

Race-Crime Congruency in the Canadian Context

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Abstract

The purpose of this study was to examine whether cases in which the defendant's race was congruent with a race-stereotypic crime would result in more guilty verdicts and different responsibility attributions. Canadian jury eligible participants read one of three fictional trial transcripts in which we varied the race of the defendant (Black, White, or Aboriginal Canadian). We hypothesized that the Black defendant would receive the harshest treatment in an auto theft case, the White defendant in a fraud case, and the Aboriginal Canadian defendant in a dangerous operation of a motor vehicle case involving intoxication. Results demonstrated only modest evidence of a congruency effect for these crimes. While there was a race by crime type interaction, the patterns in verdict decisions diverged from previous work on race-crime stereotypes. There were no differences in verdict breakdowns for the White defendant. While the Black defendant received a greater proportion of guilty verdicts for the auto theft trial as compared with dangerous operation of a motor vehicle, verdict decisions did not significantly differ when compared with the fraud trial. For the Aboriginal Canadian defendant, the only verdict difference was a greater proportion of guilty verdicts in the auto theft compared with the fraud trial. Future researchers should examine a potential interaction with juror race when considering crime-congruency.

Keywords: juror decision making, defendant race, crime type, crime congruency, stereotypes

Race-Crime Congruency in the Canadian Context

In Canada, many believe that we live in a post-racial society. For example, a 2012 Angus Reid poll asked Canadians whether they felt that racism was a significant problem in our country, and 55% disagreed (32% indicated that it is a problem, while 13% said that they were not sure). However, this may represent an overly optimistic outlook, as evidenced by the report from the United Nations Committee on the Elimination of Racial Discrimination (CERD) prepared that same year. The report identified a number of examples of racial inequality in Canada, and called attention to the overrepresentation of both African Canadians and Aboriginal Canadians in the correctional system (CERD, 2012).

More recent statistics indicate that the problem may be worsening. In 2013, Black Canadians accounted for less than 3% of the total population, and yet they comprised 8.9% of the federally-incarcerated population (Public Safety Canada, 2014). Even more harrowing are the statistics concerning the overrepresentation of Aboriginal Canadians in the Canadian correctional system. A 2014 report from the Office of the Correctional Investigator indicated that while the overall federal inmate population has increased by 17.5%, the Aboriginal Canadian inmate population has grown by an alarming 47.4%. Although Aboriginal Canadians comprise only 4% of Canada's total population, they make up 22.8% of its incarcerated population (Office of the Correctional Investigator, 2014).

Although there are a number of potential explanations for this overrepresentation, this paper will investigate one possible reason – racial bias in jurors' decisions. Specifically, we were interested in seeing whether mock jurors would be biased against Black and Aboriginal Canadian defendants, and whether the effect of defendant race would depend on the type of crime with which the defendant was charged.

Defendant Race

A large body of research has established that race is an influential factor in juror decision-making. The topic of defendant race has received more attention than any other extralegal characteristic (e.g., gender, age, religious affiliation), and has been studied for decades. Most of the research in this area comes from American studies of (simulated or actual) trials involving Black defendants and mostly (or all) White jurors. The findings from this research are largely mixed, with some finding harsher judgments for Black defendants (e.g., Foley & Chamblin, 1982; Johnson et al., 2002; Klein & Creech, 1982; Sweeney & Haney, 1992), some finding more lenient judgments for Black defendants (e.g., Marcus-Newhall, Blake, & Baumann, 2002), and some finding no effect at all (e.g. Mazzella & Feingold, 1994; Skolnick & Shaw, 1997). An early meta-analysis (Mazzella & Feingold, 1994) reported no overall effect of defendant race; however, this examination was later criticized for failing to account for the potential influence of juror race. Approximately 10 years later, Mitchell, Haw, Pfeifer, and Meissner (2005) sought to rectify this by accounting for both the race of the jurors and defendants in studies included in their meta-analysis. This revealed a small but significant effect of race ($d = .09$), such that participants provided harsher judgments for other-race defendants. Another decade later, this finding was reconfirmed in an updated comprehensive meta-analysis that accounted for both juror and defendant race (Devine & Caughlin, 2014). Therefore, although findings are somewhat inconsistent, it appears that race does play a role in decision-making.

