

DOES APPEARANCE MATTER?: THE EFFECT OF SKIN TONES ON TRUSTWORTHY
AND INNOCENT APPEARANCES

by

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ABSTRACT

Decades of research show that among first time offenders Blacks receive a harsher punishment in general than Whites, even after controlling for legally relevant and non-relevant factors.

Sentencing disparities between Blacks and Whites contain the presence of colorism. Color is an important component of individual appearance and could send attitudes about one's demeanor, values, remorse, honesty, and even guilt (Burch, 2015). The current research aims to examine the relationship between the skin tone of capital case inmates and perceived levels of trustworthiness and innocent appearances. Photographs of convicted capital case inmates were shown to undergraduate, entry-level criminal justice students to determine whether the skin tones of capital case inmates influence their views of trustworthiness and innocent appearances. These views were obtained by rating the photographs of capital inmates on two scales measuring levels of trustworthiness and innocence. An analysis of variance was conducted to compare mean ratings of trustworthiness and innocence for each skin tone category. The results revealed a significant relationship between skin tone and perceived levels of trustworthiness. Specifically, student raters rated a light skin photograph higher on trustworthiness when a light skin photograph preceded a dark skin photograph. A discussion of these results, policy implications, and limitations are reviewed.

Keywords: colorism, appearance, skin tone, trustworthiness, innocence

LIST OF ABBREVIATIONS AND SYMBOLS

| | |
|----------|---|
| ANOVA | Analysis of variance |
| F | The mean square between groups or mean square within groups |
| H1 | Directional hypothesis 1 |
| H2 | Directional hypothesis 2 |
| <i>n</i> | Sample size |
| p | Significance level |
| Sig. | Significance level |
| SPSS | Statistical Package for the Social Sciences |

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1. INTRODUCTION

Racial disparities in sentencing continues to be a problem in the criminal justice system. Burch (2015) found that after controlling for legally relevant factors, such as type of crime, Blacks received a 4.25 percent higher sentence than Whites among first-time offenders. However, an ever-evolving body of research suggests that such disparities exist among skin color. The existence of sentencing discrimination between Blacks and Whites might be influenced by the presence of colorism; color is an important component of individual appearance and could activate attitudes about one's demeanor, values, remorse, honesty, and even guilt (Burch, 2015). While these inclinations most certainly exist in the criminal justice system, skin tone holds a high degree of uncertainty with regard to guilt (Wilson & Rule, 2015).

Colorism refers to prejudice and discrimination that occurs because of the lightness or darkness of one's skin (Burch, 2015; Keith & Monroe, 2016; Maddox & Gray, 2002). Individual actors within the criminal justice system often use the visual cues implicitly and explicitly to make decisions about guilt, innocence, or even suspiciousness (Burch, 2015). Limited research exists on the topic of capital case outcomes and appearances of those convicted. Many studies have analyzed race and sentencing outcomes (Freiburger & Hilinski, 2013; Sorensen & Wallace, 1999; Williams & Holcomb, 2004), but few have associated appearance with the sentencing outcomes (Eberhardt, Davies, Purdie-Vaughns, & Johnson, 2005; Wilson & Rule, 2015). The current research question is: Does physical appearance, such as skin tone, affect the perceived levels of trustworthiness and innocence among inmates of different skin tone groups? A selected

group will rate the photographs of those convicted in capital cases on two appearance scales: trustworthiness and innocence.

The current article examines the relationship between perceived levels of trustworthiness and innocent appearances among different skin tones. The analysis makes use of trustworthiness and innocence ratings attached to those convicted of capital murder. Key findings indicate a significant correlation in the ordering of photographs presented to the raters, where the first photograph can predict the ratings for subsequent photographs.

2. JUSTIFICATION OF RESEARCH

Due to existing disparities in economic and societal outcomes among different racial groups, the importance of skin color as an analytic framework for thinking about racial disparities cannot be overstated (Burch, 2015). Skin color has been an important determination of social, legal, political, and economic opportunities for Blacks since colonial times.

Many studies have recognized racial bias within sentencing. Racial bias research emphasizes the Implicit Association Test, which aims to measure the level of implicit biases that operate beyond individuals' conscious awareness, and may even exist among individuals who genuinely believe themselves to be unbiased (Banks, Eberhardt, & Ross, 2006). Implicit Association Test research has found that race continues to be unconsciously present in decisions about perceptions and sentencing outcomes (Banks et al., 2006).

The current research study aims to examine the relationship between the skin tone of capital case defendants and perceived levels of trustworthiness and innocent appearances among different racial groups. The current research study benefits the academia by proving a new, measurable level of perception: innocent appearance. This research will fill gaps in the literature where innocent appearances could be useful in measuring differences in perceptions based on skin tone. Wilson and Rule (2015) make use of photographs of person convicted but later proved innocent. With prior studies examining the effect of appearances on sentencing outcomes, a limited amount of information provided to the student raters about conviction prevents the current research from drawing accurate conclusions on sentencing outcomes. The current study seeks to examine the relationship between skin tone and perceptions of trustworthiness and

innocence, regardless of sentence. By providing minimal information to the raters, a more valid rating of trustworthiness and innocence can be obtained as it relates to skin tone. The two scales of trustworthiness and innocence seek to operationalize the levels of implicit biases into measurable attitudes toward members of different skin tones.

3. LITERATURE REVIEW

History of Colorism

Color-based discrimination, often referred to as colorism or color-consciousness, centers on the advantages, disadvantages, prejudice, and discrimination of people based on the lightness or darkness of their skin tone (Burch, 2015; Keith & Monroe, 2016; Maddox & Gray, 2002). Colorism, different from racism, does have a racial component. The skin color and phenotypic traits that are less valued are those associated with blackness or African ancestry, where whiteness is prized as an ideal standard of beauty and goodness (Burch, 2015). Skin complexion is perhaps the primary physical feature used to ascribe racial classification when interacting with others (Keith & Monroe, 2016). Those with lighter skin tones are discriminated against less than darker individuals (Burch, 2015). While colorism can be experienced in interracial encounters, it can also appear in relations among members of the same race.

Colorism evolved when Europeans gave favored treatment to the conquered people who were more similar to them in light skin physical appearances (Keith & Monroe, 2016). Differential treatment based on skin tone has emerged in a number of countries around the world, where light skin is generally valued over dark skin (Maddox & Gray, 2002). In the United States, skin tone has been an important determinant of life chances for Blacks since colonial times. As the Black slave populations increased, racial mixing between Blacks and Whites and Blacks and indigenous people increased, thus creating stronger distinctions in complexion among the Black population (Burch, 2015). Differential treatment based on skin color grew as the number of Blacks with lighter skin tones grew. Slaves with lighter skin tones often had higher, more

desirable positions, and were more likely to be literate, more affluent than other Blacks, and free (Keith & Herring, as cited in Burch, 2015; Maddox & Gray, 2002). Research on ex-slave volunteers in the Union Army reveals those with lighter skin tones were often skilled workers rather than field hands prior to enlisting, and were more likely to be officers during the Civil War (Hochschild & Weaver, as cited in Burch, 2015).

Mounting evidence suggests that because of colorism, there may also be disparities in material and societal outcomes based on skin tone within racial groups. Differences in occupation, income, and educational attainment among Blacks with different skin tones have been observed. Among Blacks, light-complexioned persons tend to earn higher incomes, while people with dark skin tones experience troubled accounts in occupation and wages (Keith & Monroe, 2016). According to experimental research conducted by Maddox and Gray (2002), both Whites and Blacks are more likely to assign negative traits such as bad attitude, criminality, toughness, aggression, laziness, and stupidity to dark-skinned Black men and women rather than lighter-skinned Blacks of either gender. Blacks with lighter skin tones are afforded higher status by Whites and other Blacks; Whites and Blacks are less likely to apply negative stereotypes to lighter-skinned Blacks (Burch, 2015). Furthermore, Whites and Blacks are more inclined to see Blacks with light skin as educated, intelligent, kind, motivated, and wealthy (Maddox & Gray, 2002).

The Biased Evidence Hypothesis suggests that when racial stereotypes are activated, people automatically and unintentionally evaluate in racially biased ways (Levinson & Young, 2010). Social cognition research has demonstrated that the human mind responds quickly and automatically to racially stereotypic information, suggesting these automatic cognitive responses can have harmful effects on decision-making (Levinson & Young, 2010). However, broader

legal scholarship on unconscious racism, as well as scientific evidence supporting the occurrence of implicit bias in American society, suggests that biased evidence evaluations are unlikely to be the sole point in decision making (Levinson & Young, 2010).

Historically, whiteness has been a prized standard for beauty and goodness; skin color and hereditary traits that are more associated with blackness or African ancestry are less valued (Hill, 2000). While skin color has been used as a marker for race, skin color as developed as a proxy for blackness or whiteness. Skin tone affects peoples' attitudes and perceptions of darker-skinned people more negatively than lighter-skinned people. Historical research has shown as the number of blacks with lighter complexions grew, so did the practice of differential treatment based on skin color. Skin tone often predicted the type of position slaves held, where darker-skinned slaves were assigned to more physically demanding field positions. White slave owners often favored their lighter-skinned slaves over others by giving them desirable assignments and limited training in skilled trades (Maddox & Gray, 2002).

