Attitudinal Predictors of Juror Decisions on Gender and Sexual Minority Defendants

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Abstract

This study examined whether defendants' gender identity and/or sexual orientation influenced jurors' decisions of guilt across several crimes and what juror attitudes predicted these decisions. In a mixed model design, mock jurors (N = 300) were randomly presented three crime vignettes (prostitution, vandalism, marijuana possession) and three types of defendants (cisgender heterosexual female, cisgender gay male, transgender heterosexual female). After making judgments of guilt, participants completed measures on sexism, homonegativity, transphobia, and trust in legal authorities. Jurors were more likely to believe transgender heterosexual females were guilty when compared to cisgender heterosexual females, but were not more likely to believe cisgender gay males were guilty compared to cisgender heterosexual females. Transphobia had a small association with these decisions and was not a stronger predictor for transgender defendants' guilt than for all defendants. Rather, trust in legal authorities was more strongly associated with the guilt decisions than transphobia for all defendants.

Key words: juror decision making, transgender, gay, extralegal bias

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Do defendants' gender identity or sexual orientation affect juror decisions? If so, what factors predict these decisions? A discriminatory pattern of decisions would suggest that jurors' attitudes toward gender and sexual minorities should be a strong predictor, but how well has research demonstrated a relationship between attitudes toward gender/sexual minorities and juror decisions? Furthermore, do other juror attitudes better account for juror decisions regarding gender and sexual minority defendants than their attitudes toward gender and sexual minorities?

Researchers and attorneys have a long history of searching for individual differences in jurors that would predict their trial decisions (e.g., Boehm, 1968). Theoretical models suggest, and empirical evidence supports, that jurors' personal characteristics and attitudes can affect their decision making (e.g., Devine, 2012).

In Devine & Caughlin's (2014) meta-analysis, which is the most recent review on the effect of juror and defendant characteristics on decision-making outcomes, the most frequently studied individual differences were gender and race. They found that female jurors were slightly more likely than men to convict defendants, but this overall gender difference was primarily driven by female jurors being more likely to convict in cases of child sexual abuse and adult sexual assault. In contrast, the effect of a *defendant's* gender on trial-related decisions was not significant.

Devine & Caughlin (2014) also analyzed juror race in conjunction with defendant race. They concluded that White jurors were somewhat more likely to convict Hispanic defendants than White defendants, but they were not more likely to convict Black defendants than White defendants. Black jurors were somewhat more likely to convict White defendants than Black defendants. The type of crime showed a small effect on juror-defendant race interactions (Devine & Caughlin).

Juror attitudes also have also been shown to affect their trial-related decisions. In early research, one of the few consistent predictors of verdicts was attitude toward the death penalty, which was shown to be predictive, even in non-capital crimes, because it was related to other criminal justice system attitudes (e.g., Ellsworth, 1993; Thompson, Cowan, Ellsworth, & Harrington, 1984). More recently, Devine & Caughlin's (2014) meta-analysis concluded that legally-relevant attitudes predicted juror decisions better than general attitudes (e.g., legal-authoritarianism predicted better than traditional authoritarianism).

In contrast to the research on gender and race, research on the effect of defendants' sexual orientation and gender identity on jurors' decisions is sparse, and the research on predictors of these decisions is even more limited. Given the limited research on defendant's sexual orientation and gender identity, the current study seeks to fill a significant gap in the current literature. What follows is a review of relevant juror decision making research, beginning with the research on gender minority defendants, to provides context for the hypotheses of the current study.

Gender Identity and Juror Decisions

A comprehensive search for studies on defendants' gender identity and juror decisions was conducted including the following data bases: PsycARTICLES, Psychology and Behavioral Sciences Collection, Psychology Collection (InfoTrac), Psychology Database (ProQuest), PsycINFO, Criminal Justice Collection (InfoTrac), Criminal Justice Database (ProQuest), Legal Collection, LEGALTRAC, and National Criminal Justice Preference Service Abstracts. Search words included (transgender or transsexual or transexual or "gender variant" or "gender non-conforming" or "gender identity") AND ("juror decision making" or "juror bias" or "juror perception"). The search was limited to articles in peer-reviewed journals published after 1999.

While no studies were found through this search procedure, one unpublished study on the influence of defendants' gender identity on juror guilt decisions was found. In a case on prostitution, transgender heterosexual female defendants were more likely to be perceived guilty than were cisgender heterosexual female defendants (Ringger, unpublished manuscript). Because of the limited studies on jurors' decisions of guilt for transgender defendants, studies on blame attribution and sentence length that included a transgender victim were reviewed, as well as studies on transgender people's reported experiences with the legal system. Note: Some of the blame attribution studies with a transgender victim also investigated sexual orientation.

Studies on blame attribution and sentencing either have not shown an effect for the transgender victim or have shown inconsistent effects. For example, in an unprovoked assault case, Karakus and Göregenli (2011) varied whether the victim was transsexual, gay, lesbian, or a gender identity and sexual orientation not identified. Their sample of Turkish mock jurors did not assign more blame to the transgender victim, nor to the gay or lesbian victims, in comparison to the male and female victims whose gender and sexual identity were not stated or implied (Karakus & Göregenli, 2011). Using a modification of the same vignette, Thomas, Amburgey, and Ellis (2016) varied whether the victim was transgender (described as a cross-dresser in the vignette) or a male of an unspecified gender identity. Their sample of U.S. mock jurors also did not assign more blame to the transgender victim than the male victim whose gender identity was unspecified.

In a series of studies on the hate-crime of second-degree murder, Cramer and colleagues manipulated whether the male victim was transgender, gay, or African-American (Cramer, Kehn, Pennington, Wechsler, Clark, & Nagle, 2013; Cramer, Clark, Kehn, Burks, & Weschler, 2014). In Cramer, Kehn, et al.'s (2013) first study, victim type and its interactions with other variables did not affect sentence length, perpetrator blame, or victim blame. In their second study, mock

jurors gave perpetrators longer sentences when the victim was gay than when the victim was transgender. There were no differences in sentencing between the gay and African-American victim, nor between the transgender and African-American victim. Also, no differences for victim type or its interactions were found for victim blame or perpetrator blame in the second study.

In a replication and extension of their earlier work, Cramer et al. (2014) used the same vignette, the same three types of victims, and found that results varied depending on whether or not jurors agreed with the hate crime penalty enhancement. When mock jurors did not support the hate crime penalty, they were more likely to blame the gay male victim and less likely to blame the perpetrator and, subsequently, gave the perpetrator a shorter sentence. Conversely, when the victim was transgender or African-American, jurors were more likely to blame the perpetrator and penalize him with longer sentences. When mock jurors were in support of the hate crime penalty, they did not show any differences among the three types of victims in terms of victim blame, perpetrator blame, or perpetrator sentence length.