Defendant race in Canada. While the topic of defendant race has received a great deal of attention in the American jury decision-making literature, relatively little Canadian research has investigated its potential influence. In 1994, Bagby, Parker, Rector, and Kalemba presented

participants with a videotaped mock sexual assault trial involving a White or Black defendant, and found that participants were harsher towards the White defendant. One year later, two of these same researchers conducted another study in which the race of the victim also varied (Rector & Bagby, 1995). They found that participants provided more lenient sentences for intra-racial sexual assaults than inter-racial sexual assaults in the absence of judicial instructions; when judicial instructions were provided, the opposite pattern emerged. One of the most recent investigations of White and Black defendants in a Canadian context (Schuller, Kazoleas, & Kawakami, 2009), demonstrated a bias against Black defendants; this bias was reduced in conditions in which jurors were asked to reflect on the potential for race to influence their decisions prior to the trial.

Given the overrepresentation of Aboriginal Canadians in Canadian correctional centres as described above, it is surprising that very little jury research has been conducted regarding this group. As far as we know, the first attempt to address this significant gap in the literature was a study by Pfeifer and Ogloff (2003), which varied the demographics of both the defendant and the victim (English-Canadian, French-Canadian, and Aboriginal-Canadian) in a sexual assault mock trial. This research revealed that in the absence of judicial instructions and with the use of a 7-point guilt rating scale, participants were more certain of the defendant's guilt when he was Aboriginal Canadian. Aboriginal Canadian defendants also received harsher sentence recommendations. Recently, these findings were corroborated by Maeder, Yamamoto, and Saliba (2015), who demonstrated that Canadian mock jurors provided harsher sentence recommendations in mock sexual assault trials involving Aboriginal Canadian defendants than those involving either Black or White defendants. Taken together, this research suggests that prospective jurors may be biased against Aboriginal Canadian defendants, although it is difficult

to draw conclusions from only two studies. However, researchers both within and outside of the jury decision-making area have investigated Canadians' stereotypes regarding Aboriginal Canadians, which may provide a more solid foundation for hypotheses regarding this target race.

Stereotypes in Canada

Racial stereotypes are cognitive beliefs about an individual's character based on his or her membership in a particular racial group (Fiske, 1998). Research on social cognition has demonstrated that stereotypic beliefs have an impact on what information is sought out (Erber & Fiske, 1984), attended to (Zarate & Smith, 1990), and encoded (Macrae, Hewstone, & Griffiths, 1993). Therefore, stereotypes have the potential to be very influential in a juror decision-making context.

A small body of research has investigated Canadians' racial stereotypes. With regards to Black Canadians, Henry, Hastings, and Freer (1996) reported that the results of a 1995 Angus Reid poll revealed that 45% of Toronto-area residents believed that race is related to the likelihood that a person will commit a crime – of these, 46% cited specific Black Canadian groups (e.g., West Indians, Trinidadians, Jamaicans), and 19% mentioned “Blacks in general”. In addition, 65% of those who held this belief also indicated that they thought that Black Canadians commit more crimes than other racial groups. Codjoe (2001) investigated the experience of Black Canadian schoolchildren and noted the attitudinal barriers and differential treatment of Black Canadians as a result of being perceived as nonacademic/unintelligent, athletic, and having great physical prowess.

The research regarding stereotypes about Aboriginal Canadians is even more troubling. Early work revealed that these stereotypes include negative characteristics such as poor, dirty, lazy, uneducated, stupid, and unfriendly (Gibbins & Ponting, 1977; Mackie, 1974). Sadly,

research conducted 20 years later revealed many of the same stereotypes – across three studies, the two most frequently cited characteristics were “lazy” and “alcoholic”, with “poor” and “uneducated” among the top as well (Haddock, Zanna, & Esses, 1994). Other research has uncovered greater ambivalence towards Aboriginal Canadians, with stereotypes including positive characteristics such as “friendly” and “in touch with nature”, along with negative characteristics such as “alcoholic” and “poor work ethic” (Bell, Esses, & Maio, 1996). Later research revealed the persistence of negative stereotypes, with White Canadians rating Aboriginal Canadians as uneducated, lazy, and aggressive (Corenblum & Stephan, 2001). In the jury study described in the previous section, Pfeifer and Ogloff (2003) also demonstrated that White Canadians have stereotypes of Aboriginal Canadians that include unattractive, unintelligent, poor, dishonest, and irresponsible.

These studies demonstrate that Canadians may hold negative stereotypes regarding Aboriginal Canadians. The current study was designed to test how those stereotypes might affect perceptions of a defendant, particularly as a function of the type of crime with which he was charged.