After the Civil War, distinctions among light-skinned Blacks, mixed race Blacks, and darker-skinned Blacks continued despite efforts of the one-drop rule, where the racial classification of Blacks existed even with one ancestor of African heritage (Burch, 2015). Despite this legal classification, much status was afforded to lighter-skinned Blacks because of the greater ability to secure higher education and professional success compared to the average Black person. Lighter-skinned Blacks formed the elite upper class of Blacks, where they established exclusive churches, clubs, and social networks, often excluding darker-skinned Blacks from participating (Graham, as cited in Burch, 2015; Maddox & Gray, 2002). A "paper bag test" was often used in determining membership. This test required applicants to place their

arm inside an ordinary brown paper bag, where entry was denied if their skin tone was darker than the bag (Hall, as cited in Maddox & Gray, 2002).

The effects of skin color also appear to exist in the criminal justice system. Juries are more likely to convict darker-skinned Black defendants rather than lighter-skinned Black defendants (Levinson & Young, 2010). Discrimination can arise as individual decision-makers formulate opinions about defendants based on their skin tone. Color is an important component of individual appearance that sends signals about an individual's demeanor, values, honesty, and even guilt or innocence (Burch, 2015). Several studies have examined the relationship between attractiveness of defendants and juror judgements of guilt (Darby & Jeffers, 1988; Desantis & Kayson, as cited in Burch, 2015). Results have found jurors are more likely to sympathize with attractive defendants than unattractive ones. Lighter-skinned individuals may be seen as more attractive than their dark-skinned counterparts, thus individual actors in the criminal justice system might be more inclined toward leniency in cases involving lighter-skinned defendants (Burch, 2015).

Race and Sentencing

A meta-analysis quantitatively tested race-effects on mock-jurors, analyzing whether mock-jurors demonstrated racial bias in decision-making. The researchers found small but significant differences in race effects on both verdicts and sentences, indicating that mock jurors were biased in favor of defendants of their own race (Levinson & Young, 2010). The following sections will discuss how race of the defendant, race of the victim, and race of the jury can affect sentencing outcomes.

Race of the defendant. Race still matters in criminal sentencing. Previous studies have found that the racial disparity in criminal sentencing disappears after controlling for criminal

history, type of crime, and other legal factors (McDougall, Cohen, Swaray, & Perry, 2003). However, even when taking these factors into account, Burch (2015) found that Black first-time offenders still receive longer sentences than their White counterparts. The U.S. General Accounting Office conducted an evaluation synthesis of 28 post-*Furman* studies and concluded that more than half of the studies found race of defendant influenced the likelihood of being charged with a capital crime or receiving the death penalty (Bohm, 1999). Furthermore, in more than three-fourths of the studies that identified a race-of-defendant effect, Black defendants were more likely to receive the death penalty (Bohm, 1999).

The current research study seeks to illustrate racial disparities between Blacks and Whites and how these disparities might exist in sentencing. The United States Census Bureau data indicates Blacks account for 27 percent of Alabama's total population, but account for roughly 48 percent of those sentenced to death. Furthermore, Whites account for 66 percent of Alabama's total population, while only accounting for 52 percent of those sentenced to death. Blacks are overrepresented in death sentences, while Whites are underrepresented in death sentences in comparison to their distribution in the general population. Statistics are not included for other races in order to focus on the difference of perceptions among Blacks and Whites, as prior research has demonstrated.

Race of the Victim. Empirical analyses have revealed that the guidelines established in *Gregg* have failed to eliminate racial disparities. Several prior studies suggest that Blacks receive a harsher penalty than Whites in capital trials involving White victims (Banks, Eberhardt, & Ross, 2006; Baldus, Grosso, Woodworth, & Newell, 2011). The most common disparity or "race effect" is that capital charging and sentencing decisions are applied more punitively in cases involving one or more White victims than they are in similar cases with no White victims

(Baldus et al., 2011). These results are consistent, regardless of the race of the defendant (Banks et al., 2006; Bladus et al., 2011; Bohm, 1999), suggesting each race, Blacks and Whites, are more likely to be sentenced to death when the victim is white. Available evidence (Radelelt, as cited in Aguirre & Baker, 1991) indicates that post-*Furman* statutes have not eliminated a second, less obvious form of racial discrimination: victim-based racial discrimination. Whether the death penalty is imposed continues to depend on the race of the victim more than race of the defendant (Bohm, 1999).

Radelelt (as cited in Aguirre & Baker, 1991) examined whether race remained a significant factor in the processing and outcomes of homicide cases. Radelelt found that Blacks accused of murdering Whites were more likely to be sentenced to death than Blacks accused of murdering Blacks. He explained this trend due primarily to higher probabilities of Blacks accused of murdering Whites to be indicted for first-degree murder. When controlling for race of the victim, Radelelt's data did not clearly support the hypothesis that race of the defendant is strongly associated with the probability of indictment or the imposition of the death penalty. However, he explains this by concluding that prosecutors are more likely to obtain first-degree murder indictments for those accused of murdering White victims than Black victims (Radelelt, as cited in Aguirre & Baker, 1991). Evidence suggests that prosecutors and juries are also sources of arbitrariness in the death penalty's application (Bohm, 1999). The exercise of prosecutorial discretion in seeking a death sentence is the principal source of the race-of-victim disparities observed in the system (Baldus et al., as cited in Bohm, 1999). Furthermore, no capital sentencing procedure in the United States has come under more criticism as unreliable, unpredictable, and arbitrary than the unique Alabama practice of permitting elected trial judges to override jury verdicts of life and impose death sentences (Equal Justice Initiative, 2016).

Race of the Jury. Perhaps not as critical as the prosecutor, juries also play a role in racial disparities produced under post-*Furman* statutes. The United States Census Bureau indicates, that in Alabama, Blacks account for roughly 48 percent of those sentenced to death, where Whites account for 52 percent of those sentenced to death. According to these percentages, Blacks are overrepresented in death sentences. Such percentages might suggest an implicit, or even unconscious, reaction to race of the defendant. Juries in capital cases are distinctively unique from juries in any other type of case because they are death qualified, meaning death penalty opponents can be excluded from capital juries if they oppose the death penalty (Bohm, 1999).

One problem that could arise within the sentencing phase of a capital trial is the Black Sheep effect. A Black Sheep effect can occur when an in-group member is perceived negatively and as a threat to the positive in-group image, resulting in an extremely negative perception of the in-group member (Taylor & Hosch, 2004). If the jury has an extreme majority (majority of the defendant's ethnic out-group), the defendant is of the same ethnicity as the numerical minority, and the evidence against the defendant is strong, a Black Sheep effect would manifest in higher conviction rates or longer sentences (Taylor & Hosch, 2004). Additionally, if solely an out-group punitiveness effect were the case, similar conviction rates would be found in both strong and weak evidence trials (Taylor & Hosch, 2004).

Appearance of the Defendant

Appearance of the defendant has been observed in prior studies as it relates to sentence outcome. Appearances range from race to skin tones, Afrocentric features, stereotypical appearances of Blacks, and trustworthiness appearances. While race refers to someone's ethnicity, skin tone refers to the lightness or darkness of one's skin (Burch, 2015; Keith &

Monroe, 2016; Maddox & Gray, 2002). The appearances of defendants operationalize physical characteristics as legally non-relevant factors as they that might play a role in sentencing disparities. In Georgia, among incarcerated felons, skin color is associated with sentence length more strongly than race, regardless of crime (Hochschild, 2006). However, when compared with Whites or light-skinned Blacks, medium- and dark-skinned Blacks received about 15 percent longer sentences (Burch, 2015).

Measuring Skin Tone. Social surveys in the United States have historically been without a standard method for measuring skin tone and what constitutes light or dark skin (Hannon & Defina, 2016), until a recent consensus developed as a result of the Massey-Martin scale (2003). This scale incorporates a professionally designed color chart to anchor interviewer judgements (Hannon & Defina, 2016). The Massey-Martin skin tone scale includes ten shades of skin color mapped into an illustrative guide of hands corresponding to points one to ten, with one being the lightest and ten being the darkest. This scale is used in the National Longitudinal Study of Freshman, New Immigrant Survey, National Longitudinal Survey of Youth, American National Election Studies, and most recently, the General Social Survey.

Field interviewers of the General Social Survey were told to record the respondents skin color after the interview was complete and not to directly compare the color palette to the respondent's skin. The skin tone measurement was to be completed as soon as possible after the interview (Hannon & Defina, 2016). Some data suggest that the scale has low intercoder reliability (Hannon & Defina, 2016). However, this assessment comes from the scale's use in the General Social Survey. Only until recently has panel data from the General Social Survey been released, providing an opportunity to examine the intercoder reliability. In Hannon and Defina's (2016) assessment of the Massey-Martin Skin Tone Scale, less than a quarter of the African

American respondents listed in the top three categories of skin darkness in 2012 fell into these same top three categories in 2014.

