NO HALO EFFECT FOR SEX OFFENDERS: AN EXAMINATION OF THE EFFECTS OF APPEARANCE AND GENDER ON THE PUBLIC'S PERCEPTION OF SEX OFFENDERS

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The purpose of the current study was to investigate judgments made about a teacher being accused of criminal sexual contact with a student, where gender and attractiveness of the teacher are manipulated. We investigated whether attractiveness and gender of the alleged perpetrator impact mock juror assessment of length of sentence, length of time on the registry, likelihood of recidivism, conviction rating, victim blame and empathy. Participants (N = 180) were asked to read a vignette and respond to questionnaires. Our results suggest that attractiveness-driven halo effects are not ubiquitous, but rather interact with the gender of the perpetrator and if mock jurors believed the actions of the teacher was a sex offense. Participants who did not believe a sexual offense was committed did not convict the attractive male teacher, but they strongly convicted the attractive female teacher. There was no difference in conviction ratings across conditions for those who believed a sex offense occurred.

Keywords: sex offender, halo effect, attractiveness, gender

In 2005 Debra Lafave, a female teacher in Florida, pleaded guilty to a statutory rape charge for having intercourse with a 14-year-old, male student. She was sentenced to serve three years of community control. Given that that the average sentence for a statutory rape charge is incarceration for five years, this is arguably a very light sentence. During her trial her attorney made a argument that she was too pretty to go to jail, by stating "to place Debbie into a Florida state women's penitentiary, to place an attractive young woman in that kind of hellhole, is like putting a piece of raw meat in with the lions" ("Teacher Sex Insanity Plea Planned," 2005). The result of this trial suggests a leniency towards attractive women who commit a sexual offense. The offenses that are classified as a sexual offense range from aggravated sexual, defined as causing another person to engage in a sexual act by using force or threatening that other person, to indecent exposure with children in the vicinity (U.S.C. Title 18).

There has been a growing movement to give strict punishment to those convicted of a sexual offense (McCorkle, 1993). This movement increased in 1989, when an 11-year-old boy from Minnesota named Jacob Wetterling went missing. His abduction led to the formation of the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. This law states that a individual who is convicted of a sexually violent offense must register in a database to allow government officials to keep track of their location (*Jacob Wetterling Act, 1994*). The Jacob Wetterling Act was amended in 1996 to

include Megan's Law (named after Megan Kanka, who was sexually assaulted and murdered), which required all 50 states to create and maintain a community notification system. The notification system allows law enforcement officials to disclose registry information to community members about sex offenders who live nearby. In 2006 the Adam Walsh Child Protection and Safety Act was passed, which mandated states to maintain and post information regarding sex offenders on their websites and link them to the National Sex Offender Registry website. Additionally, a required offense-based classification system has been implemented (*Adam Walsh Act, 2006*). These Acts, along with media depictions of sex offenses, have assisted in creating public stereotypes about sex offenders (Ducat, Thomas, & Blood, 2009).

Appearance and Criminality

There is a well-documented phenomenon called the halo effect, where those who are deemed physically attractive are viewed more positively than their unattractive counterparts on an assortment of dimensions (Berscheid & Walster, 1974). Additionally, the "beautiful is good" stereotype conjures beliefs that attractive people possess more socially desirable personalities than those of lesser attractiveness and will live happier and more successful lives (Dion, Berscheid, & Walster, 1972). In examination of the "beautiful is good" effect, Van Leeuwen and Macrae (2004) conducted an experiment to investigate the consequences of having participants not focus their attention to a target's face or make judgments about the target. The goal of the study was to examine if the "beautiful is good" stereotype works implicitly within individuals. The study found that stereotypes held in regards to facial attractiveness affect behavior in an implicit manner, meaning that even when a task has not required a person to pay attention to a face, the face still influences the person's behavior (Bargh & Chartrand, 1999).