Race-Crime Congruency

Research has established the existence of race-stereotypic crimes by demonstrating individuals’ propensity to associate certain criminal activities with specific races (Sunnafrank & Fontes, 1983). As a function of stereotypes, individuals may hold beliefs that members of one race are more likely to commit a particular criminal offence than members of another race. Sunnafrank and Fontes (1983) found that participants were more likely to associate photographs of White convicts with the crimes of fraud, embezzlement, counterfeiting, child molestation, and rape. In contrast, participants were more likely to associate photographs of Black convicts with

the crimes of burglary, grand theft auto, and assault.

Crime congruency theory posits that mock jurors would be more likely to convict defendants who are accused of race-stereotypic crimes than non-race-stereotypic crimes. To test this hypothesis directly, Jones and Kaplan (2003) provided case summaries to mock jurors in which they manipulated the type of crime (auto theft – stereotypic for Black defendants, and fraud – stereotypic for White defendants) and the race of the defendant (Black, White). Their findings confirmed this hypothesis, such that mock jurors were more likely to convict and be punitive towards a defendant that was accused of a race-stereotypic crime (i.e., Black defendants charged with auto theft, and White defendants charged with fraud). In an earlier study, Gordon, Bindrim, McNicholas, and Walden (1988) demonstrated that participants assigned harsher sentences to Black defendants convicted of burglary, and White defendants convicted of embezzlement, than to their other-race counterparts.

A more recent study by Skorinko and Spellman (2013) replicated the findings of Sunnafrank and Fontes (1983) and Gordon et al. (1988), showing that people tend to associate blue-collar crimes, violent crimes, and drug-related crimes with Black people, whereas white-collar crimes were most associated with White people. They further showed evidence that memory biases emerged as a result of race-crime stereotypicality. Specifically, participants were less apt to recall the race of the defendant when it did not match the stereotype, which carried over to verdict and sentencing decisions. Researchers have hypothesized a number of potential reasons that the crime congruency effect occurs. One explanation is that jurors process information differently under race-crime congruent and incongruent conditions (Bodenhausen, 1988). Bodenhausen (1998) demonstrated that when a defendant's race and crime are congruent with a stereotype, mock jurors tended to selectively attend to and remember information that was

consistent with the stereotype and ignore or minimize information that was inconsistent. Under crime-congruent conditions, the stereotype makes a juror more likely to form an initial hypothesis that the defendant is guilty and selectively attend to information presented that supports his or her biased belief.

Another psychological concept used to understand the race-crime congruency effect is that of attributions – explanations given for behaviour and events (Jones & Harris, 1967). In general, research indicates that an individual's perception of the causes of criminal behaviour influences his or her judgment and sentencing severity (Hoffman, 1981). More specifically, attributing criminal behaviour to external/situational factors leads to more lenient judgments and punishment than when criminal behaviour is attributed to internal/dispositional characteristics (Gordon et al., 1988). Furthermore, if the accused has characteristics that are commonly associated with people who commit that type of crime, then internal attributions for his or her criminal behaviour are much more likely than if the accused does not share these typical characteristics (Hoffman, 1981). Consistent with expectations, Gordon (1990) found that personality characteristics were perceived as being more explanatory for a Black burglar than a Black embezzler. Similarly, Gordon and Anderson (1995) found that participants attributed the criminal behaviour of Black burglars and White embezzlers more to internal factors than they did for White burglars and Black embezzlers, respectively. In addition, Black burglars were seen as more likely to commit burglary again compared to White burglars, but no difference was found between the likelihood of reoffending for Black and White embezzlers (Gordon & Anderson, 1995).

Taken as a whole, the defendant's race and the type of crime of which he or she is accused can have a significant influence on juror decision-making. It is important to note that

regardless of the type of crime, Black defendants tend to be punished more severely than White defendants (Jones & Kaplan, 2003). As discussed earlier, this is likely due to out-group bias, such that these studies employed mostly White participants.

Purpose and Hypotheses

The current study was designed to test whether crime congruency theory would apply to the Canadian context in the same way as it has been demonstrated in the United States. In addition, we sought to expand the investigation by including another previously-untested target race: Aboriginal Canadians. Given the previous research that has demonstrated participants' beliefs that pervasive substance use characterizes Aboriginal Canadians (Haddock, Zanna, & Esses, 1994), and the incarceration rates that illustrate Aboriginal-Canadians are 5 times more likely to be convicted of impaired driving than non-Aboriginal offenders (Statistics Canada, 2013), we selected dangerous operation of a motor vehicle (involving intoxication) for that group. Granted, Skorinko and Spellman (2013) found that driving under the influence was considered an 'anyone' crime in a sample from the United States. However, given the marked history of tension between White and Aboriginal Canadians, there is reason to suspect that pervasive negative stereotypes (redacted for blind review) might differ in a Canadian context, and therefore Skorinko and Spellman's (2013) findings might not apply.

