

## ***The Effect of Defendant's Courtroom Attire on Jurors' Verdicts***

***Kateri Schafer***

*Winona State University*

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### *Abstract*

*Studies on a person's physical appearance in association with social likability have shown that people typically react more favorably to people rated as more physically attractive. Studies also show that the same holds true in criminal court trials and that more attractive defendants are seen as less guilty and typically receive more lenient punishments. However, little research exists on the effects of a defendant's courtroom attire on verdicts. The present study examines whether a defendant depicted in a prison jumpsuit is seen as guiltier than a defendant in dress attire. The study also tested juror instructions, or priming effects. Although the results were not significant, small findings were present that may open the door for further research.*

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### ***The Effect of a Defendant's Courtroom Attire on Jurors' Verdicts***

In recent decades, physical appearance has been a widely researched topic in psychology, especially in criminal court proceedings. While many studies on defendant appearance have found that appearance can influence verdicts, very few, if any, studies exist on the levels of guilt or physical attractiveness based on the defendant's courtroom attire. The present proposed study is based on a court case regarding the issue of the defendant wearing the prison jumpsuit.

In *Estelle v. Williams* (1976), Williams was convicted of attempted murder. He appealed on the basis that he was required to wear prison garb during the trial which violated his constitutional right to a fair trial by potentially causing jurors to have preconceived notions of guilt. The Supreme Court ruled that it is unconstitutional to compel the defendant to wear prison

attire in front of a jury; however, the Supreme Court also noted that some defendants chose to wear the attire in an attempt to elicit sympathy from the jury. It is not uncommon to hear about a trial in which the defendant motions for a change in venue due to pretrial publicity and the pictures in the media that depict him or her in prison attire.

While little has been studied on the effect of a defendant's attire, much has been studied on pretrial publicity (PTP). A great deal of this research has focused on print media such as newspapers, but because today the majority of homes have at least one television, the focus has shifted to television media and what kind of impact images of defendants has on individuals. Studies have found that exposure to this media can cause prejudices. How the media portrays the defendant can influence how culpable society sees the alleged criminal. Research has shown that one of the factors that contribute to prejudicial effects is the struggle to block out an image or thought (Fein et al., 1997). An image of a person in an orange prison jumpsuit may elicit contentions that he or she is in fact guilty because they are already depicted as a prisoner. This research on preconceived notions due to pretrial publicity leads to the present study. Although no direct studies on how attire affects verdicts have been conducted, some research does hint at a possible answer. This research includes effects of personal appearance on judgments in general, and criminal judgments in particular. Also, studies on juror instruction may provide some insight as to whether defendants may be judged on attire.

One question that numerous researchers have set out to answer is do people react more favorably towards physically attractive people? A very early study hypothesized the stereotype of "what is beautiful is good." This studied showed that people did in fact rate attractive individuals as having more prestigious occupations, being better parents, leading more fulfilling lives, and overall, being more socially desirable. The participants even rated a pretty woman to be less likely to commit a crime (Dion, Berscheid, and Walster, 1972). In accordance with the "what is beautiful is good" stereotype, much research has been done on criminal defendants' attractiveness in correlation with a guilty verdict in court trials. Efran (1974), hypothesized that physically attractive defendants would be less likely to be found guilty and would receive more lenient punishment by mock jurors. In his opinion survey, participants agreed with the statement that a defendant should not be judged on any aspect of his appearance. However, when he conducted an experiment to answer this question, he found people said one thing, and did

another. The results were consistent with his initial hypothesis: defendants who were more physically attractive were assessed with a less certainty of guilt and more lenient punishments were given.

A more recent study was conducted to determine both the physical attractiveness and level of guilt of both male and female defendants who were smiling versus not smiling. The researchers found that participants rated smiling defendants, both male and female, as more physically attractive, but they did not find any significant results on level of guilt based on smiling for either sex (Abel and Watters, 2005). These results show that simple facial expressions may influence how a person sees another.

While these studies are evidence that mock jurors do take physical appearance into consideration when making a decision, can these results be generalized to actual court trials? One field study shows that this still holds true in actual judicial cases. Judges were asked to rate previous defendants on the attractiveness. Those ratings were then correlated with the verdict of their case and the severity of their punishment. A positive relationship was found between attractiveness and the sentencing with more attractive defendants receiving less guilty verdicts and more lenient sentences (Stewart, 1980). In another study, it was found that juror members not only see unattractive defendants as guiltier, but also describe them as "typical" criminals who will be more likely to relapse (Hoffman, 1981). These field studies indicate that even outside controlled, laboratory experiments, biases towards attractive people still are present in judicial proceedings. This evidence can be a major concern in court cases when an individual's sentence lies in the hands of a jury.

