

RACISM AND SEXISM INFLUENCES ON SENTENCING DECISIONS

by

Megan Rose Udala

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The undersigned certify that they have read, and recommend to the College of Graduate Studies for acceptance, a thesis entitled:

Racism and Sexism Influences on Sentencing Decisions

Submitted by Megan Udala in partial fulfillment of the requirements of

The degree of Master of Arts.

Dr. Paul Davies, Psychology, Irving K. Barber School of Arts and Sciences

Supervisor, Professor (please print name and faculty/school above the line)

Dr. Maya Libben, Psychology, Irving K. Barber School of Arts and Sciences

Supervisory Committee Member, Professor (please print name and faculty/school in the line above)

Dr. Christine Schreyer, Anthropology, Community, Culture and Global Studies

Supervisory Committee Member, Professor (please print name and faculty/school in the line above)

Dr. Ilya Parkins, Gender and Women Studies, Community, Culture and Global Studies

University Examiner, Professor (please print name and faculty/school in the line above)

External Examiner, Professor (please print name and university in the line above)

July 12th, 2016

(Date submitted to Grad Studies)

Additional Committee Members include:

Please print name and faculty/school in the line above

Please print name and faculty/school in the line above

Abstract

There is a large body of research pertaining to sentencing decisions and the factors that affect it. This thesis investigates three factors: (a) race of the perpetrator (b) sex of the perpetrator and (c) the victim's relationship to the perpetrator. In Canada, Aboriginal offenders comprise 20% of the federal prison population and only 3% of the general population (Statistics Canada, 2012). Further, research suggests a sex difference in criminal sentencing, with males being convicted more often and for longer than their female counterparts (Auerhahn, 2007; Rodriguez, Curry, & Lee, 2006). In addition, the relationship of the victim to the perpetrator may also influence sentence length. For example, a woman in Canada who murders a non-relative child may receive a first-degree murder charge and a sentence of life in prison; however, if she murders her own child she may receive a lesser charge of infanticide and only five years in prison (R.S., c. C-34, s. 216). In this study, participants were randomly assigned to one of eight conditions where the perpetrator's race, sex, and relationship to the victim were manipulated. Participants were instructed to indicate a perceived seriousness rating of the crime and to allocate a sentencing decision. The results of this study suggested female First Nations perpetrators received a lower perceived seriousness rating for their crime if they murdered their own child, paralleling the leniency found with the Canadian infanticide law. The opposite was found for male First Nations perpetrators. Male First Nation perpetrators received a higher perceived seriousness rating for their crime if they murdered their own child. In addition, results for sentencing length showed females received a significantly shorter sentence length. Specifically, I found that a female First Nations perpetrator who murders her own child was treated more leniently than all other conditions for both seriousness ratings and sentence lengths. The findings of this study elucidate

the influential bias of race, sex, and victim relationship in sentencing decisions and contribute to understanding how the Canadian criminal justice system may be more equitable.

Preface

The Behavioural Research Ethics Board of the University of British Columbia's Okanagan Campus granted ethics approval for this research. The certificate approval number for the project is H14-03484. To date, the results of this study have not been published.

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Dedication

I would like to dedicate this piece of academic work to everyone involved in the rewarding path of research.

CHAPTER 1 Introduction

“...you wouldn’t think she’d do that, would you? That she’d take a kid out to sea and let it drown – you wouldn’t think a woman could do a thing like that?” – Agatha Christie (*And Then There Were None*)

Characteristics of a perpetrator such as sex, race, and physical attributes, all influence sentencing decisions. There is a large body of literature surrounding the topic of sentencing and the factors that affect it. I am investigating three separate factors that can impact sentencing decisions: (a) race of perpetrator, (b) sex of perpetrator, and (c) victim of the crime. For example, numerous studies throughout the world suggest Indigenous Peoples are severely over-represented in justice systems (Bachman, Alvarez, & Perkins, 1996). One hypothesis for this racial disparity is that the race of the defendant may be influential in courtroom decisions. In Canada, Aboriginal offenders comprise 20% of the federal prison population and only 3% of the general population (Statistics Canada, 2012). I hypothesize that this overrepresentation may partially be due to sentencing disparities.

Research also suggests that male offenders consistently receive longer sentences than their female counterparts across various crimes (Auerhahn, 2007; Rodriguez, Curry, & Lee, 2006; Steffensmeier & Demuth, 2006). Throughout the Western world, females are seen as less physically aggressive, less dangerous, and less likely to commit crimes (Collins, 2015; Russell, 2013). These beliefs extend from our social understanding of gender roles of what is acceptable behaviour for men and women (Armstrong, 1999; Broverman, Vogel, Broverman, Clarkson, & Rosenkrantz, 1972; Chesney-Lind, 1999; Grabe et al., 2006; Willemsen & van Schie, 1989). Being a violent criminal is considered very atypical for women in our society (Berrington & Honkatukia, 2002).

The victim of the crime may also influence sentencing decisions. For example, a crime may be perceived differently if it is perpetrated against a relative than a stranger. The only “gendered” crime in the Canadian Criminal Code is infanticide, which is when a mother murders her own child before their first birthday (R.S., c. C-34, s. 216). If a father murders his own child, he may receive a first-degree conviction. An infanticide conviction can result in a maximum of five years in prison, whereas a first-degree murder conviction can result in life in prison. That is, if a mother murders her own 11-month-old child, the maximum penalty would be five years in prison; however, if a mother murders her own 13-month-old child, or if a father murders his own child, the maximum penalty would be twenty-five years in prison.

1.1 Terminology

I will be utilizing several terms in this thesis I would like to define at the outset: race, ethnicity, and stereotype. In addition, I would like to define the terms Indigenous Peoples, Aboriginal Peoples, and First Nations as they are utilized in Canada.

1.1.1 Race, Ethnicity, and Stereotype definitions

Race refers to a person’s phenotypic characteristics (e.g., eye colour, skin tone, facial structure, physical stature, etc.), which presumes common genetic and biological markers (American Anthropological Association, 1998). Ethnicity refers to the heritage and culture one identifies with, which can include language, religion, or other area-specific practices, such as medical treatment practices, dietary regulations, artistic expressions, governance, housing and dwelling, childcare practices, etc.

People may develop certain beliefs or stereotypes about how a racial or ethnic group may behave. A stereotype can be defined as a concept in our mind of a particular group that is reinforced through social interaction; that is, when we learn about a group, we develop an

understanding of their behaviours and confirm our notions by more easily noticing consistent behaviours while dismissing inconsistent behaviours (Lippman, 1922). Because of this, stereotypes are often automatic cognitive processes, which help us make quick social categorizations. Many groups of individuals (including those of the target group) can identify stereotypic behaviours for groups, even if they do not endorse the stereotype themselves (Schater, Gilber, & Wegner, 2011).

1.1.2 Indigenous Peoples, Aboriginal Peoples and First Nations definitions

Indigenous Peoples in Canada refer to the first inhabitants of a particular area (Indian and Northern Affairs Canada, 2004). Aboriginal Peoples is utilized as an umbrella term, which includes three groups recognized by the Constitution of Canada: First Nations, Métis, and Inuit Peoples (Indigenous and Northern Affairs Canada, 2012). For a review of the history of terminology and contemporary uses, please see Friesen and Friesen (2002) and Satzewich and Wotherspoon (1993). In my thesis paradigm I utilized the term First Nations Peoples because this term carries the strongest stereotypes (see Brody, 1971); however, when referring to previous literature, I report the term utilized by the authors for consistency with previous data. Most stereotypes targeting Aboriginal Peoples in Canada are specific to First Nations, not Métis or Inuit (Macdonald, 2016; Satzewich & Wotherspoon, 1993). For example, First Nations Peoples in Canada have been associated with higher rates of alcohol use, poorer health statuses, higher rates of welfare usage and higher rates of crime (Haddock, Zanna, & Esses, 1994; Macdonald, 2016; Satzewich & Wotherspoon, 1993)

1.2 Canadian Aboriginals

As mentioned above, the term Aboriginal Peoples in Canada encompasses the First Nations, Métis, and Inuit (Indigenous and Northern Affairs Canada, 2012). Currently, 4% of the

Canadian population of 35 million identifies as Aboriginal, of which, 50% are First Nations. Aboriginal communities have had traumatic relationships with their colonizers (Caouette & Taylor, 2015). These communities were forced onto reservations where the land was often barren and arduous to work (Buckley, 1992). In addition, Aboriginal Peoples were introduced to a number of foreign diseases for which they had no immunity. These communities endured many hardships, including residential school systems and apathy from the Canadian government. As such, Aboriginal communities have become one of the most disadvantaged groups in Canadian society (Aikenhead 1996; Caouette & Taylor, 2015; Matthews & Smith, 1991).

1.2.1 Aboriginal Peoples and Government Relations.

Since the beginning of Canadian legislation in the 19th century, Aboriginal communities have had a prejudiced, difficult, and complex relationship with the government. The 1857 Act for the Gradual Civilization of the Indian Tribes and the 1859 Civilization and Enfranchisement Act asserted in racist tones that Aboriginal Peoples were uncivilized and needed to be encouraged to behave in a European fashion (Satzewich & Wotherspoon, 1993). Sociologists Satzewich and Wotherspoon (1993) argue that with the change in Canada's economy from the fur trade into industrial capitalism and private land ownership came the first land treaties with Aboriginal populations. In some cases, the individuals on both sides of the land treaties, held different views on what was included in the treaties, but the Aboriginal views were often dismissed. For example, provisions such as healthcare, education, and resources were either fulfilled nominally, or not at all.

Historically, the Canadian government has placed pressure on Aboriginal Peoples to assimilate. In 1876, the *Indian Act* was created as the first set of laws that regulated the lives of Canadian Aboriginal Peoples including governance, law administration, land, and membership.

The purpose of this document was to assimilate Canadian Aboriginal Peoples into society and have the federal government as “guardians” of Canadian Aboriginal Peoples (Harry, 2009, p. 11). The *Indian Act* was especially problematic for female Aboriginal Peoples as a woman, she could lose her rights if she married a non-Aboriginal. Bill C-31 attempted to remedy gender disparity and band governance issues (Holmes, 1987). Many scholars question the appropriateness of these documents because these labeling processes may be regarded as “necessarily aggravating the division and ‘differences’ created by the colonization process” (Cornet & Lendor, 2002, p. 16).

In 1969, “The White Paper” on Indian Policy sought to reduce ties with communities, impose taxation, eliminate land reserves and titles, dismantle treaties, and effectively squash Aboriginal cultures (Diabo, 2014). Aboriginal Peoples would be required to fold into mainstream society, be stripped of their rights, and have their land turned into private property. Aboriginal Chiefs in Alberta responded and fiercely opposed this bill. This bill was not officially enacted due to public concern, but in 1985 a secret report nicknamed Buffalo Jump, was released outlining further management of Aboriginal assimilation (Diabo, 2014; Turner, 2014).

Even in this decade, omnibus Bill C-45 altered environmental legislation that ultimately impacts Canadian Aboriginal Peoples today. Bill C-45 is a budget bill that passed quickly through parliament in 2012 introducing changes to over 60 Canadian acts and regulations (e.g., taxation, Aboriginal laws, environmental laws) (Government of Canada, 2012a; 2012b). Specifically, this bill changes the requirements of reserve land surrendering, necessitating only a simple majority of voters (i.e., majority of those who actually show up to vote) to make partial or complete land leases (Kirchhoff & Tsuji, 2014). This could reduce transparency and cause tension within bands and with the Canadian government. In addition, any environmental

assessments are now completed at the provincial level where fewer Aboriginal voices are heard because of the political structures.

