

An exploration of the impact of LGBT+ representative mock-juries on mock-juror bias and guilty verdicts in transphobic hate crime cases

AMRIK SINGH

A thesis submitted in partial fulfilment of the requirements of

Bournemouth University

for the degree of Doctor of Philosophy

September 2024

Copyright Statement

This copy of the thesis has been supplied on condition that anyone who consults it is understood to recognise that its copyright rests with its author and due acknowledgement must always be made of the use of any material contained in, or derived from, this thesis.

Abstract

Research shows the multifarious benefits of diverse juries compared to homogenous juries and the extra influence of the jury foreperson, yet UK juries are significantly under-represented in terms of LGBT+ jurors and jury forepersons. The Law Commission (LC, 2020) recommended aggravated offences be extended to transphobic hate crimes, but failed to address the lack of jury diversity. Furthermore, the LC acknowledged some aggravated offences have disproportionately higher *sentence maxima* (which research shows can negatively influence conviction rates). Three jury-decision-making studies explored participants' decisions in group conditions described as LGBT+ (homosexually) diverse compared to heterosexual-cisgender groups. Study One showed significantly lower guilty verdict rates in aggravated offences compared to their base offences and that half of the not-guilty verdicts were due to the *sentence maxima* being deemed as too high. Study Two evidenced the extra influence of the jury foreperson on participants' verdicts. Furthermore, participant transprejudice levels towards the transgender victim were significantly lower in the LGBT+ groups compared to the non-LGBT+ groups in all three quantitative studies. Study Three replicated the findings of Studies One and Two and additionally showed that the anti-transgender opinions of a lesbian juror in fact increased participants' guilty verdict rates in favour of the transgender female victim.

In Study Four, ten LGBT+ people were interviewed regarding actual experiences of jury service. Findings corroborated the extra influence of the jury foreperson, no jury prejudice towards LGBT+ jurors and a unanimous agreement that there should be one or more LGBT+ jurors in LGBT+ hate crime cases. Policy recommendations include reducing the disproportionately higher *sentence maxima* of aggravated offences to improve conviction rates and reducing the extra powers of the jury foreperson to minimise their significantly greater influence. Jury selection protocols should include selecting potential jurors from additional registers to recruit more minority jurors, to increase jury diversity. Theoretical contributions include the development of a more holistic hate crime theory and contributions to inter-group contact and mock-jury research.

Contents

Abstract	2
List of Figures	12
Preface.....	15
Acknowledgements	18
Author's Declaration	19
Chapter 1 Aims, thesis structure, definitions and theoretical underpinnings	20
<i>1.1 Introduction</i>	<i>20</i>
<i>1.3 Thesis structure.....</i>	<i>23</i>
<i>1.4 The lens of Institutional stigma.....</i>	<i>25</i>
<i>1.5 Definitional issues</i>	<i>26</i>
<i>1.6 Theoretical underpinnings, Stigma.....</i>	<i>28</i>
1.6.1 The functions of stigma	30
1.6.2 The stigma process	31
1.6.3 Institutional stigma as the cause of all other types of stigma	32
1.6.4 Transgender stigma and transphobia within the LGBT+ and feminist communities	35
1.6.5 Public stigma	37
1.6.6 Self-stigma and stigma consequences.....	38
1.6.7 Anticipatory stigma	39
1.6.8 Stigma management strategies.....	39
<i>1.7 Inter-group contact.....</i>	<i>41</i>
1.7.1 Secondary transfer effects (STE)	42
1.7.2 Imagined contact	43
1.7.3 Vicarious and para-social contact.....	44
<i>1.8 Summary.....</i>	<i>46</i>
Chapter 2 A review of the English jury system and hate crime laws via the lens of institutional stigma	48
<i>2.1 Introduction</i>	<i>48</i>

2.2 Institutional stigma within The English Jury System	48
2.3 Jury foreperson selection and influence.....	53
2.4 The two-tier system, disparity and institutional stigma.....	55
2.4.1 Advantages and disadvantages of enhanced sentencing laws	56
2.4.2 Advantages and disadvantages of aggravated offences.....	57
2.4.3 Plea and charge bargaining problems.....	63
2.4.4 Sentence disparities of the dual model and low conviction rates	65
2.4.5 Problems with the hostility route or limb	66
2.4.6 The extra harm caused by hate crimes	68
2.5 Summary.....	72
Chapter 3 Literature Review	74
3.1 Introduction	74
3.2 Evidence of jury discrimination and misconduct in real jury cases	74
3.2.1 Treatment of transgender people in courts.....	76
3.2.2 Victim-blaming and jury nullification	79
3.3 Concerns regarding character witness statements.....	80
3.4 Mock-jury studies and advantages of diverse juries	81
3.4.1 Evidence of stigmatised characteristics (extra-legal factors).....	82
3.5 Why LGBT+ people need protection under hate crime laws.....	84
3.6 Mock-juror stigma towards transgender defendants and victims and its influence on verdicts	88
3.7 Evidence of sentence-severity negatively influencing verdicts	91
3.8 Jury foreperson bullying, persuasion and misconduct	92
3.9 Summary.....	95
Chapter 4 Methodology	97
4.1 Introduction	97
4.2 Ontology and Epistemology	97
4.3 Pragmatism	99
4.4 Mixed-methods.....	100
4.5 Sampling strategy, participant recruitment and pilots for studies 1-3....	104

4.6 Study One	107
4.7 Study Two	114
4.8 Study Three.....	119
4.9 Study Four.....	123
4.9.1 Interview sample size, type and recruitment	124
4.9.2 Interview process.....	125
4.9.3 Interview Schedule, data analysis and transcription.....	126
4.9.4 Directed Content Analysis (DCA) and data triangulation.....	127
4.9.5 Defining the category system and pilot study	129
4.10 Ethics	130
4.11 Researcher positionality and reflexivity.....	131
4.12 Summary.....	133
Chapter 5 Study One Comparing guilty verdict rates in aggravated and base offences in LGBT+ and non-LGBT+ diverse mock-juries	137
5.1 Introduction	137
5.2 Findings.....	137
5.3 Summary.....	160
Chapter 6 Study Two Comparing the influence of a heterosexual and homosexual male Jury Foreperson	162
6.1 Introduction	162
6.2 Findings.....	162
6.3 Summary.....	188
Chapter 7 Study Three Comparing the influence of the pro and anti- transgender opinions of a lesbian juror	189
7.1 Introduction.....	189
7.2 Findings.....	190
7.3 Summary.....	208
Chapter 8 Study Four Jury service experiences of LGBT+ jurors	209
8.1 Introduction	209

8.2 Findings.....	209
8.3 Summary.....	220
Chapter 9 Discussions, limitations and future studies	222
9.1 Discussions	222
9.1.1 Study One.....	222
9.1.2 Study Two.....	232
9.1.3 Study Three	241
9.1.4 Summary of quantitative findings (studies 1-3)	246
9.2 Contributions to inter-group contact and mock-jury research	250
9.3 Study Four Discussion and data triangulation.....	252
9.4 Limitations	260
9.5 Future studies	261
Chapter 10 Theoretical contributions and policy recommendations	264
10.1 Introduction	264
10.2 Policy recommendations based on the findings.....	264
10.3 Developing a more inclusive hate crime theory	274
10.3.1 A fifth type of offender and the primary subconscious motive	274
10.3.2 TMT (an existential hate crime theory).....	278
10.3.3 Self-esteem theory of crime.....	280
10.4 Concluding remarks	289
References	293
Appendix A Ethics Approval.....	353
Appendix B Measures/Scales	354
Appendix C Rationale for measures (dependent variables) chosen	362
Appendix D Summary of quantitative studies	364
Appendix E Sample size calculation for studies 1 and 2.....	368
Appendix F Imagined Contact Task.....	369
Appendix G Construction of the fictitious Court case scenarios, vignettes .	370
Appendix H Court case scenarios, vignettes	371

<i>Appendix I ‘Actual juror’s’ notes (fictitious juror)</i>	<i>375</i>
<i>Appendix J Normality and Assumption tests for studies 1-3.....</i>	<i>376</i>
<i>Appendix K Interview schedule</i>	<i>379</i>
<i>Appendix L Sample Interview.....</i>	<i>383</i>
<i>Appendix M Logistic regressions</i>	<i>391</i>
<i>Appendix N Themes derived from theory and research questions for Study Four.....</i>	<i>394</i>
<i>Glossary</i>	<i>398</i>

List of Tables

Table 2.1 Average custodial sentences for base offences and their corresponding aggravated offences.....	59
Table 4.1 Design of Study 1, showing experimental groups (1-4) and control groups (5-8).....	108
Table 4.2 Participant demographics, final sample size, N=698.....	112
Table 4.3 Descriptive statistics of dependent variables, final sample N=698..	113
Table 4.4 Design of Study 2, showing control groups (1-4) and experimental groups (5-8).....	115
Table 4.5 Participant demographics for final sample, N=614.....	118
Table 4.6 Descriptive statistics of dependent variables, final sample, N=614.....	119
Table 4.7 Design of Study 3, showing experimental groups (2 and 4) and control groups (1 and 3).....	120
Table 4.8 Participant demographics for final sample, N=308).....	122
Table 4.9 Descriptive statistics for dependent variables, final sample N=311.....	123
Table 4.10 Participant demographics.....	129
Table 4.11 The main similarities and differences between the three quantitative studies, exploring the advantages of diverse juries.....	136
Table 5.1 Within-groups paired samples t-tests, mean pre-test and post-test social distance scores, according to sample type.....	138

Table 5.2 Summary of findings for hypothesis one.....	143
Table 5.3 Correlation coefficient matrix.....	144
Table 5.4 Summary of correlations of measures with post-test social distance.....	145
Table 5.5 X^2 results showing %GVR in the aggravated offence groups were significantly lower compared to their corresponding base offence groups.....	146
Table 5.6 Percentage verdicts for verdict 2 (alternative base offences).....	148
Table 5.7 Percentage guilty verdicts for aggravated offences and their alternative base offences, compared to base offences only.....	148
Table 5.8 X^2 results showing the number and %GVR in the gay male groups compared to their corresponding male groups.....	150
Table 5.9 Showing the percentage and number of participants according to the reasons chosen for their verdicts (and mean agreement with hate crime law statements).....	152
Table 5.10 Summary of participants' reasons for their verdicts and evidence of sentence-severity bias.....	153
Table 5.11 Independent two-sample t-tests comparing means of measures according to imagined contact with the gay male juror/male juror.....	154
Table 5.12 Summary of influence of imagined contact with a gay male juror compared to a male juror on measures.....	158
Table 5.13 Logistic regression, final model.....	159
Table 6.1 χ^2 results showing the %GVR in the jury foreperson groups	

compared to their corresponding juror control groups.....	163
Table 6.2 Summary of findings for hypothesis one.....	165
Table 6.3 t-tests comparing juror control groups to their corresponding experimental jury foreperson groups on measures.....	166
Table 6.4 Summary of significant findings for hypothesis two.....	172
Table 6.5 χ^2 results showing the %GVR in the male groups compared to their corresponding gay male groups.....	174
Table 6.6 t-tests comparing gay male groups to their corresponding male groups on measures.....	175
Table 6.7 Summary of significant findings for hypothesis four.....	182
Table 6.8 Mean agreement levels with hate crime law statements according to guilty and not guilty verdicts.....	184
Table 6.9 Logistic regression (final model).....	186
Table 6.10 Summary of findings.....	188
Table 7.1 Showing first second and third choices for the characteristics.....	190
Table 7.2 χ^2 results showing the %GVR in the lesbian pro-victim group was significantly different compared to the pro-victim female control group.....	191
Table 7.3 Summary of findings for hypothesis one.....	192
Table 7.4 t-tests comparing lesbian groups to their corresponding female groups on measures.....	193

Table 7.5 Summary of findings for hypothesis two.....	199
Table 7.6 Mean agreement levels with hate crime law statements according to verdicts.....	200
Table 7.7 Participants' reasons for their verdicts.....	201
Table 7.8 χ^2 results showing %GVR in the pro-victim groups were significantly different compared to their corresponding pro-defendant groups.....	202
Table 7.9 Summary of findings for hypothesis three.....	203
Table 7.10 t-tests comparing pro-victim groups to their corresponding pro-defendant groups on measures.....	204
Table 9.1 Judicial guidance provided to participants and relevant case evidence.....	228
Table 10.1 Typology of hate crime offenders.....	276
Table 11.1 Pre-defined categories and sub-categories or themes and operationalised definitions derived from the theory and research.....	394

List of Figures

Figure 1.1 Inter-relationship between Institutional stigma and other types of stigma.....	33
Figure 5.1 Showing post-test social distance levels were significantly lower than pre-test levels following imagined contact with a gay male juror.....	139
Figure 5.2 Showing post-test social distance levels were significantly lower than pre-test levels following imagined contact with a gay male juror.....	140
Figure 5.3 Showing post-test social distance levels were significantly lower than pre-test levels following imagined contact with a gay male juror.....	141
Figure 5.4 Showing post-test social distance levels were significantly lower than pre-test levels following imagined contact with a gay male juror.....	142
Figure 5.5 Significantly lower %GVR in all 4 aggravated offences compared to their base offences.....	146
Figure 5.6 Showing significant differences on measures between groups 2 and 6, for the base offence of common assault.....	154
Figure 5.7 Showing significant differences on all measures between groups 4 and 8 for the base offence of actual bodily harm.....	156
Figure 6.1 Showing significantly different %GVR in 3 of the 4, jury foreperson experimental groups compared to their corresponding juror control groups.....	164
Figure 6.2 Showing mean differences for AHCL between juror groups 1-4 and their corresponding jury foreperson groups 5-8.....	167
Figure 6.3 Showing mean differences for victim blame between juror groups 1-4 and their corresponding jury foreperson groups 5-8.....	169

Figure 6.4 Showing mean differences for victim suffering between juror groups 1-4 and their corresponding jury foreperson groups 5-8.....	170
Figure 6.5 Showing mean differences for social distance scores between juror groups 1-4 and their corresponding jury foreperson groups 5-8.....	171
Figure 6.6 Showing significant mean differences for AHCL between male groups and their corresponding gay male groups.....	176
Figure 6.7 Showing significant mean differences for victim blame between male groups and their corresponding gay male groups.....	177
Figure 6.8 Showing significant mean differences for victim suffering between male groups and their corresponding gay male groups.....	179
Figure 6.9 Showing significant mean differences for social distance between male groups and their corresponding gay male groups.....	180
Figure 7.1 %GVR in the lesbian pro-victim group was significantly different compared to the pro-victim female control group.....	191
Figure 7.2 Significant mean differences for sentence enhancement agreement between female groups and the corresponding lesbian groups.....	194
Figure 7.3 Significant mean differences for AHCL scores between the pro-defendant female group and their corresponding lesbian group.....	195
Figure 7.4 Significant mean differences for defendant blame scores between female groups and their corresponding lesbian groups.....	196
Figure 7.5 Significant mean differences for victim suffering between female groups and their corresponding lesbian groups.....	197
Figure 7.6 Significant mean differences for social distance	

between female groups and their corresponding lesbian groups.....	198
Figure 7.7 Significantly different %GVR between the pro-victim lesbian group compared to the corresponding pro-defendant lesbian group.....	202
Figure 10.1 Showing the seven self-esteem sources and management strategies.....	279

Preface

In mock-jury research, participants are often asked to imagine they are jurors and presented with a Crown court case summary and jury guidance notes to read before delivering their own guilty or not guilty verdicts. Just five studies have explored the influence of mock-juror bias (stigma) towards transgender victims of hate crimes (Cramer et al., 2013 and 2014; Ellingwood et al., 2022; Michalski et al., 2022 and Miller and London, 2021) showing transprejudice significantly reduced guilty verdict rates. However, no such studies have been based on UK jurors under UK hate crime laws nor explored prejudice reduction via inter-group contact. Jurors are required to be unbiased (Daly and Pattenden, 2005). Inter-group contact (Allport, 1954) is one of the most effective, psychological methods for prejudice reduction (meta-analysis, Pettigrew et al., 2011) particularly for prejudice towards LGBT+ people (Paluck et al., 2021). Yet no studies have tested inter-group contact as a prejudice reduction strategy in mock-juror studies.

In the first three studies (N=1623 jury-eligible participants) I uniquely compared participants' juridic decisions in LGBT+ diverse groups (described as having a gay male / lesbian mock-juror) with participants' decisions in cisgender-heterosexual groups. LGBT+ diverse groups were uniquely simulated by employing imagined inter-group contact (Turner et al., 2007) with a fictitious gay, male mock-juror in Study One. Secondary transfer effects have shown inter-group contact with gay people reduces stigma towards transgender people (Hoffarth and Hodson, 2018). The bespoke hate crime case scenario was designed to be guilty, based on UK hate crime laws and juror guidance.

Study One showed post-test stigma levels were significantly lower than pre-test levels in the LGBT+ groups compared to the non-LGBT+ groups. Furthermore, in the LGBT+ groups, guilty verdicts were significantly higher as was agreement with hate crime laws, defendant blame and perceived victim suffering, whilst victim blame was significantly lower. These effects were replicated in two further studies employing both positive and negative para-social and vicarious inter-group contact (Park, 2012). Participants read the pro-victim/pro-defendant opinions and verdicts of a fictitious gay male / lesbian mock-juror before making their own decisions. The multifarious advantages of LGBT+ diverse mock-juries

in hate crime cases support the argument for more LGBT+ diverse juries. LGBT+ people currently remain under-represented in UK juries due to the policy of recruiting via a single register, the electoral register (Lever, 2017) and significantly higher attrition rates.

The Law Commission's (2020) proposal to extend the option of laying aggravated offences, to transgender hate crime victims finally recognised their need for extra protection and parity, but failed to propose the need for more sexually and gender diverse juries to ensure fairer trials. The findings also have implications for sexual-orientation (homophobic and bi-phobic) hate crime trials via direct inter-group contact effects and could also help boost public trust in the jury system and reporting rates for such hate crimes.

Study Two also showed a fictitious heterosexual and gay male jury foreperson's opinions had significantly more influence on participants' decisions compared to the same opinions expressed by a heterosexual or gay male juror. Zander and Henderson's study (1993) for the Runciman Royal Commission included 8,300 jurors from every Crown Court in England and Wales for a two-week period, showing the jury foreperson was heterosexual male, in around 80% of trials. Structural stigma embedded in institutional practices 'doing difference' creates the culture of public stigma (Perry, 2001). A consistent, democratic procedure needs to be implemented for selecting the foreperson and the extra powers of the foreperson reduced (for example when to conduct a straw vote and whether the jury votes openly or secretly).

Furthermore, all three quantitative studies showed half the participants who delivered not guilty verdicts, did so because they believed the *sentence maxima* for the aggravated offences was too high. Moreover, the actual, average sentences for aggravated offences with two-year maxima, tend to be well below six-months. Aggravated *sentence maxima* should be reduced from two-years to one-year making them more proportional, to reduce sentence-severity bias and improve conviction rates and jurors asked to provide a reason for their verdict to determine the impact of such extra-evidentiary factors.

Finally, I interviewed ten LGBT+ people with jury service experience (Study Four) and these findings corroborated: sentence-severity effects, the jury foreperson's extra influence, the benefits and extra confidence in LGBT+ diverse juries and hate crime laws. Diverse juries, could also help reduce some of the secondary harm to communities and encourage more minorities to take-up jury service and increase inter-group contact opportunities. The interviews also highlighted the greater vulnerability and victimisation faced by LGBT+ people with additional stigmatised characteristics, particularly gay women of colour.

Acknowledgements

I would like to take this opportunity to express my deepest gratitude to my supervisors, the four super advisors; Dr Jane Healy for believing in me from day one till the end of this journey and her vast and impressive expertise in hate crime; Associate Professor Jayne Caudwell for her invaluable, specialist expertise and passion for transgender research and methodology; Dr Ferhat Tura for his specialist help and guidance with the statistical analysis and structuring of this thesis and Dr Lou Baxter, for her professional guidance and support.

A special thanks is due to the 1623 participants and 10 interviewees for making this research possible and so stimulating and in shaping my understanding of the subject matter. The amazing LGBT+ friendships I made during this endeavour (and knowledge gained) helped shift my originally, slightly transphobic disposition very quickly to an LGBT+ ally for life, which is testimony to inter-group contact.

Finally, I would like to thank my wife, children, grandchildren and all my brothers and sisters-in-law for encouraging me in my studies and always having confidence in me. And my own faith in Sikhism that gave me the extra strength to complete this work during some very challenging health issues, surgeries and family crises.

Whilst it is not possible to acknowledge everyone who has contributed to this research, please know that your support, whether big or small, has been sincerely appreciated and has played a significant role in the successful completion of this thesis. Thank you all.

Dedicated to all victims of hate crimes, past, present and future.

Author's Declaration

SPSS statistical software was used for analysing the three quantitative studies, but did not involve the use of any AI technology.

Study one was presented as an academic poster and the 2023 winner of the British Society of Criminology Hate Crime Network poster competition on the theme of Transphobic Hate Crime.

Part of the findings from Study One (Comparing mock-juror guilty verdict rates in aggravated and base hate crime offences) were also presented at the British Society of Criminology (BSC) Postgraduate Conference in Glasgow at Strathclyde University (July, 2024). I submitted a 6,000-word paper to the open-access, BSC annual online Journal, which was forwarded for peer-review and accepted for publication in December, 2024.

Finally, I have also had a book chapter accepted in an edited collection on Transphobic Hate Crimes entitled 'Addressing jury stigma towards LGBT+ victims of hate crimes,' due to be published in 2025.

Chapter 1 Aims, thesis structure, definitions and theoretical underpinnings

1.1 Introduction

This chapter begins with the aims and research questions before outlining the thesis structure, definitional issues and theoretical underpinnings of stigma. Institutional stigma comprises unjust laws, policies and traditions that deny or fail to protect the equal rights of minorities (Hatzenbuehler and Pachankis, 2016). As we shall see, hate crimes are arguably the products of institutional stigma where the rules of powerful institutions treat different groups differently and/or unfairly, which in turn generates all other forms of stigma. The functions and negative consequences of stigma for the LGBT+ communities and especially for the transgender community are also discussed.

Five studies to date have shown mock-jurors with higher levels of transgender stigma subsequently delivered significantly lower guilty verdict rates (Cramer et al., 2013 and 2014; Ellingwood et al., 2022; Michalski et al., 2022 and Miller and London, 2021) i.e. transprejudice significantly reduced guilty verdicts. Institutional stigma inherent in the criminal justice system, for example inviting jurors from a single register (the electoral register) results in juries that are unrepresentative of LGBT+ jurors (Lever, 2017). Stigma reduction approaches that ideally would be natural in jury settings are needed to enhance the fairness of jury trials.

LGB inter-group contact as a prejudice reduction intervention has been shown to reduce prejudice towards transgender people via secondary transfer effects (Hoffarth and Hodson, 2018) and imagined contact (Stathi, Crisp and Hogg, 2011). The common LGBT+ umbrella term shared between homosexuals and transgender people facilitates the secondary transfer effects between these groups. Evidence of secondary transfer effects of inter-group contact between these groups helped provide part of the rationale for the overarching aim of this research (to explore the benefits of LGBT+ diverse mock-juries compared to non-LGBT+ diverse mock-juries in transphobic hate crime cases). This research adopts a solution-focussed approach centred on exploring whether LGBT+

diverse mock-jury groups may reduce juror stigma and therein also make verdicts fairer and improve conviction rates.

1.2 Aims and research questions

This research starts to bridge the research gap in mock-juror studies involving transgender victims (Ellingwood et al., 2022) and uniquely via a prejudice reduction solution-focussed approach i.e. in groups described as LGBT+ diverse. Annually, around one-third of the 350,000+ people summoned for jury service in the UK, exempt themselves from jury service, particularly minority group members (Lever, 2017). UK juries are under-represented both in terms of LGBT+ jurors and LGBT+ jury forepersons due to their significantly higher attrition rates and the government policy of recruiting potential jurors from a single register, the electoral register (Lever, 2017). This research explored the possible benefits of LGBT+ representative juries and suggests policy recommendations to encourage and promote more LGBT+ participation in jury service. Juries should be representative of their communities, especially since the Law Commission (LC, 2020) recommended aggravated hate offences be extended to disability, sexual orientation and transgender identities to provide parity with racial and religious hate crimes.

The over-arching research question

Are participants' verdicts/decisions significantly different based on being part of a mock-jury group described as LGBT+ diverse compared to participants' verdicts/decisions in non-LGBT+ diverse mock-jury groups?

Key research questions

1. Do participants show significantly different levels of social distance (stigma) towards a transgender female victim of hate crime in mock-jury groups described as LGBT+ representative compared to social distance levels in non-LGBT+ mock-jury groups?

This research is the first to test whether secondary transfer effects of imagined inter-group contact and/or vicarious and para-social contact with LGBT+ mock-jurors can reduce participant stigma levels towards transgender victims, therein making participant verdicts less biased.

2. Are percentage guilty verdict rates significantly different in the aggravated offences compared to their base offences?

This research uniquely tested whether percentage guilty verdict rates (%GVR) were significantly different in the transphobic aggravated offences of common assault (TACA) and transphobic aggravated actual bodily harm (TAABH) compared to their base offences, common assault (CA) and actual bodily harm (ABH). This will show whether the newly proposed hate crime laws of extending aggravated offences to transgender people are an advantage or disadvantage to transgender victims in terms of %GVR.

3. Are %GVR significantly different in mock-jury groups described as LGBT+ representative compared to in non-LGBT+ representative mock-jury groups?

To help support the argument for more LGBT+ diverse juries, this study also investigated whether participant verdicts are fairer (i.e. %GVR are higher given the guilty nature of the case scenarios employed) in the LGBT+ groups compared to the non-LGBT+ groups.

4. What are the jury experiences of LGBT+ people and how do they compare with the quantitative findings?

Study Four also interviewed ten LGBT+ individuals who had served on actual juries regarding their jury experiences. The interviews explored: LGBT+ jurors' initial reactions to receiving an invitation for jury service; any LGBT+ specific barriers to jury service; whether their opinions had a positive or negative influence on other jurors; any juror bias and the relative influence of the jury foreperson.

The main research questions above, were explored further via the sub-research questions below:

5. What are the most common reasons for participant's not guilty verdicts?

This research also explored any evidence of acquittal bias, based on the reasons selected by participants for their not guilty verdicts, (for example

because they agree/disagree that the *sentence maxima* for aggravated offences are too high).

6. Do the pro-defendant and/or pro-victim biased opinions of a fictitious heterosexual male jury foreperson have the same, more or less influence on participants' verdicts compared to these same opinions of a fictitious gay male jury foreperson or gay male mock-juror?

In the vast majority of UK jury trials, a male, heterosexual juror with relatively high socio-economic status, or with previous jury service, is selected as the jury foreperson (Zander and Henderson, 1993; Lever, 2017). This marginalises LGBT+ jurors further and can lead to unfair trials for LGBT+ victims (and defendants) as the jury foreperson has been shown to exert the most influence on the overall verdict (Clay, 2017).

7. Do the pro-victim or pro-defendant biased opinions of a fictitious heterosexual female juror have the same, more or less influence on participants' verdicts compared to these same opinions of a fictitious biased lesbian juror?

This research is the first to explore whether the pro-defendant or pro-victim biased opinions of a fictitious gay male/lesbian mock-juror has the same or more or less influence on participant verdicts compared to these pro-defendant or pro-victim opinions of a heterosexual male/female mock-juror. It is important to explore the impact of an anti-transgender gay mock-juror on participant verdicts, given a large number of LGB+ individuals can also be anti-transgender (Bradley, 2020).

1.3 Thesis structure

Chapter one continues with (1) an overview of the thesis structure and definitional issues and (2) the theoretical underpinnings of stigma and stigma reduction interventions. The key definitions used in this research are analysed via the lens of institutional stigma followed by details of the theoretical underpinnings of stigma theories and the best-known stigma reduction intervention of inter-group contact (Pettigrew and Tropp, 2013).

Chapter two explores the under-representation of LGBT+ people in UK juries both as jurors and as jury forepersons, and the institutional stigma factors (transphobic, homophobic and bi-phobic) inherent within the English jury system and hate crime laws (Lever, 2017). Furthermore, in cases involving stigmatised victims, verdicts are often biased, although research shows participant decisions are fairer in diverse juries compared to homogenous juries (Ellis and Diamond, 2003). Hence, the over-arching aim of this research was to explore the benefits of LGBT+ diverse mock-juries compared to non-LGBT+ diverse mock-juries in transphobic hate crime cases.

On the one-hand the LC proposed aggravated offences be extended to other groups and on the other hand acknowledged several aggravated offences have disproportionately higher *sentence maxima*. The literature search showed higher *sentence maxima* can reduce conviction rates (sentence-severity bias, Lundrigan et al, 2018) which is explored in this research. The literature review, (chapter three) also critically reviewed the current and proposed hate crime laws and the transphobic, homophobic and bi-phobic protocols inherent within the English jury system that produce less diverse and more biased juries.

Chapter four justifies the choice of a pragmatic methodology in a mixed methods approach and details the design, sampling strategy, recruitment and procedures for the four studies. Chapters five to eight cover the results and findings for the four studies.

The LGBT+ and non-LGBT+ group conditions were simulated by initially asking participants to imagine a positive interaction with a gay male juror (in the LGBT+ group conditions) or a male juror (in the non-LGBT+ group conditions) in Study One. Studies Two and Three simulated LGBT+ mock-jury conditions via positive and negative vicarious and para-social inter-group contact (participants were asked to first read the pro-victim or pro-defendant opinions of a fictitious gay juror or heterosexual juror). Study Two also additionally explored the impact of the opinions of a fictitious gay male or male jury foreperson compared to a gay male or male juror. This was to investigate any extra influence jury forepersons may have on participants' verdicts, given LGBT+ people are also

under-represented as forepersons. Finally, Study Four (semi-structured interviews) explored LGBT+ peoples' lived experiences of jury service.

Chapter nine discusses the findings, addresses the limitations, makes recommendations for future research and highlights the contributions to inter-group contact and mock-jury research. The thesis concludes with the policy implications and theoretical contributions to a more general theory of hate crime in chapter ten. This research focusses on the institutional stigma factors inherent in the English jury system and hate crime laws and the findings are therefore interpreted via the lens of institutional stigma.

1.4 The lens of Institutional stigma

Sociologists have described a form of prejudice and discrimination termed structural or institutional stigma (Link and Phelan, 2001). Institutional stigma represents unjust laws, policies, practices and cultural norms that deny, or fail to protect, the equal rights of minorities such as transgender people (Hatzenbuehler and Pachankis, 2016; Perez-Brumer et al., 2015). As we shall see, current transgender hate crime laws also exclude some transgender sub-groups for example intersex, due to the limited definition of transgender under the law in England and Wales.

Stigma research has been criticised for being too focused on the perceptions of stigmatised individuals and micro-level interactions, rather than investigating structural forms of stigma (Link and Phelan, 2001). Hate crimes (due to public stigma or hostility towards specific stigmatised characteristics) are seen as the products of institutional stigma (Perry, 2001) which can create and/or exacerbate other types of stigma (for example self-stigma and anticipatory stigma). I agree that institutional stigma both reinforces othering by perpetuating difference and breeds all other types of stigma. Decreasing institutional stigma should therefore reduce these other types of stigma and in turn, reduce hate crimes. For these reasons, the findings and key definitions in this study are interpreted via the lens of institutional stigma.

The preceding definitions of LGBT+, transgender and hate crimes show how the limiting and out-dated language used in legal definitions (for example

excluding intersex people from transgender definitions excludes this LGBT+ sub-group from hate crime protection laws). This not only increases exclusion and disparity but as we shall see, also generally exacerbates the existing problem of LGBT+ hate crimes being under-reported (Chakraborti and Hardy, 2015).

1.5 Definitional issues

In their 2021 report, the LC recommended the sub-group of intersex people be removed from the legal definition of transgender, hence denying them the same legal rights under the newly proposed gender hate crime laws, and therein creating additional disparity and marginalisation. The LC were concerned about any conflation of transgender identity with those who are intersex, within the scope of the legal definition of transgender. In England and Wales, hate crime laws define transgender very narrowly as those; “being transsexual, or undergoing, proposing to undergo or having undergone a process or part of a process of gender reassignment” (CJA 2003, s.146). This does not reflect current understandings of transgender identity, nor protect those who are not, or do not wish to, undergo physical surgery or medical treatments (Goodall and Walters, 2019).

Hate crimes

There remains no universally agreed definition of a hate crime in the UK and again there are significant differences between legal and academic definitions, rendering investigations and analysis more difficult (Colliver and Silvestri, 2022). Legal definitions focus solely on an individual, isolated incident of criminality (therein reinforcing perceptions of hate crimes as single, extreme, public incidents). The Crown Prosecution Service (CPS, 2022), defined hate crimes as “any crime where the offender has either demonstrated hostility or been motivated by hostility based on race, religion, disability, sexual orientation or transgender identity.” However, several scholars (Perry and Alvi, 2011; Walters, 2011) have criticised the definitions of hate crimes arguing that more accurately these be labelled as prejudice crimes, as hate itself is not a necessary component of hate crimes. Contrastingly, scholarly definitions, focus on the wider social, cultural and political structures that create a climate in which

particular groups of people are deemed legitimate targets for hate crimes (Perry, 2001).

Bradley (2020) recently surveyed 227 transgender victims of hate crimes and found less than 15% of them had reported this to the Police. The under-reporting of hate crimes was partly attributable to a lack of understanding regarding the definition of a hate crime; both from the victim's perspective and those within the criminal justice system (Mason-Bish, 2013; Sin et al., 2009). This misunderstanding is rooted in the common perception that hate crimes are solely motivated by hatred towards a victim's identity (Sin et al., 2009).

According to Chakraborti and Garland (2012) hate crimes are better conceptualised via the lens of prejudice and difference than hatred. Cases that fail to live up to an extremist offender (see Table 10.1 for offender types) and/or where the hate espoused is considered a peripheral component of the offence, are often mislabelled as abuse or bullying (Sherry, 2010). This has resulted in many instances of violence reported to the police, but frequently and incorrectly recorded without the aggravating factor of prejudice (Roulstone and Sadique, 2013). We do not know if some groups experience this more than others but we do know in 2016, the CPS proceeded with 73% of homophobic and transphobic hate crime cases, compared to 76% of disability hate crimes, 78% of religious hate crimes and 79% of racial hate crimes (Walters et al., 2017). Jamel (2018) noted in England and Wales, sentences for hate crimes against transgender victims were lower than the sentences for racial or religious hate crimes. Furthermore, according to the LC (2020) judges seldom enhanced the sentence, especially in cases where the victim was LGBT+.

An offence constitutes a racially or religiously aggravated hate crime under sections 29-32 of the Crime and Disorder Act (1998) "if an offender demonstrates hostility towards the victim based on his or her membership (or presumed membership) of a racial or religious group, or if the offence is (wholly or partly) motivated by racial or religious hostility." Under the current two-tier system, Section 66 of the Sentencing code requires the court to regard the characteristics of transgender, sexual orientation or disability as aggravating factors. Many hate crimes are not committed by hate offenders, but normal

people in everyday interactions, demonstrating hostility and prejudice, the implications are that actual 'hate' crime figures are likely to be much higher. Chakraborti and Garland's (2015, p5) broader definition defines hate crimes as "acts of violence, hostility and intimidation directed towards people because of their identity or perceived difference." This definition crucially captures hate incidents as well as hate crimes, which as Garland and Funnell (2016) argue, have just as significant an impact on victims, their families and wider communities. The failure of the law to recognise the very damaging and most common verbal hate incidents or micro-aggressions as hate crimes, means hate incidents are not punished under current laws.

The exclusion of intersex people from gender hate crime law definitions is also likely to result in further under-reporting of gender-based hate crimes from the excluded sub-group. The poorly communicated and poorly understood definitions of hate crimes means many victims of hate crimes are simply unaware of whether they have been the victim of hate crimes, therein exacerbating the problem of under-reporting of hate crimes. Vincent et al., (2009) reported difficulties in identifying and interviewing anyone who self-identified themselves as a victim of disability hate crimes, not because people had not experienced it, but because people rarely recognised that what had happened to them was hate crime. It is also feasible that jurors may also be confused by the poor and narrow legal definitions of whether an alleged victim has actually been the victim of a hate crime and/or harbour similar stigmatising attitudes, giving rise to more not guilty verdicts. The theoretical underpinnings of stigma theories relevant to this mock-juror research are therefore addressed now.

1.6 Theoretical underpinnings, Stigma

The literature on mock-jury studies shows victims depicted with a wide range of stigmatised characteristics (for example transgender victims) invariably leads to discriminatory verdicts (Ellingwood et al., 2023). As we shall see discrimination is the end product of the stigma process (Link and Phelan, 2001). The focus of this research is to also identify institutional stigma factors inherent in the English Jury system and UK hate crime laws. Stigma has multiple and serious negative consequences for stigmatised victims of hate crimes and I agree with Perry

(2001) that institutional stigma is the root cause i.e. breeds hate and hostility crimes by doing difference (labelling and treating different groups differently). To see how stigma is used as a source of power by majority groups and organisations to marginalise and control others, we first need an understanding of stigma, types of stigma, the functions of stigma and the stigma process, as outlined now.

Goffman defined stigma as an "attribute that is deeply discrediting" and that reduces the bearer "from a whole and usual person to a tainted, discounted one" (Goffman 1963, p. 3). Goffman identified three general types of stigma:

1. Abominations of the body such as physical deformities (but a transgender body modified surgically and/or via hormones can also be perceived by some as a physically deformed body).
2. Blemishes of character such as dishonesty, mental disorder, (however, homosexuality, or moral failings where the bearer must have some concern for what others think and must internalise the social norms to which they fail to conform can also include transgender people).
3. Tribal stigma pertaining to race, religion or membership of a discredited social group such as LGBT+.

Goffman (1986) also originally claimed that stigma functions "as a means of formal social control" (p139). Tribal stigmas, for example, ethnicity and race are not based on violating social norms or deviance but based more on exploitation and domination (Phelan, Link and Dovidio, 2008). Stigma refers to the socio-cultural processes by which members of marginalised groups are labelled by others as different, deviant or shameful and consequently devalued (Link and Phelan, 2001). Thus, stigma is not in the individual bearing the mark, but rather intrinsic in the stigmatising cultures and communities and public and private institutions in which these individuals work, socialise and reside (Michaels et al., 2012). For example, disabled people may be restricted in their ability to work, not so much due to their inherent mental or physical limitations but because they are exposed to what Hahn (1983) referred to as a disabling environment,

created by the barriers to employment that reside in the social architecture constructed by majority groups (Fine and Asch, 1988).

Research regarding the causes of stigma has considered the role of legislation and institutional practices in maintaining stigma by excluding stigmatised individuals from social networks, neighbourhoods, job opportunities. Here, stigma can be seen as both cause and effect: it 'justifies' exclusion of devalued others and through such exclusion, reinforces devalued stereotypes and reproduces social inequality through the maintenance of group hierarchies (Clair, 2018). Stigma power is the resource used to achieve the specific functions of stigma as we now discuss.

1.6.1 The functions of stigma

According to Phelan, Link and Dovidio (2008) stigma is used by groups with power to exploit and dominate *inferior* groups with differences to conform to social norms, by keeping them down, in or out and away to avoid physical or ideological contagion. Stigma power is the resource that allows them to exploit and control others to obtain such goals and as such Bogardus' social distance measure, (1938) probes the desire to keep out-group members out and away and considered a proxy measure of stigma. Link and Phelan's (2001) development of the concept of 'stigma power', draws on Pierre Bourdieu's account of 'symbolic violence' to explain how stigma is exercised "to keep people down, in and away" (Link and Phelan 2014, p. 30). This concept focuses more on the meso and macro socio-cultural structures and social, economic or political power (Bonnington and Rose, 2014). Bourdieu (1990) also found that stigma power is more often deployed when it can be hidden or misrecognised, when it is also more effective.

According to Perry (2001), stigmatising differences can motivate hate crimes at both individual and institutional levels and are the cause of hate crimes. People in power and powerful (dominant) groups have structured society and institutions to protect dominating social norms and/or to generate fear of difference and exclude and marginalise difference (Perry, 2001). The emphasis on institutional stigma and with the ways in which "stigma feeds upon, strengthens and reproduces existing inequalities of class, race, gender and

sexuality” has emerged largely out of grassroot initiatives and activism to combat specific types of stigma (Parker and Aggleton, 2003, p.13).

Although stigma research has recently started to critically engage with questions of stigma power, it is essential to understand that stigma power refers to the political motives of institutions (Tyler, 2018), where stigma functions as a form of governance, legitimising the reproduction and entrenchment of social inequalities and injustices (Tyler, 2013). Stigma power requires social, economic and/or political power and unfolds as a process culminating in discrimination (Link and Phelan, 2001). Stigma power is largely in the hands of the government who have the political power to maintain or address the institutional stigma in the jury system and hate crime laws and social power in the hands of majorities in juries or violent hate-oriented gangs. Political, economic and/or social power is essential for the stigma process to culminate in discrimination.

1.6.2 The stigma process

Research suggests social structures, policies and institutions can produce stigma via what Link and Phelan (2001) termed the *stigma process*; the co-occurrence of its four components in the presence of social, economic and/or political power, where power is essential in producing stigma and the unfolding of the stigma process;

1. Labelling human differences
2. Stereotyping i.e. devaluing differences
3. Separation, us from them, social distancing and othering
4. Status loss and discrimination

Government laws and policies that differentially target members of stigmatised groups constitute institutional stigma (Corrigan, Markowitz and Watson, 2004). For example, some laws deny sexual minority individuals, access to the same opportunities afforded to heterosexuals (for example marriage and adoption rights) thus serving to mark members of this group as less-than-equal (Eskridge and Spedale, 2006). By incorporating the role of power and discrimination in their definition of stigma, Link and Phelan (2001) enabled sociologists to

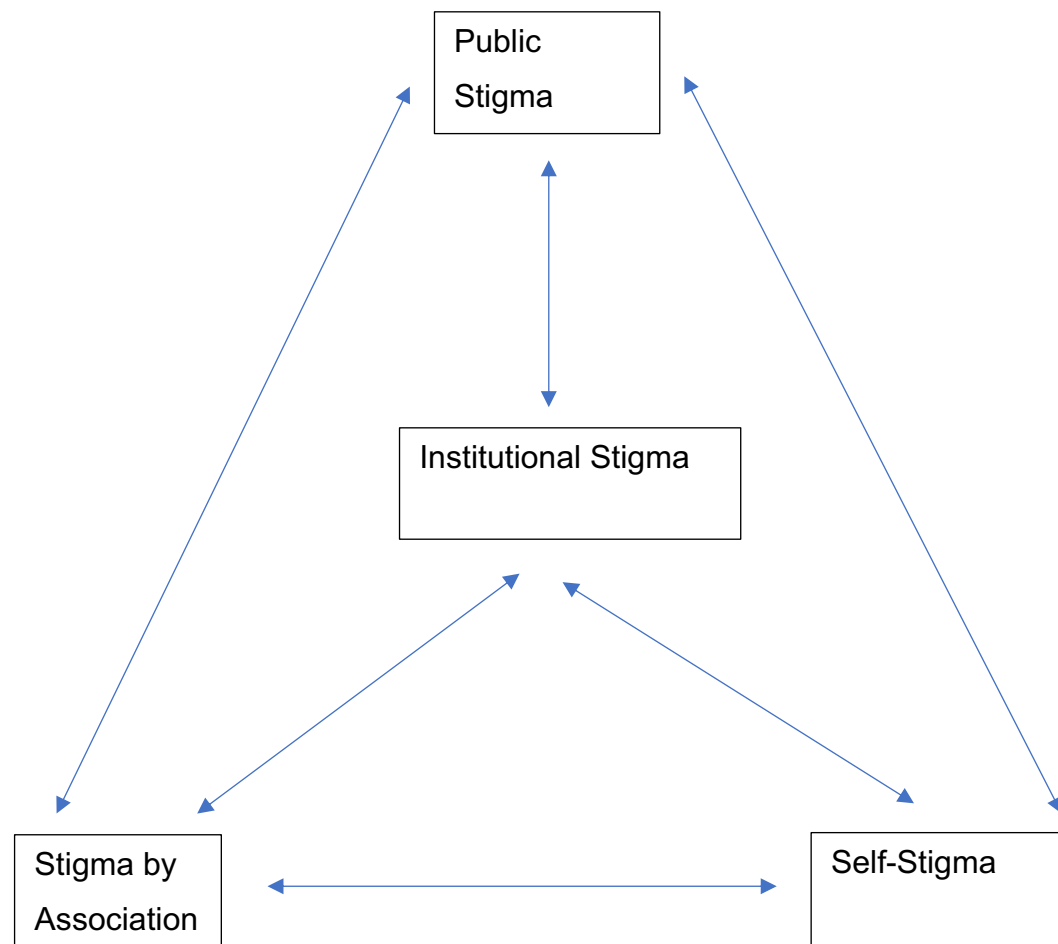
consider how stigma relates to the social creation, reproduction and consequences of social inequalities (Clair, 2018).

As discussed, stigma is posited as the cause of hate crimes, so hate crime victims initially suffer as a result of a perpetrator's stigma. These victims may also then suffer the injustice of an unfair trial due to the institutional stigma inherent in hate crime laws, the jury system and the public stigma inherent in jurors, discussed subsequently. First, I explain how institutional stigma can generate all the other types of stigma.

1.6.3 Institutional stigma as the cause of all other types of stigma

According to Pryor and Reeder (2011), stigmatisation happens on societal, interpersonal and individual levels, where at least four types of stigma are dynamically interrelated. Public stigma is considered to be at the core and represents people's social reactions to individuals or groups they perceive as having stigmatised marks. However, given that stigma is created via the unjust laws and practices of powerful institutions in which the public are employed and as such represents the original source of stigma, I would contend that institutional stigma generates and exacerbates public stigma and in turn all other types of stigmas and should be at the core of this model as depicted in Figure 1.1.

Figure 1.1 Inter-relationship between Institutional stigma and other types of stigma (adapted from Pryor and Reeder, 2011)



The extent to which transgender people are exposed to stigma or gender-based hate crimes is believed to be a consequence of stigma at an institutional level (Hatzenbuehler and Pachankis, 2016). Hatzenbuehler et al., (2009) coded fifty US states according to the levels of sexual orientation hate crime and employment protection laws. When they linked this to the psychological consequences of internalising stigma, sexual orientation disparities in psychiatric illnesses were significantly greater in states that lacked protection laws compared to states with protection laws. This also illustrates the necessity for hate crime laws and employment protection laws to be extended to other minority characteristics (disability, sexual orientation and transgender) to reduce the levels of such hate crimes and their psychological harms. Hatzenbuehler and Keyes (2009) reported similar findings for suicide rates, a 37% increase in mood disorders, 42% increase in alcohol disorders and 248% increase in anxiety disorders, in states banning same-sex marriages.

Reducing institutional stigma has been shown to improve mental health. In 2003 when Massachusetts legalised same-sex marriages, there was a 15% reduction in mental health services being used, 14% reduction in depression, and 18% reduction in hypertension in gay and bisexual men compared to the previous year (Hatzenbuehler et al., 2012). Recognising institutional stigma as being the central generator and inter-related to all other types of stigma, reducing institutional stigma then should start to filter down and help partially reduce at least some if not all other types of stigma. The Jury comprises a structural component of the criminal justice system (CJS) and is comprised of members of the public who themselves can express public stigma due to a number of reasons as we shall now briefly explore.

Jurors represent members of the public randomly selected from the electoral register for jury service as part of the CJS in England and Wales. Public stigma can therefore manifest as institutional stigma in the CJS when jurors or jury decisions are consciously or sub-consciously affected by their personal public stigma attitudes. Discrimination of marginalised people has been shown in experimental mock-jury simulations (Bodenhausen and Lichtenstein, 1987) and in studies of legal archived records (Nickerson, Mayo and Smith, 1986). Jurors may harbour various public stigmatising attitudes and are given the sole power to decide the verdict. In numerous real court cases, juries have exercised their stigma power and discriminated defendants and victims based on their stigmatising attitudes, for example toward race and gender (Baldus et al., 2001).

The policies of private and public institutions of power can intentionally or unintentionally restrict the rights of marginalised groups, which can result in intended or unintended discrimination and exacerbate social inequalities (Campbell and Deacon, 2006; Corrigan and Lam, 2007; Corrigan, Markowitz and Watson, 2004). Jurors, are often given anonymity, referred to by juror number rather than by name, and deliberate their verdict in secrecy. Anonymity has also been shown to increase prejudice (Carnevale and Probst, 1997; Schumann, et al., 2017). Anonymity can also be an important enhancer in prejudice-based aggression (Donnerstein and Donnerstein 1976; Lee, 2006). According to Bourdieu (1987; 1990) power is often most effectively deployed

when it is hidden or misrecognised and a not guilty verdict because of public stigma towards a transgender victim by a juror could easily be disguised by such jurors especially when they are not required to provide any reason for their verdict.

1.6.4 Transgender stigma and transphobia within the LGBT+ and feminist communities

Transgender people are subject to frequent and high levels of anti-transgender prejudice and social stigma referred to as transprejudice or transphobia (Norton and Herek, 2013). Transgender people have a range of sexualities, (for example, heterosexual, LGB or pan-sexual and frequently date within the LGB community) and have other intersecting identities (APA, 2022). Some Transgender people identify as; trans men, some as trans women, others as non-binary, gender-queer, gender fluid, gender non-conforming, agender, bigender or other identities that reflect their personal identity. Some take hormones or have surgery to transition, while others may change their pronouns and/or cross-dress (APA, 2022) and therefore given the transgender community is an extremely heterogeneous population there are likely to be biases even amongst different transgender sub-groups.

Furthermore, while the gay rights movements have made significant advances in the past, the most vulnerable transgender members of the LGBT+ community, have struggled for basic rights (Peace Council, 2014). Transgender people, working class and people of colour, are still overlooked by the largely White, middle class, cisgender LGB movement. The Stonewall Riots are often invoked by White gay people as a turning point for their cultural revolution, when it was in fact led by transgender women and drag queens of colour, many of whom feel pushed out, shamed and forgotten (Stonewall, 2019).

