The Pursuit

"You are to appoint judges and officers for all your gates [in the cities] your G-d is giving you, tribe by tribe; and they are to judge the people with righteous judgment. You are not to distort justice or show favoritism, and you are not to accept a bribe, for a gift blinds the eyes of the wise and twists the words of even the upright. Justice, only justice, you must pursue; so that you will live and inherit the land your G-d is giving you."

Deuteronomy 16:18 – 16:20

About *The Pursuit* Journal

The Pursuit, a publication of the Criminal Justice Association of Georgia (CJAG) is a peer-reviewed journal that focuses on the broad field criminal justice. *The Pursuit* publishes scholarly articles relevant to crime, law enforcement, law, corrections, juvenile justice, comparative criminal justice systems and cross-cultural research. Articles in *The Pursuit* include theoretical and empirically-based analyses of practice and policy, utilizing a broad range of methodologies. Topics cross the spectrum of policing, criminal law and procedure, sentencing and corrections, ethics, juvenile justice and more, both in the United States and abroad.

Authors interested in submitting manuscripts for consideration should use the link on the CJAG website (http://cjag.us) or email the Editor of *The Pursuit* at cjagjournal@gmail.com

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Michael B. Shapiro
Georgia State University
Editor, *The Pursuit*

About the Criminal Justice Association of Georgia

The Criminal Justice Association of Georgia is a not-for-profit organization of criminal justice faculty, students and professionals. It exists to promote professionalism and academic advancement in all areas of inquiry related to the Criminal Justice field.

The Association holds its annual meeting in October. Those interested in presenting at the conference should contact Professor Lorna Alvarez-Rivera (llalvarezrivera@valdosta.edu).

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Criminal Justice Association of Georgia
Post Office Box 3501
Valdosta, Georgia 31604

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Is the Juice Worth the Squeeze on This One?

Examining officer and command staff support and unexpected consequences of body-worn cameras

Melissa Powell-Williams, Todd Powell-Williams,
and Candace Griffith
Department of Social Sciences, Augusta University

Abstract

This study utilizes semi-structured interviews and survey responses to examine law enforcement officers and command staff perceptions of body-worn-cameras (BWCs). While demographic variations exist for some measures, survey responses reveal strong overall support for the devices and improved behaviors of other officers and citizens—with few officers perceiving that the devices have resulted in positive change in their own behavior. Officers and command staff believe that BWCs will primarily reduce false complaints and have little have little effect on excessive use of force. Qualitative data reveal that the devices' power to 'formalize' informal interactions has led to positive behavioral and attitudinal changes, as well as negative consequences such as increased stress and risk, management of unrealistic expectations, the undermining of community policing efforts, and limits to discretion. Further, interviews reveal that trust in superiors' intent are critical for officer support and compliance. In light of these findings, we call for researcher that broadens empirical measures of 'effect' and 'change' of BWCs to officer-community relations—particularly since these relations served as key motivations for their usage—and assess organizational procedures that facilitate trust between officers and command staff in light of the increased surveillance.
Keywords: body-worn cameras, policing, perceptions, police accountability, surveillance

Following a number of police shootings of unarmed citizens in the United States—reaching a flash point on 9 August 2014 with the police killing of eighteen year-old Michael

Brown in Ferguson, Missouri—the public call for and implementation of BWCs for patrol officers expanded exponentially. As of 2016, 47% of law enforcement agencies in the United States (80% of large departments) have adopted the devices resulting in approximately 15,000 full-time officers wearing the devices (Hyland, 2018). This push for greater surveillance has largely been regarded as an inevitable outcome of technological development, rise of mediated police interactions recorded by citizens (Courdet, Butin, & La Metayer, 2015), and growing concern for police accountability in light of the influx of media exposure to officer misuse of force (Ariel, Sutherland, Henstock, Young, Drover, Kykes, Megics & Henderson 2016a; Brucato, 2015; Courdet, 2015; Farrar, 2013; Gaub, Choate, Todak, Katz, & White, 2016; Kearon, 2012; Yesil, 2011). Research focusing on the logistical concerns, consequences of increased surveillance, and overall perceptions of BWCs has grown substantially over the past few years. These works have found that the devices have improved officer behavior in the field in practical areas such as a reduction of use of force (Ariel, Farrar, & Sutherland, 2015; Ariel et al., 2016), use of protocol (Gaub et al., 2016; Ready & Young, 2015), and decreased arrests (Ariel, 2016; Ready & Young, 2015); while others find minimal change (Hedberg, Katz, & Choate, 2017; Wallace, White, Gaub, & Todak, 2018; White, Gaub, & Todak, 2017). Further, research has consistently found that citizens, officers and command staff tend to have favorable views of BWCs (Jennings, Fridell, & Lynch, 2014; Gaub et al., 2016; Pelfrey & Keener, 2016; Smykla, Crow, Crichlow, & Snyder, 2016; Ariel 2017; Maskaly, Donner, Jennings, Ariel, & Sutherland, 2017; Crow, Snyder, Crichlow, & Smykla, 2017), even if few report that they have influenced their personal behavior in the field (Jennings et al., 2014, Gaub et al., 2016; Tankebe & Ariel, 2016), or would make a difference when fighting crime (Tankebe & Ariel, 2016).

These growing works have increased our understanding of the impact of BWCs on law enforcement, however much of this information relies on internal department statistics and

survey data—meaning that more nuanced understandings of officer experiences are limited (Jenkins, 2015) and do not explain officers' daily adaptations to the devices, factors contributing to support of their usage, potential conflicts and tensions between field officers and command staff, or unforeseen consequences that have arisen in the field. To address these shortcomings, this research adopts a mixed method design examining 20 in-depth interviews and 130 completed survey responses with law enforcement officers and command staff working in Richmond County Sherriff's Office in Augusta Georgia. In the pages that follow, we review the current research on the efficacy and support for BWCs, provide an overview of the current study, its findings, its implications, and areas of future research.

Literature review

BWC effectiveness

Drawing upon suppositions of deterrence and self-awareness theories, BWC researchers have focused on changes to officer and community behaviors including officer use of force, arrest rates, adherence to protocol, and citizen complaints. This research asserts that BWCs deter noncompliance as they encourage officers to be more cognizant of their actions in the field. Ariel et al., (2015) published the earliest and most recognized experimental research involving police-community interactions in Rialto, California, finding that officers wearing the devices were half as likely to use force against citizens when compared to others. However, in a later study in Denver, Colorado, this relationship was insignificant when controlling for other factors, indicating that officer use of protocol and limited discretion are key factors determining the effectiveness of BWCs to deter to use of force (Ariel 2016). Specifically, the study revealed that a decrease in use of force is observed when BWCs are present, protocol is followed, and officer discretion is controlled (or eliminated entirely).

Interestingly, the Denver study found that citizen-complaints regarding use of force were much lower in sites in which officers were wearing the devices (Ariel et al., 2016a). Research consistently indicates that BWC usage yields a discernable reduction in their frequency and invasiveness of police-citizen encounters (Ariel et. al, 2015; Ariel et al., 2016a). In regards to other officer-citizen contact, Ready & Young (2015) find evidence that BWCs are enabling officers to be more 'proactive' due to their increased use of initiated stops. Specifically, researchers found that Mesa, Arizona officers were significantly more likely to initiate interactions with citizens in public spaces when wearing a BWC. Further, these researchers find that citizen contact is less likely to result in a stop-and-frisk encounter when officers were wearing the device. While initiated stops are proven to be increased by the use of BWCs, there is uncertainty whether these stops result in increased arrests. Some studies have found that arrests are made more often when the cameras are present (Ariel, 2016; Ready & Young, 2015; Headley & Shariati 2017) while others find the opposite effect (Braga, Sousa, Coldren, & Rodriguez, 2018). In either case the de-escalating effect of the devices in the field as well as increased efficiency of police-citizen conflict resolution within the department (Braga et al., 2018) and the increased citizen perception of the legitimacy of procedural justice is supported (Demir, Apel, Braga, Brunson, & Ariel, 2018).

Officer perceptions of BWCs

Similar to previous findings regarding the use of dashboard cameras (IACP, 2005; Miller & Toliver, 2014), officers overwhelmingly report high levels of support for BWCs. Survey research reveal that the majority of law enforcement officers support the adoption of BWCs within their department and the majority of these officers report that they would feel comfortable wearing the cameras (Jennings et al., 2014; Smykla et al.,. 2016). However, few officers believe that they make them safer (Jennings et al., 2014; Tankebe & Ariel, 2016) or help them fight crime (Tankebe & Ariel, 2016). In terms of perceived changes in behavior, Jennings et al., (2014) find that officers are less likely to report changes in their own behavior when compared to perceived changes in behavior of citizens and other officers in terms of improved behavior within interactions, whether actions are guided by standard protocol, response to calls, and use of force. Similarly, Gaub et al. (2016) compared officer perceptions before and after implementation in multiple departments, finding that prior to implementation officers report relatively high levels of support, particularly related to BWCs positive effect on accuracy of the documentation of incidents and found variability in levels of support. This research asserts that the timing of study implementation (Gaub et al., 2016) and whether the cameras were voluntary or forced (Ready & Young, 2015) may have an effect on officer perception.

Qualitative and mixed-methods studies have revealed potentially positive outcomes of BWCs including employing footage in trainings, improving report writing, promoting accuracy and quality of evidence, accelerating prosecutions, and preparing for court appearances (Pelfrey & Keener, 2016; Goetschel & Peha, 2017). These works also report logistical and ideological concerns including the continued lack of procedural and legal clarity regarding privacy, integration of surveillance within the existing police cultures, and loss of discretion (Goetschel & Peha, 2017; Pelfrey & Keener, 2016). Officer perceptions of changes to citizen behavior are

decidedly mixed with some officers disagreeing as to whether citizens are tempering their behavior in the presence of BWCs (Goetschel & Peha, 2017). In addition, since policies on the use of BWC were specifically written for patrol officers; the unique missions and tasks experienced by officers within specialty units (e.g., K9, Tactical, SWAT, Mounted, Criminal Investigations) have heightened concerns that unfamiliarity with the distinctive needs when using force, could be taken out of context or misinterpreted (Gaub, Todak & White, 2018).

Current Study

This study adopts a mixed-method research design that assesses perceptions of BWCs through in-depth semi-structured interviews and structured surveys of active police officers and command staff working in the Richmond County Sherriff's Office (RCSO) in Augusta, Georgia between June 2016 and February 2017. At the time of data collection, the population size of Richmond County (RC) was over 200,000 residents with a mean age of 34 years, median income of approximately $37,000, with a poverty rate of 24%. The majority of residents (56%) identify as black or African American and 38% of the residents identify as white non-Hispanic (U.S. Census Bureau, 2016). The RCSO is the second largest local police agency in the state and implemented its mandatory BWC program on September 16, 2015. At this time 235 field deputies and command staff were trained and issued the devices.

The aims of this study are to examine if and to what extent field officers and command staff report changes in behavior for themselves, other officers, and community members; report their variable support for usage of BWCs in the field; and examine their perceived benefits and risks of the program. We also assess the effects of race, sex, number of years in law enforcement, and rank in these areas. The interview data supplement and expand these aims by inductively addressing unexpected and nuanced insights regarding behavioral changes, perceptions, and outcomes. As will be addressed in the findings and discussion sections, our study adds to extant

literature pertaining to perceived changes and support however it adds to this literature by comparing how officers and command staff working within a single department perceive measures of change and favorability that had been lacking in previous studies. By coupling interview and survey data, this study provides insight into previously unidentified behavioral changes and unforeseen consequences resulting from BWCs.

Methodology

As stated previously, this research assesses perceived changes in officer and community behavior post BWC implementation, general support for BWCs, and perceived risks and benefits of the increased surveillance brought by the devices. We adopted a mixed-method research design that integrates survey and interview data throughout the study design, data collection, analysis, findings, and discussion. Specifically the study uses an exploratory sequential design which relies on the use of qualitative interviews to clarify and contextualize the survey findings (Wisdon and Creswell, 2013).

Survey

All RCSO field officers who were issued BWCs as part of standard protocol and administrative command staff overseeing the implementation and supervision of the program were made eligible for consideration and voluntary self-selection. With the help of leadership, participants were recruited through an e-mail sent to all field officers working at the RCSO explaining the research intent, confidentiality and informed consent, assurance of voluntary participation, researcher contact information, and a link to survey items implemented using the Qualtrics survey platform. A similar e-mail was sent to command staff who directly oversaw the implementation of the program. Survey data were collected between June 20- 2016-July 29, 2016 and the final survey sample includes 130 participants, 106 are field officers (45% response rate) and 24 command staff (60% response rate). Of those responding, 72.4% (71) identify as

white, 17.3% (17) identify as African American, 2% (2) identify as Latino, and 8.2% (8) identify as 'other' race. The vast majority 86.4%, of the respondents were male, years in law enforcement ranged from 2-32 years with an average of 13.5 years, and field officers report spending between 5-90 hours in the field with an average of 43.25 hours per week.