Importantly, interviewers were instructed to record the respondent's skin tone after the interview was complete and were not allowed to directly compare the color palette to the respondent's skin. Implications suggest that future surveys should implement a different procedure for administering the Massey-Martin scale. With the current procedure requiring the interviewer to refrain from looking at the color chart in front of the respondent, presumably to avoid awkwardness, directly comparing the chart to the subject would produce more accurate results (Hannon & Defina, 2016).

Afrocentric Features. Blair, Judd and Chapleau's (2004) study randomly selected Black and White inmates to determine whether their sentences depended on race, and the degree which they manifested Afrocentric facial features among the same race. The researchers defined Afrocentric features as physical characteristics that are perceived as typical of African Americans, which includes dark skin, wide nose, and full lips. Their results indicated that inmates with more Afrocentric features received harsher sentences than those with less Afrocentric features. That is, darker-skinned African Americans are more likely to suffer harsher penalties in general than lighter-skinned African Americans (Blair, Judd, & Chapleau, 2004).

Other studies have recognized that appearance contributes to sentencing outcomes. A study conducted by Eberhardt et al. (2005) obtained photographs of Black defendants and presented them to naïve Stanford undergraduate raters who were not informed they were photographs of convicted murderers. The raters were asked to rate the stereotypicality of each Black defendant's appearance and were told to use any features to arrive at their judgements. The researchers defined stereotypical Black appearances by having a broad nose, thick lips, and dark

skin. The defendants' faces were projected one at a time onto a screen at the front of the room for four seconds each as participants recorded the ratings on a scale from 1 (not at all stereotypical) to 11 (extremely stereotypical). The researchers found that defendants whose appearance was perceived as more stereotypically Black were more likely to receive a death sentence than defendants whose appearance was perceived as less stereotypically Black.

Trustworthiness

Trustworthiness refers to the degree of trust one appears to hold within physical appearance, and is often formed quickly and with high consensus (Wilson & Rule, 2015). However, there is little evidence that perceptions of trustworthiness predict how individuals behave (Rule et al., as cited in Wilson and Rule, 2015). Undeniably, people who appear less trustworthy are less likely to be trusted.

Wilson and Rule (2015) conducted a study that analyzed the level of trustworthiness appearance and its relation to death sentences in first degree murder charges. The researchers operationalized trustworthiness by creating a scale to measure the level of trust one appears to have, ranging from one being the least and eight being the most. Wilson and Rule (2015) used a sample of 371 photographs of death row inmates and 371 photographs of inmates sentenced to life without parole, both of which included Black and White inmates from the Florida Department of Corrections public database. The sample excluded five female inmates and 13 inmates classified of other races, as the aim of their research was to keep gender uniform and to include race as the main factor in light of previous research. Trustworthiness ratings were obtained for each photograph by asking the participants to use their "gut" to rate each face (Wilson & Rule, 2015). The participants were instructed to provide a rating of how trustworthy the person looks. After gathering trustworthiness ratings from 208 American workers from

Amazon Mechanical Turk, their analysis found that those who look less trustworthy were more often sentenced to death in first degree murder cases.

In order to test the results that people who look less trustworthy get harsher sentences than people who look more trustworthy, Wilson and Rule (2015) examined the relationship between perceived trustworthiness and criminal sentencing among innocent individuals. The researchers collected photographs from the Innocence Project of people previously convicted of murder but subsequently exonerated. Information was collected for every person on the Innocent Project website whose profile consisted of a photograph. Information included whether each person had received a life imprisonment or death, how long the sentence was served, the crime committed, the year the crime was committed, and the state where the conviction occurred. The list only included people whose crimes would have been eligible for the death penalty, and where the death penalty was allowed in their sentencing state. Their final set exonerated photographs included 37 targets; 20 sentenced to life without parole and 17 sentenced to death.

Again, American workers from Amazon Mechanical Turk were recruited to rate each of the 37 targets for trustworthiness. Results indicated that trustworthiness significantly predicted sentencing outcomes; faces perceived as less trustworthy were more likely to be sentenced to death. Remarkably, this relationship even existed when photographs of innocent people were used. This study shows compelling evidence for the ability of facial appearance to guide the severity of sentencing decisions (Wilson & Rule, 2015). The researchers note more research is needed to determine the process by which appearance influences criminal outcomes.

4. METHODOLOGY

The purpose of this research study is to examine the relationship between skin tone and perceived levels of trustworthiness and innocent appearances among different racial groups. The current cross-sectional, mixed methods study uses photos of all individuals sentenced to death (both executed and those still on death row) and sentenced to life without parole in Alabama. Photographs were collected from the Alabama Department of Corrections website (<http://www.doc.state.al.us>). Each inmate was viewed by the researcher and the photograph was saved directly from the website database into a data file. The race, gender, and name of each death sentenced inmate was included in the data collection. The name of the convicted was recorded in order to label the photographs in the data file.

5. RESEARCH DESIGN

This research design is an exploratory, quantitative, and qualitative analysis of the skin tone of capital case inmates and perceived levels of trustworthiness and innocent appearances. The purpose of this research is to examine the relationship between the skin tone of capital cases inmates and perceived levels of trustworthiness and innocence. Limited research on the topic of physical appearances and perceptions of trustworthiness and innocence makes this research exploratory. Photographs of inmates who were convicted of capital murder and sentenced in Alabama from 1976 to 2016 were used for this study. This research design is considered to be cross-sectional because of the one-time data collection.

Data for the study was collected from all capital sentences in the state of Alabama imposed from 1976 to 2016 and undergraduate students enrolled in an entry level criminal justice course at The University of Alabama. Capital sentences carry two possible outcomes: the death penalty or life without parole. The population of death sentenced cases was used from 1976 to 2016, representing a total of 210 sentences. A proportionate sample of life without parole cases were drawn, representing a total of 210 sentences.

Entry level, undergraduate students were used to analyze the appearances of those convicted of capital offenses. The students viewed photographs of those sentenced to either life without parole or death, and rated the appearances of those convicted of capital murder on two scales, trustworthiness and innocence. ANOVA tests were conducted to compare means across skin tones and the ratings of trustworthiness and innocence.

6. POPULATION AND SAMPLE

Photographs of death row inmates and life without parole inmates in Alabama were used for examination. Two types of punishment outcomes are available in capital murder trials: the death penalty or life without parole. The death penalty population includes individuals who have been executed and those currently on death row. These two groups were combined to create the death penalty category. The entire death penalty population of photos was used ($n = 210$). The breakdown of the 210 death sentenced inmates include 99 Black males, 1 Black female, 107 White males, and 3 White females. These inmates were sentenced to death from 1979 to 2015. Of the 210 inmates sentenced to death, 33 have been executed and 177 are currently on death row. The 33 executed inmates consist of 9 Black inmates (all male categorized as dark skin) and 24 White inmates (23 males; 1 female). The 177 inmates currently on death row consist of 91 Black inmates (68 dark skin males; 22 light skin males; 1 light skin female) and 86 White inmates (84 males; 2 female). See Table 1 for display of photograph totals.

A list of inmates serving life without parole sentences was requested from the Alabama Department of Corrections Research and Planning Division/Public Records, which included 1,531 inmates. A proportionate stratified systematic random sampling process was completed by separating the life without parole list into four strata: Black males, Black females, White males, and White females. After separating the list into strata, each defendant of each stratum was assigned a number in numerical order. A total number for each stratum was obtained. The number for each stratum was then divided by the desired sample size to obtain the n th number of selection. A computerized random number generator was used to find a random starting point on

Table 1
Photograph Totals

| Race | Death Penalty | Life Without Parole |
|------------------------|---------------|---------------------|
| Black (N = 200) | | |
| Light Skin | 23 | 36 |
| Dark Skin | 77 | 64 |
| White (N = 220) | | |
| Light Skin | 110 | 110 |

the list for each stratum sample. After starting at the random number, the n th defendant from the random starting point was selected until the proportionate sample size was reached ($n = 210$). This procedure produced 100 Black inmates (64 dark skin males; 35 light skin males; 1 light skin female) and 110 White inmates (107 males; 3 females) (see Table 1 for display of photograph totals). Due to the sampling procedure conducted, life without parole defendants' skin tone is not proportionate to the death penalty defendants' skin tone. Life without parole defendants were sampled proportionate to the race of the death penalty defendants.

Students

Undergraduate students at the University of Alabama in the Criminal Justice Department were used to analyze the photographs of capital case defendants. Undergraduate students enrolled in two criminal justice classes in the Spring of 2017 were selected to rate the photographs of convicted capital case inmates because of the ease of access and similarities of mock jury participants. An introductory Criminal Justice class containing 150 students was selected, as this number of students was necessary to analyze the large number of photographs. However, only 113 surveys were completed due to students being absent from class the day the survey was administered. A second round of surveys was administered to an additional introductory criminal justice class containing 150 students. In order to increase the total sample size to 140, a simple random sample of 26 names was drawn. Names were randomly selected from a numbered list using a random number generator found online at randomizer.org. All 26 participants completed the survey. With the permission of the IRB, a class roster was obtained to randomly select the participants from the second selected class.