As LGBT+ communities have developed, the forces of power and privilege, have resulted in some sexual and gender minorities experiencing isolation and discrimination within their LGBT+ communities (Balsam et al., 2011; Giwa and Greensmith, 2012; Parmenter et al., 2021). Most LGBT+ communities are still centred around young, White, upper-middle-class, cisgender gay men and lesbian women (Barrett and Pollack, 2005; Goltz, 2014). Individuals who fall

outside this narrow sub-group often feel excluded and marginalised, especially; transgender, gender queer, or gender non-conforming people (Nagoshi and Brzuzy, 2010). Many who identify as non-binary also experience invisibility and non-representation of their sexual and gender identities (Farmer and Byrd, 2015; Ghabrial and Ross, 2018). LGBT+ people of colour also frequently report experiences of discrimination, alienation and oppression within LGBT+ communities (Balsam et al., 2011; Ghabrial, 2019; Giwa and Greensmith, 2012).

Transphobia directed at transgender women can also originate from lesbian feminists (Bradley, 2020) a small group claiming that; lesbian only spaces are disappearing; that transgender women are not real women because they believe a woman's identity is biologically based; that transgender women will invade women's spaces to victimise them and men will misleadingly dress up as women and pose threats of sexual violence in women's toilets (Worthen, 2022). The anti-transgender feminist movement now incorporates radical feminist activists, liberal feminists and social conservatives and brands itself as 'gender critical feminists' (Amery, 2024). Public attitudes towards trans people stem largely from media portrayals of trans people predominantly as a threat to gender norms, gender identities and for marginalised groups including women and other LGBT+ people, a threat to their own in-group resources and desires for assimilating into mainstream society (Armitage, 2020).

Even though transgender people had been involved with the modern gay-rights movement since its inception, it wasn't until the 1990's that they were included under the umbrella of LGBT+ (Stone, 2009). Some homosexual activists have remained openly displeased with this expansion of the social movement to include gender identity, believing it will hinder their chances of achieving equality (Weiss, 2003). The main arguments of some gender critical feminists are that male-to-female transgender individuals bring a masculinity into what it means to be female and these 'males' are seen as trying to invade female spaces and lives to dominate them and questioning whether transgender females are real women (Bradley, 2020).

Given that transgender persons are devalued and viewed negatively by some LGB persons, they may be judged more harshly than heterosexuals, according to the 'black sheep effect' (Biernat et al., 1999). People tend to derogate an in-group member considered as having negative traits even more negatively than an out-group member who has the same traits (Castano et al, 2002). By derogating an in-group member, individuals disassociate that person from their in-group so as to maintain a positive social identity (Marques and Paez, 1994). This could partially explain LGB stigma towards transgender people.

Therefore, an LGBT+ juror could also express transphobic bias towards a particular transgender victim of a transphobic hate crime. For this reason, this research also uniquely explored the influence of a gay juror and gay jury foreperson's pro-victim and pro-defendant (anti-transgender) opinions on participant decisions. This also enhances the verisimilitude of this mock-juror research, as during deliberations in actual trials, jurors would be exposed to other jurors' (biased) opinions. Being the targets of such public stigma from both within the LGBT+ community and the outside community, transgender people internalise this and become victims of self-stigma.

1.6.5 Public stigma

Public stigma is when a large section of the general public agrees with the negative stereotypes associated with a particular group (Corrigan and Shapiro, 2010). Mattson (2018) revealed that the public stereotypes of LGBT+ in the US was that they are deceptive, dangerous and treacherous. Furthermore, one of the most damaging and common myths regarding transgender people is that they are often considered as mentally ill (Exposure, 2019). Historically, medical textbooks had listed transgender as a mental disorder i.e. gender identity disorder (American Psychiatric Association, 2013) in the USA and labelled Gender Incongruence in Europe. As a result, the public may conflate transgender identities with mental illness (Reed, Franks and Scherr, 2015) and the perceived intersectionality with mental disability.

Transgender people experience public stigma in their every-day lives (Hyde et al., 2013; Ringger, 2021), including verbal harassment, discrimination and hate violence (Moran and Sharpe, 2002; Valentine, 2003). At the interpersonal level,

during social interactions stigma manifests as discrimination, prejudice and victimisation (Blondeel et al., 2018; Hatzenbuehler et al., 2013; Testa et al., 2015). Given the highly marginalised and stigmatised perceptions of LGBT+, it is feasible that together with their strongly negative stereotypes, LGBT+ victims maybe more likely to be discriminated in court by members of the public serving as jurors. This may also include possible discrimination by some LGBT+ jurors due to transgender stigma within the LGBT+ and feminist communities and the impact of this on participant decisions is explored in Studies Two and Three via the pro-defendant opinions of gay mock-jurors.

1.6.6 Self-stigma and stigma consequences

Internalised or self-stigma refers to the phenomenon where negative stereotypes are accepted and incorporated into the identity of people who are stigmatised (Corrigan, Watson and Barr, 2006). Self-stigma has pervasive negative effects on many people and can also be a major barrier to recovering from mental illnesses (Yanos et al., 2008). Transgender people are at increased risk of suffering mental health problems partly because some transgender people suffer gender dysphoria, (distress due to the incongruence between their birth assigned gender and their experienced gender, Dutton and Madison, 2021).

Transgender people are also at higher risk of poor mental health due to their increased exposure to stigma compared to their cis-gender and heterosexual counterparts (Hughto et al., 2015; Lefevor et al., 2019; Testa et al., 2015). Furthermore, gender dysphoria (GD) is a condition characterised by a persisting incongruence between one's experienced and expressed gender and one's birth assigned gender (Coleman et al., 2022). GD is itself associated with behavioural and emotional problems and a prevalence of psychiatric symptoms, including internalising stigma, depression, high rates of suicide and thoughts of self-harm (Marconi et al., 2023).

Norton and Herek (2013) found that the negative attitudes towards transgender individuals were significantly more unfavourable than those towards LGB individuals. Furthermore, many transgender people also identify as homosexual (Kuper, Nussbaum and Mustanski, 2012) and even many that do not are often

misidentified as homosexuals (van Anders, 2015). Given this, transgender people are frequently subject to the double stigma and poly-victimisation of their transgender and sexual identities as well as other intersectional identities (for example transgender people of colour).

The prejudicial and discriminatory experiences of transgender people have been shown to be linked to negative outcomes such as; sadness and anger (Nadal, Skolnik and Wong, 2012); feelings of social rejection (Winter, Sasot and King, 2007); lack of access to health care and substance misuse (Grant et al., 2010); hate crime victimisation (Lombardi et al., 2002); mental illness (Hughto et al., 2015; Lefevor et al., 2019; Testa et al., 2015); suicide (Clements-Nolle, Marx and Katz, 2006); withdrawal of family support and rejection (Government report, 2018) and excessive homelessness (Albert Kennedy Trust, 2018).

1.6.7 Anticipatory stigma

As part of the two-year, Leicester Hate crime project Chakraborti et al., (2014) conducted hostility surveys and interviews amongst different groups of people who had been targeted because of their identity. Their study showed that 93% of the LGBT+ participants were concerned about being harassed in the future compared to only 67% of racial minority participants. Meyer's (2007), explained that transgender people learn to anticipate negative responses from cisgender members of the public and consequentially maintain a heightened sense of vigilance, on high alert for reactions and/or disclosures that might potentially discredit their gender performance (Nadal et al., 2014).

Despite the advent of hate crime protection laws and increased relationship recognition rights, many LGBT+ people in the UK, still anticipate violence or harm because of their sexuality or gender (Maine, 2022) and therefore adopt a range of stigma management strategies.

1.6.8 Stigma management strategies

Research has shown that hiding a stigmatised identity can itself result in negative affect, anxiety and depression (Frale et al., 1998) as well as an increased risk of physical illness (Cole et al., 1996) and mental illness (Meyer, 2003). At the individual level, stigma can induce maladaptive behavioural

strategies, such as concealment of their transgender identity (Zimman, 2009) and social isolation (Bockting et al., 2013), as well as internalising transphobia and negative expectations for future events (Testa et al., 2015). To offset anticipatory stigma transgender people often resort to various disclosure and concealment strategies, including “passing” as cisgender or “covering” i.e. censoring clues to conceal their transgender identity. Concealment strategies can be highly stressful and often also inhibit forming connections with other transgender people (Nealy, 2014). The governments UK-wide LGBT survey (2017), had 108,000 responses, showing 70% of LGBT+ people and 76% of non-binary people had avoided being open about their sexual orientation for fear of a negative reaction.

This may also explain why minorities exempt themselves from jury service significantly more than majority group members (Lever, 2017), partially due to self-stigma, partially anticipatory stigma and/or high levels of public and institutional stigma. Furthermore, I also argue that the public stigma inherent in jurors, manifests as institutional stigma in jury settings, due to the failures of the criminal justice system to safeguard against juror bias. This may also partially explain high attrition rates from jury service, under-reporting of hate crimes and unfair trials.

Jurors are required to be unbiased in their jury duty (Daly and Pattenden, 2005). Accountability however is problematic in jury trials as unlike judges, jurors are not required to provide any reasons (*ratio decidendi*) for their verdicts (Taylor and Denyer, 2014). In *Attorney General v Scotcher*, after the trial a juror expressed concerns that other jurors had been prejudiced against the defendants and changed their vote late on simply because they wanted to go home early. In *R v Qureshi*, (EWCA, 2011), a juror reported after the trial that other jurors had made racist comments during the jury deliberations, fallen asleep during the trial and were bullying other jurors in the jury room.

The composition of juries conveys a powerful political message regarding legitimacy. The public consider trials as less trustworthy and less fair, when verdicts are delivered by more homogenous juries (Ellis and Diamond 2003; 2005). Levine (1983) pointed out that a low conviction rate in rape cases

correlated with the number of male jurors and did not improve until more women began serving on juries (Vidmar and Hans, 2007). There is also very strong evidence of discriminatory verdicts based on archival studies and mock-jury research producing similar verdicts to 'real' jurors (chapter three, literature search). In keeping with a solution-focussed approach and having discussed the problem of public stigma and stigmatising jurors, I now discuss the most effective solution to reduce stigma, inter-group contact.

1.7 Inter-group contact

In social psychological research, inter-group contact (Allport, 1954) has received the most empirical support as a stigma-reduction intervention. Promoting positive interactions between members of different groups is one of the most effective ways to reduce prejudice (Allport, 1954; Pettigrew and Tropp, 2006). The plethora of research has shown that cooperative inter-group contact can reduce stigma towards a wide range of marginalised groups, including race/ethnicity, religion, age, sexual orientation, gender and physical and disability (Cotten-Huston and Waite, 1999; Lemmer and Wagner, 2015; Marinucci et al., 2021; 2011; Smith et al., 2009; Walch et al., 2012).

Inter-group-contact has been shown to lower prejudice by making commonalities with out-group members salient and reducing inter-group anxiety and threat (Stephan and Stephan, 1985); by reducing uncertainty (Blascovich et al., 2001); by reducing negative stereotypes and increasing trust (Lee et al., 2014) and by enhancing knowledge about the outgroup and increasing empathy and perspective taking (Pettigrew and Tropp, 2008; Swart et al., 2011; Vescio et al., 2003). This research explored the wider impact of inter-group contact not just on participant stigma levels but also any impact on participant evaluations of victim blame, perceived victim suffering and support for transgender hate crime laws.

West, Hotchin and Wood (2017) showed contact with transgender people was also associated with decreased transphobia and to increased support for transgender civil rights. Through the use of two unique national surveys, Tadlock et al., (2017) showed the positive influence of contact with transgender

people on attitudes about transgender people and about transgender rights (Acker, 2017).

Despite these positive and encouraging findings, to date, very little research has examined whether contact with transgender individuals can reduce the high levels of stigma directed toward transgender people (Paluck et al., 2021). However, this experimental procedure is limited as many people lack outgroup experience or contact with the transgender community and these people are more likely to benefit from secondary transfer effects and imagined contact to reduce their prejudices.

1.7.1 Secondary transfer effects (STE)

Pettigrew (1998, 2009) described STE as the generalisation of positive attitudes transferred to additional, or equally stigmatised outgroups not necessarily involved in the original contact encounter. Norton and Herek, (2013) reported higher ratings of transgender people on a feeling thermometer by subjects who reported past contact with gay men and lesbians, providing evidence for secondary transfer effects between sexual and gender minorities (N=2281). Norton and Herek (2013) reasoned that since gay men, lesbians and transgender people are stigmatised for a common reason, violating male/female gender norms, (albeit heterosexual/gender norms) increasing contact with gay men and lesbians will transfer into less prejudice towards transgender people.

The effect of contact with homosexuals has been found to transfer to lower stigma towards transgender people (Flores, 2015; Hoffarth and Hodson; 2018; Tadlock et al., 2017). Incorporating the strategy of STE in this research allowed for the findings to be generalised to lesbians and gay men via direct contact and indirectly to bisexuals i.e. be LGBT+ inclusive. Tee and Hegarty (2006) conducted a study in the UK with 151 undergraduate students showing prior contact with gay men and lesbians was a significant predictor of support for transgender civil rights, via secondary transfer effects. They found most opposition towards transgender civil rights from those with least or no previous contact with gender minorities. However, this experimental procedure is somewhat limited in that opportunities for contact with transgender people are

not practically and readily available (Phinney, Ferguson and Tate, 1997) but where imagined contact has proven an effective solution.

1.7.2 Imagined contact

One of the most significant recent advances in the field of inter-group contact is the finding that indirectly imagining inter-group contact can have some of the same benefits of actual contact. Studies have increasingly shown that imagined contact: reduces inter-group bias and improves both explicit and implicit outgroup attitudes (Miles and Crisp, 2014; Turner et al., 2007; Turner and Crisp, 2010); promotes the projection of positive traits onto the outgroup (Stathi and Crisp, 2008); reduces stereotype threat (Abrams et al., 2008); reduces inter-group disgust (Hodson et al., 2015) and improves the perception of dehumanised groups (Brambilla et al., 2012). Imagined contact has also proved effective in severe forms of discrimination (Vezzali et al., 2020), in conflicts (Bagci et al., 2019), highly-prejudiced contexts (West et al., 2015) and having longitudinal effects (Vezzali et al., 2020).

Furthermore, these effects also generalise from an individual outgroup member to the whole outgroup (Stathi, Crisp and Hogg, 2011) and benefit people with higher levels of prejudice most (Lau et al., 2014; Lee and Cunningham, 2014; West et al., 2017). The two meta-analyses by Pettigrew and Tropp (2006; 2013) showed such effects generalised to the whole outgroup, other scenarios, other outgroups, universally across nations, genders and age groups. Their meta-analysis of 515 studies was based on 250,000+ participants, revealing that 94% of these studies reported a negative correlation between contact and prejudice ($r = .22$) and under Allport's optimal conditions the strength of this relationship increased to $r = -.29$).

The more recent meta-analysis by Paluck et al., (2021) also confirmed a reliable overall effect size of $d = 0.22$ for face-to-face contact on reducing LGBT+ prejudice, which was more than twice the effect size for racial prejudice, ($d = 0.10$). Moreover, imagined contact has the advantages of being both an inexpensive and practical means of reducing inter-group anxiety and prejudice and especially useful where direct contact is difficult or maybe unethical to set-up (Turner et al., 2007).

Imagined contact encourages individuals to mentally simulate a positive interaction with a specific outgroup member, which can evoke the same emotional, cognitive and behavioural effects experienced in real inter-group interactions (Al Ramiah and Hewstone, 2013; Hewstone and Swart, 2011). The meta-analysis of imagined contact studies by Miles and Crisp (2014) showed statistical support for both prejudice reduction and increasing intentions to behave positively towards the specified outgroups. Finally, I briefly explain two other types of inter-group contact, namely vicarious and para-social contact, due to their relevance in this research.

1.7.3 Vicarious and para-social contact

Vicarious contact is based on observing ingroup-outgroup relations (Mares and Pan, 2013; Mutz and Goldman, 2010) whilst para-social contact involves observing out-groups interacting. Several studies have operationalised vicarious contact by asking participants to read ad hoc created stories involving positive inter-group interactions (Greenwood et al., 2016; Liebkind et al., 2014). Reading such stories were also effective even when not discussed collectively (Vezzali et al., 2012; 2015). Extant research shows para-social contact involving positive outgroup interactions in media portrayals also reduces outgroup prejudice (Lissitsa and Kushnirovich, 2020; Sink and Mastro, 2017; Tukachinsky, Mastro and Yarchi, 2015; Wojcieszak and Azrout, 2016).

Kim and Harwood (2019) showed media portrayals (fictional portrayals in text) of intergroup contact triggered spontaneous imagined contact in participants with the portrayed outgroups, and even an increased desire for intergroup contact. Considering the global reach of mass media, such mediated contact has practical benefit as people often observe intergroup contact in the media in their daily lives, whereas explicit triggers to imagined intergroup contact are rare as are actual intergroup contact with highly marginalised groups such as transgender people. In vicarious contact, ingroup members observe other ingroup members engaging in intergroup contact, and can develop cognitive models from these second-hand experiences, understand contact can also be positive and imagine the possibility of engaging in positive contact themselves, (Kim and Harwood, 2019). Furthermore, just as real social interactions between members of different groups influence intergroup relations, para-social contact

can also trigger re/appraisals of outgroups, and therein positively boost intergroup relationships (Schiappa et al., 2005).

In a jury of twelve, both vicarious and para-social interactions are likely to be frequently experienced by other co-jurors during deliberations as well as positive and negative interactions. Hence this research contributes to the methodology of researching inter-group contact processes and effects via a methodological approach that naturally operationalises both positive and negative, vicarious and para-social contact in mock-juror research with additional ethical, prejudice reduction advantages for participants. Studies Two and Three in this research operationalised positive and negative vicarious contact by asking participants to read the ad hoc opinions of a male or female pro-victim or pro-defendant mock-juror regarding the outgroup transgender victim. Positive and negative para-social contact was operationalised by asking participants to read the ad hoc opinions of a gay male / lesbian pro-victim or pro-defendant mock-juror regarding the outgroup transgender victim.

Why imagined contact maybe an ideal intervention for mock-juror studies

For optimal effects, Allport (1954) suggested that inter-group encounters should ideally be social settings characterised by;

- (a) equal status (in a jury environment, all jurors have equal status or rights in terms of just one vote).
- (b) cooperation and positive encounters (jurors are required to co-operate with other jurors to deliberate together and to try and reach a verdict).
- (c) support from social and institutional authorities (the criminal justice system supports equal opportunities and representation of minority groups to engage in jury service and anonymity and support can be expected from other co-jurors) and
- (d) a common goal (in jury settings there is a common goal to reach a fair and unbiased verdict based on the facts and evidence).

This research also endeavoured to show that as a methodological approach, jury decision-making paradigms, are ideally suited to studying inter-group contact effects. To date providing visual, audio or written information about stigmatised members has yielded mixed inter-group contact results, (Bezrukova et al., 2016; Deese and Dawson, 2013; Hodson et al., 2013; Walters and Rehman, 2013). However, Vescio et al., (2003), showed that inter-group contact promotes empathy and perspective taking towards out-group members, mediating prejudice reduction.

Perspective taking interventions aim to reduce prejudice by encouraging people to imagine the world from the vantage point of a stigmatised group (Galinsky and Moskowitz, 2000). In a recent field experiment in which canvassers went door-to-door encouraging voters to actively take the perspective of people who are transgender, Broockman and Kalla, (2016) showed this was associated with reduced transphobia for three months. This research explored whether mock-jurors show significantly reduced stigma towards transgender people in LGBT+ mock-jury groups compared to non-LGBT+ mock-jury groups. Furthermore, these inter-group contact strategies also explain the basis of how such LGBT+ groups were simulated.

1.8 Summary

Chapter one introduced and briefly explained the main aims and research questions of this thesis and set-out the basic structure of the thesis. The key definitions and their associated problems were then described for example the legal definitions of LGBT+ and hate crimes exclude certain sub-groups and exacerbate the problem of hate crimes being under-reported. Hate crimes (hostility towards specific stigmatised characteristics) are the products of institutional stigma (Perry, 2001) which create and exacerbate the other types of stigma mentioned. The severe negative consequences of stigma for the LGBT+ community and particularly the transgender sub-community were explained next. Finally, the most effective stigma reduction solution was presented, arguing that inter-group contact opportunities in LGBT+ diverse juries could significantly reduce juror stigma. The overarching aim of this research is to explore whether participant stigma towards a transgender victim of hate crime is different in LGBT+ diverse mock-jury groups compared to non-LGBT+ mock-

jury groups due to the prejudice reduction effects of inter-group contact. Given this research involves mock-jury research into hate crimes and hate crime laws, Chapter two reviews the literature concerning the relevant legal problems inherent in the English jury system and hate crime laws via the critical lens of institutional stigma.

Chapter 2 A review of the English jury system and hate crime laws via the lens of institutional stigma

2.1 Introduction

The first half of this chapter reviews and critiques the literature evidencing institutional stigma inherent within the English jury system. The jury system is founded on the right to a fair trial by their peers and is based on protecting defendant rights rather than emphasis on protecting victim's rights. How the continuing out-dated tradition in the UK of selecting jurors from a single list (the electoral register) results in juries lacking diversity and minority representatives is then explained. A brief description of the international models of jury selection are provided to show how juries can be selected to be more inclusive. We see how the proposal to extend aggravated offences to additional characteristics and to reduce jury sizes is also likely to increase juror bias and the need for more heterogenous juries.

The importance of the jury foreperson is also presented in terms of them having more influence on other jurors' verdicts, yet LGBT+ jurors are rarely selected as jury forepersons due to the institutional stigma traditions and protocols (Derbyshire et al., 2001). The need for more research exploring the advantages of diverse juries is emphasised. The second half of this chapter examines evidence of institutional stigma inherent in UK hate crime laws and the disparity created by the two-tier system. Finally, evidence of the extra harm caused by hate crimes is detailed to justify sentence enhancement laws and the higher *sentence maxima* of aggravated offences, and the need for jurors and judges to be made aware of the extra harm to engender more support for hate crime laws.

2.2 Institutional stigma within The English Jury System

According to the Oaths Act, 1978, jurors are also required to affirm or be sworn in using words to the effect; I swear by almighty god / affirm, that I will faithfully try the defendant and give a true verdict according to the evidence presented in court (Gillespie, 2013). However, the past 67 years of jury research has consistently shown that mock-juror attitudes towards victim (and defendant)

characteristics, for example a victim's race, religion, disability, sexuality and/or gender, can bias juror verdicts.

The Runciman Commission (1993) proposed juries include at least three members from the same ethnicity as the defendant and victim in racially sensitive cases to counteract any bias. However, this proposal has continued to be ignored by governments and if and when such measures are embraced, they are likely to be initially for racially and religiously aggravated hate crimes and therein create further disparities. The Runciman argument can be applied to other victim identities (for example a transgender victim may believe an all-cisgender and/or an all-heterosexual jury is less likely to give them a fair trial as this research tested compared to a jury of their peers). To provide fair protection, (let alone the extra protection hate crime laws may claim to provide) in hate crime cases, a jury should include at least a couple of members from the same protected characteristics as the victim (and defendant) given the advantages of diverse juries shown in research studies.

Several studies have highlighted the importance and advantages of diverse juries. Ellis and Diamond (2003) studied 320 jury-eligible members of the public, and found that in the racially diverse juries, mock-jurors; delivered more accurate decisions; made fewer inaccurate statements during deliberations; spent more time deliberating; discussed a wider range of facts and perspectives; rated the homogeneous jury as less fair when the verdict was guilty; corrected each other's factual inaccuracies more often and outperformed all-White juries on all deliberation measures. Although the advantages observed in these studies were based on racially diverse juries, we can generally expect jury decisions to be fairer in diverse juries compared to homogenous juries as these effects occurred even when the Black jurors were not active in deliberations (Sommers and Adeganmbi, 2008) suggesting inter-group contact effects.

Increased jury diversity has been recommended as a solution to reduce the problem of juror bias (Kang, 2005; Levinson, 2007; Levinson and Young, 2009). The presence of minority group jurors (inter-group contact) has been shown to inhibit majority group members from expressing prejudice, especially where the

defendant shared the same group membership as the minority group jurors (Kerr and Bray, 1982). Cornwell and Hans (2011), also showed that jury diversity bolstered deliberation quality, legitimised jury verdicts in the eyes of the public and even promoted broader civic engagement, (increased voting rates in subsequent public elections). Despite numerous US courts declaring that racially diverse juries are superior to White-only juries (Wilkenfeld, 2004), minorities continue to be systematically under-represented in UK juries (Lever, 2017).

The causal factors are institutional stigma and discrimination (Fukurai, Butler et al., 1993; Lever, 2017; Wilkenfeld, 2004). The UK is one of the few countries that still selects jurors from a single register. Minorities are under-represented on electoral registers (Thomas and Balmer, 2007), therefore randomly selecting jurors from this single list leads to juries that are un-representative of their local community (Lever, 2017).

The Crown Court study by Zander and Henderson (1993) included responses from over 8,300 jurors from every Crown Court in England and Wales. There were virtually no jurors over the age of 65, despite accounting for 20% of the population and only 2% of the jurors had been unemployed for over 2-years. In 65% of the juries there were no, non-White jurors and the defence had expressed concerns about the lack of racial mix of the jury when the defendant was Black. Thomas and Balmer (2007) carried out an inspection of 20 Crown Courts in England and Wales, in which inspectors reported observing all-White juries or jury pools in some areas where the ethnic mix of the local area would be expected to produce a significantly greater representation of minority groups.

The largest UK study on representation within juries was undertaken and reviewed by Thomas (2017) and found the most significant factors predicting whether a summoned juror would serve on a jury were income and employment status. The employed were again noted to be over-represented among serving jurors and the retired and unemployed were under-represented. Given transgender people are more than three times more likely to be unemployed compared to their cisgender counterparts in England and Wales (People management, 2018), we can infer transgender people were also under-

represented. Furthermore, transgender people are also around 14 times more likely to be homeless (Albert Kennedy Trust, 2018) so again we would expect transgender people to be significantly under-represented in UK juries.

The Equality Act (2010) gave transgender people legal protection for the first time against discrimination in the UK. Yet, the continued practice of sending out jury summons based solely on the electoral register discriminates transgender people, since it would be reasonable to assume that they are less likely to be on the electoral register due to significantly higher rates of homelessness, unemployment and mobility. A survey by Stonewall (2018) of 871 transgender and non-binary people, reported homelessness figures to be as high as 25% amongst transgender people in the UK, which would make it difficult for a quarter of this group to receive any summons for jury service or be on electoral registers.

Inter-group contact theory (Allport, 1954) would predict that both gender and sexually diverse juries are likely to lead to less biased and therein fairer jury decisions in LGBT+ hate crimes cases. The UK would benefit from adopting the more modern international model for juror selection based on multiple lists. Critics have been arguing the Juries Act (1974) be amended so that the electoral roll is merged with other lists such as Driver and Vehicle Licensing lists, the Department of Social Security and/or mobile phone subscriber lists (Darbyshire et al, 2001).

There have been several legal challenges to the lack of ethnic mix on juries, and recommendations to government to alter both the jury summoning and empanelling processes to achieve greater ethnic representation (Thomas, 2017). Almost half a century ago in the US, Kairys, et al., (1977) showed minorities were under-represented on juries due to selection from a single list (voters list). The Uniform Jury Selection and Service Act (1968) adopted in the majority of US states, even made the use of multiple lists mandatory (Rottman et al., 2000).

This research argues that there is very little value in having or extending hate crime laws to additional characteristics when UK jury selection procedures fail to provide fair and representative juries for victims based on these protected

characteristics, by exploring the advantages of LGBT+ diverse mock-juries. Legal challenges to the lack of gender, disability, religious and sexual mix of juries is required to achieve greater representation and to ensure parity with ethnic mix, particularly given common intersecting characteristics. This is more important than ever now, in the light of the LC's (2020) proposal to extend hate crime laws to additional characteristics.

We now turn to the other main reason why minorities are under-represented on juries, the significantly higher jury service attrition rates amongst minority groups. The Jury Central Summoning Bureau, (JCSB) is responsible for issuing and processing summonses for jury service for all courts in England and Wales. The 350,000 or so people the JCSB calls each year are supposedly randomly selected from the electoral register, although some people are never summoned, while others are summoned repeatedly. Almost a third of the people are excused from jury service and the JCSB (2020) acknowledged they need to start keeping statistics on those being excused, to explore which minority groups show the highest attrition rates.

Darbyshire et al., (2001) conducted research for the Home Office in 1999 showing that 38% of people summoned for jury service were excused and that the excused and exempt were not randomly distributed, but disproportionately included minorities, therein further distorting the representativeness of juries. Due to higher attrition rates affecting minority groups, UK juries are not representative of local communities in terms of race, sexuality and gender (Darbyshire et al, 2001; Scott, 2017).

A transgender person's name on the electoral register may also not match their gender or preferred name and could present a specific barrier to jury service. By the end of 2020, there had been a total of just 5,871 full Gender Recognition Certificates granted since 2005, yet tentative estimates suggest there are an estimated 262,000 transgender people living in the UK (ONS, 2021). Based on these figures, around 98% of transgender people are likely to have their gender assigned at birth and their birth name registered on the electoral register which is used for jury selection. Transgender people may additionally also be concerned about the lack of gender-neutral toilets at courts, discomfort with

public travel, being stigmatised, being outed when referred to by their birth assigned gender or name, or other transgender specific issues. No study has explored gender or sexual-minority under-representations and issues in juries and clearly, an up-to-date study is needed taking into account religious, disability, gender and sexuality representations.

Currently, employed UK jurors can claim up to £64.95 daily to help cover their loss of earnings and the cost of any additional care or childcare, plus £5.71 for food and drink and the cost of travel to and from court (UK Jury service, 2022). The low level of daily compensation to jurors, disadvantages low-income and unemployed citizens' participation (Boatright, 1998) and further harms minority representation. Jury selection ignores the extent, to which race-based patterns of poverty affect these people's ability to pay for, or find, temporary help with care duties, in order to engage in jury service and these arguments would apply for gender, sexuality and disability as well as race (Lever, 2017).

This highlights the need for the government to target interventions to improve the significantly higher attrition rates amongst minority groups to produce more diverse juries and the need for research such as this to explore the benefits of diverse juries that can motivate minority group members to participate in jury service when offered the opportunity. The ultimate cause of homogeneity of White, heterosexual males is rooted in the institutional protocols used to select jury pools (Lever, 2017). The distinct democratic appeal of juries is threatened when jury selection protocols mean some groups are more excluded than others (Lever, 2017). Furthermore, higher attrition rates amongst minorities and selecting jurors from a single register means LGBT+ people are also under-represented as jury forepersons. This is particularly important given the evidence showing jury forepersons tend to have the most influence on other jurors' verdicts, which is now discussed.

2.3 Jury foreperson selection and influence

There is no set protocol for selecting the jury foreperson in the UK, and no equal opportunities policy or fair, consistent selection method. The judge may choose, the jury may choose or a juror may volunteer themselves to be the jury foreperson. This practice has resulted in jury forepersons being predominantly

heterosexual males, another example of institutional stigma putting more power in the hands of dominant, cisgender males. Zander and Henderson (1993) showed the jury foreperson was heterosexual male, in around 80% of trials. Additionally, Derbyshire et al., (2001) showed the jury foreperson is usually selected based on jurors who have completed jury service in the past and most often cisgender males, criteria which further discriminates LGBT+ minorities. Furthermore, their review revealed that men participated more during jury deliberations and were more likely to be selected as the foreperson of the jury as well as more likely to acquit, compared to female jurors.

Finally, recent proposals to reduce jury sizes makes the need for diverse juries even more essential. In 2020, the most senior judge in England and Wales, the Lord Chief Justice, Lord Burnett and the Labour Party supported the idea juries be reduced from twelve to seven jurors to help tackle the growing backlog of crown court trials, exacerbated by the recent pandemic (The Times, 2021). However, mock-jury research on Scottish juries by Chalmers et al., (2014) concluded juror bias is more likely to influence verdicts in smaller juries compared to larger juries, as sufficient jury numbers can counterbalance bias.

Chalmers et al., (2021) conducted more recent mock-jury research to partly examine the impact of reducing the size of Scottish juries from the current fifteen jurors to twelve. They concluded that reducing jury size could lead to more individual jurors switching their position towards the majority view. In fifteen-person juries, jurors were seen as wanting to contribute more, more dominant jurors were observed as well as more minimally contributing jurors. Mock-jurors also delivered lower ratings of their own influence over the final verdict. This was the largest UK study, with 64 mock-juries and 969 mock-jurors.

Saks and Marti (1997) conducted a meta-analysis of the effects of jury size of 17 US studies involving 2,061 juries and around 15,000 jurors. Their meta-analysis indicated that 12-person juries are preferable to smaller juries as smaller juries were less representative of the community, had fewer minority group members and deliberated for a shorter period of time at the expense of

better deliberation. Institutional stigma inherent within the current and proposed hate crime laws, are now critically examined.

2.4 The two-tier system, disparity and institutional stigma

The murder of Stephen Lawrence in 1993 in London and the findings of the ensuing public enquiry into institutional racism (MacPherson Report, 1999) were the main historical catalysts in the introduction of UK hate crime legislation to counteract institutional stigma. Hate crime laws intentionally broadcast societal disapproval of bias-motivated crimes whilst also expressing solidarity with certain specified marginalised groups (Mason, 2014).

However, hate crime laws evolved incrementally, leading to disparities with racially aggravated offences being the first to be introduced under tier one of the Crime and Disorder Act 1998 (CDA). This covered only specific offences (assaults, criminal damage, harassment and some public order offences) where these offences were either motivated by racial hatred or demonstrated hostility towards a victim's actual or perceived membership of a racial group.

In 2001, the CDA (1998) was extended to include a person's religious identity under tier one. Aggravated offences prompted the recording and prosecution of hate crimes and introduced overt racial and religious issues for juries to deliberate on. This raised concerns about whether racial and religious minorities should be represented on juries not just in cases where the defendant is a minority member but also where the victim has a minority identity (Thomas and Balmer, 2007). With the LC's (2020) proposal to extend aggravated offences to other protected identities, the need for juries to be more representative of these identities is greater than ever for minority group victims (and defendants).

The Criminal Justice Act 2003 (CJA) required courts to treat the characteristics of sexual orientation and disability as aggravating-factors under a separate tier, requiring judges to increase the sentences if in such base offences the defendant demonstrated hostility towards the victim's sexual orientation or disability (subsequently covered under the Sentencing Act 2020). Finally, in 2012 transgender was also added as a protected characteristic under this second tier of sentence enhancement laws.

However, this two-tier system created disparity, as the *sentence maxima* for base offences is considerably lower than for aggravated offences. This may detract from their effectiveness in deterring hate crimes against disabled, sexual and transgender minorities, making them feel like ‘second class citizens’ (LC, 2020). Furthermore, the enhanced sentencing is subject to the judges’ discretion and within the significantly lower base offence maxima constituting a unique two-tier system or dual model of protection in the UK (Mason-Bish, 2015). Each tier has its own advantages and disadvantages as outlined below.

2.4.1 Advantages and disadvantages of enhanced sentencing laws

Enhanced sentencing is the most common approach to hate crime laws and can be applied more flexibly across a wider range of offences. They are also relatively less costly and time consuming for the aggravation element to be dealt with via sentence enhancement at the sentencing stage by a judge in a magistrate court for offences with six months *sentence maxima* rather than a crown court (LC, 2020). Since 2021, according to section 66 of the new Sentencing Code and in-line with aggravated offences, the targeted characteristic is also now recorded on the Police National Computer and appears on the offender’s criminal record for enhanced sentences.

However, many consultees of the LC (2020) especially LGBT+ and disabled people viewed enhanced sentencing as an inferior model for dealing with hate crimes. These groups argued that enhanced sentencing was often pursued more as an after-thought for the judge, whereas aggravated offences tend to acknowledge from the start for juries, the extra harm caused by hate crimes. Consequently, enhanced sentencing cases are not prepared for as thoroughly by the Police and CPS as their aggravated counterparts (Owusu-Bempah et al., 2019).

Furthermore, the CPS recorded sentence enhancements in only a third of the hate crime convictions in 2015-2016 in England and Wales (Walters et al., 2017). According to the LC (2020) judges seldom use enhanced sentencing especially for LGBT+ cases. Some judges are either unaware of or unwilling to apply the enhanced sentencing provisions under the CJA, 2003 (Walters et al, 2017). Judge and juror briefings on the evidence of the extra harm suffered by

hate crime victims could help reduce such transphobic, homophobic and bi-phobic institutional stigma. This research also explored whether participants agreed with enhanced sentencing laws and its impact on participant verdicts.

The theoretically higher sentences associated with enhanced sentences were also partly established to deter would-be perpetrators (Klumpp and Mialon, 2013) although to-date no evidence has shown any deterrent effects. Furthermore, average sentences tend to be way lower compared to their maxima and with little difference between the average sentences for hate crime base offences and non-hate crime base offences (Sentencing Council bulleting, 2019). Walters et al., (2021) recently investigated the attitudes of 709 LGBT+ people to enhanced sentencing (ES) and restorative justice (RJ) interventions for hate crimes. They found a preference for RJ over ES, as this was perceived to be better for offenders in understanding the offence and reducing reoffending and better for helping and supporting victims to recover and giving them a greater say.

The disparity created by the two-tier system and the complications and disadvantages with the current enhanced sentencing laws for transgender (and sexual orientation and disabled) victims, prompted the LC (2020) to consider extending tier one aggravated offences to all five protected characteristics. However, as we shall see now the criticisms and problems with the current aggravated offences have still not been dealt with and this could disadvantage victims of disability, sexual orientation and transgender hate crimes in several ways including in terms of lower conviction rates (LC, 2020). Therefore, this research also compared conviction rates in the newly proposed aggravated laws with the current sentence enhancement laws for transgender victims of hate crimes.

2.4.2 Advantages and disadvantages of aggravated offences

The higher maximum penalties associated with aggravated offences compared to their base offence, are perceived as having a more powerful symbolic effect and a greater deterrent effect and reflect the additional harm of hate crimes (LC, 2020). The requirement in aggravated offences for the prosecution to provide proof to juries of the defendant demonstrating hostility, may also give the police

and prosecutors greater incentive to gather all the necessary evidence and build the case more squarely around demonstrating hostility towards the victim's identity.

However, aggravated offences are legally more complex and many consultees (LC, 2020) were of the opinion this could confuse jurors when deliberating their verdicts. UK jurors commonly experience problems understanding legal terminology, including judicial instructions (Lynch and Haney, 2000; Thomas, 2010). Judicial guidance is more complicated when it comes to aggravated offences and Police and prosecutors, also expressed their frustration regarding the level of understanding among the judiciary (LC, 2020). Higher levels of complexity can confuse or overwhelm some jurors, leading them to fall back on simple non-legal, heuristics to determine a preferred verdict (Devine et al, 2009). In the case of a not guilty verdict for an aggravated offence, the parallel dual model also overlaps in that jurors can subsequently be asked by the judge to consider a verdict for the corresponding base offence, even if the prosecution never included the base charge on the original charge sheet (LC, 2020).

Moreover, for several offences, aggravated *sentence maxima* are significantly and disproportionately higher than their base equivalents as the LC (2020) acknowledged (for example six-months for common assault compared to two-years for aggravated common assault). In 2018, almost all sentences for aggravated offences fell well within the maxima of their base counterparts (Table 2.1) strongly suggesting such high *sentence maxima* are unnecessary.

Table 2.1 Average custodial sentences for base offences and their corresponding average aggravated offences in months (LC, 2020)

Offence	Base version	Aggravated version
Malicious wounding / grievous bodily harm	Max: 60 23.4	Max: 84 30.3
Actual bodily harm	Max: 60 13.6	Max: 84 14.1
Common assault	Max: 6 2.8	Max: 24 3.7
Criminal damage	Max: 120 6.0	Max: 168 3.1
Fear or provocation of violence	Max: 6 2.4	Max: 24 3.8
Intentional harassment, alarm or distress	Max: 6 2.0	Max: 24 2.9
Stalking	Max: 6 3.0	Max: 24 3.4
Stalking involving fear of violence, serious alarm or distress	Max: 120 16.1	Max: 168 5.3

Aggravated offences not only take much longer to be heard but are also considerably more expensive, as they are only triable in a Crown Court since their *sentence maxima* exceeds the maximum sentencing powers of six-months for magistrate courts. The current record backlogs and delays in Crown Court trials following the COVID-19 pandemic, raise significant issues concerning victim's access to justice and defendants' rights (Burman and Brooks-Hay, 2020). Article six of the European Convention on Human Rights (ECHR), also stipulates the right to a fair hearing within a reasonable time by an independent and impartial jury. Lengthy trial delays due to the current record backlogs, have clear implications for the administration of justice and there is ample evidence that lengthy delays, negatively affect trust and confidence in the CJS (Gillen, 2019).

For many victims, expecting their case to take years to come to trial is also a real disincentive to reporting (Burman and Brooks-Hay, 2020). Fears about what a trial procedure involves after such lengthy delays is also very likely to contribute to the problem of high attrition rates with many victims withdrawing their cases (Burman and Brooks-Hay, 2020). For survivors who report their victimisation and persevere with their cases to trial, the growing delays are likely to have a negative impact as the quality of their evidence and witness testimonies are likely to be less accurate and perceived as less credible (Gillen, 2019).

A range of negative consequences have also been reported by victims as a result of lengthy delays, impacting on their personal, domestic and professional lives, preventing them resuming work or studies; developing mental and physical health problems, including panic attacks, anxiety, confusion, suicidal ideation, depression and trauma (Campbell and Raja, 1999; Gillen, 2019). Because delay has a particular effect on those with pre-existing mental ill health conditions (Gillen, 2019), the implications for those with such conditions are even more serious. Furthermore, long delays threaten victims' mental wellbeing by hindering and postponing psychological therapy and recovery (Gillen, 2019), as victims are required to retain the details of their traumatic events in preparation for court and providing evidence.

I argue that aggravated offences with disproportionately higher sentence maxima of 2-years, firstly be reduced to 1-year. Secondly, Magistrate's sentencing powers be increased from 6-months to 1-year (so these offences can be tried in Magistrate's courts to help reduce Crown court back-logs). The LC (2020) acknowledged the current inequality in legislation would have been a sufficiently strong argument for them to recommend the immediate extension of aggravated offences in 2014. However, given the criticisms of aggravated offences, concerns over wasting resources and poor outcomes for victims, the LC (2012) concluded that a full-scale review take place before any decision to extend aggravated offences.

In 2021, the LC recommended parity of protection for aggravated offences across all five characteristics (without addressing their disadvantages) and that the dual model of aggravated offences and enhanced sentencing, be retained. In respect of enhanced sentencing the LC recognised this as the more common international model, being more flexible and less costly, but seen as less effective by many victims.

However, Garland and Funnell (2016) argued that the proposals to retain the dual model will create a new hierarchy of protected characteristics and therein fail to create the parity they were originally tasked with, especially as the LC failed to address misogynistic hate crimes. There have been calls (Chakraborti and Garland, 2012) for hate crime laws to be expanded to include other characteristics to tackle hatred such as misogyny, ageism, alternative sub-cultures, philosophical thinkers, sex workers and the homeless. This has fuelled the on-going debate over which groups should be afforded extra protection under aggravated hate crime laws.

Currently the identities of transgender, sexual orientation and disability are not considered aggravated hate crime offences similar to race and religion. This is likely to reduce any symbolic deterrent effects of such hate crime laws, whilst making these groups feel like 'second class citizens' (LC, 2020) within a victim hierarchy. These groups may feel that Society considers them as less worthy of equal protection when it comes to such bias-motivated crimes, explicitly expressing solidarity with only certain specified identities.

If and when transgender people receive 'extra' protection under the newly proposed hate crime laws to extend aggravated offences, there will inevitably remain other groups (as mentioned above) who are denied this extra protection, which is likely to be unfair as this violates equal protection laws. Opposition to hate crime laws are partially characterised by a lack of support for protecting certain minority groups, such as disabled and transgender people (Cabeldue et al., 2018) so Study Three also asked participants to select their top-three choice of characteristics for protection under hate crime laws. Johnson and Byers (2003) showed that support for hate crime laws was greatly enhanced when

LGBT+ persons were not among the protected groups due to the stigma towards LGBT+ people.

Notwithstanding the problems with current legislation, there remain other general criticisms of hate crime laws. Jacobs and Potter (1998, p.145) argued that hate crime laws may reinforce social divisions and exacerbate social conflict due to punishing ideas and attitudes in violation of Freedom of speech rights. The concerns around the elevation of hate motives above other criminal motives as more severe and the creation of special victim classes are also echoed by other critics (Schweppe, 2012).

Perceptions of unfairness amongst the public and particularly amongst members of the groups denied extra protection could increase symbolic stigma towards transgender people by; raising visibility; decreasing support for transgender civil rights and/or resulting in additional bias when those denied the extra protection, serve as jurors. Giving transgender people the same protection as race and religion (whilst denying the elderly, women and girls, the homeless and sex workers) could also inflate existing social problems and lead to further marginalisation and exclusion. Iganski (1999) noted that some incidents served as triggers for inter-group violence and retaliation against innocent victims, rather than achieving the intended goal of social cohesion. Piggott (2011) questioned the ability of hate crime legislation to facilitate the safe inclusion of disabled people in current society specifically for these reasons.

Unfortunately, the LC (2021) subsequently dropped their original idea of having a general group (residual category) allowing the inclusion and protection of any victim identity where there was evidence a defendant was motivated by / demonstrated hostility towards the victim's identity. A general residual category could help make hate crimes fairer and more inclusive of vulnerable groups, therein easing such tensions, disparities and institutional stigma to some degree and avoid alienating excluded groups.

Some consultees (LC, 2020) were also strongly of the opinion that both aggravated offences and enhanced sentencing laws are fundamentally unjust as they grant legal privileges to one group and not to another. Many other groups are also likely to feel they deserved this recognition and equal protection

but not granted this even under a residual category. Given many of these individuals are likely to serve as jurors in the future, some people may resent the victims of groups that have been granted the extra protection.

I now address other serious problems with extending aggravated offences to additional characteristics. Firstly, as we shall see this is likely to encourage even more plea and charge bargaining where the sentence discount for an early guilty plea can more than off-set sentence enhancements in the majority of cases.

2.4.3 Plea and charge bargaining problems

Plea bargaining is a 70-year old mechanism to secure early guilty pleas, despite objections that plea bargaining has no place in the English law (Flynn, 2011). In 2004, the Sentencing Guidelines Council issued definitive guidelines requiring judges to grant sentence reductions of up-to 33% less than the post-trial sentence if an early guilty plea (EGP) is entered (Flynn, 2011). Annually, around 70% of guilty pleas are due to plea bargaining (Vogel, 2019), i.e. 70% of defendants receive sentences up-to 33% shorter than if they had not pleaded guilty and subsequently found guilty.

Furthermore, only 67% of custodial sentences are served in prison and the remaining 33% on licence to probation (with recent proposals to increase this to 40% on licence due to prison over-crowding). Given sentence enhancements by judges are often around 20% (Walters et al., 2017), EGP sentence discounts can clearly off-set sentence uplifts, explaining why average aggravated sentences tend be similar to their base offence averages (Table 2.1). Extending aggravated offences to additional identities, will not only exacerbate record high delays and Crown Court backlogs of 60,000+ cases (Cityam, 2021) but are also likely to encourage more plea bargaining.

A guilty plea is most often also negotiated on the grounds that, If the defendant pleads guilty to the lesser charge (for example the base offence), the more serious charge (aggravated offence) will be dropped i.e. charge bargaining. The unduly complex nature of aggravated offences also creates problems for

prosecutors and frequently result in dropping aggravated charges (LC, 2020). The hate crime element is not recorded or punished for base offences, lowering the number of hate crimes 'committed,' the offender is not identified as a hate crime perpetrator and moreover, victims denied justice. In many cases, the aggravated charges are not brought in the first instance as they are deemed too difficult to prosecute (Walters et al, 2017). Ironically, plea bargaining often results in shorter sentences, when enhanced sentencing hate crime laws were made to increase sentences for such defendants due to the extra harm suffered and as a deterrent.

Sentence enhancements should be increased so that they are in excess of sentence discounts for EGP. The vast majority of cases involve EGP, so a typical 21-week sentence, would be increased by 1-month to 25 weeks and 2 days with a 20% sentence uplift. However, with an EGP this sentence would be reduced by 33% to just 16 weeks and 6 days i.e. more than 1-month off the original sentence of 21 weeks. The main purpose of EGP discounts is to reduce the workload of Crown Courts, but they do so at the expense of victims getting fair justice. Defendants benefit further from just having to serve two-thirds of their custodial sentences in prison, reducing the final custody period from 25 to just 11 weeks in this example.

Sentence uplifts are calculated according to sentencing guidelines requiring judges to base this on whether in their opinion 'the aggravated element was the predominant motivation, a significant proportion or a minimal part of the offence' (Judiciary, UK). Firstly, there has been a clear reluctance to apply any enhanced sentences by many judges in cases where the demonstration of hostility appeared to be incidental, rather than causal, to the offence committed (Walters, 2014). Secondly, as Jamel (2018) noted in England and Wales, sentences for transgender hate crimes are lower than the sentences for racial or religious hate crimes. Given the perils of assessing the extent to which an offender was motivated by hostility, a standard, quantified approach could help provide more consistent, sentence uplifts. For example 35%, 30% and 25% uplifts where the aggravated element forms a predominant, significant or minimal part of the offence respectively even if in rare cases, the uplift may exceed the normal maxima. Another major concern is that the

disproportionately high *sentence maxima* of aggravated offences could also result in lower conviction rates as Study One in this research explored.

2.4.4 Sentence disparities of the dual model and low conviction rates

The increased maximum penalties for some aggravated offences are considerably higher than for their base offences, five of the eleven hate crime offences have base offence maxima of 6-months, which is increased to 24-months for aggravated offences (a 400% increase in *sentence maxima*). The increased crime severity for aggravated offences and their significantly higher *sentence maxima* may also cause reluctance amongst jurors to convict defendants.