The survey included items assessing whether BWCs have changed the way officers approach citizens, frequency of arrests, feelings related to law enforcement, frequency of departmental and personal complaints, relationships with superiors, colleagues, and the community (1-yes, 2-no)[1]. Likert scale items assessing general support included general support for BWCs, extent of comfort when wearing BWCs, feeling safe as a result of BWCs, and perceived changes in citizen behavior (1=Strongly Disagree-7=Strongly Agree). Respondents were also asked to rank the most important function they feel BWCs have and/or will serve in their department (1=increase safety of officers, 2=improve community relations, 3=reduce number of complaints, 4=reduce instances of police brutality, and 5=reduce number of false complaints). Finally, respondents were asked to rank sources of job-related stress thought to be influenced by BWCs (1=increased internal oversight, 2=unfounded complaints, 3=increased risk of physical harm, 4=increased exposure to unpleasant situations, 5=longer hours/more work)[2]. Each survey item included text boxes so that participants were able to provide open-ended responses as well.

[1] Because they did not themselves wear BWCs, these items were omitted from or modified in the survey completed by leadership and command staff.
[2] These items were slightly modified on the survey completed by command staff.

Semi-structured interviews

We conducted in-depth semi-structured interviews with 16 field officers and 4 command staff from the RCSO between July 14, 2016 and February 6, 2017. A purposeful sampling strategy was implemented in which participants were contacted through an e-mail sent to all eligible LEOs and command staff in the patrol division of the RCSO, by an additional item included in the survey instrument, or recruited on-site during routine meetings. Once potential subjects indicated their willingness to participate through responses to the survey or when the researchers were on-site, researchers contacted them either by e-mail or telephone to determine the time and location based participant availability. Once initial contact was made, no participant declined the interview. All identifying information was omitted from transcripts and all names presented in this paper are pseudonyms. 18 of the participants were white (one African American and one Asian American) and 19 were male.

Prior to the interview, researchers explained the intent of the research project, the importance of voluntary participation, and informed consent. A semi-structured interview guide was used to structure the discussion[3]which means that while standard questions were asked all participants, each interview was provided flexibility in the order of questions, follow up questions, and use of probes based on the responses provided by the participants. All the interviews were audio recorded, transcribed, de-identified, and uploaded into the NVivo Qualitative Analysis Software program for analysis.

The interviews included history with law enforcement, initial reactions to BWCs, daily experiences with the cameras, effects of the cameras on community relations, and feelings about law enforcement. Themes identified in the initial coding related to support for BWCs included

[3] The interview questions were modified when interviewing command staff.

initial reactions, barriers to support, advantages to surveillance, and unexpected outcomes. Upon further analysis, data revealed more nuanced themes related to changes including the validation of officer accounts, self-awareness of conduct, changes in increased differentiating changes in self from other officers and community, increased risk to safety, and conflicting institutional ideologies regarding community interactions.

Findings

In this section, we review the survey and interview findings in three key areas: 1) perceived effects of BWC on officer and community behavior; 2) support; and 3) perceived benefits and consequences of their usage. In each of these sections, the quantitative (descriptive and bivariate analyses) and qualitative (interview and open-ended survey responses) data are presented. Since there is little observed difference between the groups, survey data reported includes the responses from both the field officers and command staff unless otherwise indicated.

'The body cams do make you more cognizant:' perceived changes in behavior

While observing overall support for BWCs, survey data suggest that the officers believe that they have little impact on their behavior. As indicated in the summary of the measures of perceived change in Figure One, officers are most likely to report changes to their *feelings* about policing—rather than *behavior*. While only 13% of those reporting indicate that wearing BWCs has resulted in reduced citizen complaints aimed at them personally, 31% indicate that they have resulted in a reduction of complaints against the department. Few (13%) indicate that BWCs have changed the way they approach citizens, 30% report an improvement in community relations. Finally, officers report experiencing weakened relationships with their fellow officers (9.4%) and superiors (10.5%) while fewer report that the devices have improved these relationships (3.8%; 6.7% respectively).

While not significantly affecting general perceptions of BWCs, bivariate correlation findings of the ordinal measures of change indicate a weak positive relationship between number of years in law enforcement and believing that BWC's have improved behavior (-.242) and reduced frequency of force used against subjects (-.242); $p < .05$. Neither race nor sex significantly affected perceived effects on their own behavior, personal use of force, citizen complaints, responses to calls, or relationships between citizens, peers, or supervisors.

Figure 1. Perceived changes in personal behaviour reported by field officers

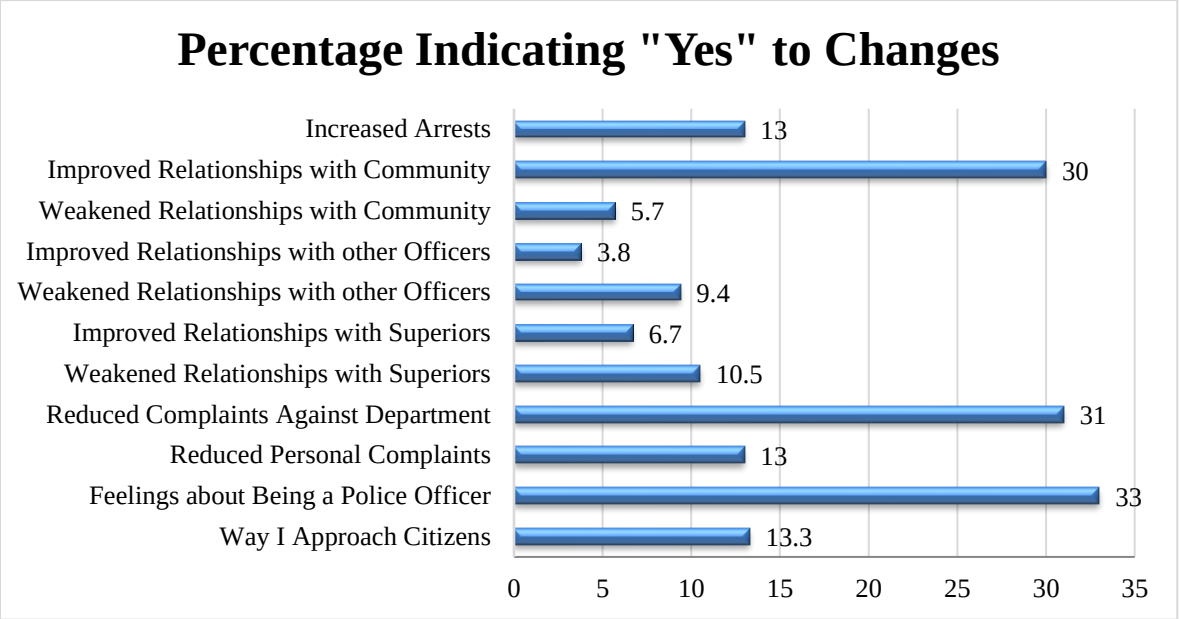
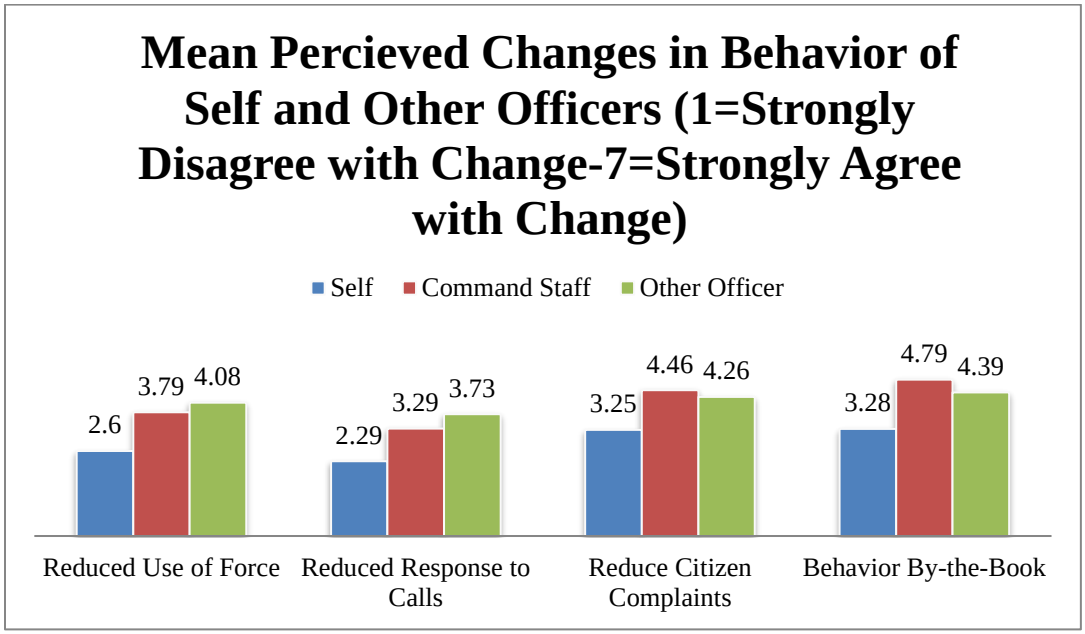


Figure 2. Beliefs regarding perceived changes of BWCs for self, others, and command staff



We observe that officers are far less likely to agree to changing their behavior post BWC implementation but claim to observe changes in the behavior of *other* officers. As indicated in Figure Two, the mean level of agreement for measures of positive changes for themselves is much lower than those assessing the same changes in *other* officers including using of force (M=2.6 compared to 4.08), reducing response to calls (M=2.29 compared to M=3.73) reducing citizen complaints against them (M=3.25 compared to M=4.26), and increasing adherence to protocol (M=3.28 compared to M=4.39). We find that the command staff are far more likely than field officers to observe the positive effect of BWC's on officer behavior. Specifically, we find a significant difference between the means of command staff and field officers in regards to their level of agreement that the devices will reduce officer use of force (M=3.79 compared to M=2.6), reduce responses to calls (M=3.29 compared to M=2.29), reduce citizen complaints (M=4.46 compared to M=3.25), and increase likelihood that the officer behavior will be 'by-the-book' (M=4.79 compared to M=3.28); $p<.001$ for all observed differences.

Changes in personal behavior

While survey data indicate very little recognition of the practical effects of BWCs on officers' personal behavior, interviews reveal that officers have become more cognizant of their *demeanor* and level of respect demonstrated toward citizens. While interpersonal skills may have had little consequence on their credibility within the department or among peers prior to the BWC program, a 'chilling effect' is observed as officers describe nuanced adaptations aimed to 'soften' their approach.

To begin, Brandon explains, that the increased surveillance, 'make[s] you more cognizant, or should make you more cognizant of what you say and how you say it to people…I am inherently a smart ass, and for me it makes me not do it quite so easily.' Josh, claims that because he is 'not perfect,' he suppresses his feelings and initial reactions with community members in light of the increased oversight, stating that since he is 'human I may say something out of anger, I am not perfect and I have cussed somebody out before just because I was pissed off,' and as a result was 'fairly apprehensive about it.' Similarly, James is more aware of his demeanor and conduct because the increased surveillance has formalized his otherwise informal interactions into potential evidence—thus is vulnerable to formalized scrutiny and accountability.

> I was afraid, 'this is evidence, this is evidence, this is public record if anyone pulled my video from the last week I'm sure they would be horribly offended. Now it's evidence that you are making yourself on the camera.

For James BWCs made him fearful since he is 'making evidence' whenever he interacts with citizens. For Cory, the taming effect makes suspects 'harder to manage' because he constantly imagines having to justify his motivations and conduct to superiors or in court:

> It used to be easier to tell someone to 'sit down and shut the F up'…if they complain on you, they're [superiors] gonna question you like: 'Why did you use

> that tone? That's not appropriate.' And it has to be that way sometimes. It's not a pretty job, it's not a sanitary job. Sometimes you have to tell people to sit down and shut up.

While supportive of the BWC program, Cory admits that they make his work 'harder' because his job is not 'sanitary,' and even suggests that this emphasis on 'respectability' at times hampers his ability to manage interactions as effectively as he otherwise could.

Changes in other's behavior

In line with the survey data, officers revealed that BWCs are having a positive effect on the behaviors of *others* when in the field. As previously indicated, in the survey data, officers tend to feel that BWCs have or will reduce other officers' use of force and increase their likelihood to follow protocol. As Brandon notes, this change in other officer behavior will ultimately benefit him because, 'the reduction in complaints from the deputies not acting like shitheads is great for me so that when I go to a call I don't have to worry about some shithead violating someone's constitutional rights.' Similarly, David notes that other officers will be more efficient and 'it helps weed out some officers that you don't really want to work with...they were going on a call that should take 10-15 minutes then you have a video of you standing there talking to somebody for 45 minutes.'

Mirroring Goetschel and Peha (2017)'s research, while interviewees tend to recognize positive effects of BWCs for other officers, perceptions regarding citizen behavior are less consistent, with some noting no changes in citizen behavior and others reporting a positive, 'calming' effect. Gary claims that regardless of citizens' awareness of their actions being documented, many still act in discrediting ways, 'I have seen some god-awful things…the way citizens respond to us and talk to us and deal with us and knowing that a bodycam [inaudible] sitting here looking at it with a light…I mean *hello*.'

Although, official documentation of citizens 'acting up' may simply be confusing to Gary, Jack claims that it has made some aspects of his job easier, since citizens are no longer able to 'rein in' their statements after-the-fact. While some citizens are perceived to be unconcerned or at least unaffected by increased surveillance, others are learning that they 'better chill.' This is echoed by David who reports a 'calming' effect on some citizens compared to those who maintain their 'Jerry Springer attitudes' has been positive since they are less likely to make false reports, 'they knew ok what's on video you can't complain because they have video showing what happened so that helped cut the number of complaints down.'