Based on the existing literature, we formed a number of hypotheses. First, we predicted that defendant race would affect verdict decisions. Specifically, mock jurors would find the defendant guilty more often when he was Black or Aboriginal-Canadian than when he was White (Pfeifer & Ogloff, 2003; Schuller et al., 2009). The second prediction explored whether the interaction between defendant race and crime type would influence jurors' decisions. Based on prior research (Gordon et al., 1988; Jones & Kaplan, 2003), it was expected that in cases where

the defendant's race was congruent with the crime stereotype, participants would find him guilty more frequently and employ more blame attributions.

To test these hypotheses, we examined individual jurors' decisions. Although in criminal trials, juries deliberate in groups to reach a final verdict decision, individual decisions maintain relevance in that they are extremely strong predictors of final verdicts (Kalven & Zeisel, 1966). Additionally, we were interested in the influence of race and stereotyping on decisions in the absence of group discussion, which can either exacerbate (Lynch & Haney, 2011) or reduce (Sommers, 2006) bias. Although the omission of deliberations reduces the ecological validity of this research, we believe that determining patterns of influence on individual decisions is the first step in determining the effects of race-crime congruency (if any) on Canadian jurors.

Method

Participants

The initial participant pool was comprised of 416 jury-eligible (over 18 years old, Canadian citizens) university students¹ enrolled in a large Ontario university, who were recruited via an electronic recruitment system. Participants received 1% bonus credit towards their psychology class for their participation. Overall, 18 participants failed to correctly identify the race of the defendant, and so those participants were removed prior to analyses. Remaining participants ($N = 397$; 72% women, 28% men) had a mean age of 20.8 years ($SD = 5.1$). The majority of participants were White (63.7%), 7.3% were Asian, 7% were Black, 7% were Middle Eastern, 3.8% were Latino/a, 1.8% were East Indian, 1.3% were Aboriginal-Canadian, and 8.1% identified as another race.

Materials

Trial transcripts. Participants read a two page trial vignette depicting a fraud,

dangerous operation of a motor vehicle (DOM), or auto theft case (adapted to a Canadian context from Jones & Kaplan, 2003) committed by a male defendant with a White, Black, or Aboriginal Canadian surname. Jones and Kaplan (2003) reported a roughly even verdict split in their study for these vignettes, although slightly in favour of guilt. The fraud case – which was meant to represent a stereotype-consistent crime for the White defendant – involved an accusation of approving fictitious bank loans and pocketing the money. The auto-theft case was chosen as the stereotype-consistent crime for the Black defendant, and involved an accusation of stealing a car from a used car dealership, for which the salesperson at the scene could not make a positive identification (Jones & Kaplan, 2003). The DOM case involved intoxication, and served as the stereotype-consistent crime for the Aboriginal Canadian defendant (Haddock et al., 1994). The case described a defendant charged with rear-ending a car on a highway; toxicology tests showed that the defendant was under the influence of sedatives, and that although they were within the therapeutic range, they would have severely limited the defendant's reflexes and reaction time. This crime was chosen as the stereotype-consistent crime for the Aboriginal Canadian defendant because stereotypes regarding Aboriginal Canadians and substance use are prevalent (Haddock et al., 1994), and sedative use among Aboriginal Canadian adults is particularly high (Currie, Wild, Schopflocher, Laing, & Veugelers, 2013). A photo of the defendant was also included in each vignette; these photos were pilot-tested ($N = 30$) to match on perceived age, attractiveness, and likeability. Participants were also provided with jury instructions as to the charge, burden of proof, and reasonable doubt.

Jury questionnaire. Participants first provided a verdict (guilty / not guilty). Next, they responded to a series of nine attributional questions borrowed from Jones and Kaplan, 2003, which were constructed to cover the domains of locus of causality (e.g., “To what extent is the