These classes were selected based on convenience for administering the survey and a professor's agreement to allow the survey to be administered in the classes. While the instructor

of the criminal justice classes gave consent to administer the survey to her students, voluntary participation was still sought from the students. These students most closely relate to potential jury candidates because they do not have a considerable amount of knowledge and training in the criminal justice field. Participants were asked to rate the appearances of defendants on two scales: trustworthiness and the appearance of innocence. The ratings were done by entry level, undergraduate students examining the photographs of capital case defendants.

7. VARIABLES

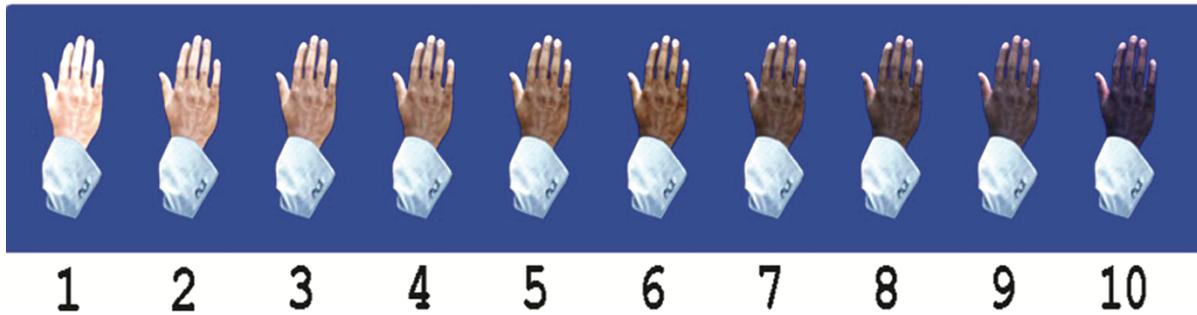
The purpose of this research is to examine the relationship between the skin tone of capital case inmates and perceived levels of trustworthiness and innocence among different racial groups. The independent variable, skin tone, was operationalized on a nominal scale using the following two categories: light and dark skin tone. All White inmates were placed into the light skin tone category, while Black inmates were classified into either the light or dark skin tone category by comparing the inmates' skin tones to the Massey-Martin (2003) skin tone scale. See Figure 1 for illustration of Massey-Martin Scale of Skin Color Darkness.

The dependent variables are perceived levels of trustworthiness and innocence. Trustworthiness is measured by determining the level of trust one appears to have. Similarly, innocence is measured by determining the level of innocence one appears to have. The dependent variables were scaled on an ordinal scale (1-8). Appearances of trustworthiness and innocence were operationalized through the means of rating photographs of those convicted in capital cases using the two scales. The scale for trustworthiness was obtained from Wilson and Rule's (2015) study. The scale for innocence was created from concepts used by Eberhardt et al. (2005) scale of stereotypically black. The scale of innocence was created by using concepts of personal opinions used to influence perceptions innocent appearances. The appearances of trustworthiness and innocence were further operationalized by rating the photographs from one to eight. The scale of trustworthiness ranges from 1 (not at all trustworthiness) to 8 (very trustworthy). The scale of innocence ranges from 1 (not at all innocent) to 8 (very innocent) (see Appendix B for Scales of Trustworthiness and Innocence). Demographic variables were also

Figure 1

Massey-Martin Scale of Skin Color Darkness

Scale of Skin Color Darkness



The Massey-Martin skin tone scale includes ten shades of skin color mapped into an illustrative guide of hands corresponding to the points one to ten, where one being the lightest and ten being the darkest. Skin tones were organized into two categories: light or dark. If the defendant's skin tone matched at shade five or below, the defendant was placed into the light category. If the defendant's skin tone matched at shade six or above, the defendant was placed into the dark category.

used to determine if race of the participant influences trustworthiness and innocence ratings.

Data were collected on the following demographic variables: race, gender, age, academic standing, and major. Demographic data were collected to describe the participants.

8. HYPOTHESES

Appearances have been found in prior research to influence the sentencing outcomes of defendants. Wilson and Rule (2015) found that those who look less trustworthy were more often sentenced to death, regardless of the defendant being guilty or innocent. Blair, Judd and Chapleau's (2004) study indicated that inmates with more Afrocentric features received harsher sentences than those with less Afrocentric features. Eberhardt et al. (2005) found that defendants whose appearances were more stereotypically Black were more likely to receive a death sentence than those who were perceived as less stereotypically Black. The current research aims to examine the relationship between the skin tone of capital case defendants and perceived levels of trustworthiness and innocence among different racial groups.

Research Hypothesis: There is a relationship between the skin tone of the inmate and the perceived levels of trustworthiness and innocence.

Null Hypothesis: There is no relationship between the skin tone of the inmate and the perceived levels of trustworthiness and innocence.

H1: Inmates with a dark skin tone are more likely to receive a lower rating of trustworthiness and a lower rating of innocence.

H2: Inmates with a light skin tone, regardless of race, are more likely to receive a higher rating of trustworthiness and a higher rating of innocence.

9. INSTRUMENT

The instrument was a hand-delivered and retrieved survey presented as a folder with six pages: a cover letter, directions, three photographs (one per page) with two scales at the bottom of each photograph, and demographic questions (see Appendix C for example). Two types of scales were used in order to measure the level of trustworthiness and innocent appearances. The level of trustworthiness was analyzed using Wilson and Rule's (2015) scale of trustworthiness. This scale will range from 1 (not at all trustworthy) to 8 (very trustworthy). Characteristics of innocence were analyzed using a scale created from concepts of Eberhardt et al. (2005) scale of stereotypically black. This scale was modified in order to account for all inmates and to attempt to find a relationship between skin tone and perceptions of innocence. Concepts of Eberhardt et al. (2005) scale was used in order to measure the level of innocence by rating the inmates from 1 (not at all innocent) to 8 (very innocent).

A cover letter was attached to the instrument explaining participation is voluntary (see Appendix C for cover letter). The two scales were included at the bottom of each photo page in order to analyze the levels of trustworthiness and innocent appearances. As prior research has demonstrated, the group of raters were instructed to use their own judgement and any criteria they feel necessary in order to make their decision on the scales. Furthermore, the students were told that the photos are of persons indicted on felony criminal charges. Participants were not told the photographs were of convicted capital case defendants because such knowledge could potentially influence their ratings of trustworthiness and innocence. The students were informed that the photographs were of convicted capital case defendants during the debriefing. Each

photograph was presented on a separate page. The photographs were printed in color on high quality photo paper for best visual appearance.

Directions below the photographs of inmates were stated as following: “For the photograph above, please circle the level in which you believe best characterizes the level of trustworthiness, where: 1 = Not At All Trustworthy, 8 = Very Trustworthy. For the photograph above, please circle the level in which you believe best characterizes the level of innocence, where: 1 = Not At All Innocent, 8 = Very Innocent.”

In addition to the pictures and scales, each student was asked to answer the following demographic questions: race, gender, age, academic standing, and major. While no identifying information was obtained from the rating participants, demographic information was gathered in order to explain a Black Sheep effect, if any (Taylor & Hosch, 2004). This information was informative in describing the rating outcomes and distinguishing how different demographic groups rate each photograph. A Black Sheep effect can occur when an in-group member is perceived negatively and as a threat to the positive in-group image, resulting in an extremely negative perception of the in-group member (Taylor & Hosch, 2004). Before the survey was administered to the participants it was pretested on a focus group of 10 undergraduate students to ensure there were no misinterpretations of terms or concepts. Data collected from the focus group was not included in the analysis.

The photographs were labeled at the bottom right of the photograph, in four-point font, to distinguish the actual sentencing outcome. For example, inmates already executed with a light skin tone was labeled as 1; inmates already executed with a dark skin tone was labeled as 2; inmates currently on death row with a light skin tone was labeled as 3; inmates currently on death row with a dark skin tone was labeled as 4; inmates sentenced to life without parole with a

light skin tone was labeled as 5; inmates sentenced to life without parole with a dark skin tone was labeled as 6. Four-point font was used in order to keep labeling of sentencing outcome as unnoticeable as possible. This labeling process will aid in data entry after collection. The survey ended with demographic questions.

10. DATA COLLECTION PROCEDURES

The data were collected from three different sources: death row inmates, life without parole inmates, and undergraduate students. The photos of inmates sentenced to death were collected from the time period of 1979 to 2015. This time period represents photographs available through the Alabama Department of Corrections website. Of the inmates sentenced to death, the collection of inmates already executed was gathered from the time period of 2002 to 2013 because of available photographs within the Alabama Department of Corrections website. A total of 210 death penalty photos were used. Of the 210 death penalty photos, 33 were executions and 177 are currently on death row. An equal number of life without parole inmates ($n = 210$) was used. Five inmates sentenced to death and currently on death row were excluded because of no photograph. The Alabama Department of Corrections classifies inmates by race (i.e. Black, White, and Other) and gender (male and female). Prior research has excluded inmates with race classified as other to examine the differences between white and black targets (Blair et al., 2004; Eberhardt et al., 2006; Wilson and Rule, 2015). Six inmates classified as Other (three death penalty defendants and three life without parole defendants) were excluded from the study to focus primarily on disparities of Black and White defendants. All executions prior to 2002 were excluded from the sample because of no photographs. Inmates sentenced to life without parole before 1976 were excluded from the sample because the death penalty moratorium was lifted in 1976 in the case of *Gregg v. Georgia*. Five death row inmates (2 Black males, 1 White male, and 2 White females) were excluded because of no photograph.