Plumm and Terrance (2013) also showed mock-jurors were more likely to find a defendant guilty when the crime was labelled an assault compared to when labelled a hate crime (aggravated assault). According to the severity–leniency hypothesis (Kerr, 1978) the more severe the maximum sentence for an offence, the lower the likelihood of a conviction, known as the acquittal-bias effect (Lundrigan et al, 2018, see also literature review chapter). This research therefore explored whether participants delivered more not guilty verdicts in the aggravated offences compared to their base offences and the reasons for their verdicts.

This research focussed on the offences of common assault (CA) and actual bodily harm (ABH) and their transphobically aggravated counterparts transphobic aggravated common assault (TACA) and transphobic aggravated actual bodily harm (TAABH). From Table 2.1 we can see that despite the *sentence maxima* for TACA being 400% higher than its base offence CA, sentences only tend to be around 30% higher than for CA and whilst TAABH has a 20% higher *sentence-maxima*, sentences tend to be less than 5% higher (see also chapter ten for policy recommendations).

The disadvantages of aggravated offences need to be urgently addressed before extending these to other characteristics to make them more effective. It seems counterproductive to have aggravated sentences with

(disproportionately) higher *sentence maxima* if jurors do not agree with this and results in lower conviction rates. The laws for aggravated offences providing relatively higher maximum sentences for hate crimes are ineffective if: the higher sentences can be off-set by the large sentence discounts due to EGP; or if such laws increase the number of cases that result in plea and charge bargaining; or if there remains a lack of diverse juries that are associated with lower conviction rates; and when judges are still reluctant to enhance sentences, particularly in LGBT+ hate crime cases.

Hate crimes can either be based on the prosecution proving that either the defendant was motivated by their hatred towards the victim's protected characteristic or the defendant demonstrated hostility towards the victim's protected characteristic. Since the motivation limb is seldom ever used, as it is so hard to prove motive (LC, 2020), practically this means the UK essentially only has a hostility limb option and hence this research focussed solely on the hostility limb, which is critiqued below.

2.4.5 Problems with the hostility route or limb

The hostility limb is the relatively, much easier route than the motivation limb pathway, because prosecutors just need to prove to a jury that there were clear outward signs of hostility (for example using transphobic slurs while committing the offence). However, several legal scholars have criticised the UK's hostility limb for being too broad as implied by the large number of hate crimes prosecuted and for being unusual compared to other countries (Dixon and Gadd, 2006; Gadd, 2009).

Section 28 of the CDA merely requires an outward manifestation of hostility during, or immediately before or after, the offence, most often verbal.

Demonstration of such hostility does not depend on the defendant's motive for the offence, which many jurors find questionable (LC, 2020). Furthermore, this also creates the problem of interpreting which slurs demonstrate actual hostility towards a victim's identity or whether these are deemed everyday common language. In the case of *R v SH* ([2010] (Walters, 2014)), the defendant had called a member of staff at the Jobcentre a 'Black monkey' and threatened to kill him. The trial judge in this case, strongly believed the term 'Black monkey'

made within the context of threatening to kill someone, was insufficient to fall within the meaning of racial hostility and even refused to leave this issue to the jury to decide. There have been several similar cases where judges have considered general, non-specific insults and common language abuse as not meeting the requirement for racial hostility (Walters, 2014).

Gadd (2009) also argued that this can unfairly capture defendants who may carelessly demonstrate hostility in the heat of the moment, when drunk, or provoked, but who may not be haters. Iganski (2014) argued that many so-called hate crime offenders do not consciously intend to subjugate their victim based on the victim's group identity. In his view, most hate crimes occur during people's daily routine activities, committed by normal people in the contexts of their 'everyday' lives. Far from espousing ideologies of hate, most perpetrators instinctively lash out or hurl abuse when drunk or in frustration or anger or when provoked in situations where they feel aggrieved (Iganski, 2014; Walters, 2014). The hate incident or crime may have very little to do with any genuinely held prejudices or hostilities, but where the insulting language was simply triggered by the situation (Chakraborti and Garland, 2012).

The hostility limb shows that hate crime laws are not only concerned with the defendant's motivation, but also prioritise the consequences for the victim and wider society. Walters (2013) argues that during an offence, defendants who knowingly treat a victim's identity as low or inferior, should be legally culpable for the discriminatory nature of their actions, whether motivated by hatred or not. Although the situational context may well be the trigger for conflict, it is likely that such situations often bring underlying prejudices to the surface, which, in turn, can sometimes also result in physical manifestations of hate (Iganski, 2008; Walters, 2012). The act of intentionally or knowingly belittling others based on their race, religion or other protected characteristics should therefore be conceived as another process by which people are demeaned for being different (Walters, 2014).

The statute clearly states that it is irrelevant whether the hostility is also based to any extent on feelings of frustration or anger or other additional non-hate crime motives. It would therefore be important to explore how mock-jurors may

interpret a case portrayed as having mixed motives (partially motivated by being angered and provoked and partially due to transphobia as this research does).

There remains an ongoing debate in hate crime regarding the definition of hostility (Walters, 2014) and whether the casual use of racial or transphobic language, without malice should or would result in prosecutions. This research therefore explored participant decisions based on a scenario where the defendant claimed to be provoked and used 'common language' slurs in the heat of the moment when angered and its impact on verdicts. Finally, in response to critics and potential jurors who may feel sentences should not be enhanced for hate crimes, I would remind these critics of the extra harm caused to hate crime victims, their target communities and society as evidenced below. If the CPS were able to have an expert witness to explain to jurors the evidence of the extra harm caused, this could help improve conviction rates by helping jurors, judges and critics understand the need for tougher sentence enhancement hate crime laws.

2.4.6 The extra harm caused by hate crimes

The increased harm associated with hate crimes justifies sentence enhancement laws and aggravated offences with proportionally higher *sentence maxima*. Victimology research continues to provide mounting empirical evidence that hate crimes are more severe both in terms of the nature of the physical violence and also the emotional traumas such incidents cause (Herek et al, 1997; 1999; McDevitt et al, 2001; Perry and Alvi, 2012). It is the finding that hate crimes create a much greater risk of enhanced trauma which supports their additional criminalisation under the harm principle (Walters, 2013). The additional harm inflicted by hate crimes can be threefold: increased harm to the primary victim (Iganski and Lagou, 2014); secondary harm to others who share the same characteristic (Guasp et al., 2013) and wider harm to society (Chalmers and Leverick, 2017).

Evidence of increased harm to the primary victim - Although hate crime victims experience and report the same types of stress and trauma symptoms as victims of comparative crimes, research shows hate crime victims more often report:

1. They were “very much” emotionally affected (Smith et al., 2012, p.22), even when controlling for crime type (Botcherby et al, 2011; Iganski 2008);
2. They “rate their crimes as very serious” and “that the crimes had a “great deal of effect on their lives in both the short term and long term” (Garofalo 1997, p.141);
3. Suffered a greater propensity to having unwanted intrusive thoughts and suicidal ideations (Craig-Henderson and Sloan, 2006; McDevitt et al., 2001);
4. Required longer recovery periods (Herek, et al, 1997); reported that overcoming the incident “had been very difficult” (McDevitt et al., 2001, p.711) and
5. That “being frightened or scared was the primary response in the immediate aftermath” (Garofalo 1997, p.141; Herek, Cogan and Gillis, 2002).

Victims also reported experiencing higher levels of; depression (McDevitt et al., 2001); withdrawal (Ehrlich 1992); nervousness (McDevitt et al., 2001); anxiety (Ehrlich 1992); loss of confidence (Ehrlich 1992); sleep difficulties (Ehrlich 1992); anger (Herek et al., 1997); difficulty concentrating (McDevitt et al., 2001) and fear and feeling unsafe (McDevitt et al., 2001). These symptoms have also been reported by a number of other studies but lacking any comparisons with victims of parallel crimes (Barnes and Ephross 1994; Dzelme 2008; Otis and Skinner 1996).

Furthermore, the Crime Survey for England and Wales (2015) showed victims of hate crimes were more likely than victims of crime overall to report more emotional and psychological effects (92% and 81% respectively). Almost three times as many hate crime victims stated they were affected very much compared to non-hate crime victims. This data also showed more than twice as

many hate crime victims suffered loss of confidence and feelings of vulnerability after such incidents compared to victims of non-hate crimes. Hate crime victims were also more than twice as likely to experience fear, difficulty sleeping, anxiety, panic attacks or depression (Corcoran et al., 2015, p. 22). These findings support the claims that victims of hate crimes suffer significantly more post-victimisation harm than victims of parallel crimes (Iganski and Lagou, 2015).

Furthermore, Williams and Tregidga (2014) conducted a mixed methods investigation of the psychological and physical impacts of hate crime across seven victim types (disability, race, religion, sexual orientation, transgender, age and gender) showing that impacts are not homogenous across victim groups. The main symptoms expressed by participants included: suspicion of others, depression, low confidence, feelings of shame, embarrassment, isolation and vulnerability. However, most striking was the ubiquity of suicidal ideation amongst transgender victims of hate crimes and the impact of daily hate incidents having a bigger negative impact than violent hate crimes.

Moreover, their findings in Wales, mirrored similar findings in the US (Jauk 2013), Canada (Namaste 2000) and Australia (Moran and Sharpe 2004). A deeper understanding of how hate crimes affect different groups differently is needed to inform more specific, appropriate and effectively targeted support for victims and inform the training of those providing victim support (Mason-Bish, 2015).

Secondary harm to the target community and wider harm to society - Learning of hate crimes can also lead to increased levels of fear, anger and anxiety within the targeted community, including vicarious feelings of individual and group vulnerability (Perry, 2014) This often leads to adaptive behaviours (Perry and Alvi, 2012), to reduce the risks of being targeted, (for example reducing religious attire to minimise visibility, Patterson et al., 2018).

When committing hate crimes, perpetrators' send a direct message to the victim and an indirect message to the victim's community, that they are "different and Other" (Perry, 2001, p. 10). The intentions according to Perry are not only to

subordinate the victim, but also to intimidate a group of people who differ from the majority norm. The target is not the victim, but more so his or her community, others like him/her (Perry, 2001; Iganski and Lagou, 2015). Perry observes that the impacts of hate crime go far beyond the personal, by creating fear, hostility and suspicion in the community.

The targeting of victims based on their characteristics of race or gender, communicates to all members of that group that they are equally at risk and do not belong (Haynes and Schweppe, 2017). Paterson et al., (2018) conducted a study involving over 3,000 LGBT+ and Muslim people and found that knowing other people who have been the victim of hate crimes increased perceptions of threat in these secondary victims. This was also linked to heightened feelings of vulnerability, anxiety and anger (Paterson et al., 2018; Walters et al., 2020). These increased emotions evidence the terrorising effects of hate crimes, on the broader community of which the victim is a part: or what Perry and Alvi referred to as the “in terrorem” effect of hate crimes (Perry and Alvi, 2012, p. 57). Hate crimes can be perceived as “symbolic crimes that communicate otherness” (Perry, 2003, p. 9) and the targeted community must be counted as secondary victims of perpetrators.

Perry (2014) also argued that hate crimes can divide communities and reinforce the barriers between groups because they can lead to the withdrawal or isolation of vulnerable communities and therein reinforce their outsider status. Furthermore, hate crimes erode societal cohesion, reinforce social tensions and trigger retaliation resulting in a vicious circle of violence and counter-violence and jeopardise the rule of law (Bárd, 2021).

These are strong arguments for addressing and punishing hate crimes differently to non-hate crimes. Similar to specialist court-based Drug Testing Probation Officers (POs), specialist ‘hate’ crime PO's should be established. These specialist POs could also then provide independent expertise to the courts regarding the extra harm suffered by ‘hate’ crime victims, their community and society. Likewise, having a trained hate crime task force (similar to rape task forces) within the police could also help encourage more reporting of such crimes.

Finally, judges should also consistently instruct jurors not to base their verdicts on any extra-legal factors (for example the victim or defendant's gender or sexuality). Young (2003) argued that, the number of unfair jury verdicts in the UK would likely be reduced if judges efficiently instructed juries to decide cases in accordance with the law and the facts. There is no evidence that the disproportionately and un-necessarily, significantly higher *sentence maxima* associated with some aggravated offences act as a deterrent. Instead extending this to certain groups only without any residual category could even increase hate crimes towards them and may also make aggrieved members of the groups that were denied such protection, more anti-LGBT+ when invited for jury service. Clearly, we need a less biased and more modern Jury System and fair hate crime laws to punish the extra harm caused by hate crimes to victims, their target communities and society as a whole.

Sentence enhancement laws are clearly justified given the evidence documenting the extra harm suffered by hate crime victims, their communities and society. However, it is necessary to monitor and brief judges to check that they apply these consistently for all characteristics. Judges should be made aware of any plea or charge bargaining and any sentence discounts should be lower than sentence enhancements to maintain the element of sentence uplifts.

2.5 Summary

As we have seen the right to a fair trial by their peers is based on protecting defendant rights rather than victim's rights despite the Runciman Commission (1993) recommending a jury include at least three members from the same identity as the defendant and victim. We have seen how the out-of-date tradition in the UK of selecting jurors from a single list (the electoral register) results in juries lacking diversity and minority representatives. The significantly higher rates of homelessness affecting transgender people most, also further reduce their chances of being on the electoral register and therein their likelihood of being invited for jury service. Many countries switched to using multiple lists for jury selection to make their juries more inclusive, yet the UK has continued with its homophobic, bi-phobic and transphobic traditions. We have also seen how the proposal to extend aggravated offences to additional characteristics and to reduce jury sizes could increase juror bias and further

exacerbate the lack of heterogeneous juries. The importance of the jury foreperson was presented in terms of them having more influence on other jurors' verdicts. The fact that LGBT+ jurors are rarely selected as forepersons due to institutional stigma traditions and protocols for selecting jury forepersons further marginalises such minorities.

The second half of this chapter critiqued the current and newly proposed hate crime laws and the disparity created by the two-tier system of hate crime laws via the lens of institutional stigma. The advantages and disadvantages of both sentence enhancement laws and aggravated offences were then presented. We also saw the problems created by which characteristics to include under hate crime protection laws and why we can expect the problems of plea bargaining to get worse under the newly proposed laws. The sentence disparities could also result in lower conviction rates in aggravated offences and the problems with both the motivation and hostility limbs of hate crime laws were discussed. Finally, the evidence of the extra harm caused by hate crime laws was presented to justify sentence enhancement laws and the higher *sentence maxima* of aggravated offences and the need for judges and jurors to be made aware of this. The next chapter critically reviews the relevant literature on jury studies and issues.

Chapter 3 Literature Review

3.1 Introduction

This chapter begins with a critical review of the evidence from actual jury trials of juror misconduct and evidence of juror bias based on a range of victim (and defendant) stigmatised characteristics. Very little research exists on mock-juror bias against transgender victims and its impact on verdicts and no studies based on the English jury system and hate crime laws. Studies of juror bias from analysing archives of jury trial records and the findings from shadow mock-jury studies and field jury studies are also reviewed to provide parallels to the biases observed in mock-jury studies.

The mistreatment of transgender people in court, victim blaming of transgender victims and why transgender people believe current hate crime laws treat them as 'second-class' citizens is then discussed. The concern raised by the LC (2020) regarding jurors giving too much weight to good character witness statements commonly produced by the defence is addressed next. The chapter also briefly explains jury nullification powers and their likely impact on conviction rates for transgender victims. This is preceded by a critical review of the evidence of mock-juror stigma and identifying relevant gaps in the research. LGBT+ mock-jury studies are reviewed and evaluated to justify and formulate the research questions. Finally, the relevant field studies evidencing the current discriminatory jury foreperson selection procedures are discussed to highlight how this also constitutes institutional stigma.

3.2 Evidence of jury discrimination and misconduct in real jury cases

Jurors are required to be unbiased (Daly and Pattenden, 2005), however accountability is problematic as unlike judges, jurors are not required to provide any reasons for their verdicts (Taylor and Denyer, 2014). Furthermore, juror intimidation (bullying and pressure tactics by some jurors, Gershman, 2005; Mogul, 2011) and hate incidents (racist and transphobic remarks during deliberations, Daly and Pattenden 2005; Klein, 2022), can also occur in jury settings. According to Schott (2014) such incidents should be understood in terms of the situational dynamics of tension and fear within jury interactions,

which often deliberate sensitive, controversial topics where majority opinions dominate.

According to Gershman (2005) jurors exhibiting improper behaviour can be categorised as stealth, activist or biased jurors. Stealth jurors engage in improper behaviour to be selected to serve on a jury to attempt to undermine the jury process. Secondly, activist jurors are those who abuse their role by engaging in extra-judicial investigations in violation of the court's instructions, to taint deliberations with extraneous information. Activist jurors are most powerfully illustrated in the vicious side of jury nullification exemplified by all-White juries in the US refusing to convict White defendants charged with murdering Blacks. Finally, Gershman classifies biased jurors; who harbour biases and violate a defendant's (or victim's) constitutional right to an impartial jury, knowingly or unknowingly due to their prejudices.

The past decade has witnessed numerous high-profile criminal trials where controversial, biased verdicts have been attributed to race, including defendant race, racial composition of juries and lawyers playing the race card (Minero and Espinoza, 2016). Although the majority of examples are US cases, in the UK, juries have also been deemed as predominately White and/or male and largely unrepresentative of their local communities in terms of race, sexuality and gender (Lever, 2017). Jury composition based on race and gender has been shown to impact on verdicts (Anwar et al., 2022) indicating that to obtain fair trials juries should be representative of their local communities in terms of race gender and sexual orientation. There are numerous documented cases of juries and jurors being biased and of juror misconduct that have resulted in unfair trials which are briefly reviewed below.

The evidence over the last three decades, shows there have been increasing media reports of jurors; being drunk, taking drugs, falling asleep, expressing prejudices and violating court instructions not to do any internet searches regarding cases (UK Government News, 2016). However, in the UK, a trial judge has no jurisdiction in relation to enquiries about jury irregularities that come to light after the end of the trial due to the confidentiality of jury deliberations (R v Thompson and others, 2010). According to Daly and Pattenden (2005) there have been several documented reports of racist

remarks made during jury deliberations in England and Wales. Clearly many jurors do express prejudicial attitudes in jury deliberations contrary to their oath and it is reasonable to assume there will also be cases where jurors for whatever reason are reluctant to report issues of bullying or juror prejudice and or these go undetected.

In *Sander v The United Kingdom* (ECHR, 9 May, 2000) a juror complained other jurors had made racist jokes and feared the Asian defendant would not receive a fair trial. The judge simply obtained verbal re-assurance from the jury that they would not be racist in their decisions, but the trial was deemed defective on appeal as the defendant argued he could not be expected to accept that he had been given an unbiased trial. Despite the oath the jurors had taken the Court of Appeal recognised that assurances by jurors to not be racist and to deliver a fair verdict according to the facts and evidence did not necessarily ensure against juror bias. Hence in the US, potential jurors are vetted, questioned to determine any relevant biases and maybe excluded according to their attitudinal dispositions, during what is termed voir-dire stage, which would appear to be superior to just swearing jurors in. This research employed attitudinal measures of stigma towards transgender women based on the victim's stigmatised characteristic, to show the influence of such juror attitudes on participant's decisions.

Generally, what is lacking is judges emphasising or warning or briefing jurors to refrain from any prejudicial (for example sexist comments) and bullying attitudes during jury deliberations (Young, 2003). Judges should be aware of increasing media reports of juror misconduct and prejudicial jurors brought to the attention of judges by other jurors, prior to the conclusion of the trial. This is particularly important in the UK as unlike in the US, we have no voir-dire process to identify potential biased jurors or peremptory challenge to remove such jurors before a trial. Historically, transgender people have been mistreated and discriminated in court settings (Rotenstein and Hans, 2022) in general by various court agents and this may also partially explain their attrition rates from jury service.

3.2.1 Treatment of transgender people in courts

Court officials and judges have also discriminated and mistreated transgender defendants and victims. In addition to concerns of juror bias, within the CJS,

gay men and lesbians have been hesitant to pursue criminal proceedings when victimised (Guadalupe-Diaz, 2013), often due to fear of negative treatment by criminal justice staff including clerks and lawyers (Herek, et al., 2002; Rumney, 2009). By the same token, it is reasonable to assume that transgender victims are also hesitant to pursue criminal proceedings when victimised, particularly in the light of the fact that the vast majority of transgender people in the UK do not report hate crimes against them (Bradley, 2020). An online survey of 467 LGBT people, investigating hate crime experiences and interactions with services including interviews with victims and professionals showed many victims were not even aware they had been the victim of a hate crime (Antjoule, 2016). Forty per cent of those who reported hate crimes did not find the process easy, mainly due to the perception that CJS staff had not received training on LGBT issues. Furthermore, 25% of participants said they would not report a hate crime in the future, largely because they felt it would not be treated seriously.

Transgender people have reported negative experiences as victims and defendants in US courts; having heard lawyers, judges and other court officials making negative remarks about their transgender identity (Klein, 2022). Despite its inaccuracy, the myth that transgender people are deceptive about their birth-assigned gender, has also pervaded the US legal system and contributes to transgender peoples' mistreatment within legal settings and courts (Buist and Stone, 2014).

In 2011, CeCe McDonald, a transgender woman of colour and her friends were harassed by four White males outside a bar, using racist and transphobic slurs. One of the males struck CeCe in the face with a glass and followed her when she left. She fatally stabbed him with a pair of scissors from her purse and although CeCe claimed self-defence, she was charged with murder. The judge denied the defence's submission of evidence to the jury that she was the victim of a violent transphobic hate crime and also denied the testimony from their expert witness who would have testified to the jury that transgender people experience violence in their everyday lives and explained and clarified transgender terminology for the jury (Pasulka, 2012). CeCe was sentenced to forty-one months in a male prison for manslaughter.

Rotenstein and Hans (2022) mention several instances when legal professionals have mis-gendered, gender non-conforming individuals, refusing to use their preferred pronouns or names. A survey conducted by Lambda Legal (2014) of people who had recently appeared in court, found transgender people were more than twice as likely and transgender women at least four times more likely, to report misconduct in US courts than their cisgender counterparts. Forbes (2014) also examined transgender peoples' experiences in US courts as witnesses, jurors, victims and defendants. Transgender individuals consistently reported more negative court experiences compared to their cisgender counterparts.

Given the ubiquity and daily experiences of transgender discrimination and hate incidents in the UK (Colliver, 2021), it is likely that transgender people are also likely to experience discrimination and mistreatment in English courts, particularly transgender victims, due to the culture of victim-blaming (Policastro and Payne, 2013). Extant research shows transgender people are subject to unfair treatment in the CJS compared to their cisgender counterparts (Buist and Stone, 2014; Herman et al., 2022; Stotzer, 2009; 2013). For decades, there have been false and misleading stereotypes of transgender people as intrinsically criminal, sexual deviants, predators, diseased and dangerous (Buist and Lenning, 2022) and courts have tended to be hostile, discriminatory and threatening environments for transgender people (Mogul et al., 2011). Juries and judges tend to be uninformed on transgender issues, choosing to punish rather than help transgender people (Braunstein, 2017) even when they are victims (Buist and Stone, 2014).

Transgender people have also reported being denied equal treatment, harassed, disrespected and/or physically assaulted when dealing with court staff (Grant et al., 2010). Compared to almost any other marginalised group, transgender people are subject to higher rates of dehumanising and overt bigotry in court (Mogul et al., 2011). Transgender women are subject to increased oppression, bigotry and violence (trans-misogyny) because they share intersecting marginalised identities (Calhoun, 2017; Serano, 2007). Gazzola and Morrison (2014) surveyed 274 Canadian participants to determine stereotypes about transgender people, showing that 58% stereotyped trans women as violent and abusive and 54% stereotyped trans women as criminal.

Due to the disproportionate rates of bias and discrimination experienced by transgender people, the term “discrimination-to-incarceration pipeline” was recently coined (Ezie and Saenz, 2020) referring to significantly higher ratio of transgender defendants found guilty. Additionally, the culture and attitude of victim-blaming makes the situation even more difficult for transgender victims.

3.2.2 Victim-blaming and jury nullification

Victim-blaming occurs when the cause of victimisation is attributed to the victim’s characteristics (for example gender or sexuality) or their behaviour as opposed to the circumstances of the incident (Ryan, 1971). Victims who are deemed blameworthy are considered responsible for the harm they suffered (Eigenberg and Garland, 2008) and consequently less likely to be perceived as legitimate victims (Christie, 1986). Victims whose characteristics or behaviours deviate from those of typical victims are most likely to be seen as blameworthy (Policastro and Payne, 2013). Transgender victims of hate crimes are likely to be perceived partially responsible for their victimisation because their gender makes them a minority and is perceived by many as different or deviant (Policastro and Payne, 2013). Therefore, this research included measures of victim and defendant blame, although even when defendants are clearly to blame, jurors can return a not-guilty verdict. The unusual jury nullification powers jurors have in the UK, gives them right to ignore the evidence, the judicial guidance and the law when reaching their verdict if jurors claim to disagree with the law in question.

Jury nullification is a constitutional doctrine that allows for the acquittal of defendants who are guilty of a crime based on the evidence, but who the jury does not feel should be punished for their actions because the law itself is unfair and clearly sends a strong message in favour of legal reform of the law in question. Many people are opposed to hate crime laws for various reasons: because they believe they punish motive; or disagree with sentence enhancement laws; or disagree with the extra protection provided to certain groups over others; or they are seen as restricting freedom of speech (LC, 2020). When members of the public are called for jury service, any such opposition to hate crime laws could result in more jury nullification and lower conviction rates. This study explored to what extent participants

agreed/disagreed with hate crime sentence enhancement laws and the disproportionately higher *sentence maxima* of aggravated offences, and to what extent this was the reason for not-guilty verdicts.

The LC (2020) report also mentioned concerns regarding jurors' reluctance to interpret common language slurs; or slurs said in anger or when a defendant claimed they had been provoked, as legal evidence of a hate crime. I feel the increasing use of jury nullification powers, could see more transphobic hate crime defendants being acquitted as a consequence of such issues. Another factor that can bias verdicts is jurors attaching too much importance to good character witness statements commonly presented by the defence (LC, 2020) which is now addressed.

3.3 Concerns regarding character witness statements

The LC (2020) report also raised concerns that jurors often give too much weight to good character witness statements provided by the defence. Judges and barristers mentioned counsel calling numerous witnesses to testify that the defendant for example had Black/Asian friends, frequently convincing juries the defendant is not racist and securing acquittals (LC, 2020). This study therefore asked participants to what extent the good character witness statement was the main reason for their verdict. Focussing on a defendants' good character and emphasising the defendant is not racist, the defence not only often secure an acquittal on the aggravated offence, but also the base offence, even when there is strong evidence to support both charges (Owusu-Bempah et al., 2019). It could help if judges advised jurors not to be overly influenced by character witness statements for defendant/s and that this should not be their main reason for their verdicts.

Anwar et al., (2022) recently analysed archived trial data from 2400 trials including 300,000+ individuals who responded to jury summons in Texas. Their simulation analysis showed the unequal representation of juries increased mean and median sentence lengths for Black defendants by over 50% and more than tripled the likelihood that eligible Black defendants received a life sentence. The current under-representation of LGBT+ and other minority groups in UK juries (Lever, 2017) could partially account for the over-

representation of LGBT+ defendants incarcerated and on the other hand LGBT+ victims being denied a fair trial. I now briefly examine the evidence from jury field studies, shadow mock-juries and online jury trials and compare these with mock-jury studies.

3.4 Mock-jury studies and advantages of diverse juries

Sommers (2006) found mock-jurors in racially diverse groups were more receptive to discussing bias than jurors in all-White juries, even when the Black jurors were not active in deliberations (Sommers and Adekanmbi, 2008). Sommers (2006) had 200 community mock-jurors deliberate on the trial of a Black defendant and found White mock-jurors in diverse juries; cited more case facts; made fewer errors; focussing more on the facts and outperforming all-White juries on all deliberation measures; showing reduced racial bias in verdicts; and even prior to any discussions, were more lenient towards the Black defendant, showing that the effects of diversity do not just occur due to information exchange. Lever (2017) postulated that diverse juries could also positively impact on how cases are treated by the police and CJS. Lack of public confidence in the verdicts of homogenous juries could also increase the wider harm to communities and society and unfair, biased verdicts are also likely to fuel the under-reporting of hate crimes.

Recently, Anwar and Hjalmarsson (2022) compared the verdicts of English and American shadow mock-juries with real juries in 12 civil and criminal trials, showing slightly more guilty verdicts by English mock-juries but identical to the verdicts of the judges. Other studies have produced results indicating that mock-jurors deliver slightly fewer guilty verdicts and a couple of other studies have produced mixed results, which overall tend to be comparable to the verdicts of actual juries (Bornstein and McCabe, 2004). Mock-jury studies have frequently used Court case scenarios adapted from real court cases commonly used by law students (Bell and Loftus, 1988; Seckinger and Broun, 1979). Although mock-jurors are aware their decisions have no consequences, their verdicts tend to be very much in-line with actual verdicts based on real cases (Bell and Loftus, 1988). Hence, mock-jury studies provide a unique research opportunity, given actual jury deliberations take place in private and jurors cannot discuss any details of the case deliberations outside of court.

3.4.1 Evidence of stigmatised characteristics (extra-legal factors)

Although there are no consequences for any defendant or victim in mock-jury studies, mock-jury research also reveals evidence of activist and biased mock-jurors. Both political orientation (Estrada-Reynolds, 2022) and disagreement levels with hate crime laws (Cramer et al., 2014) have been shown to impact on mock-juror verdicts.

Sexual orientation (LGB) is an example of an extra-legal factor and a stigmatised identity, often determining mock-juror's credibility assessments of defendants, victims and witnesses (Wexler, 2013). Extra-legal factors are factors beyond the considerations recognised by law (Robinson et al., 2012) and should not be considered by jurors. However, research indicates jurors regularly and improperly consider extra-legal factors when making determinations of credibility and guilt (Palucki, 2003). Stereotypes can result in prejudice toward outgroup members (Jackson, 2011) and perpetuate injustices within society (Levin and McDevitt, 2002).

Time pressure, complexities of juror instructions and salient stereotypes of victims and defendants are factors that tend to increase juror's reliance on stereotypes and their biased attitudes in both mock-jury studies and actual criminal trials (Gilbert and Hixon, 1991; Kaplan et al., 1993). This is particularly so in cases involving less evidence, a factor that tends to characterise hate crime cases (Garcia, 2000; Kaplan, 1989).

Jury research has shown a vast range of extra-legal factors can bias mock-jury decision-making verdicts, for example: race (Bottoms et al., 2004; Levinson, et al., 2014; Minero and Espinoza, 2016); Gender (Ellingwood et al., 2022; Hodell et al., 2014; Ringger, 2021); Sexuality (Coons and Espinoza, 2018; Davies et al., 2006; 2009; 2010; Miller and London, 2021; Wakelin and Long, 2003); Religion (Magyarics, 2016); and Disability (Levi, 2022; Tremlin, 2021).

Given gender and sexual orientation are most relevant to this research, these studies are discussed in more detail. However, all these characteristics could also further exacerbate biased verdicts for transgender defendants or victims in the UK with such intersecting identities (Jamel, 2018; Mohr and Purdie-

Vaughns, 2015). Espinoza et al., (2015), for example found that defendants described either as belonging to a racial minority, or having a low-SES or immigrant status were not only deemed guilty more often, but also given a more severe sentence, thought to be more culpable and rated lower on a number of trait measures compared to control conditions, although their study did not combine any intersecting traits.

The empirical evidence also shows jurors' own individual characteristics and attitudes can influence their verdicts (Devine, 2012); mock-juror gender (Hodell et al., 2014); mock-juror religion (Miller et al., 2022); and mock-juror's attitudes towards lesbian and gay men have been shown to be correlated with higher levels of victim blame for gay men and lesbian victims of stranger rape (White and Kurpius, 2002). This study also included an attitudinal measure (social distance as a proxy measure of stigma towards transgender people) to explore to what extent this correlates with victim blame and verdicts. Additionally, the pre and post-test social distance measures provided an indicator of any prejudice reduction effects of imagined contact with a gay mock-juror (Tompkins et al., 2015).

Both mock-juror victim-blame scores and agreement levels with sentence enhancement laws have also been shown to be significant predictors of verdicts. Smith et al., (2019) showed in their recent UK mock-jury study involving 1108 jury eligible online participants, that higher victim-blame levels predicted significantly lower guilty verdict rates (a finding confirmed by several other international studies; Cramer et al., 2014; Sperry and Siegel, 2013; Wenger and Bornstein, 2006). Furthermore, Gamblin et al., (2021) showed mock-juror agreement levels with sentence enhancement laws predicted punishment recommendations, hence victim blame and sentence enhancement laws were expected to be significant predictors of verdicts.

In a Canadian study, mock-jurors with higher levels of homophobic attitudes were found to be more likely to perceive a gay or lesbian victim as encouraging, compliant, personally responsible and to have experienced more pleasure during their sexual assault (Sheridan, 2005). Wiley and Bottoms (2013) found the Modern Homonegativity Scale (Morrison and Morrison, 2013) and Stereotypes about Gays and Child Abuse scale (Wiley and Bottoms, 2013)

were associated with higher guilty verdicts against gay male defendants. Both these studies further illustrate the importance of attitudinal measures, although they were not hate-crimes, but gay stereotypical crimes.

In Cramer et al's., (2013) study involving second-degree murder of a gay victim, mock-jurors low in homonegativity were more likely to select the death sentence in their hate crime condition compared to all other conditions. Additionally, longer sentences were recommended when evidence of a hate crime was provided, again jurors homophobic attitudes predicted juridic decisions. Gamblin et al., (2018) explored gay victims of second-degree murder and found homophobia predicted agreement levels with hate crime penalty laws, which also predicted sentencing. Although US hate crime laws are vastly different to UK laws, homophobia levels also correlated with defendant blame and victim blame for gay victims, similar to the findings of the UK study by Davies et al., (2001). Gamblin's (2018) study showed biased judgements were due to homophobic attitudes, which predicted agreement levels with hate crime laws. These findings indicate that if the homophobic, bi-phobic and transphobic attitudes of jurors can be reduced, not only could this make trials fairer but could also boost jurors' agreement levels with hate crime laws.

Transgender individuals are often perceived as gay regardless of their sexual orientation (Anderson, 2018). However, empirical knowledge of jurors' perceptions of transgender individuals is lacking. Very little research has explored stigma toward transgender victims of hate crimes and if and how this may predict verdicts is even more sparse (Ringger, 2021). Given the limited research on a victim's gender identity, the current study sought to fill a significant gap in the current literature, particularly with respect to mock-jury studies based on the English jury system.

3.5 Why LGBT+ people need protection under hate crime laws

When considering extending aggravated offences and hate crime laws to other characteristics, the LC (2020) adopted a minimal criminalisation approach i.e. only extending protection to those based on a demonstrable need for hate crime laws. Mark Walters (2020) added that specifying protected characteristics, help recognise that certain identities are targeted disproportionately and impacted differently, therein demonstrating their need for

such extra legal protection. The LC agreed, demonstrable need would be based on the prevalence and intensity of prejudice-based crime or hostility towards particular characteristics and on suitability i.e. whether such hate crime laws was practically the right way to respond to offending against given characteristics and the best use of resources. Prevalence included relative prevalence, i.e. the amount of targeted criminal behaviour compared with the size of the group who sharing the characteristic and intensity was defined as the severity, the nature and degree of the criminal behaviour. Furthermore, evidence that such targeting causes additional harm to the victim, members of their targeted group, and more widely to society.

Although Stonewall recognised the importance of a minimal criminalisation approach they emphasised that such a model depends very much on evidence of the criminal targeting of a marginalised group and its impact on victims and secondary victims which is very under-researched. Moreover, many marginalised victims do not report their experiences of hate crimes and therefore more difficult to obtain this evidence to meet the criteria. They strongly advised the LC consult and engage with these groups first to gain an understanding of their particular experiences. Transphobia has had relatively little attention compared to researching race, religion, sexuality and even disability hate crimes (Jamel, 2018).

In terms of prevalence, race, religion, sexual orientation and disability hate crimes all showed slight decreases compared to previous years (Home Office, 2023). For example sexual orientation hate crimes fell by 6%, to 24,102 offences, while transgender hate crimes increased by 11%, to 4,732 offences, i.e. to an all-time high. These same Home Office statistics show there were 13,777 disability hate crimes in England and Wales between 2022-2023. Given there are around 10.5 million disabled people in England and Wales equates to 1/762 disabled people reported being victims of hate crimes. In the same year the 4,732 transgender hate crimes, based on the estimated 262,000 transgender people in England and Wales equates to 1/55 transgender victims of hate crimes, or almost 14 times more per capita. Furthermore, given the majority of transgender hate crimes are unreported, the 1/55 is actually 1/27 despite the fact that many transgender people conceal their transgender identity

(McLemore, 2018) avoid public spaces (Lampe et al., 2020). This figure also excludes hate crimes frequently and incorrectly mislabelled as abuse or bullying frequently, without the aggravating factor of prejudice (Roulstone and Sadique, 2013) or intersex people excluded from the definition of transgender.

Walters et al., (2020) surveyed 593 LGBT+ people across the UK and showed transgender people were particularly susceptible to hate crimes in terms of prevalence and frequency. Via an imagined hate crime scenario, they also showed that transgender people experience more heightened levels of threat, vulnerability and anxiety compared to LGB people. Their study further reported that transgender people felt they had less family support and less support from friends, and society which correlated with the frequency of direct (verbal) abuse they had previously endured.

Finally, they also found that transgender people generally felt the police were not effectively policing LGBT hate crimes, and are not respectful towards them as victims. Their findings showed that most of all, transgender people are denied equal participation in society due to social and structural stigma. Jamel, (2018) noted the extensive under-reporting of transphobic hate crimes and the lack of confidence in criminal justice system in England and Wales. Antjoule, (2016) showed common barriers to reporting included feeling it would not produce a conviction (24%), being unsure if it was a hate crime (22%), feeling it would not be treated seriously (12%) and fear it could make the situation worse (7%).

As regards conviction rates, Antjoule, (2016) showed that just 12% of transphobic crimes recorded by police during 2015-2016 resulted in successful prosecutions whilst 19% of homophobic crimes resulted in successful prosecutions that year. UK Government figures for the year ending March 2020 for England and Wales showed conviction rates were the lowest for transgender hate crimes, (76%) compared to 88% for LGB sexual orientation hate crimes and all other protected characteristics (CPS, 2020). What factors are contributing currently to the lowest conviction rates in transgender hate crimes and what could work to improve these conviction rates clearly need exploring. Furthermore, given the LC (2020) recommended extending aggravated

offences, it would be important to determine the level of conviction rates we can expect, and how these may differ in LGBT+ representative juries, and if this helps reduce transphobic attitudes.

An increasing body of research is finding that within the LGBT+ community, transgender people are most at risk of hate incidents, crimes, repeat victimisation and the damaging long-term effects from hate crime victimisation (Haynes and Scheppe, 2017; McDevitt et al., 2001). According to the Transphobic hate crime report for Galop by Bradley (2020) the ten most common types of hate incidents and crimes were: invasive questions, dead-naming, verbal abuse, online harassment, discrimination, being treated as diseased, outing, the threat of physical and sexual assault, death threats and doxing (revealing identifying/private information about an online account without the owner's permission).

The most frequent perpetrators were strangers and transphobic activists, although just over however 40% of respondents had also experienced transphobic abuse from family members and more than 33% from an LGBT+ community member. Furthermore, respondents also reported being indirectly affected by second hand transphobia when witnessing or hearing about this happening to others, particularly online. Finally, transgender women reported being treated as diseased or contagious and faced more online harassment and doxed significantly more than transgender men.

McDevitt, Levin and Bennet's (2002) expanded typology of hate crime offenders identified four distinct types of hate crime offenders: mission seekers, retaliatory, defensive and thrill seekers. Table 10.1 describes these general types of offenders and expands this typology to include a fifth type of offender to account for the most common types of hate crimes where hate is a peripheral component. Many offenders do not normally express hate/bias, but rather, express prejudice in certain situations in the context of their everyday interactions, but nevertheless demonstrating hostility when angered or drunk. Consequently, actual 'hate' crime figures are likely to be much higher as people instinctively lash out or hurl abuse when drunk or in frustration or anger or when provoked in situations where they feel aggrieved or justified (Iganski, 2014;

Walters, 2014). The crime may have very little to do with any genuinely held prejudices or hostilities, but where the insulting language was simply triggered by the situation (Chakraborti and Garland, 2012).

Hubbard, (2021) conducted an online community survey of 1,166 LGBT+ people including 15 interviews enquiring into hate crime experiences and interactions with services. The most common experiences were verbal abuse and insults (97%), threats of violence (63%), sexual assault threats (41%), death threats (39%), and threats of outing (34%). Other types of abuse included: harassment, suicide baiting, being mis-gendered, mocking, ridicule, shaming, stalking, bullying, defamation, revenge porn, and dead-naming. However, just 13% had reported these crimes to the police (13%) and less than 10% of online hate. Pertaining to online hate, transgender victims were more likely to suffer emotional harm following their victimisation. Due to the overwhelming frequency of insults, being mis-gendered, and disparaging comments had a cumulative and significant effect on victims.

The Trans Actual Community Voice Survey (2021), included responses from 702 transgender individuals and 85% of transgender women reported being subjected to transphobic harassment from strangers in the streets, compared with 71% of transgender men. Transphobic experiences were also more common for transgender women, 77% when playing sports compared to 70% of transgender men and 67% of transgender women reported experiencing transphobia when travelling by public transport compared to 60% of transgender men. This research chose a transgender woman as the victim in the three quantitative studies due to the extra transphobia levels they face and for comparability with other published studies and for replication purposes. Instead the gender of the fictitious mock-juror was varied (being a gay male in Studies One and Two and a lesbian in Study Three).

3.6 Mock-juror stigma towards transgender defendants and victims and its influence on verdicts

Ringger, (2021) conducted a comprehensive literature search on defendants' gender identity and juror decisions which revealed no articles were published in peer-reviewed journals in the last 22 years. Ringger, (2018; 2020), previously

investigated transphobia in prostitution cases and found mock-jurors were more likely to perceive a transgender heterosexual female defendant as guilty compared to a cisgender heterosexual female defendant. Ringger, (2021) also found that mock-jurors considered a transgender female defendant as more likely to be guilty compared to a cisgender female defendant and transphobia had a small correlation with these verdicts, whereby higher prejudice levels, were predictive of guilty judgments.

Cramer et al., (2013) showed that perpetrators of transgender hate crimes received shorter sentences compared to gay victims. I explored to what extent participant stigma towards transgender people predicted verdicts in UK transphobic hate crimes. Cramer et al., (2014) further showed that mock-juror sentences in hate crimes against transgender, gay and African American victims also depended on whether they supported sentence enhancement laws. Mock-jurors who did not support sentence enhancement laws gave the shortest sentences in the transphobic hate crime cases. Cramer et al., (2014) used the same vignette, which can be criticised for its application or generalisability to a racially motivated hate crime and homophobic and transphobic hate crimes.

In the UK, jurors do not recommend sentences, therefore I included a sentence enhancement question to determine how many participants agreed/disagreed with sentence enhancement hate crime laws that delivered not guilty verdicts. Participants were asked to select a reason for their verdict, where agreement or disagreement with sentence enhancement laws was one of the seven options.

Ellingwood et al., (2022) recently showed that a victim's sexual and gender identities can result in significant differences in verdicts, in an alleged aggravated sexual assault case. Mock-jurors, (375 undergraduates) delivered significantly more guilty verdicts when the victim was male or female compared to transgender male. However, these results are not generalisable to non-sexual crimes, particularly under the different English jury system and laws. Thomas et al., (2016) showed transprejudice predicted victim blame more for a transgender victim of grievous bodily harm compared to their control (a gender unspecified victim) amongst 311, US mock-jurors. However, as their study did

not specify participants be jury-eligible it is difficult to compare their findings with studies based on jury-eligibility.

Miller and London (2021) recruited 368 jury-eligible community volunteers and had them read a case summary describing an alleged incident of child sexual abuse between a male teacher and an adolescent victim and deliver various judgments. When the victim was described as cisgender compared to transgender, (or a transgender boy versus transgender girl), mock-jurors were more likely to convict the defendant and rate the defendant less credible and rate the victim more credible. Although this was a child sexual abuse crime this still firstly shows the transgender female experienced more prejudice than a transgender male consistent with other studies and that mock-juror biased judgements extend beyond verdict, to defendant and victim credibility ratings supporting the inclusion of these measures in this research.

Michalski et al., (2022) found their mock-jurors (N=233) rendered more lenient verdicts and increased victim blame in their transgender panic defence condition compared to their control condition. The trans panic defence is a legal strategy asking a jury to find that a victim's gender identity/expression is to blame for a defendant's violent reaction. However, their case scenario was that of attempted murder making it difficult to generalise to the majority of hate crimes. Momen and Dilks (2021) analysed archive data from 105 transgender homicide cases in the US between 2010 and 2016 and found that while Black transgender women were the most common group of transgender homicide victims, their cases were among the least likely to result in a guilty verdict. The Momen and Dilks (2021) study is particularly important, not only because it was based on real cases, but because it also highlighted how intersectionality can render transgender people generally, more vulnerable to victimisation (Jamel, 2018).

A growing body of recent research clearly shows mock-jurors stigmatise a victim's transgender status and deliver discriminatory verdicts (Carter et al., 2023; Ellingwood et al., 2022; Miller and London, 2021; Michalski et al, 2022; Sharifpour, 2017). However, none of these studies have ever compared guilty verdict rates in homogenous and heterogeneous jury groups. According to my

up-to-date literature review this remains the first study to explore mock-juror stigma towards a transgender victim of hate crime and its influence on verdicts in an LGBT+ diverse English mock-jury. The above literature search studies informed research question one and I now address the next research question, sentence severity bias.

3.7 Evidence of sentence-severity negatively influencing verdicts

Kerr (1978), Koch and Devine (1999) and Lundrigan, et al., (2018), showed mock-jurors exhibited an acquittal bias (were judged to be unlikely to have committed the crime) when defendants were charged with relatively more serious offences. Although Lundrigan et al., (2018) was a UK study and the most recent, they recruited a small sample size of just 118 jury eligible members all from a UK company for their study. Furthermore, their offence severity bias effects were based on two extreme crime scenarios (comparing common assault with attempted murder) where sentence-severity may be expected to have more influence.

Kerr, (1978) also found the conviction rate for individual mock-jurors was inversely related to the severity of the sentence. His study, albeit very dated remains important as he was the first to suggest that jurors in criminal trials are less likely to convict when the penalty is more severe, or the charge is more serious. This was explained by Kerr (1978) in terms of a perceived increase in the cost of a Type I error (convicting an innocent person) that resulted in a criterion shift in the amount of evidence jurors required to vote guilty. According to the severity–leniency hypothesis (Kerr, 1978), the more severe the maximum sentence for an offence, the lower the likelihood of a conviction, as jurors try to minimise the possibility of being wrong. In support of this hypothesis, several dated studies have reported indirect correlations between maximum sentence length and conviction rates (Kerr, 1978; Myers, 1979; Werner et al., 1985).

In England and Wales there is also a discriminatory lower maximum sentence for transphobic hate crimes (for example a maximum of six-months for common assault including any sentence uplift) compared to racially and religiously aggravated common assault having a maximum sentence of two years (LC, 2020). This research explored whether compared to their base offence, in

aggravated offences participants tend more towards an acquittal bias due to aggravated offences having longer *sentence maxima*. Based on the above studies I formulated this second research question and now turn to the jury foreperson research questions.

3.8 Jury foreperson bullying, persuasion and misconduct

This study also uniquely explored whether a fictitious heterosexual jury foreperson's, pro-defendant or pro-victim opinions have more, the same, or less influence on participants' verdicts compared to a gay male jury foreperson and/or a heterosexual or homosexual male mock-juror described as having these same opinions. The fictitious pro-defendant opinions (not-guilty) were based on actual anti hate crime views whilst the pro victim opinions (guilty) were based on actual pro hate crime opinions (LC, 2020). This is particularly important as both mock-jury studies and evidence of jury foreperson misconduct during jury trials have shown that the jury foreperson often have more influence than other jurors on the final verdict.

For example, a jury foreperson caused other members of the 5:7 split jury at Huntingdon Crown Court to change their mind following his internet research, to a unanimous guilty verdict, 12:0 (BBC News Online, 2022). This shows the undue influence a jury foreperson can have on persuading other jurors to change their verdicts. The verdict was quashed when one of the jurors complained and the jury foreperson was found guilty of misconduct, fined £1500 and given an 8-month prison sentence suspended for 12-months, necessitating a retrial at great expense to the taxpayer.

In 2016, a 54-year old police worker volunteered to be the jury foreperson in a murder trial at Manchester Crown Court (Manchester Evening News, 2017). At sentencing one of the jurors informed the court the jury foreperson had influenced the jury with his internet search. The jury foreperson said he had taken his role as foreperson too seriously and had got carried away, he was sentenced to four months imprisonment. This case shows how a jury foreperson may consider themselves in a more responsible position and more inclined to persuade other jurors. In a more recent case, two distressed jurors complained they had been bullied by the jury foreperson and had been persuaded to

change their verdict to convict the defendant (Bar Council, 2020), requiring the Court of Appeal to quash the conviction.

Both US and UK jury studies based on actual cases have also shown the jury foreperson tends to have more influence than other jurors on the final verdict and participates more than other jurors (Darbyshire, 2001; Hastie et al., 1983; Velasco, 1995). Despite this, selection of the jury foreperson has been reported as happening very quickly, with little discussion and based on no set rules to ensure equality and fairness (Bridgeman and Marlowe, 1979; Strodbeck and Lipinski, 1985).

Numerous studies have reported that jury forepersons typically tend to be male (Boster et al., 1991; Cowan et al., 1984; Dillehay and Nietzel, 1985; Hastie et al., 1998; Kerr et al., 1982; Strodbeck and Lipinski, 1985). This is concerning not only because jury foreperson selection tends to be sexist but because several studies have shown male jurors are also more transphobic (Fisher et al., 2017; Walch et al., 2012).