crime due to his personality or to the environment”, where $1 = \textit{not at all}$, and $9 = \textit{very much}$), stability (e.g., “What is the likelihood that this defendant would commit the same crime again in the future”, (where $1 = \textit{not at all likely}$, and $9 = \textit{very likely}$), and responsibility (e.g., “Did the defendant intend to commit the crime”, where $1 = \textit{not at all}$, and $9 = \textit{very much}$). We elected to conduct a principal components analysis in order to discern whether our specific sample yielded the same attributional dimensions. We used a direct oblimin rotation, first specifying extraction of three factors. However, there was evidence of a two-component structure (i.e., those containing at least three items that showed loadings of .32 or greater, as this value represents roughly 10% of overlap in variance; Tabachnick & Fidell, 2001). The items pertaining to locus of causality did not load sufficiently onto any factors, and so we did not combine or further analyze these items. The first component contained three items, which pertained to the stability of the defendant’s criminal behaviour (i.e., how likely he was to commit the same or any other crime again, and how likely he was to reform). This component yielded good internal consistency, $\alpha = .82$, 95% CI [.79, .85]. The second component contained three items, which pertained to defendant responsibility and control (which we termed ‘blame’), and showed fair internal consistency, $\alpha = .68$, 95% CI [.62, .73]. We calculated mean scores for each of these variables. For both components, higher scores theoretically reflect greater endorsement of guilt related attributions. These measures shared a moderate positive relationship, $r(395) = .53$, $p < .001$.

Design

This study employed a 3 (defendant race: White, Black, Aboriginal Canadian) x 3 (crime type: fraud, theft of a motor vehicle, and dangerous operation of a motor vehicle with intoxication) between-subjects design, resulting in nine conditions.

Procedure

This study was conducted in the laboratory. Participants completed the experiment in groups of up to five, depending on the availability for each timeslot. Upon arrival, they were randomly assigned to condition and provided with the corresponding trial transcript, juror questionnaire, and then answered a series of demographics questions. Upon completion, they were debriefed, thanked, and provided with course credit as compensation. Sessions lasted approximately 45 minutes.

Results

Dichotomous verdict

The trial yielded a fairly even split in terms of verdict, with 55.9% ($n = 222$) of participants voting guilty, and 44.1% ($n = 175$) voting not guilty. We first conducted a 3 X 3 X 2 hierarchical loglinear analysis (HILOG) in order to test for the influence of defendant race (White, Black, Aboriginal Canadian) and crime type (fraud, auto theft, dangerous operation of a motor vehicle) on dichotomous verdict decision (guilty, not guilty). The highest order interaction was significant, $\chi^2(4, N = 397) = 10.57, p = .03$, suggesting that crime type and defendant race interacted to affect verdict decision. We examined the adjusted standardized residuals for each cell, in order to identify conditions in which the observed cell count significantly deviated from the expected count (Beasley & Schumacker, 1995). We then converted those scores to chi-square values and obtained exact p-values. Table 1 displays the cell counts, percentages, adjusted standardized residuals, and p-values by condition.

Contrary to our hypothesis that the White defendant would receive the greatest proportion of guilty verdicts in the fraud trial, results did not reveal any observed cell counts that were significantly different from expected counts. In partial support of our prediction that the Black

defendant would receive the greatest proportion of guilty verdicts in the auto theft trial, results revealed significant differences for both the auto theft ($z = 1.92$) and DOM ($z = 3.03$) conditions. Specifically, the Black defendant received a significantly greater proportion of guilty verdicts in the auto theft trial, and a greater proportion of not guilty verdicts in the DOM trial. Contrary to our hypothesis that the Aboriginal Canadian defendant would receive the greatest proportion of guilty verdicts in the DOM trial, results revealed significant differences for the fraud ($z = 1.94$) and auto theft ($z = 2.46$) conditions. Specifically, the Aboriginal Canadian defendant received a greater proportion of guilty verdicts in the auto theft trial, but an even split in the fraud trial.

Attributions

Stability. We conducted a 3 (crime type: fraud, auto theft, dangerous operation of a motor vehicle) by 3 (defendant race: White, Black, Aboriginal Canadian) analysis of variance (ANOVA) using stability as the dependent variable. The interaction effect was non-significant, $F(4, 213) = 1.19, p = .07, \eta_p^2 = .04$.

In support of predictions, there was a significant main effect of defendant race, $F(2, 213) = 4.54, p = .01, \eta_p^2 = .04$. We conducted the full set of pairwise comparisons using Tukey's honestly significant difference test (HSD). Contrary to our prediction that participants would endorse more stability attributions for the Aboriginal Canadian and Black defendants, this analysis revealed a significant difference ($p = .04, d = -.39, 95\% \text{ CI } [-.58, -.20]$), such that participants used more stable attributions when judging the White defendant ($M = 5.5, SD = 1.6$) compared to the Aboriginal Canadian defendant ($M = 4.9, SD = 1.5$). There was no difference ($p = .56, d = -.13, 95\% \text{ CI } [-.32, .06]$) between the Aboriginal Canadian defendant and the Black defendant ($M = 5.1, SD = 1.6$). The difference between the Black and White defendants was non-significant ($p = .31, d = .25, 95\% \text{ CI } [.06, .44]$).