In contrast to the studies on victim blame, reports by transgender people on broader measures of interaction with the legal system indicate negative perceptions. For example, Forbes (2014) examined the experience of transgender people in court in different roles (e.g., defendant, juror, witness). Individuals who identified as transgender or genderqueer were more likely to report negative court experiences than were cisgender heterosexuals. Prior to Forbes' dissertation, Stotzer's (2014) review of transgender individuals' interactions with legal system personnel found no empirical studies on the experience of transgender individuals in the courtroom. Outside of the courtroom, however, transgender individuals reported negative experiences as criminal suspects, while in custody, and when seeking assistance. These negative

experiences included unjustified stops, arrests, and detainment; harassment and verbal abuse; and physical and sexual abuse.

In summary, the sole study on jurors' guilt decisions that included a transgender defendant found mock jurors more likely to perceive transgender women as guilty than cisgender women (Ringger, unpublished manuscript). While additional studies on blame attribution and sentencing have not shown consistent effects, the majority of these studies have not shown increased blame of a transgender victim (Cramer, et al., 2014; Cramer, Kehn, et al., 2013; Karakus & Göregenli, 2011; Thomas et al., 2016). Transgender individuals, however, report negative experiences with other aspects of the legal system, which indirectly suggests that they could have negative experiences as a defendant in the courtroom as well. Based on these findings, part one of the first hypothesis in the current study is that transgender defendants will be more likely to be perceived as guilty than cisgender heterosexual defendants.

Sexual Orientation and Juror Decisions

The results of studies on defendant sexual orientation are mixed, and may depend on the type of crime involved. Most of this research has involved cases of child/adolescent sexual abuse, intimate partner violence, or some other type of sexualized crime, usually involving violence. In cases of child and adolescent sexual abuse, gay male defendants were more likely to be found guilty (Wiley & Bottoms, 2009) and to receive harsher sentences (Salerno, Murphy, & Bottoms, 2014) compared to heterosexual males.

In a case of intimate partner homicide, gay men and lesbians were given higher guilt ratings than heterosexuals although gender was not analyzed separately from sexual orientation (Coons & Espinoza, 2018). In another case of partner homicide in response to the partner having sexual interaction outside the relationship, heterosexual females were less likely to be perceived guilty than heterosexual males, gay males, and lesbians (Ragatz & Russell, 2010). In a third case

of domestic violence, defendants' sexual orientation did not affect guilt ratings (Stanziani, Cox, & Coffey, 2018). Mock jurors, however, perceived the crime committed by heterosexual males against a female as more serious, more violent, and more in need of police intervention than when the identical crime was committed by a gay male, lesbian, or heterosexual woman (Stanziani et al., 2018). This finding suggests that gay and lesbian victims of intimate partner violence (as well as male victims of female defendants) may be less likely to receive justice.

Excluding studies on child/adolescent sexual abuse and intimate partner violence, studies on sexualized crimes have shown inconsistent results. For example, in a case on prostitution, gay males were more likely to be perceived guilty than heterosexual females (Ringger, unpublished manuscript). In a case of a male defendant committing homicide in response to sexual overture by a male acquaintance, only politically conservative participants were less punitive if the defense included a gay-panic component than when it did not include that component (Salerno, Najdowski, Bottoms, Harrington, Kemner, & Dave, 2015). In an earlier case of homicide in response to a sexual overture, heterosexual male defendants (with a corresponding female victim) were judged the most harshly, and gay male defendants (with a corresponding male victim) the most leniently, while female defendants were in between the males (Rye, Greatrix, & Enright, 2006). In a different study involving a case of stranger rape, the victim's sexual orientation did not affect attributions of victim blame (White & Kurpius, 2002).

In sum, although the variation in results of studies on defendant sexual orientation may depend on the type of crime, the majority of the studies suggest some type of discrimination against gay men and lesbians. Non-heterosexuals were either more likely to be perceived as guilty than heterosexuals, or crimes committed against non-heterosexuals were not perceived as serious as when committed by a heterosexual male against a female. The extent to which these

results would generalize to non-sexual, non-violent crimes is not known. Based on the evidence that suggests that jurors were influenced by the defendants' sexual orientation, part two of the first hypothesis in the present study is that gay defendants will be more likely to be perceived as guilty than cisgender heterosexual defendants. To the extent that jurors show a discriminatory pattern of decisions against defendants of different gender identities and sexual orientations, negative attitudes toward these groups would be expected to explain their decisions.

Attitudes toward Gender and Sexual Minorities

Even though attitudes toward people of different gender identities and sexual orientations have changed in the U.S. in recent times, negative attitudes still exist. "Feeling thermometers" ask people how warmly or favorably they feel toward a group on a scale from 0 to 100, with higher scores indicating more positive attitudes. In a national probability sample of U.S. adults, whose data were collected in 2005, the average feeling thermometer toward transgender people was 32.01 (Norton & Herek, 2013). In contrast, in the 2016 pilot of the American National Election Study, the estimated average feeling thermometer toward transgender people was 51.14 (Harrison & Michelson, 2019). The American National Election Study data also indicated increasingly positive attitudes towards gays and lesbians, with average feeling thermometers towards gays and lesbians approximately 30 in in 1984, 40 in 1996, 50 in 2008, and over 50 in 2012 (Fetner, 2016). Further, direct comparison of feeling thermometers showed that attitudes towards transgender people were more negative than toward gays and lesbians (Norton & Herek, 2013).

Despite these differences, attitudes toward transgender people and attitudes toward gay men and lesbians have correlated moderately highly, varying with the target (i.e., gay males or lesbians) and measure of homonegativity or transphobia (Nagoshi, Adams, Terrell, Hill, Brzuzy, & Nagoshi, 2008; Nagoshi, Cloud, Lindley, & Lothamer, 2019; Norton & Herek, 2013; Tebbe &

Moradi, 2012). Further, in studies on transphobia, negative attitudes toward gays and lesbians have been among the strongest predictors of transphobia (Nagoshi et al., 2008; Norton & Herek, 2013; Tebbe & Moradi, 2012). These relationships have suggested that commonalities between transphobia and homonegativity exist, even though the constructs retain some differences. Given the existence of negative attitudes toward members of gender and sexual minorities, do they explain juror decisions on defendants with different gender identities or sexual orientations?

Prejudicial Attitudes and Juror Decisions

Relatively few studies have varied defendants' sexual orientation or gender identity and examined attitudes toward gender or sexual minorities as predictors of juror decisions. The majority of these studies show a relationship between attitudes toward sexual minorities and juror decisions (e.g., guilt, attributions of blame) for all defendants, including sexual minority defendants. Only two studies demonstrated an interaction between jurors' attitudes and the type of defendant or victim on juror decisions (Cramer, Wakeman, Chandler, Mohr, & Griffin, 2013; Thomas et al., 2016).