Regardless of the continued unruly behavior when interacting with law enforcement, the increased surveillance has curbed unsubstantiated complaints. However, Brandon points out that this calming effect, in instances such as family violence where perpetrators change their behavior in front of officers; may weaken their case:

> It is not the same 'cause if you walked in and they acting the fool throwing and punching prior, which would add to your DV case, now it's like nothing's going on, everything is fine, they don't want their actions recorded, actions that are important to the case are not there anymore.

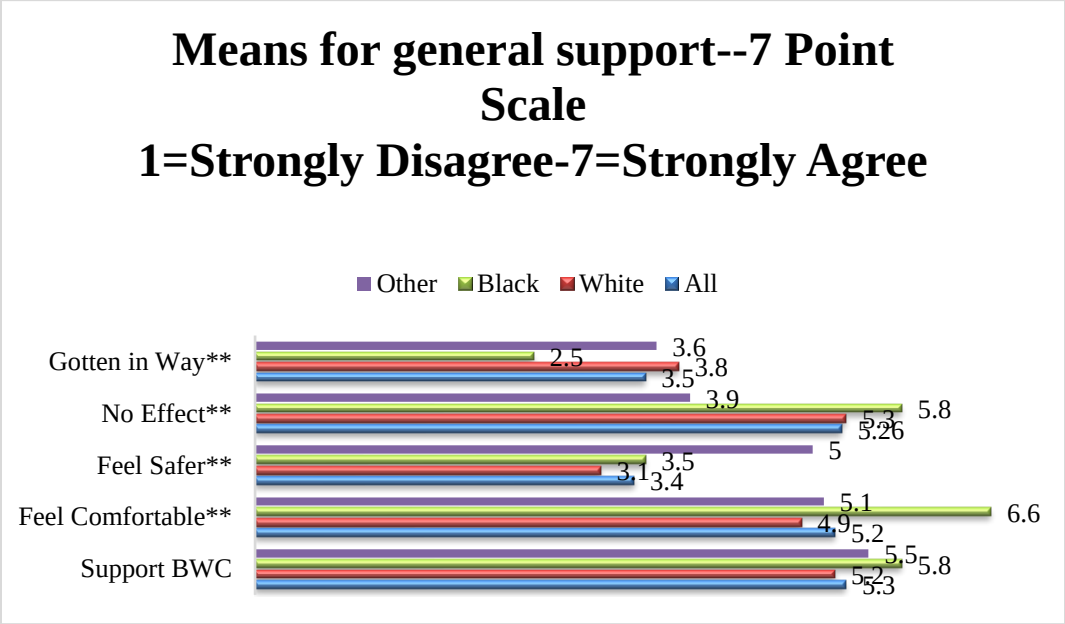
In some instances obtaining evidence of citizens 'acting the fool' may help prove officer accounts of events in cases. A latent consequence of this calming effect of BWC on community behavior is that officers may find it more difficult to proceed with cases when recorded evidence indicates that 'nothing is going on' that may warrant an arrest.

'People can sit there and lie. The camera don't lie:' Support for BWCs

In line with previous work (Jennings et al., 2014; Goestschel & Peha, 2018; Smykla et al. 2016), we find that officers overwhelmingly support BWCs (M=5.3). African Americans are significantly more likely to report that the BWCs have had little to no effect on their behavior

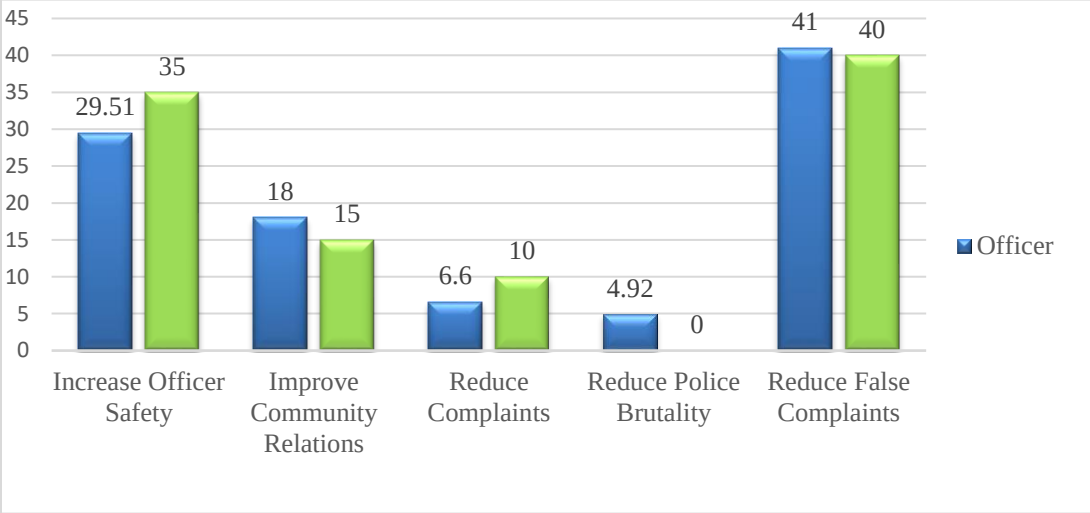
(M=5.8 compared to 5.2), feel comfortable wearing the devices (6.6 compared to 5.2) and are far less likely to report that BWCs have gotten in the way of their work (M=2.47) compared to other races (3.56); p<.01. Officers and command staff who are neither white nor African American are significantly more likely to believe that the devices make them feel safer while on the job (M=5) when compared to other respondents (3.4); p< .05. Unlike previous research (Jennings et. al 2014), our data finds no gender effect in any of the observed measures of support.

Figure 3. Field officers and command staff support for BWCs and race



* Significant at the .05 alpha level
** Significant at the .01 alpha level

Figure 4. Field officer and command staff reported most important function of BWCs



Both officers and command staff report that reducing false complaints (41% and 40% respectively) and increasing officer safety (30% and 35% respectively) are the most important functions BWCs serve. Approximately 18% of officers and 15% of command staff find improving community relations as being the most important function of the devices and very few officers (4.92%) and zero command staff believe that the most important function of the BWCs are to reduce instances of police brutality.

While many shared initial reservations, interviews reveal overwhelming support for the BWC program claiming that they provide validation through 'hard' and 'objective' backing of their accounts. Below, we share reflections on the validation the devices provide for officers and initial apprehensions with the increased oversight.

Validating officer accounts

Interviewees like Jack claim that video footage captures details often overlooked within stressful situations, I mean there is a lot going on in a scene and you are trying to take everything in. If you can review and hear the exact words of people and quote them in your report then that part is great…for building your case.' Others who fear not being believed by superiors or

becoming a victim of false complaints also welcome increased surveillance, 'it saved me a thousand times, especially the car camera, I am a big advocate for the cameras, especially case wise, it shows everything (Anonymous Survey Response).

Further, as Cory shares, BWCs are particularly useful to dispute accusations of racial profiling since they 'don't lie:'

> I love the body cameras. Because, people can't sit there and lie. The camera don't lie…For example, a woman complained that a police officer pulled her over because she was black. But he had it on camera, he looked on the camera and explained to her that he was checking on her because she was sitting on the roadway…It's like, you wouldn't have to get in trouble if you do the right thing. It's an added incentive for you with your day-to-day operations.

Cory clearly views the increased surveillance as a source of validation that can ease the worry for those who follow procedure and do not engage in misconduct or racial profiling—believing that this validation can even incentivize officers to 'do the right thing:'

Initial apprehensions

> I don't hear people bitching so much anymore. I think they were worried about it at first…Were we going to be sitting around going 'oh, you shouldn't have pointed at this individual' or 'why did you raise your right eyebrow?' Or they thought we were going to use everything as a tool to come down on a lot of stuff.

As James, who has worked in law enforcement for 32 years states above, prior to formal implementation, many officers were concerned that BWCs would be used as a 'tool' by command staff to 'come down' on them unfairly.

These comments support Goestschel and Peha's (2018) findings indicating that personal experience with BWCs increases officer support. Though we found no significant relationship

between number of years in law enforcement and general support for BWCs in the survey data, interviewees tended to attribute initial resistance to older or 'tenured' patrol officers preserving the 'old ways' of police work. As Jim states, 'it's like when we went from paper to computers…it's much easier for our younger people and they have adapted probably a little bit better than our older people. [They are] much less inclined to see things differently.' Brandon notes the apprehension related to decreased privacy that is felt particularly by older officers:

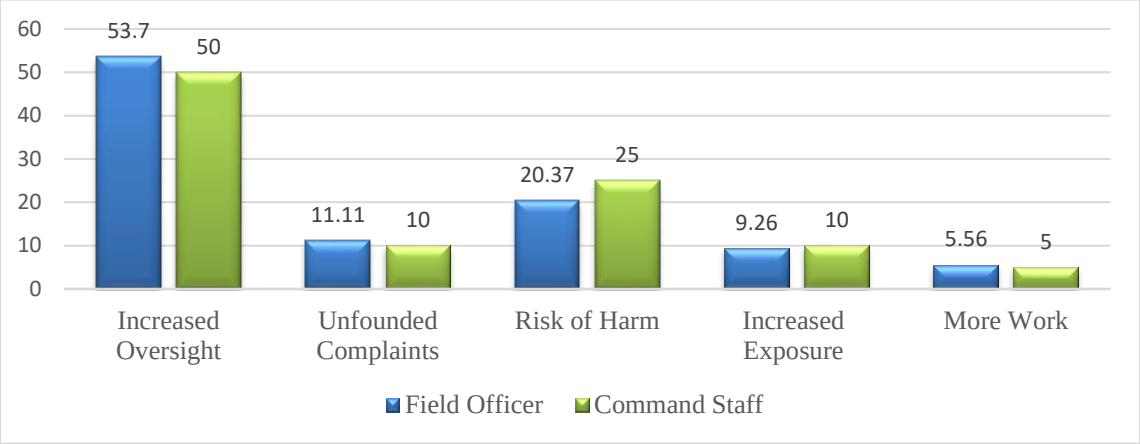
> Initially most people didn't like it, most of the older officers, then it didn't matter. The perception was that the department would use them against the officers, people were out to get officers more than to help officers, a lot of us didn't know what to think, if I'm on the phone with my wife will they be recording? Counselor? No one knew about that aspect, as far as privacy.

However, these concerns eventually 'didn't matter' even for those who have been on the force for some time. These stories indicate that officer trust in superiors and clarity in intention tends seems to be critical to officer reactions and to mitigating unnecessary reservations.

'Is the juice worth the squeeze on this one?' Unintended consequences of BWCs

As stated in previous sections, officers and command staff have a favorable view of the use of BWCs in daily field operations. Supporting previous findings (Hyland 2018), when asked to report their greatest cause of job-related stress with the devices, increased oversight is by far (54% of officers and 50% of command staff) the most cited source. Risk of harm is a distant second with 20% of officers and 25% of command staff reporting it as a primary source of stress.

Figure 5. Officer and command staff source of job-related stress related to BWCs



While most officers report that they have overcome initial reservations working with increased surveillance, interviews reveal ongoing concerns. As expected, logistical and technical annoyances similar to those found by Pelfrey *et al*. (2016), such as inability to tell if the devices are working, storage issues, or forgetting or being unable to activate the devices when rushed were shared. Below, we summarize the most *unexpected* drawbacks that emerged in the interviews including managing unrealistic expectations, unfair and misplaced scrutiny from supervisors, compromised safety, weakened community rapport, and limited personal discretion in the field.

Managing unrealistic expectations

Officers note that the devices (coupled with the increased national outcry and focus on police accountability) have led the community to perceive the cameras as a 'catch all' to improve poor citizen-officer relations. Supporting the perspectives of command staff in Smykla *et al.*'s (2015) study, this pressure is intensified particularly when, as Cory states, 'there's this media hate train coming down on us,' which effects interactions at the local level. Thusly, some officers believe they carry a 'stigma' that make them feel discreditable if the footage fails to provide a perfect account of events, 'it's a stigma for us there's… an unbelievable just total false truth to

the public and the media that think it is the end all, that, we'll catch every cop doing something wrong…the bodycams have limitations, all technology has limitations' (Jim). Jim also reports some younger deputies have 'animosity' toward the devices and mistrust of supervisors who 'have it in their minds that they are going to use these to burn us' arguing that being a tool 'it's going to fail' and superiors should restrain from reprimanding deputies unless serious violations occur. It is perhaps this concern that may help explain why over 10% of field officers surveyed claim that the BWC program has weakened their relationships with their superiors. While recognizing the attempts of some 'at the top,' Cory echoes Jim's concern that supervisors should not assume officers are trying to 'hide anything:'

> You're always gonna have resistance at the lower levels or the blue-collar level and sometimes we don't understand why they're doing certain things. And I think they have their best interests in mind, but I think there needs to be some understanding from the top to the bottom…There are times when the camera is just not gonna come on. It's not that they're trying to hide anything, those are just the circumstances, and you shouldn't get suspended or be fearful of being suspended just because your camera isn't on.

While believing that superiors have their best interests in mind, Cory asserts that increased understanding from both field officers and command staff is needed to curtail unwarranted fears and stress.

Increased risk

Increased risk of harm to police officers is the second most commonly reported area of concern related to the implementation of the BWC program. While Ariel *et al*. (2016b) has linked the use of BWCs to an increase in assault against officers, our interviewees reveal that in some instances the management of the equipment can increase overall risk. For example,

Brandon claims that the BWC adds another burden—the pressures of accountability—to his already stressful and unpredictable work:

> It happened to me not too long ago, car chase, happened like that (snaps fingers) I turned the main car camera on, I tried to talk on the radio, drive in car camera on, all while driving through city streets at extremely high speeds. I didn't see my little green light, and ooh, our department will write you up in a second.

