### Public Opinion Towards Female Offenders

Research examining the treatment of women in the justice system has been based primarily on the examination of criminal records and court proceedings. Research has also examined the public's attitude toward women who commit crimes. Horn and Hollin (1997) compared the attitudes of police and non-police towards inmates. The police group consisted of police officers from several different stations. The non-police group was recruited from various workplaces and evening college classes. All participants responded to items on a questionnaire which measured attitudes toward male and female offenders on scales of deviance, normality, and trust. The results indicated that both groups found female offenders to be less intrinsically corrupt than male offenders. The non-police found offenders to be more like normal people than police did, and female offenders were perceived to be more similar to non-offending women than male offenders were to non-offending men. Results on a trust scale indicated that police were less trusting of offenders than non-police, but overall, female offenders were judged more

trustworthy than male offenders. Horn and Hollin suspected that the public did not view women offenders as possessing criminal qualities and, therefore, did not think women deserved harsh treatment for their crimes. The major point of this research was that police and non-police attitudes towards female offenders differed only slightly.

Faulkner and Steffensmeier (1979) examined public attitudes concerning the severity of punishment by comparing the sex and age of offenders. The four groups were adult males, adult females, juvenile males, and juvenile females. College students were asked to choose suitable punishment for the different groups in four different crime scenarios. Results indicated that juveniles and females were given more lenient treatment compared to that of the adult males. The juvenile females received the most lenient treatment.

Steffensmeier (1977) investigated the effects of offenders' gender and judges' gender on sentencing. Steffensmeier created a questionnaire of eight crime scenarios and administered it to approximately 200 college students. The questionnaire consisted of two forms; in one the crimes were committed by a male and in the other the crimes were committed by a female. The male and female versions were administered to approximately equal numbers of male and female college students. Although there was no significant effect for judges, there was for the offenders. Female offenders in the scenarios were consistently awarded more lenient sentences than males.

### Influence of the Women's Rights Movement

The majority of empirical studies have indicated that society supports women receiving lenient treatment in the justice system. This finding is supported by research over a 20 year period. These studies have asked similar questions and consistently found lenient treatment for women so it would appear that sentiments have remained consistent. However, there are some who suggest the Women's Rights Movement has significantly



changed the social perception of women, and that these changes should be reflected in crime rates and treatment of women in the criminal justice system (Berger, 1989; Heilbrun & Heilbrun, 1986; Steffensmeier, 1978).

Berger (1989) reviewed a substantial body of literature to examine whether the Women's Rights Movement had resulted in changes in female crime. He concluded that gender role influenced crime patterns (i.e., higher rates of male committing violent crime, and higher rates of female committing non-violent crime) and that this influence had remained consistent over time. Berger concluded that the Women's Rights Movement has had little effect on women in the criminal justice system. Heilbrun and Heilbrun (1986) argued that the feminist movement influenced the criminal justice system. Although their data was correlational, they found a decrease in lenient treatment of women. They interpreted this finding as effectuated by the Women's Rights Movement. Using data from the Uniform Crime Reports, Steffensmeier (1978) determined that female rates of property crime were rising, but that there was still a substantial difference between overall crime rates for men and women.

### Purpose of the Study

Much of the research supporting leniency towards female offenders was completed more than 22 years ago. Considering societal influences over time it is important to reexamine differential gender effects on sentencing. It may be that public opinion of sentencing has changed in ways that influence the gender issue. In an effort to more fully understand the relationship between gender and sentencing, this study explored differences in sentencing severity as a function of the defendant's gender. The purpose of this study was to determine whether respondents would indicate leniency in the treatment of female offenders. Whether or not the judge's gender would effect sentencing severity was also investigated.

A variety of studies have investigated public opinion of sentencing severity or seriousness of crimes and each has designed questionnaires of varying item number and response type (Durham, 1986; Figlio, 1975; Gibbons, 1969; Gottfredson, Young, & Laufer, 1970; Lynch & Danner, 1993). The scale used in this study was intended to be more sensitive than those used in past research.