There was also a significant main effect of crime type, $F(2, 213) = 18.92, p < .001, \eta_p^2 = .15$. Tukey's HSD test revealed that the auto theft trial ($M = 5.8, SD = 1.3$) elicited more stable causal attributions relative to both the fraud trial ($p = .03, d = -.41, 95\% \text{ CI } [-.59, -.24], M = 5.2, SD = 1.6$) and the DOM trial ($p < .001, d = -1.03, 95\% \text{ CI } [-1.21, -.85], M = 4.3, SD = 1.6$). The DOM trial elicited significantly lower stability ratings ($p = .001, d = -.57, 95\% \text{ CI } [-.76, -.37]$) when compared to the fraud trial.

Blame. We conducted the same 3 (crime type) by 3 (defendant race) ANOVA using the blame component as the dependent variable. Again there was a significant main effect of crime type, $F(2, 213) = 62.76, p < .001, \eta_p^2 = .37$. Unlike for the analysis with stability attributions, there was essentially no effect for defendant race, $F(2, 213) = .33, p = .72, \eta_p^2 = .003$. However, in partial support of hypotheses, there was a significant defendant race by crime type interaction, $F(4, 213) = 3.10, p = .02, \eta_p^2 = .06$. We conducted comparisons of the crime types within each defendant race condition separately.

White defendant. We predicted that the fraud trial would yield the highest blame ratings for the White defendant. A one-way analysis of variance revealed a significant difference in crime types, $F(2, 68) = 50.56, p < .001, \eta_p^2 = .59$. In support of hypotheses, Tukey's HSD revealed significantly higher blame ratings in the fraud trial ($M = 7.2, SD = 1.1$) compared with the DOM trial ($p < .001, d = 2.72, 95\% \text{ CI } [2.49, 2.96], M = 4.1, SD = 1.2$). The auto theft trial ($M = 7.1, SD = 1.3$) also elicited significantly more blame attributions ($p < .001, d = 2.43, 95\% \text{ CI } [2.17, 2.69]$) than the DOM trial. However, contrary to hypotheses, the fraud trial did not significantly differ ($p = .99, d = -.09, 95\% \text{ CI } [-.33, .16]$) from the auto theft trial.

Black defendant. We predicted that the auto theft trial would yield the highest blame ratings for the Black defendant. A one-way analysis of variance revealed a significant difference

in blame attributions according to crime type, $F(2, 71) = 23.31, p < .001, \eta_p^2 = .40$. In support of hypotheses, Tukey's HSD revealed that the auto theft trial ($M = 7.4, SD = 1.1$) elicited the highest blame ratings relative to the fraud trial ($p = .01, d = .92, 95\% \text{ CI } [.65, 1.20], M = 6.2, SD = 1.5$) and to the DOM trial ($p < .001, d = 2.01, 95\% \text{ CI } [1.71, 2.31], M = 4.4, SD = 1.8$). The fraud trial elicited significantly more blame attributions ($p < .001, d = 1.09, 95\% \text{ CI } [.76, 1.43]$) than the DOM trial.

Aboriginal Canadian defendant. We predicted that the DOM trial would yield the highest blame ratings for the Aboriginal Canadian defendant. A one-way analysis of variance revealed a significant difference in blame attributions according to crime type, $F(2, 74) = 9.01, p < .001, \eta_p^2 = .20$. Contrary to hypotheses, Tukey's HSD revealed that the DOM trial ($M = 4.8, SD = 1.3$) elicited the lowest blame ratings relative to the fraud trial ($p = .008, d = -.92, 95\% \text{ CI } [-1.27, -.57], M = 6.3, SD = 1.9$) and the auto theft trial ($p < .001, d = -1.19, 95\% \text{ CI } [-1.54, -.84], M = 6.7, SD = 1.86$). Blame attributions in the fraud trial did not differ significantly ($p = .69, d = -.22, 95\% \text{ CI } [-.61, .18]$) from the auto theft trial.

Discussion

The purpose of this study was to examine whether cases in which the defendant's race was congruent with a race-stereotypic crime would result in more guilty verdicts, different responsibility attributions, and harsher punishment. With respect to dichotomous verdict, the auto theft trial yielded the greatest proportion of guilty verdicts, and participants believed this crime was associated with the greatest degree of stability (e.g., greater likelihood of committing another crime, the defendant is less able to reform). There was a significant race by crime type interaction, such that while there were no differences in verdict breakdown for the White defendant (for whom verdicts were fairly even split for each crime type), differences emerged as

a function of crime type for both the Black and Aboriginal Canadian defendants. There was also a significant race by crime type interaction for blame attributions.