Cases in which inmates were sentenced to life without parole were collected using a different data collection strategy, as these cases were not made directly available through the Alabama Department of Corrections website. A list of inmates serving life without parole sentences was requested from the Alabama Department of Corrections Research and Planning Division/Public Records. After correspondence with a member of the Research and Planning Division at the Alabama Department of Corrections, an official Public Records Request form (see Appendix A for completed form) was completed and mailed to the division, along with a fee of \$40.78, to obtain a list of inmates sentenced to life without parole.

After obtaining the list of inmates sentenced to life without parole and randomly selecting life without parole inmates from within the list, inmates were searched by name in the Alabama Department of Corrections website. Photographs of all inmates sentenced to life without parole and death were saved directly from the Alabama Department of Corrections website into a data file. The researcher organized the photos by inmates executed, inmates currently on death row, and inmates sentenced to life without parole. After organizing the inmates into these categories, the researcher classified the inmates according to skin tone. Skin tone was categorized by directly comparing the skin tone of the inmate to Massey and Martin's (2003) scale of skin color. This scale classifies skin tone into ten shades, one being the lightest and ten being the darkest. For simplicity of categorizing and analyzing, skin tones were organized into two categories: light or dark. If the defendant's skin tone matched at shade five or below, the defendant was placed into the light category. If the defendant's skin tone matched at shade six or above, the defendant was placed into the dark category. By nature of race, all of those classified as White were labeled as having a light skin tone. Those classified as Black were assessed by the researcher using Massey and Martin's (2003) scale and then labeled as either having a light or dark skin tone.

The photographs of inmates, with the two scales, was distributed to the participants using a hand-delivered method. Since data was collected from human subjects (i.e. students), approval from the Institutional Review Board was sought. Approval from an undergraduate instructor was obtained in order to administer the survey during class time. This arrangement was made through meeting with the instructor and explaining the research to her for permission. Upon approval, a date and time was set to administer the survey. The researcher requested that the instructor announce to the students that a survey was to be given the following day of class.

Data was collected from two entry level, undergraduate Criminal Justice classes. The process was identical for each administration, except for the second session, where the participants were addressed by name according to the random selection. During the administration of the survey, the researcher informed the participants about the research being conducted. The cover letter was disbursed separately for the students to retain, and then verbally explained to the participants. Voluntary participation was explained to the rating participants, along with a guarantee of anonymity of responses. The participants were not informed that the photographs were of convicted capital murderers, but rather the persons were indicted on felony criminal charges. The researcher did not disclose that the photos were of convicted capital murderers because if provided with such information, the ratings may have become skewed based on such knowledge. This mild deception was used in order to obtain honest responses. However, after all folders containing rated photographs were collected, the researcher then informed the participants that the photographs were of convicted capital inmates. After informing the participants on the research, the researcher asked if there were any questions.

The researcher hand-delivered each participant a folder containing six pages, which included, the cover letter, directions, three photographs on separate pages, and demographic

questions (see Appendix C). The participants were instructed to analyze the photographs separately using their own judgements. Next, the participants were instructed to place the rated photographs and answered demographic questions back into the folder after completion and retain their folder until the researcher gathered it directly from them. All students, regardless of whether they completed the survey or not, was given a survey folder. The purpose of giving each student a survey folder is to minimize public identification of those who participated and those who did not participate. After all students completed their ratings, the researcher debriefed the participants, explaining the true purpose of the study and the type of sentence the persons in the photographs received. After disclosing the truth, a consent form was provided to the participants indicating their permission to use their data. After all folders were collected, the researcher thanked the participants for their participation and offered results of the research upon request. The photographs were then taken to the lab for statistical analysis.

11. FINDINGS

The data were analyzed using the Statistical Package for the Social Sciences (SPSS) to obtain frequencies and means tests. Data was gathered for 139 participants. Race, gender, age, classification, major, trustworthiness ratings, and innocence ratings were entered into SPSS by following a coding scheme. The following descriptive statistics were gathered from the participants: race, gender, age, classification, and major. Of the 139 participants, 13.7% ($n = 19$) were Black, 79.9% ($n = 111$) White, 2.2% ($n = 3$) Hispanic, .7% ($n = 1$) Asian, and 3.6% ($n = 5$) Other. Frequencies for gender revealed 61.9% ($n = 86$) male and 38.1% ($n = 53$) female. Age was recorded in intervals; 23% ($n = 32$) indicated 17-18, 45.3% ($n = 63$) indicated 19-20, 25.9% ($n = 36$) indicated 21-22, 2.2% ($n = 3$) indicated 23-24, and 3.6% ($n = 5$) indicated 25 or older. Academic standing was recorded as follows: 40.3% ($n = 56$) freshman, 28.8% ($n = 40$) sophomore, 16.5% ($n = 23$) junior, and 14.4% ($n = 20$) senior. Major was recorded as follows: 15.8% ($n = 22$) Criminal Justice, 2.9% ($n = 4$) Political Science, .7% ($n = 1$) Social Work, 7.2% ($n = 10$) Psychology, 26.6% ($n = 37$) Business, 44.6% ($n = 62$) Other, and 2.2% ($n = 3$) Undeclared. See Table 2 for display of descriptive results.

Quantitative Analysis

In examining the relationship between skin tone and perceptions of trustworthiness and innocence, each participant viewed and rated three photos. One hundred thirty-nine participants examined a total of 417 photographs. Data was entered per participant, thus producing three

Table 2
Demographic Characteristics of Participants

| Variable | N | % |
|------------------------------------|-----|------|
| Race (N = 139) | | |
| Black | 19 | 13.7 |
| White | 111 | 79.9 |
| Hispanic | 3 | 2.2 |
| Asian | 1 | .7 |
| Other | 5 | 3.6 |
| Gender (N = 139) | | |
| Male | 86 | 61.9 |
| Female | 53 | 38.1 |
| Age (N = 139) | | |
| 17-18 | 32 | 23 |
| 19-20 | 63 | 45.3 |
| 21-22 | 36 | 25.9 |
| 23-24 | 3 | 2.2 |
| 25 or older | 5 | 3.6 |
| Academic Standing (N = 139) | | |
| Freshman | 56 | 40.3 |
| Sophomore | 40 | 28.8 |
| Junior | 23 | 16.5 |
| Senior | 20 | 14.4 |
| Major (N = 139) | | |
| Criminal Justice | 22 | 15.8 |
| Political Science | 4 | 2.9 |
| Social Work | 1 | .7 |
| Psychology | 10 | 7.2 |
| Business | 37 | 26.6 |
| Other | 62 | 44.6 |
| Undeclared | 3 | 2.2 |

sections of photos per participant: Photo 1, Photo 2, Photo 3, respective to the order in which the photos appeared in the participant's folder. An analysis of variance (ANOVA) was used to measure the difference in means between groups. With only two levels of the independent variables, light skin and dark skin, an ANOVA is an appropriate test.

Statistically significant results were found in Photo 2 (light skin photos, $n = 78$; dark skin photos, $n = 61$) for trustworthiness and innocence and in Photo 3 (light skin photos, $n = 97$; dark skin photos, $n = 41$) for trustworthiness when comparing means collectively through an analysis of variance (ANOVA) test. However, these results were in the opposite predicted direction of hypothesis 1 (inmates with a dark skin tone are more likely to receive a lower rating of trustworthiness and a lower rating of innocence) and hypothesis 2 (inmates with a light skin tone are more likely to receive a higher rating of trustworthiness and a higher rating of innocence). In Photo 2, the light skin category produced a mean trustworthiness of 3.22, whereas the dark skin category produced a mean of 4.18 ($F = 13.31$, $p = .000$). That is, overall, student raters were more likely to rate a photograph of a dark-skinned person higher on trustworthiness in Photo 2 than a light-skinned person. See Table 3 for display of results. In Photo 2, the light skin category produced a mean innocence rating of 3.28, whereas the dark skin category produced a mean of 4.33 ($F = 13.31$, $p = .000$). That is, overall, student raters were more likely to rate a photograph of a dark-skinned person higher on innocence in Photo 2 than a light-skinned person. See Table 4 for display of results. In Photo 3, the light skin category produced a mean trustworthiness rating of 3.19, whereas the dark skin category produced a mean of 3.78 ($F = 4.036$, $p = .047$). That is, overall, student raters were more likely to rate a photograph of a dark-skinned person higher on trustworthiness in Photo 3 than a light-skinned person. See Table 5 for display of results.