Eagly, Ashmore, Makhijani, and Longo (1991) suggested the "beautiful is good" stereotype has its roots from two sources: direct observation and cultural portrayals of attractive and unattractive people. Daily encounters display that nice-looking people are more liked by their peers and are treated more favorably than unattractive people. Our cultural depictions of attractive and unattractive people consistently are reinforced by images of movies, advertisements, and children's stories, which display an association between beauty and success, wealth, and happiness. These same images act as reinforcement for the association between ugliness and possessing undesirable attributes (Van Leeuwen & Macrae, 2004).

Research also has shown that appearance may influence how people judge recidivism. Dion (1972) conducted a study that examined the influence of attractiveness on perceptions of how likely that person would be to reoffend. The study manipulated the attractiveness of the offender, either attractive or unattractive, and the severity of the transgression, either mild or severe. The findings supported the notion that an attractive offender would be deemed less likely to reoffend than an unattractive offender. However, this difference in ratings for recidivism only differed significantly in the severe transgression condition. In the mild transgression condition, participants rated the likelihood of future transgression statistically equal to both attractiveness levels.

Efran (1974) conducted a study where participants were shown a photograph of either a male or female student who was either attractive or unattractive. Participants were given a scenario, which dealt with a student of the opposite sex of the participant, where the student was accused of cheating on an exam and asked to rate the punishment and the guiltiness of the student. Results showed significantly lower ratings of guilt and milder punishments for the attractive students than the unattractive students.

Additionally, the attraction-leniency bias has been shown to lead to greater leniency in decision of guilt and sentencing for an attractive offender. Landy and Aronson (1969) used a negligent homicide scenario to examine the effects of attractiveness on ratings of guilt and sentencing. The findings supported the attraction-leniency bias, as participants sentenced attractive defendants to significantly less years in prison than unattractive defendants. However there is some debate as to the strength of the attraction-leniency bias. Abwender and Hough (2001) examined if the gender of the defendant and the gender of the participant played a role in the attraction-leniency bias for a case depicting a vehicular homicide. The study found that female participants were more lenient with attractive female defendants then with unattractive female defendants; however, males did not show a significant attraction-leniency bias, and instead were more lenient towards the unattractive female defendant then the attractive female defendant. In addition, this bias tends to recede if the crime is deemed serious or if the defendant uses his attractiveness to commit the crime (i.e., swindle) (Sigall & Ostrove, 1975). In the case of sex offenders, it is possible that the perpetrator may use their attractiveness to lure victims and therefore jurors may believe that the defendant in a sexual offense case used their attractiveness ultimately to commit the crime.

PURPOSE

The present study examined the effect that appearance and gender of the perpetrator had on determining the length of a sentence; whether the defendant should register as a sex offender and if so how long; how much the victim was blamed for the incident; beliefs about the likelihood of reoffending; conviction beliefs; and how empathic participants reported feeling towards the defendant. The defendant were depicted as high school teachers accused of intentional sexual contact with a 15-year-old student. The scenarios presented a man who is charged with the sexual contact with a female student, as well as a woman who is charged with the sexual contact with a male student.

It was anticipated that an attractive defendant will be treated more leniently on the conviction ratings and be judged less likely to reoffend than the unattractive defendant. Additionally, it was expected that the males being accused of the crime will be dealt a stricter punishment than the females that were being charged with the crime. Furthermore, it also was hypothesized that the attractive female would get a much lighter punishment than the unattractive female, but that the attractive male would receive only a slightly less severe punishment than the unattractive male.

METHOD

Participants

A total of 247 college students were recruited to participate in the study. After 27% were disqualified (for failing the manipulation check), the resultant sampled comprised 180 participants (124 women and 56 men). Participants were asked to read a vignette involving a teacher being accused of criminal sexual contact with a student and answer questions based upon the scenario. The sample obtained was demographically homogenous with 95% Caucasian/White, 87% under the age of 23 ($M = 20.94$, $SD = 4.58$) and 97% heterosexual.