In partial support of hypotheses regarding the White defendant, participants gave higher blame ratings in the fraud trial compared with the DOM trial. However, the fraud trial did not elicit higher blame ratings than the auto theft trial. These differences in blame attributions did not translate to verdict decisions. The limited evidence of a relationship between fraud and blame ratings for a White defendant gives some support to Sunnafrank and Fontes's (1983) finding that participants associated photographs of a White defendant with fraud (in addition to embezzlement, counterfeiting, child molestation, and rape), and Skorinko and Spellman's (2013) more recent finding that white-collar crimes tended to be associated with White people. However, participants in this study also showed comparable blame ratings for a White defendant charged with auto theft, which researchers have asserted is associated with Black defendants (Jones & Kaplan, 2003).

In support of hypotheses for the Black defendant, the auto theft trial elicited the highest blame ratings relative to the fraud trial and DOM trials respectively. These results are in line with Jones and Kaplan's (2003) finding that participants associated a Black defendant with an auto theft case. While the Black defendant did receive a greater proportion of guilty verdicts in the auto theft trial relative to the DOM trial, the difference in verdict breakdown was not statistically significant when compared with the fraud trial. Therefore, both Black and White defendants were associated in some ways with fraud and auto theft trials, as well as related cultural stereotypes.

Contrary to hypotheses for the Aboriginal Canadian defendant, the DOM trial elicited the lowest blame ratings relative to the fraud trial and the auto theft trial. The finding that DOM was

not associated strongly with any particular racial group supports Skorinko and Spellman's (2013) conclusion that driving under the influence is seen as an 'anyone' crime. Blame attributions in the fraud trial were comparable with those of the auto theft trial. The Aboriginal Canadian defendant received a greater proportion of guilty verdicts in the auto theft trial compared with the fraud trial, but not compared with the DOM trial. The fraud and DOM trials also did not exhibit a statistically significant difference in verdict breakdown.

One potential limitation to bear in mind when understanding these findings is that we did not examine juror race. Resembling the racial composition of Canada (Statistics Canada, 2011), the majority of our participants were White and thus we were not sufficiently powered to test directly for in-group/out-group biases, or to run analyses excluding non-White participants. Devine and Caughlin's (2014) recent meta-analysis showed support for a modest out-group severity effect ($r = .13$) for Black jurors evaluating White defendants. They also found evidence of out-group severity for White jurors evaluating Hispanic defendants. For the White defendant it could be that the blame attributions did not translate to verdict because of some degree of in-group leniency. It is worth noting that we observed more specific out-group bias as opposed to general in-group leniency – participants were particularly harsh when assigning a verdict to Aboriginal Canadian defendants charged with auto theft, for example, but did not show this same harshness towards Black defendants. As such, it seems that in this study, participants were more likely to target certain groups in certain scenarios, rather than generally provide more lenient verdicts to their own in-group (i.e., White defendants). This has implications for how interventions should be directed – rather than focusing on general in-group leniency or out-group bias, these findings suggest that attempts to correct bias should focus on particular perceptions of racial groups in specific scenarios.

It might further be useful to consider how causal attributions could have operated differently within each crime type. Relatedly, it is possible that the nature of the different crime types resulted in different expressions of out-group severity. For instance, it could be that participants were merely demonstrating greater out-group severity in the auto theft case, which arguably features more of a controlled/voluntary component than DOM. Dangerous operation of a motor vehicle as a crime may contain different antecedent causal ascriptions than fraud and auto theft. In the case of DOM, given that the defendant was intoxicated at the time, this impacts on the causal attributions employed. When people are intoxicated, they are generally thought to have less agency over their behaviour, which conflicts with the notion of defendant control and blame attributions. However, there may also be bad character attributions related to driving while intoxicated, and so our attributional measures potentially conflated the two. Future researchers should examine juror race, and potentially victim race, to better account for this possibility. Essentially, people may have more difficulty thinking about positive acts associated with disliked others; positive causal attributions would be unrepresentative of that out-group (Pettigrew, 1979). Therefore, it might be that race-crime congruency effects emerge only with respect to out-group members.

Limitations

It is important to consider some further limitations with respect to these findings. First, we did not include a jury deliberation component to our study; however, group discussion could exacerbate or reduce jurors' racial bias. Nonetheless, individual juror decision-making studies are an important precursor to understanding such biases in court. Indeed, Kalven and Zeisel (1966) provided evidence that jurors' pre-deliberation judgments tend to be the best predictors of the final outcome; this finding has been replicated in both field (Sandys & Dillehay, 1995) and

experimental (MacCoun & Kerr, 1988) research. We also used a student rather than a community sample, which limits the ecological validity of our studies. First, Bray and Kerr (1982) suggested that students tend not to be selected as jurors. Sears (1986) further argued that students' general decision-making is different from that of community members. However, the fact that racial biases emerged even in a student sample supports the importance of this research. As Schuller, Kazoleas, and Kawakami (2009) speculated, students might even be less biased owing to their higher level of education, which negatively correlates with racism.