## CHAPTER III

### METHODS

#### Participants

Volunteers were recruited from undergraduate classes at a small, southeastern, state supported, liberal arts university. Ninety three females and twenty three males participated and received extra credit points toward psychology classes at the discretion of their instructors.

#### Materials

Materials included an informed consent form, a demographic information sheet, the Crime Scenario Scale (CSS), and debriefing information, i.e., Appendices A, B, C, D, respectively. The demographic information sheet was used to gather the necessary gender data. The CSS is a 25 scenario, multiple choice response scale that was developed by the investigator. The scenarios were adapted from a list of 140 crime scenarios which had been ranked in order of seriousness by the general public in two studies (Cullen, Link, & Polanzi, 1982; Rossi, Waite, Bose, & Beck, 1974). The crimes scenarios were divided into levels of severity according to their means, i.e., crimes in the mean range of 8.0190 to 8.8762 were designated as level one, crimes in the mean range of 7.0191 to 7.9143 were designated as level two and so on. The list was divided into five levels in this manner. Five scenarios were selected from each level. It was important to chose crimes that had been ranked as similar. The five scenarios from each level had close mean values, for example, crimes chosen for level one had means ranging from 8.689 to 8.876. A range of sentences from extremely light to extremely harsh were applied to the crimes in each level.

The resulting scale contains 25 single sentence scenarios briefly describing a crime

and the sentence given for the offense. The crimes selected represent major offense categories. It was also necessary to select crimes that were realistic for either a male or a female to commit. The respondents were informed that in all the scenarios the offender had no prior record and had been found guilty of the present crime. The development of the response set on the CSS was influenced by the unfolding model of graded item response analysis (Roberts & Laughlin, 1996). Following each scenario are five response choices on a Likert-type scale ranging from 1 (too light) to 5 (too severe) with 3 (appropriate) placed in the middle of the range choices. Participants completed either a male offender form or female offender form of the scale.

### Procedure

The investigator posted a research announcement to advertise the research opportunity and made announcements in classes to recruit participants. Beforehand the investigator discussed the option for offering extra credit points in classes with cooperating faculty as an incentive for participation. Data was collected in a group setting which was approximately 30 minutes in length. Each participant received an informed consent form. Directions were given concerning reading and signing the consent form. The demographic sheet was self-explanatory. Once these were collected, verbal and written directions for filling out the CSS were given and terminology used in the response set was clarified. Participants were then allowed to fill out the forms in the information packet. Debriefing information was in written form and the opportunity to ask questions was provided after all CSS answer sheets were collected.

Responses to the items indicated whether participants tended to agree with either severe or light sentences. A comparison was made between the male and the female versions of the Crime Scenario Scale in order to determine whether respondents indicated



that they believed the sentences were too severe for female offenders. An analysis of variance was used to evaluate mean scores and determine whether participants agreed with shorter sentences for women, whether respondent gender effected judgments, and whether interactions occurred between the gender of the offender and participant gender.

## CHAPTER IV

### RESULTS

The mean scores data were analyzed in a 2 (forms of the CSS) x 2 (gender of the judges) Analysis of variance. The ANOVA was calculated to determine whether there was a significant difference between the male and female form of the CSS. The analysis also compared participant gender effects. The effect of form was highly significant,  $F(1,115) = 14.176$ ,  $p < .01$ . For Form B, in which the offender was a female, punishments for crimes were rated as significantly more severe compared to Form A in which the offender was a male. The effect of participant gender was statistically significant,  $F(1, 115) = 4.656$ ,  $p < .05$ . Mean scores for the participants by gender and by form of the CSS are presented in Table 1. The rating scale is such that a higher score indicated that the sentence was judged as more severe. Male participants rated punishment as more severe for both male and female criminals than did female participants. The data revealed no interaction effects between participant gender and form,  $F(1, 115) = 1.396$ ,  $p > .10$ . The data indicated, however, that males were inclined to rate punishments of female offenders as severe where as women judged punishments of females to be appropriate or too light. Table 2 shows that women varied less in their judgments of male and female offenders than did males. Where male respondents rated punishment overall to be severe, they indicated that sentences were much more severe for female offenders than for the male offenders.