Another issue in court trials has been the effectiveness of juror instructions. Results have shown that for the most part, comprehension of the instructions is rather poor. Legal terms are often beyond the knowledge of a layperson, laws or evidence can be misunderstood, or jurors may decide to ignore some aspects of the instructions and put more emphasis on others based on their own values and beliefs (Leiberman and Sales, 1997). One problem that can occur in juror instructions is the boomerang effect. This is when a judge instructs the jurors to disregard a statement, piece of evidence, or to avoid factoring some other aspect into their decision, but by doing so, the juror's attention is actually drawn more to that feature of the case (Fleming, Wegener, & Petty, 1998). The present study will examine a priming effect, which is similar to

juror instructions. The jurors will be primed to previous research on physical appearance in court and how appearance can impact jurors' decisions. They will then be instructed to avoid taking physical attributes into consideration during their deliberation.

The question remains – does the prison jumpsuit have a negative impact on jurors and if so, would a judge's warning help? Given these previous studies on appearance and juror instructions, or priming, the following study hypothesizes that a defendant dressed in the prison jumpsuit is more likely to be deemed guilty by mock jurors than a defendant wearing dress clothing. The prediction for the priming is that those who are primed to previous research will find the defendant less guilty in both the jumpsuit and dress clothing because they will deliberately try to avoid taking physical attributes into consideration.

### *Methods*

#### *Participants*

Participants were 82 undergraduate students at Winona State University, both male and female, enrolled in psychology classes in Spring semester 2009. They received a minimal amount of extra credit points for the psychology class.

#### *Materials*

An audio recording was used to present the case to the jurors. A male narrator presented the facts of an aggravated robbery case and the arguments by both the prosecution and defense. The recording described a fictional gas station armed robbery in which the clerk was injured. The suspect was picked up near the gas station. Not only did the suspect's car match the description an eyewitness gave, but the clothes he was wearing also matched, and a handgun was found on the front seat of the car. The money was not in his car, he had a friend corroborating his alibi, and there was no DNA found on the weapon that was used to strike the clerk across the head. The same recording was used in all the conditions. At the same time, a slide show was presented through PowerPoint via an LCD projector. The slide show consisted of pictures of evidence from the case, including the handgun found, the car, and the clothing the suspect was wearing. Pictures of the trial setting included a judge, a bailiff, the prosecuting attorney, and the defendant wearing a prison jumpsuit for some conditions, and dress clothing in others. The attire

was the key independent variable in this study. The jumpsuit conditions saw the defendant in an orange prison jumpsuit, and the dress clothing conditions saw the defendant in a dress shirt. The angle of the pictures and what the defendant was doing were the same in both conditions; the only difference was the apparel. The defendant was the same in all conditions. The pictures were arranged to match the commentary in order to simulate being a juror.

To measure the dependent variables, a questionnaire consisting of four questions was used. In studies with mock jurors, researchers have used a few different methods of obtaining participants verdicts for the dependent variable. The two most popular methods are dichotomous guilty-or-not-guilty verdicts, or rating scales, typically ranging from 1 to 9. The rating scale is most often used because it can measure exactly how guilty or not guilty a respondent believes the defendant to be. It is also easier to analyze because statistical processes such as ANOVA or t-tests can be carried out (Leiberman and Sales, 1997). The present study uses both the dichotomous guilty-or-not-guilty verdict and scale of certainty. If an effect is present from the dichotomous verdict, the scale will help measure the degree of confidence in their verdict

The first question of the questionnaire asked what verdict the respondent would render and asked him/her to circle guilty or not guilty. The second question asked how certain the participant was and had a scale from 1 to 10, 1 being definitely not guilty, 10 being definitely guilty. The third question asked what sentence the respondent felt the defendant should receive if he were found guilty. The scale ranged from 1 to 6, 1 being less than 1 year, 6 being more than 20 years. The fourth question asked what influenced the verdict the most and listed the following choices: eyewitness account, physical appearance, courtroom attire, physical evidence, or argument made by the attorney. Participants were asked to check only one choice.

### *Procedure*

This study is a between-subject, 2x2 factorial design, with attire and priming, or juror instructions being the two factors. The two levels of attire are jumpsuit and dress suit while the two levels of priming are prime and no prime. The priming conditions were told that the purpose of the study was to research the effects of appearance on verdicts and previous research on appearance was briefly reviewed. Before making a verdict they were given instructions to avoid taking physical attributes into consideration. The no prime conditions were told nothing about

the purpose and given no instructions prior to determining a verdict. Participants were run in groups of 1-3 at a time. The groups of subjects were randomly assigned to one of four conditions: 1) jumpsuit/prime 2) jumpsuit/no prime 3) dress suit/prime 4) dress suit/no prime. After signing an informed consent form, they watched a slide show of photographs while simultaneously listening to the case description and arguments. Participants then filled out the dependant variable. The study concluded by debriefing the participants about the true purpose of the experiment.

## *Results*

### *Guilt*

A 2x2 univariate ANOVA was conducted to test the effects of jumpsuit vs. dress attire and prime vs. no prime on the verdict of guilty or not guilty. The means are listed in Table 1. There was no significant interaction between attire and prime on the .05 level,  $F(1, 78) = .001, p = .982$ . No significant effect was present for the jumpsuit vs. dress attire,  $F(1, 78) = .156, p = .694$ , nor was there a significant effect for the prime vs. no prime  $F(1, 78) = .042, p = .838$ . To find exactly how strongly people felt about their verdicts, certainty of the verdict was also tested.