The fact that participants in the current study were predominantly White women also warrants caution in generalizing findings. As aforementioned, future researchers may wish to consider juror race; however we also note that examination of White juror bias specifically remains an important area of inquiry, given the history of systemic oppression of minority groups (Sommers & Ellsworth, 2001). With respect to juror gender, there is no research of which we are aware suggesting that men or women are particularly apt to rely on race-crime stereotypes in this context. In their meta-analysis, Devine and Caughlin (2014) did find that jurors who were women had a higher likelihood of voting guilty than did men ($r = .08$), which was slightly stronger for student samples. Therefore, it would be worthwhile to replicate this study in a community sample. Nonetheless, given that convenience sampling may continue to be a reality in psycho-legal experiments, these data demonstrate that researchers should consider the crime type when examining racial bias among students.

Finally, it is of course necessary to grant that even the most effective simulation cannot fully mimic an actual jury trial. Participants know that their decisions have no consequences for a real defendant. However, given that section 649 of the Canadian Criminal Code precludes jurors from speaking about court proceedings post-trial, a simulation using jury-eligible participants is

likely the next best method.

Conclusion

The current study found only modest support for a race crime congruency effect for auto theft, fraud, and dangerous operation of a motor vehicle. Contrary to previous work on race-crime stereotypes, while patterns in blame attributions showed some of the expected associations, we did not find that any one race was clearly associated with only one crime. The general finding that defendant race may sometimes impact trial outcomes is consistent with two meta-analyses on the topic (Devine & Caughlin, 2014; Mitchell et al., 2005). Moreover, when creating trial stimuli, researchers investigating the effects of defendant race on juror decision-making may wish to consider how the selected crime type might exacerbate reliance on racial stereotypes. This study therefore contributes to a better understanding of such race-crime associations.

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Endnotes

1. The two groups were comparable in terms of ethnic makeup, gender makeup, and age. Most of the manipulation fails were in the Aboriginal Canadian condition ($n = 8$, seven of whom indicated that the defendant was Hispanic, and one East Indian), and White defendant condition ($n = 7$). Three participants did not correctly identify the Black defendant.

Table 1. *Verdict breakdowns, adjusted standardized residuals, and p-values by condition.*

	White	Black	Aboriginal Canadian
Fraud	Guilty: 59.6% ($n = 28$)	Guilty: 61.4% ($n = 27$)	Guilty: 50% ($n = 23$)
	Not Guilty: 40.4% ($n = 19$)	Not guilty: 38.6% ($n = 17$)	Not guilty: 50% ($n = 23$)
	$z = 1.12$	$z = 1.19$	$z = 1.94$
	$\chi^2 = 1.25, p = .26$	$\chi^2 = 1.42, p = .23$	$\chi^2 = 3.76, p = .05$
	Total		Guilty: 56.9% ($n = 78$)
			Not guilty: 43.1% ($n = 59$)
Auto theft	Guilty: 48.8% ($n = 20$)	Guilty: 34.1% ($n = 15$)	Guilty: 76.2% ($n = 32$)
	Not guilty: 51.2% ($n = 21$)	Not guilty: 65.9% ($n = 29$)	Not guilty: 23.8% ($n = 10$)
	$z = .65$	$z = 1.92$	$z = 2.46$
	$\chi^2 = .42, p = .52$	$\chi^2 = 3.69, p = .05$	$\chi^2 = 6.05, p = .01$
	Total		Guilty: 63.8% ($n = 81$)
			Not guilty: 36.2%, ($n = 46$)
DOM	Guilty: 50% ($n = 23$)	Guilty: 36.7% ($n = 18$)	Guilty: 57.9% ($n = 22$)
	Not guilty: 50% ($n = 23$)	Not guilty: 63.3% ($n = 31$)	Not guilty: 42.1% ($n = 16$)
	$z = .50$	$z = 3.03$	$z = .49$
	$\chi^2 = .25, p = .62$	$\chi^2 = 9.18, p < .001$	$\chi^2 = .24, p = .62$
	Total		Guilty: 47.4% ($n = 63$)
			Not guilty: 52.6% ($n = 70$)