In order to explore differences between forms of the CSS, t-tests were performed on each item. Sentences were judged to be more severe for women on all but two of the items. Table 3 shows the significant differences that were found on some of the items along with those item that approached significance.

Whether the crime affected rater judgments was investigated by performing t-tests between raters on each item on the CSS. On 18 of the items males judged the sentences as more severe than the female raters, i.e., the higher the score the more severe the punishment. Three items showed significant differences and one approached significance between male and female raters. On Item 5 in which the offender is sentenced to one year in jail for using heroin, female raters judged the sentence as appropriate and males thought it was severe,  $t(114) = 1.853$ ,  $p < .073$ . For Item 8 in which the offender was sentenced to 15 years for driving under the influence of alcohol, female raters judged the sentence as severe and males raters viewed it as too severe,  $t(114) = 2.098$ ,  $p < .042$ . On Item 10 in which the offender received a 5 year sentence for making and selling pornographic videos, female raters judged the sentence as appropriate where male raters felt the sentence was severe,  $t(114) = 2.162$ ,  $p < .037$ . For Item 18 in which the offender is sentenced to 30 years for killing another person for a fee, females judged the sentence as light and males rated it as too light,  $t(114) = 2.702$ ,  $p < .011$ .



Mean Scores for Participant and Form

Gender/Form	n	M	SD
Male participants	23	2.077	.410
Female participants	93	1.960	.387
Form A/Male offender	58	1.858	.378
Form B/Female offender	58	2.108	.370

Table 2

Mean Scores for Participant/Form Combinations

Participant/Form	n	M	SD
Female/Male offender	43	1.833	.383
Female/Female offender	50	2.066	.361
Male/Male offender	15	1.923	.369
Male/Female offender	8	2.365	.333



Table 3

CSS Items Which Showed Significant or Near Differences Between Form A and Form B

Item	P
1. Stealing jewelry	0.081
2. Planning and killing a spouse	0.035*
6. Deliberately shooting a police officer	0.088
7. Being drunk in public	0.005**
8. Driving while drunk	0.005**
9. Assault of spouse with a deadly weapon	0.025*
10. Involvement with pornography	0.028*
11. Physically abusing children	0.000**
15. Assault with a deadly weapon	0.011*
22. Killing a pedestrian while speeding	0.051
25. Neglecting repairs on rental property	0.003**

\* $p < .05$  \*\* $p < .01$

## CHAPTER V

### DISCUSSION

In 1977 Steffensmeier studied the effect of judges' gender and sex of the offender on sentencing decisions. Although he found no significant effect from the judges' gender, he determined that female offenders were consistently awarded lighter sentences. He concluded that chivalry, naivete and practicality were contributing factors to lenient treatment of women during sentencing. In 1993 Steffensmeier determined that by incorporating appropriate controls into the research, in particular, the defendant's prior convictions, the gender effect was no longer significant. However, slight tendencies for women to receive lighter sentences still occurred. He further indicated that, even though he recently determined the gender effect to be an artifact, the results of research on this topic were, on the whole, accurate and reflective of the cultural attitudes of the times the research was done.

Keeping in mind a possible shift in social attitudes toward women in general, the current study was proposed to determine whether attitudes had in fact changed over the two plus decades since Steffensmeier's 1977 study. Results indicate that they have not. A significant difference between male and female forms of the CSS was found to exist. Respondents rated sentences as too severe for females significantly more often than for male offenders. Results also indicated that males were significantly more likely to rate sentences as too severe for both male and female offenders. They judged that sentences given to female offenders were overall too severe. Although the interaction was not significant there was a trend for male respondents to show more variance in their judgments between male and female offenders, and female respondents judged sentence appropriateness for male and female offenders more equally. These results are consistent

with past data. To determine the effects of judges' sex on decision making, Feeney and Roll (1984) found that male judges varied widely in their judgments. In contrast, female judges were more equal in determining sentence length for both male and female offenders. A main finding in this study was that the gender effect is complicated by social attitudes, the type of crime, and by the ability of the raters to identify with the offenders.