In Thomas et al.'s (2016) study, anti-transgender prejudice, as measured by the Genderism and Transphobia Scale (GTS; Hill & Willoughby, 2005) predicted victim blame more strongly for the transgender victim than the "non-specified" victim. The GTS also predicted victim blame for all victims. Second, in Cramer, Wakeman, et al.'s (2013) study on second-degree homicide, homonegativity, as measured by the Modern Homonegativity Scale (MHS; Morrison & Morrison, 2002), moderated the death sentence choice, such that mock jurors low in homonegativity were more likely to give the death sentence in the hate crime condition than in all the other conditions. Further, the MHS correlated with choosing the death sentence and victim blame, across all defendants.

In contrast, two studies showed a relationship between prejudicial attitudes and juror decisions, but did not find a significant interaction between the prejudicial attitudes and type of defendant. In Salerno et al.'s (2014) study on adolescent sexual abuse, a scale on stereotypes of gay men and child abuse predicted punitiveness in sentencing, regardless of the defendant's sexual orientation. In Ragatz and Russell's (2010) study on spousal homicide, benevolent sexism, a subscale of the Ambivalent Sexism Inventory (Glick & Fiske, 1996), predicted guilt for all defendants, but did not predict sentencing.

Additionally, two studies showed a relationship between prejudicial attitudes and juror decisions, but did not test the significance of any differences between types of defendants. In Russell, Ragatz, and Kraus's (2009) study on spousal homicide, jurors gave higher guilt ratings across all defendants, if the jurors were higher in benevolent sexism toward men, lower in hostile sexism toward men, or lower in benevolent sexism toward women (as measured by the Ambivalence Sexism Toward Men Inventory, Glick & Fiske, 1999; and the Ambivalent Sexism Inventory). Interactions between the prejudice scales and defendant sexual orientation were not tested in this study. In Rye et al.'s (2006) study on homicide in response to a sexual overture, it appeared that negative attitudes toward sexual minorities were associated with more juror decisions involving gay male defendants, and more strongly with those decisions, than the other defendants (i.e., lesbians, heterosexual men, heterosexual women), but no statistical tests between these differences were conducted.

Some studies that have supported a relationship between prejudicial attitudes and jurors' decisions have only examined the relationship for gay and lesbian defendants or victims. For example, Wiley and Bottoms (2013) found the Modern Homonegativity Scale and the Stereotypes about Gays and Child Abuse scale were associated with pro-prosecution judgments against gay male defendants. White & Kurpius (2002) found higher scores on the Attitude

Toward Lesbians and Gay Men--Short Form (ATLG-S) were associated with higher levels of victim blame for gay and lesbian victims of stranger rape. Gamblin, Kehn, Vanderzanden, Ruthig, Jones, and Long's (2018) study focused only on gay male victims of a second-degree homicide. Homophobia, as measured by the Modern Homophobia Scale (Raja & Stokes, 1988), predicted degree of agreement with the hate crime penalty, which, in turn, predicted sentencing. The Modern Homophobia Scale also correlated with victim blame, perpetrator blame, and sentence length, across all gay victims.

Taken together, these studies suggest that individuals who are prejudiced are more likely to judge a defendant guilty or to give a longer sentence, regardless of gender identity or sexual orientation. Because these studies used measures of attitudes toward different groups (e.g., transphobia, homonegativity, sexism), these studies did not provide a basis for predicting whether a specific type of prejudice, or even a generalized form of prejudice, would be more strongly related to juror decisions. Thus, the second hypothesis of the current study is that, compared to jurors with lower levels of prejudice, those with higher levels of prejudice will be more likely to perceive all defendants as guilty.

Further, it is also unclear whether prejudicial attitudes are stronger predictors for defendants who are gay, lesbian, or transgender than cisgender heterosexual defendants. Theoretically, prejudice scores would be expected to predict discriminatory juror decisions and to predict more strongly for gender/sexual minority defendants, but research is limited and findings are mixed. Therefore, the third hypothesis of the present study, based on theory more than prior evidence, is that theoretically-relevant prejudice will predict guilt more strongly for the corresponding defendants than for the other defendants (e.g., transphobia would predict more strongly for transgender defendants than cisgender defendants).

The studies reviewed in this section additionally suggest that discriminatory judgments against gender and sexual minority defendants, when they occur, are not limited to those who are willing to express explicit prejudicial attitudes on a scale. This raises the question of what other individual juror characteristics might account for juror decisions.

Attitudes toward the Criminal Justice System and Juror Decisions

Of the early research on jurors' attitudes toward the criminal justice system, one of the most successful predictors of juror decisions was their specific attitude toward the death penalty (e.g., Ellsworth, 1993; Thompson, et al., 1984). Potential jurors who were qualified to serve on death-penalty cases were more likely to convict than jurors who did not qualify to serve on a capital case, even in cases that did not involve the death penalty. Attitudes toward the death penalty predicted trial-related decisions because they were related to other relevant criminal justice system attitudes, in particular attitudes that predisposed jurors to favor the prosecution or the defense (Ellsworth, 1993; Ellsworth, Bukaty, Cowan, & Thompson, 1984; Thompson et al., 1984). In turn, jurors' predisposition toward the prosecution or defense affected their evaluation of witness credibility, evaluation of plausibility of facts, and inferences made (that is, relevant issues not directly addressed in the testimony); as well as their degree of regret for potential errors (i.e., wrongful convictions and wrongful acquittals) – which affected their personal standard-of-proof threshold of conviction (Ellsworth, 1993; Thompson et al., 1984).

Similarly, a juror attitude toward the criminal justice system that Devine & Caughlin (2014) named "trust in the legal system" was the strongest predictor of guilt judgments among the juror characteristics they examined. Their meta-analysis of individual characteristics on guilt judgments included research that used one of the earliest scales of this construct, the Juror Bias Scale (JBS; Kassin & Wrightsman, 1983), which indicated the extent to which an individual trusted that the defendant was the actual perpetrator.

More recent research has recognized the importance of the specific criminal justice attitudes of trust in the police and courts (i.e., aspects of the perceived legitimacy of criminal justice authority) (e.g., Farrell, Pennington, & Cronin, 2013). Two studies have directly examined the relationship between the perceived legitimacy of legal authorities and juror decisions. Both studies used data from the National Center for State Courts survey of jurors on noncapital felony trials in four different U.S. courts, with data collected in 2000-2001. Trust in police and trust in courts were related to first votes, with higher trust on both variables associated with being more likely to vote guilty (Garvey, Hannaford-Agor, Mott, Munsterman, & Wells, 2004). In Farrell et al. (2013), trust in police and trust in courts were related to pre-deliberation preferences, even after controlling for juror demographic characteristics (i.e., gender, race, age), beliefs about the evidence and law, the defendant's race, and case characteristics (e.g., severity of the crime).