The culmination of years of oppression by the government has caused significant impacts on Aboriginal Peoples' resilience in the face of cultural genocide (Truth and Reconciliation Commission of Canada [TRC], 2015). In an eloquent summation of these issues, Pamela Palmater (2015) writes in her chapter "Why are we Idle No More?" in *The Winter We Danced*:

The failure of Canada to share the lands and resources as promised in the treaties has placed First Nations at the bottom of all socio-economic indicators-health, lifespan, education levels and employment opportunities. While indigenous lands and resources are used to subsidize the wealth and prosperity of Canada as a state and the high-quality programs and services enjoyed by Canadians, First Nations have been subjected to purposeful, chronic underfunding of all their basic human services like water, sanitation, housing, and education (pp. 38-39).

Unfortunately, due the relationship between the Canadian government and Aboriginal Peoples, negative stereotypes of this group continue to exist and impact everyday lives.

Thankfully, many movements and groups have been created in response to these issues. The recently completed TRC outlined the stories of over 6,000 witnesses and sought to reconcile the impact of residential schools (TRC, 2015). The final report from the TRC includes calls of action to the government on areas such as education, language and culture, healthcare, justice, and others. The Idle No More Movement is designed to engage youth, find cultural meaning, establish rights, protect the environment, and encourage Aboriginal values to become intertwined in our democracy (Kinew, 2015). Indeed, the Aboriginal Peoples of Canada have shown remarkable resilience and strength despite remarkable challenges, especially in the past few

decades. Life expectancy has risen (Frideres & Gadacz, 2001), education levels are rising (Couture, Courture, & McGowan, 2013), and the economic environment is improving as bands negotiate with resource companies for sustainable, environmentally friendly, growth and development (Friesen & Friesen, 2002). Yet, relationships with the government are hardly perfect, and stereotypes of Aboriginal Peoples still persist because of societal pressures.

1.2.2 Aboriginal Marginalization.

One of the most impactful circumstances influencing Aboriginal communities was the introduction of residential schools (Friesen & Friesen, 2002). This is a dark chapter in Canadian history because Aboriginal people were forced to leave their homes to attend schools where abuse, neglect, suffering, and psychological stress were endured (Haig-Brown, 1988; Furniss, 1995; Milloy, 2008; Satzewich & Wotherspoon, 1993). From the early 1800's until 1996, approximately 100,000 Aboriginal children were taken from their families and required to attend a residential school in order for the Canadian government to “deal with the Indian problem” (Indian and Northern Affairs Canada, 1998; Royal Commission on Aboriginal Peoples, 1996; TRC, 2015). This separation included a suppression of culture, values, language, support, and many children experienced poor living conditions, second-rate education, physical, verbal, emotional, and sexual abuse (Aboriginal Healing Foundation, 2002; Indian and Northern Affairs Canada, 1998; Royal Commission on Aboriginal Peoples 1996; TRC, 2015; United Church of Canada, 1998).

While the Canadian government has attempted to right past wrongs by providing \$350 million over five years to help community-based healing strategies and has issued public apologies, many Aboriginal individuals continue to feel the scars (Indian and Northern Affairs Canada, 2004). Studies exploring the impact of residential schools in British Columbia report

that 93% of people still feel loneliness and abandonment, 91% report suppression and loss of language and culture, 90% have experience emotional or physical abuse, and 76% report low self-esteem, feelings of inferiority, and a lack of self-respect (Nuu-chah-nulth Tribal Council, 1996).

This marginalization has led to a serious racial discrimination in Canada, one that Maclean's deems to be worse than African-American discrimination in the United States (Gilmore, 2015). The Canadian government works to promote Canada as being a multicultural and accepting country, which makes these findings even more disturbing. For example, the education drop out rate for Aboriginals is 23% and only 8% for African-Americans. In addition, the incarceration rate for Aboriginals to the national average is 10 times, whereas the incarceration rate for African-Americans to the national average is 3 times. This racial disparity for Aboriginal Peoples in Canadian prisons has worsened in the past year; so much so that journalists now deem prisons as the "new residential schools" (Macdonald, 2016).

1.2.3 Aboriginal Peoples and Crime.

In Canada, Aboriginal convicts comprise 20% of the federal prison population and only 3% of the general population (Statistics Canada, 2012). According to Zimmerman (1992), Aboriginal offenders are overrepresented in Canadian federal prisons. Research suggests that Aboriginal offenders have higher rates of recidivism than non-Aboriginal offenders (Bonta, Rugge, & Dauvergne, 2003). Further, studies show female Aboriginal offenders are more likely than their White counterparts to serve sentences for violent offences (Blanchette, 1997) and female Aboriginal offenders are more likely to be suspected for a homicide (Moyer, 1992). Specifically, First Nations offenders are incarcerated for more violent crimes than individuals from Inuit and Métis groups (Moore, 2003). First Nations offenders have a longer, earlier, and

more extensive criminal involvement than Inuit and Métis offenders and present more need for substance abuse treatment than other Aboriginal and non-Aboriginal groups. Overall, the systemic discrimination and marginalization that Aboriginal offenders have faced, create a necessary call to action that culturally relevant programs should be available in Canadian correctional systems (TRC, 2015).

To date, the bulk of research focusing on discrimination in sentencing has been conducted on Hispanic and African-Americans (Demuth & Steffensmeier, 2004). In Canada, there are few methodologically sound studies concerning Aboriginal offenders and sentence lengths. As a result, conflicting results have been found among sentence length for Aboriginal offenders in comparison to their White counterparts (Pratt, 1998). In a study comparing sentence lengths for driving under the influence charges against Whites and Aboriginal offenders, results indicate that young Aboriginal offenders are treated more leniently than their young White counterparts; whereas, middle-aged Aboriginal offenders are treated harsher than their middle-aged White counterparts (Weinrath, 2007). More research is needed in this area to determine the source of this disparity (Roberts & Melchers, 2003).

Canadian crime statistics from 1978 to 2001 reveals that since 1978, Aboriginal admission rates to provincial correctional facilities are higher, but the trend has been nonlinear (Roberts & Melchers, 2003). The past few years have seen a decline in both White and Aboriginal admissions, with Aboriginal admissions decreasing at a slower rate. These Aboriginal findings are surprising given reports issued in the late nineties intended to reduce Aboriginal admission and sentences by instructing judges to consider other forms of punishment than prison (*R. v. Gladue*, 1999). Because of this disparity, the TRC (2015) outlined Justice as a call to action, including a reduction of the overrepresentation of Aboriginal Peoples in custody.

The Canadian government has made several recent efforts (i.e., Bill C-31, the TRC, the Gladue Report) to address the marginalization of Aboriginal people in Canada, and as such, programs and policies have been put into place to aid Aboriginal offenders. The Gladue report is one of these policies. The Gladue report emerged after a federal court case in British Columbia where a woman murdered her common law husband (*R. v. Gladue*, 1999). The trial judge considered her position as a young, single mother, and her lack of criminal record to lessen her sentence. Her Aboriginal status did not factor in the judge's decision for this case; however, the judge established the term "Gladue Report", deeming that an offender's Aboriginal background should be considered in future cases. Where appropriate, judges in Canada should consider conditional sentences or more restorative punishments for Aboriginal offenders because of the harsh circumstances they may have endured growing up. This report does not mean all Aboriginal offenders automatically receive less time, but that an offender's background and circumstances should be considered. This directly ties with the TRC (2015) call to action to have trial judges avoid mandatory minimum sentences and focus on conditional, restorative sentencing. A Canadian defense council can submit a Gladue report outlining an individual's life experiences to the judge before sentencing an Aboriginal offender.

A Gladue report can be compiled and then submitted during pre-sentencing or during a bail hearing for Aboriginal offenders under Section 718.2(e) of the criminal code. A judge will consider a method analysis of all the factors that may be impacting the offenders, especially damaging experiences pertinent to Aboriginal offenders. Judges and juries are instructed to consider non-custodial factors when sentencing Aboriginal offenders, regardless of reserve status, residence, or lifestyle. An outcome of a Gladue report for an offender, if the crime was minor in nature, may be an Aboriginal based restorative justice program. Ultimately, these

efforts by the government show that the marginalization of Aboriginal Peoples in Canadian society should be considered for sentencing decisions.

Many jurisdictions report difficulty in producing sound Gladue reports when representing an Aboriginal offender, as there are few cultural support resources available (Thompson, 2009). The Canadian courts revisited and upheld *R. v. Gladue* in 2012 during the *R. v. Ipeelee* (2012) case. It was found that judges were not considering Gladue reports for serious crimes, or if there was not a link established connecting their background to their crime.

1.3 Sentencing Factors

Regardless of the race/ethnicity of the perpetrator, judges or juries have many objective factors to consider when determining a sentence length. Aggravating (i.e., heinous characteristics of the crime that lead to a longer sentence) or mitigating (i.e., characteristics of the crime that lead to a lesser sentence) factors may be considered when sentencing an individual. Aggravating factors could include details of the crime such as: the aggression involved in hurting an individual, intoxication for driving infractions, or criminal actions against younger, more innocent victims, etc. If an aggravating factor is present, a judge or jury is warranted to provide a longer sentence. Mitigating factors could include details of the crime such as: potential coercion from another party, guilt or remorse of the crime displayed by the offender, or perpetrator background. If a mitigating factor is present, a judge or jury is warranted to provide a shorter sentence.

In the current study, the paradigm involves a manipulation of the perpetrator's relationship to the victim. To my knowledge, very little research has been done on the impact of victim relationship on judicial decisions. One archival study utilizing U.S. crime data, found no differences in conviction rates for murder defendants who were related to their victims and

murder defendants who are not related to their victims (Dawson & Langan, 1994). However, the relationship of perpetrator to victim is likely complex, especially when considering age.

The perpetrator's relationship to the victim becomes particularly important if a crime was perpetrated against a child. Many individuals may find criminal behaviour against a child to be extremely serious because of the innocence associated with childhood (Kleinfeld, 2012). Author Harper Lee wrote, "[it is] a sin to kill a mockingbird" (1960, pp. 98), meaning that the innocent should not be harmed. A study by Garvey (1998) involved interviewing 41 jury members in South Carolina for murder cases, and results indicated that the death penalty was more strongly endorsed when a murder was committed against a child. Murdering a child can thus be considered an aggravating factor; however, if a mother murders her own child, we may have more sympathy towards her if we consider postpartum, social, or cultural factors. The mother's circumstances could, in this situation, be considered a mitigating factor. This counter-intuitive hypothesis that we may be sympathetic towards a murderer can be drawn from our legal understanding of infanticide.

1.4 Infanticide

There are several ways to define the murder of a child. The general definition (not a specific legal jurisdiction definition) of Maternal filicide is the term for when a mother commits a homicide against her child. The general definition of Infanticide is a homicide against a child within the child's first year of life by a man or a woman. If a murder is committed within the first 24 hours of an infant's life, this behaviour is called a neonaticide. Females commit almost all neonaticides (Friedman & Resnick, 2007). Typically, the demographics of someone who performs a neonaticide include being young, unmarried, and having an unwanted pregnancy. In Resnick's (1969) review of maternal filicide, five themes are outlined as motives for this

behaviour: (a) altruistic filicide, a mother killing a child believing this is for the child's best interest, (b) acutely psychotic filicide, where command hallucinations may be involved, (c) fatal maltreatment filicide, where habitual abuse results in death, (d) unwanted filicide, where the child is seen as a hindrance, and (e) spousal revenge, to emotionally hurt the father of the child. Cultural and legal differences may lead to different motives for killing a child. For example, sex-killing may occur in countries that place more importance on one sex.