In this scenario, Brandon has to manage a high-speed chase, communicating to dispatchers, and ensuring that his device is working properly with the weight of potential write-ups looming over him. Despite the beliefs of some officers, this reality is not lost on those in command staff who are aware of the increased danger due to the need to activate their cameras. Gary argues that a latent effect for the public push for increased oversight is increased risk to officer safety:

> You go on a call or you ride up on what we would call a 'hot call' or something that happens very spontaneously, tactically speaking one of the last things in your mind is that you are going to activate that camera. In some cases we have folks that are not activating because tactically speaking it may not have been the thing to do because your hands are already full.

Like others interviewed, Gary sees a clear disconnect from the national discussion regarding police conduct and lived experiences of law enforcement at the local level. Thus, for some officers, the possession of cameras prioritizes accountability over the tactical needs of citizen-officer encounters, which ultimately may threaten the safety of all involved.

Weakened community relations

Supporting Tankebe and Ariel's (2016) findings, officers reveal that the devices may compromise community rapport and officer discretion. Cory observes hesitancy from, 'some people, especially in the low-income areas, don't wanna talk to the police in the first place, and if they do, they damn sure don't wanna be on camera talking.' Loss of discretion is relevant when managing low-level offenses such as marijuana possession:

> If people want body cameras, give them body cameras, but my discretion at the same time is going to go down. That nickel bag of weed, instead of crushing it and telling them, "get out of there," I'm going to give them a ticket…I don't think people understand what they are getting into, what they are asking, is the juice worth the squeeze on this one…It's my job I'm going to have to wear one, you are going to have to talk to me I hope they watch what they say. (Josh)

Another officer shares a similar story about his inability to 'overlook' minor infractions and states that he has, 'done more drug cases during the past six months than I would ever have done for little stupid piddly bags of weed.' James points to such limits to discretion as contradicting the ideologies fostered by Blue Courage, a program adopted by the RCSO specifically designed to improve officer-citizen relations through acts that increase community trust:

> I've told people, I stop for a little bag of weed and I don't care. Blue Courage says you don't—police legitimacy says, that bag of weed…. give it to the guy and say do you want to go to jail over it or do you want to get rid of it, I want to get rid of it, so let's get rid of it. That's what we are going to do, we are going to get rid of it on camera…I destroyed evidence when I stomped it on the ground, but that's discretion. (James)

Officers are trained and encouraged to exercise discretion in order to improve community relations, however, for some the increased expectations that come with heightened accountability and surveillance seem to contradict this goal.

Discussion

Our survey findings indicate that while believing that BWCs improve the behavior of other officers and community members, officers in our study deny that they have had any practical effect on their own behavior in regards to community relations, following protocol, or use of force. Interestingly, no measure of change assessed was significantly influenced by either race or gender. The number of years an officer has served in law enforcement increases the likelihood to report that wearing a BWC has reduced their use of force and makes them more mindful in the field. Interview data reveals that while officers are not likely to report changes to their adherence to formal policies or procedures, they are changing their demeanor, language, and emotional control when interacting with the community. Officers note that increased surveillance has improved the behavior of other officers who may violate procedure, engage in excessive force, or 'milk calls.' Further, officers tend to see the value in increased surveillance as a means of reducing citizen complaints even if there is little effect in overall citizen behavior.

RCSO officers overwhelmingly support the implementation of the BWC program and believe that their usage has and will continue to improve police and community relations overall. While the survey findings do not indicate the gender of the officer affects any of the support measures, when compared to other officers, African American officers tend to feel more comfortable wearing the devices, present higher support in some measures particularly in their belief that there has been no effect in their behavior, and feeling comfortable wearing them. Overall, white respondents are less likely to agree to each measure of support measures compared to others. Further, officer length of service is positively linked to feeling that wearing

the camera in the field has made them more cognizant of their actions and less likely to use force. Though officers admit to feeling reluctant initially, both interview and survey data indicate an overwhelming support for BWCs particularly in their ability to validate officer accounts of events. Officer support for BWCs increases as they view the camera as a second set of eyes to support their accounts. However, it is clear that trust in the intentions and motives of superiors regarding the use of the footage obtained from cameras is key to securing additional support for BWCs among officers.

Finally, officers share several unexpected and potentially harmful drawbacks to BWCs. The climate around the devices result in feeling that their actions are scrutinized by community members and media representatives who place unrealistic expectations on the efficacy of BWCs. This related stress is described as being exacerbated by those who also experience or fear heightened scrutiny by their immediate supervisors. Further, some officers are concerned that the pressure to manage unreasonable expectations that come along with increased surveillance while working dangerous and volatile contexts compromises their personal safety. Officers also report that in some instances the devices have resulted in mistrust and uncertainty among some community members as their rapport is compromised and individual discretion is limited.

Implications

Interview data reveal that measures of change used in this and previous studies are lacking the nuance necessary to assess practical day-to-day changes employed by officers. Officers overall infrequently report changes to their everyday behavior, however all of the interviewees share that behaving more 'respectfully' was an obvious outcome of the devices. Given that efforts to improve police-community relations—particularly between officers and minority communities—is cited as one of the most important rationales for their popularity, the 'calming' effect on officers is an important contribution in need of examination. Specifically,

attention to nuanced interactional improvements found in this research (showing respect, managing anger, limiting cursing, etc.) and the leadership oversight over these behaviors through BWC footage, illustrates a significant potential pathway toward reducing hostile relations.

This research also reveals latent effects of BWCs including experiencing increased invalidation of their credibility, the burden of managing the unrealistic expectations of the community and supervisors, increased risk to officer safety, loss of discretion, diminished interactions with community members, and unfair scrutiny. Interview data reveal previously unidentified positive outcomes of change including incentivizing officers to continue to 'do the right thing' not because of fear of being caught—but the devices reduce fears of unfounded reports of misconduct means that 'good' officers will continue relying on their best judgements without being worried about being sanctioned unfairly. The interview data also provides insight into the apprehensions shared by officers and the critical role supervisors' behavior and trust play in relieving these apprehensions. This underscores previous findings (Vito, Reed, & Walsh, 2017) regarding the importance of understanding organizational structures—particularly as they relate to top-down communication—of police agencies when making sense of how policies and procedures are received by officers. Officers report that the devices have had a 'calming effect' on community members which has obvious advantages (conflict de-escalation, reduced complaints, and increased officer safety). However, this calming effect may make it more difficult when making cases against violent perpetrators in cases such as family violence, who may 'perform' for the cameras.

Limitations and Future Directions

While we view this research as an important step toward broadening our understanding of law enforcement experiences with and perceptions of BWCs, it has several limitations. Despite our attempts to secure a diverse pool of respondents, the interview sample is small and lacking diversity in terms of race and gender. The survey data would have benefited from the inclusion of items aimed to assess the more nuanced behavioral and attitudinal insights including the effects of the increased surveillance on demeanor, discretion, officer safety, and community relations. Further, cross-sectional data obtained from a single department is severely limiting since it may be reflective solely of the local culture from which it was derived and is not able to assess perceptual changes through time.

The insights provided by the interviews illustrate the need for increased value placed on qualitative methods in criminal justice and policing research. Inductive examinations not only provide a more holistic view they also improve relationships between researchers and law enforcement agencies (Jenkins 2015). These findings should encourage more insight into the effect of BWCs on community relations (beyond arrest rates and officer initiated stops) so researchers, law enforcement, and citizens can better assess their efficacy in improving officer accountability. Further, our data suggests that future research should broaden measures of behavioral changes to include the use of language, curse words, and other interactional factors that affect police-community relations. Likewise, this study indicates the need for further investigation into the effects of BWCs on officer discretion and how these effects may interfere with community relations. More research is needed in regards to the effects of the perceived fairness of organizational rationale for procedural changes, or 'informational justice' (Reynolds and Hicks 2015) and officer experiences with BWCs is needed.

Most importantly, perceived racial tensions within police-community relations has served as a key motivating factor for the increased BWC, however the effects of race and perceived racism has been omitted from current studies. This study finds that there are racial differences in key measures of level of support, with white officers being less supportive than other races in all items. To better understand officer perceptions, it is vital that researchers attempt to make sense of the potential effects of racial tensions and perceptions of racism has on their experiences with BWCs including support, perceived changes in behavior, racial composition of the department, community, and leadership on perceptions of BWCs, as well as more nuanced behavioral shifts that occur after implementation.

Conclusion

This mixed-methods study provides a needed step toward developing our understanding of perceptions of BWCs held by patrol officers and command staff. Specifically, this research adds more nuanced understanding of officer and command staff rationales for varying levels of support, general perceptions, or perceived consequences of the devices in their own words and lived experiences with the devices. Also, while previous research has considered the effects of the devices on number of stops, arrests, and instances of use of force, the varying levels of daily officer-community contact should compel researchers to reach beyond these numbers to fully recognize the effects of the devices on officer behavior and police-community relations.

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Melissa Powell-Williams, Ph.D. is a Professor of Sociology at Augusta University. Her teaching interests include Gender, Research Methods, Qualitative Methods, Social Psychology, Identity and Social Change, and Introductory Courses. Her primary research interest includes identity work in the areas of social movements, subcultures, and organizations. She has published in the areas of domestic violence victim advocacy, the Deaf Culture Movement, and support for marriage equality. Her current research projects include police perceptions of body worn cameras, race relations, and the media.


Todd Powell-Williams, Ph.D. is an Associate Professor of Sociology at Augusta University. His teaching interests include Sociological Theory, Social Movements, Social Control, Religion, and Police Science, while his research interests include Social Movements, Social Control, Religion, Police Science, and Symbolic Interactionism.


Candace Griffith, Ph.D. is an Assistant Professor of Sociology at Augusta University. Her courses include Cyber Crime and a study abroad program in Sociology in Costa Rica. She serves as the Faculty Advisor to the Criminal Justice Club, and is a reviewer for the *Journal of Cybersecurity Intelligence and Cybercrime*.

Transformative Learning: Applying Theory and Practice

Brittany L. Strickland
East Georgia State College

Abstract

Informal and formal learning results in profound cognitive and affective changes within the learner (Stein & Farmer, 2004). These changes lead to tacit knowledge, beliefs, and values that guide learners' lives that remain largely outside their consciousness awareness.

This paper discusses transformative learning from a number of perspectives and includes reflective discourse exemplified from students on a prison tour. In conclusion, the fundamental goal concerning adult education is that learners should be able to make their own interpretations rather than simply parrot others' feelings, beliefs, judgments, and purposes.

Keywords: Transformative learning theory, learning environment, learning outcomes, adult education

Introduction

Informal and formal learning result in profound cognitive and affective changes within the learner (Stein & Farmer, 2004). These changes lead to tacit knowledge, beliefs, and values that guide learners' lives but which remain largely outside their consciousness. Transformative learning models offer teachers approaches for helping to examine and interpret learners' past experiences of transformation, growth, and learning. In turn, through specific transformative

learning activities, learners' tacit views could surface and even shift. Such transformations are experienced whenever learners undergo dramatic changes in their understanding—especially when these shifts transcend multiple experiences (Anderman, Winne, Alexander, & Corno, 2012).

Mezirow developed Transformative Learning Theory in 1978 (as cited in Mezirow & Taylor, 2011). Since then, the theory has matured into a complex and comprehensive explanation for the way learners interpret, authenticate, and develop meaning surrounding their experiences. Transformative learning theory has received increased attention within the last decade as research has suggested its effectiveness for boosting learner autonomy and helping learners change how they approach their studies. Numerous studies have been conducted to apply and amplify the theory. The theory, in its original, form has received substantial attention in adult education, leading to an inclusive and broader understanding of transformative learning theory (Seel, 2012). The evolution and rising popularity of transformative learning is seen as a response to hegemony, power, and corruption. The rise of postmodernism and its calls for critical rationality and dialogue have further stimulated its use (Bamber & Hankin, 2011).

This paper discusses transformative learning. First, a brief overview of the theory is provided, followed by a discussion of the environment, process, activities, supportive and precipitating conditions, and outcomes of transformative practices. The paper closes with a conclusion and reflections on transformative learning and the implications for educators.

Transformative Learning

Transformative learning hinges upon learners examining ideas, and then being willing to shift their understandings, perspectives, and behaviors. The premise behind transformative

learning is that learners who utilize reflective thinking will, in the future, become reflective practitioners. This means that learners and practitioners engage in actions that prompt them to revisit and possibly change their original assumptions to better reflect reality. In short, it is believed that when learners and practitioners adopt transformative learning as a way of being, they lead more relevant, effective lives.

The Environment

Transformative learning occurs most effectively within environments that are both supportive and challenging. The environment needs to support learners in a way that recognizes they are good, valuable, unique, and capable of self-realizing. Teachers should express care and attend to learners' self-concepts, uniqueness, and personal motivations for learning (Fisher-Yoshida, Geller, & Schapiro, 2009). These factors underscore the humanistic roots underlying transformative philosophies.

The environment also needs to be challenging if the learners' tacit assumptions are to be surfaced. One example of such a challenge could occur when learners have transferred to a new environment where they will experience unfamiliar cultures, customs, and traditions. Upon noticing the differences between what was familiar and what is new, learners might question both the unfamiliar and their own way of life. Then, learners could begin appreciating the new aspects of the environment while acknowledging the shortcomings of their own thought systems, thus, surfacing the nature and limits of their previous understanding. The transformation process begins once learners reflect on former beliefs and consider the suitability of the new ones. This period of questioning and considering alternative understandings initiates continuous testing of the new beliefs for some time. This testing process continues until the new beliefs are either rejected or integrated. This is a complex process that has both cognitive and affective elements.