Is there a relationship between attitudes toward the criminal justice system and attitudes toward minority groups? Lecci & Myers (2008) found that confidence in the criminal justice system was moderately correlated with racial bias. Moreover, across three types of crime (murder, rape, and armed robbery), both confidence in the criminal justice system and racial bias were equally predictive of verdicts, and each explained significant variance in the verdict while controlling for the other predictors. Furthermore, racial bias predicted verdicts even though no information was given on the defendant's race. These results are consistent with the studies on defendant sexual orientation that found that negative attitudes toward sexual minorities predicted a tendency to convict for all defendants, and not just defendants from a sexual minority. Additionally this study suggests that prejudicial attitudes may accompany certain attitudes toward the criminal justice system that affect jurors' trial-related decisions.

Thus, based on the studies reviewed in this section, the fourth hypothesis of the current study is that jurors' trust in police and courts will predict their guilt decisions, such that those with greater trust will be more likely to perceive defendants as guilty. The relationship between jurors' trust in police and courts and their attitudes toward sexual and gender identity defendants has not been examined in research, and it is an empirical question whether one will be a better predictor than the other in jurors' decisions.

The Current Study

This study extended current research on jury decision making in cases involving gender identity and sexual orientation in several ways. First, the study included a defendant who was transgender. Specifically, three types of defendants were addressed: a transgender heterosexual female, a cisgender gay male, and a cisgender heterosexual female. Second, this study included attitudinal measures of prejudice toward women, gay men, and transgender individuals, in addition to measures of trust in the legal system, in order to clarify the role of these attitudes in predicting juror decisions.

Third, the present study included three different crimes, none considered violent or necessarily abusive. The crimes in this study were prostitution, vandalism, and marijuana possession. Based on the literature reviewed on defendants' sexual orientation, most of that research has involved adolescent/child sexual abuse, intimate partner violence, or some other type of sexualized crime, usually involving homicide. Devine and Caughlin (2014) recommended future research vary the type of crime, as most of the studies in their meta-analysis were either on homicide or sexual assault. Thus this study included multiple crimes, and crimes that are rarely studied.

In sum, the hypotheses are:

1. Jurors will be more likely to believe that transgender heterosexual female defendants and cisgender gay male defendants are guilty than cisgender heterosexual female defendants.
2. Jurors' prejudicial attitudes will predict their guilt judgments, such that jurors with higher levels of any type of prejudice will be more likely to find all defendants guilty, regardless of the defendant's gender identity or sexual orientation, than jurors with lower levels of prejudice.
3. Jurors' theoretically-relevant prejudicial attitudes will be a stronger predictor of guilt for the corresponding defendant-type than the other defendants (e.g., transphobia will predict more strongly for transgender defendants than cisgender defendants).
4. Jurors' trust in the legal system will predict their guilt judgments, such that jurors with higher levels of trust will be more likely to find all defendants guilty.

Method

Participants

Participants were 459 jury-eligible undergraduates at a state university in the southeastern U.S., who received partial course credit in exchange for participation. Of the 300 participants who passed attention checks (see section below), 66.7% were female, 32.7% male, and 0.7% "other" (i.e., one identified as nonbinary and one as transgender). For sexual orientation, 92% reported heterosexual, 3.3% gay or lesbian, 3.3% bisexual, 0.3% other sexual orientations (i.e., one identified as asexual), and 1.0% not sure. For race, 83% indicated White, 5.0% Black, 1.0% Asian-American, 0.7% Native American, 6.0% Multi-racial, 3.7% Other, and 0.7% did not respond. For ethnicity, 18% indicated Hispanic and 82% not Hispanic. The average age was 20.2 (SD = 4.3), with a range from 18 to 55.

Procedure

Participants completed the study in Qualtrics. For each crime vignette, participants read the vignette, indicated the defendant's guilt, and answered attention check questions on the defendant. Then participants responded to the items on trust in the courts and trust in the police, the scales on prejudice, and the demographic items. Last, they were debriefed.

Materials

Crime scenarios. The three crimes were prostitution, vandalism, and felonious possession of marijuana. Each vignette, approximately a half-page long, summarized a police officer's testimony. For example, in the marijuana crime, the police officer stopped the driver for a non-functioning tail-light and smelled marijuana, which gave probable cause for a search. The officer found marijuana in the car and determined that the car belonged to the defendant's husband. The vignette also included the defense counsel's recommendation that the defendant plead *not guilty* and not take the stand (i.e., to exercise their 5th amendment rights), and the state statute under which the defendant was charged. The vignettes for each crime were identical except for the gender identity or sexual orientation of the defendant.

The three types of defendants were a transgender heterosexual female, a cisgender gay male, and a cisgender heterosexual female.[1] The vignettes had information with implications for the defendant's gender identity and sexual orientation. For example, in the prostitution case, gender identity and sexual orientation were indicated by the sections of the adult classified website Backpage.com in which the defendant advertised her or his services. Sexual orientation also was suggested by the gender of the defendant and client. To increase the likelihood that the participants would notice information on the defendant's sexual orientation and gender identity, the vignettes also included background information on the defendant, similar to that used in previous research (see, for example, Coons & Espinoza, 2018).

Qualtrics presented participants with each of the three crime vignettes in a random order. Each crime vignette was randomly matched with a different type of defendant, with the restriction that each participant was exposed to all three crimes and all three types of defendants. For example, if Qualtrics randomly chose the prostitution crime and the transgender heterosexual female defendant for the first trial, then it would randomly choose between the vandalism and marijuana possession crimes and between the cisgender heterosexual female and cisgender gay male defendants for the second trial. The third trial would be the crime and defendant type that had not been seen on the first two trials. Thus, participants read each of the three crime vignettes and rated each of the three types of defendants, and the order was randomized within that restriction. This created two within-subjects factors (type of defendant and crime) that were only partially crossed.

Consistent with other experimental juror decision research, the cases were intentionally designed to be somewhat ambiguous (Quas, Bottoms, Haegerich, & Nysse-Carris, 2002; Salerno et al., 2014; Wiley & Bottoms, 2009, 2013). If the evidence is not overwhelmingly in favor of the prosecution, and there is ambiguity in the defendant's guilt, then jurors' biases would more likely be evident.

Case judgments. Participants assessed guilt on a 5-point scale from *definitely not guilty* to *definitely guilty*. While previous research has used Likert scales (Coons & Espinoza, 2018; Ragatz & Russell, 2010; Russell et al., 2009), the anchors on the present scale reflected perceived guilty and participants' degree of confidence, which is conceptually similar to the scales used in other previous research (Quas et al., 2002; Salerno et al., 2015; Stanziani et al., 2018; Wiley & Bottoms, 2009, 2013). Although jurors have to make a dichotomous decision of guilty or not guilty, Devine and Caughlin (2014) concluded in their meta-analysis that whether

the measure was dichotomous or continuous did not appear to explain much variation in the effects of defendant or juror characteristics on judgments of guilt.