Yet other studies have shown jury forepersons tend to be of high socio-economic status (Baldwin and McConville, 1980; Strodbeck and Lipinski, 1985), and persons with previous jury service experience (Cowan et al., 1984; Dillehay and Nietzel, 1985; Kerr et al., 1982) further marginalising minority group members such as LGBT+ jurors from being selected as forepersons. The tradition of selecting such jury forepersons in my view amounts to institutional stigma, i.e. cultural norms and institutional policies that constrain the opportunities, resources and well-being of the stigmatised to equal participation as jury forepersons (Hatzenbuehler, 2016).

Other jury studies have shown the jury foreperson most often tends to be someone well educated (Diamond and Casper, 1992; Foley and Pigott, 1997; Hastie et al., 1998) and seated at the head of the jury Table (Diamond and Casper, 1992; Strodbeck and Lipinski, 1985). The jury foreperson has also been known to take up to a third of the speaking time during jury deliberations (Strodbeck and Lipinski, 1985) and influencing the speaking time and order of other jurors (Manzo, 1996) and one of the first jurors to speak (Diamond and

Casper, 1992). Moreover, the jury foreperson also has the sole power and discretion of if and when to call for a straw vote early in the deliberations (Hastie et al., 1998). Overall the foreperson tends to be the most dominant and influential juror.

Baldwin and McConville (1980) conducted a UK field study into the impact of the jury foreperson and found the jurors in their studies tended to agree with the foreperson when s/he was perceived as being of a higher status than the rest of the jury. They also reported that men who appeared better educated were most often selected as the foreperson and other jurors tended to defer to the foreman's perceived intelligence rather than their own when it came to verdict decisions (Baldwin et al., 1980). According to Scott (2017) this may be partly because many jurors often experience difficulty in understanding juridic instructions.

The literature search showed that a jury foreperson can have significant influence on the decisions of other jurors during deliberations, especially when s/he has been elected according to a merit-based system, relevant life experience and higher socioeconomic education (Goldman and Frass, 1965; Walker, 1976). Read (1974) found the foreperson's opinion had a significant influence on swaying other jurors' verdicts, particularly when elected on merit compared to being appointed.

Clay (2017) had 33 mock-jurors consider trial data, complete a pre-deliberation vote, deliberate under a confederate foreperson employing various attitudes (pro-defendant, pro-victim and neutral) and complete post-deliberation measures. His chi-square analysis showed the attitude of the foreperson had a significant influence on mock-jurors' post-deliberation verdicts. However, not only did this study have a statistically small sample size (just three groups of 12 mock-jurors) but failed to show whether the influence was because it was the opinion of the jury foreperson or whether it was because of the strength of the actual opinions. This study therefore included the pro-victim and pro-defendant fictitious opinions of a jury foreperson with similar opinions to that of another mock-juror.

Foley and Pigott (2002), compared the influence of a Black or White jury foreperson on 197 individual mock-jurors and group mock-jury decisions. Their US study found mock-jurors attributed much less responsibility to a Black defendant compared to a White defendant when the foreperson was Black. These differences in attributions by race were not present during individual mock-juror decisions prior to their subsequent deliberations in mock-jury groups. They suggested that a Black foreperson makes race salient, so, jurors then tend to evaluate a Black defendant as less responsible in-order-to appear unprejudiced, i.e. exhibit reverse discrimination. Finally, minority groups and individuals have also been shown to influence majority decisions (Moscovici, 1980), especially when they persist with their beliefs, they are often able to convert majority opinion holders with more conversions likely (Clark, 1999; Moscovici, 1980). Based on the above studies I formulated research questions four and five.

3.9 Summary

As we have seen from the evidence of jury trials, jurors not only often break the rules but tend to deliver biased verdicts based on a range of victim (and defendant) stigmatised characteristics. UK jurors have been guilty of serious misconduct including making prejudicial remarks, bullying other jurors, conducting their own research online, exchanging messages with defendants and even disclosing jury deliberations.

Transgender people clearly require extra protection under hate crime laws for several reasons, especially as transphobic hate crimes reached an all-time high recently, (Home Office, 2023) and per capita are significantly higher compared to other characteristics. Research shows transgender people also feel more threatened, vulnerable and anxious compared to LGB people and tend to have relatively less support from friends and family (Walters et al., 2020).

Transgender people are also more at risk of hate incidents, hate crimes, repeated victimisation and the long-term effects of hate crimes (Haynes and Schweppe, 2017).

Furthermore, transgender victims of hate crimes are also more likely to be perceived partially responsible for their victimisation and often mistreated in

courts (Grant et al., 2010; Klein, 2022). Despite statistical evidence of juror bias, courts have tended to dismiss empirical evidence on the grounds this does not prove causation. Hence this research also asked participants to provide a reason for their verdicts.

A substantial number of mock-jury studies have shown mock-juror stigma based on a wide range of victim (and defendant) stigmatised characteristics including sexual and transgender identities influencing verdicts (Carter et al., 2023; Ellingwood et al., 2022; Miller and London, 2021; Michalski et al., 2022; Sharifpour, 2017). In turn, such mock-juror bias has been shown to unfavourably influence victim blame, perceived victim suffering and guilty verdicts, (for example the greater the bias towards a victim's transgender status the lower the guilty verdict rates in US and Canadian studies. These studies provided the rationale to explore mock-juror bias towards transgender victims of hate crimes and their influence on guilty verdict rates. As we have seen very little research exists on mock-juror bias against transgender victims and its influence on verdicts and no studies based on the English jury system. This research goes further in that it also explores and compares the influence of LGBT+ and non-LGBT+ mock-juries on participant stigma levels towards transgender women victims.

The other factor influencing verdicts relevant to this research is sentence-severity, given some aggravated offences are considered to be disproportionately high (LC, 2020) and that sentence-severity has been shown to reduce guilty verdict rates (Lundrigan et al., 2018). Finally, we have seen that the selection procedure for the jury foreperson can be discriminatory. We also know that LGBT+ people are under-represented in UK juries and the traditional selection criteria for a jury foreperson is likely to exclude LGBT+ jurors further from this more important role. This is particularly important as the literature shows the jury foreperson tends to have more influence on the final verdict than other jurors (Clay, 2017).

Chapter four addresses the methodological approach to this research.

Chapter 4 Methodology

4.1 Introduction

This chapter starts with explaining the ontological and epistemological positions based on the research questions and studies. The reasons why pragmatism is considered to be best suited to the research questions of this investigative, solution-focussed study in a mixed methods design are explained. The need for mixed methods combining quantitative and qualitative studies are considered in the light of this research.

The design and methods for the four studies are then detailed followed by the sampling, designs and demographic data. This research investigates independent, individual participant verdicts in Study One and in Studies Two and Three, verdicts after reading the opinions of another (fictitious) mock-juror. This is so as to provide more ecological validity, i.e. the extent to which experimental findings can be generalised to real world situations (Holleman et al., 2020). The necessary ethical considerations required for ethics approval are discussed and finally the researcher's outsider/insider stance clarified before concluding with a brief summary.

4.2 Ontology and Epistemology

Ontology relates to questions of what do we know or can we know, whether reality is fixed and exists independently, or whether reality is fluid and constructed as a result of human perceptions (Lacatus et al., 2015). Ontology reflects an individual's interpretation associated with the central debate of whether social entities should be perceived as objective or subjective (Guarino et al., 2009). An intermediate ontological approach acknowledges that both objective and subjective views of reality are useful in social science and both together can help provide a more holistic picture of the social phenomenon (Ansari et al., 2016; Barnes, 2019; Hall, 2013).

Based on the research questions, this research explores both objective views via the quantitative studies and subjective views via the qualitative study in a mixed methods approach. Pragmatism was deemed the most appropriate methodology because in pragmatism, the ontological stance is located in the

middle of the objective and the subjective continuum as intersubjective, where the true reality is constantly debated and updated (Pratt, 2016). Pragmatism accepts the existence of a single reality and that individuals have multiple interpretations of this reality, given that participants can also have the same or different verdicts and for different reasons, based on the same, single court case scenario (Morgan, 2007).

Epistemology relates to how we can gain knowledge and know the truth, by what methods and measures, their limitations and assumptions about what constitutes acceptable, valid and legitimate knowledge (Timans et al., 2019). Pragmatic epistemology is based on selecting the methods that best solve researchers' real-world problems (Powell, 2001; Wicks and Freeman, 1998). This research explores the problems of juror bias and whether LGBT+ diverse juries can help make conviction rates and verdicts fairer based on whether they ameliorate any participant transgender bias, based on the transgender identity of the victim.

Most of the quantitative variables that we deal with via surveys, such as perceived victim suffering, beliefs and opinions regarding hate crime laws and attitudes towards transgender people are not outside of us to be measured, but need to be expressed to be understood and measured (Ma, 2012). Hence, quantitative methods mostly deal with mental variables similar to qualitative interviews of lived experiences, the only difference is quantitative researchers limit human/participant responses to a narrow set of structured answers to obtain knowledge.

Qualitative researchers are interested in the detailed descriptions of human behaviour and the meanings attached to them, while quantitative researchers deal with the same source of knowledge in a structured quantitative manner that aims to simplify the situation into variables and relationships (Connolly, 2007). Observable or unobservable knowledge is hence just a difference in viewpoints not a difference in the nature of knowledge itself, as any type of knowledge can be viewed as observable or unobservable based on the ontological position of the pragmatic researcher (Maarouf, 2019).

4.3 Pragmatism

Pragmatism seeks to reconcile objectivism and subjectivism and rigorous knowledge and different contextualised experiences, by also considering theories and hypotheses to test practical solutions to social problems (Elkjaer and Simpson, 2011). Pragmatism is oriented toward solving practical problems in the real-world rather than being built on assumptions about the nature of knowledge or the methods to obtain knowledge (Creswell, 2014; Hall, 2013; Shannon-Baker, 2016). This suits the solution focussed nature of this study as it seeks to solve the practical real-world problems of exploring what can help reduce juror bias and help make verdicts fairer in transphobic hate crime cases. According to Goldkuhl (2012) functional pragmatism is knowledge for action i.e. the purpose of research is to improve action, to make a practical difference.

Pragmatist epistemology advocates that knowledge is based on experience, as our perceptions of the world are influenced by our experiences and each person's knowledge is unique, because it is created by their unique experiences (Brierley, 2017). Although quantitative research is objective and qualitative is subjective, pragmatism challenges this distinction. During the quantitative studies it takes an objective approach and during the qualitative stage it takes a more subjective approach by interacting with participants (Teddlie and Tashakkori, 2012). This creates both singular and multiple realities and allows researchers to be flexible to adopt the most practical approach to addressing their research questions (Creswell and Plano Clark, 2011; Rorty, 1999).

Hence, this research adopts an intermediate view-point on epistemology acknowledging both positivist and interpretivist approaches in a pragmatic mixed-methods design. Positivism provides knowledge through objective, observable and measurable facts via the three quantitative methods. Interpretivism provides socially constructed, subjective, knowledge based on the actual jury service experiences (via qualitative interviews) to understand the multiple meanings of jury service experiences of LGBT+ individuals. Pragmatism also allows for triangulation, the corroboration of the findings from the quantitative methods with the findings from the qualitative methods, providing a more rigorous and holistic approach ideally suited to

exploring practical solutions to problems (Glogowska, 2011; Molina-Azorin, 2016; Ramlo and Newman, 2011).

Several scholars have criticised the early formulations of pragmatism particularly on the difficulty of determining at the outset of any research of 'what works' (Hall, 2013; Russell, 1966). Whether the solution or intervention being tested 'works' or not can only be determined after the research is completed (Kelly and Cordeiro, 2020). Although, this research employs the best-known stigma reduction intervention of inter-group contact based on past research (Pettigrew and Tropp, 2013) as detailed in chapter one. The effectiveness of inter-group contact to reduce prejudice are clear and have been examined by numerous researchers (Maarouf, 2019). The skill of a pragmatic researcher relies on their ability to determine which prejudice reduction intervention 'works' best to serve the research purpose. Within a jury-settings we would also naturally expect some level of inter-group contact amongst twelve randomly selected jurors from the community, hence inter-group contact seemed the most suited and appropriate.

Biddle and Schafft (2015) also criticised pragmatism from an axiological point of view, arguing pragmatic researchers ignore the role of values in research. They suggest that defining pragmatism as 'what works' raises the question of what works for whom and to what extent? This seems a weak argument as a simple answer is for whoever the pragmatic researcher is interested in serving via their research based on their aims, in my case serving victims of hate crimes.

4.4 Mixed-methods

Pragmatism is also widely considered the most common approach and justification for mixed methods research (Biddle and Schafft, 2015; Hathcoat and Meixner, 2017; Morgan, 2014). This approach dictates research be designed and conducted to best answer the research questions, regardless of the underlying philosophy (Biddle and Schafft, 2015; Onwuegbuzie and Leech, 2005). Furthermore, that the researcher designs their research so as to gain the advantages of both quantitative and qualitative methods while avoiding their weaknesses. Johnson and Christensen (2012) maintained that to conduct

mixed research it is essential to understand both the objective and subjective views of reality, to understand the social actor's point of view. Pragmatism supports combining the deductive, objective approaches of positivism with the inductive, subjectivism of interpretivism to solve societal problems in an ethical pursuit of equality, democracy, justice and freedom from oppression (Collins, 2017; Dieleman et al., 2017; Koenig et al., 2019).

Pragmatic fieldwork seeks democracy through interviews, enabling various voices to shape the research, allowing researchers to be more inclusive of diverse interests (Fuller and Petch, 1995; Morgan, 2014). Semi-structured interviews were included to give LGBT+ people freedom to express what was most important to them and to triangulate (corroborate) the quantitative findings. LGBT+ people have reported negative experiences as victims and defendants in US courts; having heard attorneys, judges and other court officials making negative remarks about their identity (Klein, 2022). Giving voice to marginalised LGBT+ jurors in the UK also allows nuances to be uncovered (Harry and Lipsky, 2014) and redresses the researcher-participant power imbalance by allowing jurors (and victims) to add whatever they feel is most important (Rahman, 2020).

In pragmatism, observations, experiences and experiments provide useful ways to understand people within the social settings and bring together the scientific and humanistic domains of understanding (Plath, 2013). The qualitative interviews gave LGBT+ individuals their voice, recognising them as the experts through their own experiences of actual jury service. A mixed methods approach incorporating qualitative interviews helps capture the nuances of human feelings and emotions with interview questions referring participants back to the social context of interest, their jury service experience.

The majority of the research questions are suited to a mock-jury decision-making design and based on the publications and accepted and established epistemology and methods, mock-jury studies are almost exclusively quantitative. The research questions explore the social problems of juror bias and the influence of LGBT+ diverse juries. A combination of interviews with LGBT+ people on their jury experiences, allowed the additional exploration of these issues from the perspective of LGBT+ jurors and to explore other issues

(for example details of LGBT+ specific issues) beyond the scope of the quantitative surveys.

In a twelve-member jury, individual jurors often have differing viewpoints based on their own individual experiences and interpretation of the same evidence. Knowledge is also based on individual personal experiences, subjective truths, which is particularly important as the LGBT+ community are also an umbrella group comprised of sub-groups, which are likely to have differing viewpoints. Qualitative methods are inductive or exploratory, seeking to explore and understand the meanings that individuals or groups attach to certain social phenomena and/or to develop theories (Bryman and Bell, 2007; Creswell, 2014).

The core assumption of mixing quantitative and qualitative methods is that this helps provide a more holistic understanding of the research problem (Molina-Azorin, 2016). The two main advantages of mixed methods are firstly that the weaknesses of quantitative methods are often balanced by the strengths of qualitative methods and secondly the scope for data triangulation. The main criticisms are that mixed methods require more time, effort and costs (Molina-Azorin, 2016) and often require researchers to expand their research skills and experiences to conduct mixed methods research (Creswell and Plano Clark, 2011; Hammersley, 2014). I personally saw this as an opportunity to learn new ways of conducting research as recommended by Molina-Azorin (2016) and I undertook specialist workshops and trainings in semi-structured interviews, thematic coding and mixed methods.

Qualitative data is rich and reflects the complexity and range of human interpretations (Burns and Grove, 1999; Collis and Hussey, 2003), however, the findings from purely qualitative approaches cannot be generalised (Arghode, 2012) owing to small sample sizes (Dörnyei, 2007) and causal relationships cannot be investigated (Maxwell, 1996; Onwuegbuzie and Leech, 2005). Quantitative approaches are deductive or confirmatory, as they aim to test hypotheses and theories by examining relationships amongst particular variables (Antwi and Hamza, 2015; Bryman and Bell, 2007; Creswell, 2014). Quantitative methods provide precise results and data is relatively quicker to

collect and analyse (Bryman and Bell, 2007). However, hypothesis testing can disregard some important variables and do not reflect the social understanding. Whereas qualitative methods examine a limited number of cases in depth and help understand complex social phenomena by providing rich details. However, the knowledge produced by qualitative methods is very time-consuming to collect and analyse (Johnson and Onwuegbuzie, 2004).

This research included three quantitative studies to investigate jury decision-making and to provide some level of replication of the findings. In addition, one qualitative study was included to understand the actual LGBT+ experiences of jury service to explore some of the issues identified in the literature that cannot be explored via the quantitative surveys. Qualitative research requires smaller sample sizes and one-to-one interviews help reveal details of feelings, personal opinions, experiences and meanings of actions (Denzin, 1989) and qualitative designs also provide flexibility to evolve as the study develops (Rahman, 2020).

The objective findings from the quantitative studies are generally replicable as quantitative methods are based on theoretically-derived predictions, standardised data collection protocols and validated measures, as in this study (Connolly, 2007). However, Bryman and Bell (2011) questioned whether quantitative methods can meaningfully explore the complexities and subtleties of human life and social issues. A significant advantage of including a qualitative study is that it focuses on this subjective information and does not attempt to predict or control the phenomenon being investigated. A mixed approach is also ideally suited to exploratory research (Rebar et al., 2011), especially in under-researched, under-theorised areas such as this research (Braun and Clarke, 2006).

Study One investigated secondary transfer effects via a gay male juror, Study Two, secondary transfer effects via vicarious and para-social contact via a gay male juror and Study Three via a lesbian juror. *Further details of the rationale for the dependent variables, measures are provided in Appendix C and sample size calculations provided in Appendix E.* Each of these quantitative studies is now described in detail, followed by the qualitative study, beginning with the sampling strategy.

4.5 Sampling strategy, participant recruitment and pilots for studies 1-3

Convenience sampling is a non-random sampling method where members of the target population that meet certain practical criteria, (for example easy accessibility, geographical proximity, availability, or even the willingness to participate) are recruited for a study (Dörnyei and Csizér, 2012; Given, 2008). Convenience sampling is commonly used in quantitative research (Etikan, Musa and Alkassim, 2016) and jury decision-making research (Bornstein, 2017) and hence was chosen as the sampling strategy.

Critics (Bray and Kerr, 1979; Diamond, 1997) have argued that mock-jury studies lack verisimilitude, particularly those based on University student mock-jurors and that this can limit generalisation of the findings. Bornstein et al., (2017) conducted a meta-analysis of 53 studies (N=17,716) comparing effects between student and non-student samples in mock-jury studies and found guilty verdict rates and defendant and victim blame ratings did not vary between student or community sample type. The 20-year meta-analysis by Bornstein (1999) further showed the type of trial media (for example providing written court case summaries for mock-jurors to read or video testimonies) had very little influence on verdicts. Dated mock-jury studies have also shown mock-jurors tend to take their task seriously and get involved quickly and deeply in their jury tasks (McCabe and Purves, 1974; Simon, 1967; Ziesel and Diamond, 1978). Unfortunately, there is a lack of any similar recent studies, particularly UK based mock-jury studies.

Similarly, Devine and Caughlin's, (2014) meta-analysis on juror characteristics found little evidence to suggest the type of sample affected the relationship between mock-jurors' individual characteristics and verdicts. Younger individuals and more educated individuals tend to show less homophobia (Kassing, et al., 2005; McDermott and Blair, 2012) and more educated individuals show less transphobia (Norton and Herek, 2013). Given these findings, this study is likely to provide a more conservative test of the hypotheses and even stronger effect sizes were expected in the online community samples (Siegel, 2019). A large mixed sample (students and online participants) can also off-set some of the disadvantages of convenience sampling from just one source. Furthermore, the jury eligibility criteria, helped

make this sample more generalisable to the specific target population (jury-eligible adults).

As Studies One and Two required large sample sizes (640 mock jurors each), I initially opted for a combination of recruitment methods: opportunity and convenience sampling via online surveys and paper questionnaires randomly distributed at Bournemouth University, BU (Patton, 2013; Rees, 2011) and snowballing, which is also useful in sensitive areas of research (Shaghghi et al., 2011). Snowballing can also lead to a more homogenous set of participants (Zahnow et al., 2018) as it relies on referrals from initial respondents to their networks (Fielding et al., 2012).

I found BU students were pleased and very willing to participate and therefore, for Studies Two and Three relied on student participants only for convenience sampling, which also made the statistical analysis more straightforward. Participant recruitment adverts were placed around BU. I approached BU students without any pre-judging with the paper questionnaires that had been randomly assorted until all the paper questionnaires had been distributed. On collecting the paper questionnaires, I received a lot of positive feedback from the various students of English, journalism, history, psychology, law, engineering, music production, product design, business and hospitality. Participants were assured their data was confidential and anonymous, which can help reduce bias (Ledwaba, 2022).

The internet has given hate crime a virtual platform and more transprejudice was expected via the online surveys (Waddington, 2010) compared to BU students. This may also be due to the ease of anonymously posting online combined with the fact that according to the Home Office, transgender issues have been heavily discussed on social media over the last year, which may have led to an increase in related hate crimes (Evening Standard, 2022).

The data collection method for Study One involved creating, piloting, reviewing and distributing 'surveys.' The 'surveys' aimed to explore the influence of LGBT+ representative mock-juries on conviction rates, as well as victim blame, perceived suffering and transgender stigma via pre and post-test social

distance measures. These measures were selected to determine the wider influence of the newly proposed hate crime laws and using the same questions from the paper questionnaire for the surveys online to investigate any systematic differences and commonalities (Rose and Mechanic, 2002; Wickes et al., 2016; Williams and Tregidga, 2013).

The research studies were advertised on social media (Facebook) and anyone 18-70 years of age and on the electoral register was generally deemed to be eligible for jury service and therefore meet the participant criteria. Miller and Sonderlund (2010) maintained that using the internet for online surveys provides unique opportunities to reach previously inaccessible populations and the anonymity of cyberspace can also help encourage participation (Rodham and Gavin, 2006). Distributing the survey online for Study One, also meant that participants could access these surveys at their chosen location (home, work) and provided them with complete autonomy without feelings of pressure that can result from a researcher's presence during the distribution of paper questionnaires.

Due to questionnaires being anonymised, participants could answer more honestly which is particularly important when using explicit stigma measures (Potter and Chatwin, 2011). Relying on explicit measures can be somewhat problematic due to social desirability bias if questionnaires are not anonymised (Monteith et al, 2011). Explicit measures are more predictive of controlled behaviours (Asendorpf et al., 2002; Dovidio et al., 1997) and in mock-jury studies explicit measures of prejudice have predicted guilty verdicts (Dovidio et al., 1997).

I also completed each survey to test for accessibility, errors, flow, timing and recruited ten participants via convenience sampling as a pilot study to check for any technical errors as recommended by Connelly (2008) and for feedback on the ordering and suitability of the survey questions including the briefing and debriefing pages.

Rationale for measures (dependent variables) chosen: see Appendix C.

4.6 Study One

Study One explored the influence of secondary transfer effects of imagined contact with a gay male mock-juror in transphobically aggravated hate crime cases. A gay male mock-juror was chosen because contact with gay individuals has been shown to reduce prejudice towards transgender people (Hoffarth and Hodson, 2018).

Design: The mixed (between and within-subjects) design resulted in 8 groups as shown in Table 4.1.

Independent variables (IVs):

x2 offences; common assault / actual bodily harm (IV1)

x2 types of offences; aggravated / base (IV2) and

x2 types of imagined contact; with a gay male juror (IV3) simulating LGBT+ representative mock-jury groups / with a male juror the control or non-LGBT+ representative mock-jury groups.

Participants were asked to imagine a positive interaction with a gay male juror in the experimental groups or a male juror in the control groups (the imagined contact task, Crisp et al., 2009). The between-subjects factor was control groups vs. experimental groups based on the type of imagined contact and participants were randomly assigned to either one of these conditions. The between-subjects factor compares any differences between two or more independent groups (Murrar and Brauer, 2018); for example, whether the experimental groups (imagined contact with a gay male juror) have significantly different mean scores on the measures compared to the control groups (imagined contact with a male juror).

The within-subjects factor compares any differences between one measurement of a participant's particular variable and another measurement of the same variable for that participant, constituting a repeated measure. Such observations are not independent of each other in that these two data points from the same participant are likely to be more similar to each other than two data points from two different participants and are often used to examine changes in an outcome variable over time (Murrar and Brauer, 2018). The

within-subjects factor was pre-test and post-test social distance levels (a common proxy measure of stigma, Hegarty et al., 2019).

Table 4.1 Design of Study 1, showing experimental groups (1-4) and control groups (5-8)

Group	Offence: Common assault (IV1) or Actual bodily harm	Type of offence: Aggravated (IV2) or Base	Imagined contact with Gay Male (IV3) or Male
1	Common assault	Aggravated	Gay Male
2	Common assault	Base	Gay Male
3	Actual bodily harm	Aggravated	Gay Male
4	Actual bodily harm	Base	Gay Male
5	Common assault	Aggravated	Male
6	Common assault	Base	Male
7	Actual bodily harm	Aggravated	Male
8	Actual bodily harm	Base	Male

Procedure

Step 1: All participants were asked to complete the pre-test social distance measure, SD (DV1), Appendix B.

Step 2: Next all participants completed the imagined contact task for their assigned group (imagined contact with a gay male juror or a male juror). Participants were asked to imagine they were part of a mock-jury with a gay male or male mock-juror, by imagining sitting next to the gay male / male mock-juror in the jury room and having a short positive conversation with them (imagined-contact task, Appendix F). Sexually diverse juries were chosen as they are expected to be more common than transgender diverse juries based on the estimates that transgender people form just 15% of the LGBT+ community in the UK (ONS Census, 2021).

Step 3: Participants were then shown the crime vignette relevant to their assigned groups (common assault, CA / aggravated CA or actual bodily harm ABH / aggravated ABH Court case summary, Appendix H). This was designed to be guilty for the transphobic aggravated element (defendant admitting using transphobic language) and partially ambiguous regarding the verbal threats or physical assault (for the offence of CA and ABH respectively, see also Appendix G for construction of the fictitious court case scenarios, vignettes). The victim was described as a transgender woman.

Step 4: Participants were then asked the manipulation check question (to check participants had read the gender of the victim, Appendix B) and verdict question, guilty or not guilty for their assigned offence type (aggravated or base, Appendix B). Additionally, in the aggravated offence groups 1,3,5 & 7 shown in Table 4.1 participants were also asked to indicate to what extent they agreed with the 5 hate crime law statements (HCLS) and to choose one of these or provide a 7th reason (other) as the reason for their verdict (Appendix B). Participants who delivered a not guilty verdict in the aggravated offence groups (1,3,5 & 7 were also then asked to decide their second verdict for the alternative base offence and complete the sentence enhancement agreement measure).

Step 5: Finally, participants were required to complete the remaining measures: victim blame, defendant blame, perceived victim suffering and the post-test social distance measure last (Appendix B).

The data from the paper questionnaires was typed into JISC with regular breaks and 10% of the PQ were randomly checked by an independent research student for any errors in the data input and subsequent exporting of the data into SPSS 25.0.

Statistical data analysis steps and hypotheses

Hypothesis 1: Within-subjects, post-test social distance levels will be significantly lower compared to pre-test social distance levels in the gay male (juror imagined contact experimental groups) but not significantly lower in the male (imagined contact control groups).

To test this hypothesis within-subjects t-tests were conducted on pre-test and post-test social distance scores for each of the eight groups.

Hypothesis 2: Post-test social distance scores will be correlated with the measures (participants' verdicts, defendant blame, victim blame, perceived victim suffering and sentence enhancement agreement scores).

Hypothesis 3: There will be a relationship between verdicts in the aggravated offence groups and their corresponding base offence groups.

Participants in the more serious aggravated offence groups will deliver significantly lower percentage guilty verdict rates (%GVR) compared to participants in the less serious base offence groups.

Given the dichotomous nature of the verdict (guilty or not guilty) a chi square (X^2) analysis was conducted for verdicts in the aggravated and corresponding base offence groups.

Hypothesis 4: There will be a relationship between verdicts in the gay male groups and their corresponding male groups.

Participants in the gay male groups will deliver significantly different %GVR compared to participants in the male groups.

Chi square (X^2) analysis was conducted for verdicts in the gay male and corresponding male groups.

Hypothesis 5: Participants' scores on the measures (victim blame, defendant blame, sentence agreement and victim suffering) will be significantly different in the gay male groups compared to the male groups.

Between-subjects t-tests were conducted for each of the measures between the gay male and corresponding male groups.

Hypothesis 6: (Predictors of verdicts) Defendant-blame, victim blame, victim

suffering and sentence enhancement will be significant predictors of verdict.

The logistic regression model was fitted to determine the significant predictors of verdicts.

Verdict reasons: finally to determine the most common reasons for not guilty verdicts, the percentages for each of the six reasons chosen by participants for their verdicts was also computed.

The data sets and outputs were produced using syntax for reproducibility purposes and are available on request (see chapter 5 for findings).

Participant demographics: Approximately half (N=367) of the participants were recruited via online advert links on Facebook and around half (N=336) the participants were recruited from Bournemouth University students being approached with randomly assorted PQ. In total 703 participants were recruited, of which 51.7% identified as female, 45.4% as males, 0.9% as other and 2% did not specify any gender. Two participants failed the manipulation test question and three were over the eligibility age for jury service, so they were excluded from the analysis, leaving 698 participants, with a mean age of 30.7 years. As regards ethnicity, just over 59% were White-British, 14.5% European, 8.7% Asian, 11.9% Black and 3.4% other as shown in Table 4.2.

Table 4.2 Participant demographics, final sample size N=698 for Study 1

Characteristics cases	% (n)	Mean (SD)	Range	Missing % (n)
Age:	98.3% (686)	30.72 (11.38)	18-70	1.7% (12)
Ethnicity:				
White British	59.2% (413)			2.3% (16)
European	14.5% (101)			
Asian	8.7% (61)			
Black British	11.9% (83)			
Other	3.4% (24)			
Gender:				
Male	45.4% (317)			2% (14)
Female	51.7% (361)			
Other	0.9% (6)			
Sexuality:				
Heterosexual	80.4% (561)			4.4% (31)
Gay	7.9% (55)			
Bisexual	4.6% (32)			
Other	1.4% (10)			

The descriptive statistics are provided in Table 4.3

Table 4.3 Descriptive statistics of the dependent variables (DVs) including missing cases (final sample, N=698)

Measures	N	Min	Max	Mean (SD)	Missing / as a % of 698
Within-subjects:					
(DV1) Pre-test social distance	690	1	6	2.85 / 1.42	N = 8 or 1.1%
Post-test social distance	691	1	6	2.78 / 1.39	N = 7 or 1.0%
Between subjects:					
(DV2) Defendant blame	690	1	6	4.55 / 1.01	N = 8 or 1.1%
(DV3) Victim Blame	690	1	6	2.33 / 0.99	N = 8 or 1.1%
(DV4) Perceived Victim suffering	690	1	6	3.14 / 1.30	N = 8 or 1.1%
(DV5) Verdict	687				N = 11 or 1.6%

DVs all continuous measures/scales, DV5=Verdict categorical variable, not guilty=0, guilty=1.

Sentence enhancement continuous measure (DV6): 1-item scale, 6-point Likert, mean=3.48 (SD=1.48): 'To what extent do you agree or disagree the sentence for common assault should be increased by a judge (within the 6-month maximum) because hate crimes are seen as causing extra harm to victims and the community (adapted from Cramer et al., 2013)

Participants who delivered a not guilty verdict for the aggravated offences (groups 1,3,5, & 7) were then asked to decide their verdict for the alternative base offences. Even if the jury subsequently finds the defendant/s guilty of the alternative base offence, no sentence enhancement can be applied by the

judge (LC, 2020). Therefore, only N=580 participants were required to answer the sentence enhancement question and there were 12 missing answers = 2.1% missing data. Missing data below 5% for large data sets such as this is commonly ignored and excluded (Dong and Peng, 2013).

4.7 Study Two

Comparing the influence of a biased male and gay male jury foreperson with a similarly biased juror on participant decisions, (N=640).

Design: The 2x2x2 between-subjects design resulted in 8 groups as shown in Table 4.4 based on the mock-juror's;

x2 opinion; pro-victim / pro-defendant (IV1)

x2 sexuality; male / gay male (IV2)

x2 juror type; juror / jury foreperson (IV3)

The between-subjects factor was control groups vs. experimental groups and participants were randomly assigned to either one of these conditions to determine whether; the experimental groups (jury foreperson / gay male / pro-defendant) have significantly different mean scores on the measures compared to the control groups (juror / male groups / pro-victim).

Pro-defendant opinion represented anti-hate crime law opinions and pro-victim represents pro-hate crime law opinions. The pro-victim opinions were based on six statements agreeing with hate crime laws, whilst the pro-defendant opinions were based on disagreement with these six statements. This also allowed for the exploration of the influence of agreement levels with hate crime laws on participant verdicts.

Table 4.4 Design of Study 2, showing control groups (1-4) and experimental groups (5-8)

Group	Opinion: pro-victim or pro-defendant IV1	Sexuality: male or gay male IV2	Juror type: juror or jury foreperson IV3
1	pro-victim	male	juror
2	pro-defendant	male	juror
3	pro-victim	gay male	juror
4	pro-defendant	gay male	juror
5	pro-victim	male	jury foreperson
6	pro-defendant	male	jury foreperson
7	pro-victim	gay male	jury foreperson
8	pro-defendant	gay male	jury foreperson

The measures (DVs) of victim blame, defendant blame, perceived victim suffering and social distance were the same as in Study One, save the AHCL measure (please see Appendix C for description of measures).

Procedure: The paper questionnaires were numbered, randomly assorted and distributed to BU student participants. With PQ it was easier to control the number of participants recruited and there was also more complete data. Given the similar effects between the student PQ and online community samples, and the relative ease of recruiting student participants, only PQ were distributed for Studies Two and Three, to BU students.

Step 1: All participants were shown the same court case summary for transphobic aggravated common assault (TACA) used in Study One (Appendix H).

Step 2: Participants were then asked to read the actual notes (verdict and reasons) of the anonymous mock-juror, either a gay male or male jury foreperson or gay male or male juror according to their randomly assigned groups and asked to what extent they agreed/disagreed with these reasons, to

measure their AHCL. Mock-jurors were informed that in a jury-group study involving the same case, a homosexual / heterosexual male, jury foreperson / juror considered the defendant guilty / not guilty and gave the following reasons for their verdict (Appendix I).

Step 3: Juror guidance was then provided for both charge one, the offence of TACA and in the event of a not guilty verdict for the alternative charge, and charge two, the base offence of CA, before asking the verdict question, guilty or not guilty for charge one and/or two.

Step 4: Finally, participants were required to complete the remaining measures: victim blame, defendant blame, perceived victim suffering, agreement with anti/pro hate crime law opinions and the social distance measure (Appendix B).

As with Study One, the data from the paper questionnaires was typed into JISC with regular breaks and 10% of the PQ were randomly checked by an independent research student for any errors in the data input and subsequent exporting of the data into SPSS 29.0. The data set and output were produced using syntax for reproducibility purposes, see chapter 6, Study Two for findings.

Statistical data analysis steps and hypotheses

Hypothesis 1: There will be a relationship between verdicts in the jury foreperson groups and their corresponding juror groups.

Percentage guilty verdict rates (%GVR) will be significantly different in the jury foreperson groups compared to the corresponding juror groups.

Chi square (X^2) analysis conducted for verdicts between the jury foreperson and corresponding juror groups.

Hypothesis 2: The mean scores of the measures (victim blame, defendant blame, victim suffering and social distance) will be significantly different between the jury foreperson and juror groups.

Between-subjects t-tests were conducted for each of the measures between the jury foreperson and corresponding juror groups.

Hypothesis 3: There will be a relationship between verdicts in the gay male groups and their corresponding male groups.

Percentage guilty verdicts will be significantly different in the gay male groups compared to the corresponding male groups.

Chi square (χ^2) analysis conducted for verdicts between the gay male and corresponding male groups.

Hypothesis 4: Participants will deliver significantly different mean scores on the measures in the gay male groups compared to participants in the male groups.

Between-subjects t-tests were conducted for each of the measures between the gay male and corresponding male groups.

Hypothesis 5: Defendant blame and AHCL will be the most significant predictors of verdicts.

Logistic regression model was computed to determine the significant predictors of verdicts.

Participant demographics: Participants were recruited by approaching Bournemouth University students with 620 randomly assorted paper questionnaires. Four of the questionnaires were not returned and two questionnaires were more than half incomplete and were disregarded in the analysis. A total of 614 participants completed, of which 65.6% identified as female, 33.1% as males, 1.1% as other gender. The mean age was 26.2 years and as regards ethnicity, 71.7% were White-British, 10.1% European, 7.7% Asian, 6.5% Black British and 2.6% identified as other, as shown in Table 4.5.

Table 4.5 Participant demographics (final sample, N=614)

Characteristics	% (n)	Mean (SD)	Range.	Missing cases % (n)
Age:	93% (570)	26.2 (6.90)	18-56	7% (44)
Ethnicity:				
White British	71.7% (440)			1.5% (9)
European	10.1% (62)			
Asian	7.7% (47)			
Black British	6.5% (40)			
Other	2.6% (16)			
Gender:				
Male	33.1% (203)			0.2% (1)
Female	65.6% (403)			
Other	1.1% (7)			
Sexuality:				
Heterosexual	86.2% (529)			2.1% (13)
Gay	2.0% (12)			
Bisexual	7.5% (46)			
Other	2.3% (14)			

7 participants ticked 'Other gender' but without specifying any further details.

The main purpose of the pro-victim and pro-defendant groups was to test the influence of pro-victim and pro-defendant opinions of the jurors and jury forepersons on participant decisions. For example are participants decisions more pro-defendant when the jury foreperson is depicted as pro-defendant (compared to when the juror is depicted as pro-victim).

Descriptive statistics were also computed for the measures as shown in Table 4.6 to determine the minimum, maximum and mean values and the proportion of missing cases within the data-set.

Table 4.6 Descriptives of measures (dependent variables, DVs) including missing cases (final sample, N=614)

Variable	% (n)	Min	Max	Mean (SD)	Missing % (n)
Social distance	99.5% (611)	1.00	6.00	2.23 (1.129)	0.5% (3)
Defendant blame	99.5% (611)	1.00	6.00	4.91 (0.865)	0.5% (3)
Victim blame	99.5% (611)	1.00	6.00	2.20 (0.959)	0.5% (3)
Victim suffering	99.5% (611)	1.00	6.00	3.63 (1.242)	0.5% (3)
AHCL	99.2% (609)	1.00	6.00	4.38 (1.037)	0.8% (5)
Verdict	99.7% (612)	0=not guilty 1=guilty			0.3% (2)

AHCL=Agreement with hate crime law measure. DVs all continuous measures/scales, except for Verdict = categorical variable.

Missing data: Bias is very unlikely in the analysis given the missing data was below 1%. By default, SPSS excludes missing values in the analysis.

4.8 Study Three

Study Three explored whether participants' individual decisions may differ when shown the pro-victim or pro-defendant opinions (IV1) of a lesbian or female mock-juror (IV2) and asked to deliver their verdicts.

Design: 2x2 between-groups factorial design shown in Table 4.7.

Table 4.7 Design of Study 3, showing experimental groups (2 and 4) and control groups (1 and 3)

Group	Opinion: pro-victim or pro-defendant IV1	Sexuality: female or lesbian IV2
1	pro-victim	female
2	pro-victim	lesbian
3	pro-defendant	female
4	pro-defendant	lesbian

Procedure

Step 1: Participants were firstly asked to select their top three choices (out of nine) as the characteristics they believe should be included in hate crime laws before reading the court case summary (Appendix H).

Step 2: Participants were then shown the pro-defendant or pro-victim opinions of either a heterosexual female or lesbian mock-juror to read as in Study Two.

Participants were informed that in a jury study involving the same case, a lesbian juror / female juror considered the defendant guilty / not guilty and gave the following reasons for her verdict (Appendix I).

Step 3: Participants then completed the measures; verdict, agreement with anti/pro hate crime law opinions, reason for verdict, victim blame, defendant blame, perceived victim suffering, sentence enhancement agreement and social distance measure, (Appendix B).

Statistical data analysis steps and hypotheses

Hypothesis 1: There will be a relationship between verdicts in the lesbian groups and their corresponding female groups.

Percentage guilty verdict rates (%GVR) will be significantly different in the lesbian groups compared to their corresponding female groups.

Chi square (X^2) analysis conducted for verdicts between the lesbian and corresponding female groups.

Hypothesis 2: Participants will deliver significantly different mean scores on the measures in the lesbian groups compared to participants in the female groups.

Between-subjects t-tests were conducted for each of the measures between the lesbian and corresponding female groups.

Hypothesis 3: There will be a relationship between verdicts in the pro-victim groups and their corresponding pro-defendant groups.

Percentage guilty verdicts will be significantly different in the pro-victim groups compared to the corresponding pro-defendant groups.

Chi square (X^2) analysis conducted for verdicts between the pro-victim and corresponding pro-defendant groups.

Hypothesis 4: Participants will deliver significantly different mean scores on the measures in the pro-victim groups compared to participants in the pro-defendant groups.

Between-subjects t-tests were conducted for each of the measures between the pro-victim and corresponding pro-defendant groups.

Participant demographics: Participants were recruited by approaching Bournemouth University students with 320 randomly assorted paper questionnaires. Four of the questionnaires were not returned and 5 questionnaires were more than half incomplete and were disregarded in the analysis. A total of 311 participants completed, of which 64.3% identified as female, 33.8% as males, 1.0% as other gender. The mean age was 26.5 years and as regards ethnicity, 68.5% were White-British, 16.1% European, 5.8% Asian, 3.9% Black British and 5.1% identified as other, as shown in Table 4.8.

Table 4.8 Participant demographics (final sample, N=308)

Characteristics	% (n)	Mean (SD)	Range	Missing cases % (n)
Age:	91.3% (284)	26.53 (9.48)	18-60	8.7% (27)
Ethnicity:				
White British	68.5% (213)			0.6% (2)
European	16.1% (50)			
Asian	5.8% (18)			
Black British	3.9% (12)			
Other	5.1% (16)			
Gender:				
Male	33.8% (105)			1.0% (3)
Female	64.3% (200)			
Other	1.0% (3)			
Sexuality:				
Heterosexual	85.5% (266)			1.3% (4)
Gay	10.6% (33)			
Bisexual	0.6% (2)			
Other	1.9% (6)			

The AHCL scores in groups 1 and 2 were reverse scored, so that higher score indicated greater agreement with hate crime laws.

The main purpose of the pro-victim and pro-defendant groups was to test the influence of pro-victim and pro-defendant opinions on participant decisions. For example are participants decisions more pro-defendant when the mock-juror is depicted as pro-defendant (compared to when the mock-juror is depicted as pro-victim).

Descriptive statistics were also computed for the measures as shown in Table 4.9 to determine the minimum, maximum and mean values and the proportion of missing cases within the data-set.

Table 4.9 Descriptive statistics for the (measures) dependent variables, DVs, (final sample N=311)

Variable	% (n)	Min	Max	Mean (SD)	Missing cases % (n)
Social distance	99.7% (310)	1.00	6.00	2.20 (1.30)	0.3% (1)
Defendant blame	99.4% (309)	1.00	6.00	4.70 (1.01)	0.6% (2)
Victim blame	99.4% (309)	1.00	6.00	2.17 (1.10)	0.6% (2)
Victim suffering	99% (308)	1.00	6.00	3.60 (1.29)	1.0% (3)
AHCL	99.7% (310)	1.00	6.00	4.45 (1.17)	0.3% (1)
Sentence enhancement	98.4% (306)	1.00	6.00	2.98 (1.30)	1.6% (5)
Verdict	100% (311)	0=not guilty 1=guilty			0.0% (0)

AHCL=Agreement with hate crime laws measure. DVs all continuous measures/scales, except Verdict = categorical variable.

Table 4.11 summarises the similarities and differences between the three quantitative studies, to show how they each explore the advantages of diverse juries.

4.9 Study Four

Semi-structured interviews are the most common qualitative research method used in mixed-method designs to integrate or triangulate qualitative and quantitative data (Povee and Roberts, 2015). Semi-Structured interviews are appropriate where the aims of the study are clear as in this study, so specific questions were formulated, making the answers easier to compare and trends observed (Preece et al., 2002). All respondents were asked the same set of main questions and where required additional probing questions were asked to seek additional information (Miller and Glassner, 2004). Interviews have also been widely used by academics investigating different types of hate crimes

including LGBT+ hate crimes to explore the unique experiences of victims (Awan and Zempi, 2017; Gavrielides, 2012; Meyer, 2010).

The interviews were structured according to the five stages recommended by Robson (2011):

- 1- Introduction: interviewer introduces himself and describes the aim of the interview, to explore the jury experiences of LGBT+ people, avoiding jargon.
- 2- Warm-up: start with easy, clear and open questions to encourage conversation.
- 3- Main body: interviewer focuses on the main questions of their study, probing.
- 4- Cool-off: simple questions again to conclude the interview.
- 5- Closure: interviewer thanks interviewee for their valuable contribution and time.

4.9.1 Interview sample size, type and recruitment

Ten semi-structured interviews, with LGBT+ participants with experience of jury service were conducted following non-probability, purposive sampling including snowballing. Given, LGBT+ people are under-represented in UK juries and the fact that this a minority group, made it challenging to recruit sufficient participants from this niche group. Hence the plan was to advertise and recruit via multiple platforms (Online, face-book, BU LGBT+ student societies, LGBT+ conference contacts and Mermaids charity). I was also aware from my research experience that even when participants confirm their desire to take part, they may often show up late or not at all, requiring interviews to be re-scheduled or cancelled.

The sample size of ten interviews (lasting around 1-hour each) was based on four factors;

1. The heterogeneity of the LGBT+ population, as the main aim is to give marginalised groups a voice, at least 5 interviews were needed to encapsulate the sub-groups per the recommendations of Bryman (2012) i.e. a gay man, a lesbian, a bisexual, a transgender person

and a person identifying themselves as queer/questioning or intersex, non-binary or gender non-conforming.

2. To obtain a range of different answers across these sub-populations to the key research questions (Baker and Edwards, 2012), for example, whether the jury foreperson had more, less or the same influence on other jurors, how the LGBT+ juror was treated by other jurors)
3. Furthermore, given that LGBT+ people with jury experience is a hard to access population, interviewing until saturation is achieved, until no new theoretical insights are being gleaned from the data (Ragin and Becker, 1992) was not practical due to limited resources of participants and time (Bryman, 2012).
4. Rather than focussing on a larger number of interviews, the quality of analysis, the dignity, care and more time available to analyse the richness, complexity and detail with fewer (ten) interviews, should be the most important consideration (Becker, 2007).

4.9.2 Interview process

In-line with good practice, interviews were extended where desired by participants (Newcomer et al., 2015) and additional comments invited, so LGBT+ participants could feel greater ownership and input in this research (Rahman, 2020). Interviewees were also sent a £20 Marks & Spencer voucher for their time, (inclusive of any travelling costs). The monetary compensation was a way of showing appreciation for the participants time and demonstrating respect for them (Fassinger and Morrow, 2013).

In social justice research participants should be viewed and treated as research consultants in order to communicate respect for their expert knowledge (Lyons et al., (2013). Ponterotto et al., (2013) advised including participants' voices to provide authenticity, support conclusions and help generate empathy in audiences, which in turn can lead to reduced stereotyping and therein contribute to social change. Through the interviewees I learnt about actual jury

experiences and reflected on these and via the specific probes (mentioned below) explored the research questions deeper. However, it was important for me to bear in mind that my role as the interviewer was more of a trustworthy reporter trying to discover what the participant truly believes, rather than as someone who engages with the interviewee to co-construct meaning (Hill et al., 2005).

Zoom interviews were conducted online with the participants' consent. The most sensitive questions were discussed during the middle part of the interview, allowing participants more time to relax and establish a good researcher-participant relationship (Marvasti, 2004). Initially, a pilot interview was conducted, to evaluate and adapt my interview structure and technique and evaluate how this could be improved to provide more freedom and control to participants as recommended by Chenail, (2011). All interviews began with general ice-breaker questions about how participants were feeling and how their day had been to help relax participants and build rapport (Smith and Sparkes, 2016). In-line with current BU ethics guidelines, I reminded participants of the nature of the research, anonymity, confidentiality, their right to withdraw at any time and consent to audio-record the interviews for transcription via Zoom.

4.9.3 Interview Schedule, data analysis and transcription

Please see Appendix K for the questions, (where possible linked to the quantitative studies and pertaining to the research questions, per the pragmatic methodology).

The interview questions were straightforward with adequate pauses to allow the participant to continue at their individual pace. I was also mindful that interviewees have their own agenda and that a key aim was to also allow them to say what they felt was most important from their perspective without interrupting. Interviewees were subsequently given the opportunity to add any additional comments or feedback to their transcripts, to enhance the transparency of the research and partially shifting the power balance between interviewer and interviewee, see also Ethics section below.

After using recording software to transcribe the interviews I reviewed and edited these before sending to interviewees for approval and/or amendments, together with the developing themes. This was to help avoid transforming people's experiences into experiences that fit best with the aims and assumptions of my own research agenda (Arber, 2006).