Infanticide is a behaviour observed across the globe since ancient times (Hutter, 1981; Lancy, 2015; Resnick, 1970). Infanticide may be performed to alleviate population stress, or to help control famine rates (Pitt & Bale, 1995). For example, Inuit groups in the far North, Yanomamo in South America, and the Betsileo of Madagascar, have noted times where infanticide served to ensure scarce resources could provide for the initial group, instead of introducing an added burden to care for the young (Kottak, 1994; Pitt & Bale, 1995). In the Kasena-Nankana region of Ghana, there are cases where a child is "born from the bush" and considered a spirit child (Denham, Adongo, Fredyberg, & Hodgson, 2010). These children are often suffering from an illness or disability and may die naturally, or the family may decide it is best for the collective to let the spirit child go. In some cultures, twins, infants with deformities, or infants believed to be demonic, are murdered for the believed betterment of their societies (Denham et al., 2010; Hutter, 1981; Pitt & Bale, 1995; Resnick, 1970; Wallace & Roberson, 1998). Gender may also influence infanticide, usually with a preference for male children (Hutter, 1981); however, anthropologists now note that in some cultures female children may be preferred (Clark, Colson, Lee, & Scudder, 1995). For example, in Japan, girls as a first-born child may be preferred in order to help with future male siblings (Harris, 1990). The overall prevalence of infanticide across the world is difficult to track because this type of crime is often

concealed, and the terminology varies (Ellonen, Kääriäinen, Lehti, & Aaltonen, 2015).

Data from the World Health Organization show that the Canadian infanticide rate from 1960 through 2009 has remained relatively stable at 3 per 100, 000 live births (Ellonen, Kääriäinen, Lehti, & Aaltonen, 2015). In the United States, this figure rose from 5 per 100, 000 live births in 1960 to approximately 8 per 100, 000 live births in 2009.

The legal and historical underpinnings of defining infanticide in Canada are complex. Many feminist legal scholars identify that infanticide and other similar charges, operate to control and regulate female sexuality and reproduction (Smart, 1992; Ward, 1999). According to Smart (1992), the original punishment in England for infanticide in the nineteenth century was death by hanging. As time passed, juries and judges became more lenient towards this type of crime, providing a less serious punishment because of the economic and social factors (e.g., servant women being impregnated by an employer) that mitigated this crime. It was at this time that this crime, and female criminality in general, became pathologized and linked to a biological origin. Indeed, many scholars cite that at the time it was believed a woman's deviance was rooted in her biological and bodily differences (O'Donovan, 1984; Osborne, 1987; Smart, 1992; Ward, 1999).

In Canada, the infanticide law was based upon English legal code, but ultimately developed as a way to secure convictions. It was found that many judges and juries were hesitant to convict a young woman (Kramar, 2005). Originally, charges of "concealment of birth" or "neglect" were applied to women suspected of a neonaticide before 1948 and the introduction of the infanticide law. These charges were utilized if murder charges were not successful.

The one crime in Canada that can be charged to females solely is infanticide. Created in 1948 and later revised in 1955 (Kramar, 2005), the infanticide law, section 233 of the Criminal

Code of Canada states, “A female person commits infanticide when by a willful act or omission she causes the death of her newly-born child, if at the time of the act or omission she is not fully recovered from the effects of giving birth to the child and by reason thereof or of the effect of lactation consequent on the birth of the child her mind is then disturbed” (R.S., c. C-34, s. 216). The amendment in 1955 provided clarification that the psychological disturbance criteria do not have to be proven beyond a reasonable doubt if the Crown can establish the crime was willful by act or omission (Kramar, 2005). In this way, infanticide is a mitigating factor to the murdering of a child, which would otherwise receive first or second-degree murder.

A tragic Canadian example occurred in 2010 in Calgary, Alberta. Meredith Borowiec was in her late twenties when she became pregnant three separate times, each time hiding it from her coworkers, friends, and her significant other. When she delivered the babies privately, she said that “something took over [her, and] it was like [she wasn’t] in control” (The Canadian Press, 2014). She would wrap her newly born infants in towels and dispose of them in nearby garbage dumpsters. The third and final time, her neighbours heard the baby’s cries and her boyfriend at the time rescued the infant, who later survived. Subsequently, she was investigated and confessed to murdering her first two newborn children in 2008 and 2009. She was charged and convicted with two counts of second-degree murder and one count of aggravated assault. These convictions were later reduced to infanticide where she received 18 months in jail.

This case is now receiving widespread media attention as the Albertan government is investigating the overuse of the infanticide defense and whether the punishment fits the crime (The Canadian Press, 2014). In Borowiec’s case, many believe that she was of right mind when she committed her offenses, thus eliminating the ability to use the infanticide defense because it requires a mental disturbance.

Another example in the United States in 2004 involved a mother and her 11-month-old daughter (Whitley, 2006). Dena Schlosser exhibited psychotic features the day after her daughter was born and attempted suicide. She was later diagnosed with bipolar disorder with psychotic features and was issued an order to not be alone with her children. Her condition worsened and she began having command hallucinations from God, believing that she needed to sacrifice her daughter. In a brief period of time between her husband leaving the home and her mother arriving for the day, she severed her infant daughter's arms with a knife. Authorities were alerted after a concerned day care center employee had phoned the police following an abnormal conversation with her that same morning. Because the United States does not have an infanticide code, Schlosser was found not guilty by reason of insanity and committed to North Texas State Hospital.

While both examples described are horrific and heartbreaking, they demonstrate the complex nature of this type of crime and the infanticide defense. In a large number of infanticide cases, women are aware of their wrongful actions (Hatters-Friedman & Resnick, 2009). These cases may involve cultural or social factors. For example, a study by D'Orban (1979) in Britain, found that only 26% of cases involved mental illness and that 60% of infanticide cases were committed to punish a father or to get rid of an unwanted infant. In contrast, conflicting results are found as many cases do involve serious mental illness. A study by Kauppi, Kumpulainen, Vanamo, Merikanto, and Karkola (2008) reported that 6 of 10 Scandinavian women who were convicted of murdering an infant had psychotic symptoms. Another study on filicidal women found that 52.7% were psychotic (Lewis & Bunce, 2003). Indeed, due to the nature of this type of crime the perpetrator's mental state must be considered.

1.5 Mental Illnesses and Crime

In order to be convicted of a crime in Canada, an individual must display both *actus reus* (guilty act) and *mens rea* (guilty mind). In order to have a guilty mind, an individual must have the knowledge and free will to be aware of their actions and subsequent implications. In Canada, if the court cannot establish *mens rea*, the individual may be considered not criminally responsible by reason of mental disorder (NCRMD) as outlined in Section 16 of the criminal code. Either the prosecution or the defense (whoever brings this issue forward) must prove this designation.

Receiving a NCRMD verdict often unsettles the public. Many view this ruling as a defendant being acquitted for their actions (Acorn, 2011; Chappell, 2010). The major misconceptions of the public surrounding NCRMD include: (a) that it is used by a large number of defendants, (b) that it is often successful when used, (c) that offenders are released, and (d) that these individuals are dangerous (Melton, Petrila, Poythress, & Slobgin, 1997). However, this is in contrast to the reality that this defense is rarely utilized and rarely successful when it is, and many offenders actually spend more time in a psychiatric facility than if there were found guilty of their crimes (Borum & Fulero, 1999). Infanticide resembles a middle ground between culpable homicide and an NCRMD verdict because it is still a guilty criminal verdict, yet there is an element of mental disturbance that must be proven.

Infanticide is inherently linked with mental illness and crime because the mitigation itself requires that the effects of birth or lactation cause a disturbed mind; however, in England it is noted that sometimes, significant mental illness is not present for all infanticide rulings (d'Orban, 1979). In addition, this leniency is not equally applied for sexes; fathers who display psychotic symptoms and murder a newborn are not eligible for this defense.

1.6 Research Paradigm and Hypotheses

This study examines the effect of sex, race, and victim type on sentencing decisions. By examining the influence of these characteristics, we can understand judicial bias and attitudes towards offenders. The results of this study elucidate attitudes towards criminals based on sex, race, and victim relationship. I hypothesized that First Nations Peoples would receive harsher punishment for the same crime than Whites, which may partially explain the overrepresentation of First Nations Peoples in the prison system. In addition, because of stereotypes of First Nations Peoples, I predicted their crimes would be considered more serious than their White counterparts. Further, I hypothesized that a sex difference would emerge, that females would receive shorter sentences, and their crimes would be considered less serious than their male counterpart's crimes. Finally, I hypothesized that a victim type difference would emerge similar to Canada's infanticide law. Individuals who murder their own child would receive shorter sentences and their crime would be considered to be less serious than if they murdered a nonrelative child.

Overall, this research is imperative in understanding judicial bias. The results from this study can specifically aid courts in reaching more equitable decisions and contribute to understandings about the new call to action from the Truth and Reconciliation Commission (2015). Further, the data can highlight racial bias and our awareness may help remedy this bias.

CHAPTER 2 Methods

2.1 Participants

Two hundred and nineteen participants (80 males and 139 females) voluntarily completed this study. All participants were undergraduates at The University of British Columbia's Okanagan campus who received course credit for their participation via the Department of Psychology's SONA Online research system. Participants were an average of 20.28 ($SD = 1.82$) years old and ranged from 18 years old to 31 years old. Their self-reported ethnicity was White ($n = 148$), First Nations ($n = 5$) Black ($n = 4$), Latino/a ($n = 1$), Asian ($n = 40$), or "other" ($n = 21$). If participants selected other, they were required to fill in their self-reported ethnicity that was not listed (listed in Appendix A).

In order to have their data included in the study, participants were required to pass three manipulation checks to ensure their attention during participation. These questions involved asking the participant to correctly report the perpetrator's sex, race, and relationship to the victim. Overall, 219 of 271 participants passed the manipulation checks, and as such, their data was included in the analyses.

2.2 Measures

This study utilized a battery of individual differences measures as covariates: (a) the Ambivalent Sexism Inventory (b) Right-Wing Authoritarian Scale (c) Social Dominance Orientation Scale (See Appendix C for questionnaires). These measures were included to control for the individual differences in sexism and contemporary racism. In addition, the Big Five Personality Inventory was utilized as filler items to disguise the actual covariate measures (See Appendix C for questionnaires).

2.2.1 Ambivalent Sexism Inventory.

The 22-item Ambivalent Sexism Inventory (ASI; Glick & Fiske, 1996) was employed in this study. Subscales of this measure include: Benevolent sexism (BS) was measured utilizing items 1, 6, 8, 9, 12, 13, 17, 19, 20, 22, (e.g., “Women should be cherished and protected by men”) and hostile sexism (HS) was measured utilizing items 2, 4, 5, 7, 10, 11, 14, 15, 16, 18, 21, (e.g., “Most women fail to appreciate fully all that men do for them”). Answers were reported on a 5-point likert scale from 1 (*Disagree Strongly*) to 5 (*Agree Strongly*).

2.2.2 Right-Wing Authoritarian Scale.

A 15-item version of the Right-Wing Authoritarian Scale (RWA; Altemeyer, 1998; Zakrisson, 2005) was utilized in this study to measure traditionalism, conventionalism, and authoritarian submission (Ekehammer, Akrami, Gylje, & Zakrisson, 2005). Higher scores on this scale are correlated with authority submission and negative intergroup attitudes (Altemeyer, 1998). Example items from this scale include: “Our country needs a powerful leader, in order to destroy the radical and immoral currents prevailing in society today,” “There are many radical, immoral people trying to ruin things; the society ought to stop them,” and a reversed scored item example: “It is better to accept bad literature than to censor it.”