Transformative learning has been linked with the field of the soul and unconscious considerations in individuals as well as cultural identity and spirituality (Stein & Farmer, 2004).

The Process

The primary aim of transformative learning is to engage the learners. Thus, in this approach, individuals are presented with challenges that require deliberate problem-solving to overcome presenting challenges (Taylor & Cranton, 2012). Importantly, these issues must be presented within an environment of support, safety, and empowerment. Learners should then be guided through a process of exploring options, formulating a plan, and—most importantly—engaging in self-examination of their implicit assumptions, beliefs, and perspectives. Self-examination prompts learners to critically evaluate (and to potentially transform) these newly surfaced attitudes and cognitions. Throughout this process, learners are involved in consolidating both what they already knew with what they are learning in the present situation (Nuangchalerm & Prachagool, 2010).

To effectively challenge dominant assumptions and adopt more fitting ones, learners also must engage in unlearning (releasing) old habits and ways of being that no longer fit the new experiences. This unlearning process assists learners in developing a fresh or revised understanding of the meaning of a thought-provoking experience, which provides and guides subsequent appreciation, understanding, and action. In presenting lessons from a place that encourages transformational learning, teachers face a critical challenge in facilitating an environment that can allow the learners to articulate and seriously reflect on their presumptions (Fernando, 2011).

Activities

Many methods can be used to promote transformative learning in ordinary life. This section describes group discussion, personal self-reflection, critical reflection, mentoring, and reflective discourse.

Group discussion. Often, group discussion is a suitable approach in classrooms, where the number of students is limited. In one particular classroom, the teacher formed study groups that embodied a diversity of geographies, genders, ages, and other characteristics (Mezirow & Taylor, 2011) and gave each group a set of questions to discuss. The teacher instructed the groups to approach the discussion questions from many angles, regardless of whether they agreed with the material or not. At the end of the group session, there was time for whole class discussion. Many students expressed that it was difficult to discuss the questions from different angles.

Personal self-reflection. In personal self-reflection, students question the assumptions that surface during their studies. Student assumptions about specific topics (e.g., family, relationships, social order) might surface through the teacher's focus on specific learning topics and curricula. Through self-reflection, students have the opportunity to reconnect to and discover why certain things are the way they are (O'Neil & Marsick, 2007).

Critical reflection. Learners could gain knowledge through critical reflection and awareness. Thus, critical reflection is important for transformative learning and rearranging how they think. Through such critical reflection, students can transform their perspectives, leading to what is called *emancipatory learning* (Taylor & Cranton, 2012). Critical reflection can be fostered in the classroom through in-class writing. One such exercise is to make sense of personal reflection. This activity challenges the students to recall from memory and verbally articulate memories that help them to both reflect and record the student's opinions.

Mentoring. An instructor who mentors learners provides psychological, emotional, and technical assistance when needed to help students create new transformative learning experiences (Rotenberg, 2012). Transformative learning is well supported as a communication practice, where learning is understood as the process of using a prior interpretation to construct new meaning that helps the individual in the future. Important mentoring activities include active listening, providing close contact between the teacher and student, giving students achievable tasks and clear objectives, and highlighting the positive outcomes of their tasks, as well as giving constructive ways to interpret and understand negative outcomes. These activities boost mentees' morale.

Reflective discourse exemplified by a visit to a prison. Reflective discourse involves examining arguments, evidence, and alternatives through discussion. This approach aligns with a holistic epistemic framework that integrates feeling with cognitive knowing and fosters creative reflectivity on personally embedded premises and assumptions. Such discourse includes reflection on and discussion of one's own personal assumptions as well as conversation and analysis about others' experiences. The results are surfacing a combined body of experiences that, in turn, enhances participants' collective understanding and moves them toward sounder interpretation, synthesis, and judgment. In this way, learning becomes a social process fundamental to constructing meaning. Fernando (2011) emphasized that teachers play a central role in helping learners effectively take part in discourse.

In April 2017, within the context of teaching an introduction course in criminal justice at East Georgia State College, one teacher had the privilege of leading a group of students who planned to become criminal justice professionals through a transformative learning experience. After gaining permission from the Institutional Review Board to take the students to a prison to talk with prison guards and inmates, and prior to the excursion, the instructor conducted a survey

that would also be given after the visit to gauge changes in students' beliefs and attitudes about prisons and inmates. An in-class group discussion also took place after the visit.

Pre-visit results. Before the visit, students voiced the perception that prisons were better than jail because of privileges such as outside time, televisions, and mobile phones. Some students added that prison facilities such as Georgia State Prison in Reidsville, Georgia, allows inmates email privileges. Another composite variable used in the research was food, which all students agreed was bad and refused to eat. Some students pointed out that inmates received a combination of rice, beans, bread, and water. Others speculated that the worst meals were served to inmates as a form of punishment.

When asked what inmates they were likely to meet in the prison, students speculated they would mostly meet murderers and drug dealers. Although students voiced willingness to speak to the inmates, they believed that inmates would not have experienced any positive change during their incarceration and, thus, would respond dishonestly. Students agreed that violence occurs daily in a prison setting, explaining it as a way to "make things right." Only one student asserted that inmates were happy. Students additionally speculated that child molesters and rapists had a tough time in prison, and faced higher risks for being victims of violence in prison.

Prison post-visits results. Post-visit study findings suggested students felt increased empathy toward inmates compared to pre-visit data, consistent with findings by Calaway, Callais, and Lightner (2016). Students exhibited dramatic increase in understanding of prison, support for rehabilitation programs, support for parole, beliefs that prison conditions are too harsh and inmates deserve help. Examination of the data revealed five common student reflections:

1. Inmate attitudes and rehabilitation. Students voiced their surprise at how calm the inmates seemed, using phrases such as: "I had pictured them rowdy, however, they

weren't." (Students additionally commented that the prisons have had a substantial rehabilitating effect, unlike what has been portrayed in the media. Students additionally noted the Taco Bell reward program inmates can earn with good behavior.

2. Warden approachability. Although Students expected wardens to be strict, their interactions with the warden, left them with the impression that the wardens were laid back, personable, and aware and considerate of each inmate.
3. Prison violence. Students noted that the violence is typically influenced by inmate hierarchy, where certain inmates get certain favors, such as special haircuts and meals.
4. Prison food. Students noted in both pre- and post-visit data that the food was bad. One student commented, "The food was depressing, and the scenery was depressing." Some students pointed out that food service employees prepared insufficient food for hungry inmates and skimped on spices and seasoning.
5. Accommodations for mentally ill and transgender inmates. Students noted that mentally ill and transgender inmates experienced particularly taxing, challenging, and strenuous conditions.

Table 1 reflects six categories of students' attitudes before and after the prison tour based on a Likert-Type Scale that indicates if the responder strongly agrees, agrees, or strongly disagrees.

Table 1

Pre-Post Prison Visit of 15 College students in an Introductory Course in a Criminal Justice Program Reflecting Changes in Student Attitudes Regarding Prisons and Inmates.

Composite items	**Likert-type scale**	**Pre-tour count**	**Post-tour count**
Understanding of prisons	Strongly disagree	10	5
	Agree	3	10
	Strongly agree	2	0
Support of rehabilitation programs	Strongly disagree	11	15
	Agree	5	2
	Strongly agree	4	4
Prison empathy	Strongly disagree	17	5
	Agree	3	15
	Strongly agree	0	0
Support for parole	Strongly disagree	18	0
	Agree	0	1
	Strongly agree	2	19
Prisons are too harsh	Strongly disagree	22	5
	Agree	10	15
	Strongly agree	11	23
Inmates deserve help	Strongly disagree	19	
	Agree	1	
	Strongly agree		20

Post-visit discussion. The extent to which a prison visit is transformative, specifically on students' attitudes and understanding of prisons, has been widely discussed. Tours have been endorsed as vital tools for dispelling students' stereotypes and myths. This study's results indicated that the prison visit was transformative in shifting their perceptions toward enhanced support for rehabilitation and parole, more empathy for inmates, and deeper understanding of

prisons, consistent with findings by Calaway et al. (2016). The results demonstrated that even a short experience with the prison has a major effect on the students' perceptions. The results indicate the students' prison tour experience, to some extent, surfaced and dispelled the implicit stigmas they held inmates.

During the tour, students began to voice greater understanding of incarcerated individuals' humanity and diversity. As a result, students suggested greater openness to diverse correction options. The correction option is meant to withdraw the serious offenders within the society besides providing them with opportunities to enhance existing and acquire new skills vital for rehabilitation after completing their prison sentences (Mae Boag & Wilson, 2014). The improvement in students' general attitudes about inmates and support of the parole programs indicated they felt closer to and more understanding of the inmates after the tour. In turn, the students felt less supportive of the extreme (e.g., capital) punishment. Student's ability to accurately gauge inmates' characteristics and their living conditions additionally shifted their attitudes and understanding of rehabilitation programs, leading to more supportive attitudes for such programs.

The mentoring teacher utilized various transformative learning techniques (i.e., group discussion, personal self-reflection, critical reflection, mentoring, and reflective discourse) in a single prison experience. The instructor expressed being surprised and thrilled by how much they had absorbed and learned from the visit. But, perhaps, the greatest result for the teacher was how much more human compassion they expressed for both the prison's staff and inmates as a result of the visit. The teacher experienced students reactions as being authentic and deeply touching by having had the privilege to open them to transformative learning.

Regardless of specific activities, transformative learning approaches need to integrate simulation and discussion, wherein the teacher briefs and interacts with the learners to address

the instances where the learners are applying unfounded or confused concepts to a situation (Morris & Faulk, 2012). The next section describes the supportive and precipitating conditions that are necessary for transformative learning.

Supportive and Precipitating Conditions

Several conditions must be present for transformative learning to occur. One such condition is the disorienting dilemma or precipitating event that permits learners to recognize that gaps exist in their current knowledge.

The second condition is having a social environment conducive for both analytical self-reflection, effective discourse, and observation of others (Taylor & Cranton, 2012). This social environment needs to exhibit qualities of creativity, challenge, and affirmation. In these spaces, the learning relationship and process are primary, and the content is secondary (Fisher-Yoshida, Geller, & Schapiro, 2009). In such environments and through the transformational learning activities mentioned earlier in this paper, learners can discover the premises, limitations, and influences of their assumptions (Brockbank & MacGill, 2007). However, this requires dialogue with other learners and the teacher for all parties to investigate alternative approaches, methods, and views. If transformative learning is to be effective, the learner also needs to have opportunities to apply and practice new perspectives within a setting that nurtures and honors intellectual openness (Morris & Faulk, 2012).

The third condition is a relationship marked by productive debate, dialogue, and interaction. Relationships such as mentioned above, although rare, often are catalysts for transformative learning. For these relationships to be effective, both partners commit to and set the intention for collective transformative learning as they struggle together in a shared inquiry and dialogue. What unfolds can be a collaborative process of change, affecting their ways of

being, thinking, and perceiving regarding themselves and their worlds. Such relationships can form mentorship bonds between teachers and learners as well as peer connection between two or more learners.

The fourth condition is the active participation of both teachers and students in the transformative learning spaces. This means teachers neither individually control the syllabus and the learning process, nor do they lead people through a prudently restructured transformative learning experience. Instead, they come up with processes through which learners share control over what unfolds in the classroom or in the excursion, as in the prison visit. For example, learners might drive peer inquiry through questions of collective interest, evolve and manage the learning process, set shared goals, or express mutual support for other learners (Fisher-Yoshida, Geller, & Schapiro, 2009).

The fifth condition for transformational learning is holism. It is important for teachers to be conversant with the reality of their students' lives. The tacit assumptions that typically surface through transformative learning have nearly always been embedded very early in life, from infancy to the learner's earlier school-age years. Teachers who have a holistic understanding of their learners often are better able to support transformative learning (Jarvis, Holford, & Griffin, 2003).

The sixth condition is leadership and role modelling. Teachers play important roles in establishing an environment of trust. Such environments support transformative learning and the development of complex relationships among learners. It is the responsibility of the teacher to set the stage for transformative learning by being a role model and exhibiting enthusiasm. Teachers should study and reflect on change by deepening and expanding their own understandings and perspectives regarding both subject matter and teaching. Teachers should assist the learners in

concentrating on and examining of the assumptions that inspire their feelings, beliefs, and actions, as well as in evaluating the consequences of these assumptions. Teachers should also recognize and explore substitute sets of assumptions and examine their validity through effective involvement in reflective dialogue (Fernando, 2011).

Outcomes

Use of transformative learning techniques in the classroom has been associated with positive outcomes for learners, such as enhanced self-awareness and engagement in learning. Some of these outcomes are attributable to the use of meditation techniques in combination with transformative learning activities. Transformative learning methods play an important role in allowing learners to come up with new beliefs, assumptions, and values (Morris & Faulk, 2012). This ensures students are thinking independently and critically, and that they have the capacity to make judgments on their own in managing the contemporary fast-changing environment. Transformative learning practices also help widen learners' worldviews, thus, helping them approach situations through different perspectives.

Students in this classroom reported that the transformative learning activities helped reduce their tension and encouraged them to ask questions. Their enhanced relaxation and participation, in turn, helped strengthen their relationship with the teacher and with fellow students. The classroom discussions also provided a better environment for each of the students to share their past experiences and determine how to make their future decisions (Fisher-Yoshida, Geller, & Schapiro, 2009).