4.9.4 Directed Content Analysis (DCA) and data triangulation

The aim of DCA is to validate and/or conceptually extend a theoretical framework by producing a more concise and focussed output (Hsieh and Shannon, 2005). The quantitative findings could benefit from further description and corroboration and so I chose DCA, following the steps recommended by Potter and Levine-Donnerstein (1999). Existing theories and research can help formulate research questions to provide predictions about the relationships among variables, thus helping to determine the initial coding scheme in DCA (Mayring et al, 2007).

The theoretical framework was based on the research question: to what extent do LGBT+ jury service experiences corroborate or contradict the findings in the three previous quantitative studies and the literature search? This research question was broken down into seven sub-research questions (based on the research findings of this study plus other research and theories) and category labels were created to summarise these. The sub-category labels were also created based on a preliminary reading of all ten transcripts to cover any contradictory findings and any other new categories.

DCA also helped simplify the data triangulation aims of this mixed methods approach of utilising surveys and interviews and to gain a more comprehensive understanding of the research phenomena whilst maximising the strengths and minimising the flaws of each method (Hussein, 2009). Data triangulation also helps validate and reinforce the research findings by providing multiple perspectives on the same phenomenon and identifying areas of discrepancies or complexities. This in-turn helps identify and explain biases and increases the validity of the findings (Moon, 2019). DCA allowed data integration to be conducted at the interpretation and reporting levels of this final study.

The main strength of DCA is that existing theory and research findings can be supported or triangulated and extended (Hussein, 2009). However, using theory and previous research can have limitations as researchers approach the data from an informed but, nonetheless, biased angle (Hsieh and Shannon, 2005). Hence, researchers might be more likely to find evidence that is supportive rather than non-supportive of pre-existing findings and/or theories. To minimise such bias, I also created sub-categories that I noted, did not support the findings (for example for the category pertaining to the influence of the jury foreperson I had the sub-category of more influence as well as same influence as other jurors). Newly identified categories were also added in the second coding round, regardless of whether they offered a contradictory view of the phenomenon or further refined, extended, and/or enriched the quantitative findings.

Nevertheless, I am aware that an overemphasis on the prior research findings can blind researchers to some contextual or unexpected aspects such as intersectional experiences, which were coded for. The analysis purposely compares the qualitative findings obtained from the ten in-depth interviews with the statistical based findings from three previous quantitative studies. The qualitative outcomes were expected to validate, support and expand the quantitative data, therein combining the strengths of mixed methods for a better understanding of the issues relevant to this research (Balaban et al., 2015).

The aim of DCA is also to systematically convert a large amount of raw textual data from the verbatim transcribed interviews into a concisely, organised summary of results pertaining to the research questions (Hsieh and Shannon, 2005). Identifying categories, sub-categories and codes, and abstracting data at each step of the analysis; from the manifest and literal content to latent meanings via an iterative process (Erlingsson and Brysiewicz, 2017). It is also possible to mix different basic procedures, a mixture of inductive and deductive coding in DCA, depending on the research questions, to provide a more holistic textual analysis.

4.9.5 Defining the category system and pilot study

DCA provides a more structured and robust method when combined with data triangulation as this increases the validity of DCA and lends credibility to the findings by incorporating multiple sources of data and methods (Erlandson et al., 1993). Shapiro and Markoff (1997) in fact maintained that content analysis is only valid to the extent that the results can be related to other measures and methods. DCA is a powerful data reduction method that is a systematic and replicable, unobtrusive technique based on explicit rules of coding. The goal is to extract a particular category system structure derived from the relevant research problems, and should be theoretical and/or research based. The category structure is then further sub-divided into individual sub-categories to form the category system in stages (Ulich et al., 1985). Initially one interview transcript was randomly selected and analysed as a pilot test. Test extracts were taken from this transcript to check whether the categories and sub-categories were applicable and whether the formulated codes based on past research and theories made categorical assignment possible.

Table 4.10 Participant demographics

Name*	Ethnicity:	Gender:	Sexuality:	Age:	Driving License:	Voters Register:	Homeless In the past:
Anna	White British	Female	Lesbian	30	Yes	No	Yes
Brian	White British	Male	Gay	62	Yes	Yes	No
Chris	Black British	Male	Bisexual	28	No	No	No
Dave	White British	Male	Bisexual	25	No	No	No
Eric	White British	Male	Gay	23	No	No	No
Frank	Black British	Male	Bisexual	25	Yes	Yes	No
Gary	Black British	Male	Gay	24	Yes	Yes	No
Haley	Black British	Female	Bisexual	20	No	No	No
Ian	White British	Male	Gay	58	Yes	Yes	No
Jan	White British	Female	Lesbian	40	Yes	Yes	Yes

Name*= Alphabetical, self-selected pseudonyms

Table 4.10 shows three of the participants identified as females, and seven as males and in terms of sexuality, there were two lesbian women, four gay men and four bisexuals. Four of the participants identified as Black British and six as White British, with ages ranging from 20-62.

A critical review is partially inherently subjective and partially deliberately so (Grant and Booth, 2009) reflecting the reviewer's perspective and positionality in the analysis of the research findings (Paré et al., 2015; Temple Newhook et al., 2018). I approached this analysis as a cisgender male researcher with a disability and with no experience of jury service. My approach to this research is informed by a commitment to transgender hate crime research as an LGBT+ ally, acknowledging that transgender lives are equal to cisgender lives, and being attentive to gender and sexual orientation diversity.

In the initial coding, content was reviewed and categorised into themes, drawing upon my theoretical and personal knowledge of LGBT+ stigma experiences and avoidance behaviours, highlighting content that provided insight into stigma and avoidance experiences. Initial categories were distilled into five key themes of the findings section. The themes were based on the research questions, with the data then taken through a second round of qualitative analysis framed by those research questions, looking for evidence and insight from the dataset to enrich and expand understanding of LGBT+ juror experiences. The second-round sought data-driven answers to the five research questions.

4.10 Ethics

The research was undertaken in accordance with BU Research Ethics Code of Practice (2022) and in accordance with commonly agreed standards of good practice, incorporating the concept of 'beneficence' - maximising possible benefits and minimising possible harms and 'non-maleficence,' of doing no harm (Appendix A). Adverts together with Participant Information Sheets (PIS) gave potential participants sufficient information about the study to decide if they wanted to consent and participate. Participants were informed of their right to withdraw at any time or not answer particular questions. I provided my email contact and outlined the complaints procedure. All data was stored securely on my BU password protected computer, and will be retained till the award of my degree in accordance with the Data Protection Act 2018. Participants were also informed they have general rights of access to the information we hold, under the Freedom of Information Act 2000.

The consent forms were stored separately from the project data, including general demographic data of age, gender, occupation and sexuality. Online completed data on JISC was anonymous and downloaded and stored on my BU secure, password-protected computer restricted access drive and only shared with my Supervisors. Paper questionnaires were also anonymous i.e. did not require the participant's name) and are stored in a securely locked filing cabinet at my home. Data from the paper questionnaires and online surveys was entered into the same electronic database.

Any potential harm to confederate participants (actors) was avoided by not requiring any homosexual or transgender confederate, mock-jurors in the first three studies to simulate LGBT+ representative mock-juries. Inter-group contact with LGBT+ mock-jurors was simulated via imagined contact and vicarious and para-social contact. Furthermore, the crime of common assault and actual bodily harm were chosen as they are the least serious type of crime compared to Wounding, Grievous Bodily Harm or Murder (Sentencing Council Guidelines, 2022). The debriefings provided details of three online support agencies that I had informed in advance and the studies were pilot-tested to explore any unforeseen stress or harm (Van Wijk and Harrison, 2013).

Participants were informed in the briefing that the victim and defendant statements contained offensive and threatening language concerning an alleged assault on a transgender person and if they felt this may distress them, then they were advised not to take part in this study. The debriefing explained for increased authenticity and to establish the hate crime, the fictitious case included the two most common transphobic slurs, 'tranny' and 'she-male.' The LGBT+ interview participants were informed to 'only share what they are comfortable with' and were shown the interview questions prior to consenting to their interview to minimise any harm, with the option to withdraw at any time by informing the interviewer or withdraw their data (before their interview was transcribed) by e-mailing the researcher.

4.11 Researcher positionality and reflexivity

Alvesson and Sköldberg (2009) proposed that all references to empirical data are the result of interpretation and reflection involving the researcher turning

their attention inwards to focus on themselves, society more generally and the intellectual and cultural traditions. Reflexivity requires me to be aware of how my role in this research may have influenced the research process and outcomes (Alvesson and Skoldburg, 2009).

My personal commitment to social justice for marginalised LGBT+ groups helped me realise the importance of interviews with LGBT+ people to support the quantitative mock/pseudo LGBT+ jury experiments. But more importantly to listen to and give voice to LGBT+ people to conduct research that would be useful to the LGBT+ community. I remained flexible, open, reflective and self-aware in terms of my own perceptions and biases (Peel, 2020). I appreciate that no research is completely free of bias and the closer the subject matter is to my life and experiences, the more I need to be aware that the greater the risk is of my beliefs shaping my interpretations (Fassinger and Morrow, 2013).

I personally distributed the paper questionnaires (a 58-year old, elderly Sikh male, with a walking stick) during the LGBT+ history month in February. This may have partially accounted for the very high participation rate, only 14 students said they did not meet the jury eligibility criteria or were too busy. There were multiple, positive LGBT+ adverts around the SUBU buildings and BU has gender neutral toilets, which may also have contributed to a more LGBT+ friendly and salient atmosphere amongst BU student participants. Many students gave positive feedback, saying the study was very interesting, they were happy to complete the questionnaire and took their time completing questionnaires. Many of the students I approached at BU were also seated in groups of 2 or more so I was careful to hand different conditions to individuals seated in groups and to inform them of this to minimise the effects of any group discussions. Finally, online questionnaires were completed by my Facebook friends, people I would expect to have lower transprejudice levels perhaps than the general public.

I realise I am an LGBT+ outsider in terms of my sexuality and gender, despite the fact that I have been the victim of numerous disability, racial and religious hate crimes, having multiple marginalised intersecting identities. My preliminary literature search not only revealed transgender hate crimes were the most under-researched but also per capita the most common and hence I felt there

was a greater need for more transgender hate crime research than for any other identity group. Certain members of the LGBT+ community may have felt I was intruding their space which could have impacted on recruiting LGBT+ participants. However, despite my outsider position, I realised that as a heterosexual, cisgender male who strongly supports LGBT+ rights, I am in the fortunate position of the researcher, to be able to explore the possible benefits of LGBT+ representative juries. I intended to grow my knowledge and awareness through forging friendships within these communities. I recognised I will not be an authentic voice or representative of the LGBT+ communities so the collection of my data and its interpretation was a collaborative undertaking with the LGBT+ communities.

Oliver (1998) and Vernon (1997) maintained that it is not possible to research oppression in an unbiased way as hate crime researchers either side with oppressors or the oppressed. When Stone (1997) conducted her disability hate crime research in China, she was able to rely on her common Chinese identity to achieve a sense of “legitimacy” (p.207). My allyship and shared identity as a victim of hate crimes and micro-aggressions and being a BU student, gives me some legitimacy when disseminating this research among the LGBT+ communities (Oakley, 1981).

The dichotomous construction of insider-outsider positionality has recently been challenged by several academics (Bridges, 2017; Chaudry, 2018) who argue that a more nuanced researcher position of an in-betweener, be adopted. I feel my multiple intersectional identities (disability, religion, ethnicity and student status) gave me more opportunities to have shared commonalities with my participants and a level of anticipated legitimacy, and through continued reflexivity, strived for an in-betweener status.

4.12 Summary

This chapter explained the ontological and epistemological positions based on the research questions and the reasons why pragmatism was considered best suited for these research questions and a solution-focussed mixed methods study. The three quantitative studies explore the prejudice reduction interventions of imagined inter-group contact and vicarious and para-social

contact (via secondary transfer effects) within a jury decision-making design to test for any reduction in juror bias towards transgender victims of hate crimes. To determine the effectiveness of interventions, social researchers need to explore which aspects worked well and which aspects did not work well, why and from whose perspective, as the effectiveness may vary depending upon the context and standpoint of the person evaluating the intervention (Plath, 2006). Quantitatively, this study is concerned with what works best (LGBT+ representative mock-juries or non-LGBT+ representative mock-juries) for victims of transgender hate crimes, in terms of fairer percentage guilty verdict rates and less biased verdicts. Qualitatively this study explores which aspects of jury service worked well and which aspects did not work well for LGBT+ people.

The pragmatist worldview brings together both the scientific and humanistic domains of understanding. It helps researchers to focus their attention on the essential practical concerns of addressing social problems (Borden, 2013). The primary goal of pragmatism is to test and determine knowledge for the purpose of improving social conditions (Cronen, 2001; Goldkuhl, 2012; Greene and Hall, 2010) and as such a pragmatist approach best fits the purposes of my solution focussed research questions. Furthermore, the contextual nature of qualitative findings compliments the representativeness and generalisability of quantitative findings in mixed methods research (Greene and Caracelli, 2003). The pluralist approach also encompasses a wider range of enquiry allowing for triangulation of qualitative and quantitative data, to corroborate findings and more importantly gives LGBT+ people with jury experience a voice (Teddlie and Tashakkori, 2012).

This research investigates individual participant verdicts in Study One and in Studies Two and Three verdicts after reading the opinions of another (fictitious) mock-juror. This is so as to provide more ecological validity, i.e. the extent to which experimental findings can be generalised to real world situations (Holleman et al., 2020). Study Two explores the influence of pro-victim (based on agreement with hate crime laws) and pro-defendant (based on disagreement with hate crime laws) opinions of a fictitious heterosexual male jury foreperson with the similar opinions of a heterosexual male juror. Furthermore, this research uniquely compares this to the influence of the similar views of a

fictitious LGBT+ gay male jury foreperson and gay male juror on mock-juror verdicts. Given the foreperson's views are based on agreement with hate crime laws this also uniquely explored the influence of other jurors dis/agreement levels with hate laws on participant decisions. If a large section of the general public, disagree with hate crime laws, this can disadvantage victims as jurors are selected from members of the public. Hence this research adopted a jury decision making paradigm to explore institutional stigma inherent in juries and hate crime laws.

The design for the four studies were outlined, followed by the measures, and sampling and demographic data. The necessary ethical considerations required for ethics approval were discussed and finally the researcher's outsider/insider stance clarified before concluding with a brief summary. Table 4.11 provides a summary of the studies and details of the statistical tests and findings for the four studies are provided in chapters five to eight.

Table 4.11 The main similarities and differences between the three quantitative studies, exploring the advantages of diverse juries

Study 1	Study 2	Study 3
Imagined inter-group contact with a gay male / male (control) gay male = LGBT+ diverse jury	Vicarious / para-social inter-group contact with a gay male / male (control) gay male = LGBT+ diverse jury	Vicarious / para-social inter-group contact with a lesbian / female (control) lesbian = LGBT+ diverse jury
Are participants' stigma levels towards the transgender victim significantly lower in the gay male or male conditions?	Are participants' stigma levels towards the transgender victim significantly lower in the gay male or male conditions?	Are participants' stigma levels towards the transgender victim significantly lower in the lesbian or female conditions?
Are conviction rates significantly lower in the more serious aggravated offence groups compared to the base offence groups?	Do the pro-defendant / pro-victim opinions of a fictitious gay male / male jury foreperson have more influence than these same opinions of a fictitious gay male / male juror on participants' conviction rates and/or *measures?	Do the pro-defendant / pro-victim opinions of a fictitious lesbian / female juror have more influence than these same opinions of a fictitious lesbian / female juror on participants' conviction rates and/or measures?
What are the main reasons for participants' verdicts?	What are the main reasons for participants' verdicts? Also provides partial replication.	What are the main reasons for participants' verdicts? Also provides partial replication.

Study 4: To what extent do the actual jury service experiences of 10 LGBT+ interviewees, corroborate the three quantitative findings?

*DVs, continuous measures: Social distance: 6-item, 6-point Likert, 1=very willing to 6=very unwilling. Defendant blame and Victim blame both, 1-item, 6-point Likert, 0 to 100%). Perceived victim suffering (3-item, 6-point Likert. Sentence enhancement agreement (1-item, 6-point Likert. Agreement with Hate Crime Laws: 6 item, 6-point Likert, 1=strongly agree to 6=strongly disagree. Verdict categorical, (Guilty / not guilty).

Chapter 5 Study One Comparing guilty verdict rates in aggravated and base offences in LGBT+ and non-LGBT+ diverse mock-juries

5.1 Introduction

The literature review chapter showed very few if any mock-jury studies have explored UK mock-juror attitudes towards transgender victims of hate crime offences despite the serious problem of UK transgender hate crimes being at an all-time-high (Panter and Dwyer, 2023). Study One, starts to address this research gap by exploring UK, jury-eligible participants' juridic decisions and attitudes towards a transgender victim of hate crimes. The chapter begins with stating hypothesis one and explaining the statistical test required for this (the assumptions of the statistical tests were not violated). The relevant findings pertaining to hypothesis one, are then presented and summarised before sequentially moving on to the next hypothesis. The chapter concludes with an overall summary of the findings.

5.2 Findings

Hypothesis 1: (exploring prejudice reduction effects of imagined inter-group contact)

Within-subjects, post-test social distance levels will be significantly lower compared to pre-test social distance levels in the gay male juror imagined experimental groups, but not significantly lower in the male imagined control groups.

Within-subjects t-tests were then conducted comparing the means of participants' pre-test and post-test social distance scores for each of the eight groups (Table 5.1). Tests of skewness and kurtosis showed levels for all measures were well within the acceptable ranges, assumption tests were not violated, Appendix J). Histograms, Q-Q and box plots showed reasonable linearity with no outliers beyond the whiskers of the box plots.

Table 5.1 Within-groups paired samples t-tests, mean pre-test and post-test social distance scores, for the 8 groups according to sample type

Internet (Community Sample)	Paper (Student Sample)	Combined Sample
Group 1 $t(39) = 2.09, p=0.021$ pre-test = 3.02 (SD = 1.54) post-test = 2.85 (SD = 1.33)	$t(39) = 3.15, p=0.002$ pre-test = 2.94 (SD = 1.56) post-test = 2.80 (SD = 1.49)	$t(79) = 3.35, p<0.001$ pre-test = 2.98 (SD = 1.54) post-test = 2.83 (SD = 1.40)
Group 2 $t(44) = 3.76, p<0.001$ pre-test = 2.74 (SD = 1.46) post-test = 2.44 (SD = 1.29)	$t(38) = 3.81, p<0.001$ pre-test = 2.84 (SD = 1.28) post-test = 2.70 (SD = 1.23)	$t(83) = 4.86, p<0.001$ pre-test = 2.78 (SD = 1.37) post-test = 2.56 (SD = 1.26)
Group 3 $t(48) = 1.28, p=0.103$ pre-test = 3.04 (SD = 1.51) post-test = 2.88 (SD = 1.40)	$t(39) = 7.00, p<0.001$ pre-test = 2.95 (SD = 1.33) post-test = 2.78 (SD = 1.24)	$t(88) = 2.48, p=0.008$ pre-test = 3.00 (SD = 1.42) post-test = 2.84, (SD = 1.32)
Group 4 $t(41) = 3.97, p<0.001$ pre-test = 3.08 (SD = 1.34) post-test = 2.85 (SD = 1.20)	$t(38) = 3.46, p<0.001$ pre-test = 2.60 (SD = 1.49) post-test = 2.47 (SD = 1.47)	$t(80) = 5.17, p<0.001$ pre-test = 2.85 (SD = 1.43) post-test = 2.66 (SD = 1.34)
Group 5 $t(43) = 1.71, p=0.047$ pre-test = 3.34 (SD = 1.34) post-test = 3.27 (SD = 1.40)	$t(43) = -0.12, p=0.455$ pre-test = 2.41 (SD = 1.56) post-test = 2.41 (SD = 1.61)	$t(87) = 0.890, p=0.188$ pre-test = 2.88 (SD = 1.52) post-test = 2.84 (SD = 1.56)
Group 6 $t(43) = -1.89, p=0.033$ pre-test = 3.08 (SD = 1.47) post-test = 3.13 (SD = 1.48)	$t(42) = -2.25, p=0.015$ pre-test = 2.58 (SD = 1.31) post-test = 2.65 (SD = 1.35)	$t(86) = -2.95, p=0.002$ pre-test = 2.83 (SD = 1.41) post-test = 2.89 (SD = 1.43)
Group 7 $t(45) = -1.09, p=0.142$ pre-test = 3.09 (SD = 1.32) post-test = 3.13 (SD = 1.30)	$t(47) = -1.07, p=0.146$ pre-test = 2.10 (SD = 1.23) post-test = 2.19 (SD = 1.37)	$t(93) = -1.40, p=0.083$ pre-test = 2.58 (SD = 1.36) post-test = 2.65 (SD = 1.41)
Group 8 $t(43) = 0.22, p=0.415$ pre-test = 2.88 (SD = 1.24) post-test = 2.88 (SD = 1.30)	$t(42) = -1.1, p=0.139$ pre-test = 3.03 (SD = 1.44) post-test = 3.05 (SD = 1.43)	$t(86) = -0.29, p=0.386$ pre-test = 2.96 (SD = 1.33) post-test = 2.96 (SD = 1.36)

Group1=aggravated common assault gay male juror

Group2=common assault gay male juror

Group3=aggravated actual bodily harm gay male juror

Group4=actual bodily harm gay male juror

Group5=aggravated common assault male juror

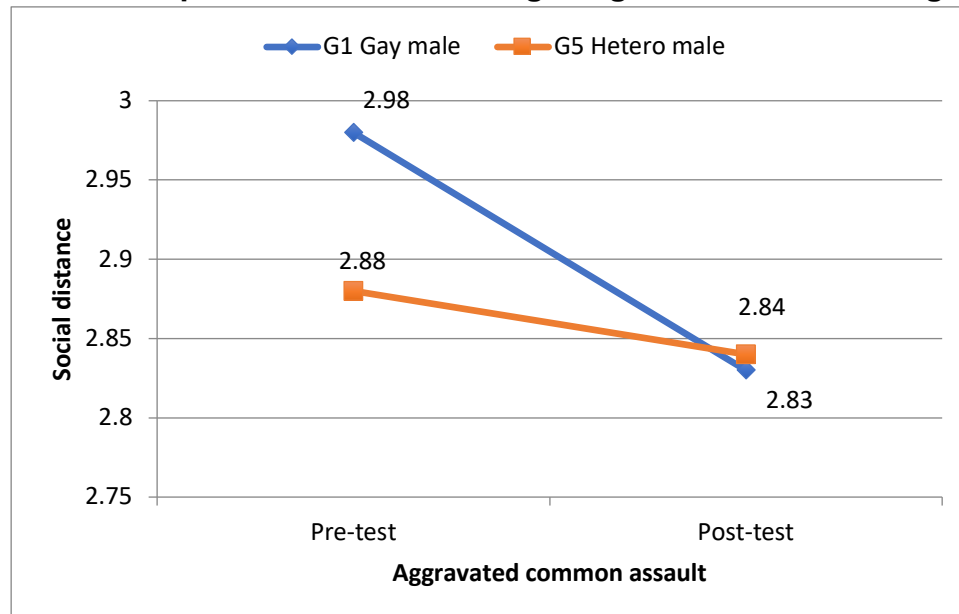
Group6=common assault male juror

Group7=aggravated actual bodily harm male juror

Group8=actual bodily harm male juror

These t-test were computed separately for the online-recruited community sample data, the paper, student sample data and the combined sample data set. The means of the pre and post-test social distance scores were then plotted for the experimental groups (1-4) with their corresponding control groups (5-8), as shown in Figures 5.1 to 5.4 for the combined data set.

Figure 5.1 Showing post-test social distance levels were significantly lower than pre-test levels following imagined contact with a gay male juror



Group 1 Aggravated common assault, gay male juror, **Group 5** Aggravated common assault male juror (control)

From Table 5.1 we can see that for the paired samples t-test comparing the pre and post-test means of social distance scores in:

Group 1: (aggravated common assault plus imagined contact with a gay male juror) the t-statistic was 3.35, with $df=79$, ($p<0.001$).

The effect size for the difference between the pre-test and post-test scores was calculated using Cohen's d , resulting in a value of 0.4, which is considered a small to medium effect.

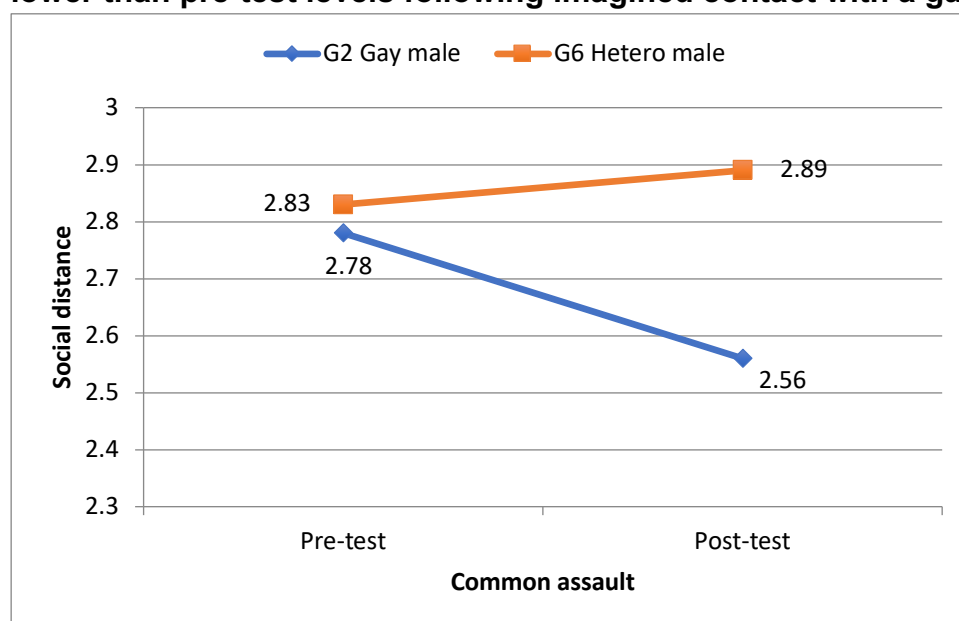
The results indicated that statistically there was a significant difference between the post- and pre-test mean scores within experimental group 1, suggesting that imagined contact with a gay male juror significantly reduced participant

transprejudice levels towards transgender women, with a small to medium effect size.

The most widely used thresholds by which the effect size is statistically interpreted as small, medium, or large are those proposed by Cohen (1992); where $d = 0.20$ is interpreted as a small effect size, $d = 0.50$ as a medium effect, and $d = 0.80$ as a large effect size.

As expected, the results indicated that there was no significantly significant difference between the post- and pre-test mean scores within control group 5, suggesting that imagined contact with a heterosexual male juror did not reduce participant transprejudice levels towards transgender women.

Figure 5.2 Showing post-test social distance levels were significantly lower than pre-test levels following imagined contact with a gay male juror



Group 2 Common assault, gay male juror, **Group 6** Common assault, male juror (control)

Group 2: (common assault plus imagined contact with a gay male juror) the t-statistic was 4.86, with $df=83$ ($p<.001$).

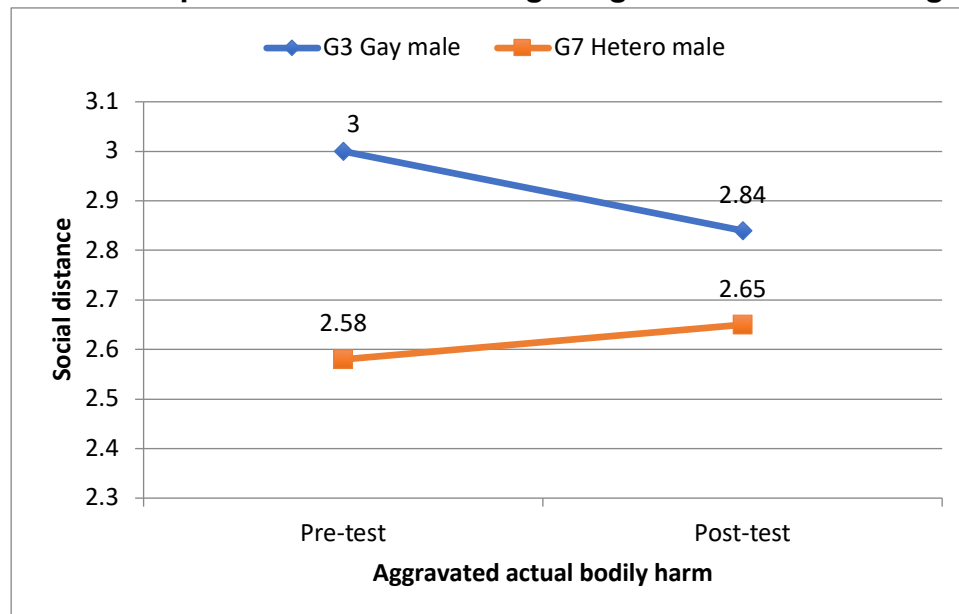
The effect size for the difference between the pre-test and post-test scores resulted in a Cohen's d value of 0.42, which is considered a small to medium effect.

The results indicated that there was a significantly significant difference between the post- and pre-test mean scores within experimental group 2,

suggesting that imagined contact with a gay male juror significantly reduced participant transprejudice levels towards transgender women, with a small to medium effect size.

Post-test social distance scores were significantly higher than pre-test social distance scores in group 6, an important and unexpected finding.

Figure 5.3 Showing post-test social distance levels were significantly lower than pre-test levels following imagined contact with a gay male juror



Group 3 Aggravated actual bodily harm, gay male juror, **Group 7** Aggravated actual bodily harm, male juror (control)

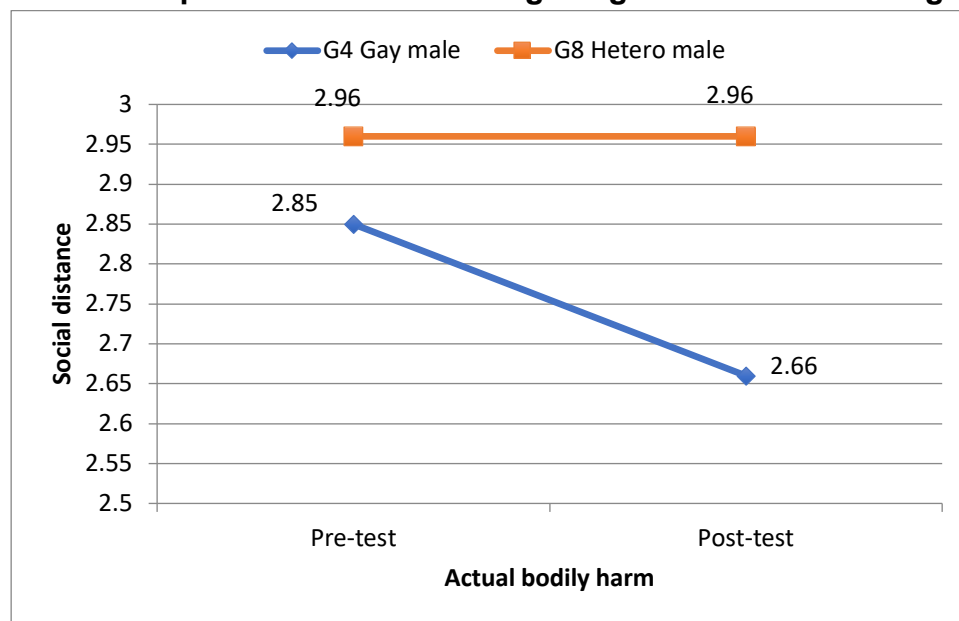
Group 3: (aggravated actual bodily harm plus imagined contact with a gay male juror) the t-statistic was 2.48, with $df=88$ ($p=0.008$).

The effect size for the difference between the pre-test and post-test scores resulted in a Cohen's d value of 0.63, which is considered a medium effect.

The results indicated that there was a significantly significant difference between the post- and pre-test mean scores within experimental group 3, suggesting that imagined contact with a gay male juror significantly reduced participant transprejudice levels towards transgender women, with a medium effect size.

There was no significant difference in group 7.

Figure 5.4 Showing post-test social distance levels were significantly lower than pre-test levels following imagined contact with a gay male juror



Group 4 Actual bodily harm, gay male juror, **Group 8** Actual bodily harm, male juror (control)

Group 4: (actual bodily harm plus imagined contact with a gay male juror) the t-statistic was 5.17, with $df=80$ ($p<0.001$).

The effect size for the difference between the pre-test and post-test scores resulted in a Cohen's d value of 0.32, which is considered a small to medium effect.

The results indicated that there was a significantly significant difference between the post- and pre-test mean scores within experimental group 4, suggesting that imagined contact with a gay male juror significantly reduced participant transprejudice levels towards transgender women, with a small to medium effect size, as seen with the offences of common assault and aggravated common assault.

There was no significant difference in group 8.

Table 5.2 Summary for hypothesis one

Groups 1-4, imagined contact with gay male juror	Groups 5-8, imagined contact with male juror
significantly reduced participant transprejudice levels towards transgender women, with a small to medium effect size in all four offences (common assault, aggravated common assault, actual bodily harm and aggravated actual bodily harm).	no significant decreases in post-test social distance means, i.e. imagined contact with a heterosexual male juror did not reduce participant transprejudice levels towards transgender women except in Group 5 (internet sample). In groups 6 and 7 post-test social distance levels actually increased and significantly so in group 6.

Hypothesis 2

Post-test social distance scores will be correlated with the measures:

(participants' defendant blame, victim blame, perceived victim suffering and sentence enhancement agreement scores).

The Pearson correlation coefficient was computed (Table 5.3) to assess the correlation and strength of the statistical relationship between post-test social distance scores and participants' ratings on the other measures to determine the wider influence of social distance (stigma) levels.

Table 5.3 Correlation coefficient matrix

	Post-test social distance	Sentence agreement	Victim blame	Defendant blame	Victim suffering
Post-test social distance	1				
Sentence agreement	-0.606**	1			
Victim blame	0.536**	-0.543**	1		
Defendant blame	-0.380**	0.453**	-0.339**	1	
Victim suffering	-0.645**	0.578**	-0.621**	-0.586**	1

**Correlation is significant at the 0.001 level (2-tailed).

Sentence enhancement agreement (SEA):

There was a strong negative correlation between post-social distance scores and SEA levels, $r(568) = -0.606$, $p = <0.001$.

Victim-blame (VB):

There was a strong positive correlation between post-social distance scores and VB, $r(690) = 0.536$, $p = <0.001$.

Defendant-blame (DB):

There was a moderate negative correlation between post-social distance scores and DB, $r(690) = -0.380$, $p = <0.001$. DB was also subsequently found to be the most significant predictor of guilty verdicts, showing the importance of higher DB.

Perceived victim suffering (PVS):

There was a strong negative correlation between post-social distance scores and PVS scores, $r(689) = -0.645$, $p = <0.001$.

Table 5.4 Summary of correlation matrix

Measure	Correlation
Defendant blame	The lower post-social distance scores the higher defendant blame scores, moderate correlation.
Perceived victim suffering	The lower post-social distance scores the higher PVS scores, strong correlation.
Sentence enhancement agreement	The lower post-test social distance scores, the higher sentence enhancement agreement levels, strong correlation.
Victim blame	The higher the post-social distance scores, the more they unfairly blamed the victim given the guilty nature of the crime scenario, strong correlation

Hypothesis 3: (Offence and sentence-severity bias)

Participants in the more serious (aggravated) offence groups will deliver significantly lower percentage guilty verdict rates (%GVR) compared to participants in the less serious base offence groups. Given the dichotomous nature of the verdict (guilty or not guilty) a chi square (X^2) analysis was run to test hypothesis 3 (Table 5.5).

Assumption tests for X^2 analysis were met (Appendix J).

Table 5.5 χ^2 showing %GVR in the aggravated offence groups were significantly lower compared to their corresponding base offence groups

Paired Groups Aggravated / Base	Number of guilty counts (N) and %GVR	Standardised residuals	Asymptotic Significance (two-sided p values)
1 & 2	N=34 or 43% & N=64 or 77%	-2.0 and 2.0	$\chi^2(1) = 20.35, p = < 0.001, \Phi = 0.353$
3 & 4	N=30 or 34% & N=47 or 58%	-1.6 and 1.7	$\chi^2(1) = 10.12, p = 0.001, \Phi = 0.244$
5 & 6	N=27 or 31% & N=55 or 62%	-2.2 and 2.1	$\chi^2(1) = 17.23, p = < 0.001, \Phi = 0.312$
7 & 8	N=28 or 31% & N=44 or 51%	-1.4 and 1.4	$\chi^2(1) = 6.95, p = 0.008, \Phi = 0.198$

Group1=aggravated common assault gay male juror

Group2=common assault gay male juror

Group3=aggravated actual bodily harm gay male juror

Group4=actual bodily harm gay male juror

Group5=aggravated common assault male juror

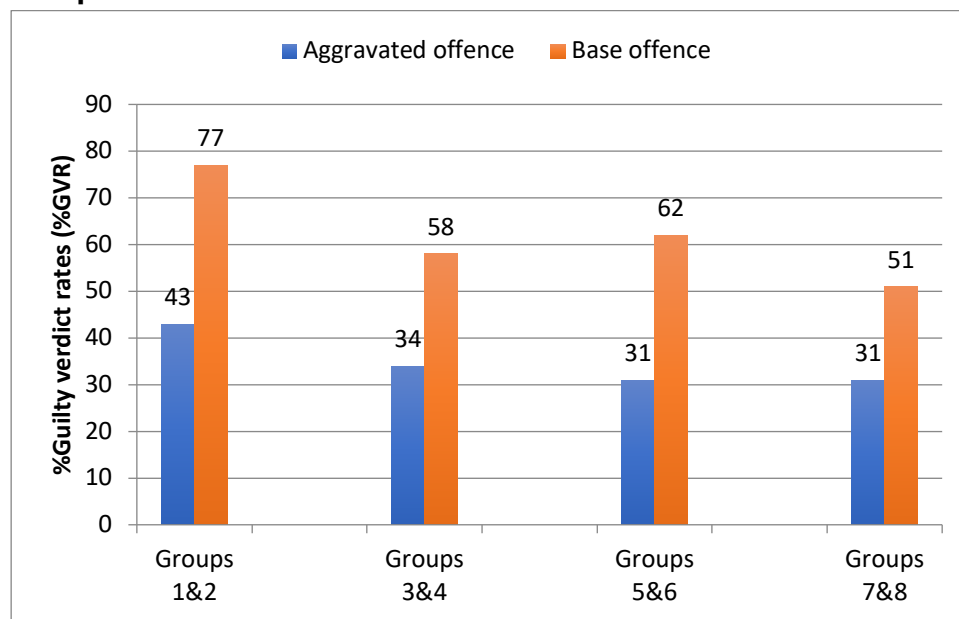
Group6=common assault male juror

Group7=aggravated actual bodily harm male juror

Group8=actual bodily harm male juror

The results were also plotted, Figure 5.5.

Figure 5.5 Significantly lower %GVR in all 4 aggravated offences compared to their base offences



Group1=aggravated common assault gay male juror Group5=aggravated common assault male juror
 Group2=common assault gay male juror Group6=common assault male juror
 Group3=aggravated actual bodily harm gay male juror Group7=aggravated actual bodily harm male juror
 Group4=actual bodily harm gay male juror Group8=actual bodily harm male juror

From Table 5.5 and Figure 5.5 we can see that for gay male

Groups 1&2: There was a significant relationship between aggravated common assault and common assault, $X^2(1) = 20.35$, $p < 0.001$, $\Phi = 0.244$.

Groups 3&4: There was a significant relationship between aggravated actual bodily harm and actual bodily harm, $X^2(1) = 10.12$, $p = 0.001$, $\Phi = 0.244$.

And for the male

Groups 5&6: There was a significant relationship between aggravated common assault and common assault, $X^2(1) = 17.23$, $p < 0.001$, $\Phi = 0.312$.

Groups 7&8: There was a significant relationship between aggravated actual bodily harm and actual bodily harm, $X^2(1) = 6.95$, $p = 0.008$, $\Phi = 0.198$.

Summary of findings for Hypothesis 3:

As predicted according to hypothesis 3: %GVR in all four of the more serious aggravated offence groups were significantly lower compared to their corresponding less serious, base offence groups.

Alternative Verdict

Participants who gave not-guilty verdicts for the aggravated offence (verdict 1) were also subsequently asked to decide on the alternative base offence (verdict 2). The percentage guilty verdicts are shown in Table 5.6, while Table 5.7 shows the combined percentages.

Table 5.6 Percentage verdicts for verdict 2 (alternative base offences)

Verdicts	Group 1	Group 3	Group 5	Group 7
Guilty	N=28 or 62%	N=16 or 40%	N=35 or 58%	N=31 or 67%
Not guilty	N=17 or 38%	N=24 or 60%	N=25 or 42%	N=15 or 33%
Totals	N=45	N=40	N=60	N=46
Group1=aggravated common assault gay male juror Group5=aggravated common assault male juror Group2=common assault gay male juror Group6=common assault male juror Group3=aggravated actual bodily harm gay male juror Group7=aggravated actual bodily harm male juror Group4=actual bodily harm gay male juror Group8=actual bodily harm male juror				

Table 5.7 Percentage guilty verdicts for aggravated offences and their alternative base offences, compared to base offences only

Verdict 1 Aggravated offence	Verdict 2 alternative Base offence	Combined % guilty verdicts Verdict 1 + 2	Verdict 1 Base offence only
N=34 or 43% Group 1	N=28 or 62% Group 1	62 / 80 = 78% Group 1	N=64 or 77% Group 2
N=30 or 34% Group 3	N=16 or 40% Group 3	46 / 89 = 52% Group 3	N=47 or 58% Group 4
N=27 or 31% Group 5	N=35 or 58% Group 5	62 / 89 = 70% Group 5	N=55 or 62% Group 6
N=28 or 31% Group 7	N=31 or 67% Group 7	59 / 90 = 66% Group 7	N=44 or 51% Group 8

Summary

The percentage combined guilty verdicts in the aggravated groups were fairly similar to the percentage guilty verdicts in the corresponding base offences except for aggravated actual bodily harm, which was significantly higher.

Hypothesis 4: (gay male groups compared to male groups on verdicts)

Participants in the gay male groups will deliver significantly different percentage guilty verdict rates (%GVR) compared to participants in the male groups.

Given the dichotomous nature of the verdict (guilty or not guilty) a chi square (X^2) analysis was run to test hypothesis 4, comparing gay male and male groups explores the impact of the type of imagined contact on %GVR. From Table 5.8 we can see that although %GVR were higher in all four gay male groups compared to their corresponding male groups, it was only significantly higher in group 2 compared to group 6 (the base offence of common assault). There was a significant relationship between imagined contact with a gay male juror and %GVR compared to imagined contact with a male juror for the offence of common assault, $X^2(1) = 4.72$, $p = 0.030$.

Table 5.8 χ^2 test showing the number and %GVR in the gay male groups compared to their corresponding male groups

Paired Groups Gay male / male	Number of guilty counts (N) and %GVR	Standardised residuals	Asymptotic Significance (two-sided p values)
1 & 5	N=34 or 43% & N=27 or 31%	.9 and -.9	$\chi^2(1) = 2.53, p = 0.112,$ $\Phi = -0.123$
2 & 6	N=64 or 77% & N=55 or 62%	.9 and -.8	$\chi^2(1) = 4.72, p = 0.030,$ $\Phi = -0.166$
3 & 7	N=30 or 34% & N=28 or 31%	.2 and -.2	$\chi^2(1) = 0.14, p = 0.711,$ $\Phi = -0.028$
4 & 8	N=47 or 58% & N=44 or 51%	.5 and -.5	$\chi^2(1) = 0.94, p = 0.333,$ $\Phi = -0.075$

Group1=aggravated common assault gay male juror Group5=aggravated common assault male juror
Group2=common assault gay male juror Group6=common assault male juror
Group3=aggravated actual bodily harm gay male juror Group7=aggravated actual bodily harm male juror
Group4=actual bodily harm gay male juror Group8=actual bodily harm male juror

Hypothesis 4: Summary of the influence of the type of imagined contact on %GVR

From Table 5.8 we can see that there was a significant relationship between the common assault gay male juror group and common assault male juror group, $\chi^2(1) = 4.72, p = 0.030, \Phi = -0.166$. Participants delivered significantly higher %GVR in the gay male imagined contact group, compared to the male imagined contact group only in the base offence of common assault.

Reasons for participants' verdicts

One of the aims of this study was to determine the percentage of participants that gave not-guilty verdicts because they considered the *sentence maxima* too high i.e. the presence and cause of any sentence-severity bias effects.

The LC is currently considering whether jurors should be asked to give a reason for their verdicts in sexual assault and rape cases (LC Consultation Paper 259, May 2023). Another serious concern expressed in the LC report (2020) was the impact on jurors of the defence emphasising the good character of the defendant via character witnesses. By focussing on the defendant's good character and emphasising that the defendant is not for example racist or transphobic, the defence not only often secure an acquittal on the aggravated offence, but also the basic version of the offence, even when there is strong evidence to support both charges (LC, 2020).

Hence this study also asked participants to what extent they believed the character witness statement and whether this was the reason for their verdict. Participants were asked to choose a reason for their verdicts from statements provided or to give a reason of their own (Appendix B). In this study, mean of agreement with each of the six hate crime law statements were also computed for guilty and not guilty verdicts separately.

Table 5.9 Showing the percentage and number of participants according to the reasons chosen for their verdicts (and mean agreement with hate crime law statements) for the aggravated groups, 1,3,5 and 7 combined

Hate crime law (HCL) Statement (Appendix B)	Mean of HCL scores for participants who gave guilty verdicts (GV)	% of participants who chose this reason for their guilty verdicts and number (n)	Mean of HCL scores for participants who gave not guilty verdicts (NGV)	% of participants who chose this reason for their not guilty verdicts and number (n)
1	GV=4.83 (SD=1.498)	29.4% (n=35)	NGV=3.14 (SD=1.506)	11.9% (n=27)
2	GV=4.76 (SD=1.529)	31.1% (n=37)	NGV=3.26 (SD=1.334)	6.6% (n=15)
3	GV=4.24 (SD=1.233)	4.2% (n=5)	NGV=2.72 (SD=1.293)	22.1% (n=50)
4	GV=4.88 (SD=1.403)	26.1% (n=31)	NGV=3.54 (SD=1.199)	5.3% (n=12)
5	GV=3.62 (SD=1.501)	5.9% (n=7)	NGV=2.00 (SD=1.301)	53.5% (n=121)
6	Other reason	3.4% (n=4)		0.4% (n=1)
	Totals:	100% (n=119)		100% (n=228)

Key: please see Appendix B for questions 1-6

Only participants who were in the aggravated groups (1,3,5 & 7) were questioned regarding their agreement with hate crime laws. Base offences are not prosecuted as hate crimes, even though a judge is required to enhance any sentence if they believe that in committing the base offence the defendant

demonstrated hostility towards the victim's (transgender) protected identity (LC, 2020).

Table 5.10 Summary of participants' reasons for their verdicts

Main reasons for guilty verdicts	Main reasons for not guilty verdicts
The main reason for guilty verdicts was because 31.1% of participants (n=37) agreed that calling a transgender person a 'tranny' or 'she-boy' should not be excusable just because it may be considered normal or common language, mean=4.76.	The main reason for not guilty verdicts was because 53.5% of participants (n=121) agreed that the maximum prison sentence was too high. Mean=2.00 which is strong evidence of sentence-severity bias.

Comparing participant scores on the measures between the gay male and male groups

The overarching aim of the three quantitative studies in this project was to explore and compare participant decisions in different LGBT+ and non-LGBT+ groups.

Hypothesis 5: Participants' scores on the measures (victim blame, defendant blame, sentence agreement and victim suffering) will be significantly different in the gay male groups compared to the male groups.

Independent two-sample t-tests were conducted to compare the impact of imagined contact with a gay male juror experimental groups and imagined contact with a male juror, control groups on the measures as shown in Table 5.11 and Figures 5.6 and 5.7. The Q-Q plots for the measures showed a reasonable linear fit.

Table 5.11 Independent two-sample t-tests comparing means of measures according to imagined contact with the gay male juror/male juror

Groups	Victim blame	Defendant blame	Sentence agreement	Perceived victim suffering
1&5	t(166)=-0.606 p=0.273	t(166)=1.055 p=0.146	t(104)=1.149 p=0.127	t(166)=-1.463 p=0.073
2&6	t(169)=-1.447 p=0.075	t(169)=0.801 p=0.212	t(168)=2.063 p=0.020	t(169)=1.835 p=0.034
3&7	t(181)=0.387 p=0.350	t(181)=-0.345 p=0.365	t(122)=0.564 p=0.287	t(181)=0.326 p=0.372
4&8	t(166)=-2.427 p=0.008	t(166)=2.169 p=0.016	t(166)=2.942, p=0.002	t(166)=2.265 p=0.012

Group1=aggravated common assault gay male juror

Group5=aggravated common assault male juror

Group2=common assault gay male juror

Group6=common assault male juror

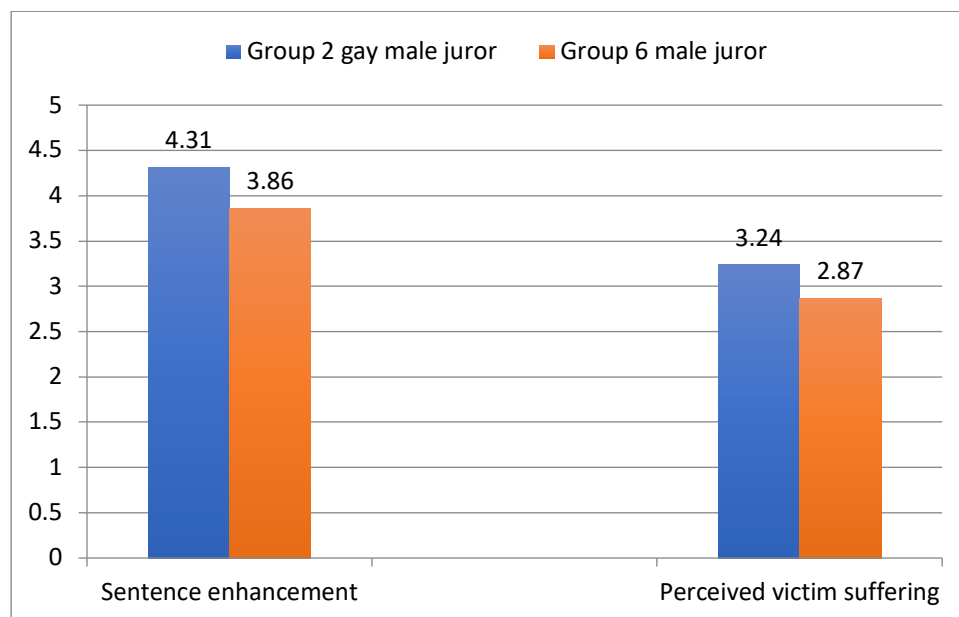
Group3=aggravated actual bodily harm gay male juror

Group7=aggravated actual bodily harm male juror

Group4=actual bodily harm gay male juror

Group8=actual bodily harm male juror

Figure 5.6 Showing significant differences on measures between groups 2 and 6, for the base offence of common assault



Sentence enhancement agreement (SEA):

Participants were asked 'To what extent do you agree or disagree with the statement that 'the sentence should be increased because hate crimes are seen as causing extra harm to victims and the community,' (adapted from Cramer et al., 2013, this Likert scale was only reversed when analysing the data).