Feeney and Roll suggest that the ability to identify may explain why male respondents rated punishment for male offenders as too harsh. The researchers reasoned that perhaps male raters could, to some degree, relate to the crimes so they found it difficult to place severe sentences on them. In the cases of female offenders the males judges may have found it difficult to inflict sentences on women due to the chivalry effect. A chivalrous attitude would effect male judges in two ways; they would have a desire to protect women and they would have difficulty believing them capable of certain criminal behavior.

Female judges in the current study and in Feeney and Roll's research (1984) chose more severe sentences and agreed with sentences that were more equal whether the offender was male or female. However, Feeney and Roll did not speculate as to what may have affected the judgments of the female raters.

Since the identity theory and chivalry cannot fully explain the phenomenon, the effect of the crime on sentencing was considered. The CSS consists of 25 scenarios in which a variety of crimes have been committed and sentences have been awarded to each crime. In one form the criminal is male and in the other the criminal is female, otherwise the forms are exactly the same. Crimes that differentiated between forms at a significant level were varied and no pattern emerged beyond the major finding. Penalties that were rated as too light for males when appropriate or too severe for females included stealing



jewelry, assault, murder, public drunkenness, speeding resulting in fatality, physically abusing children, driving while under the influence, and involvement with pornography. For example, on Item 3 raters indicated that life in prison without parole for murdering a spouse was light for males but appropriate for female. On Item 8 raters agreed that a 15 year sentence for driving under the influence was severe for the male criminal but was significantly too severe for the female criminal. The same pattern emerges throughout the questionnaire. In fact on all but two of the items raters indicated that male criminals should receive harsher sentences than the female criminals regardless of the crime.

No standardized scale for measuring public opinion for the sentencing of criminal behavior was found in the literature. The researchers who have measured gender's effect on sentencing developed scenario-based questionnaires for use in their studies. Steffensmeier and Kramer (1993) constructed an eight item questionnaire with a Likert-type response scale that offered choices in sentences length ranging from "no penalty at all" to "execution" and the questionnaire existed in a male and a female offender form. The CSS used in the current study was constructed similarly to Steffensmeier and Kramer's questionnaire, however, the CSS consisted of 25 scenarios and the Likert-type response scale was altered. Rather than choosing an appropriate penalty, the respondents agreed or disagreed with the severity of the sentence that was presented in the scenario by indicating whether they thought the sentence fell within a range of too light to too severe. The alteration in the Likert-type scale was influenced by unfolding theory and was expected to provide information regarding where along the continuum of punishment the respondents would fall. Since the Likert-type scale was essentially unfolded by altering the order of choices in the response set, the results of the unfolding statistical analysis made only a minimal contribution.



Future research might focus on the difference in the responses between male and female judges. Research to date offers conflicting results. The current study showed a tendency for females to be more equal in metering penalty for crimes. Feeney and Roll (1984) showed women judges to be significantly harsher in their judgments of both male and female criminals but more equal in determining sentence length for both genders. However, Steffensmeier and Kramer (1993) have evidence that the judge's sex had no effect on sentencing. Based on the divergent data there is obviously more to be examined here. There may be a number of constructs that could affect the difference in judgment styles of men and women. For example, future research might incorporate a measure of attitude towards offenders into a study similar to the current research.