Materials

Participants read one of six vignettes stemming from a 2 (perpetrator gender: male vs. female) X 3 (attractiveness: attractive vs. unattractive vs. no picture) factorial design describing a teacher being accused of sexual assault by a student. Plumm, Austin, and Terrance (2013) used a similar vignette in their study. See the following example (changes depending on condition are noted in parentheses):

"Former Teacher Charged with Having Sex with Student

Don (Donna) Newton, 31, was arrested Thursday following accusations of criminal sexual contact with a 15-year-old female (male) student. Newton resigned from the school two months ago after allegations surfaced about sexual contact with a student. The victim reported that she (he) and Newton had sex numerous times over a period of five months. Newton is being charged with sexual assault of a minor and an improper relationship between an educator and a student. His (Her) bail was set at $25,000."

Picture Ratings

A pilot study was conducted, during which undergraduates (N=100) were shown 20 pictures (10 male and 10 female) in a random order and were asked to rate each picture on attractiveness and expression. The ratings for "attractiveness" were completed on a 5-point rating scale with the endpoints labeled "not at all attractive (1)" and "very attractive (5)." The rating of expression was used to ensure that each photograph had a similar facial expression. Participants rated the characteristic of "expression" on a 7-point scale with the anchor points being "negative (-3)," "neutral (0)," and "positive (+3)." The average ratings for attractiveness and expression for each individual photograph was calculated. The attractive female received a mean rating of 4.41, whereas the unattractive female received a mean rating of 2.94. The attractive male received a mean rating of 4.20 and his counterpart, the unattractive male, received a mean rating of 2.77. Each picture had an expression that was rated in the -1.1 to -1.4 range, indicating all photos contained a slight negative expression.

Dependent Measures

Manipulation Check. Participants were asked to indicate the gender and age of the victim, as well as the gender and age of the defendant. Any participant who failed the manipulation check was eliminated from the analyses.

Defendant Questionnaire. The questionnaire assessed the participant's opinions of the defendant and included the following items: whether a sexual offense was committed (7-point scale ranging from "Strongly DO NOT Believe (1)" to "Strongly DO Believe (7)"); how long the sentence length should be (7-point scale ranging from "No time spent (1)" to "25+ years (7)"); likelihood of the defendant repeating the crime (7-point scale ranging from "Strongly Disagree (1)" to "Strongly Agree (7)"); if the defendant appear on the registry and if so, for how long (4-point scale ranging from "No, should not have to register (1)" to "Tier 3 (Life) (4)"); and the participant's private belief about conviction (11-point scale ranging from "Certain Newton should NOT BE convicted (-5)" to "Certain Newton SHOULD BE convicted (+5)"). These questions were not held to any legal standards or definitions, but instead were based on the potential juror's perceptions of the scenario.

Victim Blame. This questionnaire assessed victim blame and included the following items: the student is partly to blame for the actions of the teacher; the student should know to be more careful in interactions with certain teachers; the teacher's actions were the result of unwanted attention from the student; the teacher was provoked; the teacher's actions were justified; the student deserved it; any reasonable person would have acted the same as the teacher; and the student should know better than to engage in such behavior with the teacher. The reliability of the scale was $\alpha = 0.73$.

Sex Offender Scale. This questionnaire was developed as a way to distinguish if the participant believed the scenario was a sex offense. The scale was used to explore conviction rating based on the participant's response using a mean split (M=3.50). The scale consisted of the following statements: the teacher committed a sexual offense; the teacher should have to register as a sex offender; the teacher committed statutory rape; and the teacher's actions are criminal. Each statement was rated on a 7-point scale ranging from "strongly disagree (1)" to "strongly agree (7)." The responses for these four questions were summed then divided by four to attain the score on the sex offense scale. The reliability of the scale was $\alpha = 0.79$.

