

Summer Undergraduate Research Fellowship (SURF) USA

Race and Reasonable Person Bias in Legal Decision-Making

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Research Location: Bailey Identity and Social Cognition Lab

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***The following example SURF proposal has been adapted from a longer original proposal written by Sadie Chaffin/Psychology (Faculty Mentor: April Bailey). The example has been modified and edited to fit the current, more concise SURF proposal guidelines.**

Proposal prompts in blue are included for instructional purposes only, based on the SURF proposal guidelines. Applicants should not include these prompts when submitting a final application.

Project Summary (one page maximum, single-spaced)

1. Abstract (200 words maximum): concisely summarize your project and its goals

The reasonable person standard is used to determine culpability in jury decision-making. When thinking of a generic “person” many Americans primarily picture someone who is White. Professionals in criminal justice and psychology note that this bias might impact jury decision-making. No study has directly examined racial biases in the reasonable person standard for legal decision-making. This study will examine the role of defendants’ race and possible reasonable person bias in a negligence case. I will recruit 350 participants who will be instructed to imagine a “reasonable person.” They will judge either a Black or White male defendant on reasonableness, culpability, and sentence severity. I have three hypotheses. First, most participants will imagine a “reasonable person” as White. Second, when the reasonable person’s race and the defendant’s race match, the defendant will be judged less harshly than when there is not a match. Third, people who imagine a “reasonable person” as White but then judge a Black defendant will give this defendant the highest culpability rating compared to all other combinations. This potential bias is important because there is evidence that most people imagine a “reasonable person” as White, and Black defendants constitute a disproportionate number of defendants in legal cases.

2. Outcomes (list 2-5, one bullet point each): tangible products of your project (e.g. report, database, results of quantitative/qualitative/textual analysis, paper, thesis, presentation, production, exhibition, film, article submitted for conference or publication, etc.); also include at least one outcome stating how this project contributes to your personal, educational, and/or professional goals

- Create survey using Qualtrics, populate data set using Prolific, and analyze data using SPSS and R to test hypotheses
- Integrate this research into my senior honors thesis, which will investigate the effects of race and gender bias in the reasonable person standard
- Expand and present study to present at Psychology Department’s George M. Haslerud URC in the spring of next year
- Develop crucial research methodology and data analysis skills to pursue a Ph.D. in social psychology/psychology/law

3. Timetable (one line or row per week maximum): using bullet points or a table, list your planned research activities and specific goals for each week of the project

- Week 1: Conduct a power analysis using G*power software to determine proper sample size
- Week 2: Create survey and case scenario using the Qualtrics platform
- Week 3: Preregister methods and analysis plan (aligned with current practices in psychology)
- Weeks 4-5: Collect the first 10 subjects on Prolific and write scripts to analyze this data to ensure we do not make a mistake before collecting the full (expensive) sample
- Week 6: Fix any errors (if applicable) and collect the full sample on Prolific
- Weeks 7-8: Analyze the full sample and three hypotheses using SPSS and R
- Weeks 8-9: Interpretation of data, write up result
- Week 10: Reflection paper and planning next steps for honors thesis

Project Background (two pages maximum, single-spaced)

1. Project History, Definition, and Significance

- general problem, theme, or issue to be addressed
- historical context: i.e., most relevant previous research, scholarship, or artistry on this topic by other researchers, scholars, or artists (cite sources)
- project's specific question, hypothesis, or objective
- contribution of your project to the problem and your field
- broader significance or importance of your research (e.g., social, cultural, intellectual, creative, practical, theoretical)

Researchers have found that when people in the U.S. think of a “person,” they disproportionately think of someone who is White and male (Devos & Banaji, 2005; Bailey et al., 2019). The Reasonable Person Standard is defined as “A legal standard applied to defendants in negligence cases to ascertain liability” (Legal Information Institute, 2021). Since a reasonable person is not explicitly defined, in cases of criminal negligence jury members might be using White men as the model for reasonable person standards and comparing defendants’ behavior to that of a typical White male. Because determining if a person acted as a “reasonable person” is up to interpretation, this standard might provide an avenue for race bias to influence juror legal decision-making. While previous research has found evidence for racial bias in jury decision-making more generally (e.g., Davis et al., 2021; Meachem et al., 2023), no study has directly examined racial biases in the reasonable person standard for legal decision-making. This current study aims to fill the research gap, to examine how using a White person for the reasonable person standard might affect how individuals will rate a Black versus White male defendant’s guilt. My hypotheses are: (1) A majority of participants will imagine the reasonable person as White. (2) When there is a match between the reasonable person’s race and defendant’s race, the defendant will be judged less harshly than when there is not a match. (3) When participants imagine a White reasonable person but make judgements about a Black defendant, they will judge the defendant particularly harshly compared to all other combinations. If the results of this current study show that people have racial biases when using the reasonable person standard, it will highlight the importance of examining jurors’ biases when determining which defendants are reasonable or not and how guilty they are. This could direct future criminology and psychology research to prioritize investigating the reasonable person standard and the potential biases in determining a baseline for who is considered reasonable and who is not.