Measures of prejudice. Attitudes toward women, gay men, and transgender individuals were assessed with four measures; high scores on each scale indicated higher levels of prejudice. So that individuals' attitude scores would correspond to the measure's 5- or 7-point scale, individuals' average item score was created for each measure by dividing their total score by the number of items on that measure. Cronbach's alpha was calculated for each scale using the present sample.

Attitudes toward women were assessed by using the Modern Sexism Scale (MSS; Swim, Aikin, Hall, & Hunter, 1995). The MSS measures more subtle forms of sexism, whereby individuals deny that discrimination against women still persists in our society, disagree with those concerned about this discrimination, and are opposed to policies that would counter this discrimination. The MSS (α = .86) has eight items measured on a five-point scale, from *strongly agree* to *strongly disagree*. A sample item is "Women often miss out on good jobs due to sexual discrimination."

Attitudes toward gay men were measured by the Modern Homonegativity Scale – Gay Men (MHS-G; Morrison & Morrison, 2002). The MHS-G also measures more subtle negative attitudes, whereby individuals deny that discrimination against gay men persists and believe that gay men make unnecessary demands related to their sexual orientation. The MHS-G (α = .94) has 12 items on a five-point scale, from *strongly disagree* to *strongly agree*. A sample item is "Gay men have become too confrontational in their demands for equal rights."

Attitudes toward transgender individuals were assessed by two scales. The Transphobia Scale measures negative emotional reactions toward individuals who do not conform to traditional gender norms (Nagoshi et al., 2008). The Transphobia Scale (α = .92) has nine items

on a seven-point scale, from *completely disagree* to *completely agree*. A sample item is "I avoid people on the street whose gender is unclear to me."

Attitudes toward transgender individuals was also measured by the first subscale of the Revised Genderism and Transphobia Scale Short-Form (RGTS-SF; Tebbe, Moradi, & Ege, 2014). Genderism is an ideology that reinforces and perpetuates the negative evaluation of gender-nonconforming individuals (Hill & Willoughby, 2005). To avoid confusion between the two transphobia scales, this one will henceforth be referred to as Genderism. The first factor of the RGTS-SF (α = .95) has eight items on a seven-point scale, from *strongly agree* to *strongly disagree*. A sample item is "I would avoid talking to a woman if I knew she had a surgically-created penis and testicles." The second subscale on gender-bashing, comprised of five items largely on violent behavior, was not given to participants in this study.

Legal attitude questions. Assessment of trust and confidence in the legal system were based on modifications of two items used by the National Center for State Courts in their survey of almost 2000 jurors from four different U.S. courts (Farrell et al., 2013). Specifically, participants were asked the extent to which they had trust and confidence in the police in their community and trust and confidence in the courts in their community. Both items were on a 5-point scale from *under no conditions* to *under all conditions*. These anchors were chosen because individuals may trust police under some conditions, such as when receiving help from police after reporting a crime; and not other conditions, such as when an individual is stopped and questioned by an officer.

Other questions. Demographic items included gender, gender assigned at birth, sexual orientation, race, ethnicity, and age. Using two questions on gender (i.e., current gender, gender assigned at birth) allowed for the identification of individuals who would come under the umbrella of transgender, but who identify as male or female (Tate, Ledbetter, & Youssef, 2013).

Some demographic items included the alternative of *Other*, and when a participant chose *Other*, the participant was asked to give a more specific response.

Attention checks. To ensure that participants thoroughly read the crime vignettes, 12 items were asked on defendants' gender, gender identity, and sexual orientation (i.e., 4 items per defendant). Of the 459 participants, 158 (34%) incorrectly answered one or more items. This rate is similar to past research; for example, Ragatz & Russell (2010) only had two attention check items and 29% of participants failed one or both items. A Cochran's *Q* Test determined that there was not a significant difference in the proportion of participants who failed manipulation checks for each of the types of defendants, $\chi^2(2) = 4.92$, $p = .086$. These results suggest that the value of random assignment was preserved. Additionally, one participant was excluded because the participant's responses to identifying their gender and sexual orientation included inappropriate humor that indicated disregard for the experimental manipulation.

Design. The type of defendant (transgender heterosexual female, cisgender gay male, cisgender heterosexual female) and the type of crime (prostitution, vandalism, and marijuana possession) were within-subjects factors, that were partially crossed. The attitudinal predictors of prejudice and trust in the legal system were between-subjects factors.

Results

Model Specification

Because the data structure contained two within-subjects factors that were not completely crossed, a linear mixed model (LMM) was conducted with guilt as the dependent variable. A linear mixed model allows for fixed and random effects to be analyzed simultaneously. Moreover, it allows for non-independence of observations and can account for partially-crossed factors (Garson, 2013). The fact that each participant did not see the same pairings of crime and defendant-type was accounted for by specifying participants as a level two random factor, crime

as a level one random factor, and defendant-type as a level one fixed factor. Specifying participants as random accounted for the correlation in responses from the same person. Additionally, crime is appropriate as a random factor as the interest is in the effect of these crimes as a representation of crimes, and not the effect of these specific crimes or vignettes. The fixed factors were the defendant-type, the three types of prejudice (i.e., sexism, homonegativity, and transphobia) and each of their interactions with the defendant type, and the trust in legal authorities. For the purpose of the analysis, defendant type was coded so that SPSS would use the cisgender heterosexual female as the reference group.

Means, standard deviations, and correlations for all measured predictor variables are presented in Table 1. The means for the prejudice scales were slightly below the scale midpoint (i.e., a midpoint of *3* on a 5-point scale and a midpoint of *4* on a 7-point scale). The prejudice scales correlated moderately strongly to strongly among themselves. Because both transphobia and genderism are intended to measure attitudes towards transgender people, and the two variables were highly correlated, scores on those two scales were averaged to form one variable (M = 3.78, SD = 1.52; see secondary analyses for further support for combining these variables).

The means for trust and confidence in the courts and police were above the midpoint. Trust and confidence in the courts and in the police correlated strongly with each other, and also correlated with the prejudice scales. Given that the primary interest was in trust of legal authorities, the two legal trust variables (trust in the courts and trust in the police) were averaged together (M = 3.73, SD = 0.76).

Model Selection

A linear mixed model, using maximum likelihood estimation, was conducted using SPSS, version 24, to test the hypotheses. A stepwise model selection approach was taken, where at each step, the term with the largest *p*-value is removed, as long as that *p*-value is larger than .05

(Smeltman, 2016). Each model was tested for fit with the Likelihood Ratio Test, where the change in the deviance values (i.e., -2 times the log likelihood) approximates a chi square distribution, with degrees of freedom equal to the difference in the number of parameters estimated between models (Peugh, 2010).

The specific models estimated for stepwise selection are shown in Table 2. Model 1 contained all predictor variables. The first effects to be removed were sexism (Model 2) and homophobia (Model 3). Given the moderately high to high correlations among the prejudice scales, it is likely that sexism and homophobia did not have significant unique variance to contribute to the model. The second set of effects to be removed were the interactions between the prejudice scales and the type of defendants; that is, the interactions between defendant-type and homonegativity (Model 4), transphobia (Model 5), and sexism (Model 6). Although each change did not lead to significant improvement in the model's fit, none led to a significant decrease in fit; and the most parsimonious model was retained.