The past two decades have seen unprecedented alterations in cultural perspectives on gender in the United States, however, these changes have not been validated in scientific research. Although this is only one study it suggests, along with other previously mentioned investigations, that people found it difficult to subject women to the same punishment as men for the exact same crime. It appears that some social influence is effecting people's judgments. As the millennium approaches the image of modern women in the United States may continue to be shaded by past perceptions of women as the weaker sex, in need of direction and protection, and emotionally irresponsible for their behavior, which it turn will continue to influence their treatment within the criminal justice system.

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## APPENDICES

## Appendix A

**Informed Consent to Participate in Research**

The purpose of this research is to study how the general public judges the seriousness of crimes. A questionnaire will be used to gather this information. There are no known risks involved. Your responses are confidential, at no time will you be identified, nor will anyone other than the investigators have access to the data. The demographic information collected will be used only for the purpose of analysis.

Participants in this experiment will gain knowledge of how data is collected for psychological research. The data which you provide will be used toward the completion of a graduate thesis. Also the responses that you provide will contribute to a clearer understanding of public opinion of sentencing severity for criminal offenses.

The scope of the project will be explained fully upon completion.

Thank you for your cooperation.

\*\*\*\*\*

I agree to participate in the present study being conducted by Dana Burnham, a graduate student, and Dr. Jean Lewis, a member of the Department of Psychology at Austin Peay State University. I have been informed, orally and in writing of the procedures to be followed and about any discomfort which may be involved. Dana Burnham has offered to answer any further inquiries I may have regarding the procedures and she can be contacted by phone at 648-7233.

I understand that I am free to terminate my participation at any time up to 72 hours following my participation without penalty or prejudice and to have all data obtained from me withdrawn from the study and destroyed. I have also been told of any benefits that may result from my participation.

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## Appendix B

## Demographic Information

Age: \_\_\_\_\_

Gender: (Circle one)

Male

Female

Education: (Circle one)

Freshmen

Sophomore

Junior

Senior

Major: \_\_\_\_\_

Do you know anyone who had spent time in

Jail?            yes      no

Prison?        yes      no

Have you or any member(s) of your family ever spent time in

Jail?            yes      no

Prison?        yes      no

Have you or anyone you know every been a victim of a crime?

yes

no

## Appendix C

**Crime Scenario Scale (Form A)**

This scale consist of 25 short descriptions of men brought before the judge for the indicated crimes.

In every instance the evidence is clear that the offender committed the crime, is guilty, and has been sentenced by a judge. The offender is an adult and has no prior criminal record.

Rate each of the following scenarios on the separate answer sheet according to how much you agree or disagree with the sentences given for each crime.

**a = too light**

**b = light**

**c = appropriate**

**d = severe**

**e = too severe**

1. A man is sentenced to 6 months in jail for stealing a diamond ring from a jewelry store.
2. A man is sentenced to life in prison without the possibility of parole for planning and killing his spouse.
3. A man is sentenced to 1 year in jail for selling marijuana to school children.
4. A man is sentenced to 5 years in prison for under-reporting income on income tax returns.
5. A man is sentenced to 1 year in jail for using heroin.
6. A man is sentenced to 20 years in prison for deliberately shooting and killing a police officer.
7. A man is not penalized for being drunk in a shopping mall.
8. A man is sentenced to 15 years in prison for driving while drunk.
9. A man is sentenced to life in prison for assaulting his wife with a gun.
10. A man is sentenced to 5 years in prison for making and selling pornographic videos.



11. A man is sentenced to 25 years in prison for seriously beating his young children.
12. A man is sentenced to 3 years in prison for driving while his license was suspended.
13. A man is sentenced to be executed for intentionally killing another person who had witnessed him committing another crime.
14. A man is sentenced to 3 years in prison for overcharging on repairs for automobiles at a garage he owns.
15. A man is sentenced to 3 years in prison for assaulting a stranger with a gun.
16. A man is sentenced to 10 years in prison for passing worthless checks for more than \$500.
17. A man is sentenced to 6 months in jail for using illegal drugs.
18. A man is sentenced to 30 years in prison for killing another person for a fee.
19. A man is sentenced to 1 year in jail for causing a car accident while driving drunk.
20. A man is not penalized for pouring paint over someone's car.
21. A man is sentenced to 5 years in prison for using stolen credit cards.
22. A man is sentenced to 10 years in jail for killing a pedestrian while exceeding the speed limit.
23. A man is fined \$100 for shoplifting a book from a bookstore.
24. A man is sentenced to 5 years in prison for deliberately setting a fire in which another person was killed.
25. A man is sentenced to 10 years in prison for refusing to make essential repairs to rented property.