2.2.3 Social Dominance Orientation Scale.

The 16-item Social Dominance Orientation Scale (SDO; Pratto et al., 1994) was employed in this study to understand participant beliefs regarding certain groups having control in society. More specifically, this scale evaluates a participant’s desire for inequality between social groups. Items on this scale are scored on a 7-point likert scale from 1 (*Strongly Disagree*) to 7 (*Strongly Agree*). Example items include: “Some groups of people are simply inferior to

other groups,” “Sometimes other groups must be kept in their place,” and a reverse scored item example: “No group should dominate in society.”

The combination of SDO and RWA create a total score that represents a participant’s contemporary racism beliefs and research has shown this total has a strong predictive validity (Altemeyer, 1998; Pratto, Sidanius, & Levin, 2006; Sidanius, Feshbach, Levin, & Pratto, 1997; Whitley, 1999).

2.2.4 The Big Five Personality Inventory.

The 44-item Big Five Personality Inventory (BFI; John & Srivastava, 1999) measures an individual’s level on the five-factor personality model (Openness, Conscientiousness, Extraversion, Agreeableness, Neuroticism). This scale was included as filler items to divert participant attention from the main focus of this study in order to reduce the possibility of participants attempting to guess the hypotheses and alter their responses.

2.2.5 Dependent Measures.

Participants were asked to read a vignette and after reading the vignette, participants reported a perceived seriousness rating from 1 (*Not serious*) to 100 (*Extremely serious*) and sentence length from 0 (*Acquittal*) to 25 (*Life in prison*).

2.3 Procedure

There were two parts to this study; Part A consisted of a battery of psychological measures and Part B contained a vignette depicting the murder of a child (manipulating the sex, race of the perpetrator, as well as the perpetrator’s relationship to the victim), a manipulation check, a seriousness of the crime rating, a sentencing decision, and a demographic questionnaire. First, participants were instructed to complete Part A of the study. Participants were provided with a consent form (See Appendix D) describing the procedures, purpose, and researcher

contact information to indicate informed voluntary participation. This included a battery of questionnaires: the ASI (Glick & Fiske, 1996), the RWA (Altemeyer, 1988), the SDO (Pratto et al., 1994), and the BFI (John & Srivastava, 1999). These questionnaires were completed as an online survey via Qualtrics. Qualtrics is an online survey system that enables researchers to create highly sophisticated survey-based studies (Qualtrics Lab Inc., 2005). Following this, participants were debriefed and provided with information to complete Part B one to two weeks later. This was done to ensure participants were not primed from completing socially charged questionnaires before reading the vignette.

Once participants had completed Part A, they were emailed a web-link that enabled them to complete Part B of the study. Upon accessing the link, they were again provided another study consent form (See Appendix D). Participants were informed of the potential disturbing nature of the vignette they were required to read in the consent form. I indicated to participants they would be reading an article depicting a crime; however, the contents were no more disturbing than articles found from a news source. If the participant agreed to complete Part B of the study, they were randomly assigned to read one of eight vignettes depicting details of an individual convicted of murdering a child. The vignette described the sex of the perpetrator (i.e., female/male), the race of the perpetrator (i.e., First Nations/White), and the relationship of the perpetrator to the victim (i.e., neighbour/relative). After reading the vignette, participants were asked to indicate the sentence length they would grant for the offender and answer several questions about the offender (seriousness of their crime) (See Appendix E). In addition, participants were asked to indicate the sex of the perpetrator, the race of the perpetrator, and the relationship of the toddler victim to the perpetrator, as presented in the scenario. These final three questions served as a manipulation check to ensure that participants are aware of the

manipulated demographics and information essential to the study.

Finally, participants were asked about their own demographics (See Appendix F). In addition, participants were asked to indicate what they thought the hypotheses of the study were and to provide any comments on the study. If a participant explicitly stated the hypotheses, there data may have been excluded from analyses; however, no participants correctly outlined consistent hypotheses. The results of these questions were utilized to determine if any participants had encountered any problems. Participants were then thanked and provided with the debriefing form on screen. This debriefing form explained the purpose of the study, provided contact information if they had any further questions, and thanked them for their time. A copy of the debriefing form used in this study is provided in Appendix G.

2.4 Design

Participants were asked to read a vignette (see Appendix B for all eight vignettes) that described the murder of a toddler by an individual with a pilot-tested unisex and multicultural name (Dakota Jobb). This name was selected by personal choice through a list of most common Aboriginal People's names (Noskye, 2009). The results of this pilot data are presented in Tables 1 through 4.

This study employed a 2 (Perpetrator Sex: female/male) x 2 (Perpetrator Race: First Nations/White) x 2 (Relationship: Neighbour/Relative) between-subjects design. The perpetrators sex (female vs. male), race (First Nations vs. White), and relationship with the toddler victim (neighbour vs. relative) were manipulated for a total of 8 possible conditions. Participants were randomly assigned to read one of the eight vignettes depicting the crime.

The dependent variables of this study were perceived seriousness of the crime from 1 (*Not at all*) to 100 (*Extremely*) and sentence length from 0 (*Acquittal*) to 25 (*Life in prison*).

CHAPTER 3 Results

3.1 Data Analyses

Analyses of Covariances (ANCOVAs) were run on each dependent variable (seriousness and sentence length) and follow up exploratory complex nested contrasts were also run. Covariate measures (RWA, SDO, BS, and HS) were accounted for in analyses, however, all were non-significant. The covariates were still included in the analysis for a more conservative test of the hypotheses. In addition, I compared male and female participant data and no differences were found across any dependent variables. Therefore, sex of the participant will not be discussed in further analyses. With a larger and more diverse sample, future studies may be able to address the influence of participant race on seriousness of crime rating and sentence length.

3.1.1 Dependent Variable Seriousness

A three-way ANCOVA was run on Perpetrator Sex, Perpetrator Race, and Perpetrator Relationship. The findings from the data suggest a significant main effect for Perpetrator Race $F(1, 207) = 5.40, p = .021$ partial $\eta^2 = .03$ and a significant Perpetrator Sex by Perpetrator Relationship interaction for perceived seriousness of the crime $F(1, 207) = 5.95, p = .016$, partial $\eta^2 = .03$ (see Table 5). However, both these findings are qualified by a marginally significant three-way interaction $F(1, 207) = 3.01, p = .084$, partial $\eta^2 = .01$ (see Table 5). The mean ratings for perceived seriousness are presented in Table 6. Based on these mean ratings, I wanted to examine First Nations Perpetrators specifically.

A two-way ANCOVA examining Perpetrator Relationship by Perpetrator Sex for only the First Nations Perpetrator Race revealed a significant interaction $F(1, 108) = 7.764, p = .01$, partial $\eta^2 = .07$ (see Table 7). The mean ratings for perceived seriousness for First Nations

Perpetrator are presented in Table 8. Based on these mean ratings, I wanted to examine specific sex differences within First Nations perpetrators who murder their own child. This identified if participants have more sympathy for females who murder their own child versus males who murder their own child (i.e., an infanticide defense).

To do this analysis, I conducted a one-way ANCOVA to compare Perpetrator Sex for those who murder their own child (Perpetrator Relationship). A significant difference was found between groups $F(1, 54) = 4.80, p = .033$, partial $\eta^2 = .08$ (see Table 9). Specifically, female First Nations Perpetrators received a lower perceived seriousness rating for their crime ($M = 86.05$, 95% CI [78.95, 93.15]) than their male First Nations counterparts ($M = 97.02$, 95% CI [90.16, 103.87]). Thus, the participants did show leniency for female First Nations Perpetrators in comparison to male First Nations Perpetrators for murdering their own children. This is in line with the infanticide code of Canada as it can only be applied to female offenders.

I also conducted a one-way ANCOVA to compare Perpetrator Sex among First Nations perpetrators who murder a neighbour (Perpetrator Relationship). A non-significant difference was found between groups $F(1, 50) = 2.32, p = .13$, partial $\eta^2 = .04$ (see Table 10). Mean ratings indicated that female First Nations Perpetrators received a higher perceived seriousness rating for their crime ($M = 95.50$, 95% CI [89.89, 101.01]) than their male counterparts ($M = 89.26$, 95% CI [83.44, 95.07]). Thus, these means show that participants perceived the crime of murdering a neighbour's child (Perpetrator Relationship) as more serious for a female than a male, but this difference was non-significant.

To further tease apart the infanticide defense for female First Nations Perpetrators, I was also interested in examining relationship differences. Specifically, I wanted to examine leniency effects for a mother if she murders her own child versus a neighbour, (i.e., non-relative child). I

conducted a one-way ANCOVA to compare Perpetrator Relationship for female First Nations Perpetrators. A marginally significant difference was found between groups $F(1, 52) = 3.30, p = .075$, partial $\eta^2 = .06$ (see Table 11). Specifically, female First Nations Perpetrators who murdered their own child received a lower perceived seriousness rating for their crime ($M = 86.60$, 95% CI [78.33, 93.28]) than if they murdered a neighbour child ($M = 95.54$, 95% CI [88.07, 103.01]). This would suggest that people might support the infanticide defense for female First Nations Perpetrators.

I also wanted to examine how perceptions of the seriousness of a crime were influenced if a male murdered his own child. I conducted a one-way ANCOVA to compare Perpetrator Relationship for male First Nations Perpetrators. A significant difference was found between groups $F(1, 52) = 4.93, p = .031$, partial $\eta^2 = .09$ (see table 12). Specifically, male First Nations Perpetrators who murdered their own child received a higher perceived seriousness rating for their crime ($M = 97.39$, 95% CI [92.32, 102.50]) than if they murdered a neighbour child ($M = 89.04$, 95% CI [83.60, 94.50]). This suggests that participants perceive the crime as more serious if a First Nations Perpetrator father murders his own child, in direct contrast to a female First Nations mother murdering her own child.

This effect only existed for First Nations Perpetrators, not White Perpetrators. I conducted a two-way ANCOVA to compare Perpetrator Relationship by Perpetrator Sex for White Perpetrators. A non-significant interaction was found $F(1, 95) = .042, p = .838$, partial $\eta^2 = .00$ (see table 13), suggesting that for White Perpetrators, the infanticide defense is not intuitively considered by participants. The mean ratings for perceived seriousness for White Perpetrator are presented in Table 14.

The above results involve separating race conditions, however, at the core of the

infanticide defense is a gender bias. It is prudent to examine how race and relationship impact perceived seriousness ratings for each gender. Looking first at female Perpetrators, I conducted a two-way ANCOVA to compare Perpetrator Relationship by Perpetrator Race. A non-significant interaction was found $F(1, 108) = 1.05, p = .308$, partial $\eta^2 = .010$ (see table 17). However, there was a marginally significant main effect of Perpetrator Relationship $F(1, 108) = 3.58, p = .061$, partial $\eta^2 = .032$. The mean ratings for perceived seriousness for female Perpetrators are presented in Table 18. For male Perpetrators, I conducted a two-way ANCOVA to compare Perpetrator Relationship by Perpetrator Race. A non-significant interaction was found $F(1, 95) = 2.67, p = .106$, partial $\eta^2 = .027$ (see table 15). However, there was a marginally significant main effect of Perpetrator Race $F(1, 95) = 3.49, p = .065$, partial $\eta^2 = .035$. The mean ratings for perceived seriousness for male Perpetrators are presented in Table 16. These results suggest that for male Perpetrators, the race impacts the perception of the crime, and for female Perpetrators, the relationship to the victim impacts the perception of the crime.