Transformative learning also enhances teaching practice. Through transformational learning practices, the teacher can effectively assess the learner's previous understanding,

assumptions, and knowledge in a bid to encourage reflection and critical thinking as the learner attempts to seek alternatives to a challenge or a situation (Morris & Faulk, 2012).

Positive outcomes of transformative learning activities also have been noted for the teachers, themselves. For example, the contemplative reflection processes have been noted to create heightened states of consciousness or awareness, insight, clarity, and inner calm among the teachers. These primary outcomes led to secondary outcomes of improved teaching practices, which allowed the teacher to personally experience these outcomes. As part of the reflective practices, the instructor shared a number of thought-provoking moments that enabled the formulation of solutions to educational questions. This personal shift restructured the teacher's way of thinking and changed the overall perspective of learning and teaching, which led to the appreciation of the power of reflection, in supporting the rediscovery and restructuring of personally held beliefs about knowledge and perception. In addition, transformative learning has enabled the teacher to partner with students as a co-learner with them. Together, teacher and students explored their personal understandings and meanings and reflected on the premise that teachers are also learners. The practices also enabled the teacher to critically explore personally held values, assumptions, and beliefs, which implied a deeper awareness of practice, dialoguing, and networking with other teachers while taking a role in professional development (Reushle, 2008).

Conclusion

Transformative learning is a method of surfacing learners' prior experiences and tacit views in the service of forming more relevant, realistic, and effective approaches to learning and to life (Mezirow & Taylor, 2011). According to the original theory, transformational learning has been used to enable autonomous thinking. The fundamental goal, while considering adult

education, is that learners should be able to make their own interpretations instead of simply parroting others' feelings, beliefs, judgments, and purposes.

The teacher expressed a renewed determination to support learners in their development into independent thinkers who are able to negotiate their own purposes, meanings, and values instead of acting uncritically on others' beliefs and thoughts. Learners, also, need to be supported in developing the knowledge, skills, and attitudes essential for transformative learning. The identified learning needs that are required in the workforce, without a doubt, acknowledge the significance of autonomous learning. Although learners normally have their own pressing objectives that might involve mastering a definite subject or acquiring specific competencies and other aims related to their job, the primary objective of education is to become collectively conscientious and independent thinkers (Mezirow & Taylor, 2011). Transformative learning activates learners to engage in the examination of their implicit beliefs, values, and understandings, ultimately, for the purpose of greater effectiveness in their interactions with the world in which they live.

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Brittany L. Strickland, Ph.D. is an Associate Professor of Criminal Justice at East Georgia State College. Her research interests include prejudice, role difficulties, and behavior among college students of various cultural backgrounds, as well as issues of ethnicity, gender, and class in America.

Do Looks Matter?

The Impact of Male Sex Offender Appearance on Sentencing

Bruce A. Carroll, Marie A. Ratchford
Georgia Gwinnett College
and Jessica R. Peterson
Indiana University Bloomington

Abstract

Researchers have conducted numerous studies and assessments regarding racial disparities in the criminal justice system. However, the literature concerning the effects of physical appearance aside from race and ethnicity on sentencing is scarce at best. In the current study, the potential effects of race, facial hair, visible tattoos, visible scars, and body mass index, along with contextual controls on sentencing of male felony sex offenders, was examined. Results indicate that probation sentences for felony sex offenders were impacted by the extralegal factors of race and ethnicity of the offenders, and scars. Further, for those sex offenders sentenced to incarceration, sentencing was significantly impacted by the age of the victim. This exploratory study helps to highlight that extralegal factors, like scars may impact sentencing. The work closes with an examination of limitations and directions for future research.

Introduction

According to the Bureau of Justice Statistics (BJS), in 2016 roughly 6,613,500 individuals were under some form of correctional supervision in the United States (U.S.), including those held in prisons and jails, as well as those under community supervision (Carson, 2018). Ideally, individuals under control or supervision of the U.S. Corrections System should be serving

sentences based upon the severity and seriousness of their crimes, prior criminal records, and other related contextual factors. However, research has indicated that additional factors have an impact on sentencing and punishment decisions, which have led to systemic disparities within the justice system (Mitchell, 2005; Nellis, 2016).

Of particular interest is evidence that defendants' personal characteristics, especially physical appearance, may be contributing to differential sentences. An individual's appearance may heavily influence the perceptions of others; these perceptions can potentially translate into discriminatory or disparate behavior. Previous studies have indicated that physical features have impacted how individuals were perceived by those around them (Klatt et al., 2016; Mlodinow, 2012; Puhl & Heuer, 2009). In particular, research has supported this notion in regard to connections between individuals' race or ethnicity and perceptions of criminality or punitiveness (Chiricos, Welch, & Gertz, 2004; Ghandnoosh, 2014; Hurwitz & Peffley, 1997). The Criminal Justice system sought to address and reduce disparities by instituting more structure and less discretion into sentencing practices (Hester & Hartman, 2017; Tonry, 2018). However, despite these efforts evidence has indicated that disparate sentencing has continued (Hester & Hartman, 2017; Mitchell, 2005; Nellis, 2016).

While the majority of research has focused on defendants' race and ethnicity, other physical features may also play a role in disparate sentencing practices. Relatively few studies have sought to examine the impact of other visible physical features, such as body mass index, facial hair, tattoos, etc. in regards to sentencing. However, the limited research that has been done has suggested that physical characteristics including body type, clothing cleanliness and fit, hairstyle, tattoos, and scars have impacted perceptions of individuals' criminality (Maclin & Herrera, 2006; Schvey, Levandoski, & Brownell, 2013; Shaw & Wafler 2016; Ward, Flowe, &

Humphries, 2012). Therefore, such features that are considered undesirable or deviant may have the ability to significantly influence sentencing practices.

Literature Review

Sentencing Practices in the United States

Sentencing practices and policies in the U.S. have undergone multiple iterations. Tonry (2018) noted that in 1967 the President's Commission argued for indeterminate sentencing practices in order to make the system fairer and more humane. Further, it was noted that at that point in time in the U.S., rehabilitation, humanitarianism, and reentry were accepted values and goals in the criminal justice system. However, the tenets of indeterminate sentencing were not as fairly implemented as had been prophesized. Opponents argued that discretion allowed by this type of sentencing was more likely to lead to bias and abuse of power (Allen, 1959; Frankel, 1973). The rehabilitation era faded and public opinion regarding crime underwent a paradigm shift in the 1970s, which in turn further impacted sentencing policies (Tonry, 2018). The Comprehensive Drug Abuse Prevention and Control Act (1970) was passed, changing sentencing policies to reflect less discretion, more control, and harsher punishments. Further, the War on Drugs was officially declared and a heightened focus on punishing offenders emerged (Mauer & King, 2007). This greater emphasis on punishment and offender incapacitation led to significant increases in the incarcerated population and average sentence length (Carruthers, 2007; Mauer & King, 2007; Tonry, 1994).

New sentencing policies emerged during this paradigm shift that included mandatory minimums, three strikes laws, life sentences without parole, and truth in sentencing laws (Tonry, 2018). While designed to address the looming criminal threat, these policies also focused on ensuring equality in sentencing. However, despite these efforts disparities in sentencing continued and potentially worsened (Mauer & King, 2007; Tonry, 1994, 2018). Given the

continued nature of disparity in the system, Carruthers (2007) suggested that the criminal justice system must be evaluated constantly to in order to lessen such disparities, especially those fueled by discrimination, in sentencing practices and policies. While attention was given to legislation and law enforcement practices in order to ameliorate the issue, disparity has continued (Clair & Winter, 2016; Metcalfe & Chiricos, 2018).

Personal Characteristics and Perceived Criminality

As stated *supra*, there has not been a great deal of examination on the impacts of physical characteristics, beyond race and ethnicity, on sentencing disparity. Mlodinow (2012) suggested that an individual's general picture of others develops from characteristics such as voice, appearance, and body language. These perceptions may also lead to potential stigmatization if the individual was viewed as having characteristics considered undesirable or deviant. Arboleda-Florez (2002) described stigma as "a social construction whereby a distinguishing mark of social disgrace is attached to others in order to identify and devalue them" (p. 25). The process of stigmatization was described as of first recognizing the differentiating mark and then devaluing an individual exhibiting said mark (Arboleda-Florez, 2002).

MacLin and Herrera (2006) specifically addressed the relationship between physical characteristics and perceived criminality. The overall goal was to gather information regarding the stereotypical criminal. Results indicated that the typical criminal was perceived by the study participants to have the following characteristics: tall stature, an aggressive personality, dirty or dark baggy clothing, long or shaggy dark hair, facial hair, beady eyes, tattoos, scars, and pock marks (MacLin & Herrera, 2006). Further, it appears that such perceptions regarding criminality are developed very quickly. According to Klatt and colleagues (2016) individuals developed consistent perceptions of criminality of others simply by viewing their face for 100 milliseconds.

Race and Ethnicity. The impact of appearance within the criminal justice system, specifically focused on racial inconsistencies, bias, and discrimination, has been well-researched (Hester & Hartman, 2017; Hurwitz & Peffley, 1997; Mitchell, 2005; Nellis, 2016; Tonry, 1994). When examining demographics of incarcerated individuals, the extent of disparity is even further highlighted. At the end of 2016, roughly 1,500,000 individuals were imprisoned at the state or federal level. Of those imprisoned, 466,600 incarcerated individuals were African American, 390,900 were Anglo, 320,000 were Hispanic, and 175,000 were classified as other (Carson, 2018). According to Nellis (2016), African Americans were incarcerated at 5 times the rate of Anglos, and, "in five states the disparity is more than 10 to 1" (p. 3). Further, it was noted that Hispanics or Latinos were incarcerated at 1.4 times the rate of Anglos (Nellis, 2016). This disparity was even further highlighted when considering that Anglos (white, non-Hispanic) accounted for 60.7% of the population, while African Americans and Hispanics or Latinos only account for 13.4% and 18.1% of the population respectively (U.S. Census Bureau [USCB], 2019).

Additionally, disparities in the criminal justice system have extended beyond incarcerated populations; it has been found in sentencing policies and practices as well (Claire & Winter, 2016; Metcalfe & Chiricos, 2018; Mitchell, 2005; Tonry, 1994). According to Bushway and Piehl (2001), African Americans were not only more likely than white individuals to be sentenced to incarceration, but they also received longer sentences. Further, research has indicated that earlier phases of the criminal trial, including prosecutorial charging decisions, pretrial detention, etc. contributed to increased sentences (Ulmer, 2012) and that such phases exerted a cumulative disparate impact (Spohn, 2013).

Body Weight and Size. According to the Centers for Disease Control and Prevention (CDC) between 2015 and 2016 roughly 93.3 million adults in the United States were classified as

obese, a rate of 39.8% (CDC, 2018). A branch of research has focused on stereotyping and discrimination faced by these individuals. In fact, it was hypothesized that those considered overweight and obese faced discrimination and stereotyping at rates comparable to reported racial discrimination (Puhl & Heuer, 2009; Puhl & Heuer, 2010). Entitled "weight bias", this bias impacted individuals in the work environment, when receiving health care, in schools, and in interpersonal relationships. Further, obese individuals were more likely to be stereotyped as being lazy, lacking motivation, slovenly, and incompetent (Puhl & Heuer, 2009; Puhl & Heuer, 2010). Those who are obese and overweight were significantly more likely to have been viewed in a negative manner (Luck-Skkorshi, Schomerus, Jochum, & Riedel-Heller, 2018). In regards to criminal justice, several studies have examined the relationship between weight, stop and frisk, perceived culpability (as both defendant and plaintiff), and risky adolescent behaviors.

Masicampo, Barth, and Ambady (2014) examined the impact of stereotyping on the relationship between body weight and judgement of criminal behavior. Individuals who were overweight or obese were considered more likely to elicit disgust from others. Therefore, it was hypothesized that feelings of disgust would exacerbate judgements. Results indicated that those who qualified as overweight or obese received harsher judgements than those who were non-obese when they engaged in vice-related crimes (i.e. prostitution) (Masicampo et al., 2014). Further, Schvey and colleagues (2013) examined how perceptions of guilt for female defendants varied by defendants' weight. Results indicated that males viewed female defendants as increasingly guilty if they were obese. Additionally, male respondents with lower body weight were also more likely to view obese female defendants as more culpable and more likely to recidivate (Schvey et al., 2013).

Beyond weight, research has focused on examining overall physical size, i.e. height and weight, in connection to criminal stereotypes. Milner, George, and Allison (2016) examined the

relationship between stop and frisk, use of force, and perceived body size. Results indicated that the larger an individual's body size, the higher likelihood of being frisked. Milner and colleagues (2016) noted that African Americans and Hispanics with larger body types were at an even higher risk than whites. MacLin and Herrera (2006), examined how individuals physically characterized criminals, results indicated that roughly 48% of respondents viewed weight as an important characteristic. Additionally, height was also a factor in criminal characterization, but was dependent upon racial stereotypes. For example, black male criminals were viewed as tall (between 5'6" and 6'7") whereas white and Latino criminals were perceived to be of average height (also between 5'6" and 6'7") (MacLin & Herrera, 2006). Overall, body composition and type played a role in perceptions of individuals' criminality.