Table 3

Photo 2 Trustworthiness

| Variable | N | Mean | S.D. | F | Sig. |
|--------------|----|------|-------|------|------|
| Light | 78 | 3.22 | 1.593 | 13.3 | .000 |
| Dark | 61 | 4.18 | 1.478 | | |

Table 4

Photo 2 Innocence

| Variable | N | Mean | S.D. | F | Sig. |
|--------------|----|------|-------|------|------|
| Light | 78 | 3.28 | 1.750 | 13.3 | .000 |
| Dark | 61 | 4.33 | 1.578 | | |

Table 5

Photo 3 Trustworthiness

| Variable | N | Mean | S.D. | F | Sig. |
|--------------|----|------|-------|-------|------|
| Light | 97 | 3.19 | 1.590 | 4.036 | .047 |
| Dark | 41 | 3.78 | 1.589 | | |

Statistically significant results were not found in Photo 1 for trustworthiness or innocence ratings, nor in Photo 3 for innocence ratings. However, when Photo 1 and Photo 2 were isolated and held constant, where a light skin photo preceded a dark skin photo (light skin, $n = 41$; dark skin, $n = 61$), a statistically significant difference in means were found for trustworthiness only. These results were in the predicted direction of hypothesis 1 (inmates with a dark skin tone are more likely to receive a lower rating of trustworthiness and a lower rating of innocence). When a light skin photo preceded a dark skin photo, the light skin photo produced a mean trustworthiness of 4.59, where the dark skin photo produced a mean trustworthiness of 3.49 ($F = 15.336$, $p = .000$). That is, student raters were more likely to rate a photograph of a dark-skinned person lower on trustworthiness when the dark-skinned photograph followed a light-skinned photograph. See Table 6 for display of results.

In addition to the comparison of Photo 1 and Photo 2, variation tests were also conducted for each combination of photos, where each photograph was held constant by skin tone and order to determine a difference in means. No variation was found when Photo 1 was dark skin and photograph 2 was dark skin. Additionally, there were no cases in which Photo 1 was dark skin and Photo 2 was light skin. When each combination of skin tone in Photo 2 and Photo 3 were compared, no significant difference between means were found for trustworthiness or innocence. When Photo 1 was compared to Photo 3 in each combination of skin tone, no significant difference between means were found for trustworthiness or innocence.

To control for race of the participant, race was recoded to White and non-White to examine the relationship between race of the participant and perceptions of trustworthiness and innocence ratings. When controlling for race, no statistically significant result was found ($t = -.007$, $p = .994$) (see Table 7 for display of results). These findings for race of the participant

Table 6

First Photo Light Second Photo Dark

| Variable | N | Mean | S.D. | F | Sig. |
|--------------|----|------|-------|--------|------|
| Light | 41 | 4.59 | 1.303 | 15.336 | .000 |
| Dark | 61 | 3.49 | 1.433 | | |

Table 7

Race Controlled

| | Unstandardized B | Coefficients Std. Error | Standard Coefficients Beta | t | Sig. |
|-------------|---------------------|----------------------------|----------------------------------|--------|------|
| (Constant) | 3.932 | .151 | | 26.062 | .000 |
| Skin Tone 1 | -.093 | .278 | -.029 | -.335 | .738 |
| Race | -.002 | .306 | -.001 | -.007 | .994 |

suggest that both Black and White participants shared similar perceptions for each skin tone.

Qualitative Analysis

Student raters were provided a section at the end of each photograph to indicate what factors influenced their ratings. Some student raters indicated facial expressions, such as smiling or no smiling, eye contact with the camera, and eye brow expressions, as factors to influence their perceptions of trustworthiness and innocence. Other factors indicated by student raters to influence perceptions of trustworthiness and innocent appearances include face tattoos, scars, hair length, facial hair, and neatness of hair. While each photograph was consistent in clothing (white collar shirt), some student raters indicted clothing as a factor to influence a higher rating on trustworthiness.

Many student raters were hesitant to provide a description on what influenced their ratings in the photographs, stating a photograph should not be used to determine one's trustworthy or innocent appearance. However, among the students who displayed this hesitation, many offered explanations to their rating on subsequent photographs. This hesitancy might be explained due to the students' lack of conscience awareness of judging one's character traits by photograph. This conscience unfamiliarity offers an explanation in why student raters were hesitant to provide factors that influenced their ratings. It is also possible the student raters have limited experience in recognizing their cognitive reasoning behind implicit judgments.

12. DISCUSSION

The purpose of this research is to examine the relationship between the skin tone of capital case inmates and perceived levels of trustworthiness and innocence among different racial groups. The significant results in the second photo, when all photos were analyzed collectively, revealed data in the opposite direction of hypothesis 1. That is, higher ratings of trustworthiness and innocence were found for those of darker skin tone. These opposite findings across studies might be explained by the differences of participants. Participants used in prior studies (Blair et al., 2004; Wilson & Rule, 2015) compared to participants used in the current research study vary in age and setting. The generation of participants might also explain differences across studies in rating outcomes. The current study's participants consist primarily of a younger generation (17-20 years of age) compared to previous studies using an older population of participants. Increased socialization within the university setting among Whites and Blacks also offers an explanation to the differences in rating outcomes across studies. These differences among participants across studies might explain why the results were in the opposite direction of the hypotheses.

Student raters rated darker-skinned photographs on trustworthiness and innocence in each set of photos, except on trustworthiness in Photo 1. However, these results were not significant. These results suggest no difference in rating outcomes until a light skin photo of an inmate precedes a dark skin photo of an inmate.

After observing a statistically significant difference of means in Photo 2 for trustworthiness and innocence, the researcher isolated Photo 1 and Photo 2 in order to conduct a

one-way ANOVA to test the differences in means when a light skin photo of an inmate preceded a dark skin photo of an inmate. Results revealed that student raters tend to rate inmates higher on trustworthiness when they viewed a light-skinned photo of an inmate before they viewed a dark-skinned photo of an inmate ($F = 15.336, p = .000$).

Key findings indicate a significant correlation in the ordering of photographs presented to the raters. When a light skin photograph preceded a dark skin photograph, a lower rating of trustworthiness was found for the dark skin photograph. While prior studies have examined the relationship between stereotypical appearances of Black defendants and trustworthiness ratings of convicted capital murderers (Eberhardt et al., 2005; Wilson & Rule, 2015), these studies have failed to analyze the relationship to the ordering of photos presented to the raters and the ratings received. However, Blair et al. (2004) examined the relationship between Afrocentric facial features and criminal sentencing outcomes, where half of the participants were asked to rate the Black photographs before rating the White photographs. Although, Blair et al. found no significant difference when White photographs were rated before Black photographs and in reverse order. The original purpose of the current study was to examine the relationship between skin tone and perceived levels of trustworthiness and innocence collectively. However, the results to the ordering of the photos emerged unexpectedly. The current study has furthered the analysis by conducting means rating tests to determine if the ordering of photos can predict trustworthiness and innocence ratings. The current study found a statistically significant correlation based on the ordering of photos presented to raters for trustworthiness ratings.

Random organization of photos in the folder produced a higher probability of having a light skin photo first. Among the first photos, 102 photos were light skin and 37 were dark skin. However, among the second photos, 78 were light skin and 61 were dark skin. These

photographs were placed into folders in a random race alternating order, not an alternating skin tone order, therefore creating an opportunity for a light skin photo of an inmate to precede a light skin photo of an inmate or a dark skin photo of an inmate. The organization of photos produced unexpected results, where the organization of photos seems to influence perceptions of subsequent photos, particularly when a light skin photo of an inmate precedes a dark skin photo of an inmate. Prior research has failed to observe a relationship among the ordering of different skin tones and subsequent rating outcomes.

Implications of photograph organization suggest when a participant is presented with multiple photos of varying skin tone, the participant is more likely to rate the first photo higher in trustworthiness when that photo is of light skin inmate, and consequently rate the second photo less trustworthy when that photo is of a dark skin inmate. One main finding of this research suggests organization of the photos can predict the direction of trustworthiness and innocence ratings.

When controlling for race, no statistically significant result was found. This suggests that each race, White and non-White, were consistent in their rating outcomes. Prior research has found similar results, where Whites and light-skinned Blacks are likely to share similar attitudes towards darker-skinned Blacks (Burch, 2015; Keith & Monroe, 2016; Maddox & Gray, 2002).

Prior research has demonstrated important implications for the influence of personal appearance on high-impact judgements, such as trustworthiness (Wilson & Rule, 2015), where one's face may determine one's fate in the criminal justice system. While the current study did not compare trustworthiness and innocence ratings to case outcomes, prior research has found a distinct relationship where negative perceptions of appearance are likely to influence sentencing outcomes (Blair et al., 2004; Burch, 2015; Eberhardt et al., 2005; Wilson & Rule, 2015).

13. POLICY IMPLICATIONS

The results of the current study can be applied to various courtroom proceedings. Many courtrooms experience multiple case hearings per day, often subsequent to one another. Given a light skin person's case is presented first, or before a dark skin person's case, similar results could be anticipated. These reactions are often fueled by implicit biases, whether by judges or juries. Individual actors within the criminal justice system often use visual cues implicitly and explicitly to make decisions about guilt, innocence, or even suspiciousness (Burch, 2015). An ideal criminal justice system would recognize that these disparities exist and create measures in order to account for such variations, as many of these attitudes towards skin tone occur implicitly.

14. LIMITATIONS

This research possesses limitations worthy of noting. One main limitation to this research is a low diversity of participants. Majority of the participants were White; nearly 80 percent. Additionally, majority of the participants were 20 years of age or younger (68 percent). Persons of this age are far less likely to be selected to a jury pool (Anwar, Bayer, & Hjalmarsson, 2014). In order to transfer these correlations to anticipated jury pools, future research should consider using participants that are likely to be selected to a jury pool.