Results of Model

Random Effects. The estimated standard deviation of average guilt ratings across crime type was 0.50, and the intraclass correlation coefficient (ICC) was 0.24. The relatively high variability between crime vignettes, along with the relatively high variance explained by crime type, was expected because participants responded to information specific to the different crime vignettes. The estimated standard deviation of average guilt ratings across participants was 0.26, and the intraclass correlation was 0.07. This suggests relatively low variability across participants.

Fixed Effects. Hypothesis 1 was partially supported: Participants rated different types of defendants differently in guilt. Pairwise comparisons indicated a significant difference in guilt ratings between the transgender heterosexual female defendant and the cisgender heterosexual

female defendant, such that transgender females were rated higher in guilt than cisgender females, $\triangle M = 0.18$, $SE = 0.07$, t (598) = 2.62, $p = .009$, 95% CI [0.05, 0.32]. Contrary to predictions, the difference between guilt ratings for the gay male defendant and the cisgender heterosexual female defendant was not significant, although the mean difference was in the predicted direction, $\triangle M = 0.12$, $SE = 0.07$, t (598) = 1.69, $p = .092$, 95% CI [-0.02, 0.25].

Hypothesis 2 was partially supported: Participants with higher levels of transphobia were more likely to perceive defendants as guilty. Specifically, a one unit increase in transphobia resulted in a 0.05 increase in mean guilt ratings, above and beyond the other fixed effects in the model, $SE = 0.02$, t (299) = 2.37, $p = .018$, 95% CI [0.01, 0.10].

Hypothesis 3 was not supported: The interactions between defendant type and each prejudice scale were not significant. The theoretically-relevant prejudice scales did not predict more strongly for the corresponding defendants. For example, transphobia did not predict more strongly for transgender defendants than for the cisgender defendants.

Hypothesis 4 was supported. Participants with higher levels of trust in legal authorities were more likely to perceive defendants as guilty. Specifically, for a one unit increase in trust in legal authorities, the average guilt rating increased by 0.30, above and beyond the other fixed effects in the model, $SE = 0.04$, t (299) = 6.83, $p < .001$, 95% CI [0.21, 0.38].

Secondary Analyses

Given the high intercorrelations among the prejudice scales (see Table 1), two factor analyses were conducted. One exploratory factor analysis was conducted on the items from the original four prejudice scales. Using principle axis factoring and an oblimin rotation, results indicated that each of the three factors had its highest loadings on items reflecting a different type of prejudice. Items from the Transphobia scale and the Genderism scale both had the highest loadings on the first factor, which further supported the earlier decision to combine these

two scales. Items from the Sexism and Homonegativity scales, loaded on the second and third factors, respectively. Thus, these results support the decision to use the three types of prejudice as separate measures in the main analysis.

The other exploratory factor analysis was conducted on the prejudice scale scores as opposed to the scale items. Using principle axis factoring, the first factor accounted for 67.7% of the shared variance. One factor was kept because the second factor accounted for only 5.5% of the shared variance, and it was highly correlated with the first (r = .83). The single factor underlying the scales could be interpreted as generalized prejudice (Allport, 1954; Ekehammer, Akrami, Gylie, & Zakrisson, 2004; see also Mao, Haupert, & Smith, 2019, for an example of treating similar scales as one factor.)

A mixed model was conducted using factor scores, calculated based on the regression method (M = 0.00, SD = 0.97; range -2.07 – 2.16), in place of the scale scores for sexism, homonegativity, and transphobia. The results of this model were very similar to the first model. The primary difference was that generalized prejudice predicted guilt, instead of transphobia. Specifically, a one unit increase in prejudice resulted in a 0.11 increase in mean guilt ratings, above and beyond the other fixed effects in the model, SE = 0.05, t (868) = 1.97, p = .049, 95% CI [<0.01, 0.21]. This secondary analysis supports a more generalized version of Hypothesis 2.

Discussion

The primary aim of this study was to examine whether defendants' gender identity or sexual orientation would influence jurors' decisions on guilt across several crimes, and, if so, to investigate what attitudes predicted these decisions. Jurors were more likely to believe transgender heterosexual female defendants were guilty than cisgender heterosexual female defendants, but were not more likely to believe cisgender gay male defendants were guilty compared to cisgender heterosexual female defendants. Transphobia had a small association

with these decisions, and there was no evidence to suggest that transphobia was a stronger predictor of guilt for transgender or gay defendants than for all the defendants. Rather, trust in legal authorities was more strongly associated with the guilt decisions than the prejudice scales for all the defendants.

The first hypothesis on types of defendants and jurors' decisions was partially supported. Transgender heterosexual female defendants were more likely to be perceived guilty than cisgender heterosexual female defendants. This finding on transgender women is consistent with the earlier study of juror decisions on transgender women charged with prostitution (Ringger, unpublished manuscript), and generalizes the finding across two other nonviolent crimes. This finding raises the question of whether an individual from a gender minority can receive a fair trial. Even small differences, such as the one found in this study, can make a difference in a juror's decision, and thus potentially make a difference in the outcome for a defendant. This question of whether a gender minority defendant can obtain an impartial trial is particularly critical in view of the suggested higher incarceration rates of transgender individuals (Stotzer, 2014).

Unexpectedly, cisgender gay male defendants were not more likely to be perceived guilty than cisgender heterosexual female defendants. The lack of a finding for defendants' sexual orientation is consistent with some previous research (e.g., White & Kurpius, 2002), but not with others (e.g., Wiley & Bottoms, 2009). One possible explanation is that whether a defendant's sexual orientation affects jurors' decisions may depend on the specific crime involved. Past research has suggested that jurors are more likely to convict defendants when they commit crimes perceived as stereotypical of their group (e.g., Skorinko & Spellman, 2013). Regarding sexual orientation, for example, findings have been the most consistent for gay men when the crime was child/adolescent sexual abuse (e.g., Wiley & Bottoms, 2009).

A second possible explanation stems from attitudes toward gays and lesbians becoming less negative in the U.S. over the past ten to twenty years (Charlesworth & Banaji, 2019; Fetner, 2016), and thus fewer participants would have had negative attitudes to express in their guilt judgments and on the homonegativity measure. Additionally, because of the attitude change in society, some participants may have been less willing to express negative attitudes toward the gay male defendant, even if they harbored prejudice. In contrast, attitudes toward transgender individuals are more negative than those toward gays and lesbians (e.g., Norton & Herek, 2013). This trend may have been reflected in jurors being more likely to perceive transgender females as more guilty than cisgender females, while not being more likely to perceive gay males as more guilty than cisgender heterosexual females. This explanation is consistent with observations raised in earlier research that jury trials allow the values of the public to enter into the legal process, and thus jury decision making can reflect current public opinion (see Ellsworth, 1993; Horowitz, 1988; Farrell et al., 2013).