Facial Hair. Darwin (1871) posited that facial hair, particularly beards, were an evolutionary development to increase fitness and survival. In particular, it was proposed that beards developed in order to advertise strength, confidence, or competitiveness (Dixson & Vasey, 2012). In line with these hypotheses research has sought to examine how individuals view those with facial hair. Across numerous studies, conflicting evidence has arisen regarding perceptions of bearded men. Men with beards have been rated as appearing more competent, mature, less mature, less attractive, or more attractive (Dixson & Vasey, 2012; Muscarella & Cunningham, 1996; Neave & Shields, 2008; Reed & Blunk, 1990). Overall, beards have been noted as significant factors in an individual's judgment of a man (Hellstrom & Tekle, 1994).

Despite these aforementioned conflicting results, some patterns have emerged. Specifically results have indicated that bearded men were fairly consistently perceived as appearing more dominant, aggressive, masculine, and stronger (Addision, 1989; Dixson & Vasey, 2012; Hellstrom & Tekle, 2012; Muscarella & Cunningham, 1996; Neave & Shields, 2008; Roll & Verinis, 1971). The presence of a beard may indirectly increase an individual's

perceptions of criminality given their connections with masculinity, dominance, aggression, and strength. In turn, research has indicated that perceptions of dominance and aggression are positively correlated with perceptions of criminality (Flowe, 2012; Ward, Flowe, & Humphries, 2012; MacLin & Herrera, 2006).

Little research has sought to directly connect facial hair with perceptions of criminality. MacLin and Herrera's (2006) seminal work on criminal stereotyping examined impacts of facial characteristics, including facial hair, on perceived criminality. Results indicated that having some type of facial hair increased perceptions of criminality. Given perceptions of aggressiveness, dominance, and strength that are associated with facial hair, and which influence perceptions of criminality and guilt, there may be impact on sentencing decisions as well.

Tattoos. The act of tattooing one's body would not exist if it were not meant to elicit some kind internal or external response. However, the type of response can be positive or negative. One study used virtual characters to assess the effect of body modification on people's perceptions (Wohlrab, Fink, Kappeler & Brewer, 2009). Each participant rated two tattooed or non-tattooed characters, one of which was female and one of which was male, on attributes listed on Zuckerman's Sensation Seeking Scale and the Sociosexual Orientation Inventory. Results showed that characters with tattoos were perceived as more experience-seeking, more thrill and adventure seeking, more susceptible to boredom, less inhibited, and more likely to have a greater number of past sexual partners (Wohlrab, Fink, Kappeler & Brewer, 2009). Another study showed that tattooed individuals were considered to have less competence and warmth (Zestcott et al., 2018). In other words, having tattoos was associated with traditionally negative attributes. This assumption could easily lead to discrimination against individuals with tattoos. For facial tattoos in particular, Funk and Todorov (2013) found that they did affect the guilt

phase of a trial, but had no impact on sentencing severity. Individuals with prison related tattoos were at increased risk for being associated with a criminal lifestyle (Lozano et al., 2011).

Scars and Blemishes. Blemishes and scars, especially those located in the facial area or which are clearly visible, have the capability of influencing perceptions. While unintentional and likely outside of an individual's control, those with facial scars or blemishes were more likely to have experienced poor interactions and to have been viewed negatively (Dreno et al., 2016; Kent, 2000). Individuals with blemishes were more likely to have experienced stigmatizing interactions, including touch avoidance, staring, and comments (Kent, 2000). Further, research by Dreno and colleagues (2016) indicated that those with facial acne scars were more likely to have been viewed as insecure and less likely to have been viewed as attractive, successful, confident, or happy. Such perceptions were noted to have begun in childhood as children with facial scars or blemishes were less likely to have experienced positive interaction with their peers and were more likely to have been rated as less likeable, less attractive, and less educationally successful (Masnari, Schiestl, Weibel, Wuttke, & Landolt, 2013).

Such distinctive and visible characteristics have lifelong implications, including being viewed as less attractive and, potentially, more criminal. Research indicated that those perceived as more attractive were less likely to have been perceived as criminal (Dumass & Teste, 2006; MacLin & MacLin, 2004). Further, individuals with facial appearances noted as being distinctive and more memorable were more likely to have been perceived as criminal (Flowe, 2012; Flowe & Humphries, 2011; MacLin & MacLin, 2004). Further, scars, in particular, were specifically identified as an indicator of criminality (MacLin & Herrera, 2006). Unfortunately, the body of research on the impact of scars on perceptions of criminality is limited. However, research has indicated that roughly one third of actual suspects have distinctive facial features, including scars (Wells, Campbell, Li & Swindle, 2016).

Judicial Perceptions and Sentencing

As discussed *supra*, individuals' physical characteristics have the ability to impact how they are perceived by others, including perceived criminality. It is reasonable to extrapolate that judges are similarly impacted by such characteristics. Judges are expected to make sentencing decisions based upon factors pertaining to the individual case they are presiding over though some studies have endorsed the attitudinal model, which asserts that judicial behavior may be influenced by personal attributes or policy preferences (Segal & Spaeth, 1993; Tate & Handberg, 1991).

Overall a host of factors have been connected to both warranted and unwarranted disparities in sentencing. Warranted disparities have been defined as disparity caused by factors meriting a difference in the sentencing process, including a defendant's criminal history or crime severity (Bushway & Piehl, 2001; Gottfredson, 1999; Spohn, 2013). On the other hand, unwarranted disparity, has been defined as disparity due to extralegal factors or irrelevant offender characteristics, including race, ethnicity, age, education, employment status, etc. (Baumer, 2013; Bushway & Piehl, 2001). Research has supported that judges and their sentencing decisions may be impacted by a plethora of extralegal factors (Danziger, Levav, & Avnaim-Pesso, 2011; Gibson, 1978; Gottfredson, 1999; Rachlinkski, Wistrich, & Guthrie, 2015).

Additionally, while judicial discretion and perceptions have been noted as impactful in regards to sentencing, research has also argued that earlier discretionary phases of the justice process have also significantly impacted differences in sentencing outcomes (Baumer, 2013; Spohn, 2013; Ulmer, 2012). Particularly, discretion based practices occurring earlier in the justice process, including charging decisions, pretrial detention decisions, jury decisions, etc. have been described as creating cumulative disparate sentencing patterns (Baumer, 2013; Spohn, 2013).

Judges are given discretion in sentencing in hopes that offenders will be sentenced more, or less, severely depending upon factors linked to the individual charges and cases. However, such decision making processes rely on judges' perception of the charges, the offender, etc. According to Gottfredson (1999), while judicial sentencing relied on related legal factors, it was also somewhat based on judges' predictions regarding offenders' likelihood to reoffend and their own adherence to different punishment philosophies (i.e. rehabilitation or incapacitation).

Research has also indicated that factors aside from role orientations and defendants' attitudes impacted sentencing severity. Danziger and colleagues (2011) examined sentencing severity in regards to time of day, numbers of cases handled, and if breaks had been taken. Results supported that judges were more likely to issue harsher sentences if multiple cases were handled sequentially and if the judge did not take a rest period for food and breaks. It was suggested that ruling on a large number of cases without breaks may be linked to mental depletion, which in turn exerted a significant impact on judicial decisions (Danziger et al., 2011).

Judicial decision making has also been questioned in regards to anchoring and contrasting. Rachlinski, Wistrich, and Guthrie (2015) defined anchoring as relying on reference points, or previous decisions, to make a similar current judgement. However, anchoring has been noted as an imperfect process, especially when irrelevant anchors were utilized in decision making (for a full discussion of anchoring *see* Rachlinski et al., 2015). On the other hand, contrasting has been defined as decision influenced by previous decisions, when previous decisions serve to push the subsequent decision away. According to analyses, judges appeared to engage in anchoring; the order of sentenced offenders impacted later sentencing decisions, even when cases had nothing to do with one another (Rachlinski, et al., 2015).

Overall both legal and extralegal factors have impacted judicial decision making, particularly sentencing decisions. Further, extralegal factors vary by judges' perceptions (Gottfredson, 1999),

role orientations (Gibson, 1979), anchoring (Rachlinski, et al., 2015), ideology (Segal & Spaeth, 1993) and even potential mental fatigue (Danziger et al., 2011).

Theory

Focal Concerns Theory and Sentencing

Research on disparities occurring during the processing of criminal cases, from charging, to pre-adjudication detention, and sentencing have utilized theories to help further elucidate the contributors to this phenomenon. Of particular interest to the current study is Focal Concerns Theory, especially its application to sentencing disparities. Focal Concerns Theory has been used by criminologists to explain how judges' sentencing decisions are influenced by legal and extralegal factors (Steffensmeier, Kramer, & Steifel, 1993), as well as the impact of incomplete information (Albonetti, 1991; Crow & Bales, 2006). Specially, Focal Concerns posited that when making sentencing decisions three main factors come into play, blameworthiness, community concerns, and practicality (Steffensmeier & Demuth, 2000; Ulmer, 2012).

Blameworthiness has been defined as defendants' overall culpability for their criminal actions (Steffensmeier & Demuth, 2001). The most significant, and commonly measured, factors that influence perceptions of blameworthiness are derived from the severity of the offense and the defendant's criminal history (Steffensmeier et al., 1993). Additionally, it has been suggested factors contributing to blameworthiness may also include harm caused to the victim (Steffensmeier & Demuth, 2000), remorse expressed by the defendant (Steffensmeier et al., 1993), the defendant's own history of being victimized (Crow & Bales, 2006), and the role played by the defendant in the criminal event (Steffensmeier & Demuth, 2001).

As noted above the second concern has involved community concerns, which primarily involved safety and security of the community, especially in regards to safety risks posed by the

defendant (Crow & Bales, 2006). When determining community safety and security the contributing factors focused upon typically involve the likelihood of recidivism, the seriousness of the offense, the use of a weapon, and harm caused to the victim. Further, Steffensmeier and Demuth (2000) also noted that offender demographic information including educational level, current employment situation, and even community ties could potentially influence sentencing.

The last focal concern that may impact and influence sentencing decisions is that of practicality. Practicality has primarily focused on consequences of sentencing and has been divided into two subcategories, potential consequences at the organizational level and at the individual level (Crow & Bales, 2006; Steffensmeier, Ulmer, & Kramer, 1998). Organizational level consequences involves the monetary cost to the system and the courtroom workgroup (Johnson, 2003; Steffensmeier et al., 1993). On the other hand, individual consequences involve the impact of sentencing upon an offender's family and whether the offender is able to be incarcerated for the length of their sentence (Steffensmeier & Demuth, 2000; Steffensmeier et al., 1993).

Application to Current Study

The Current Study

While research has focused, to an extent, on physical characteristics and extralegal factors that influenced perceptions of criminality, the focus in regard to sentencing based on physical characteristics has failed to extend much beyond race and ethnicity. Therefore, the goal of this exploratory study is to contribute to this section of the literature and explore the potential impact of undesirable physical characteristics, including larger body mass index, facial hair, tattoos, and scars, on sentencing. The current study will do so by examining sex offenders' sentences and physical descriptions, using information gleaned from public sex offender registries. It is hypothesized that offenders with the aforementioned undesirable physical characteristics will

have experienced harsher sentences. Controls for offenders' race, prior record, age disparity, victims' ages and whether the offence involved penetration will also be included.

Methods

Data

The data used in these analyses were collected from multiple databases. In total, there were 204 observations compiled from sex offender registries and corresponding supplemental criminal record databases across six major metropolitan areas in the United States. This convenience sample, and the resulting data for analyses, was selected from sex offender registries that covered the most heavily populated zip code areas of Milwaukee, New York City, Charlotte, Indianapolis, Houston, and Chicago.

Variables

Dependent Variable. The dependent variable in this study was sentencing outcomes in 2012 and 2013. Offenders' sentences were coded into a continuous variable that indicated months of probation or months of incarceration. A Kolmogorov-Smirnov test was run to confirm the normality of the distribution.

Independent Variables. Those offenders with a prior criminal record, whether a sexually-based crime or other, were coded as 1. Those without a prior criminal record, were coded as 0. Prior record is included because it has been shown to be an important factor in sentencing decisions (Spohn & Welch, 1987).

An additional variable was created regarding charges faced by offenders. In order to account somewhat for the variety of sexual offense charges, additional coding was used to indicate whether or not the charges were due to a penetrative sexual offense. The measure was dichotomized and offenders charged with penetrative offenses were coded as 1, while offenders charged with non-penetrative sexual offenses were coded as 0.

Respondents were categorized according to identified race and ethnicity, the variable was dichotomously coded. Respondents identified as non-Hispanic Anglos, white non-Hispanic, were coded as 0, while offenders who identified as another race or being of Hispanic ethnicity were coded as 1. Originally, race and ethnicity were coded separately to account for Anglos, African Americans, Hispanics, and other races, however the variable showed no differential impact than the dichotomized variable.

Height and weight, as listed in sex offender registries, were recorded for each offender. Body mass index (BMI) was calculated using instructions provided by the National Heart, Lung, and Blood Institute (NHLBI) under the U.S. Department of Health and Human Services. Body mass index calculation is a rough method used to determine healthy weight, overweightness, and obesity (NHLBI, 2019). Though one caveat to using BMI is that muscular people will have a higher BMI regardless of fitness, this is the best measure available in the data. After determining each offender's BMI, an ordinal variable was created in accord with the NHLBI. For said variable, underweight (BMI below 18.5) was coded as 0, normal weight (BMI between 18.6 and 24.9) was coded as 1, overweight or obese (BMI above 25.0) was coded as 2.