Dishonesty in ratings is a general problem with survey research. Additionally, case information of the persons pictured were excluded from the participants' knowledge. Participants were only given the information that the persons were indicted on felony criminal charges, not capital murder charges. However, if information was given such as the persons pictured were indicted on capital murder charges, one could expect a lower mean rating of trustworthiness and innocence for each group.

Future research should consider the organization of photographs presented to raters. Upcoming studies should arrange photographs selectively in order to further test the results of the current study. Photographs should be arranged in a systematic skin tone order to test the significance of mean differences in ratings among skin tones.

The current research study illustrates a difference among skin tones and perceptions of trustworthiness and innocence. While a lower rating of trustworthiness has been found in prior research to influence capital sentencing outcomes (Wilson & Rule, 2015), the current research study did not make an attempt to correlate the rating outcomes to the actual sentence received.

Prior research has demonstrated that many variables, such as race of the defendant (Bohm, 1999), race of the victim (Banks et al., 2006; Baldus et al., 2011), number of victims (Baldus et al., 2011), socioeconomic status (Burch, 2015), and more recently, appearance of the defendant (Burch, 2015; Eberhardt et al., 2006; Wilson & Rule, 2015), can influence sentencing outcomes. When analyzing sentence outcomes, future research should attempt to control for these variables in order to observed true differences in sentencing outcomes.

15. CONCLUSION

Very little research exist that examines the appearances of capital murder offenders and its relation to trustworthiness and innocence ratings. This analysis provides interesting evidence on how the organization of photographs presented to raters can predict the direction of the ratings for trustworthiness and innocence. With prior studies finding the likelihood of conviction being higher for those looking less trustworthy, even if innocent (Wilson & Rule, 2015), more research is needed in order to better understand how physical appearance, a legally non-relevant factor, can play a role in capital sentencing outcomes.

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APPENDIX A: PUBLIC RECORDS REQUEST FORM



ROBERT BENTLEY
GOVERNOR

State of Alabama Department of Corrections

Alabama Criminal Justice Center
Research & Planning Division
301 South Ripley Street
P. O. Box 301501
Montgomery, AL 36130-1501
(334) 353-9598



JEFFERSON S. DUNN
COMMISSIONER

PUBLIC RECORDS REQUEST FORM

To conserve taxpayer provided resources, there are policies and procedures governing the orderly production of public records for inspection and reproduction. All requests for inspection or copy of public records must be made in writing and submitted on this Public Records Request Form. Read and follow the attached INSTRUCTIONS FOR REQUESTING INSPECTION OR COPY OF PUBLIC RECORDS before submitting this Request. Please complete all information in the fields provided (type or print).

Name of Requesting Party: Conner Key Birdsong / Dr. Idam Johnson
Organization Name: The University of Alabama, Department of Criminal Justice
Mailing Address: P.O. Box 870320 457 Farran Hall The University of Alabama
Street or P.O. Box: Tuscaloosa State: AL Zip Code: 35487-0320
City: _____ State: _____ Zip Code: _____
Telephone Number: 205-348-8090 Mobile Number: 706-304-8038
E-mail Address: CKbirdsong@crimson.ua.edu or idjohnson@ua.edu
Description of Record(s) to be viewed and/or copied:
List of life with-out parole inmates with gender, race, and County of conviction

Proposed Use of Records: To assist in the writing of a graduate thesis in fulfilling the requirements for a Master's degree in Criminal Justice.
(The Alabama Open Records Act and related case law allows state agencies to require a reason be provided to show a direct, legitimate interest in the specific document(s) requested. Your statement should communicate a direct interest in the specific records required (i.e. "I am a student doing a paper on...") and should not be general statements of entitlement (i.e. "I am a Taxpayer" or "It is a public document.")).

A non-refundable, minimum Processing Fee (as set forth in the attached Annex A – Public Records Production Cost Schedule) shall be due with submission of this form and must be in the form of cashier's check or money order. See the attached Instructions for Requesting Inspection or Copy of Public Records for further information on costs and other conditions.

I have read the INSTRUCTIONS FOR REQUESTING INSPECTION OR COPY OF PUBLIC RECORDS and agree to the terms and conditions stated therein, including the requirement for advance payment of the minimum Processing Fee, payment for estimated Production Cost, and payment of the final costs prior to production of the requested documents.

Signature of Requesting Party: Conner K. Birdsong / Idam Johnson Date of Request: _____
Print Name: Conner K. Birdsong / Idam Johnson

(ADOC recognizes and supports the public's right to inspect and request copies of public records in accordance with state law. Many public records are available on the ADOC website: www.doc.alabama.gov. Therefore, please view the website prior to submitting a request for records as your request may be satisfied by the information contained therein.)

APPENDIX B: SCALES FOR DATA COLLECTION

Scale of Trustworthiness

For the photograph above, please circle the level in which you believe best characterizes the level of trustworthiness: 1 = Not At All Trustworthy, 8 = Very Trustworthy.

1 2 3 4 5 6 7 8

Scale of Innocence

For the photograph above, please circle the level in which you believe best characterizes the level of innocence: 1 = Not At Innocent, 8 = Very Innocent.

1 2 3 4 5 6 7 8

What influenced your ratings: _____

APPENDIX C: EXAMPLE MATERIALS IN FOLDER

Voluntary Notice
January 31, 2017

Hello Student:

I am Conner Birdsong, a graduate student in the Department of Criminal Justice at The University of Alabama. I am writing my graduate thesis to complete my degree requirements and further my academic achievements. The purpose of my thesis research is to examine the relationship between the physical appearance of those indicted and the type of sentence one receives. This research could present policymakers, jurors, and society with a better understanding of how physical appearance, a legally non-relevant factor, plays a role in deciding how punishment can vary based upon the physical appearance of the defendant.

Your class was selected to participate in the study because I am interested in capturing the views of UA students enrolled in an introductory criminal justice course. You must be 18 years or older to participate. There are no potential risks for your participation. There are no direct benefits for your participation, other than a contribution to a better understanding.

Your participation is completely voluntary; you may stop completing the survey at any time or omit questions you do not want to answer. Additionally, your answers will remain completely anonymous and confidential, meaning there was no questions that link you to your responses.

Your participation (or lack of participation) in this research study will have no effect on your course grade or your relations with the department or instructors. Do not write your name or other identifying information on the survey. If you decline to participate, please remain with your folder until it is collected from you.

The survey should take approximately 10 minutes to complete. When finished, please place the answered survey back into the envelope and hold it until I collect the survey from you. Copies of the results was available upon request. You can contact me at the e-mail address listed below.

If you have questions or complaints about your rights as a research participant, call Ms. Tanta Myles, the Research Compliance Officer of the University of Alabama at 205-348-8461 or toll-free at 1-877-820-3066. You may also ask questions, make a suggestion, or file complaints and concerns through the IRB Outreach Website at http://osp.ua.edu/site/PRCO_Welcome.html or send an email to participantoutreach@bama.ua.edu. After you participate, you are also encouraged to complete the online survey for research participants at http://osp.ua.edu/site/PRCO_ParticipantSurvey.html.

I would like to thank you in advance for your participation in my research.

Sincerely,

Conner Birdsong, ckbirdsong@crimson.ua.edu

Dr. Ida Johnson, Thesis Chairperson, ijohnson@ua.edu (205) 348-8090

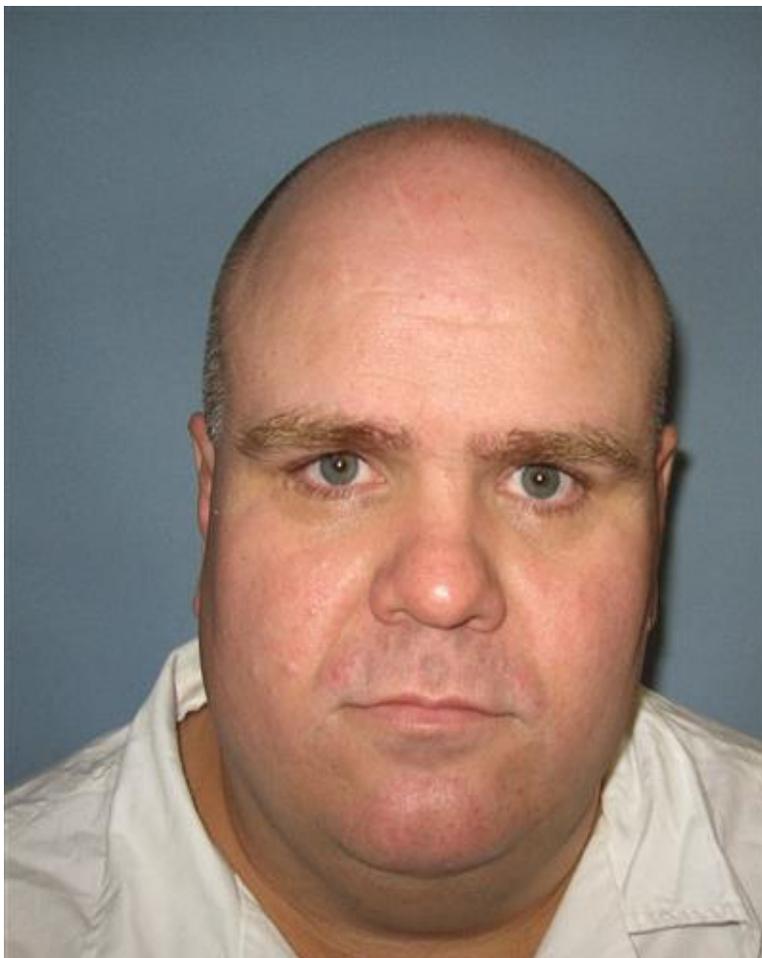
Tanta Myles, Director of Research Compliance, cmyles@fa.ua.edu

Directions

The following pages will include photographs of persons indicted on felony criminal charges. Please rate the following photographs using any judgements you feel necessary on the two scales: Trustworthiness and Innocence. The scale of trustworthiness is used to determine the level of trust one appears to have. The scale of trustworthiness will range from 1 to 8:

1 = Not At All Trustworthy and 8 = Very Trustworthy. The scale of innocence is used to determine how innocent one appears to be. The scale of innocence will range from 1 to 8:

1 = Not At All Innocent, 8 = Very Innocent. After rating the photograph please provide a brief explanation on what influenced your ratings in the space provided.