The particular combination of traits (a female First Nations mother) in a perpetrator appeared to evoke a significantly different and less severe response from participants. Because of this, I ran an exploratory complex nested contrast between First Nations females who murder their own child and the other seven conditions. Results indicated that this particular perpetrator was significantly different from all other conditions $t(211) = 3.07, p = .002$. More specifically, when a female First Nations Perpetrator murders her own child, participants view this as less serious than if committed by a different perpetrator, regardless of whether that perpetrator kills their own child or a non-relative. This data will be particularly meaningful if we find a parallel result with the sentence length decision. This will further corroborate the idea that this particular combination of perpetrator characteristics (a female, First Nations, mother to the child victim)

evokes a certain feeling and response among participants.

3.1.2 Dependent Variable Sentence Length

In addition to running seriousness as the dependent variable, I also ran analyses on sentence length. There were no significant three-way or two-way interactions (see Table 19). The findings from the data do indicate a significant sex difference for sentence length $F(1, 207) = 8.98, p = .003$, partial $\eta^2 = .04$ (see Table 19). Specifically, individuals who were presented with a vignette indicating that the perpetrator was female rendered a shorter sentence ($M = 18.25$), than if the perpetrator was male ($M = 21.08$). Mean sentence lengths for each of the conditions (Sex x Race x Relationship) are presented in Table 20. Despite there being no significant interactions in the above analysis, I wanted to test whether a female First Nations who murders her own child would be treated significantly differently than the other seven conditions for sentencing data, which would replicate the seriousness finding.

As found with seriousness, female First Nations who murder their own child presented a unique case for participants because they had the lowest mean sentence length. An exploratory complex nested contrast was run to determine if the same First Nations female murdering her own child condition was significantly different from the other seven cells. Results indicated that this condition was different from the other seven, $t(211) = 3.35, p = .001$. Indeed, this particular combination of traits seems to be seen as a less serious/punishable crime. Participants appear to think this type of perpetrator commits a less serious crime, deserving of less time. This particular rating mimics our societal understanding of infanticide, yet carries a longer sentence length than recommended in the criminal code.

CHAPTER 4 Discussion

4.1 Explanation of Findings

The results of this study are promising, and to my knowledge, are ground-breaking for this area. Exploratory findings suggested an interesting bias for First Nations perpetrators dependent on sex, and relationship to the victim. In regards to perceived seriousness, I found female First Nations Perpetrators received a lower perceived seriousness rating when they murdered their own child, whereas the opposite was true for male First Nations perpetrators. These results were not found for White perpetrators, showing that race impacts the perception of the crime dependent on perpetrator sex and perpetrator relationship to the victim. In addition, while there were no significant interactions between perpetrator race and perpetrator relationship to the victim for males and females, there was a marginally significant racial difference for male perpetrators and marginally significant relationship difference for female perpetrators. Male First Nations perpetrators received a higher perceived seriousness rating if they murdered their own child; whereas female perpetrators received a higher perceived seriousness rating if they murdered a neighbour. These findings demonstrate a parallel between Canada's current conceptions of infanticide. This study is just scratching the surface regarding societal beliefs on infanticide, but I am extremely encouraged by these results and hope to follow up these findings.

In regards to sentence length, results were consistent with previous literature and my hypothesis regarding sex differences. Results indicated a significant difference between the sex of the perpetrator and recommended sentence length (Auerhahn, 2007; Rodriguez, Curry, & Lee, 2006; Steffensmeier & Demuth, 2006). More specifically, regardless of race, females received a significantly shorter sentence length. Otherwise, the data for the sentence length dependent variable was less interpretable than the perceived seriousness of the crime rating. This could be

because participants are unfamiliar with standard Canadian sentencing practices, whereas rating the seriousness of a crime is easier to understand and interpret.

I also found that the particular condition of a female First Nations Perpetrator who murders her own child was unique compared to all seven cells for both dependent variables. Participants provided a significantly lower perceived seriousness rating and a significantly lower sentence length. This combination of traits seems to evoke a consistent response among participants.

These findings are particularly interesting, considering they were not paralleled for White perpetrators. The infanticide defense was most pronounced for female First Nations perpetrators. This may be because participants are more discriminatory with their beliefs about sex and victim relationship for First Nations perpetrators because of Canadian stereotypes. More specifically, with the TRC (2015) call to actions, First Nations women's rights are strongly being advocated for and our sample of undergraduates may be aware of this call for equity. An alternative explanation could be that participants, given that the majority were Caucasian, may have been angry and shocked that a White perpetrator committed this offense because they may expect "better behaviour" from their racial in group. These speculations about the etiology of participant attitudes should be further examined in future studies to better understand why my hypotheses were partially supported.

My hypotheses were partially supported through these findings. I hypothesized First Nations Peoples would receive harsher punishment for the same crime than Whites; however I found that First Nations Peoples actually received a lower perceived seriousness rating. I hypothesized that a sex difference would emerge, and I did find, consistent with previous data, that females received a lesser sentence and seriousness rating. Finally, I hypothesized that a

victim type difference would emerge similar to Canada's infanticide law. This hypothesis was partially supported, as it was true for First Nations female perpetrators, but was the opposite for male First Nations perpetrators and did not follow a pattern for White perpetrators.

The covariates in our analyses were all non-significant. I expected to find that the combination of RWA and SDO to influence seriousness ratings and sentencing decisions because we manipulated the race of the Perpetrator. In addition, I also expected that BS specifically would influence seriousness ratings and sentencing decisions because we manipulated the sex of the Perpetrator. It is possible that because these are explicit measures of racism and sexism, participants were faking good in this study and their scores on these measures did not accurately reflect their feelings. In addition, perhaps these factors are not influential when people perceive a crime and make decisions about sentencing. Perhaps it is more important what the crime is or whom the crime is against and people's prejudices are less influential. Future research should examine the influence of personality characteristics and prejudices and how they interact with perceptions of various crimes. In addition, to account for the potential "faking good" of participants, future research should include an implicit measure of prejudicial attitudes or an objective measure to better understand the etiology of participant's beliefs.

The results of this study can be interpreted in two ways. First, the findings could be the result of the participant demographics. Although there were no participant gender differences, running future studies on a more diverse sample may reveal racial differences. The findings in the present study may be in part due to the political correctness of the sample. The participants all came from a fairly liberal, Western university. Given their exposure to current event issues, many may be aware of the stigma and marginalization of First Nations populations (Brody, 1971). This would ultimately result in a lower sentence length and a lower seriousness rating for

First Nations perpetrators because participants are compensating for perceived discrimination. Second, the results could stem from our social expectations and understanding of stereotypes. In contrast to political correctness, participants in this study may have given lower perceived seriousness and sentence lengths to First Nations perpetrators because they were less shocked by a First Nations perpetrator committing this type of crime. More specifically, participants may have expected the commission of this type of crime by a First Nations perpetrator, whereas they were shocked and angered if a White perpetrator committed this type of crime. As Moore (2003) found, First Nations offenders are incarcerated for more violent crimes than Inuit and Métis groups, and perhaps this stereotype influenced people's perception of the crime. Further, participants may have perceived murdering a child as a "gendered" crime and therefore less shocking to the participant if a female perpetrator committed it. This would result in a lower sentence for female offenders. It is important to note that the above rationalizations are only two possible explanations and are certainly not exhaustive.

4.2 Limitations and Future Directions

While there are several important conclusions that can be drawn from this study, and the results suggest bias exists in regards to this type of crime, these results should be interpreted with caution because this study is not without its limitations.

The generalizability of these results was seriously compromised due to the sample. Selecting undergraduate psychology students is often a convenient data collection method, yet it is hardly representative of the general population based on several demographic variables (e.g., age, social economic status, etc.). This study is a first foray into this area and it is imperative to test attitudes across a variety of participant groups including different ages, races, and locations.

In the present study, participants were not provided with guidelines for sentencing or an explanation of the Gladue report. This may have influenced the interpretability of the dependent variable sentence length. Without proper guidelines on sentencing procedures, participants are left to try to arbitrarily apply a sentence. Future studies can test how providing an explanation of sentencing, and the Gladue report in particular, may affect results. For example, subsequent studies should provide participants with a Gladue report for the perpetrator and see if that impacts sentencing decisions and seriousness ratings. Future studies should also manipulate the applicability of the Gladue report to understand how individuals factor it into their decision-making.

Participants were also not provided with the legal definition of infanticide. Future research should delve into the differences between the age criteria of infanticide. Previous research has demonstrated that a murder against a child is considered more serious than an adult (Garvey, 1998; Kleinfeld, 2012). In this particular study, I identified the victim as a two-year old, which would technically not fall under the infanticide legal code. Future studies could manipulate the age of the victim and the presentation of the Canadian infanticide law to better understand society's beliefs surrounding infanticide. For example, would the crime be perceived as more serious if it was against a six-month-old versus a seven-year-old? Would we still find similar results if participants were presented with Canadian infanticide guidelines?

The Canadian infanticide law also presumes a mental illness component; consequently, it would be prudent to examine the influence of mental illness and its impact on the infanticide defense. Specifically, the infanticide law dictates it must be demonstrated that a woman had not recovered from the effects of childbirth at the time of her crime. Many individuals may automatically assume mental illness if such a malicious crime is committed against a child. In the

present study, despite stating in the vignette the perpetrator had no history of mental illness, some individuals may have still considered this as a factor. There were no opportunities for a participant to explain what aggravating or mitigating factors influenced their decisions. For some, mental illness may have been an aggravating factor, and for some it may have been a mitigating factor. Future studies should present individuals with the infanticide definition and an NCRMD definition to see how these guidelines influence the interpretation of a crime.

In sum, to the best of my knowledge, this paradigm is the first to explore how race, sex, and victim relationship may impact sentencing decisions. In this study, participants were not provided with an explanation of the Gladue report, mental illness, or a legal definition of infanticide. Perhaps introducing participants to these concepts would influence their beliefs and behaviours. There are a variety of avenues that need to be explored in the future to build off this initial research paradigm.

4.3 Implications and Conclusions

This study examined three factors that influence sentencing decisions: (a) perpetrator sex (b) perpetrator race and (c) victim of the crime. The results of this study highlighted bias that can impact the evaluation and sentencing of a perpetrator. Specifically, female First Nations offenders who murder their own children present a unique case, resulting in a less serious/less punishable view. The conclusions and implications of these results are profound for an interdisciplinary understanding of racism and sexism on sentencing decisions for the crime of infanticide. To my knowledge, no studies of this nature have been conducted in this manner on this particular subject and the goal of future studies should be to further tease apart our attitudes towards this particular crime.

As discussed, there is currently a disparity in the incarceration rate of Aboriginal

offenders in the Canadian criminal justice system (Statistics Canada, 2012). It is of utmost importance to Canadian society that this disparity is understood and remedied. The current body of literature surrounding Aboriginal offenders and sentence length is in need of more research (Roberts & Melchers, 2003). In addition, the Canadian infanticide legal code is currently receiving more media attention as a lower-level court appealed to a higher Canadian court for a review of the term (The Canadian Press, 2014); however, the appeal was overturned and the law remains the same as of March 24th (The Canadian Press, 2016). The goal of future research will be to identify attitudes and stereotypes towards Aboriginal offenders, as well as understand the impact of mental illness and victim age on infanticide sentencing.