Strongly agree	Agree	slightly agree	Slightly disagree	Disagree	Strongly disagree
6	5	4	3	2	1

From Table 5.11 we can see that for the independent samples t-test comparing SEA scores between:

Groups 2 and 6 the t-statistic was 2.06, with df=168, (p=0.020).

The results indicated that there was a significantly significant difference between the SEA scores in the gay male group 2 and the male group 6, suggesting that imagined contact with a gay male juror, significantly increased participant SEA scores.

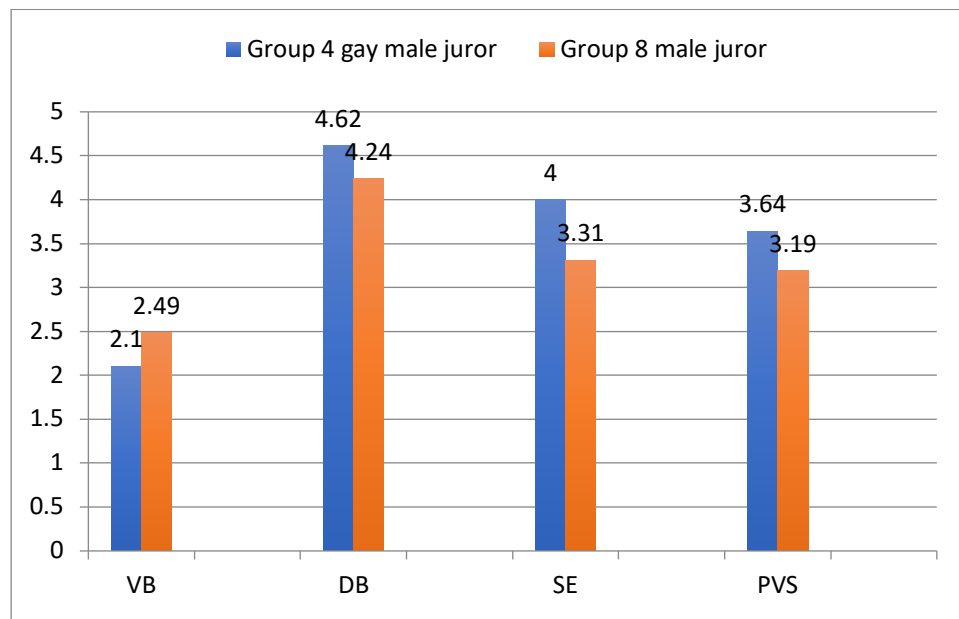
Perceived victim suffering (PVS):

The independent samples t-test comparing PVS scores between

Groups 2 and 6 the t-statistic was 1.835, with df=169, (p=0.034).

The results indicated that there was a significantly significant difference between the PVS scores in groups 2 and 6, suggesting that imagined contact with a gay male juror significantly increased participants' PVS scores.

Figure 5.7 Showing significant differences on all measures between groups 4 and 8 for the base offence of actual bodily harm



VB=victim blame, DB=defendant blame, SE=sentence enhancement and PVS=perceived victim suffering.

Victim-blame (VB):

From Table 5.11 we can see that for the independent samples t-test comparing VB between:

Groups 4 and 8 the t-statistic was -2.427, with df=166, ($p=0.008$).

The results indicated that there was a significantly significant difference between the VB scores in the gay male group 4 and the male group 8. Imagined contact with a gay male juror was associated with significantly reduced participants' VB scores.

Defendant-blame (DB):

For the independent samples t-test comparing DB between the gay male and male groups the t-statistic was 2.169, with df=166, ($p=0.016$).

The results indicated that there was a significantly significant difference between the DB scores in the gay male groups and male groups, suggesting that imagined contact with a gay male juror significantly increased participants' DB scores.

Sentence enhancement agreement (SEA):

From Table 5.11 we can see that for the independent samples t-test comparing the means of SEA scores for **Groups 4 & 8** the t-statistic was 2.942, with $df=166$, ($p=0.002$).

The results indicated that there was a significantly significant difference between the SEA scores in groups 4 and 8, suggesting that imagined contact with a gay male juror, significantly increased participants' SEA scores.

Perceived victim suffering (PVS):

For the independent samples t-test comparing the means of PVS scores the t-statistic was 2.265, with $df=166$, ($p=0.012$).

The results indicated that there was a significantly significant difference between the PVS in the gay male group 4 and the male group 8, suggesting that imagined contact with a gay male juror significantly increased participants' PVS scores.

Table 5.12 Summary of the influence of imagined contact with a gay male juror compared to a male juror on measures

Findings	Measures
Imagined contact with gay male juror v. imagined contact with male juror	
Groups 2 & 6 base offence of common assault	
Significantly higher	sentence enhancement
Significantly higher	perceived victim suffering
Groups 4 & 8 base offence of actual bodily harm	
Significantly lower	victim blame
Significantly higher	defendant blame
Significantly higher	sentence enhancement agreement
Significantly higher	perceived victim-suffering
Aggravated offences of common assault and actual bodily harm	
No significant differences on any measures	

Hypothesis 6: (predictors of verdicts)

Defendant-blame, victim blame, victim suffering and sentence enhancement will be significant predictors of verdict.

Finally, a standard logistic regression analysis was conducted to determine whether the measures (defendant-blame, victim blame, victim suffering, sentence enhancement and/or social distance) were significant predictors of verdicts. Collinearity assumption tests and preliminary models are provided in Appendix M.

Final model

The goodness of fit test for the final model (Hosmer and Lemeshow test) was not significant ($p=0.725$) also indicating that the assumptions of collinearity were met and indicating that the variables have a linear relationship with the logit of the outcome variable satisfying the assumption of linearity.

The final model included 545 cases, was slightly improved and also statistically significant in predicting verdicts, $\chi^2(\text{omnibus}) R^2 = 348.95$, $df = 4$, $p = <0.001$. This model accounted for between 47.3% (Cox & Snell r square) and 64.9% (Nagelkerke r square) of the variance, with 74.9% of the guilty verdicts correctly classified and 89.1% of the not guilty verdicts correctly classified (overall 84.0% of the verdicts were correctly predicted). Sentence enhancement agreement levels, victim blame, defendant blame and perceived victim suffering significantly predicted verdicts (Table 5.13).

Table 5.13 Logistic regression, final model

Predictors	B	S.E.	Wald	df	P	Exp(B)	95% CI for Exp(B)	
							Lower	Upper
Sentence enhancement	0.580	0.121	22.86	1	<0.001	1.79	1.41	2.27
Victim blame	-0.915	0.189	23.34	1	<0.001	0.40	0.28	0.58
Defendant blame	0.83	0.168	24.43	1	<0.001	2.30	1.65	3.20
Victim suffering	0.64	0.149	18.69	1	<0.001	1.91	1.42	2.56
Constant	-6.48	1.13	33.12	1	<0.001	0.002		

Table 5.13 shows according to the Exp(B) or odds ratio (OR);

A one unit increase in Defendant blame levels increases the odds of guilty verdicts by 2.30 times or 230% (defendant blame (OR=2.30, 95%CI [1.65, 3.20]).

A one unit increase in Sentence agreement levels increases the odds of guilty verdicts by 1.79 times or 179% (sentence agreement (OR=1.79, 95%CI [1.41, 2.27]),

A one unit increase in Victim suffering levels increases the odds of guilty verdicts by 1.91 times or 191% (Victim suffering (OR=1.91, 95%CI [1.42, 2.56])).

A one unit increase in Victim blame levels decreases the odds of guilty verdicts by 0.40 times or 40% (victim blame (OR=0.40, 95%CI [0.28, 0.58])).

5.3 Summary

Imagined contact with a gay male juror significantly reduced participant transprejudice levels towards transgender women i.e. in the LGBT+ diverse mock-jury groups, participant stigma levels were significantly lower.

There were significantly fewer Guilty verdicts in all four aggravated offence groups compared to their corresponding base offence groups.

The percentage combined guilty verdicts in the aggravated groups were fairly similar to the percentage guilty verdicts in the corresponding base offences except for aggravated actual bodily harm, which was significantly higher.

Although participants delivered higher %GVR in all four gay male imagined contact groups, compared to the male imagined contact groups, they were only significantly higher for the offence with the lowest *sentence maxima* of six-months for common assault.

The main reason for not guilty verdicts was because 53.5% of participants (n=121) agreed the *sentence maxima* was too high, mean=2.00 which is strong evidence of sentence-severity bias.

For both base offences, participant sentence enhancement agreement and perceived victim suffering scores were significantly higher in the gay male groups compared to male groups.

Higher defendant blame levels increase the percentage of guilty verdicts more than any other predictor variable. Higher victim suffering and sentence enhancement agreement levels also significantly increase the %GVR, while higher victim blame levels decrease %GVR.

Chapter six now presents the findings of Study Two.

Chapter 6 Study Two Comparing the influence of a heterosexual and homosexual male Jury Foreperson

6.1 Introduction

Given LGBT+ people are generally under-represented in UK juries (Lever, 2017) it stands to reason they will also be under-represented as jury forepersons, particularly given most juries were shown to have a heterosexual male jury foreperson (Zander and Henderson (1993). A recent literature search revealed no recent such studies, save to say the UK has continued to recruit jurors from a single register and minorities exempt themselves significantly more. When Clay (2017) used a confederate to act as a jury foreperson with a pro-defendant (not-guilty opinion), there were significantly more not guilty verdicts compared to when the jury foreperson confederate was portrayed with a pro-victim (guilty opinion). However, Clay did not compare the jury foreperson's influence with that of an LGBT+ juror or jury foreperson. Study Two further explores the advantages of LGBT+ representative mock-jury groups with a gay male jury foreperson (or gay male juror) compared to non-LGBT+ representative mock-jury groups with a male jury foreperson (or male juror).

Details of participant recruitment, the design, measures and method were covered in the methodology chapter four. This chapter starts with stating the first hypothesis and explaining the statistical tests required for this (the assumptions of these statistical tests were not violated). The results and findings for hypothesis one, are presented and summarised before repeating this process for the next four hypotheses. The chapter concludes with an overall summary of the findings.

6.2 Findings

Jury foreperson groups compared to juror groups

The main aim of Study Two was to determine whether a jury foreperson has a significantly different influence on participants' verdicts and measures (defendant blame, victim blame, perceived victim suffering) compared to a juror.

Hypothesis 1: (influence on participants' verdicts)

Percentage guilty verdict rates will be significantly different in the jury foreperson groups compared to the corresponding juror groups.

Given the dichotomous nature of the verdict (guilty or not guilty) a chi-square (χ^2) analysis was run to test hypothesis 1 comparing the jury foreperson groups with their corresponding juror groups as shown in Table 6.1.

Table 6.1 χ^2 results showing the % Guilty Verdict Rates (GVR) in the jury foreperson groups compared to their corresponding juror control groups

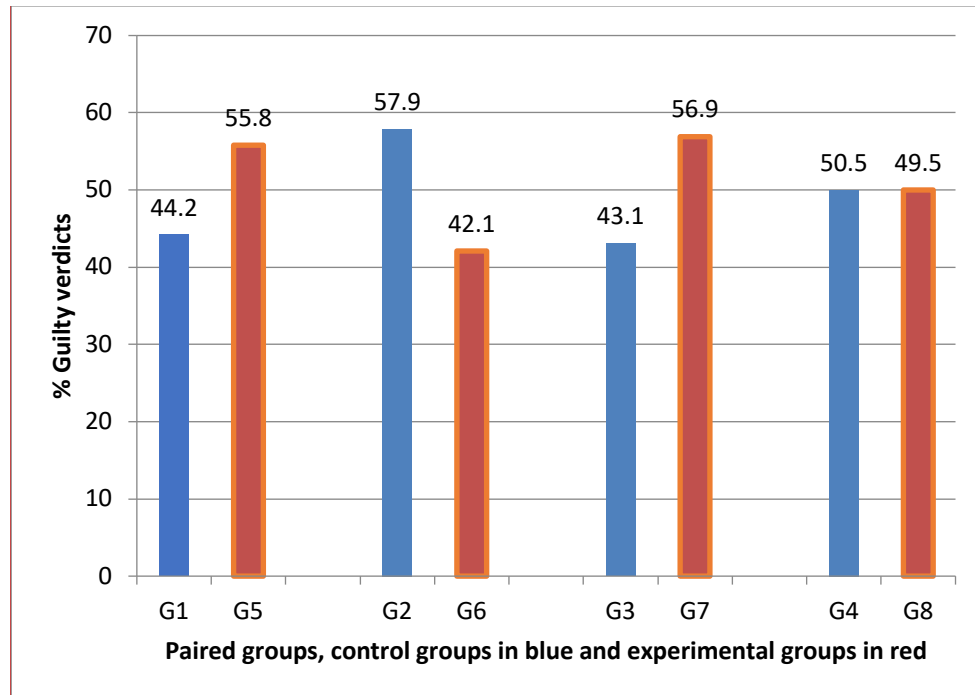
Paired Groups juror / jury foreperson	Number of guilty counts (n) and %GVR within verdict	Standardised residuals	Asymptotic Significance (two-sided p values and effect sizes, Φ)
1 & 5	n=53 or 44.2% n=67 or 55.8%	-0.9 and 0.9	$\chi^2(1) = 7.40, p=0.007$ $\Phi = -0.219$
2 & 6	n=55 or 57.9% & n=40 or 42.1%	1.1 and -1.1	$\chi^2(1) = 6.32, p=0.012$ $\Phi = -0.204$
3 & 7	n= 50 or 43.1% & n= 66 or 56.9%	-1.0 and 1.0	$\chi^2(1) = 7.97, p=0.005$ $\Phi = -0.227$
4 & 8	n= 48 or 50.5% & n= 47 or 49.5.0%	0.3 and -0.4	$\chi^2(1) = 0.49, p=0.485$ $\Phi = -0.057$

Group1=Pro-victim male juror
Group2=Pro-defendant male juror
Group3=Pro-victim gay male juror
Group4=Pro-defendant gay male juror

Group5=Pro-victim male foreperson
Group6=Pro-defendant male foreperson
Group7=Pro-victim gay male foreperson
Group8=Pro-defendant gay male foreperson

Assumption tests for χ^2 analysis were met (Appendix J).

Figure 6.1 Showing significantly different %GVR in 3 of the 4, jury foreperson experimental groups compared to their corresponding juror control groups



Group1=Pro-victim male juror
 Group2=Pro-defendant male juror
 Group3=Pro-victim gay male juror
 Group4=Pro-defendant gay male juror

Group5=Pro-victim male foreperson
 Group6=Pro-defendant male foreperson
 Group7=Pro-victim gay male foreperson
 Group8=Pro-defendant gay male foreperson

From Table 6.1 and Figure 6.1 we can see that for;

Groups 1&5: There was a significant relationship between the verdicts of the pro-victim male juror and the pro-victim male jury foreperson, $\chi^2(1) = 7.40$, $p=0.007$, $\Phi = -0.219$.

Groups 2&6: There was a significant relationship between the verdicts of the pro-defendant male juror and the pro-defendant male jury foreperson, $\chi^2(1) = 6.32$, $p=0.0012$, $\Phi = 0.204$.

Groups 3&7: There was a significant relationship between the verdicts of the pro-victim gay male juror and the pro-victim gay male jury foreperson, $\chi^2(1) = 7.97$, $p=0.005$, $\Phi = -0.227$.

Groups 4&8: There was no significant relationship between the verdicts of the pro-defendant gay male juror and the pro-defendant gay male jury foreperson, $\chi^2(1) = 0.49$, $p=0.485$, $\Phi = -0.057$.

Table 6.2 Summary for hypothesis 1

Jury forepersons compared to jurors	Influence on %GVR
Pro-victim male	Participants delivered significantly higher %GVR in the pro-victim, male, jury foreperson group (5) compared to the pro-victim, male, juror group (1)
Pro-victim gay male	Participants delivered significantly higher %GVR in the pro-victim, gay male, jury foreperson group (7) compared to the pro-victim, gay male, juror group (3).
Pro-defendant male	Participants delivered significantly lower %GVR in the pro-defendant, male, jury foreperson group (6) compared to the pro-defendant, male, juror group (2).
Pro-defendant gay male	There were no significant differences in %GVR between the pro-defendant gay male, jury foreperson group (8) and the pro-defendant gay male, juror group (4).

Hypothesis 2: (comparing the influence of jury forepersons and jurors on measures)

The mean scores of the measures (agreement with hate crime laws, victim blame, defendant blame, victim suffering and social distance) will be significantly different between the jury foreperson and juror groups.

To determine the influence of the male and gay male jury forepersons compared to the male and gay male jurors on the measures between-subjects t-tests were conducted as shown in Table 6.7.

Table 6.3 t-tests comparing juror control groups to their corresponding experimental jury foreperson groups on measures (independent variables, IV)

IV	G1 & G5 Mean (SD) n	G2 & G6 Mean (SD) n	G3 & G7 Mean (SD) n	G4 & G8 Mean (SD) n
AHCL	G1=4.59 (0.918) n=76 G5=4.45 (0.843) n=77 F=0.666 t(151)=0.993 p=0.161	G2=4.23 (1.102) n=75 G6=3.80 (1.274) n=78 F=1.574 t(151)=2.206 p=0.014	G3=4.45 (0.887) n=74 G7=4.88 (.761) n=78 F=0.351 t(150)=-3.179 p<0.001	G4=4.50 (0.694) n=73 G8=4.15 (1.294) n=78 F=45.140 t(150)=2.144, p=0.017
VB	G1=2.23 (0.999) n=77 G5=2.38 (0.889) n=77 F=0.153 t(152)=-0.938, p=0.175	G2=2.11 (0.932) n=76 G6=2.42 (1.158) n=76 F=5.565 t(150)=-1.852 p=0.033	G3=2.13 (0.951) n=77 G7=2.06 (0.827) n=78 F=2.094 t(153)=0.460, p=0.323	G4=2.18 (0.828) n=72 G8=2.06 (1.011) n=78 F=2.873 t(148)=0.768, p=0.222
VS	G1=3.59 (1.129) n=77 G5=3.30 (1.108) n=77 F=0.018 t(152)=1.609 p=0.055	G2=3.21 (1.366) n=76 G6=3.38 (1.405) n=76 F=0.114 t(150)=-0.741 p=0.230	G3=3.62 (1.122) n=77 G7=4.13 (1.212) n=78 F=1.958 t(153)=-2.713 p=0.004	G4=4.07 (0.983) n=72 G8=3.74 (1.267) n=78 F=4.47 t(144)=1.767 p=0.040
SD	G1=1.942 (1.122) n=77 G5=2.752 (1.111) n=76 F=0.121 t(151)=-4.91, p<0.001	G2=2.355 (1.264) n=76 G6=2.342 (1.128) n=77 F=2.293 t(151)=.066 p=0.474	G3=2.147 (1.043) n=77 G7=2.247 (1.195) n=77 F=3.131 t(152)=-.551 p=0.291	G4=2.079 (0.820) n=73 G8=2.01 (1.049) n=78 F=4.398 t(145)=.475, p=0.318

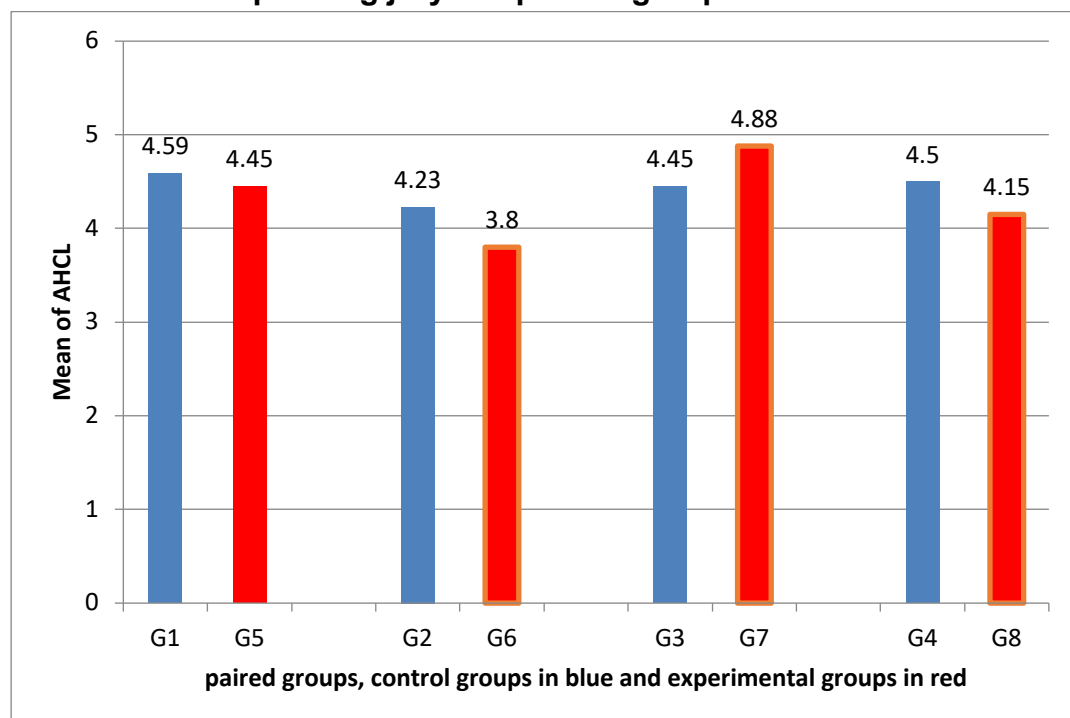
Key: AHCL=Agreement with hate crime laws, VB=Victim Blame, VS=Victim Suffering, SD=Social Distance
 Group1=Pro-victim male juror
 Group2=Pro-defendant male juror
 Group3=Pro-victim gay male juror
 Group4=Pro-defendant gay male juror
 Group5=Pro-victim male foreperson
 Group6=Pro-defendant male foreperson
 Group7=Pro-victim gay male foreperson
 Group8=Pro-defendant gay male foreperson

Assumption tests for between-subjects t-tests

Skewness and kurtosis levels were all well within acceptable range (Bryne, 2010). Histograms, Q-Q and box plots were also computed, showing reasonable linearity with no outliers beyond the whiskers of the box plots, except for defendant blame so this variable was omitted in the t-tests analysis.

The findings were plotted to provide easier visual inspection and interpretation of the results (Figures 6.2-6.5).

Figure 6.2 Showing mean differences for AHCL between juror groups 1-4 and their corresponding jury foreperson groups 5-8



Group1=Pro-victim male juror
Group2=Pro-defendant male juror
Group3=Pro-victim gay male juror
Group4=Pro-defendant gay male juror

Group5=Pro-victim male foreperson
Group6=Pro-defendant male foreperson
Group7=Pro-victim gay male foreperson
Group8=Pro-defendant gay male foreperson

Agreement with hate crime laws measure (AHCL):

From Table 6.3 we can see that for the between-subjects t-test comparing the means of AHCL scores between **Groups 1&5** showed no significant differences on participants' AHCL ratings.

For **Groups 2&6** the t-statistic was $t=2.206$ with $df=151$, ($p=0.0414$), effect size, Cohen's $d=1.193$ which is considered a large effect size. A Cohen's d of 1.00 indicates that the means of the two groups differ by 1.00 standard deviation (or one z-score).

The results indicated a significant difference between the mean AHCL scores between groups 2 and 6, suggesting that the pro-defendant male jury foreperson's opinions significantly decreased participants' AHCL scores, with a large effect size.

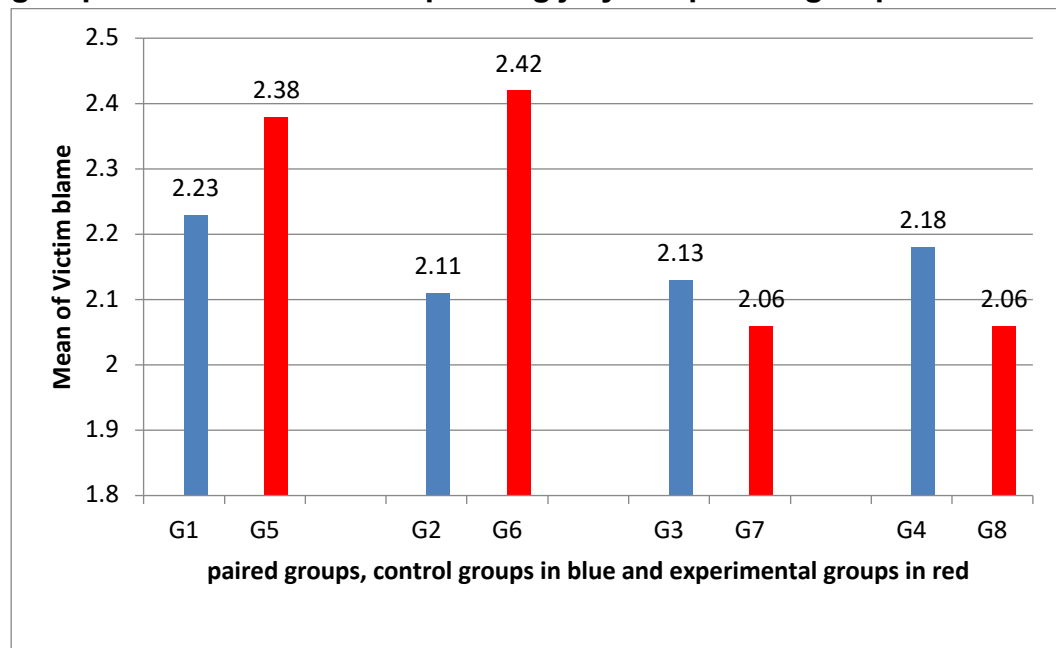
For **Groups 3&7** the t-statistic was $t=-3.179$ with $df=150$, ($p<0.001$), effect size, Cohen's $d=0.825$ which is considered a large effect size.

The results showed there was a significant difference between the mean AHCL scores between groups 3 and 7, suggesting that the pro-victim gay male jury foreperson's opinions significantly increased participants' AHCL scores, with a large effect size.

For **Groups 4&8** the t-statistic was $t=2.144$ with $df=150$, ($p=0.017$), effect size, Cohen's $d=1.048$ which is considered a large effect size.

The results indicated that there was a significant difference between the mean AHCL scores between groups 4 and 8, suggesting the pro-defendant gay male jury foreperson's opinions significantly decreased participants' AHCL scores, with a large effect size.

Figure 6.3 Showing mean differences for victim blame between juror groups 1-4 and their corresponding jury foreperson groups 5-8



Group1=Pro-victim male juror
 Group2=Pro-defendant male juror
 Group3=Pro-victim gay male juror
 Group4=Pro-defendant gay male juror

Group5=Pro-victim male foreperson
 Group6=Pro-defendant male foreperson
 Group7=Pro-victim gay male foreperson
 Group8=Pro-defendant gay male foreperson

Victim blame (VB):

From Table 6.3 we see that the between-subjects t-test comparing the means of VB scores for:

Groups 1&5 the t-statistic was $t=-0.938$, with $df=152$, ($p=0.175$).

The results indicated that there was no significant difference between the mean VB scores between groups 1 and 5, suggesting that the pro-victim male jury foreperson had a similar influence to the pro-victim male juror on participants VB scores.

For **Groups 3&7** the t statistic was $t=0.460$, with $df=153$ ($p=0.323$).

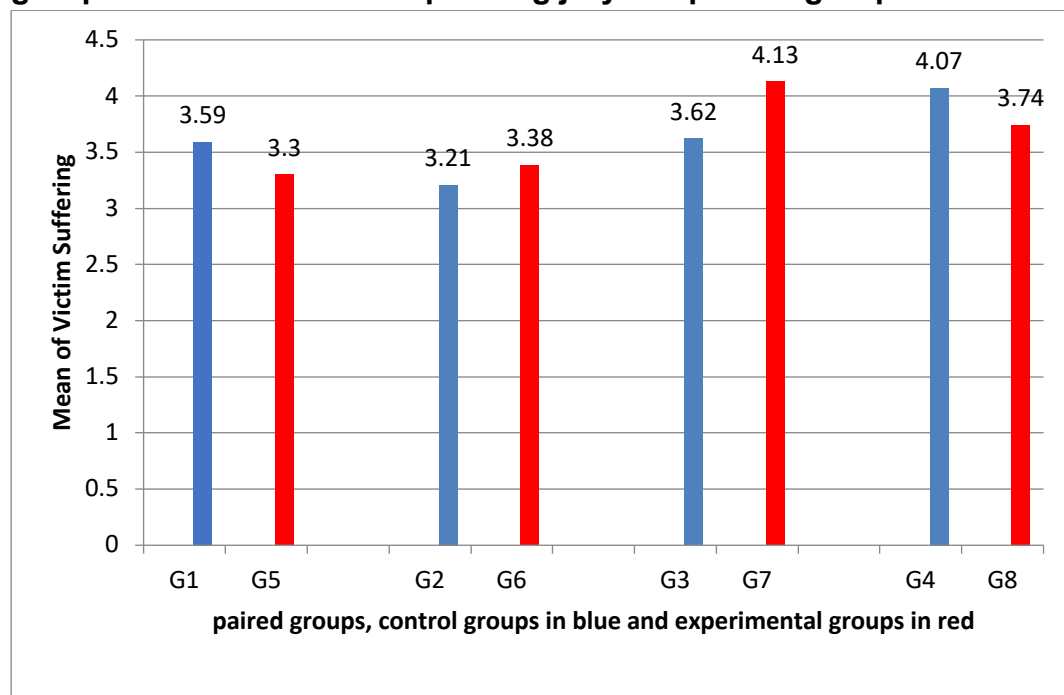
The results indicated that there was no significant difference between the mean VB scores between groups 3 and 7, suggesting that the pro-victim gay male jury foreperson had a similar influence to the pro-victim gay male juror on participants VB scores.

For **Groups 4&8** the pro-defendant gay male jury foreperson (G8) had no significant difference compared to the pro-defendant gay male juror) on participants VB scores.

For **Groups 2&6** the t-statistic was $t = -1.852$ with $df=150$, ($p=0.033$), effect size, Cohen's $d=1.051$ which is considered a large effect size.

The results indicated that there was a significant difference between the mean victim blame scores between groups 2 and 6, suggesting that the pro-defendant male jury foreperson's opinions significantly increased participants' VB scores, with a large effect size.

Figure 6.4 Showing mean differences for victim suffering between juror groups 1-4 and their corresponding jury foreperson groups 5-8



Group1=Pro-victim male juror
 Group2=Pro-defendant male juror
 Group3=Pro-victim gay male juror
 Group4=Pro-defendant gay male juror

Group5=Pro-victim male foreperson
 Group6=Pro-defendant male foreperson
 Group7=Pro-victim gay male foreperson
 Group8=Pro-defendant gay male foreperson

Victim suffering (VS):

From Table 6.3 we can see that for the between-subjects t-test comparing the means of VS scores between Groups 1&5 and 2&6 showed no significant differences on participants' VS ratings.

For **Groups 3&7** the t-statistic was $t=-2.713$ with $df=153$, ($p=0.004$), effect size,

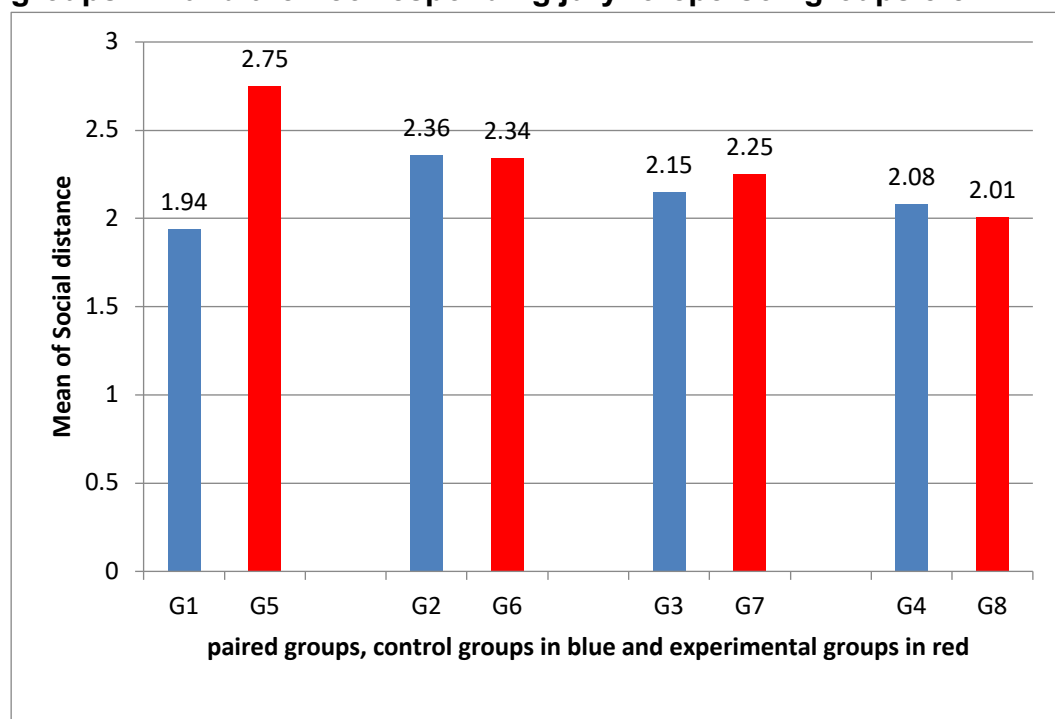
Cohen's $d=1.168$ which is considered a large effect size.

The results indicated that there was a significant difference between the mean VS scores between groups 3 and 7, suggesting that the pro-victim gay male jury foreperson's opinions significantly increased participants' VS scores, with a large effect size.

For **Groups 4&8** the t-statistic was $t=-1.767$ with $df=144$, ($p=0.040$), effect size, Cohen's $d=1.140$ which is considered a large effect size.

The results indicated that there was a significant difference between the mean VS scores between groups 4 and 8, suggesting that the pro-defendant gay male jury foreperson's opinions significantly decreased participants' VS scores, with a large effect size.

Figure 6.5 Showing mean differences for social distance between juror groups 1-4 and their corresponding jury foreperson groups 5-8



Group1=Pro-victim male juror
 Group2=Pro-defendant male juror
 Group3=Pro-victim gay male juror
 Group4=Pro-defendant gay male juror

Group5=Pro-victim male foreperson
 Group6=Pro-defendant male foreperson
 Group7=Pro-victim gay male foreperson
 Group8=Pro-defendant gay male foreperson

Social distance (SD):

From Table 6.3 we can see that for the between-subjects t-test comparing the

means of SD scores between Groups 2&6, 3&7 and 4&8 showed no significant differences on SD.

For **Groups 1&5** the t-statistic was $t=-4.91$ with $df=151$, ($p<0.001$), effect size, Cohen's $d=1.116$ which is considered a large effect size.

The results indicated that there was a significant difference between the mean SD scores between groups 1 and 5, suggesting that the pro-victim male jury foreperson's opinions significantly increased participants' SD scores, with a large effect size. There were also significant effects for social distance when the gay male jury forepersons were compared to the male jury forepersons, groups 5&7 and 6&8 below.

Table 6.4 Summary for hypothesis two

Measure	Findings
Agreement with Hate Crime Laws (AHCL)	AHCL was significantly lower in both the male and gay male pro-defendant jury foreperson groups compared to the corresponding juror groups AHCL was significantly higher in the gay male pro-victim jury foreperson group compared to their corresponding juror group
Victim blame (VB)	VB was significantly higher in the pro-defendant, male, jury foreperson group compared to the corresponding juror group
Victim suffering (VS)	VS was significantly higher in the pro-victim, gay male, jury foreperson group compared to the corresponding juror group VS was significantly lower in the pro-defendant, gay male, jury foreperson group compared to the corresponding juror group
Social distance (SD)	SD was significantly higher in the pro-victim male jury foreperson group compared to the corresponding juror group

Impact of gay male groups compared to male groups on verdicts and measures

Hypothesis 3: (the influence of gay male groups compared to male groups on verdicts): Guilty verdicts will be significantly different in the gay male groups compared to the corresponding male groups.

Given the dichotomous nature of the verdict (guilty or not guilty) a chi-square (χ^2) analysis was run to test this hypothesis comparing the gay male groups with their corresponding male groups.

Table 6.5 χ^2 results showing the % GVR in the male groups compared to their corresponding gay male groups

Paired Groups male / gay male	Number of guilty counts (n) and %GVR within verdict	Standardised residuals	Asymptotic Significance (two-sided p values and effect sizes, Φ)
1 & 3	n=53 or 51.5% n=50 or 48.5%	.3 and -.2	$\chi^2(1) = 0.264, p = 0.607$ $\Phi = -0.041$
2 & 4	n=55 or 53.4% & n=48 or 46.6%	.3 and -.5	$\chi^2(1) = 0.763, p = 0.382$ $\Phi = -0.072$
5 & 7	n=67 or 50.4% & n=66 or 49.6%	0.1 and -.3	$\chi^2(1) = 0.183, p = 0.669$ $\Phi = -0.034$
6 & 8	n= 40 or 46 % & n= 47 or 54 %	.5 and -.4	$\chi^2(1) = 0.911, p = 0.340$ $\Phi = 0.077$
Group1=Pro-victim male juror Group2=Pro-defendant male juror Group3=Pro-victim gay male juror Group4=Pro-defendant gay male juror		Group5=Pro-victim male foreperson Group6=Pro-defendant male foreperson Group7=Pro-victim gay male foreperson Group8=Pro-defendant gay male foreperson	

There were no significant differences on verdicts between the gay male groups compared to their corresponding male groups, these not significant effects are considered in the discussion section.

Hypothesis 4: Participants will deliver significantly different mean scores on the measures in the gay male groups compared to participants in the male groups. (measures: AHCL=agreement with hate crime laws, VB=victim blame, DB=defendant blame, VS=victim suffering and SD=social distance).

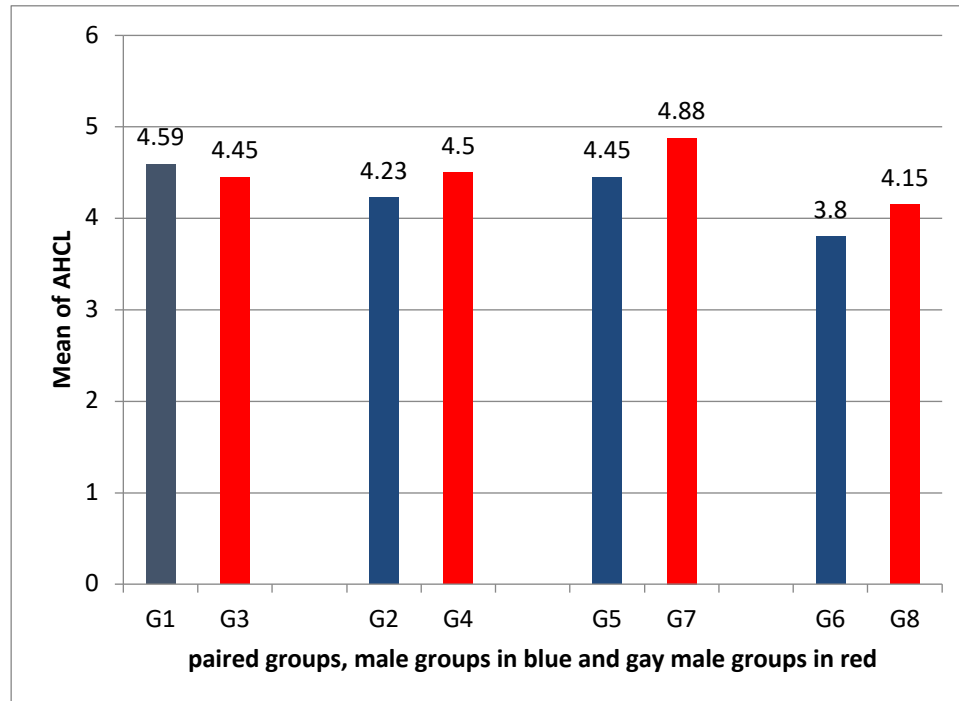
To determine the influence of the gay male groups compared to the male groups on the measures, (independent variables, IVs) between-subjects t-tests were conducted as shown in Table 6.6.

Table 6.6 t-tests comparing gay male groups to their corresponding male groups on measures (independent variables, IV)

IV	G1 & G3 Mean (SD) n	G2 & G4 Mean (SD) n	G5 & G7 Mean (SD) n	G6 & G8 Mean (SD) n
AHCL	G1=4.59 (0.918) n=76 G3=4.45 (0.887) n=74 F=0.161 t(148)=0.913, p=0.181	G2=4.23 (1.102) n=75 G4=4.50 (0.694) n=73 F=25.17 t(146)=-1.83 p=0.035	G5=4.45 (0.843) n=77 G7=4.88 (0.761) n=78 F=0.022 t(153)=-3.35 p<0.001	G6=3.80 (1.274) n=78 G8=4.15 (1.294) n=78 F=0.279 t(154)=-1.67, p=0.048
VB	G1=2.23 (1.000) n=77 G3=2.13 (0.951) n=77 F=0.14 t(152)=0.661, p=0.255	G2=2.11 (0.932) n=76 G4=2.18 (0.828) n=72 F=1.10 t(146)=-0.519 p=0.302	G5=2.38 (0.889) n=77 G7=2.06 (0.827) n=78 F=2.62 t(153)=2.27, p=0.012	G6=2.42 (1.158) n=76 G8=2.06 (1.011) n=78 F=2.72 t(152)=2.04, p=0.022
VS	G1=3.59 (1.129) n=77 G3=3.62 (1.122) n=77 F=0.022 t(152)=-0.191, p=0.424	G2=3.21 (1.366) n=76 G4=4.07 (0.983) n=72 F=12.159 t(146)=-4.37 p=<0.001	G5=3.30 (1.108) n=77 G7=4.13 (1.212) n=78 F=2.00 t(153)=-4.47 p<0.001	G6=3.38 (1.405) n=76 G8=3.74 (1.267) n=78 F=2.33 t(152)=-1.70 p=0.046
SD	G1=1.94 (1.122) n=77 G3=2.15 (1.043) n=77 F=1.06 t(152)=-1.18, p=0.120	G2=2.36 (1.263) n=76 G4=2.08 (0.820) n=73 F=19.800 t(147)=1.576 p=0.059	G5=2.75 (1.11) n=76 G7=2.25 (1.16) n=77 F=0.204 t(151)=2.71 p=0.004	G6=2.34 (1.128) n=77 G8=2.01 (1.049) n=78 F=0.503 t(153)=1.92, p=0.028
Group1=Pro-victim male juror Group2=Pro-defendant male juror Group3=Pro-victim gay male juror Group4=Pro-defendant gay male juror		Group5=Pro-victim male foreperson Group6=Pro-defendant male foreperson Group7=Pro-victim gay male foreperson Group8=Pro-defendant gay male foreperson		

These mean differences were then also graphically represented to provide easier visual inspection and interpretation of the results (Figures 6.6-6.9).

Figure 6.6 Showing significant mean differences for AHCL between male groups and their corresponding gay male groups



Group1=Pro-victim male juror
 Group2=Pro-defendant male juror
 Group3=Pro-victim gay male juror
 Group4=Pro-defendant gay male juror

Group5=Pro-victim male foreperson
 Group6=Pro-defendant male foreperson
 Group7=Pro-victim gay male foreperson
 Group8=Pro-defendant gay male foreperson

Agreement with Hate Crime Laws (AHCL):

From Table 6.6 we can see that for the between-subjects t-test comparing the means of AHCL scores between:

Groups 2&4 the t-statistic was -1.83 with df=146, ($p=0.035$), Cohen's $d=0.92$, which is considered a large effect.

The results indicated a significant difference on the mean AHCL scores between groups 2 and 4, suggesting that the pro-defendant male juror's opinions and guilty verdict significantly reduced participants' AHCL scores, with a large effect size compared to the pro-defendant gay male juror.

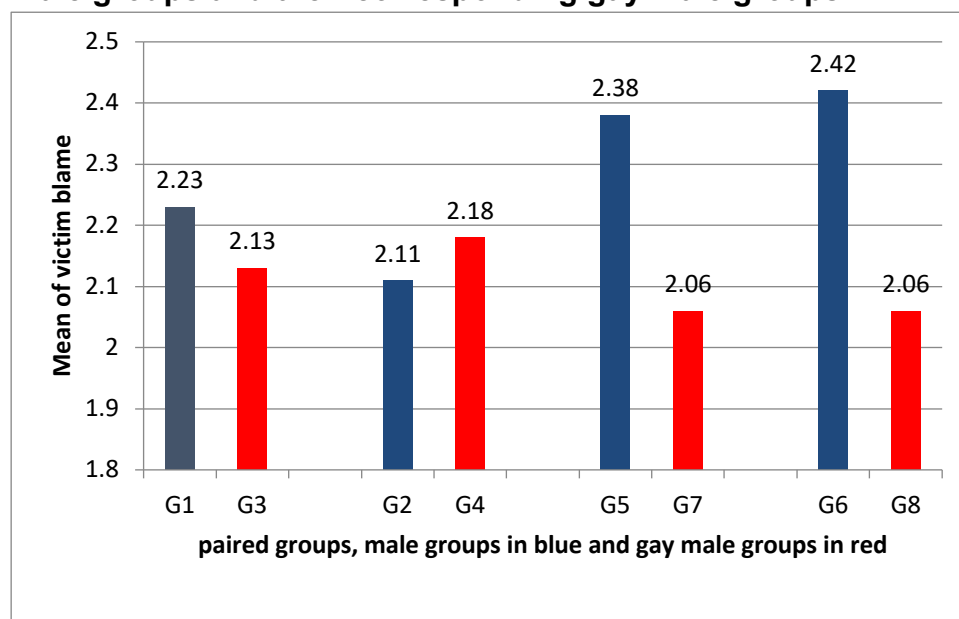
Groups 5&7 the t-statistic was 3.35 with df=153, ($p<0.001$), Cohen's $d=0.803$, which is considered a large effect.

The results indicated a significant difference between the mean AHCL scores between groups 5 and 7, suggesting that the pro-victim gay male jury foreperson's opinions and guilty verdict significantly increased participants' AHCL scores, with a large effect size compared to the pro-victim male jury foreperson.

Groups 6&8 the t-statistic was 1.67 with df=154, ($p=0.048$), Cohen's $d=1.284$, which is considered a large effect.

The results indicated that there was a significant difference between the mean AHCL scores between groups 6 and 8, suggesting that the pro-defendant gay male jury foreperson's opinions and guilty verdict significantly increased participants' AHCL scores, with a large effect size compared to the pro-defendant male jury foreperson.

Figure 6.7 Showing significant mean differences for victim blame between male groups and their corresponding gay male groups



Group1=Pro-victim male juror
 Group2=Pro-defendant male, juror
 Group3=Pro-victim gay male juror
 Group4=Pro-defendant gay male juror

Group5=Pro-victim male foreperson
 Group6=Pro-defendant male foreperson
 Group7=Pro-victim gay male foreperson
 Group8=Pro-defendant gay male foreperson

Victim-blame (VB):

From Table 6.6 we can see that here were no significant differences between groups 1&3 on any of the measures, therefore these were not reported.

For the between-subjects t-test comparing the means of VB scores between: **Groups 2&4** the t-statistic was -0.52 with $df=146$, ($p=0.302$), Cohen's $d=0.883$.

The results indicated there was no significant difference on the mean VB scores between groups 2 and 4, (the pro-defendant male juror's opinions compared to the pro-defendant gay male juror).

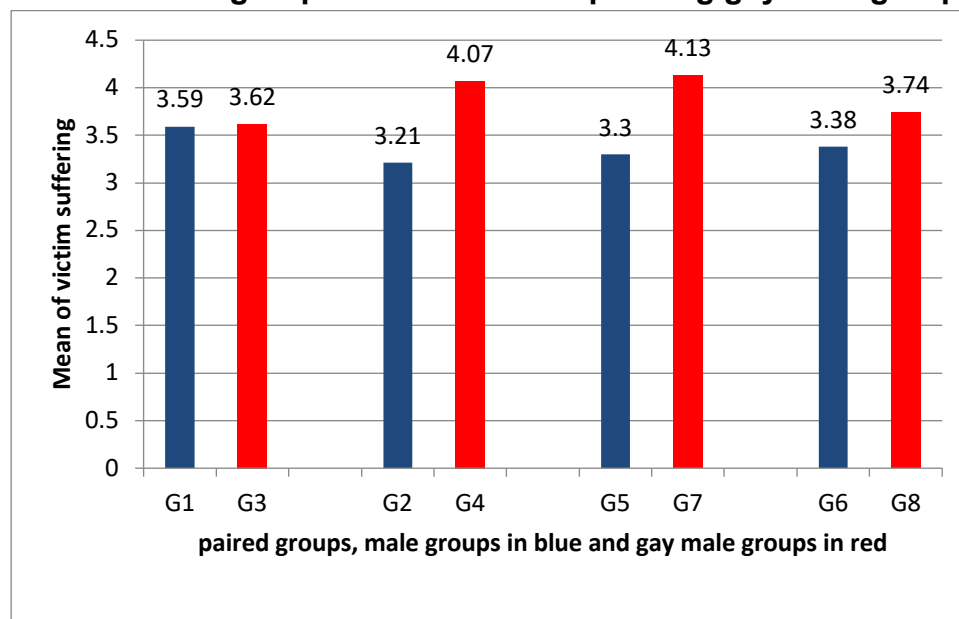
Groups 5&7 the t-statistic was 2.27 with $df=150$, ($p=0.012$), Cohen's $d=0.858$, which is considered a large effect.