Empathy Scale. This questionnaire assessed the participant's level of empathy and included the following items: I can really imagine the thoughts running through the defendant's head; I can really feel what the defendant must have been feeling during the incidents; I can experience the same feelings that the defendant experienced; I can take the perspective of the defendant and understand why the incidents occurred; I can really see myself in the defendant's shoes; I feel like I can easily take the perspective of the defendant. The reliability of the scale was $\alpha = 0.893$

Procedure

Participants signed up online using a research management system (Sona Systems) in exchange for extra credit in their psychology courses. Participants were randomly as-

signed to one of six vignettes and were allowed to complete their participation at any time. Once they read the vignette, participants were asked to complete questionnaires regarding the defendant and the victim. Afterwards they were thanked and compensated for their time.

RESULTS

Length of Sentence

A 2 (perpetrator gender) X 3 (attractive vs. unattractive vs. no picture) analysis of variance (ANOVA) was conducted on participant responses regarding the length of the sentence for the defendant. Overall, participants did not alter the length of the sentence based upon the gender or attractiveness level of the defendant.

Registry

A 2 (perpetrator gender) X 3 (perpetrator attractiveness) ANOVA was conducted on participant responses for length of time on the registry. Participants believed that both male and female perpetrators should have to register; however, male perpetrators were sentenced to a longer stay on the registry than female perpetrators, Ms (SEM) = 2.74 (0.10) and 2.27 (0.10), respectively, F (1, 167) = 11.984, $p < .05$. The main effect for attractiveness, as well as the interaction between perpetrator gender and attractiveness, was non-significant.

Recidivism

A 2 (perpetrator gender) X 3 (perpetrator attractiveness) ANOVA was conducted on participant responses about the likelihood of the defendant committing the crime again. Overall, male perpetrators were judged more likely than female perpetrators to reoffend, Ms (SEM) = 3.35 (.13) and 2.9 (.15), respectively, F(1, 174) = 5.7, $p < .05$. The main effect of perpetrator attractiveness and the interaction between perpetrator gender and attractiveness were non-significant.

Conviction Rating

A 2 (perpetrator gender) X 3 (perpetrator attractiveness) X 2 (score on sex offense scale: low or high) ANOVA was conducted on participant's private beliefs about conviction. The main effects for perpetrator gender and perpetrator attractiveness were found to be non-significant. Results revealed a significant main effect for score on the sex offense scale, such that participants who scored high on the sex offense scale believed that the defendant should be convicted, whereas those who scored low on the sex offense scale were not sure if the defendant should be convicted, Ms (SEM) = 3.28 (0.15) and -0.02 (0.36), respectively, F (1, 168) = 92.780, $p < .05$

Results yielded a significant three way interaction, F (2, 168) = 4.139, $p < .05$. Simple main effects were conducted for each level of attractiveness to examine the three way interaction. Results showed a significant interaction between perpetrator gender and participant score on sex offense scale, F (1, 53) = 7.025, $p < .05$, only when the perpetrator was attractive. Simple interaction effects of participant score on sex offense scale at each level of perpetrator gender was significant only when the participant had a low score on the