Facial hair was dichotomized as present or absent for offenders. Those without facial hair were coded as 0 and subjects with facial hair were coded as 1. An offender considered to have facial hair included anything from a small goatee to a full beard and sideburns. If the offender was not completely clean-shaven, he was listed as having facial hair, regardless of the extent.

Tattoos were dichotomously coded based on visibility; further subjects listed as having tattoos could have one or more tattoos of any size or color. Offenders with no visible tattoos were coded as 0 and those with one or more visible tattoos were coded as 1.

Scars, similar to tattoos, were dichotomized and based on scar's visibility. It should be noted that visible birthmarks were not counted as scars. Offenders with one or more visible scars, regardless of size and severity, were coded as 1, while offenders with no scars were assigned 0.

Offenders' age at the time of offense was also recorded. Offender age at the time of the offense was categorized into 40 years of age or younger, denoted by a 0, or over 40 years of age, denoted by a 1. Victims' ages were also recorded for each offender and categorized as either under 18 years of age, coded as 0, or 18 years of age or older, coded as 1. Utilizing offender and victim ages, an age-ratio category was created in order account for potential sentencing disparities when older offenders victimized minors. Offenders over the age of 40 at the time of the offense, whose victims were under the age of 18, were coded as 1. Offenders under the age of 40, with victims over, or under, the age of 18 were coded as 0.

Along with the construction of an age-ratio variable, an additional variable to account for the age of the victim was created. The variable was dichotomously coded, victims under the age of 18 were designated as 0, while victims over the age of 18 were coded as 1. While the exact age of the victim would have been preferable, it was not available for the vast majority of the observations.

Plan of Analysis

In order to produce an initial overview of the variables, cross-tabs were run. Linear regressions were then run to determine the significance of each independent variable and the impact of each independent variable on sentencing. A linear regression is a technique used when predicting the effects of multiple independent variables on a continuous dependent variable.

Table 1. Descriptive Statistics				
	Mean	**Std. Dev.**	**Skewness**	**Min. - Max**
Sentence (Months)				
Probation	57.06	37.877	1.832	14 – 192
Incarceration	94.72	80.843	2.066	02 – 480
	Frequency		**Percentage**	
Penetration				
No	63		30.7	
Yes	73		35.6	
Missing	68		33.2	
Prior Record				
No	133		64.9	
Yes	23		11.2	
Missing	48		23.4	
Physical Characteristics				
Facial Hair				
No	59		28.8	
Yes	144		70.2	
Missing	1		0.5	
BMI				
Underweight	74		36.1	
Normal	76		37.1	
Overweight	54		26.3	
Visible Scars				
No	135		65.9	
Yes	57		27.8	
Missing	12		5.9	
Visible Tattoos				
No	121		59	
Yes	71		34.6	
Missing	11		5.4	
Demographic Characteristics				
Race and Ethnicity				
Anglo				
Non-Anglo	107		52.2	
	97		47.3	
Age Ratio				
<40	161		78.9	
>40	43		21	

Results

As noted, the race and ethnicity variable was coded categorically to account separately for offenders who identified as Anglo, Hispanic, African American, or other. However, the

categorical variable did not produce results different from a simple dichotomization of race and ethnicity. Therefore, the categorical variable was dropped and the dichotomized race and ethnicity variable was used in its steed. Table 1 provides the overview of each of the other 8 variables. There were 204 valid cases with 163 being incarceration, with 59 cases receiving probation, and 18 receiving both. When examining the independent variables, non-Anglo race and ethnicity were overrepresented when compared to percentages to the overall population where Anglos account for 60.7%, African Americans 13.4%, and Hispanics 18.1% (U.S. Census Bureau [USCB], 2019). There was a slightly greater number of Anglo offenders (52.2%) compared to non-Anglo offenders (47.3%). Interestingly, the racial and ethnic composition of our sample was less disparate than that 2016 U.S. prison population, where Anglos accounted for 30.16% and African Americans and Hispanics combined accounted for 56.6% (BJS, 2018).

The majority of offenders (70.2%) had facial hair, while only a small percentage lacked facial hair (28.8%). Further, only 27.8% of the offenders had visible scars and 34.6% had visible tattoos. However, it should be mentioned that these physical characteristics were only those visible, the numbers could be different if non-visible scars and tattoos were accounted for. BMI calculations indicated that roughly 26.3% of the offenders sampled qualified as overweight or obese, while 37.1% qualified as normal weight, and 36.1% were underweight. In regard to whether the felony was penetrative, 30.7% were penetrative assaults, 31.7% were non-penetrative, and 33.2% did not provide sufficient information to determine if penetration occurred. Further, frequencies indicated that a majority of offenders' victims were minors during the time of the offense (76.1%). Finally, only 17.6% of the offenders in this sample were over the age of 40 when they victimized a minor.

Table 2. Regression Predicting Probation (Months)		
	B	**SE**
BMI	-0.408	0.865
Tattoos	16.876	14.091
Scars	32.724	12.843*
Facial Hair	7.730	13.055
Penetrative	-6.373	11.980
Prior Record	7.255	1.611**
Race	-33.924	12.985**
Age Ratio	16.930	17.415
N = 204		
* = p < .05 ** = p < .01		
R^2 = .384		

Regression results predicting a sentence of probation produced 2 significant factors. The presence of visible scars, offenders' race and ethnicity, and prior record significantly impacted sentencing outcomes. Despite predictions, offenders' BMI, visible tattoos, facial hair, penetrative assaults, offender age to victim age ratio, and victim's age failed to significantly impact probation sentences.

In regards to extralegal factors impacting incarceration sentencing, most of the predicted factors had a significant effect. Penetrative felony offenses were related to incarceration sentencing at the 90th percentile.

Table 3. Regression Predicting Incarceration (Months)		
	B	**SE**
BMI	0.181	1.714
Tattoos	-11.335	13.913
Scars	15.746	13.905
Facial Hair	-3.454	9.930
Penetrative	41.980	18.367*
Prior Record	-0.376	2.087
Race	-22.062	18.514
Age Ratio	-21.964	76.844
N = 204		
* = p < .05 ** = p < .01		
R^2 = .479		

Discussion

Overall a portion of the findings from this analysis were consistent with previous research, though it varied by type of sentence. Severity of probation sentences for sexual offenses were more likely to be impacted by offender race and ethnicity, the presence of visible scars on offenders, and offenders' prior record. In regard to severity of incarceration sentences, the only factor that significantly impacted severity was whether or not the sexual assault was penetrative.

The major conclusions drawn from this exploratory study, was that traditionally researched factors, including legal factors and extralegal factors do have some impact sentencing. In regards to the impact of physical characteristics beyond race and ethnicity, only visible scars played a role. Given that roughly 100 million people per year in the developed world have scars, it is interesting that scars are significant (Sund, 2000). As previously noted the presence of visible scars does contribute to negative perceptions (Dreano et al., 2016; Kent, 2000) and ultimately, may have contributed to perceptions of criminality (MacLin & Herrera, 2006).

As noted, race was only a significant factor in the prediction of probation sentences. The accepted general opinion, as well as most research, challenges this finding as it should also, in theory, hold true for incarceration sentencing (Claire & Winter, 2016; Metcalfe & Chiricos, 2018; Mitchell, 2005; Tonry, 1994). Given that disparity in the justice system and in sentencing has been well-supported in the literature, the null findings in regard to incarceration may be more so due to the nature, and perception of sexual offenders and advancements in sentencing guidelines. Such perceptions have also been connected to changes in policies regarding sexual offenders. In the 1990s, public fear and concern over sexual offenses contributed to increasingly restrictive laws regarding sexual offenses and offenders were enacted (Fox, 2012; Mancini, Barnes, & Mears, 2011; Sample & Kadlack, 2008). Levenson and D'Amora (2007) noted that

the increasingly restrictive laws and acts passed in the 1990s were primarily based on misconceptions that re-offense rates among sexual offenders were abnormally high. Sample and Kadleck (2008) noted that sex offender legislation closely mirrored legislators' perceptions of sexual offenders and the apparent growing amount of sexual offenses. It has been additionally argued that negative viewpoints of sex offenders have made such offenders more likely to receive punishments that exceeded the nature crime and the danger they posed to society (Douard, 2008).

Based on the literature, it was hypothesized that the presence of facial hair would impact perceptions and potentially sentencing outcomes. However, as previously noted, the literature regarding facial hair indicated contradictory assumptions. Individuals with facial hair were viewed as more masculine and aggressive (Addison, 1989; Hellstrom & Tekle, 1994; Muscarella & Cunningham, 1996; Neave & Shields, 2008), as well as more socially mature and having higher social status (Dixon & Vasey, 2012; Neave & Shields, 2008). While it was initially hypothesized that facial hair would be significantly related to sentencing, the null findings may be reflective of the mixed perceptions attributed to those with facial hair.

It was further hypothesized that offenders who were classified as overweight or obese would be more likely to be viewed in a negative light, which would in turn impact sentencing. Weight bias has been well documented in the literature, those classified as overweight or obese were more likely to have experienced stigmatizing treatment and negative assumptions regarding personality traits (Puhl & Heuer, 2010; Skkorshi, Schomerus, Jocum, & Ridel-Heller, 2018). Further, those who are overweight or obese were more likely to be associated with negative morality (Masicampo et al., 2014). Additionally, individuals of color with larger body sizes were more likely to experience face to face interactions with law enforcement (Milner et al., 2016), it appeared a natural extension to carry over such treatment into sentencing.

The final characteristics that failed to reach significance were age ratio and victims' age. As discussed earlier, in the 1990s, the United States saw a paradigm shift in regards to legislation geared towards sexual offenders (Mancini et al., 2011; Sample & Kadlack, 2008). In line with such changes, there were also growing assertions that sexual assault was on the rise. Further, there was a growing assumption regarding that a large portion of sexual assault victims were minors, as well as more punitive attitudes involving sexual offenses with underage victims (Fox, 2013; Levenson & D'Amora, 2007; Pickett et al., 2013). Based upon these perceptions, it was hypothesized that offenders who had assaulted victims under the age of majority would suffer harsher consequences. Similarly, it was also hypothesized that when there was a great age difference between offender and victim, primarily when younger victims were assaulted by much older assailants, punishments would also be harsher.

Limitations

There were a few limitations within the analyses that may have impacted the results, several of which stemmed from the data. One significant limitation was due to the fact that the data were collected from publically accessible sex offender registries which varied in regards to the information reported and recorded. Further, only 6 registries were utilized and were selected due to convenience, significantly impacting generalizability. Additionally while many of the physical characteristics examined, weight, facial hair, scars, tattoos, etc., were recorded within the registries, it was ultimately unknown if said characteristics were present during the time of charging and trial, or if they developed after sentencing. Ideally, being able to assess the physical characteristics of the defendants during the trial and sentencing phases would have generated more informative data.

Additionally, the sample utilized only examined the charges and sentences of offenders who were convicted and sentenced; therefore considerations regarding the impact of

prosecutorial screening, pretrial adjudication, assistance departure, and other factors occurring in earlier stages of the justice process were not examined (Spohn, 2013; Ulmer, 2013). Unfortunately the nature of the data utilized did not allow for an examination of such factors, including but not limited to, prosecutorial charging decisions, pretrial detention, and even conviction, which have been noted as significant when examining sentencing disparities. Baumer (2013) has noted that disparate sentencing research has tended to be very narrow and has truly failed to focus on the wide variety of impactful variables.

Further, the current study exhibited another common flaw in sentencing research and failed to account for judges' use of sentencing guidelines, mandatory minimums, non-custodial option, or other discretion-impacting legislation that the sentencing (Baumer, 2013). Additionally, sentencing patterns and judicial punitive attitudes from the sampled areas were also unknown.

Further Research

Based on the current findings of the exploratory study, further research into the null factors could add to the literature. Further, measuring defendants' physical characteristics at the time of sentencing would also aid in providing a clearer picture. Additionally, a larger sample would also be ideal when conducting future research.

Future research may also benefit from examining sentencing outside of sexual assault charges, increased legislation and decreased discretion may have served to nullify the impact of implicit biases. Examining sentences associated with charges where judges are afforded more discretion, may serve to better highlight the impact of any implicit biases towards certain physical characteristics.

Conclusion

This exploratory study was not perceptual, hypothetical, or survey-based, rather it utilized real-world data from actual criminal cases. While not all of the factors tested were played a significant role in sentencing, the findings make a statement about stigmatization in our society. People are likely to hold negative views of race or ethnicity and scars, and furthermore, those perceptions may have contributed to sentencing decisions on criminal sentencing. An individual of color or an individual with scars is not necessarily more deserving of punishment than an individual without those traits. The mere presence of either should not affect punishment severity.

The fact that penetrative sexual assaults have a significant impact on punishment indicates that penetrative assaults, which are by their very nature more serious, is a contributor to judicial discretion and sentencing. This follows the legal model, which dictates that more serious crimes should be punished harsher.

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Bruce A. Carroll, Ph.D. is an Associate Professor of Criminal Justice and Criminology at Georgia Gwinnett College. His research interests relate to domestic and international court systems, life sciences and statistics. Carroll also regularly leads faculty sponsored study abroad programs.


Marie A. Ratchford, Ph.D. is an Assistant Professor of Criminal Justice and Criminology at Georgia Gwinnett College. Her academic interests include biosocial criminology, criminological theories, and research methods.


Jessica R. Peterson, is a Ph.D. candidate in the Department of Criminal Justice at Indiana University Bloomington. Her research interests include policing and police organization, public perception of police, social psychology of criminal behavior, juvenile delinquency and policy, qualitative methods, and rural criminology.

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