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Tables

Table 1

Percentage of perceived sex for the name “Dakota”

Sex	Percentage
Female	11.4
Male	12.2
Either	76.4

Note. Numbers are percentages of participants indicating the sex of the name Dakota

Table 2

Percentage of perceived ethnicity for the name “Dakota”

Ethnicity	Percentage
White	14.6
First Nations	13.8
Either	71.5

Note. Numbers are percentages of participants indicating the ethnicity of the name Dakota

Table 3

Percentage of perceived ethnicity for the family name “Jobb”

Ethnicity	Percentage
White	51.2
First Nations	3.3
Either	45.5

Note. Numbers are percentages of participants indicating the ethnicity of the name Jobb

Table 4

Percentage of perceived ethnicity for the name “Dakota Jobb”

Ethnicity	Percentage
White	28.5
First Nations	6.5
Either	65.0

Note. Numbers are percentages of participants indicating the ethnicity of the name Dakota Jobb

Table 5

Test of Between-subjects effects: SPSS Output ANCOVA (Perceived seriousness of the crime)

Variable	<i>df</i>	<i>F</i>	<i>M</i> ²	<i>Sig.</i>	<i>n</i> ²
RWA	1	.46	91.01	.50	.002
SDO	1	.14	27.08	.71	.001
BS	1	1.02	201.29	.32	.005
HS	1	1.53	303.16	.22	.007
Sex	1	1.48	294.10	.23	.007
Race	1	5.40	1071.40	.02	.025
Relation	1	.33	65.91	.57	.002
Sex * Race	1	.006	1.27	.94	.000
Sex * Relation	1	5.94	1179.86	.02	.028
Race * Relation	1	.03	4.96	.88	.000
Sex * Race * Relation	1	3.00	597.16	.08	.014

Note. Right Wing Authoritarian Scale (RWA), Social Dominance Orientation (SDO), Benevolent Sexism Scale (BS), Hostile Sexism Scale (HS), are utilized as covariates.

Table 6

Mean perceived seriousness rating

Sex	Race	Relation	<i>M</i>	<i>Std. Error</i>
Female	First Nations	Neighbour	95.22	2.64
		Own	86.17	2.64
	White	Neighbour	96.85	2.51
		Own	93.93	2.81
Male	First Nations	Neighbour	89.50	2.73
		Own	96.92	2.54
	White	Neighbour	97.57	2.68
		Own	97.63	3.44

Note. Perceived seriousness rating was from 0 (Not at all serious) to 100 (Extremely serious)

Table 7

Test of Between-subjects effects for First Nation Perpetrators: SPSS Output ANCOVA

(Perceived seriousness of the crime)

Variable	<i>df</i>	<i>F</i>	<i>M</i> ²	<i>Sig.</i>	<i>n</i> ²
RWA	1	.181	50.93	.67	.002
SDO	1	.573	161.67	.45	.005
BS	1	496.2	496.20	.19	.016
HS	1	260.06	260.06	.34	.008
Sex	1	.597	168.30	.44	.005
Relation	1	.066	18.65	.80	.001
Sex * Relation	1	7.76	2188.82	.01	.067

Note. Right Wing Authoritarian Scale (RWA), Social Dominance Orientation (SDO), Benevolent Sexism Scale (BS), Hostile Sexism Scale (HS), are utilized as covariates.

Table 8

Mean perceived seriousness rating for First Nations Perpetrators

Sex	Relation	<i>M</i>	<i>Std. Error</i>
Female	Neighbour	95.62	3.15
	Own	85.85	3.14
Male	Neighbour	89.07	3.26
	Own	97.24	3.04

Note. Perceived seriousness rating was from 0 (Not at all serious) to 100 (Extremely serious)

Table 9

Test of Between-subjects effects for First Nation Perpetrators murdering their own child by sex:

SPSS Output ANCOVA (Perceived seriousness of the crime)

Variable	<i>df</i>	<i>F</i>	<i>M</i> ²	<i>Sig.</i>	<i>n</i> ²
RWA	1	.20	71.58	.65	.004
SDO	1	.001	.28	.98	.000
BS	1	1.76	616.41	.19	.032
HS	1	.45	.45	.51	.008
Sex	1	4.80	4.80	.03	.082

Note. Right Wing Authoritarian Scale (RWA), Social Dominance Orientation (SDO), Benevolent Sexism Scale (BS), Hostile Sexism Scale (HS), are utilized as covariates.

Table 10

Test of Between-subjects effects for First Nation Perpetrators murdering a neighbour by sex:

SPSS Output ANCOVA (Perceived seriousness of the crime)

Variable	<i>df</i>	<i>F</i>	<i>M</i> ²	<i>Sig.</i>	<i>n</i> ²
RWA	1	2.17	472.12	.15	.042
SDO	1	1.72	373.86	.20	.033
BS	1	.05	11.28	.82	.001
HS	1	.33	71.37	.57	.007
Sex	1	2.32	504.10	.13	.044

Note. Right Wing Authoritarian Scale (RWA), Social Dominance Orientation (SDO), Benevolent Sexism Scale (BS), Hostile Sexism Scale (HS), are utilized as covariates.

Table 11

Test of Between-subjects effects for female First Nation Perpetrators by relation: SPSS Output

ANCOVA (Perceived seriousness of the crime)

Variable	<i>df</i>	<i>F</i>	<i>M</i> ²	<i>Sig.</i>	<i>n</i> ²
RWA	1	.00	.00	.10	.000
SDO	1	.01	3.72	.92	.000
BS	1	.91	352.50	.35	.017
HS	1	.58	224.21	.45	.011
Relation	1	3.30	1284.61	.08	.060

Note. Right Wing Authoritarian Scale (RWA), Social Dominance Orientation (SDO), Benevolent Sexism Scale (BS), Hostile Sexism Scale (HS), are utilized as covariates.

Table 12

Test of Between-subjects effects for male First Nation Perpetrators by relation: SPSS Output

ANCOVA (Perceived seriousness of the crime)

Variable	<i>df</i>	<i>F</i>	<i>M</i> ²	<i>Sig.</i>	<i>n</i> ²
RWA	1	.85	163.83	.36	.016
SDO	1	1.2	230.42	.28	.023
BS	1	.52	99.94	.47	.010
HS	1	.18	33.76	.68	.003
Relation	1	4.93	947.37	.03	.087

Note. Right Wing Authoritarian Scale (RWA), Social Dominance Orientation (SDO), Benevolent Sexism Scale (BS), Hostile Sexism Scale (HS), are utilized as covariates.

Table 13

Test of Between-subjects effects for White Perpetrators: SPSS Output ANCOVA (Perceived seriousness of the crime)

Variable	<i>df</i>	<i>F</i>	<i>M</i> ²	<i>Sig.</i>	<i>n</i> ²
RWA	1	.550	57.39	.46	.006
SDO	1	1.33	138.65	.25	.014
BS	1	.566	58.96	.45	.006
HS	1	.301	31.54	.59	.003
Sex	1	.445	46.46	.50	.005
Relation	1	.298	31.04	.59	.003
Sex * Relation	1	.042	4.40	.84	.000

Note. Right Wing Authoritarian Scale (RWA), Social Dominance Orientation (SDO), Benevolent Sexism Scale (BS), Hostile Sexism Scale (HS), are utilized as covariates.

Table 14

Mean perceived seriousness rating for White Perpetrators

Sex	Relation	<i>M</i>	<i>Std. Error</i>
Female	Neighbour	96.53	1.82
	Own	94.93	2.09
Male	Neighbour	97.49	1.94
	Own	96.78	2.53

Note. Perceived seriousness rating was from 0 (Not at all serious) to 100 (Extremely serious)

Table 15

Test of Between-subjects effects for Male Perpetrators: SPSS Output ANCOVA (Perceived seriousness of the crime)

Variable	<i>df</i>	<i>F</i>	<i>M</i> ²	<i>Sig.</i>	<i>n</i> ²
RWA	1	1.46	206.85	.23	.02
SDO	1	.390	55.50	.53	.004
BS	1	.442	62.87	.51	.005
HS	1	.265	37.63	.61	.003
Race	1	3.50	495.94	.06	.040
Relation	1	2.23	317.06	.14	.023
Race * Relation	1	2.70	379.25	.11	.027

Note. Right Wing Authoritarian Scale (RWA), Social Dominance Orientation (SDO), Benevolent Sexism Scale (BS), Hostile Sexism Scale (HS), are utilized as covariates.

Table 16

Mean perceived seriousness rating for Male Perpetrators

Race	Relation	<i>M</i>	<i>Std. Error</i>
First Nations	Neighbour	89.20	2.35
	Own	96.90	2.15
White	Neighbour	97.76	2.29
	Own	97.45	2.93

Note. Perceived seriousness rating was from 0 (Not at all serious) to 100 (Extremely serious)

Table 17

Test of Between-subjects effects for Female Perpetrators: SPSS Output ANCOVA (Perceived seriousness of the crime)

Variable	<i>df</i>	<i>F</i>	<i>M</i> ²	<i>Sig.</i>	<i>n</i> ²
RWA	1	.006	1.47	.94	.000
SDO	1	.000	.008	.10	.000
BS	1	.481	122.17	.49	.004
HS	1	1.07	272.87	.30	.010
Race	1	2.20	557.48	.14	.020
Relation	1	3.58	909.20	.06	.032
Race * Relation	1	1.05	266.86	.31	.010

Note. Right Wing Authoritarian Scale (RWA), Social Dominance Orientation (SDO), Benevolent Sexism Scale (BS), Hostile Sexism Scale (HS), are utilized as covariates.

Table 18

Mean perceived seriousness rating for Female Perpetrators

Race	Relation	<i>M</i>	<i>Std. Error</i>
First Nations	Neighbour	95.33	3.01
	Own	86.39	2.99
White	Neighbour	96.75	2.86
	Own	93.93	3.22

Note. Perceived seriousness rating was from 0 (Not at all serious) to 100 (Extremely serious)

Table 19

Test of Between-subjects effects: SPSS Output ANCOVA (Sentence Length)

Variable	<i>df</i>	<i>F</i>	<i>M</i> ²	<i>Sig.</i>	<i>n</i> ²
RWA	1	.20	9.27	.66	.001
SDO	1	.001	.04	.98	.000
BS	1	1.37	64	.24	.007
HS	1	.168	7.89	.68	.001
Sex	1	8.98	421.53	.003	.042
Race	1	2.43	114	.12	.012
Relation	1	1.66	77.79	.20	.008
Sex * Race	1	.28	12.93	.60	.001
Sex * Relation	1	2.59	121.55	.11	.012
Race * Relation	1	.03	1.15	.153	.010
Sex * Race * Relation	1	.03	1.15	.88	.000

Note. Right Wing Authoritarian Scale (RWA), Social Dominance Orientation (SDO), Benevolent Sexism Scale (BS), Hostile Sexism Scale (HS), are utilized as covariates.

Table 20

Mean sentence lengths

Sex	Race	Relation	<i>M</i>	<i>Std. Error</i>
Female	First Nations	Neighbour	19.90	1.28
		Own	15.60	1.28
	White	Neighbour	19.37	1.22
		Own	18.10	1.37
Male	First Nations	Neighbour	20.52	1.33
		Own	19.65	1.24
	White	Neighbour	21.29	1.30
		Own	22.84	1.68

Note. Sentence length was based on Canadian judicial standards of 0 (Acquittal) to 25 (Life)

Appendices

Appendix A: Participant Other Ethnicities

Participant listing of “other” reported ethnicities ($n = 21$):

Asian and White ($n = 3$)

Indian ($n = 4$)

Eurasian ($n = 1$)

Mixed Race ($n = 1$)

South East Asian ($n = 1$)

East Indian ($n = 5$)

Turkish ($n = 1$)

South Asian ($n = 1$)

Punjabi ($n = 1$)


Middle Eastern ($n = 1$)

Métis ($n = 1$)

European and Asian ($n = 1$)

Appendix B: All Eight Possible Vignette Conditions

Condition: Female, First Nations, Neighbour's Child

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BC Woman Guilty Of Killing Two-Year-Old Child

CBC News
Published Monday, Jan. 5, 2015 2:08 PM EDT
Last Updated Monday, Jan. 5, 2015 5:15 PM EDT

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The two-year-old child was reported missing on October 28th, 2014. Search teams posted missing posters and conducted an extensive search of nearby parks and forested areas.