sex offense scale. Thus, it indicates participants who scored low on the sex offense scale were more likely to believe that the attractive female perpetrator should be convicted and the attractive male perpetrator should not be convicted, Ms (SEM) = 1.75 (0.18) and -1.50 (0.14), respectively, F (1, 53) = 12.57, $p < .05$. See Figure 1.
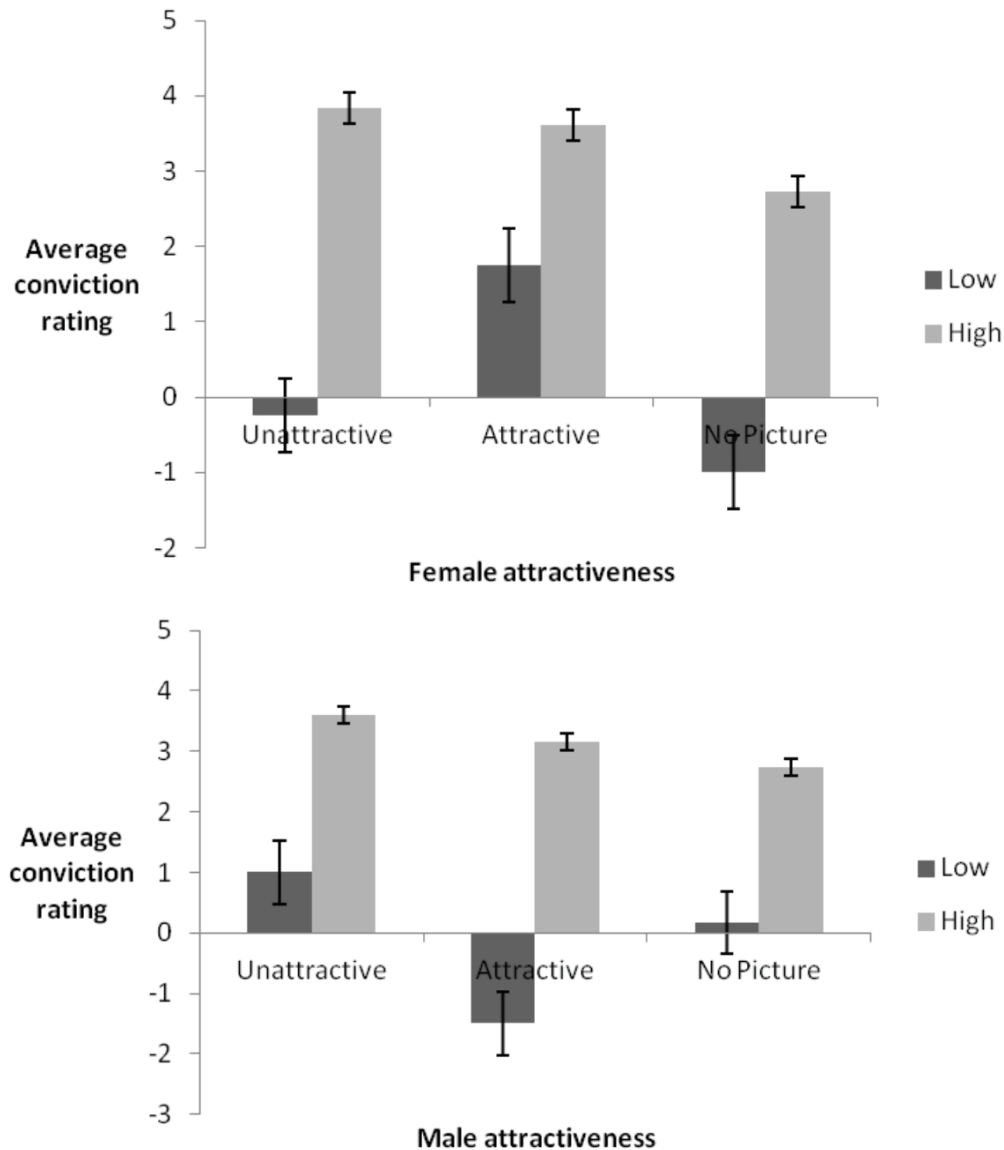

Figure 1. Average Conviction Rating by Gender Attractiveness and Belief that a Sex Offense Occurred

Victim Blame

A 2 (perpetrator gender) X 3 (perpetrator attractiveness) X 2 (participant gender) ANOVA was conducted on victim blame. Results indicated no significant main effects for perpetrator gender, perpetrator attractiveness, or participant gender. However, the results yielded a significant interaction for perpetrator gender and participant gender, F (1, 168)

