

Criminal law research proposal example

[Law](#), [Criminal Justice](#)



Does the Gender and Race of a Victim Influence Perception of the Jurors

Abstract

The study examines the influence of gender and race to juror perception when it comes to case decisions. In the experiment, a mock proceeding was conducted with the subjects sitting as jurors to judge the male and a female white, Black and Hispanic victim of sexual harassment. The objective of the experiment is to determine whether the decisions of the jurors are influenced by gender and race. The jurors in relation to the victim's gender and race structured the proposed experiment to illustrate the varying responses in an actual Court proceeding. The study will be supported by reviewed literatures that encompass the important concepts pertaining to race and gender factors in a Court environment.

Introduction

Several victims of sexual harassment cases are being investigated in the United States and in other parts of the world (Tzeng and Schwazin, 1990). The particular task of judging the victim's credibility based on physical evidence and testimonies are considerably difficult for the jurors. In some cases, the lack of physical evidences and witnesses poses greater challenge for the jurors in judging the circumstances of the case and sometimes decisions were made based on the victim's testimonies (Myers, 1998). The importance of exploring race and gender as factors that influence jurors in judging the outcome of the case determines the possible prejudice that victims might be facing. Factors such as juror gender, age, and pretrial

attitude are imperative in constituting fair justice that is not limited to the boundaries of ethnical association and gender orientation.

Overview

Victim-based racial biases have long been documented in several legal decisions, which includes defendants of color accused of crime against a white victim. In cases involving a non-white victim, serving justice was perceived to be similar to instances where the defendant is of varying ethnicity (Keil and Vito, 1995). The history of the United States legal decisions suggests apparent prejudice towards victims of color and gender where a Black or Hispanic victims of sexual abuse was found to have been made more responsible for the consequences instead of being granted with justice (Williams and Farrel, 1990). The dilemma of race association that affects juror attitude of sympathy towards the victim plays if often regarded as a major issue in the legal system of the United States where accusation of racial biases concerns the public. Although research on prejudice pertaining to Hispanic Americans was found lacking, there are still studies revealing negative stereotypes against the population (Wilson, 1996). Moreover, victimization of crime was found to have no consistent link to race and gender, which means everyone can be a victim, but the problem of serving justice is often faced with disparities caused by gender and race factors. These two factors were the major elements that construct juror perception that greatly influence legal decisions (Duke and Desforges, 2007).

Purpose of the Study

The purpose of the study is to determine whether the victims' gender and race can influence juror perception in legal battles focusing on sexual harassment cases. Given that proving substantiality of sexual harassment complaints is difficult as compared to rape cases. Jurors are often faced with the difficult task of judging the victims' claims because of the lack of physical evidences such as medical reports that can significantly substantiate a rape case. However, sexual harassment a more difficult problem for substantiality due because of the lack of physical evidence that will prove causation. Sexual harassment occurs in the work place, at home, school, or even in public places. For example, when a male demonstrates indecent behavior towards a female, the social attitude towards the male behavior is unanimously disapproved. On the other hand, male victims also experience similar case of harassments with either another male or a female as the perpetrator. Such cases rarely reach court trial unless the victim is a minor as observed in the case of Michael Jackson accused of sexually harassing young boys. Harassment cases rely largely on witness corroboration and the victim's testimonies. On the other hand, the victim's gender and racial background was found to have a significant influence on the perception of the jurors deciding on the case. This is the problem that the study is aiming to investigate through an experimental method of setting up a mock trial, which will be discussed in the methodology section.

Hypothesis

The described issue encompasses an assumption that gender and race influence juror perception where a female Caucasian victim receives more

favorable vote from the jurors as compared to a male Caucasian victim. In addition, a female victim of color (Asian, Black and Hispanic) marginally receives favorable vote from the juror as compared to white female victims and male victims of color receives non-favorable votes as compared to the rest of the victims.

Literature Review

In the light of the social concerns about racial biases in court, research on different fields was conducted to investigate effects of gender and race in court decision outcomes. Sommers and Ellsworth (2000) studied the race as a critical factor on guilt perceptions dispositional attribution. The study encompasses a comparison of the judgment made by the jurors towards Black and White defendants and victims (Sommers and Ellsworth, 2000). It was found from the study that the white college students sitting as jurors was not influenced by the defendant's race, while Black college students sitting as the jurors in a mock trial appears to have demonstrated racial biases towards the defendant's behavior (Sommers and Ellsworth, 2000). The study suggests that the modern racial prejudice in Courtroom environment is no longer attributed to legal decision, but instead putting greater emphasis on the defendant's Court behavior.