The toddler's body was recovered on November 5th, 2014, in a heavily forested area less than 1 km from Jobb's home. Autopsy reports indicated that the child died of suffocation and the body had been exposed to the elements for approximately one week.



According to police reports, Jobb has no criminal record and no history of mental illness. She was arrested without incident yesterday. Police spent the following day interrogating Jobb regarding her whereabouts on October 28th, 2014. Jobb provided specifics of the crime to the police that only the perpetrator of the crime would know, and subsequently pleaded guilty. Police reports indicate that Jobb was shaken up, but admitted to the crime quickly. Police are not currently releasing any further details of the crime.

Jobb, the 35 year-old First Nations female, has been placed in a remand centre in the Lower Mainland where she will await her sentencing. Since she has plead guilty, there will be no trial; she will be sentenced by a judge. She has made no further comments to the police or the media regarding her motive for killing her neighbour's child.







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The toddler's body was recovered on November 5th, 2014, in a heavily forested area less than 1 km from Jobb's home. Autopsy reports indicated that the child died of suffocation and the body had been exposed to the elements for approximately one week.

According to police reports, Jobb has no criminal record and no history of mental illness. She was arrested without incident yesterday. Police spent the following day interrogating Jobb regarding her whereabouts on October 28th, 2014. Jobb provided specifics of the crime to the police that only the perpetrator of the crime would know, and subsequently pleaded guilty. Police reports indicate that Jobb was shaken up, but admitted to the crime quickly. Police are not currently releasing any further details of the crime.






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The toddler's body was recovered on November 5th, 2014, in a heavily forested area less than 1 km from Jobb's home. Autopsy reports indicated that the child died of suffocation and the body had been exposed to the elements for approximately one week.

According to police reports, Jobb has no criminal record and no history of mental illness. He was arrested without incident yesterday. Police spent the following day interrogating Jobb regarding his whereabouts on October 28th, 2014. Jobb provided specifics of the crime to the police that only the perpetrator of the crime would know, and subsequently pleaded guilty. Police reports indicate that Jobb was shaken up, but admitted to the crime quickly. Police are not currently releasing any further details of the crime.



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BC Man Guilty Of Killing Two-Year-Old Child

CBC News
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Dakota Jobb, a 35-year-old White male accountant at an office supply company, has been charged in the murder of his two-year-old child. Jobb is a Canadian, born and raised in North Vancouver, BC. He is single, and lives in a single-family home in North Vancouver, BC.

The two-year-old child was reported missing on October 28th, 2014. Search teams posted missing posters and conducted an extensive search of nearby parks and forested areas.


The toddler's body was recovered on November 5th, 2014, in a heavily forested area less than 1 km from Jobb's home. Autopsy reports indicated that the child died of suffocation and the body had been exposed to the elements for approximately one week.

According to police reports, Jobb has no criminal record and no history of mental illness. He was arrested without incident yesterday. Police spent the following day interrogating Jobb regarding his whereabouts on October 28th, 2014. Jobb provided specifics of the crime to the police that only the perpetrator of the crime would know, and subsequently pleaded guilty. Police reports indicate that Jobb was shaken up, but admitted to the crime quickly. Police are not currently releasing any further details of the crime.






Jobb, the 35 year-old White male, has been placed in a remand centre in the Lower Mainland where he will await his sentencing. Since he has plead guilty, there will be no trial, he will be sentenced by a judge. He has made no further comments to the police or the media regarding his motive for killing his child.

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Appendix C: Covariate Questionnaires

Study Questionnaires:

Social Dominance Orientation Scale

A 7-point scale is used for each item; participants rate their agreement or disagreement with the statements from 1 (strongly disagree) to 7 (strongly agree).

1. Some groups of people are simply inferior to other groups.
2. In getting what you want, it is sometimes necessary to use force against other groups.
3. It's OK if some groups have more of a chance in life than others.
4. To get ahead in life, it is sometimes necessary to step on other groups.
5. If certain groups stayed in their place, we would have fewer problems.
6. It's probably a good thing that certain groups are at the top and other groups are at the bottom.
7. Inferior groups should stay in their place.
8. Sometimes other groups must be kept in their place.
9. It would be good if groups could be equal.
10. Group equality should be our ideal.
11. All groups should be given an equal chance in life.
12. We should do what we can to equalize conditions for different groups.
13. Increased social equality is beneficial to society.
14. We would have fewer problems if we treated people more equally.
15. We should strive to make incomes as equal as possible.
16. No group should dominate in society.

Keying is reversed on questions 9 through 16.

Right Wing Authoritarianism Scale

Rate responses on 7-point scale anchored by "Agree Strongly" on one end and "Disagree Strongly" on the other.

1. Our country needs a powerful leader, in order to destroy the radical and immoral currents prevailing in society today.
2. Our country needs free thinkers, who will have the courage to stand up against traditional ways, even if this upsets many people.
3. The "old-fashioned ways" and "old-fashioned values" still show the best way to live.
4. Our society would be better off if we showed tolerance and understanding for untraditional values and opinions.
5. God's laws about abortion, pornography and marriage must be strictly followed before it is too late, violations must be punished.
6. The society needs to show openness towards people thinking differently, rather than a strong leader, the world is not particularly evil or dangerous.

7. It would be best if newspapers were censored so that people would not be able to get hold of destructive and disgusting material.
8. Many good people challenge the state, criticize the church and ignore “the normal way of living”.
9. Our forefathers ought to be honoured more for the way they have built our society, at the same time we ought to put an end to those forces destroying it.
10. People ought to put less attention to the Bible and religion, instead they ought to develop their own moral standards.
11. There are many radical, immoral people trying to ruin things; the society ought to stop them.
12. It is better to accept bad literature than to censor it.
13. Facts show that we have to be harder against crime and sexual immorality, in order to uphold law and order.
14. The situation in the society of today would be improved if troublemakers were treated with reason and humanity.
15. If the society so wants, it is the duty of every true citizen to help eliminate the evil that poisons our country from within.

Big Five Inventory

Please write a number next to each statement to indicate the extent to which you agree or disagree with that statement.

1	2	3	4	5
Strongly				Strongly
Disagree				Agree

1. Is talkative
2. Tends to find fault with others
3. Does a thorough job
4. Is depressed, blue
5. Is original, comes up with new ideas
6. Is reserved
7. Is Helpful and unselfish with others
8. Can be somewhat careless
9. Is relaxed, handles stress well
10. Is curious about many different things
11. Is full of energy
12. Starts quarrels with others
13. Is a reliable worker
14. Can be tense
15. Is ingenious, a deep thinker
16. Generates a lot of enthusiasm
17. Has a forgiving nature
18. Tends to be disorganized

19. Worries a lot
20. Has an active imagination
21. Tends to be quiet
22. Is general trusting
23. Tends to be lazy
24. Is emotionally stable, not easily upset
25. Is inventive
26. Has an assertive personality
27. Can be cold and aloof
28. Perseveres until the task is finished
29. Can be moody
30. Values artistic, aesthetic experiences
31. Is sometimes shy, inhibited
32. Is considerate and kind to almost everyone
33. Does things efficiently
34. Remains calm in tense situations
35. Prefers work that is routine
36. Is outgoing, sociable
37. Is sometimes rude to others
38. Makes plans and follows through with them
39. Gets nervous easily
40. Likes to reflect, play with ideas
41. Has few artistic interests
42. Likes to cooperate with others
43. Is easily distracted
44. Is sophisticated in art, music, or literature

Scoring: BFI scale scoring (“R” denotes reverse-scored items):

Extraversion: 1, 6R, 11, 16, 21R, 26, 31R, 36

Agreeableness: 2R, 7, 12R, 17, 22, 27R, 32, 37R, 42

Conscientiousness: 3, 8R, 13, 18R, 23R, 28, 33, 38, 43R

Neuroticism: 4, 9R, 14, 19, 24R, 29, 34R, 39

Openness: 5, 10, 15, 20, 25, 30, 35R, 40, 41R, 44

Ambivalent Sexism Scale

Please indicate the degree to which you agree or disagree with each statement using the following scale:

1	2	3	4	5
Strongly Disagree				Strongly Agree

1. No matter how accomplished he is, a man is not truly complete as a person unless he has the love of a woman.
2. Many women are actually seeking special favors, such as hiring policies that favor them over men, under the guise of asking for "equality."
3. In a disaster, women ought not necessarily to be rescued before men.
4. Most women interpret innocent remarks or acts as being sexist.
5. Women are too easily offended.
6. People are often truly happy in life without being romantically involved with a member of the other sex.
7. Feminists are not seeking for women to have more power than men.
8. Many women have a quality of purity that few men possess.
9. Women should be cherished and protected by men.
10. Most women fail to appreciate fully all that men do for them.
11. Women seek to gain power by getting control over men.
12. Every man ought to have a woman whom he adores.
13. Men are complete without women.
14. Women exaggerate problems they have at work.
15. Once a woman gets a man to commit to her, she usually tries to put him on a tight leash.
16. When women lose to men in a fair competition, they typically complain about being discriminated against.
17. A good woman should be set on a pedestal by her man.
18. There are actually very few women who get a kick out of teasing men by seeming sexually available and then refusing male advances.
19. Women, compared to men, tend to have a superior moral sensibility.
20. Men should be willing to sacrifice their own well being in order to provide financially for the women in their lives.
21. Feminists are making entirely reasonable demands of men.
22. Women, as compared to men, tend to have a more refined sense of culture and good taste.

Scoring: Average all items listed below. Reverse score items: 3, 6, 7, 13, 18, 21.

Hostile Sexism Score = average of the following items: 2, 4, 5, 7, 10, 11, 14, 15, 16, 18, 21

Benevolent Sexism Score = average of the following items: 1, 3, 6, 8, 9, 12, 13, 17, 19, 20, 22

Appendix D: Online SONA Consent Forms Parts A and B

Part A Consent Form

Media Depiction of Crime

You have been asked to participate in a research study conducted by Dr. Paul G. Davies and Megan Udala (M.A. Student). The results of this study may be publically disseminated in the form of a publication or public conference. Regardless of whether or not the findings of the study are publically published, all names and identifying information will be removed. You were selected as a possible participant in this study because you are currently enrolled in an undergraduate psychology class at UBC (Okanagan) that offers the opportunity to receive credit for research participation. Your participation in this research study is strictly voluntary. Please retain a copy of this consent form for your own records.

Contact Information:

Paul G. Davies, Ph.D.
University of British Columbia, Okanagan
Irving K. Barber School of Arts and Sciences
ART 322, 1147 University Way
Kelowna, BC, Canada V1V 1V7
E-mail: paul.g.davies@ubc.ca

Megan Udala, M.A. Student
University of British Columbia, Okanagan
Department of Psychology
1147 University Way
Kelowna, BC, Canada V1V 1V7
E-mail: meganudala@gmail.com

Sponsor:

This study is funded by a Social Sciences and Humanities Research Council of Canada (SSHRC) Operating Grant, held by Dr. Paul G. Davies.

Purpose of the Study:

The purpose of the study is to assess perceptions of criminality through media depictions of crime.

Study Procedures:

If you volunteer to participate in this study, we would ask you to fill out several questionnaires. We will never ask you to reveal any information however that could be used to connect your identity with your responses on the questionnaires. If you would like, a week after you complete the questionnaires, you may participate in Part B of this study in order to receive your full 1.5 credits.