The results indicated a significant difference between the mean victim blame scores between groups 5 and 7, suggesting that the pro-victim gay male jury foreperson's opinions and guilty verdict significantly reduced participants' VB scores, with a large effect size compared to the pro-victim male jury foreperson.

Groups 6&8 the t-statistic was 2.04 with $df=152$, ($p=0.048$), Cohen's $d=1.0856$, which is considered a large effect.

The results indicated that there was a significant difference between the mean victim blame scores between groups 6 and 8, suggesting that the pro-defendant gay male jury foreperson's opinions and guilty verdict significantly reduced participants' VB scores, with a large effect size compared to the pro-defendant male jury foreperson.

Figure 6.8 Showing significant mean differences for victim suffering between male groups and their corresponding gay male groups



Group1=Pro-victim male juror
 Group2=Pro-defendant male juror
 Group3=Pro-victim gay male juror
 Group4=Pro-defendant gay male juror

Group5=Pro-victim male foreperson
 Group6=Pro-defendant male foreperson
 Group7=Pro-victim gay male foreperson
 Group8=Pro-defendant gay male foreperson

Victim suffering (VS):

From Table 6.6 we can see that for the between-subjects t-test comparing the means of VS scores between:

Groups 2&4 the t-statistic was -4.37 with $df=146$, ($p<0.001$), Cohen's $d=1.20$, which is considered a large effect.

The results indicated a significant difference on the mean VS scores between groups 2 and 4, suggesting that the pro-defendant male juror's opinions and guilty verdict significantly reduced participants' VS scores, with a large effect size compared to the pro-defendant gay male juror.

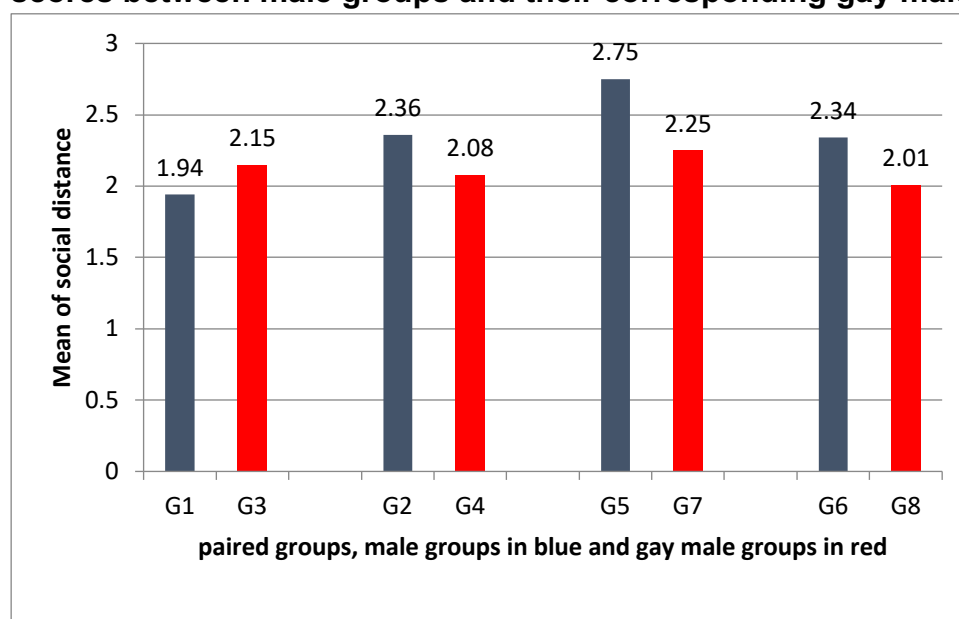
Groups 5&7 the t-statistic was 4.468 with $df=153$, ($p<0.001$), Cohen's $d=1.168$, which is considered a large effect.

The results indicated a significant difference on the mean VS scores between groups 5 and 7, suggesting that the pro-victim gay male jury foreperson's opinions and guilty verdict significantly increased participants' VS scores, with a large effect size compared to the pro-victim male jury foreperson.

Groups 6&8 the t-statistic was -1.701 with df=152, ($p=0.046$), Cohen's $d=1.343$, which is considered a large effect.

The results indicated that there was a significant difference between the mean VS scores between groups 6 and 8, suggesting that the pro-defendant gay male jury foreperson's opinions and guilty verdict significantly reduced participants' VS scores, with a large effect size compared to the pro-defendant male jury foreperson.

Figure 6.9 Showing significant mean differences for social distance scores between male groups and their corresponding gay male groups



Group1=Pro-victim male juror
 Group2=Pro-defendant male juror
 Group3=Pro-victim gay male juror
 Group4=Pro-defendant gay male juror

Group5=Pro-victim male foreperson
 Group6=Pro-defendant male foreperson
 Group7=Pro-victim gay male foreperson
 Group8=Pro-defendant gay male foreperson

Social distance (SD):

From Table 6.6 we can see that for the between-subjects t-test comparing the means of SD scores between:

Groups 2&4 the t-statistic was 1.58 with df=147, ($p=0.059$), Cohen's $d=1.07$.

The results indicated no significant difference on the mean SD scores between groups 2 and 4, (pro-defendant male juror's opinions and guilty verdict compared to the pro-defendant gay male juror).

Groups 5&7 the t-statistic was 2.71 with $df=151$, ($p=0.004$), Cohen's $d=1.154$, which is considered a large effect.

The results indicated a significant difference between the mean SD scores between groups 5 and 7, suggesting that the pro-victim gay male jury foreperson's opinions and guilty verdict significantly reduced participants' SD scores, with a large effect size compared to the pro-victim male jury foreperson.

Groups 6&8 the t-statistic was 1.92 with $df=153$, ($p=0.028$), Cohen's $d=1.089$, which is considered a large effect.

The results indicated that there was a significant difference between the mean SD scores between groups 6 and 8, suggesting that the pro-defendant gay male jury foreperson's opinions and guilty verdict significantly reduced participants' SD scores, with a large effect size compared to the pro-defendant male jury foreperson.

Table 6.7 Summary for hypothesis 4

Measure	Findings
Agreement with Hate Crime Laws (AHCL)	AHCL was significantly higher in both the pro-victim and pro-defendant gay male jury foreperson groups compared to the corresponding male jury foreperson groups. The pro-defendant male juror's opinions reduced participant AHCL scores, with a large effect size compared to the pro-defendant gay male juror.
Victim Blame (VB)	VB was significantly lower in both the pro-victim and pro-defendant gay male jury foreperson groups compared to the corresponding male jury foreperson groups.
Victim Suffering (VS)	VS was significantly higher in the Pro-Victim, gay male, jury foreperson group compared to the corresponding male jury foreperson group. VS was significantly lower in the Pro-Defendant, gay male, jury foreperson group compared to the corresponding male jury foreperson group. The pro-defendant male juror's opinions significantly reduced participants' victim suffering scores, with a large effect size compared to the pro-defendant gay male juror.
Social Distance (SD)	SD was significantly lower in both the pro-victim and pro-defendant gay male jury foreperson groups compared to the corresponding male jury foreperson groups.

Additional tests were subsequently conducted on the AHCL measure to infer the reasons for participants verdicts and explore any evidence of sentence-severity bias.

Reasons for participants' verdicts

A further aim of this study was to determine any sentence-severity bias and cause of this by analysing the main reasons for participant's not guilty verdicts to ascertain whether the effects of sentence-severity bias observed in Study one, are replicated.

It is also essential to examine which hate crime laws participants disagreed with most, especially for participants that delivered not guilty verdicts, as this would allow us to infer the reasons for participant verdicts. This was important to explore any evidence of sentence-severity bias based on participants who delivered not guilty verdicts and who considered the *sentence maxima* as too high. Study One asked participants to overtly select a reason from the six HCL statements for their verdict (with the option of other also). Statement 2 of the AHCL measure for example asked participants to what extent they agree/disagree that 'Calling a transgender person a 'tranny' or 'she-male' should be seen as evidence of hate or hostility towards a transgender person.' Participants that disagreed with this statement that also had high stigma levels may be reluctant to state this as the reason for their not guilty verdict. Bourdieu (1990) noted that stigma power is often most effectively deployed when it can be hidden or misrecognised. Study Two therefore simply asked participants to rate their agreement levels with the HCL statements as a more covert means to statistically inferring the reasons for not guilty verdicts.

Greene and Wade, (1988) asked mock-jurors to choose from 1 of 5 listed reasons and simply calculated the percentage of mock-jurors who delivered not guilty verdicts for each reason. Study One followed this approach whilst Study Two asked participants to indicate their agreement levels with each AHCL statements and computed these means separately for guilty and not guilty verdicts (Table 6.8). The mean values were simply compared according to the 6-point Likert scale (Greene and Wade, 1988) to determine to what extent participants agreed or disagreed with these hate crime law statements.

Table 6.8 Mean agreement levels with hate crime law statements according to guilty and not guilty verdicts

Agreement with Hate crime law statements 1-6	Mean and SD of Guilty verdicts n=423	Mean and SD of Not Guilty verdicts n=183
1. Calling a transgender person a 'tranny' or 'she-male' should not be excused just because a lot of people may consider this common language.	M= 5.04 SD=1.179	M= 4.03 SD=1.521
2. Calling a transgender person a 'tranny' or 'she-male' should be seen as evidence of hate or hostility towards a transgender person.	M=4.98 SD=1.095	M= 3.96 SD=1.420
3. Calling a transgender person a 'tranny' or 'she-male' should not excuse the defendant just because the victim made him angry.	M= 5.06 SD=1.041	M= 4.01 SD=1.449
4. Calling a transgender person a 'tranny' or 'she-male' should not excuse the defendant just because he felt provoked by the victim (sitting next to the defendant and spilling the defendant's tea etc.).	M= 4.76 SD=1.146	M= 3.89 SD=1.296
5. The defendant's transgender friend (character witness) saying the defendant has always been very good to him over the past 5 years, does not prove the defendant does not hate transgender people.	M= 4.31 SD=1.135	M= 3.38 SD=1.353
6. The maximum prison sentence of 2 years is not too high.	M= 4.14 SD=1.278	M= 2.40 SD=1.204

1=strongly disagree, 2=disagree, 3=slightly disagree, 4=slightly agree, 5=agree and 6=strongly agree.

Finally, this study sought to determine the most significant predictors of verdicts, to identify the most important measures (that had a significant influence on verdicts).

Hypothesis 5: Predictors of verdicts

Defendant blame and AHCL will be the most significant predictors of verdicts.

To determine the significant predictors of verdicts. Standard logistic regression was performed. Verdict was the dependent variable and victim blame, defendant blame, victim suffering, social distance, agreement with hate crime laws and the categorical between-subject factors juror and jury foreperson, male and gay and pro-victim-pro-defendant group conditions, as potential predictors. The collinearity tests and model 1 are shown in Appendix M.

Final Model

The 19 outliers showing in model 1 were removed leaving 582 cases in the final model (Table 6.13). The logistic regression model was statistically significant, $\chi^2(\text{omnibus}) R^2 (df=8, N=582) = 233.440, p < 0.001$. The model explained 33% of the variance in verdicts according to the Cox & Snell r square and 47.6% of the variance according to the Nagelkerke r square, with 90.7% of the guilty verdicts correctly classified and 51.9% of the not guilty verdicts correctly classified (overall 79.9% of the verdicts were correctly predicted). Defendant-blame, AHCL, social distance, pro-victim and pro-defendant, juror and jury-foreperson and male and gay-male, significantly predicted verdicts.

Table 6.9 Logistic regression (final model)

Predictors	<i>B</i>	<i>SE</i>	Wald	df	<i>p</i>	Odds ratio Exp (<i>B</i>)	95% CI	
							Lower	Upper
Pro-victim / pro-defendant	0.605	0.247	6.025	1	0.014	1.832	1.130	2.971
Juror / jury foreperson	-0.486	0.241	4.060	1	0.044	0.615	0.383	0.987
Male / gay male	0.686	0.249	7.623	1	0.006	1.986	1.220	3.233
Social distance	-0.528	0.130	16.491	1	<0.010	0.590	0.457	0.761
Defendant blame	0.550	0.154	12.803	1	<0.001	1.733	1.282	2.342
AHCL	1.351	0.173	60.793	1	<0.001	3.861	2.749	5.423
Constant	-6.760	1.208	31.327	1	<0.001	0.001		

Victim blame and victim suffering were not significant predictors ($p>0.05$) and were therefore removed from the final model. Including these variables can dilute true associations and lead to large standard errors with wide and inaccurate confidence intervals, or identify false associations (Ranganathan and Aggarwal, 2017).

From Table 6.9, according to the $\text{Exp}(B)$ or odds ratio (OR);

The odds of a guilty verdict are 183% higher due to the pro-victim opinions compared to the pro-defendant opinions, if all other variables are constant (pro-victim or pro-defendant (OR=1.83, 95%CI [1.130, 2.971])).

The odds of a guilty verdict are 199% higher in the gay male groups compared to the male groups, if all other variables are constant (gay male or male (OR=1.99, 95%CI [1.22, 3.2])).

The odds of a guilty verdict are 163% higher, $\text{Exp}(B)=0.615$, due to a jury foreperson's opinion compared to a juror's opinion, if all other variables are constant (juror or jury foreperson (OR=0.62, 95%CI [0.383, 0.987])).

A one unit increase in AHCL levels increases the odds of guilty verdicts by 3.86 times or 386% if all other variables are constant (AHCL (OR=3.86, 95%CI [2.749, 5.423])).

A one unit increase in Defendant blame levels increases the odds of guilty verdicts by 1.73 times or 173% if all other variables are constant (DB (OR=1.73, 95%CI [1.282, 2.342])), similar to Study One.

A one unit increase in social distance levels decreases the odds of guilty verdicts by 0.59 times or 59% if all other variables are constant (SD (OR=0.59, 95%CI [0.457, 0.761])).

6.3 Summary

Study Two showed the gay male jury foreperson's opinions influenced participants' decisions significantly more compared to the same opinions expressed by a heterosexual male juror. Furthermore, the pro-victim gay male jury foreperson had significantly more influence compared to the pro-victim heterosexual jury foreperson. Finally, the pro-defendant gay male jury foreperson had significantly less influence compared to the pro-defendant heterosexual jury foreperson.

Table 6.10 Summary

Group comparisons	Measures
Pro-victim Gay male Jury foreperson & Pro-victim Gay male Juror	Significantly more guilty verdicts, and higher AHCL and victim suffering scores in the gay male jury foreperson group indicating a gay male jury foreperson has significantly more influence compared to a gay male juror.
Pro-victim Gay male Jury foreperson & Pro-victim male Jury foreperson	Significantly higher AHCL and victim suffering scores and significantly lower victim blame and social distance scores in the gay male jury foreperson group indicating a pro-victim gay male jury foreperson has significantly more influence compared to a pro-victim heterosexual jury foreperson.
Pro-defendant Gay male Jury foreperson & Pro-defendant male Jury foreperson	Significantly higher AHCL and victim suffering scores and significantly lower victim blame and social distance scores in the gay male jury foreperson group indicating a pro-defendant gay male jury foreperson has significantly less influence compared to a pro-defendant heterosexual jury foreperson.

The next chapter presents the findings of the final quantitative study involving secondary transfer effects between lesbians and transgender women.

Chapter 7 Study Three Comparing the influence of the pro and anti-transgender opinions of a lesbian juror

7.1 Introduction

Study Three continues to explore the overarching aim of this research, to identify the advantages of LGBT+ representative mock-juror groups compared to non-LGBT+ representative mock-juror groups. Secondary transfer effects rely on the perceived commonalities between the primary and secondary groups. Pettigrew (2009) and Tausch et al., (2010) postulated that the degree of similarity or overlap between groups is a key moderator of attitude generalisation from one group to another. As this research explores the prejudice reduction effects of inter-group contact, I varied the gender of the mock-juror instead to compare STE via a fictitious lesbian mock-juror and the transgender woman victim. Inter-group contact effects are stronger when there are more similarities between the inter-group individuals and both Pettigrew (2009) and Tausch et al., (2010) emphasised the need for increased attention to this hypothesis. Many hate crimes against transgender women are committed by women and lesbian women, therefore the exploration it is also important to explore the influence of an anti-transgender lesbian and participant mock-juror decisions. Finally, because hate crimes affect transgender women differently (more) than transgender men (Worthen, 2013) Worthen advised transphobic hate crimes be explored separately for Males-to-Females and Females-to-Males.

Secondary transfer effects increase general tolerance and acceptance that are stronger for more similar groups. Given the victim was described as a transgender woman, we could expect stronger effects for lesbians in Study Three compared to the effects observed in Study Two, with gay males. Tausch et al., (2010) maintained secondary transfer effects increase tolerance and acceptance more so for more similar groups. Furthermore, almost 40% of the transgender respondents in a recent UK survey (Bradley, 2020) revealed they had been the victim of hate crimes perpetrated by a fellow member of their LGBT+ community. For this reason, the impact of both pro-victim and pro-defendant lesbians was explored further on participants verdicts and more widely on measures and to partially replicate the findings of Study Two.

The chapter follows a similar pattern to the previous chapter with the results and findings for hypothesis one presented and summarised before repeating this process for the subsequent hypotheses. The results are discussed according to the order of the hypotheses and compared with the findings of the previous two studies. The chapter concludes with a summary of the findings.

7.2 Findings

All participants were firstly asked to rate which three groups they would choose (first choice=1, second choice=2 and third choice=3) to be included for extra protection under hate crime laws (beyond the existing identities of race and religion), from the nine choices based on the groups considered by the LC (2020) and shown in Table 7.1.

Table 7.1 Showing first second and third choices for the characteristics (N=311)

Characteristic	First Choice % (n)	Second Choice % (n)	Third Choice % (n)
Disability	31.3% (97)	22.3% (69)	21.6% (67)
Sexual orientation	17.7% (55)	31.6% (98)	8.0% (25)
Elderly	11.9% (37)	11.3% (35)	9.4% (29)
Alternative sub-cultures	3.5% (11)	2.9% (9)	5.1% (16)
Homeless	4.2% (13)	4.8% (15)	10% (31)
Women and Girls	22.3% (69)	11.9% (37)	17.4% (54)
Sex Workers	2.6% (8)	4.8% (15)	5.1% (16)
Transgender	7.7% (24)	8.4% (26)	21.6% (67)
Philosophical Thinkers	0.3% (1)	0.3% (1)	1.6% (5)

Influence of lesbian groups compared to heterosexual female groups on verdicts

Hypothesis 1: Percentage guilty verdict rates (%GVR) will be significantly different in the lesbian groups compared to the corresponding heterosexual female groups.

χ^2 tests were conducted to determine whether guilty verdicts were significantly different in the lesbian groups compared to the female groups.

Given the dichotomous nature of the verdict (guilty or not guilty) a chi-square (χ^2) analysis was run to test this hypothesis.

Assumption tests for χ^2 analysis were met (Appendix J).

Table 7.2 χ^2 results showing the %GVR in the lesbian pro-victim group was significantly different compared to the pro-victim female group

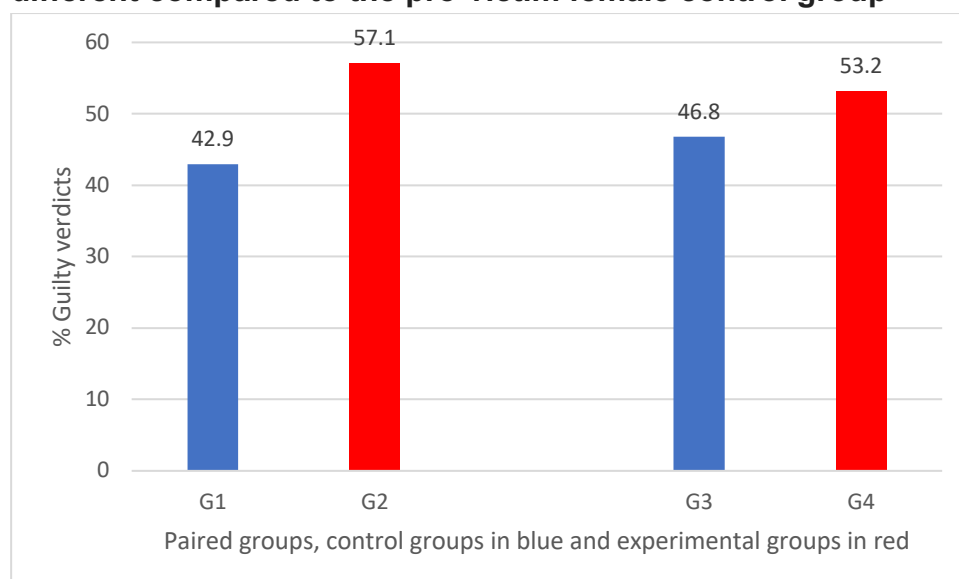
Paired Groups	Number of guilty counts (n) and %GVR within verdict	Standardised residuals	Asymptotic Significance (two-sided p values and effect sizes, Φ)
1 & 2	n=48 or 42.9% n=64 or 57.1%	1.3 and -.9	$\chi^2(1) = 5.070, p=0.024$ $\Phi = 0.177$
3 & 4	n=37 or 46.8% n=42 or 53.2%	.6 and -.5	$\chi^2(1) = 1.171, p=0.279$ $\Phi = 0.089$

Group 1= Pro-victim female mock-juror
Group 2= Pro-victim lesbian mock-juror

Group 3= Pro-defendant female mock-juror
Group 4= Pro-defendant lesbian mock-juror

These χ^2 results were then also graphically plotted to provide easier visual inspection and interpretation of the results (Figure 7.1).

Figure 7.1 %GVR in the lesbian pro-victim group was significantly different compared to the pro-victim female control group



From Table 7.2 and Figure 7.1 we can see that for;

Groups 1&2: There was a significant relationship between the verdicts in the pro-victim female mock-juror and the pro-victim lesbian mock-juror, $\chi^2(1) = 5.07$, $p=0.024$, $\Phi = 0.177$.

For **Groups 3&4:** There was no significant relationship between groups 3 and 4 and their verdicts, $\chi^2(1) = 1.171$, $p=0.279$, $\Phi = 0.089$.

Table 7.3 Summary for hypothesis 1

Females compared to lesbians	Influence on %GVR
Pro-victim	Participants delivered significantly higher %GVR in the pro-victim, lesbian group (2) compared to the pro-victim, female group (1)
Pro-defendant	Participants delivered similar %GVR in the pro-defendant, lesbian group (4) compared to the pro-defendant, female group (3)

To determine the influence of the lesbian groups compared to heterosexual female groups on measures

Hypothesis 2: Participants will deliver significantly different mean scores on the measures in the lesbian groups compared to participants in the female groups.

(measures: AHCL=agreement with hate crime laws, VB=victim blame, DB=defendant blame, VS=victim suffering, SD=social distance and SEA=sentence enhancement agreement).

To determine the influence of the lesbian groups compared to the female groups on the measures, (independent variables, IVs) between-subjects t-tests

were conducted as shown in Table 7.4 (Normality assumption tests were not violated).

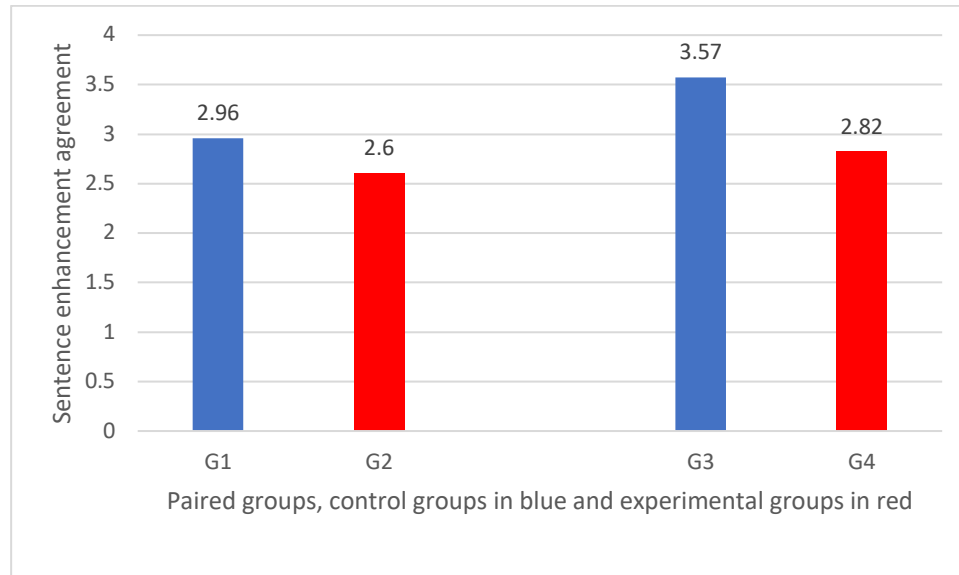
Table 7.4 t-tests comparing lesbian groups to their corresponding female groups on measures (independent variables, IV)

IV	G1 & G2 Mean (SD) n	G3 & G4 Mean (SD) n
SEA	G1=2.96 (1.272) n=77 G2=2.60 (1.272) n=81 F=0.603 t(156)=1.759, p=0.040	G3=3.57 (1.337) n=75 G4=2.82 (1.147) n=73 F=5.09 t(146)=3.67, p=<0.001
AHCL	G1=4.62 (0.903) n=79 G2=4.84 (0.950) n=83 F=0.004 t(160)=-1.52, p=0.065	G3=3.70 (1.517) n=75 G4=4.56 (0.867) n=73 F=59.63 t(146)=-4.217 p=<0.001
DB	G1=4.68 (1.057) n=77 G2=5.11 (0.884) n=83 F=4.80 t(158)=-2.82, p=0.003	G3=4.24 (1.153) n=76 G4=4.74 (0.928) n=73 F=5.36 t(147)=-2.93 p=0.002
VB	G1=2.04 (0.932) n=78 G2=1.89 (0.994) n=82 F=1.143 t(158)=.972, p=0.166	G3=2.50 (1.260) n=76 G4=2.29 (1.073) n=73 F=4.912 t(147)=1.11 p=0.135
VS	G1=3.53 (1.080) n=79 G2=4.12 (1.300) n=83 F=3.62 t(160)=-3.150, p=<0.001	G3=2.91 (1.359) n=74 G4=3.78 (1.078) n=72 F=6.86 t(144)=-4.29 p=<0.001
SD	G1=2.19 (1.157) n=78 G2=1.83 (1.135) n=83 F=1.38 t(159)=1.99, p=0.024	G3= 2.85 (1.579) n=76 G4= 1.96 (1.040) n=73 F=29.60 t(147)=4.04 p=<0.001

Group 1= Pro-victim female mock-juror Group 3= Pro-defendant female mock-juror-juror
Group 2= Pro-victim lesbian mock-juror Group 4= Pro-defendant lesbian mock-juror.
SEA=sentence enhancement agreement, lower scores indicate greater agreement,
AHCL=agreement with hate crime laws, DB=defendant blame, VB=victim blame, VS=victim
suffering and SD=social distance measure, lower scores indicate less social distancing.

These mean differences were then also graphically represented to provide easier visual inspection and interpretation of the results (Figures 7.2-7.6).

Figure 7.2 Significant mean differences for sentence enhancement agreement between female groups and their corresponding lesbian groups



Group 1= Pro-victim female mock-juror
Group 2= Pro-victim lesbian mock-juror

Group 3= Pro-defendant female mock-juror
Group 4= Pro-defendant lesbian mock-juror

Sentence enhancement agreement (SEA): lower scores indicate more agreement.

From Table 7.4 we can see that for the between-subjects t-test comparing the means of SEA scores between:

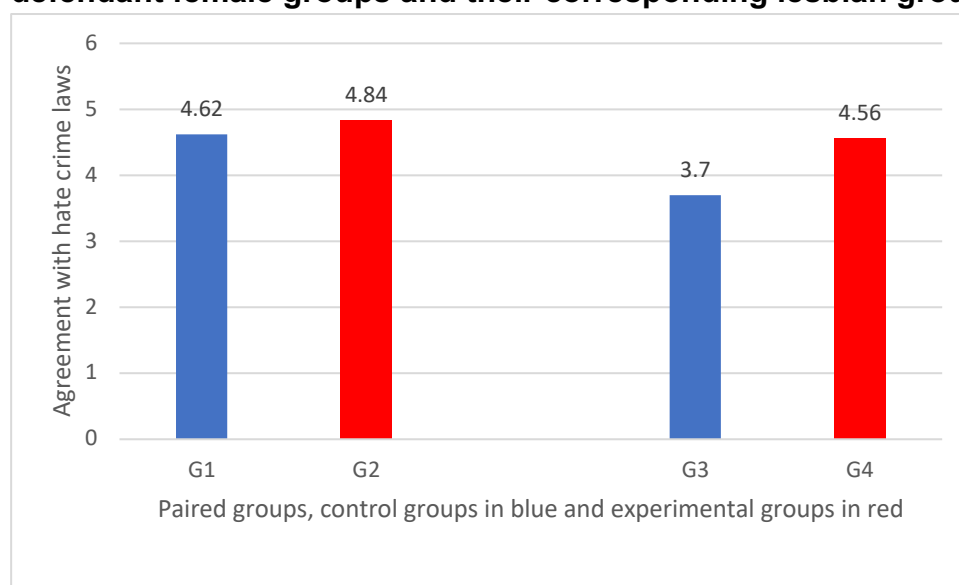
Groups 1&2 the t-statistic was 1.76 with $df=156$, ($p=0.04$), Cohen's $d=1.27$, which is considered a large effect.

The results indicated a significant difference on the mean SEA scores between groups 1 and 2, suggesting that the pro-victim lesbian mock-juror's opinions and guilty verdict, significantly increased participants' agreement levels with Sentence enhancement laws, with a large effect size compared to the pro-victim female mock-juror.

Groups 3&4 the t-statistic was 3.67 with $df=146$, ($p<0.001$), Cohen's $d=1.25$, which is considered a large effect.

The results indicated a significant difference on the mean SEA scores between groups 3 and 4, suggesting that the pro-defendant lesbian mock-juror's opinions and guilty verdict significantly increased participants' agreement levels with sentence enhancement laws, with a large effect size compared to the pro-defendant female mock-juror.

Figure 7.3 Significant mean differences for AHCL scores between the pro-defendant female groups and their corresponding lesbian groups



Group 1= Pro-victim female mock-juror Group 3= Pro-defendant female mock-juror-juror
 Group 2= Pro-victim lesbian mock-juror Group 4= Pro-defendant lesbian mock-juror

Agreement with Hate Crime Laws (AHCL):

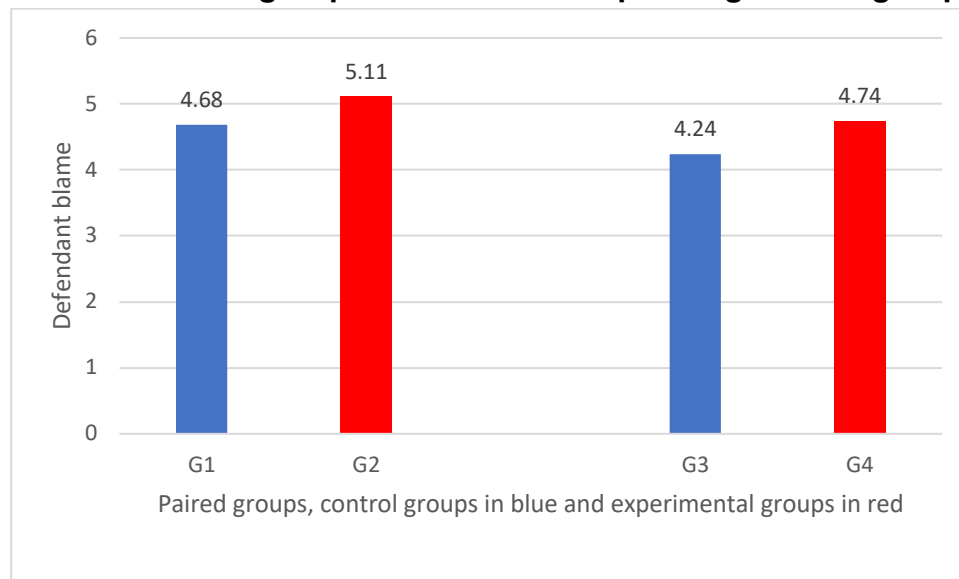
From Table 7.4 we can see that for the between-subjects t-test comparing the means of AHCL scores between:

Groups 1&2 there were no significant differences.

For **Groups 3&4** the t-statistic was -4.22 with df=146, ($p < 0.001$), Cohen's $d = 1.24$, which is considered a large effect.

The results indicated a significant difference between the mean AHCL scores between groups 3 and 4, suggesting that the pro-defendant lesbian mock-juror's opinions and guilty verdict significantly increased participants' AHCL scores, with a large effect size compared to the pro-defendant female mock-juror.

Figure 7.4 Significant mean differences for defendant blame scores between female groups and their corresponding lesbian groups



Group 1= Pro-victim female mock-juror Group 3= Pro-defendant female mock-juror-juror
 Group 2= Pro-victim lesbian mock-juror Group 4= Pro-defendant lesbian mock-juror

Defendant blame (DB):

From Table 7.4 we can see that for the between-subjects t-test comparing the means of DB scores between:

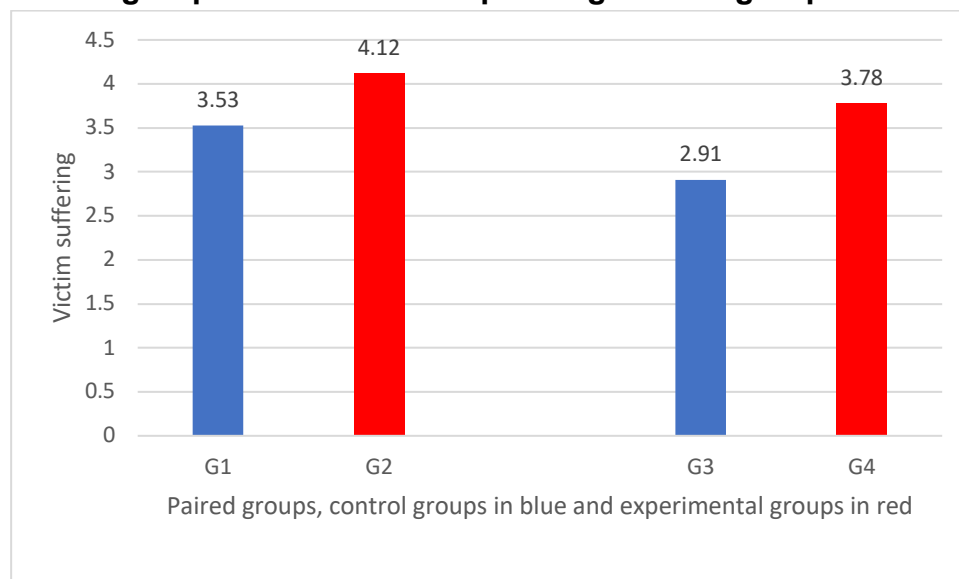
Groups 1&2 the t-statistic was -2.82 with $df=158$, ($p=0.003$), Cohen's $d=0.97$, which is considered a large effect.

The results indicated a significant difference between the mean DB scores between groups 1 and 2, suggesting that the pro-victim lesbian mock-juror's opinions and guilty verdict significantly increased participants' DB scores, with a large effect size compared to the pro-victim female mock-juror.

For **Groups 3&4** the t-statistic was -2.93 with $df=147$, ($p=0.002$), Cohen's $d=1.05$, which is considered a large effect.

The results indicated a significant difference between the mean DB scores between groups 3 and 4, suggesting that the pro-defendant lesbian mock-juror's opinions and guilty verdict significantly increased participants' DB scores, with a large effect size compared to the pro-defendant female mock-juror.

Figure 7.5 Significant mean differences for victim suffering between female groups and their corresponding lesbian groups



Group 1= Pro-victim female mock-juror
Group 2= Pro-victim lesbian mock-juror

Group 3= Pro-defendant female mock-juror
Group 4= Pro-defendant lesbian mock-juror

Victim suffering (VS):

From Table 7.4 we can see that for the between-subjects t-test comparing the means of VS scores between:

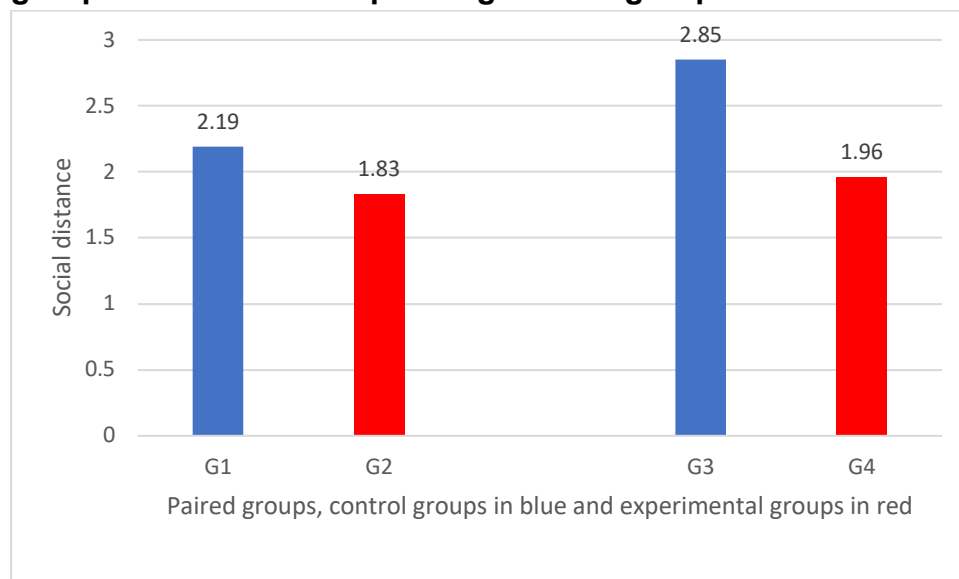
Groups 1&2 the t-statistic was -3.15 with $df=160$, ($p<0.001$), Cohen's $d=1.12$, which is considered a large effect.

The results indicated a significant difference on the mean VS scores between groups 1 and 2, suggesting that the pro-victim lesbian mock-juror's opinions and guilty verdict significantly increased participants' VS scores, with a large effect size compared to the pro-victim female mock-juror.

For **Groups 3&4** the t-statistic was -4.29 with $df=144$, ($p<0.001$), Cohen's $d=1.23$, which is considered a large effect.

The results indicated a significant difference on the mean VS scores between groups 3 and 4, suggesting that the pro-defendant lesbian mock-juror's opinions and guilty verdict significantly increased participants' VS scores, with a large effect size compared to the pro-defendant female mock-juror.

Figure 7.6 Significant mean differences for social distance between female groups and their corresponding lesbian groups



Group 1= Pro-victim female mock-juror Group 3= Pro-defendant female mock-juror-juror
 Group 2= Pro-victim lesbian mock-juror Group 4= Pro-defendant lesbian mock-juror

Social distance (SD):

From Table 7.4 we can see that for the between-subjects t-test comparing the means of SD scores between:

Groups 1&2 the t-statistic was 1.99 with $df=159$, ($p=0.024$), Cohen's $d=1.15$, which is considered a large effect.

The results indicated a significant difference on the mean SD scores between groups 1 and 2, suggesting that the pro-victim lesbian mock-juror's opinions and guilty verdict significantly decreased participants' SD scores, with a large effect size compared to the pro-victim female mock-juror.

For Groups 3&4

the t-statistic was 4.04 with $df=147$, ($p<0.001$), Cohen's $d=1.34$, which is considered a large effect.

The results indicated a significant difference between the mean SD scores between groups 3 and 4, suggesting that the pro-defendant lesbian mock-juror's opinions and guilty verdict significantly decreased participants' SD scores, with a large effect size compared to the pro-defendant female mock-juror.

Victim blame (VB):

There were no significant differences between groups 1&2 and between groups 3&4.

Table 7.5 Summary for hypothesis 2

Measure	Findings
AHCL	The pro-defendant lesbian juror's opinions significantly increased AHCL compared to the pro-defendant female.
VS	VS was significantly higher in the pro-victim, and pro-defendant lesbian groups, compared to the corresponding female groups.
DB	DB was significantly higher in the pro-victim, and pro-defendant lesbian groups, compared to the corresponding female groups.
SEA	There was significantly more agreement with SE laws in the pro-victim, and pro-defendant lesbian groups, compared to the corresponding female groups.
SD	SD was significantly lower in the pro-victim, and pro-defendant lesbian groups, compared to the corresponding female groups.

Key: AHCL=Agreement with hate Crime laws, VS=Victim suffering, DB=Defendant blame, SEA=Sentence enhancement agreement and SD=Social Distance.

Further tests were conducted on the AHCL measure to identify the most common reasons for participants' not guilty verdicts and to explore any evidence of sentence-severity bias.

Reasons for participants' verdicts

Another aim of this study was to determine any sentence-severity bias and cause of this by analysing the main reasons for participant's not guilty verdicts to ascertain whether the effects of sentence-severity bias observed in the previous studies, were replicated.

It is essential to examine which hate crime laws participants disagreed with most, especially for participants that gave not guilty verdicts. This was also important to explore any evidence of sentence-severity bias based on participants who delivered not guilty verdicts and who considered the maximum sentence as too long. Participants were asked to indicate their agreement levels with the AHCL statements and the means computed according to guilty and not guilty verdicts as explained in the previous chapter.

Table 7.6 Mean agreement levels with hate crime law statements according to verdicts

Agreement with hate crime law statements 1-6 (Appendix B)	Mean and SD Guilty verdicts n=186	Mean and SD Not Guilty verdicts n=119
1	M= 5.26 SD=1.052	M= 4.02 SD=1.584
2	M=5.20 SD=1.069	M= 3.84 SD=1.557
3	M= 5.21 SD=1.039	M= 4.19 SD=1.553
4	M= 5.15 SD=1.021	M= 4.09 SD=1.518
5	M= 4.68 SD=1.165	M= 3.57 SD=1.424
6	M= 4.01 SD=1.370	M= 2.45 SD=1.313

Scale: 1=strongly disagree, 2=disagree, 3=slightly disagree, 4=slightly agree, 5=agree and 6=strongly agree.

The percentages and number of participants were then computed according to the guilty and not guilty verdicts for each of the six different verdict reasons (Table 7.7).

Table 7.7 Participants' reasons (1-6) for their verdicts

Reason	176 guilty verdicts % (n)	120 not guilty verdicts % (n)
1	12.6% (24)	4.2% (5)
2	31.4% (60)	10% (12)
3	16.2% (31)	10.8% (13)
4	8.4% (16)	8.3% (10)
5	4.7% (9)	5.8% (7)
6	18.8% (36)	50% (60)

Please see Appendix B for Reasons 1-6

Impact of pro-victim groups and pro-defendant groups on verdicts and measures

Hypothesis 3: Guilty verdicts will be significantly different in the pro-victim groups compared to the corresponding pro-defendant groups.

X^2 tests were conducted to determine whether guilty verdicts were significantly different in the pro-victim groups compared to the pro-defendant groups.

Given the dichotomous nature of the verdict (guilty or not guilty) a chi-square (X^2) analysis was run to test this hypothesis.

Assumption tests for X^2 analysis were not violated (Appendix J).

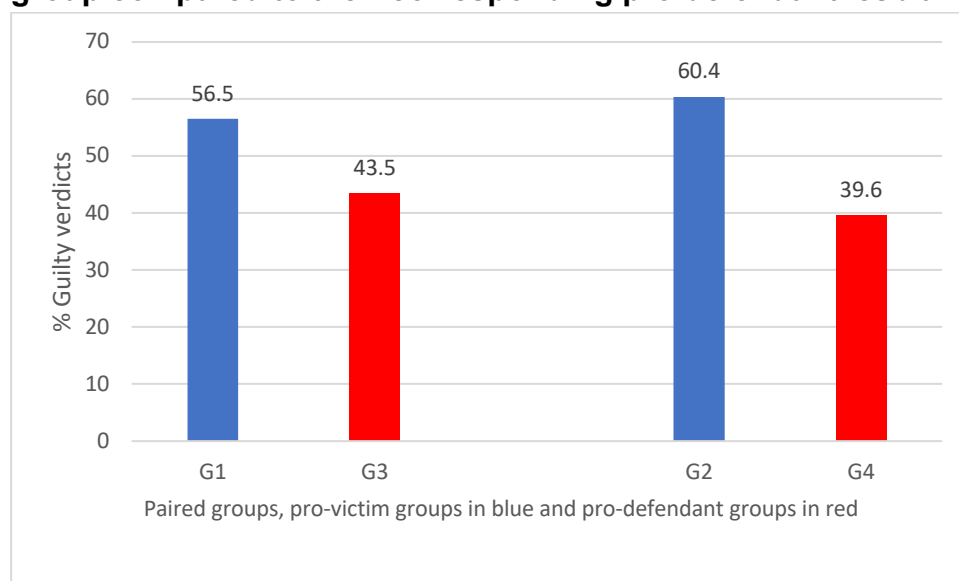
Table 7.8 χ^2 results showing %GVR in pro-victim groups were significantly different compared to their corresponding pro-defendant groups

Paired Groups	Number of guilty counts (n) and %GVR within verdict	Standardised residuals	Asymptotic Significance (two-sided p values and effect sizes, Φ)
1 & 3	n=48 or 56.5% n=37 or 43.5%%	-0.8 and 0.7	$\chi^2(1) = 2.281, p=0.131$ $\Phi = -0.121$
2 & 4	n=64 or 60.4% n=42 or 39.6%	1.6 and -1.1	$\chi^2(1) = 6.833, p=0.009$ $\Phi = -0.209$

Group 1= Pro-victim female mock-juror
Group 2= Pro-victim lesbian mock-juror

Group 3= Pro-defendant female mock-juror
Group 4= Pro-defendant lesbian mock-juror

Figure 7.7 Significantly different %GVR between the pro-victim lesbian group compared to their corresponding pro-defendant lesbian group



From Table 7.8 and Figure 7.7 we can see that for:

Groups 1&3: There was no significant relationship between the verdicts in the pro-victim female mock-juror group and pro-defendant female mock-juror group and their verdicts, $\chi^2(1) = 2.28, p=0.131, \Phi = -0.12$.

Groups 2&4: There was a significant relationship between the verdicts in the pro-victim lesbian mock-juror group and the pro-defendant lesbian mock-juror group, $\chi^2(1) = 6.83$, $p=0.009$, $\Phi = -0.21$.

Table 7.9 Summary for hypothesis 3

Pro-victim compared to pro-defendant	Influence on %GVR
lesbians	Participants delivered significantly higher %GVR in the pro-victim, lesbian group (2) compared to the pro-defendant, lesbian group (4).

To determine the impact of the pro-victim and pro-defendant groups on measures

Hypothesis 4: Participants will deliver significantly different mean scores on the measures in the pro-victim groups compared to participants in the pro-defendant groups.

Measures: AHCL=agreement with hate crime laws, VB=victim blame, DB=defendant blame, VS=victim suffering, SD=social distance and SEA=sentence enhancement agreement.

To determine the influence of the pro-victim groups compared to the pro-defendant groups on the measures, (independent variables, IVs) between-subjects t-tests were conducted as shown in Table 7.10.

Assumption tests for between-subjects t-tests

Tests of skewness and kurtosis showed levels for all measures were well within the acceptable ranges. Histograms, Q-Q and box plots showed reasonable linearity with no outliers beyond the whiskers of the box plots, except for defendant blame so this variable was omitted in the t-tests analysis.

Table 7.10 t-tests comparing pro-victim groups to their corresponding pro-defendant groups on measures (independent variables, IV)

IV	G1 & G3 Mean (SD) n	G2 & G4 Mean (SD) n
SEA	G1=2.96 (1.272) n=77 G3=3.57 (1.337) n=75 F=2.68 t(150)=-2.89, p=0.002	G2= 2.60(1.272) n=81 G4=2.82 (1.147) n=73 F=1.69 t(152)=-1.11, p=0.135
AHCL	G1=4.62 (0.903) n=79 G3=3.70 (1.517) n=75 F=55.23 t(152)=4.59, p=<0.001	G2= 4.84 (0.950) n=83 G4=4.56 (0.867) n=73 F=0.13 t(154)=1.92 p=0.057
DB	G1=4.68 (1.057) n=77 G3=4.24 (1.153) n=76 F=0.68 t(151)=2.45, p=0.008	G2= 5.11 (0.884) n=83 G4=4.74 (0.928) n=73 F=0.33 t(154)=2.54 p=0.006
VB	G1=2.04 (0.932) n=78 G3=2.50 (1.260) n=76 F=18.05 t(152)=-2.59, p=0.005	G2=1.89 (0.994) n=82 G4=2.29 (1.073) n=73 F=1.0 t(153)=-2.39, p=0.009
VS	G1=3.53 (1.080) n=79 G3=2.91 (1.1359) n=74 F=6.35 t(151)=3.14, p=0.001	G2= 4.12 (1.300) n=83 G4=3.78 (1.078) n=72 F=4.16 t(153)= 1.77, p=0.040
SD	G1=2.19 (1.157) n=78 G3=2.85 (1.159) n=76 F=15.75 t(152)=-2.94, p=0.002	G2= 1.83 (1.135) n=83 G4= 1.96 (1.040) n=73 F=0.43 t(154)=-.73 p=0.233
Group 1= Pro-victim female mock-juror Group 2= Pro-victim lesbian mock-juror		Group 3= Pro-defendant female mock-juror Group 4= Pro-defendant lesbian mock-juror

SEA=sentence enhancement agreement, AHCL=agreement with hate crime laws, DB=defendant blame, VB=victim blame, VS=victim suffering and SD=social distance measure.