The second hypothesis was partially supported: Jurors expressing higher levels of transphobia were more likely to believe defendants were guilty, regardless of the defendants' gender identity or sexual orientation. This finding is consistent with the results of a previous study, where transphobia predicted victim blame for both the transgender victim and the "non-specified" victim (Thomas et al., 2016). This finding also is conceptually consistent with the research where measures of homophobia or homonegativity predicted juror decisions for defendants of all sexual orientations (Russell et al., 2009; Salerno et al., 2014; Wiley & Bottoms, 2009). The relationship between transphobia and guilt was small, consistent with some previous research (e.g., Gamblin et al., 2018). Sexism and homonegativity, however, were not significant in this study's model.

The supplemental analysis also provided support for the second hypothesis. The single factor, underlying the four scales, could be interpreted as generalized prejudice. According to Allport (1954), people prejudiced against one outgroup are likely to be prejudiced against other outgroups (see also Ekehammer, et al., 2004). In the current study, generalized prejudice predicted guilt for all defendants.

The results did not support the third hypothesis: Transphobia was not more predictive of the guilt of transgender female defendants, nor were the other prejudice scales more predictive of their respective groups, compared to other defendants. This finding is consistent with some past research (Ragatz & Russell, 2010; Salerno et al., 2014), but not other past research (Cramer, Wakeman, et al., 2013; Thomas, et al., 2016). Many past studies, however, either focused solely on sexual minority defendants (e.g., Wiley & Bottoms, 2013) or did not test the significance of the difference between types of defendants (e.g., Russell, et al., 2009).

The fourth hypothesis was supported: Participants who had a higher level of trust in legal authorities were more likely to find defendants guilty, regardless of their gender identity or sexual orientation. This finding is consistent with the conclusion from Devine and Caughlin's (2014) meta-analysis that the best individual juror characteristic predictor was the Juror Belief Scale (Kassin & Wrightsman, 1983). In addition, this result is consistent with early research on attitudes toward the criminal justice system. For example, attitude toward the death penalty was associated with other attitudes toward the criminal justice system that led jurors to favor the prosecution or the defense, which, in turn, led to conviction tendencies (Ellsworth, 1993; Thompson, et al., 1984). In the same way, the perceived legitimacy of legal authorities may lead jurors to favor the prosecution or the defense, or may be associated with other attitudes toward the criminal justice system that lead jurors to favor the prosecution or defense.

The current findings suggest that trust in legal authorities may be a better predictor of juror decisions than prejudice, even for defendants of different gender and sexual minorities. The strength of criminal justice system attitudes over more case-specific attitudes is consistent with early research. For example, in cases where the defendant had pled not guilty by reason of insanity, attitude toward the death penalty predicted conviction better than attitudes toward the mentally ill (Ellsworth, et al., 1984). Nonetheless, the present results are inconsistent with Lecci and Myer's (2008) finding that confidence in the criminal justice system and racial bias predicted guilt verdicts equally well, even though the race of the defendant was not stated to jurors. In this study, and in Lecci and Myer, prejudice and attitude toward the criminal justice system was moderately associated with each other.

Implications

Examining the study's results in their entirety suggests that mock jurors were influenced foremost by the case itself. The legal system depends on jurors' responding to the evidence presented to them for defendants to receive a fair trial; thus, this is a desirable outcome. Using multiple crimes in a within-subjects design showed the degree to which the specifics of a case influenced jurors, and had the added advantage over a between-subjects design of controlling individual differences.

Moreover, this study suggests that mock juror decisions were influenced by jurors' level of trust and confidence in legal authorities and by their level of prejudice. The importance of the effect of individuals' trust and confidence in legal authorities on juror decisions may increase in the future. Research has shown that different racial minorities have different perceptions of the legitimacy of legal authorities (see Farrell et al., 2013, for a summary). The U.S. Census Bureau's projections are that this country will continue to become increasingly racially and ethnically diverse (Vespa, Armstrong, & Medina, 2018). An increasingly diverse society, with

varying levels of trust and confidence in legal authorities, could affect jurors' decisions in the future.

While the relationships between transphobia (or generalized prejudice) and guilt were small, past research has shown that even small effect sizes can have societally important consequences (Greenwald, Banaji, & Nosek, 2015; Abelson, 1985). Although Greenwald et al. focused on implicit association tests (IAT) and criteria other than juror decisions, both the IAT and the explicit measures in this study assess prejudice and are related to discriminatory behavior. Specifically, Greenwald et al. illustrated that small discriminatory effects (e.g., correlations as small as .04 between prejudice and an outcome) can have meaningful consequences under two conditions: when they apply to many people or when they apply repeatedly to the same individual. In jury trials, this would suggest that even small discriminatory effects would be substantially significant when applied to transgender defendants across the U.S. Recurrent discriminatory effects in a jury setting could occur with repeat offenders.

While prejudice explained only a small proportion of the guilt judgments, the transgender female defendants were still more likely to be perceived guilty than the cisgender heterosexual female defendants. What factors might explain the discriminatory pattern of decisions, which were not fully accounted for by the current measures of prejudice? One possible explanation for the unexplained variance in jurors' decisions is implicit attitudes of prejudice. If jurors were unwilling to express explicit prejudice – or if jurors did not have explicit prejudice but did have implicit prejudice – then they might be more willing to judge the transgender defendant guilty (than the cisgender heterosexual defendant) and their scores on the explicit prejudice scale would not predict their guilt judgment. Explicit and implicit measures of prejudice toward transgender men and women have been shown to be related but different constructs (Axt, Conway, Westgate,

& Buttrick, 2017; Wang-Jones, Alhassoon, Hattrup, Ferdman, & Lowman, 2017). Further, implicit prejudice toward transgender people has been shown to have incremental validity beyond explicit measures for some outcome measures, such as gender essentialism and misconceptions about transgender people (Axt et al., 2017; Wang-Jones et al., 2017).

Limitations and Future Directions

This study is limited by the use of brief vignettes and a sample of college students. A brief vignette was used because the goal was to test the influence of defendants' sexual orientation and gender identity on juror decisions, and examine predictors of those decisions. The number of alternative explanations could increase if participants reacted to idiosyncratic details found in longer vignettes or videos.

College student samples are still common in jury decision-making research (Bornstein et al., 2017). Indeed, Bornstein et al.'s (2017) meta-analysis comparing student and non-student samples in jury decision-making research found few differences between them. Similarly, Devine and Caughlin's (2014) meta-analysis on juror and defendant characteristics found little evidence to suggest that a study's sample affected the relationship between individual characteristics and guilt judgments.