= 4.435, *p* = .037. Simple effects of participant gender at each level of perpetrator gender revealed that men were more likely to blame the victim than women when the perpetrator was female, *M*s (SEM) = 2.43 (0.15) and 1.94 (0.10) respectively, *F* (1, 176) = 6.08, *p* < .05. See Figure 2.
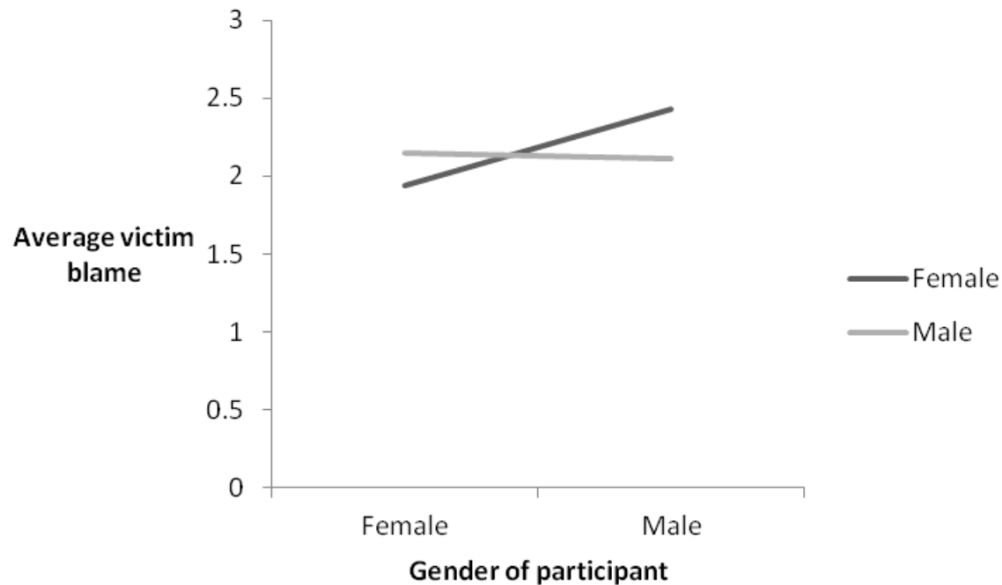

Figure 2. Average Victim Blame by Gender of the Perpetrator and Gender of the Participant.

Empathy

A 2 (perpetrator gender) X 3 (perpetrator attractiveness) ANOVA was conducted on participant empathy. Participants had more empathy for the female perpetrator than the male perpetrator, *M*s (SEM) = 1.22 (0.12) and 0.88 (0.12), respectively, *F* (1, 173) = 3.880, *p* = .050. The main effect of attractiveness and the interaction between perpetrator gender and attractiveness was not found to be significant.

DISCUSSION

The current study explored the effects of gender as well as the attractiveness of a perpetrator in a case concerning a teacher to student sex offense. Hypotheses were derived from four areas: sentencing, recidivism, conviction, and victim blame. Participants did not differ in the length of the sentence imposed based upon any of the manipulations. These results do not support the hypothesis that the attractive female would be given a lighter sentence, nor does it support the hypothesis that males will be given a stricter sentence. Interestingly, the results did show that participants sentence the defendant in the study to the median sentence served by sex offenders in the United States (U.S. Department of Justice, 2006). This may indicate that more individuals are becoming familiar with the prosecution of sex offenses and consequently have a better understanding of the crime or

that sentences are being derived from community belief regarding the length of sentence that should be served.

Surprisingly, this study found no support for an overall attraction-leniency bias. This contradicts most of the previous research on attractiveness (Landy & Aronson, 1969; Abwender & Hough, 2001). It could be the case that the seriousness of the crime was too high for participants and thus they should not show biases towards attraction. Previous studies that manipulated the seriousness of a crime found that the more serious the crime is, the smaller the effect attractiveness had on the sentencing of the defendant (McKelvie & Coley, 1993; Wuensch, Castellow, & Moore, 1991). Wakefield (2006) suggests that sex offenders are perceived as the most villainous group in society and people hate, as well as despise, sex offenders and believe they should be locked up for life, thus conceding sex offenses are serious crimes. These perceptions probably stem from the recognition that sexual abuse of children poses a major danger to their safety and long-term emotional well-being (Higgins & Ireland, 2009).