2. Approach and Methodology

- methods, theories, procedures, or lines of thinking and/or creating you will use to address your research topic and answer the question(s) you pose
- if you plan to conduct interviews or surveys: what assumption/hypothesis/general principle you will test; the number of participants you will seek and how you will recruit/select them; sample interview/survey questions (to be included in Appendices)
- materials and sources needed to pursue your project
- how you will analyze, interpret, and/or evaluate your findings – including how/why this mode of analysis will enable you to accomplish your project objectives and/or answer your research question(s)
- foreseeable challenges, obstacles, or difficulties – and how you are prepared to address them

Participants will complete a brief (5-10 minute) Qualtrics survey. First, they will read a specific definition of a reasonable person and of negligence (see Appendix A). All participants will then be asked to “think of an imaginary man who is an example of a reasonable person” and to give this person a name. On later pages of the survey, participants will then report demographic

characteristics about [name] including, key for my purposes, the person's race (see Appendix A). Then participants will all read a case scenario where a negligence crime has been committed. Half of the participants will be randomly assigned to read this scenario about a Black defendant. The other half will be randomly assigned to read the scenario about a White defendant. I will then measure the opinions of how reasonably the defendant acted, defendant's culpability, and suggested punishment severity (see Appendix B). Lastly, we will collect standard demographic information about the participants (see Appendix C). I predict that most participants will generate a White person as their example of a reasonable person and that people who imagine a White reasonable person but who are in the Black defendant condition will give the highest culpability rating compared to all other combinations.

I will recruit at least 350 participants using the Prolific platform, filtering for U.S. citizens over 18 and using a convenience sample that roughly reflects the demographic breakdown of the U.S. (58.9% White; U.S. Census Bureau) to reflect the typical jury decision pool. I will obtain permission from UNH's Institutional Review Board, which I will apply for following the submission of my SURF proposal. The lab currently has a similar study with IRB approval, which I will use as a reference. I will conduct a power analysis using G*Power (Faul et al., 2007) on the effect size from that study to make a final decision about the target sample size for my proposed summer study. To test my first hypothesis, I will conduct a goodness of fit chi-square test comparing the proportion of people who generated each race/ethnicity group to chance. To test my second and third hypotheses, I will conduct a linear regression with culpability judgments as the outcome variable with reasonable person race (dummy coded: White, Black), and defendant race (dummy coded: White, Black), and their interaction term as the predictor variables. In this analysis, I will also test whether results differ as a function of participant race as an additional term in the model. I will then conduct similar analyses on the other outcome variables: sentencing severity and reasonableness of the defendant's action. I will use SPSS and R to learn and apply both statistical analysis platforms.

3. My Role/Preparation/Experience

- your preparation and qualifications to undertake the project (e.g., previous coursework, jobs, extracurricular experiences, other research or training)
- your plans for further preparing yourself before undertaking the project, prior to the start date
- your unique role in the project as compared to the role of your faulty mentor and others (graduate students, technicians, collaborators), including your plan for regular communication with your mentor
- if a group project, the unique role of each student on the project (use an additional paragraph if necessary for this question)

As a junior psychology and justice studies dual major with a minor in sociology, I have taken several courses relevant to this topic: along with Statistics in Psychology (PSYC 402) and Research Methods in Psychology (PSYC 502) and Justice Studies (JUST 502), I have taken The Scientific Study of Groups and Bias (PSYC 791W), Race and Racism (SOC 530), Psychology of Crime and Justice (PSYC 756), and am currently taking Sociology of Justice (SOC 636). I also have prior research experience in a psychology lab, working in Dr. [A]'s lab for over a year as a research assistant where I used SPSS and Jamovi for statistical data analysis and read research articles. I am currently working in Dr. [B]'s research lab and assisting in a "reasonable person" study led by another student but focused on gender biases. This experience and the results of the gender study will guide my own SURF research. I will conduct a power analysis, preregistering the study methods and analysis plan, posting the study on Prolific, conducting the data analyses in R and SPSS, and interpreting the results under the supervision of Dr. [B].

Appendices

References

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Appendix A

[Here the SURF applicant included their surveys and questionnaires in full; we have excluded them due to the proprietary nature of this content.]