Pozzulo, Maeder and Allen (2010) also conducted a similar study involving a mock trial to investigate decision disparities among jurors in an interracial Court. Age factor was considered as an important variable in the study where victims aged 15 years old and below received higher ratings from the juror as compared to victims aged 20 years old and above. However, the study also revealed a marginal difference in the rating level between White and

Black victims in the race age range with the White victims receiving higher rating as compared to Black victims (Pozzulo, Maeder and Allen, 2010). On the other hand, there was no significant difference found in the rating level of Black and White victims aged 20 years old and above (Pozzulo, Maeder and Allen, 2010). The study encompasses a significant contribution to the investigation of gender and race as influencing factors to jury perception. This is because the Pozzulo, Maeder and Allen (2010) findings provides a contextual framework pointing to racial factor in jury decision.

Furthermore, several researches also suggest similar findings where the mock juror favored the claims of the White victims as compared to Black and Hispanic victims. Mossiere and Calgary (2008) examined the relationship of demographic variables on mock juror decision-making in the case of psychopathy. Court cases where the either the defendant or the victim have showed mental incapacitation was resulted to favorable outcomes and non0incarceration (Mossiere and Calgary. 2008; Duke and Desforges, 2007). The mock jury trial emphasized demographics such as age, gender, race, and educational background as important variables in determining jury response (Mossiere and Calgary, 2008). The findings from the experiment also revealed an interaction between juror age and the type of verdict/sentencing given. For example, younger juror gave lower sentencing on victims as compared to older jurors. The importance of the study to this investigation is providing a framework to the intended experiment.

Methodology

The experimental method employed in this study investigates the verdict of interracial jurors in relation to the victim's gender and race where a White

and Black male and female victims will take the role of the plaintiff that had an alleged sexual harassment experience. The participants from this experiment will compose of 100 college students from an undergraduate college program. The college students were randomly selected from the confirmed participation reply from an invitation sent via email and social media platforms. There was no particular race and age criteria was set in selecting the participants and the selection process to become a juror was on a first come first serve basis. 200 invitations were sent out and the first 100 participants to confirm was participation were placed as the jury.

There were two independent variables used in the study such as plaintiff gender and race. On the other hand the jury verdict, certainty of guilt, and awarded amount to the plaintiff will be used as the dependent variables.

Each of the selected participants will be given a study kit containing the instructions, trial summary, and a case background). Summaries of the litigation including the testimonies from the victims, witnesses, and the defendant were also provided and structured based from the materials used in Moore et al. (1994). The participants will be divided into four groups of 25 participants. Group 1 participant will sit as jury for the case of a 25-year-old Black female who filed a civil case on the grounds of sexual harassment against a male co-worker. Group 2 will sit as jury for the case of a 25-year-old Black male who filed a similar case against another male defendant. Group 3 and 4 will sit as jury on similar case, but for a White male and female plaintiffs.

The asking award for damages claimed by all victims will be not higher than \$200, 000, but no lower than \$50, 000. In addition, all four plaintiffs were

preferred to be at age 25 to ensure legality considering the nature of the civil case being tried as adult appropriate due to sexual context of the case background and testimonies. The four participants taking the role of the plaintiffs were selected from the pool of individuals invited from a local talent agency. The materials used including the introduction material, case background and testimonies modeled from Moore et al. (1994) was altered to best suit the case scenario structured for this study. The jurors will be provided with a response form indicating yes or no for guilty of sexual harassment and a scale system indicating the level of guilt as 1-definitely not guilty and 10-definitely guilty. In addition, the form will also indicate how much should be awarded to the victim. The data obtained from the experiment will be interpreted using descriptive analysis where the values will be analyzed for variances in scale ratings and amount awarded to the victim.

Limitations of the Study

The limitations perceived in this study is that the findings will only define the influential elements of the victim's gender and race on jury perception and will not reflect that of the defendant. Exploring the implications of the defendant's race factor to jury decision will require further research with a similar setting. Furthermore, the study can only point out the differences in jury perception as a group in decision-making and does not concern individual perceptions, the jury age, gender, and race.

Conclusion

The study emphasizes how race and gender of the victim influence the jury's perception and the level of guilt perceived in each case scenario. Gender and race are among the most widely explored subject of discussion in the legal discourse due to the perceived prejudice that occur in several Court cases where the outcome of the trial is dependent on how the jury is racially associated to either the victim of the defendant. It is important to determine whether the two factors are key elements of the legal decisions particularly in the United States. Issues of racial and gender disparities concerns the society as the notion of justice is supposed to be unbiased. On the other hand, racial association and gender connection appeals to the emotional aspect of jury decision that creates the apparent influence on the outcome of a Court trial.

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