If student samples are a concern in the study of defendant's gender identity and sexual orientation, the concern may be the relationship between students' age and education level with their attitudes towards individuals from gender and sexual minorities. Younger individuals and more educated individuals have shown less homophobia (Kassing, Beesley, & Frey, 2005; McDermott & Blair, 2012), and more educated individuals have shown less transphobia (Norton & Herek, 2013). If this study's sample was less homophobic and transphobic than the general population, then the study would be a more conservative test of the first hypothesis; and stronger effects would be predicted in a community sample.

Given that this study is one of the first to examine juror guilt judgments of transgender defendants and to examine a series of non-violent crimes, and one of the few to examine predictors of these judgments, this study should be considered "Stage One" research (Diamond, 1997). More representative samples of the jury-eligible U.S. population can be used as "Stage Two" research (Diamond, 1997). In particular, consideration should be given to the intersection of juror gender, gender identity, race, and sexual orientation.

Additionally, future consideration should be given to expanding the types of defendants in terms of their gender identities, sexual orientations, and race. Jurors may react differently to other transgender identities (e.g., transgender men) and sexual orientations (e.g., lesbians); and also react differently if these defendants are of different races. Again the intersection of the defendant's gender identity, sexual orientation, and race – in the context of specific crimes – may have different effects than when these characteristics are considered individually (e.g., Girgenti, 2015; Petsko & Bodenhausen, 2019).

Finally, in contrast to the majority of studies on juror attitudes and decision making, this study included multiple types of crimes, all of which were non-violent and not commonly studied. Future studies should consider the use of multiple types of crime, and, in particular, consider the level of violence involved in the crime and whether the crime is associated with a particular demographic segment of the population, that is, the stereotypicality of a crime for a defendant's group (Skorinko & Spellman, 2013).

Conclusion

The current study contributed to the existing literature on jury decision making by extending the research on the influence of defendants' gender identity and sexual orientation on juror decisions to three non-violent crimes. The study further confirmed that higher trust in legal authorities, and to a lesser extent, higher prejudice, were predictive of guilt judgments. The

study, however, did not provide evidence that these factors were more effective predictors with defendants from gender and sexual minorities than for all defendants.

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Footnotes

[1] These three types were chosen in order to partially replicate and extend an earlier study in which prostitution was the only crime examined (Ringger, unpublished manuscript). Prostitution was an appropriate choice for a crime involving a transgender woman, as Stotzer (2014) indicated particularly high arrest and incarceration rates for transgender women involved in sex work. Further, the three types of defendants chosen all offered services for male clients, providing a control and providing mundane realism. In contrast, lesbian sex workers, with male clients, may have confused participants about the defendant's sexual orientation.

The comparison between cisgender gay men and transgender women is supported by theory and empirical data. In Nagoshi et al.'s (2019) model of homophobia and transphobia as gender-based prejudices, the targeted-groups were based on their birth sex (e.g., cisgender gay males and transgender women are grouped under born-male), and this categorization was largely supported in their test of the theory. Also, the content of early transphobia scales (e.g., GTS, TS) indicates that individuals who have negative attitudes towards transgender individuals tend to believe that gender is immutable and that an individual is the gender that they are born regardless of how the individual identifies. This suggests that for transphobic individuals, a cisgender gay male is an appropriate comparison to a transgender woman.

Table 1

Descriptive Statistics and Correlations among Measured Predictor Variables

Variables	*M*	*SD*	Correlations				
			2	3	4	5	6
1. Sexism (5-point)	2.60	0.77	.62***	.57***	.45***	.30***	.29***
2. Homonegativity (5-point)	2.87	0.87	--	.79***	.70***	.27***	.24***
3. Transphobia (7-point)	3.98	1.52		--	.81***	.22***	.23***
4. Genderism (7-point)	3.57	1.69			--	.16**	.18**
5. Trust in Courts (5-point)	3.61	0.89				--	.66***
6. Trust in Police (5-point)	3.84	0.77					--

Note. Sexism is the Modern Sexism Scale (Swim et al., 1995); Homonegativity is the Modern Homonegativity Scale – Gay Men (Morrison & Morrison, 2002); Transphobia is the Transphobia Scale (Nagoshi, et al., 2008); Genderism is the first factor of the Revised Genderism and Transphobia Scale Short-Form (Tebbe, Moradi, & Ege, 2014).

* $p < .05$. ** $p < .01$. *** $p < .001$.

Table 2

Linear Mixed Models Fit for Guilt

	Model 1			Model 2			Model 3		
Fixed Effects	*F*	*df*	*p*	*F*	*df*	*p*	*F*	*df*	*p*
(Intercept)	20.37	1, 3.5	.014	20.37	1, 3.5	.014	20.37	1, 3.5	.014
Defendant	2.67	2, 598	.070	2.67	2, 598	.070	2.67	2, 598	.070
Transphobia	2.63	1, 299	.106	2.63	1, 299	.106	2.63	1, 299	.106
Legal Trust	43.60	1, 299	.000	43.60	1, 299	.000	46.60	1, 299	.000
Defendant x Sexism	12.40	2, 598	.290	0.83	3, 448	.479	0.83	3, 448	.479
Defendant x Transphobia	0.66	2, 598	.518	0.66	2, 598	.518	0.66	2, 598	.518
Defendant x Homonegativity	0.89	2, 598	.410	0.89	2, 598	.410	0.61	3, 448	.661
Homonegativity	0.03	1, 299	.856	0.03	1, 299	.856			
Sexism	0.01	1, 299	.942						
Random Effects									
σ^2		0.71			0.71			0.71	

$\tau_{00\ Crime}$	0.26	0.26	0.26
$\tau_{00\ Participant}$	0.07	0.07	0.07
Model Fit			
-2LL	2341.51	2341.51	2341.51
△ -2LL		0.0	0.0
df	16	16	16
△ df		0	0

Note. Sexism is the Modern Sexism Scale (Swim et al., 1995); Homonegativity is the Modern Homonegativity Scale – Gay Men (Morrison & Morrison, 2002); Transphobia is the average of the Transphobia Scale (Nagoshi, et al., 2008) and the first factor of the Revised Genderism and Transphobia Scale Short-Form (Tebbe, Moradi, & Ege, 2014).

Model 4			Model 5			Model 6		
F	*df*	*p*	*F*	*df*	*p*	*F*	*df*	*p*
20.46	1, 3.5	.015	20.46	1, 3.5	.015	20.71	1, 3.5	.015
2.24	2, 598	.108	2.65	2, 598	.070	3.54	2, 598	.030
4.17	1, 299	.042	4.17	1, 299	.042	5.62	1, 299	.018
43.72	1, 299	.000	43.72	1, 299	.000	46.70	1, 299	.000
1.12	3, 448	.339	1.02	3, 448	.385			
0.24	2, 598	.789						
	0.72			0.72			0.72	

0.25	0.25	0.25
0.07	0.07	0.07
2343.33	2343.80	2346.84
-1.82	-0.47	-3.04
13	11	8
3	2	3