## Crime Scenario Scale (Form B)

This scale consist of 25 short descriptions of women brought before the judge for the indicated crimes.

In every instance the evidence is clear that the offender committed the crime, is guilty, and has been sentenced by a judge. The offender is an adult and has no prior criminal record.

Rate each of the following scenarios on the separate answer sheet according to how much you agree or disagree with the sentences given for each crime.

**a = too light**

**b = light**

**c = appropriate**

**d = severe**

**e = too severe**

1. A woman is sentenced to 6 months in jail for stealing a diamond ring from a jewelry store.
2. A woman is sentenced to life in prison without the possibility of parole for planning and killing her spouse.
3. A woman is sentenced to 1 year in jail for selling marijuana to school children.
4. A woman is sentenced to 5 years in prison for under-reporting income on income tax returns.
5. A woman is sentenced to 1 year in jail for using heroin.
6. A woman is sentenced to 20 years in prison for deliberately shooting and killing a policeman.
7. A woman is not penalized for being drunk in a public place.
8. A woman is sentenced to 15 years in prison for driving while drunk.
9. A woman is sentenced to life in prison for assaulting her husband with a gun.
10. A woman is sentenced to 5 years in prison for making and selling pornographic videos.

11. A woman is sentenced to 25 years in prison for seriously beating her young children.
12. A woman is sentenced to 3 years in prison for driving while her license was suspended.
13. A woman is sentenced to be executed for intentionally killing another person who had witnessed her committing another crime.
14. A woman is sentenced to 3 years in prison for overcharging on repairs for automobiles at a garage that she owns.
15. A woman is sentenced to 3 years in prison for assaulting a stranger with a gun.
16. A woman is sentenced to 10 years in prison for passing worthless checks for more than \$500.
17. A woman is sentenced to 6 months in jail for using illegal drugs.
18. A woman is sentenced to 30 years in prison for killing another person for a fee.
19. A woman is sentenced to 1 year in jail for causing a car accident while driving drunk.
20. A woman is not penalized for pouring paint over someone's car.
21. A woman is sentenced to 5 years in prison for using stolen credit cards.
22. A woman is sentenced to 10 years in jail for killing a pedestrian while exceeding the speed limit.
23. A woman is fined \$100 for shoplifting a book from a bookstore.
24. A woman is sentenced to 5 years in prison for deliberately setting a fire in which another person was killed.
25. A woman is sentenced to 10 years in prison for refusing to make essential repairs to rented property.

## Appendix D

### Debriefing

The information you have provided will tell us several things about societies attitude about sentencing offenders for the crimes they commit. The questionnaire you responded to had two forms. You completed the form in which the offender was either a male or a female. In other words, every thing about the two forms was exactly the same except that in one the offender was a male and in the other the offender was a female. Most of the psychological research concerning this topic, says that our society generally, and for a lot of different reasons, sentences women to less time than men for similar crimes. The literature, however, is dated, in fact the last study similar to this one was done in 1977. So I want to see if attitudes have changed since then and I suspect that they haven't changed.

The other thing I want to look at is how differently you judged the same and opposite sex as yourself. Several studies have been done to examine if the gender of the judge effects sentencing. One study found no significant difference in judgments made because of gender. One study indicated that male judges sentenced women more harshly then they judged men, and female judges were equal when sentencing both men and women.

Thanks for your participation and if you are interested in a more in depth explanation or the results of the data e-mail me at dcb1195 and I'll be happy to fill you in.