Potential Risks and Discomforts:

There are no foreseeable risks or discomforts with this task, but if at any time you feel uncomfortable while performing this task you are free to end this study. Also, please feel free to skip any of the questions asked in this study that make you feel uncomfortable. You may withdraw from this study at any time if you no longer wish to participate without any penalty. If you are feeling distressed you may contact the researchers (Dr. Paul Davies [paul.g.davies@ubc.ca], or Megan Udala [meganudala@gmail.com]).

Potential Benefits to Subjects and/or to Society:

There are no direct benefits to you participating in this research, however, participating in this research will allow for you to gain an understanding of the research process, and how data are collected for psychological research. Further, you will enjoy the satisfaction of knowing that you have helped to contribute to the current literature within social psychology. At the end of the study you will be provided with a debriefing form including the researchers' contact information so that you can find the results of this study in the future, if you are interested. **Remuneration/Compensation:** Upon completion of both parts of this study, you will receive 1.5 credit points toward an eligible course in the Psychology Department for your participation. If you can earn credit points in more than one class, you can specify which class you would like to add points to online at <http://ubco.sona-systems.com>. It is important to note that credit will only be awarded to those students who are registered in a psychology course that offers research credit.

Confidentiality: This online survey company is hosted by Qualtrics, a websurvey company located in the USA and as such, is subject to U.S. laws. In particular, the US Patriot Act, which allows authorities access to the records of Internet service providers. Qualtrics has SAS (Statistical Analysis Systems) 70 Certification. It also has met privacy standards for the storage of health care records, as outlined by the Health Insurance Portability and Accountability Act (HIPAA). This survey or questionnaire does not ask for personal identifiers or any information that may be used to identify you. If you choose to participate in the survey, you understand that your responses to the survey questions will be stored and accessed in the USA. The security and privacy policy for the websurvey company can be found at the following link: <http://www.qualtrics.com/security-statement/>. All information collected from this study will be kept confidential. Study information (including electronic files and transcripts) will be retained for a minimum of 5 years after publication. The study information will be stored in a secure location at UBC Okanagan on password-protected computers (owned by Dr. Davies).

Contact for Information about the Study:

If you have any questions or desire further information with respect to this study, you may contact Dr. Paul G. Davies (by email: paul.g.davies@ubc.ca), or Megan Udala (by email: meganudala@gmail.com)

Contact for Concerns about the Rights of Research Subjects:

If you have any concerns or complaints about your rights as a research participant and/or your experiences while participating in this study, contact the Research Participant Complaint Line in the UBC Office of Research Services at 604-822-8598 or if long distance, email RSIL@ors.ubc.ca or call toll free 1-877-822-8598.

Consent:

Your participation in this study is entirely voluntary and you may refuse to participate or withdraw from the study at any time without jeopardy to your class standing. If you would like to withdraw your data from analysis after completion of the online questionnaire, please contact one of the researchers with your participant ID number (for identification purposes) via email to do so.

Signature of Research Subject:

Continuing on to the next screen indicates that you have given your free and informed consent to

participate in this study.

When you have finished reading the above consent form, please click the "Next" button at the bottom of the page to continue.

Part B Consent Form

Media Depiction of Crime

You have been asked to participate in a research study conducted by Dr. Paul G. Davies and Megan Udala (M.A. Student). The results of this study may be publically disseminated in the form of a publication or public conference. Regardless of whether or not the findings of the study are publically published, all names and identifying information will be removed. You were selected as a possible participant in this study because you are currently enrolled in an undergraduate psychology class at UBC (Okanagan) that offers the opportunity to receive credit for research participation and you have completed Part A of the study. Your participation in this research study is strictly voluntary. Please retain a copy of this consent form for your own records.

Contact Information:

Paul G. Davies, Ph.D.
University of British Columbia, Okanagan
Irving K. Barber School of Arts and Sciences
ART 322, 1147 University Way
Kelowna, BC, Canada V1V 1V7
E-mail: paul.g.davies@ubc.ca

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Sponsor:

This study is funded by a Social Sciences and Humanities Research Council of Canada (SSHRC) Operating Grant, held by Dr. Paul G. Davies.

Purpose of the Study:

The purpose of the study is to assess perceptions of criminality through media depictions of crime.

Study Procedures:

If you volunteer to participate in this part of the study, we would ask you to read a newspaper article depicting a crime. Following, you would be asked to answer several questions regarding the article. In addition, you will also be asked to fill out a few questions about yourself (e.g., age, gender, etc.). We would never ask you to reveal any information that could be used to connect your identity with your responses on the questions. It is important to note, that some individuals may find the content of the newspaper article disturbing; however, it is no more disturbing than would be found on a television news channel, or newspaper.

Potential Risks and Discomforts:

There are no foreseeable risks or discomforts with this task, but if at any time you feel uncomfortable while performing this task you are free to end this study. Also, please feel free to skip any of the questions asked in this study that make you feel uncomfortable. You may withdraw from this study at any time if you no longer wish to participate without any penalty. If you are feeling distressed you may contact the researchers (Dr. Paul Davies [paul.g.davies@ubc.ca], or Megan Udala [meganudala@gmail.com]).

Potential Benefits to Subjects and/or to Society:

There are no direct benefits to you participating in this research, however, participating in this research will allow for you to gain an understanding of the research process, and how data are collected for psychological research. Further, you will enjoy the satisfaction of knowing that you have helped to contribute to the current literature within social psychology. At the end of the study you will be provided with a debriefing form including the researchers' contact information so that you can find the results of this study in the future, if you are interested. **Remuneration/Compensation:** Upon completion of this study, you will receive 1.5 credit points toward an eligible course in the Psychology Department for your participation. If you can earn credit points in more than one class, you can specify which class you would like to add points to online at <http://ubco.sona-systems.com>. It is important to note that credit will only be awarded to those students who are registered in a psychology course that offers research credit.

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Consent:

Your participation in this study is entirely voluntary and you may refuse to participate or withdraw from the study at any time without jeopardy to your class standing. If you would like to withdraw your data from analysis after completion of the online questionnaire, please contact one of the researchers with your participant ID number (for identification purposes) via email to do so.

Signature of Research Subject:

Continuing on to the next screen indicates that you have given your free and informed consent to participate in this study.

When you have finished reading the above consent form, please click the "Next" button at the bottom of the page to continue.

Appendix E: Dependent Variable and Manipulation Check Questions

Questions Regarding Article:

1. In your opinion, how long of a sentence should Dakota Jobb receive? [Acquittal (no sentence) to a life sentence (25 years)]
2. How confident are you that Dakota Jobb is guilty of this crime? (0-100%)
3. In your opinion, how remorseful is Dakota Jobb? (0-100%)
4. In your opinion, how serious is the crime committed by Dakota Jobb? (0 [not serious] - 100 [extremely serious])
5. In your opinion, how likeable is Dakota Jobb? (0 [not likable] -100 [extremely likable])
6. What was Dakota's sex? Male/Female
7. What was Dakota's race? White/Black/Asian/Aboriginal/Not Indicated/Other
8. What is the relationship between Dakota and the child? Parent and Child/Neighbour/Stranger/Not Indicated/Other
9. What was the race of the child? White/Black/Asian/Aboriginal/Not Indicated/Other

Appendix F: Demographic Questionnaires

1. Please indicate your gender. Male/female
2. Please enter your age.

3. Please indicate your race/ethnicity. White/Black/Asian/Aboriginal/Latino/Latina/Other
4. Please indicate your major.
5. Please indicate your current year in your university education. First Year/Second Year/Third Year/Fourth Year/Fifth Year/Other
6. Please indicate which course you are participating in this study for.
7. Please indicate which courses you have taken prior to participating in this study. PSYO 111/PSYO 121/ PSYO 252/PSYO 270/PSYO 271/PSYO 372/PSYO 373. Yes/No/In progress
8. How many years do you think the average Canadian murderer is sentenced to?
9. What is the maximum number of years a Canadian murderer can be sentenced to?
10. Is the name Dakota a male or female name? Male/Female/Either
11. Is the name Dakota a First Nations or White name? First Nations/White/Either
12. Is the family name Jobb a First Nations or White name? First Nations/White/Either
13. Is the name Dakota Jobb a First Nations or White name? First Nations/White/Either
14. In the space below, please tell us what you think this study is about?
15. Please use the space below to provide us with any additional feedback.

Appendix G: Debriefing Forms Parts A and B

Debriefing Form Part A:

Media Depiction of Crime

You have just participated in a study in which you completed a series of personality questionnaires. We are interested in studying how these personality measures relate to one another, and whether they predict subsequent behaviour.

We withheld this information from you because there is a tendency for participants to try to confirm the experimenters' hypotheses. In order to ensure that you were not unconsciously influenced to do this, we withheld the hypotheses of this study.

At this point, we would like to thank you very much for participating in this part of the study.

Please remember to complete Part B of the study if you would like to earn credit for your participation.

In one to two weeks time, you will be emailed a web-link that will allow you to complete Part B of the study. The web-link is another survey hosted by Qualtrics. It has information regarding Part B of the study. This part can be completed at your convenience, but must be completed before the SONA closing deadline in order to receive credit for your participation. YOU WILL NEED TO ENTER THE SAME PARTICIPANT ID YOU WERE GIVEN FOR THIS STUDY.

Should you wish to find out more about the results of this study, or have additional questions concerning your participation in this study, feel free to contact:

Paul G. Davies, Ph.D.

University of British Columbia, Okanagan
Irving K. Barber School of Arts and Sciences
ART 322, 1147 University Way
Kelowna, BC, Canada V1V 1V7
E-mail: paul.g.davies@ubc.ca

Megan Udala, M.A. Student

University of British Columbia, Okanagan
Department of Psychology
1147 University Way
Kelowna, BC, Canada V1V 1V7
E-mail: meganudala@gmail.com

Debriefing Form Part B:

Media Depictions of Crime

You have just participated in a study assessing perceptions of criminality. Deception was required for this paradigm; specifically, we withheld from you our specific hypothesis.

We are primarily interested in the influence of personality on sentencing decisions. We believe that depending on the crime type, gender, or race of the perpetrator, an individuals' personality may influence the sentence they grant for an offender. Depending on the condition you were randomly assigned to, you were either instructed to read a newspaper article about a male/female or White/Aboriginal offender. This offender was presented as either having killed their own child or a non-relative child. The general hypothesis for our study is that personality characteristics and the manipulated offender type (i.e., race and gender) will affect sentencing decisions.

We withheld this information from you because there is a tendency for participants to try to confirm the experimenters' hypotheses. In order to ensure that you were not unconsciously influenced to do this, we withheld the hypotheses of this study.

For those interested in learning more about this area and how it interacts with levels of prejudice, stereotypes, and discrimination please read the following article:

Viki, T. G., Massey, K., & Masser, B. (2005). When chivalry backfires: Benevolent sexism and attitudes toward Myra Hindley. *Legal and Criminological Psychology*, 10, 109-120. doi: 10.1348/13532504X15277

At this point, we would like to thank you very much for participating in the present study. Should you wish to find out more about the results of this study, or have additional questions concerning your participation in this study, feel free to contact:

Paul G. Davies, Ph.D.
University of British Columbia, Okanagan
Irving K. Barber School of Arts and Sciences
ART 322, 1147 University Way
Kelowna, BC, Canada V1V 1V7
E-mail: paul.g.davies@ubc.ca

Megan Udala, M.A. Student
University of British Columbia, Okanagan
Department of Psychology
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E-mail: meganudala@gmail.com