There is a possibility that participants perceived the case as the defendants utilizing their attractiveness to manipulate the victim. Previous research indicates that defendants who are charged with a crime where their attractiveness aided them in successfully committing the crime are punished more severely than an unattractive individual who commits the same crime. Sigall and Ostrove (1975) examined the effect of attractiveness on two different crimes, one not related to attractiveness (burglary) and one related to attractiveness (swindle) and found the attraction-leniency bias in the burglary condition; however, they also found that if the crime is related to attractiveness then the attractive defendant is punished more severely than the unattractive defendant. Therefore, while the current study did not find greater punishment to the attractive defendants it could be that only some of the participants perceived the crime as being related to attractiveness and thus punished them more than the participants who did not view the crime as relating to attractiveness, thus potentially washing out the attraction-leniency bias.

Interestingly, participants also were consistent in the belief that the defendant should have to register as a sex offender across all conditions. Once again, attractiveness did not affect the sex offender level sentence as was predicted. Conversely, gender did affect the length of sentencing as male defendants received longer terms on the registry compared to their female counterparts. This finding suggests that participants believed male sex offenders should be watched more carefully and for longer than female sex offenders. It would reason that this finding could stem from the perception that males are more likely to reoffend than females (Cortoni, Hanson, & Coache, 2010). The present study also found this to be true, with participants rating the male offender more likely to reoffend than the female offender.

Additionally, it was hypothesized that attractiveness and gender would affect conviction ratings. However these hypotheses also were not supported. Gender and attractiveness did not have any significant influence on conviction ratings when participants believed that the scenario constituted a sexual offense. However, for those who did not view the ac-

tions of the teacher as a sex offense, attractiveness of the defendant did have a significant effect. For these participants, it may be the case that they did not view the scenario as a sex offense, but still believed it was a punishable crime.

Attraction-leniency can be seen then only when the scenario was not believed by participants to be a sex offense. Those participants that scored low on the sex offense scale believed that the attractive female offender should be convicted more so than the attractive male offender should be. This finding could be the result of violating female social and professional roles. For instance, Martin (1984) suggests that students have irresolute expectations of female teachers. Women are supposed to be warm, friendly, supportive, and deferential. However, professionals are supposed to be objective, authoritarian, and critical. In the current study the female teachers violated both roles by engaging in sexual relations with a student. Since there is no significant difference between the unattractive man and woman, as well as no difference between the man and woman in the no picture condition, there must be further violation then just the professional role.

The other violation could stem from the norm of being an attractive female. As Dionet al. (1972) found, individuals tend to give favorable traits to attractive people. Thus by having a female teacher violate the roles associated with being a woman, a teacher, and an attractive individual, participants who generally did not believe the actions of the teacher was a sex offense more readily convicted the attractive female teacher.

The hypothesis that attractiveness would influence the amount of victim blame was also not supported. Victim blame did not differ based on the perpetrator's attractiveness. It was further hypothesized that the female victim would be blamed more than the male victim; again this was not supported by the results. The participants of the study did not differ on victim blame for the female victim. However, male participants blamed the male victim more for the incident occurring than female participants. A possible explanation could be that male participants in the study did not blame the male student in the traditional definition of blame, but rather they believed he was a willing and active participant in the activities. If this is the case, then the current finding supports Alicke's (2000) culpable control model. Male participants may have believed that the male victim freely choose to engage in the sexual activities (volitional behavior control); viewed the consequence of engaging in the sexual activities as a result of the victim's behavior (causal control); and desired the sexual activities (volitional outcome control). By blaming the male victim, male participants engaged in spontaneous evaluations of the victim.