Scale of Trustworthiness

For the photograph above, please circle the level in which you believe best characterizes the level of trustworthiness: 1 = Not At All Trustworthy, 8 = Very Trustworthy.

1 2 3 4 5 6 7 8

Scale of Innocence

For the photograph above, please circle the level in which you believe best characterizes the level of innocence: 1 = Not At All Innocent, 8 = Very Innocent.

1 2 3 4 5 6 7 8

What influenced your ratings: _____



Scale of Trustworthiness

For the photograph above, please circle the level in which you believe best characterizes the level of trustworthiness: 1 = Not At All Trustworthy, 8 = Very Trustworthy.

1 2 3 4 5 6 7 8

Scale of Innocence

For the photograph above, please circle the level in which you believe best characterizes the level of innocence: 1 = Not At All Innocent, 8 = Very Innocent.

1 2 3 4 5 6 7 8

What influenced your ratings: _____



Scale of Trustworthiness

For the photograph above, please circle the level in which you believe best characterizes the level of trustworthiness: 1 = Not At All Trustworthy, 8 = Very Trustworthy.

1 2 3 4 5 6 7 8

Scale of Innocence

For the photograph above, please circle the level in which you believe best characterizes the level of innocence: 1 = Not At All Innocent, 8 = Very Innocent.

1 2 3 4 5 6 7 8

What influenced your ratings: _____

Demographics

1. Please select your race.

- Black
- White
- Hispanic
- Asian
- Other:

2. Please select your gender.

- Male
- Female

3. Please select your age.

- 17-18
- 19-20
- 21-22
- 23-24
- 25 or older

4. Please select your academic standing.

- Freshman
- Sophomore
- Junior
- Senior

5. Please select your major.

- Criminal Justice
- Political Science
- Social Work
- Psychology
- History
- Business
- Other: _____

Thank you for your participation in my research study.

APPENDIX D: IRB CERTIFICATE

December 14, 2016

Conner Birdsong
Department of Criminal Justice/Sociology
College of Arts and Sciences
The University of Alabama
Box 870320

Re: IRB # 16-OR-430: "Does Appearance Matter? A Psychological Approach to Capital Sentencing Outcomes"

Dear Mr. Birdsong,

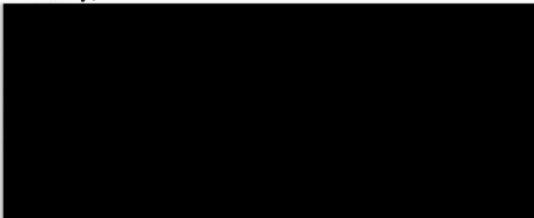
The University of Alabama Institutional Review Board has granted approval for your proposed research. Your application has been given expedited approval according to 45 CFR part 46. You have also been granted a waiver/alteration of consent due to the use of concealment/deception. Approval has been given under expedited review category 7 as outlined below:

(7) Research on individual or group characteristics or behavior (including, but not limited to, research on perception, cognition, motivation, identity, language, communication, cultural beliefs or practices, and social behavior) or research employing survey, interview, oral history, focus group, program evaluation, human factors evaluation, or quality assurance methodologies.

Your approval will expire on December 13, 2017. If the study continues beyond that date, you must complete and submit the Renewal Form within e-Protocol. If you modify the application, please submit the Revision Form. Changes in this study cannot be initiated without IRB approval, except when necessary to eliminate apparent immediate hazards to participants. When the study closes, please complete the Final Report Form. Please use reproductions of the IRB-approved (stamped) information sheet and debriefing form.

Should you need to submit any further correspondence regarding this application, please include the assigned IRB approval number. Good luck with your research.

Sincerely,



Voluntary Notice
July 12, 2016

Hello Student:

I am Conner Birdsong, a graduate student in the Department of Criminal Justice at The University of Alabama. I am writing my graduate thesis to complete my degree requirements and further my academic achievements. The purpose of my thesis research is to examine the relationship between the physical appearance of those indicted and the type of sentence one receives. This research could present policymakers, jurors, and society with a better understanding of how physical appearance, a legally non-relevant factor, plays a role in deciding how punishment can vary based upon the physical appearance of the defendant. Your class was selected to participate in the study because I am interested in capturing the views of UA students enrolled in an introductory criminal justice course. There are no potential risks for your participation. There are no direct benefits for your participation, other than a contribution to a better understanding. Your participation is completely voluntary; you may stop completing the survey at any time or omit questions you do not want to answer. Additionally, your answers will remain completely anonymous and confidential, meaning there will be no questions that link you to your responses. Your participation (or lack of participation) in this research study will have no effect on your course grade or your relations with the department or instructors. Do not write your name or other identifying information on the survey. If you decline to participate, please remain with your folder until it is collected from you. The survey should take approximately 10 minutes to complete. When finished, please place the answered survey back into the folder and hold it until I collect the folder from you. Copies of the results will be available upon request. You can contact me at the e-mail address listed below. If you have questions or complaints about your rights as a research participant, call Ms. Tanta Myles, the Research Compliance Officer of the University of Alabama at 205-348-8461 or toll-free at 1-877-820-3066. You may also ask questions, make a suggestion, or file complaints and concerns through the IRB Outreach Website at http://osp.ua.edu/site/PRCO_Welcome.html or send an email to participantoutreach@bama.ua.edu. After you participate, you are also encouraged to complete the online survey for research participants at http://osp.ua.edu/site/PRCO_ParticipantSurvey.html. I would like to thank you in advance for your participation in my research.

Sincerely,

Conner Birdsong, ckbirdsong@crimson.ua.edu
Dr. Ida Johnson, Thesis Chairperson, ijohnson@ua.edu (205) 348-8090
Tanta Myles, Director of Research Compliance, cmyles@fa.ua.edu

UA IRB Approved Document
Approval date: 12/14/2016
Expiration date: 12/13/2017

Debriefing

- The purpose of this research is to examine the relationship between perceived levels of trustworthiness and innocence among different racial groups and their sentencing outcomes. Specifically, I want to learn if physical appearance, such as skin tone, is a significant factor in capital punishment sentencing.
- The photos you viewed and rated were actually photos of convicted capital offenders. They included inmates executed, inmates currently on death row, and inmates sentenced to life without parole. The reason I did not disclose to you that I was interested in skin tone and the true information about the photos is because I did not want this information to influence your ratings.
- Now that you know that some information about the purpose of the study was concealed from you, I would like your permission to include your ratings in my research.
- However, if you would like to have your data withdrawn, please select the checkbox below and insert this document into the your folder.
 - I DO NOT want my data to be included.

If you have questions about this study, you may contact Conner Birdsong, the Principal Investigator, at ckbirdsong@crimson.ua.edu or my faculty supervisor, Dr. Ida Johnson, at jjohnson@ua.edu or 205-348-8090.

If you have questions or complaints about your rights as a participant in this research study, you may contact Ms. Tanta Myles, the Research Compliance Officer at UA, at 205-348-8461 or toll-free at 1-877-820-3066.

Thank you for participating in my study.

UA IRB Approved Document
Approval date: 12/14/2016
Expiration date: 12/13/2017

February 9, 2016

Conner Birdsong
Dept. of Criminal Justice/Sociology
College of Arts and Sciences
The University of Alabama
Box 870320

Re: IRB # 16-OR-430-A: "Does Appearance Matter? A Psychological Approach to Capital Sentencing Outcomes"

Dear Mr. Birdsong,

The University of Alabama Institutional Review Board has reviewed the revision to your previously approved expedited protocol. The Board has approved the change in your protocol.

Please remember that your approval period expires one year from the date of your original approval (December 14, 2016), not the date of this revision approval.

Should you need to submit any further correspondence regarding this proposal, please include the assigned IRB approval number. Changes in this study cannot be initiated without IRB approval, except when necessary to eliminate apparent immediate hazards to participants.

Good luck with your research.

Sincerely,