### *Certainty*

The ANOVA was conducted to test the effects of jumpsuit vs. dress attire and prime vs. no prime for certainty of guilt. The means are shown in Table 1. There was no significant interaction between attire and prime,  $F(1, 78) = .241, p = .625$ . There was also no significant main effect for jumpsuit vs. dress attire,  $F(1, 78) = .007, p = .934$ , nor was there a significant effect for prime vs. no prime,  $F(1, 78) = .105, p = .859$ . Despite no significant findings, there was a slight increase in certainty of guilt when the subjects were primed in the dress condition. These values show that neither the defendant's attire, nor the priming to previous research on appearance had any impact on jurors' verdicts, disagreeing with the initial hypothesis that people in an orange jumpsuit will be seen as more guilty.

### *Sentence*

In testing for an interaction between attire and prime and the sentence given using ANOVA, there was no significant result,  $F(1, 78) = .007, p = .935$ . In testing for a main effect

of jumpsuit vs. no jumpsuit, there was also no significant difference,  $F(1, 78) = .063, p = .802$ . There was also no significant difference in the prime vs. no prime,  $F(1, 78) = .621, p = .433$ , however, there was a slight decrease in the severity of sentence in the priming conditions compared to the no prime for both jumpsuit and dress attire, (see Table 1 for means). The results for the sentencing variable disagree with the hypothesis that people will assign more lenient punishments to defendants in dress attire.

### *Influence*

Influence showed the most promising results, although still not enough to be significant. There was no significant interaction,  $F(1, 78) = 1.879, p = .174$ , no main effect of jumpsuit vs. dress attire,  $F(1, 78) = .112, p = .738$ , and no main effect of prime vs. no prime,  $F(1, 78) = .173, p = .679$ . The means are presented in Table 1. Despite no statistically significant results, 13.04% of respondents in the jumpsuit/no prime condition rated appearance as their main influence for their verdict while only 5.26% of respondents in the dress suit/no prime condition rated appearance as the main influence.

Table 1. *Means and Standard Deviations*

	Jumpsuit		Dress Attire	
	Prime M(SD)	No Prime M(SD)	Prime M(SD)	No Prime M(SD)
Guilt	1.84 (.375)	1.83 (.388)	1.81 (.402)	1.79 (.419)
Certainty	4.53 (1.81)	4.65 (1.80)	4.69 (1.97)	4.42 (1.68)
Sentence	2.53 (1.43)	2.78 (1.44)	2.48 (1.25)	2.68 (1.16)
Influence	4.39 (.488)	3.96 (1.15)	3.98 (1.15)	4.21 (1.08)

### *Discussion*

Despite the fact that the study produced results that were not statistically significant, I believe that the small differences that were found may pave way for future studies on this issue. There was a small increase in certainty of guilt in the primed, dress suit condition which could demonstrate that priming jurors to previous research and instructing jurors to avoid basing

verdicts on appearance may actually draw their attention more to the appearance, resulting in a guilty verdict. This is opposite from what the hypothesis predicted and may be further evidence of a boomerang effect. There was also a small difference that was present in the key independent variable of the jumpsuit and dress attire conditions and the influence of the verdict. People reported appearance as the main influence more often in the jumpsuit condition than the dress clothing condition which could show that the appearance of the defendant is taken into consideration more often when he/she is depicted in an orange jumpsuit.

One modification that could produce more significant results between the prime and no prime condition is to push the prime/juror instructions so the participants in the priming conditions are especially focused on appearance. Perhaps if replicated, the study could show more images of the defendant for both conditions so that the participants' attention is drawn mostly to the defendant. Also, if repeated the pictures should be precise duplicates for each condition, varying only in the clothing. In some of the photographs in this study, the lighting was different, at times casting a shadow across the defendant. Showing the defense attorney in a separate photo may also help so that any picture of the defendant would solely be focused on him.

Another suggestion would be to focus primarily on pretrial publicity. Rather than playing and audio recording of the facts and see photographs of the defendant in the courtroom, it would be interesting to create newspaper article with the facts and pictures of the defendant, some of him in a jumpsuit, and some in dress attire. Rather than acting as jurors, participants would simply be reporting their opinions, as many people typically do when they read about a criminal trial in the newspaper.

While the results were not significant, this may actually be advantageous. Because no significant results were produced, this could partly show that defendants' attire does not play a role in jurors' verdicts and jurors do for the most part base their verdict on evidence. While this would be the ideal result, with all the previous research on appearance, we do know that intervening factors often do play a role in the decision making process.

Further research is encouraged to fulfill the purpose of this study. The purpose of researching defendant's courtroom attire was to create an increased awareness of society's



premature judgments that may occur from what the defendant is wearing. The purpose was similar for researching priming. By demonstrating that priming jurors to previous research and instructing them to avoid basing verdicts on physical attributes, such as attire, people may take into consideration exactly what they are basing their verdict on – the facts of the case, as they are supposed to, or mere appearance.

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