Participants also were able to empathize more with female perpetrators than their male counterparts. It may be the case that since media portrayals of female sex offenders as stemming from a student/teacher relationship (Frei, 2008), participants were more exposed to this kind of situation and also have heard arguments as to why these relationships happen, whereas male teachers who commit sexual offenses with students are not sensationalized in the media to the same degree. The gender of participants also was a factor in examining empathy for the perpetrator. Male participants were more empathetic towards the teacher than their female counterparts. This finding supports previous findings in the

literature that suggest men are more likely to empathize with the defendant in a sexual assault crime (Brady et al., 1991; Ching & Burke, 1999; Jimenez & Abreu, 2003; Smith & Frieze, 2003).

Implications of these results can be employed in the courtroom. Understanding how physical attributes of defendants, such as attractiveness and gender, affect perceptions made by jurors in sex offense cases is important. The current findings suggest that the halo effect as well as the attraction-leniency bias may not be applicable to sex offenders. This result helps ensure that the defendant in a sexual offense case will not be given any extra clemency or harshness based upon their attractiveness. Future research should continue to examine what factors, if any, contribute to judgment of an accused sex offender. For instance, one factor that should be examined is the attractiveness of the accuser and test if they are given any leeway based upon their attractiveness. In addition, future research should consider altering the age of the perpetrator to further examine the effect of the "dirty old man" stereotypes that sex offenders have. Another factor that could be altered is the relationship between the victim and perpetrator to observe any differences on sentencing based on the victim and perpetrator association. Future research also should look at manipulating the type of crime that an attractive and unattractive defendant is being charged with, such as a sex offense crime vs. a non-sex offense crime.

As with any study, it is important to consider limitations that may hinder generalizability of the findings. First, in order to truly generalize the findings of this experiment, a study should be conducted in which participants are randomly assigned to either a sex offense scenario or a scenario in which the halo effect typically occurs, such as negligent homicide. In addition, the participants represent a homogenous sample of college students. However, in several experiments comparing judgments of student and non-student samples, Finkel and colleagues found that although non-student samples tended to be older and more heterogeneous demographically, there were typically no differences in verdict or other factors at trial between student and non-student samples in jury simulation paradigms (Finkel & Duff, 1991; Finkel & Handel, 1989; Finkel, Hughes, Smith, & Hurabiell, 1994; Finkel, Hurabiell, & Hughes, 1993a, b; Finkel, Meister, & Lightfoot, 1991; Fulero & Finkel, 1991).

Future research should attempt to recruit a more culturally diverse sample of participants than used in the present study. College students are closer in age to the victim than the offender and therefore may be able to more easily take the perspective of the victim than the offender. It also could be argued that college students have taken courses that may have dispelled stereotypes of sex offenders and instead made sure that the students understand that anybody could be a sex offender. Future research also should provide more in-depth information about such cases, including legal standards and possible deliberation as a mock jury. Additionally, this study asked participants to respond individually to questions about a brief vignette that was not bound by legal standards.

Limitations notwithstanding, the present results are unique in that they call into question the long held understanding of the effects of attractiveness in the courtroom.

Indeed, sexual offenses seem to be viewed as a heinous crime and therefore attraction leniency may be moot. It is worth noting that participants reading the same scenarios who did not believe the crime constituted a sexual offense did show an attraction bias based on gender. This is especially interesting in that it appears not to be the facts of the case, but the understanding of the event as a sexual offense, that counters this attraction bias. Further research in this area is warranted as the present study demonstrated that in cases involving an accused sex offender, attractiveness and gender does not provide any advantage or disadvantage to the defendant. This is important to legal and psychology scholars as well as those making decisions within the courtroom to understand that the halo effect and attraction-leniency bias may not be found in cases where an individual is accused of a sex offense.

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