Sentence enhancement scores (SEA):

From Table 7.10 we can see that for the between-subjects t-test comparing the means of SEA scores between:

Groups 1&3 the t-statistic was -2.89 with $df=150$, ($p=0.002$), Cohen's $d=1.30$, which is considered a large effect.

The results indicated a significant difference on the mean SEA scores between groups 1 and 3, suggesting that the pro-victim female mock-juror's opinions and guilty verdict significantly increased participants' agreement levels with sentence enhancement laws, with a large effect size compared to the pro-defendant female mock-juror (lower scores indicate greater agreement).

Groups 2&4 no significant differences.

Victim suffering (VS):

For the between-subjects t-test comparing the means of VS scores between

Groups 1&3 the t-statistic was 3.14 with $df=151$, ($p=0.001$), Cohen's $d=1.22$, which is considered a large effect.

The results indicated a significant difference on the mean VS scores between groups 1 and 3, suggesting that the pro-defendant female mock-juror's opinions and guilty verdict significantly decreased participants' VS scores, with a large effect size compared to the pro-victim female mock-juror.

Groups 2&4 the t-statistic was 1.77 with $df=153$, ($p=0.040$), Cohen's $d=1.2$, which is considered a large effect.

The results indicated a significant difference on the mean VS scores between groups 2 and 4, suggesting that the pro-defendant lesbian mock-juror's opinions and guilty verdict significantly decreased participants' VS scores, with a large effect size compared to the pro-victim lesbian mock-juror.

Social distance (SD):

From Table 7.10 we can see that for the between-subjects t-test comparing the means of SD scores between:

Groups 1&3 the t-statistic was -2.94 with $df=152$, ($p=0.002$), Cohen's $d=1.38$, which is considered a large effect.

The results indicated a significant difference on the mean SD scores between groups 1 and 3, suggesting that the pro-victim female mock-juror's opinions and guilty verdict significantly decreased participants' SD scores, with a large effect size compared to the pro-defendant female mock-juror.

Groups 2&4 no significant differences.

Agreement with Hate Crime Laws (AHCL):

For the between-subjects t-test comparing the means of AHCL scores between:

Groups 1&3 the t-statistic was 4.59 with $df=152$, ($p<0.001$), Cohen's $d=1.24$, which is considered a large effect.

The results indicated a significant difference between the mean AHCL scores between groups 1 and 3, suggesting that the pro-victim female mock-juror's opinions and guilty verdict significantly increased participants' AHCL scores, with a large effect size compared to the pro-defendant female mock-juror.

Groups 2&4 no significant differences.

Victim blame (VB):

For the between-subjects t-test comparing the means of VB scores between:

Groups 1&3 the t-statistic was -2.59 with $df=152$, ($p=0.005$), Cohen's $d=1.11$, which is considered a large effect.

The results indicated a significant difference on the mean VB scores between groups 1 and 3, suggesting that the pro-victim female mock-juror's opinions and guilty verdict significantly decreased participants' VB scores, with a large effect size compared to the pro-defendant female mock-juror.

Groups 2&4 the t-statistic was -2.39 with $df=153$, ($p=0.009$), Cohen's $d=1.03$, which is considered a large effect.

The results indicated a significant difference on the mean VB scores between groups 2 and 4, suggesting that the pro-victim lesbian mock-juror's opinions and guilty verdict significantly decreased participants' VB scores, with a large effect size compared to the pro-defendant lesbian mock-juror.

Defendant blame (DB):

For the between-subjects t-test comparing the means of DB scores between

Groups 1&3 the t-statistic was 2.45 with $df=151$, ($p=0.008$), Cohen's $d=1.11$, which is considered a large effect.

The results indicated a significant difference between the mean DB scores between groups 1 and 3, suggesting that the pro-victim lesbian mock-juror's opinions and guilty verdict significantly increased participants' DB scores, with a large effect size compared to the pro-victim female mock-juror.

Groups 2&4 the t-statistic was 2.54 with $df=154$, ($p=0.006$), Cohen's $d=0.91$, which is considered a large effect.

The results indicated a significant difference between the mean DB scores between groups 2 and 4, suggesting that the pro-defendant lesbian mock-juror's opinions and guilty verdict significantly increased participants' DB scores, with a large effect size compared to the pro-defendant female mock-juror.

7.3 Summary

As predicted for hypothesis 4, the pro-defendant opinions of both the heterosexual and homosexual female jurors that participants were given to read in groups 3 and 4, prior to making their own decisions: significantly lowered participants' victim suffering and defendant blame ratings and significantly increased victim blame levels compared to the corresponding pro-victim opinions of the heterosexual and homosexual female jurors that participants were given to read in groups 1 and 2, (see chapter 9 for discussion).

Although approximately 10% of participants identified as LGBT+, participants' sexuality was not controlled for in these studies. It would be interesting to explore in any future studies, the influence of participant sexuality on such findings.

Chapter eight presents the findings of the qualitative study.

Chapter 8 Study Four Jury service experiences of LGBT+ jurors

8.1 Introduction

This chapter presents the typical exemplars (most common interview answers provided by the 10 participants interviewed). Exemplars were listed under the five main themes that were identified following the Directed Content Analysis steps recommended by Potter and Levine-Donnerstein (1999), see Appendix N for the coding framework Table 11.1. Finally, a brief summary of the findings is included and these findings are subsequently discussed in chapter 9.

8.2 Findings

Theme 1: Jury foreperson's character and influence

The majority of interview participants (eight of ten, including two gay male jury forepersons) agreed that the jury foreperson generally has more influence and power compared to a juror, as demonstrated in the following quotes:

'they have more influence' (Chris)

'you get heard more and respected more and kind of have more control and power' (Jan)

The two participants who did not feel the foreperson had more influence, both stated the verdict was quite obvious to everyone on the jury, due to the compelling evidence in these cases.

Section 8 of the Contempt of Court Act (1981) prohibits researchers from interviewing jurors regarding any matters pertaining to jury deliberations, which was emphasised to all participants in advance and limited the extent to which certain questions could be asked and answered. However, certain opinions could be expressed as generalised speculations based on juror experiences, which more importantly also included reasons why jury forepersons may have more influence, for example because they decide who talks next and tend to be respected more:

'The jury foreperson has the most say. You decide who talks next and are kind of in charge and other jurors, sort of respect your opinion more and listen more' (Jan)

Furthermore, half of the participants also felt they would have had more influence if they had been the jury foreperson rather than just another juror. Again, given jurors are prohibited from discussing any details of their jury deliberations, this indirect, hypothetical questioning, provided them with a safe means to express such opinions based on their jury experiences:

'I would have had more influence if I were the jury foreman' (Frank)

'I would grow more into the responsibility, the role and be more expressive you know, contribute even more' (Jan)

This further emphasises the need for an equal opportunities-based selection process, as eight of the LGBT+ jurors interviewed not only were of the clear opinion that the foreperson has more influence but half of them felt they would have had more influence had they been the foreperson.

Eight of the participants also commented on the jury foreperson's character and personality. When a juror volunteered to be the foreperson, the majority of jury members agreed. When no one volunteered the jurors nominated who they felt was a confident and/or dominant character (good talker or had a good job) and in one case because they had previous jury experience:

'quite a dominant character with leadership and very opinionated. So the majority of jury members had confidence in him.....in his 50s.....with like a very good job or position in a company, who talked a lot' (Anna)

'I can't remember if they had done jury service before, but they did have a good job and really good English, which showed. I mean, I think they were a bit of a show off, you know, was confident and most chatty and he seemed the most confident and wanted to do it' (Jan)

In the majority of cases the juror volunteered to be the foreperson, and other jurors agreed very quickly:

‘we just quickly agreed ok to the man who seemed confident and wanted to be the jury foreman’ (Anna)

The jury foreperson consistently seemed to be a relatively dominant character and interestingly Brian, one of the two jury forepersons interviewed, also mentioned that he tried not be dominant. He believed that a jury foreperson with a dominant character could actually be a problem in a jury setting and therefore the foreperson should only be selected towards the end of the trial, as he was:

‘You know, I think I really tried not to sort of like dominate, I guess I was privileged by having some more analytical skills as a professor but that might be a hindrance you know providing an ordinary perspective on the world. But I think if somebody was elected from the start and started to chair and was a bit of a dominant voice, that could be a problem. So I think the person should only be decided towards the end, which is what we did in effect’ (Brian)

Theme 2: Importance of LGBT+ jurors

Generally, participants felt their LGBT+ identity and related experiences, were an asset in understanding the victim’s suffering, for example the harm caused by name-calling. Furthermore, one LGBT+ juror also stated that had his domestic violence case been a gay domestic violence case, he would have considered his gay sexuality more of an asset to the case:

‘I felt that as a, as a gay man, I might have some insight into the fact that, you know, that’s a difficult thing and it can be uncomfortable for people. So I feel that actually my sexuality might have been an asset there and you do need that difference of view’ (Brian)

‘Only LGBT+ people really know from their own experiences how bad this (LGBT+ hate crimes) can be’ (Anna)

'I mean, whoever says names cannot hurt you could not be more wrong. Name calling maybe a bit of fun for some offenders, but as an LGBT victim, when you face it all the time, everywhere, it demoralises you and you know damages your confidence. Your peace of mind. I mean, it haunts you. You know, you, you even end up having nightmares when you're young or getting paranoid' (Jan)

Overall, participants did not report any LGBT+ jury bias, but actually respect and fairness amongst fellow jurors:

'nobody there has expressed anything, or I had not noticed any sort of a bias' (Anna)

'I certainly didn't experience any prejudice and I felt there was a deep commitment to fairness and respect for people' (Brian)

Interestingly, even participants who anticipated being stigmatised by other jurors, felt their presence helped the jury accept their LGBT+ identity:

'But when I realised the rest of the jury got to accept me OK, I was really comfortable' (Gary)

Expected LGBT+ importance in hate crime cases

Due to the limited nature of questions jurors can be asked, participants were also questioned about their general opinions on whether in LGBT+ hate crime cases, there should be at least one LGBT+ juror. Based on the number of comments, this was an important issue for all ten participants and the number of recommended LGBT+ jurors ranged from a couple to as many as half the jury:

'I would say definitely, definitely at least. In fact, there should be, half of the jurors I mean from the victimised group, or in hate crimes....Just like we have people of colour of different ethnic minorities representing juries. Gender and sexuality should be included in how they are representing juries' (Anna)

'Oh yeah, for sure a couple at least. I mean if the victim is gay or trans, the jury should definitely have at least a couple of gay jurors' (Jan)

The interviews also shed light on why and how LGBT+ jurors are likely to have an important impact on jury decisions i.e. to contextualise and counterbalance LGBT+ stigma and myths:

'I think it will help because I think there's a lot of misunderstanding and myths about gay men and other minority groups in society and women. And I think it would help, certainly, yeah. So I would, I would really want that perspective to be at least there, if only to help contextualise or to counter' (Brian)

'just because some may assume you're weird or gothic or sadist or promiscuous if you're gay' (Jan)

Furthermore, participants expressed a strong lack of confidence in juries lacking LGBT+ representation, in hate crime cases:

'if it was a hate crime case and there wouldn't be any LGBT+ jury member involved, I, I would not have any confidence in this' (Anna)

'If it was an LGBT hate crime case, I would only have confidence in a jury that has a couple of LGBT jurors....We are a big part of society, the local communities. We need to be seen and heard and represented and respected in juries....I mean, our views are just as important and I would say even more important in LGBT hate crime cases or issues' (Jan)

Another key reason for attending jury service was to help counter LGBT+ stigma:

'obviously, we see a lot of hate crime at the moment with people with you know gender identity issues and I feel that you know, yeah, that there are powerful prejudices and distortions and misunderstandings and not that the person necessarily can give a clean you know a completely impartial

view. Of course, all views are by their nature partial, but I think it will help to counterbalance some of those' (Brian)

One interviewee, even suggested a special protocol be established to ensure LGBT+ jurors in hate crime cases, echoing the advice of The Runciman Commission (1993):

'it may be more insightful for someone from that community to be part of that group and that maybe argued that, you know, if that sort of LGBT hate crime case does come forward, then there may be ought to be a mechanism within the selection process that could allow for some members of that community to be drafted onto the jury' (Ian)

'To be fair, we are the experts, as it were, on LGBT hate crime' (Jan)

Negative LGBT+ juror influence due to intersectionality

Just one LGBT+ juror felt other jurors had more influence than them, and actually felt that this was due to a combination of them being both the only gay person and Black person in the jury:

'Yeah, they do have more influence. They do because as I mentioned earlier that I belong to the minority and then my sexual orientation also. We were the minority there because the rest were straight and also they were White' (Eric)

Theme 3: LGBT+ stigma (jurors anticipated being stigmatised)

Anticipated stigma involves expecting to experience discrimination from others in the future (Stangl et al., 2013). Surprisingly, half of the participants actually anticipated experiencing stigma during jury service, which is very high:

'At the back of my mind, I, I also had concerns about how my LGBT+ identity would be accepted or viewed by everyone in the jury and how any negativity might influence things' (Anna)

You don't know what the other jurors will be like, you know, what if even one of them is anti-gay or anti LGBT? You know, it makes you feel uncomfortable. You can start getting paranoid or something' (Jan)

Participants were also asked about any jury experiences of other LGBT+ people they may have heard about, as an indirect approach to gain more data. By far the most comments pertained to anticipatory stigma and lack of self-confidence in their sexuality and/or gender as the most likely cause of LGBT+ people turning down jury service:

'The couple of LGBT+ who told me they turned down jury service was because they were less comfortable with their sexuality, and were worried about, about being discriminated by other jurors or, or their views not listened to as much' (Anna)

'I think if I wasn't confident in my sexuality, I think I wouldn't, I wouldn't have attended the jury sessions. I wouldn't have even attempt attending right, because of, because of societal stigmatisation'(Frank)

Once again, we also see the more serious reactions to the combination of intersecting identity factors:

'I think if one has other, you know other minority attributes as well, that's probably magnified even further. You know, is anybody going to listen to me because I'm Chinese and LGBT+ or whatever it is?' (Brian)

'You know, we from the LGBT+ community, especially the Blacks, we, we have less confidence in our sexual orientation due to some extra discrimination and you know all of those things' (Eric)

The qualitative interviews provided the depth, breadth and richness of additional details in explaining why so many LGBT+ may turn down jury service, particularly transgender people:

'and because a lot of gay people have experienced violence and insults and all sorts of things' (Brian)

'In one sentence they are afraid of stigmatisation by society, stigmatisation, yes' (Chris)

'Because of the previous experiences that LGBTQ family experienced and another thing is the fear of being victimised and the fear of stigmatisation' (Frank)

'it would be even more difficult for transgender people' (Eric)

'Maybe they feel that if they're transgender, that there are still issues with male, female toileting facilities' (Ian)

'I mean, the trans population are likely to find this most difficult, of course. May be very uncomfortable for them' (Jan)

Some participants also mentioned how some LGBT+ may feel the court system does not represent them well or fairly, and stigmatises LGBT+ people and court settings were likely to be particularly uncomfortable for those who have not come out of the closet regarding their LGBT+ identity:

'Those were other members of the court, you know, who look down on an LGBT juror, they were other members, people I met outside the court and inside the court' (Gary)

Juries and judges tend to be uninformed on transgender issues, choosing to punish rather than help transgender people (Brunstein, 2017) even when they are victims (Buist and Stone, 2014). This was also exemplified by participants:

'Maybe they feel that the system doesn't represent them. Um, I guess reasons like that maybe, they have their own assumptions on what the British legal system is, and they don't like what it is. Maybe they feel they've been treated unfairly and why support the system that doesn't

treat people fairly in their eyes. Maybe they feel they're coming into a group of people that might not accept them, or understand them' (Ian)

Clearly more research needs to be done to identify specific barriers to jury service for different minority groups, as evidenced by the following quotes:

'some LGBT person might not really want to go because I feel that they have not completely accepted themselves. they feel if they went there in the jury court room, that they're going to get discriminated by others. Yeah, you know, so it's a very wrong impression and it's something that needs to be addressed because you being an LGBTQ person is just like a normal person' (Haley)

One participant also mentioned that they would have turned down jury service, had they been invited when they had not yet come out about their sexuality:

'if I had been asked say ten years ago, when I was more secretive about my sexuality. I would have been worried about being discriminated or picked on, laughed at' (Jan)

'if you have social anxiety..... or generally used to being victimised or discriminated, you wouldn't have the confidence. I can imagine for some gay people who would have been traumatised by the general widespread public hate towards gays and trans, especially online. You know it could be difficult. One of my male gay friends, they did not want to do jury service because they were worried about the jury, you know, not treating them fairly or maybe even laugh at their opinions' (Jan)

However, when minorities feel they have to exempt themselves from such civic duties, of course they also miss out on the multifarious benefits mentioned by participants.

Theme 4: Benefits and reasons for doing jury service (related to self)

When asked about the reasons for doing jury service, all ten participants responded with the largest number of comments. Pre-jury service motives

included curiosity, excitement, for the experience and to represent LGBT+ people:

'I was quite curious what it is about and I only saw positives in, in that, so I was quite excited' (Anna)

'and looking forward to it....I thought, you know, I'm lucky to get picked' (Jan)

'That's the more reason that I went, because I am bisexual' (Chris)

'to have some of court experiences' (Dave)

Post-jury service thoughts included being glad to have taken part, having more confidence in jury service and meeting other LGBT+ jurors:

'I found it a very good experience..... I was very glad I took part in it' (Anna)

'Yeah, I'd say one benefit is that insight into the system really it just made me more aware of the legal process..... this is a precious thing..... I just feel so for me, a deeper appreciation of the jury service, its complexity' (Brian)

'I do have more confidence in the jury service now' (Eric)

'the majority of people in the LGBT community are always afraid of coming out to speak their minds. Or speak on issues that bother them. So me coming out to attend the jury service was, was a big plus for me' (Frank)

'It opened me to meeting people like me, LGBT' (Gary)

Benefits and reasons for doing jury service related to the wider community

Eight of the participants also made a number of comments on the wider benefits of jury service to the community in representing the LGBT+ community, setting an example and supporting others:

'I had the opportunity to express my opinions as an LGBT+ member and as a woman....which I think is important and it is important to take this to institutional level, and reflect these opinions.... I think, I think LGBT+ people should take part in, in this process.....our voices need to be heard and we need more active members of society' (Anna)

'So if I can come out publicly, I, I think others can also, so to me that was the main reason that I had to attend, so that we could speak more in society to also contribute for the better of society' (Chris)

'Well, if I must be honest with you, it was due to my LGBT identity, so that our orientation is involved in justice... so maybe I could lend my support you know as well during the process, represent Black people and LGBT people' (Eric)

'OK, the main reason why I wanted to do the jury service was to speak out as an LGBT person of colour. I wanted to encourage other people also and so that they are not alone' (Frank)

'We have a lot of people having cases from the LGBTQ background and you need to go. I hear people saying that they go on jury service and not see an LGBTQ people in the jury room when the case has to do with an LGBTQ person. So I would really recommend all the LGBTQ's to at least try and attend so that it will set us an example' (Haley)

Theme 5: Sentence-severity related concerns

Although only three participants mentioned being concerned about finding an innocent defendant guilty, they were not asked this question specifically due to the restrictions on what jurors can be asked. Furthermore, they mentioned this as being a 'big concern' even when deciding whether to take-up jury service and throughout the trial, for example:

‘When you start jury service you can’t help worrying during jury discussions, that you might end up finding an innocent person guilty especially for serious crimes with long prison sentences’ (Anna)

‘I suppose my concern was, you know, my, sort of fear of sending someone to prison and them not being guilty. So that was kind of a big fear’ (Ian)

‘I was also worried that you could be partly responsible for someone being convicted and sent to prison for a long-time who may have been innocent, you know, you read about it in the papers and that. For me that was a big concern before and during my jury service’ (Jan)

8.3 Summary

Eight participants felt the jury foreperson had/has the most influence and tends to be a dominant character. Five participants believed they would have had more influence if they were the foreperson.

Participants generally felt their LGBT+ identity and related experiences, were an asset in understanding the victim’s suffering.

All ten participants recommended juries have at least a couple of LGBT+ jurors in hate crime trials and would not have confidence in juries with no LGBT+ jurors.

Although 9/10 participants did not experience any LGBT+ bias from other jurors but still felt LGBT+ jurors are needed to challenge any LGBT+ stigma.

Just one LGBT+ juror felt they had less influence than other jurors, due to them being the only gay person and Black person in the jury.

Half the participants anticipated being stigmatised and believed this may be why a lot of LGBT+ people turn down jury service, or because they are less

confident with their gender/sexuality and if they have additional stigmas (intersecting identities).

Main reasons for accepting jury service were wanting to represent and meet and support other LGBT+ people.

Finally three participants mentioned being overly concerned about the severity of the sentence when deciding their verdicts.

Chapter nine presents the discussions of all four studies including contributions to inter-group contact and mock-jury research, the limitations and future studies.

Chapter 9 Discussions, limitations and future studies

9.1 Discussions

9.1.1 Study One

Finding: post-test social distance scores were significantly lower than pre-test scores in the imagined contact, gay male groups compared to the male groups

The within-subjects paired t-tests showed as predicted in hypothesis one, participants who imagined inter-group contact with a gay male mock-juror in all four experimental groups (1-4 i.e. in all four offences), showed significantly decreased stigma (social distance) towards transgender women, save the internet sample for group 3 (Table 5.1). Furthermore, these effects were consistent across the student and online community sample data sets, i.e. the finding from the two sample-sets independently corroborated each other. This justified the final combined analysis of the data from the two recruitment strategies employed.

The non-parametric Wilcoxon signed rank test for paired t-tests (SPSS output) also independently confirmed there was a significant difference, ($Z=-5.237$, $p<.001$) between pre and post-test social distance scores. We could therefore expect juror prejudice towards a transgender woman victim to be significantly lower in an LGBT+ diverse jury compared to a non-LGBT+ diverse jury, and verdicts therein to be less biased. This would be a significant benefit of having more LGBT+ diverse juries, particularly in such sensitive hate crime cases.

Tompkins et al., (2015) showed imagined contact with transgender individuals resulted in participants showing significant post-test level increases in their willingness to socially engage with transgender individuals. This study showed similar effects, but due to the secondary transfer effects of imagined contact with a gay mock-juror uniquely and in a mock-jury paradigm. The transgender population comprises around 15% of the LGB+ community (UK 2021 Census) therefore juries are significantly more likely to have an LGB+ juror rather than a transgender juror. Moreover, this study, showed such effects can start to occur within a relatively short time-frame, following the commonly employed two-

minute imagined contact task (Crisp et al., 2009) given Study One would have taken just twenty-five minutes or so for participants to complete.

In all four control groups (5-8), participants who imagined contact with a male juror, showed no decreased stigma towards transgender women. Furthermore, in two of the control groups, participant post-test stigma levels were actually higher than their pre-test levels and significantly so in group 6. This indicates that in non-LGBT+ mock-jury groups, exposure to transphobic hate crime case materials (witness, defendant and character witness statements) can also increase stigma towards transgender victims, even in such guilty-biased case scenarios, but only in non-LGBT+ representative groups. In the light of these findings, the lack of LGBT+ diverse juries in the UK as a consequence of using just a single register can be seen as an example of institutional stigma, an unjust policy that denies and fails to protect, the equal rights of minorities to less biased and fairer verdicts in more representative juries.

In the control groups, imagined contact with the heterosexual male juror did not constitute inter-group contact for over 92% of the heterosexual participants and therefore we would not expect any prejudice reduction effects. Participants belonging to one of the many groups that the LC (2020) did not propose be included into hate laws (for example the elderly and women), may have resented this and begrudge the fact that transgender people have been included, but this remains speculative. This could partly explain the increased post-test stigma levels in the control groups, but is speculative.

Finding: Post-test social distance scores correlated with measures

The correlation matrix (Table 5.3) showed the importance and wider influence of lower post-test social distance scores in all four LGBT+ diverse mock-jury groups. Lower social distance levels were associated with higher defendant blame, perceived victim suffering and agreement with sentence enhancement laws. Furthermore, lower post-test social distance levels also strongly correlated with lower victim blame levels, indicating the wider influence of lower social distance scores on other key juror considerations and decisions.

Although the overall %GVR was low, where post-test social distance scores were relatively lower (i.e. in the LGBT+ representative mock-jury groups) the

%GVR was higher. This is particularly appropriate in this study given the guilty case scenarios employed and further supports the findings of Ellingwood et al., (2022). Their Canadian study showed mock-jurors with lower levels of prejudice towards LGBT+ individuals also delivered significantly higher %GVR when the victim was described as a transgender male compared to a male or female in an aggravated sexual assault crime. This highlights the negative impact stigma towards transgender victims can have in significantly lowering %GVR in hate crime cases and shows the importance of more LGBT+ diverse juries in reducing such stigma to achieve fairer and higher %GVR.

Conversely, higher victim-blame levels have been shown to be associated with lower %GVR (Cramer et al., 2014; Smith et al., 2019; Sperry and Siegel, 2013; Wenger and Bornstein, 2006). This study showed lower post-test social distance levels were strongly associated with lower victim blame levels. Subsequently the logistic regression model showed lower victim-blame scores also significantly predicted higher %GVR.

Furthermore, higher victim-suffering scores are also particularly appropriate in this hate crime study given hate crime victims have been shown to suffer more than non-hate crime victims (Kutateladze, 2022; Mellgren et al., 2021). This further emphasises the positive influence of lower post-test social distance scores having a strong negative correlation with perceived victim suffering scores, i.e. the lower social distance the higher victim suffering scores.

Finally, in the LGBT+ representative mock-jury groups, participants showed more agreement with hate crime sentence enhancement laws, where post-test social distance or transphobia stigma levels were significantly lower. Flores et al., (2018) also found that reducing transphobia was a reliable mechanism to increase public support for transgender rights, which could explain the increased agreement with sentence enhancement laws observed in the LGBT+ groups showing reduced transphobia. Participants or jurors agreeing more with such key, sentence enhancement hate crime laws is in itself a huge benefit of LGBT+ diverse juries and could also help reduce jury nullification incidents.

Finding: Offence severity bias in aggravated offences

In all four of the aggravated offence groups, participants delivered significantly lower %GVR, compared to their base offence groups as expected according to hypothesis two (Table 5.5). This finding supports recent offence severity findings by Lundrigan et al., (2018). Given aggravated offences have not been extended to transphobic hate crimes yet, this is likely to be one of the first indications of the worryingly low %GVR, particularly in the light of the guilty case scenarios employed in this study.

Alternative Verdict 2

Primarily the very low %GVR observed for the aggravated offences were the main concern. Verdict 2 provided the opportunity to ask participants their agreement/disagreement with sentence enhancement laws. In the event of a not guilty verdict for an aggravated offence, a judge or jury can return an alternative verdict for the non-aggravated, base version of the offence (Crime and Disorder Act 1998). However, from Table 5.6 we can calculate that the %GVR were only significantly (15%) higher for the combined verdicts (guilty verdicts for aggravated offence group 7 plus guilty verdicts for the alternative base offence for group 7) compared to the corresponding group 8 base only offence. This indicates that the possible 'advantage' of pursuing the aggravated and alternative base offences together for the offence of actual bodily harm only, would be that this could significantly increase the %GVR for their alternative base offence compared to pursuing just the base offence (although not sufficient to secure an overall majority guilty verdict ($10/2 = 83\%$)).

Vidmar (1972) provided mock-jurors with combinations of two, three or four offence alternatives (first degree murder, second degree murder, manslaughter and not guilty). He found jurors seldom voted not guilty when given at least one moderate offence severity option, whereas given only a serious offence severity option, more than half of the jurors voted not guilty. It is reasonable to assume in this study that all participants who gave guilty verdicts for verdict 1 (aggravated offence) would also have given guilty verdicts for verdict 2 (base offence).

However, including the alternative base offence together with aggravated offence at the outset could be interpreted by jurors as a weakness or doubt in the prosecution's case (Owusu-Bempah et al., 2019) and/or result in lower guilty verdict rates. The CPS are also unlikely to endorse the strategy of laying both offences just to increase the chance of conviction on the base offence, due to the extra costs and the huge backlog of crown court cases. The victim would also be faced with a much lengthier wait for their trial date. Furthermore, any alternative base offence conviction (following a not guilty verdict for the aggravated offence) would not be applicable for any sentence enhancement and therefore likely to result in a shorter sentence (see Table 2.1), not recorded as a hate crime, subject to the high levels of plea bargaining and early guilty plea discounts.

The main concern of laying alternative charges is that it can increase the potential for charge bargaining, where defendants offer/accept a guilty plea to the basic offence providing the aggravated charge is dropped (Owusu-Bempah et al., 2019). Furthermore, during their interviews, lawyers and judges were of the opinion that jurors do not like defendants labelled as haters or racist, simply because they lost their temper and spouted offensive language, especially when provoked or drunk (Owusu-Bempah et al., 2019). Juror reluctance to convict in aggravated offences can also provide the defence with a tactical advantage by focusing on the question of whether the defendant is a racist for example. Several judges and barristers interviewed, mentioned cases descending into a trial about character, where the defence called numerous character witnesses. The defence readily showed the defendant had many racial friends, was not racist and was acquitted on the aggravated offence, and the base offence, even if there was strong evidence to support both charges (Owusu-Bempah et al., 2019).

Currently aggravated offences remain open to manipulation and until a full review of aggravated offences is undertaken, I agree with Owusu-Bempah et al., (2019) that aggravated offences should not be extended to additional characteristics, as this is likely to help defendants secure unfair acquittals (Owusu-Bempah et al., 2019). These multiple disadvantages outweigh any possible benefits for example of increasing the likelihood of a conviction for the

base offence and therefore the alternative verdict two was not analysed in more detail. Laying just the aggravated offence initially and reducing the disproportionately higher *sentence maxima* could improve conviction rates significantly and also help reduce the problem of plea bargaining in racial and religious hate crimes.

The seriousness of the offence with which a defendant is charged and its maximum sentence can bias jurors towards acquittal (Koch and Devine, 1999; Lundrigan et al., 2018). These researchers suggested mock-jurors may be unduly biased due to thoughts about what might happen to the defendant if they are convicted of a serious crime that carries a harsher maximum penalty or if the defendant was found guilty when they may actually have been innocent. However, in reaching their verdict, jurors are required not to consider the seriousness of the penalties associated with the offence, as this is an extra-legal factor, for judges to consider. Furthermore, if a defendant is found not guilty for the aggravated offence but subsequently found guilty for the alternative base offence then the judge cannot impose any sentence enhancement. Whereas, if a defendant is tried for the base offence only, they are not only significantly more likely to be found guilty, but the judge can then also impose a sentence enhancement.

For an aggravated offence, the defendant must be deemed guilty of both the base element and the aggravated element of the offence (LC, 2020). From the crime vignettes of Study One and Table 9.1 we can see that the defendant denies using any threatening words (in the common assault offence, CA) and denies physically assaulting the alleged victim (in the actual bodily harm offence, ABH). Yet the defendant clearly admits name-calling relating to the victim's transgender identity. The bespoke vignette was deliberately designed to be clearly guilty for the aggravated element but somewhat ambiguous regarding guilt for the base element. Therefore, participants who considered the defendant guilty for the base element, should have deemed the defendant guilty of the aggravated offence, i.e. %GVR in the aggravated offences should have been higher based on the construction of the bespoke case vignettes. Despite this, significantly more participants found the defendant guilty for the base offence (both for the offence of common assault and actual bodily harm)

compared to their corresponding aggravated offences. Unfair, biased verdicts are also likely to fuel the under-reporting of hate crimes.

Table 9.1 Judicial guidance provided to participants and relevant case evidence

Element	Judicial guidance	Case evidence
Base element for CA	Defendant inflicted violence on the victim or made them think they were going to be attacked. Threatening words or a raised fist is enough provided the victim thought they were about to be attacked.	I gave her an angry look, but I did not threaten her, she is lying and exaggerating.
Base element for ABH	The defendant physically assaulted the victim, causing the victim actual bodily harm	I accidentally stepped on her foot, so I said sorry.
Aggravated element for ACA / AABH	At the time or immediately before or after, the defendant also demonstrated hostility towards the victim's transgender identity by using hostile name-calling or swearing relating to the victim's transgender identity.	I am sorry for calling her a tranny or she-male, I was angry. I was angry when I said what I said. Anyway, it should not be against the law to call someone a tranny or she-male, because it is normal common language.

Unfortunately, the majority of the evidence for sentence and offence severity resulting in lower conviction rates is dated and based on US studies; Kaplan and Simon, 1972; Kerr, 1978; McComas and Noll, 1974). Although, the recent UK study by Lundrigan et al., (2018) also found offence seriousness had a significant effect on the probability ratings of the defendant having committed the offence, ($t(108) = 2.77$, $p = 0.007$, $d = 0.53$). Mock-jurors in the attempted murder condition considered the defendant as significantly less likely to have committed the crime, ($M = 65.37$, $SD = 20.75$), compared to mock-jurors in the common assault condition ($M = 75.26$, $SD = 16.59$). However, these involved two extreme offences and the effects were based on mock-juror probability ratings of the defendant having committed the offence, rather than actual guilty or not guilty verdicts and so lacked verisimilitude. The two offence scenarios in Study One (common assault and actual bodily harm) were almost identical,

save for the seriousness of the offence in terms of the maximum sentence. Furthermore, mock-jurors were not asked in the Lundrigan et al., (2018) study to give a reason for their verdict, unlike this study to determine how and why sentence severity can significantly lower conviction rates.

Identifying the reasons for participants' not guilty verdicts (more direct evidence of sentence-severity bias)

From Table 5.9 we can see that the majority of participants who delivered not guilty verdicts, (53.5%, n = 121) in the aggravated offence groups 1,3,5 & 7, did so because of reason five (they agreed *the sentence maxima* was too high). This corroborates the earlier finding of sentence-severity bias in hypothesis three providing direct evidence for this based on *sentence maxima*. In a 12-member jury this would mean six jurors voting not guilty in such a case because they consider the *sentence maxima* to be too high. This would unfairly result in a not-guilty biased verdict based on the extra-legal consideration of the sentence-severity, rather than the evidence and facts of the offence.

From Table 5.9 we can also see that, 22.1% (n=50) participants chose reason three for their not guilty verdict, (because they agreed with the character witness that the defendant does not hate transgender people). This equates to almost three jurors voting not guilty due to the influence of the good character witness provided by the defence, sufficient to result in a hung jury or overall not guilty verdict as has been often observed in real trials in racial and religious hate crime cases (LC, 2020).

Finding: Participants delivered higher %GVR in the gay male groups compared to the male groups

From Table 5.8 we can see that participants delivered significantly higher %GVR in the gay male imagined contact group, compared to the male imagined contact group only in the basic offence of common assault. Although participants delivered higher %GVR in all four gay male imagined contact groups, compared to the male imagined contact groups, they were only significantly higher for the offence with the lowest maximum sentence of six-months for common assault (group 2 versus group 6). This could be due to the prejudice reducing LGBT+ inter-group contact effect being overshadowed by

the more potent sentence severity bias effects observed in the aggravated offence groups. The very low %GVR observed of around 50% (despite the guilty nature of the crime vignettes), are very concerning. If aggravated offences are extended to transphobic hate crimes in their current form, then this is even more worrying in the light of the findings of unfair sentence-severity bias effects in aggravated offences.

Hypothesis 5: Participant ratings on measures in the gay male groups compared to male groups

From Table 5.11 we can see that imagined contact with a gay male juror compared to a male juror also influenced all participant measures in favour of the victim. Victim blame was significantly lower in the gay male groups compared to the male groups. This is particularly important as higher victim-blame levels are associated with lower guilty verdict rates (Cramer et al., 2014; Smith et al., 2019; Sperry and Siegel, 2013). Furthermore, defendant blame was significantly higher in the gay male groups compared to the male groups, which is particularly important as defendant blame was also subsequently found to be the most significant predictor of guilty verdicts.

Participants in the gay male groups also agreed significantly more with Sentence enhancement laws. This shows the wide-ranging positive effects on participant decisions in the LGBT+ mock-jury groups compared to the non-LGBT+ mock-jury groups. Increasing agreement with sentence enhancement laws can be expected to not only improve conviction rates and make these fairer but also likely to reduce any jury nullification as an additional advantage. Finally, victim suffering scores were significantly higher in the gay male groups, which is especially relevant in the context of this hate crime study, given research shows hate crime victims suffer more than non-hate crime victims (Kutateladze, 2022; Mellgren et al., 2021). In-vivo (real jury trials) the pro-victim ratings on measures observed would be deliberated during jury discussions and therefore can be expected to have a greater positive influence on %GVR in LGBT+ diverse juries.

Predictors of verdicts

All four independent variables (measures) were found to be significant predictors of verdicts in the logistic regression model. As regards victim blame, Smith et al., (2019) showed in their UK mock-jury study involving 1108 jury eligible online participants, that higher victim blame levels were associated with lower guilty verdict rates in a domestic violence case. Their logistic regression analyses also showed victim blame was a significant predictor of verdicts, as shown in this Study One. This is the first UK study showing UK jury-eligible participants' victim blame ratings (of a transgender woman victim) as a significant predictor of verdicts and/or any other significant predictors of such verdicts. From Table 5.13 we can see that, holding all other predictor variables constant, the odds of guilty verdicts decrease by 40% for every unit increase in victim blame scores. This supports previous research showing mock-jurors who rate victims as more blameworthy are also more likely to render a not guilty verdict and recommend shorter sentences (Cramer et al., 2014; Sperry and Siegel, 2013). Cramer et al., (2014) showed victim blame also displayed significant negative effects on sentencing recommendations, although in the UK, jurors are not involved in recommending sentences.

Secondly, sentence enhancement agreement was a significant predictor of verdicts. Gamblin et al., (2021) showed participant agreement levels with penalty enhancement laws predicted punishment recommendations. Participants agreeing with hate crime sentence enhancement laws gave significantly longer sentencing recommendation in two studies by Cramer et al., (2013) which included a transgender victim. However, UK juries do not recommend punishments and they used a simple yes/no dichotomous measure of agreement with sentence enhancement laws. From Table 5.13 we can see that, holding all other predictor variables constant, the odds of more guilty verdicts increased by 179% (95% CI Lower limit 1.41, Upper Limit 2.27) for a one-unit increase in sentence enhancement agreement scores. This finding could be of even greater importance in countries adopting the voir dire approach to jury selection in asking potential jurors whether they agree/disagree with sentence enhancement laws.

Study One also found defendant blame and perceived victim suffering ratings were significant predictors of verdict. Holding all other predictor variables constant, the odds of more guilty verdicts increased by 230%, (95% CI Lower Limit 1.65, Upper Limit 3.20) for a one-unit increase in defendant blame scores, making this the most significant predictor of verdicts. This was expected given the bespoke crime cases were designed to warrant a guilty verdict, Finally, holding all other predictor variables constant, the odds of more guilty verdicts increased by 191%, (95% CI Lower Limit 1.42, Upper Limit 2.56) for a one-unit increase in perceived victim suffering scores. This further supports the argument for more LGBT+ representative juries especially in hate crime cases where victims suffer more than non-hate crime victims (Mellgren et al., 2021).

9.1.2 Study Two

Study Two and Three used the same court case summary for the offence of transphobic aggravated common assault as in Study One, thereby allowing additional comparisons between the three quantitative studies. Given jurors in actual LGBT+ representative juries may also be exposed to the pro-victim and/or pro-defendant opinions of LGBT+ jurors who may be pro- or anti-transgender, Study Two additionally explored the influence of such views on verdict rates. The foreperson tends to not only be predominately male but have significant influence on other mock-juror verdicts (Clay, 2017). Therefore, Study Two asked participants to read the verdict reasons of a pro-victim or pro-defendant homosexual male juror and jury foreperson before deciding their own verdict and completing the other measures, therein also increasing verisimilitude.

Hypothesis 1: Jury foreperson groups will have a significantly greater influence on participant verdicts compared to juror groups

As we can see from Table 6.1 the jury foreperson groups had significantly more influence on participants verdicts compared to juror groups, except when the jury foreperson was depicted as a pro-defendant gay male. The lowest %GVR (42.1%) was observed in Group 6 (the pro-defendant, male jury foreperson group) compared to the significantly higher %GVR (57.9%) in the corresponding Group 2 (the pro-defendant, male juror). This is strong statistical evidence that the pro-defendant male jury foreperson had a significant association with

participants' verdicts compared to the pro-defendant male juror in significantly reducing %GVRs. This not only highlights the extra influence jury foreperson's can have compared to jurors (as also corroborated by the interviews in Study Four), but shows this extra influence even in such cases where the case vignette was deliberately designed to warrant a guilty verdict and therein constitutes unfair verdicts.

Furthermore, there was no significant difference in the %GVR in Group 8 (pro-defendant, gay male jury foreperson) compared to Group 4 (pro-defendant gay male juror) showing the pro-defendant gay male jury foreperson had exactly the same influence as the pro-defendant gay male juror on participants' guilty verdicts. This could be due to the fact that the crime scenario was biased in favour of a guilty verdict and/or participants not expecting the gay male foreperson or gay male juror to be pro-defendant or because the gay male foreperson and gay male juror made LGBT+ characteristics (sexuality/gender) salient.

The second highest %GVR (56.9%) was observed in Group 7 (the pro-victim, gay male jury foreperson group compared to the significantly lower %GVR (43.9%) in the corresponding Group 3 (the pro-victim, gay male juror). Again, this is strong statistical evidence that the gay male jury foreperson had a significantly larger influence on participants verdicts compared to the gay male juror, which significantly increased %GVR in this case. Given the guilty verdict nature of the case, this seems a fairer verdict and these positive findings could also help encourage LGBT+ people to volunteer more as jury forepersons if invited for jury service and encourage more uptake of jury service, therein also reducing the significantly higher attrition rates amongst minorities.

The %GVR was also significantly higher in Group 5 (pro-victim, male jury foreperson) compared to G1 (pro-victim, male juror). According to the literature search this is the first study showing the male jury foreperson was associated with significantly higher participant guilty verdicts compared to the corresponding male juror's identical pro-victim opinion and verdict (Group 1). This again supports the findings that forepersons have more influence on other

participants' verdicts compared to jurors in 3 of the 4 cases except in the gay male, pro-defendant groups 4 and 8.

Clay (2017) asked 33 mock-jurors to make a pre-deliberation vote and then deliberate under a confederate foreperson with differing attitudes (pro-defendant, pro-victim and neutral) and complete a post-deliberation verdict. His chi-square analysis showed the pro-defendant and pro-victim attitude of the foreperson had a statistically significant influence on mock-juror post-deliberation verdicts. However, Clay's study had a small sample size (just three groups of 11 mock-jurors) and also failed to show whether the influence was because it was the opinion of the jury foreperson or whether it was because of the strength of the actual opinions. Whereas this research did not vary the strength of the opinion but simply reversed the hate crime law agreement statements (pro-victim opinions) to create the pro-defendant opinions.

More importantly Clay's (2017) study failed to show whether the opinions of the foreperson would have the same, less or more influence compared to these same opinions by a juror. This research therefore included pro-victim and pro-defendant opinions of a jury foreperson with the similar opinions of that of a juror, to compare their relative influences and showing the jury foreperson clearly has more influence on participant verdicts, compared to jurors. Our findings support the recent findings by Clay (2017) in that the pro-victim and pro-defendant opinions of the jury foreperson had a statistically significant influence on participant verdicts based on a much larger sample size with UK participants and under UK hate crime laws. This study went further by also showing that jury forepersons have significantly more influence than jurors and that a gay male jury foreperson also has more influence than a gay male juror on participant verdicts and measures.

The literature search revealed no mock-jury studies involving a gay jury foreperson. Foley and Pigott (2002), compared the influence of a Black and a White jury foreperson on 197 individual mock-juror and group mock-jury decisions. They found mock-jurors attributed much less responsibility to a Black defendant compared to a White defendant when the jury foreperson was Black. These differences in attributions by race were not present during individual

mock-juror decisions prior to their subsequent deliberations in mock-jury groups. They suggested that a Black jury foreperson makes race salient, so, jurors then tend to evaluate a Black defendant as less responsible in-order-to appear unprejudiced, i.e. exhibit reverse discrimination.

It is likely that the gay male jury foreperson made LGBT+ characteristics more salient and under such conditions, significantly more participants attributed greater responsibility to the male defendant and found him guilty even when the gay male jury foreperson was pro-defendant. Subsequently significantly higher victim suffering and agreement levels with hate crime laws were observed in the pro-victim gay male jury foreperson group compared to their corresponding juror group.

When Zander and Henderson (1993) analysed UK juries they found the foreperson was a heterosexual male in 80% of cases. Dated research shows a jury foreperson can have even greater influence on other jurors' decisions when s/he is depicted as being democratically elected by the rest of the jury or the judge according to a merit-based system, for example, relevant life experience, higher socioeconomic status and education (Goldman and Frass, 1965; Read, 1974; Walker, 1976). Therefore, we could expect even more significant effects had the jury forepersons been additionally depicted as such. The literature review chapter clearly shows more research is needed to compare the influence of minority group jury forepersons with the influence of heterosexual male jury forepersons, particularly in sensitive cases with minority group victims.

Hypothesis 2: Jury foreperson groups compared to juror groups on measures

This research also sought to explore the relative influence of a jury foreperson's wider influence on other juridic considerations compared to a juror. The second hypothesis explored the influence on participants' ratings of victim and defendant blame, victim suffering, agreement with hate crime laws and their levels of transprejudice towards the transgender victim via t-tests. These measures are important as they probe the natural deliberation processes of jurors for example of juror's assessments of victim and defendant blame levels. These t-tests uniquely allow us to investigate and compare the wider influence

of jury forepersons and jurors on such juridic considerations and the advantages of gay jury forepersons in such cases.

The jury forepersons also had a significant influence on participants' measures compared to jurors. Social distance (stigma) levels were significantly higher in the pro-victim male jury foreperson group compared to the pro-victim male juror group. Study One showed post-test social distance levels could also significantly increase compared to pre-test social distance levels in the non-LGBT+ groups.

The results indicated that there was a significantly significant difference between the mean victim blame scores between groups 2 and 6, suggesting the pro-defendant male jury foreperson's opinions significantly increased participants' victim blame scores, with a large effect size compared to the pro-defendant male juror. These significantly higher victim-blame levels are particularly concerning as victim blame levels can also be associated with lower guilty verdict rates (Smith et al., 2019).

The results indicated that there was also a significantly significant difference between the mean victim suffering (VS) scores between groups 3 and 7, suggesting that the pro-victim gay male jury foreperson's opinions significantly increased participants' VS scores, with a large effect size. Higher VS scores are particularly relevant as research shows hate crime victims suffer more than non-hate crime victims (Kutateladze, 2022). However, VS was significantly lower in the pro-defendant, gay male, jury foreperson group compared to the pro-defendant male juror group, indicating the greater influence of the foreperson.

Finally, as regards agreement with hate crime laws, the results indicated there was a significantly significant difference between the mean AHCL scores between groups 2 and 6, and 4 and 8, suggesting that the pro-defendant male jury foreperson's and pro-defendant gay male jury foreperson's opinions significantly decreased participants' AHCL scores, with a large effect size compared to their corresponding groups. The verdict prediction model subsequently showed AHCL was the most significant positive predictor of verdicts, such that lower AHCL scores would result in significantly greater odds of lower %GVR (see logistic regression model). These verdicts can be viewed

as unfair, given they are delivered by participants who have been influenced by a jury foreperson's pro-defendant opinions that disagreed with hate crime laws.

Whereas, the significant difference between the mean AHCL scores between groups 3 and 7, suggested that the pro-victim gay male jury foreperson's opinions (compared to the pro-victim gay male juror) significantly increased participants' AHCL scores, with a large effect size. Given AHCL was the most significant predictor of verdicts, increased AHCL scores are likely to have contributed to the significantly higher %GVR observed in group 7 (pro-victim gay male jury foreperson) compared to group 3 (pro-victim gay male juror). These results clearly highlight the greater influence jury forepersons have compared to jurors on a variety of measures pertaining to jury deliberation considerations and in terms of acceptance of hate crime laws.

Hypothesis 3: Influence of gay male groups compared to male groups on verdicts

There are several reasons why we did not see any significant differences on verdicts between the gay male and male groups (excluding the foreperson groups), despite significant differences on the measures. Firstly, verdict is a dichotomous variable and therefore less sensitive compared to the continuous scales of the measures. Furthermore, unlike Study One, Study Two did not employ imagined contact as a prejudice reduction intervention and as the logistic regression model showed, social distance was a significant predictor of guilty verdicts, but only the third most significant predictor. Study Two also involved just one type of offence (transphobic aggravated common assault) and additionally included the pro-victim and pro-defendant opinions of gay male and male, jurors and jury forepersons.

This study was based on a typical mock-juror study, where individual participants made their own decisions individually as opposed to making their decisions in a group setting following deliberations with other mock-jurors in less common mock-jury studies (Bornstein and Kleynhans, 2018). Participants ratings of victim blame, victim suffering, defendant blame, agreement with hate crime laws and social distance levels were overall, more favourable towards the victim in the gay groups compared the male groups. In group settings these

opinions would be reflected in group jury deliberations pre-verdict, and could be expected to influence other jurors' opinions and subsequent guilty verdict decisions.

Hypothesis 4: Gay male groups compared to male groups on measures

Victim blame was significantly lower in both the pro-victim and pro-defendant gay male jury foreperson groups compared to the corresponding male jury foreperson groups. Again such positive findings could encourage more LGBT+ forepersons and/or lower LGBT+ jury service attrition rates. These findings also corroborate and replicate the findings in Study One showing significantly lower victim blame scores in the gay male juror groups compared to the male juror groups.

The pro-defendant male juror's and pro-defendant gay male jury foreperson's opinions significantly reduced participants victim suffering (VS) scores, with a large effect size compared to their corresponding groups. Whilst VS was significantly higher in the pro-victim, gay male, jury foreperson group compared to the corresponding male jury foreperson group.

Study 2 showed social distance levels were not significantly different in the male juror control groups, but significantly lower in both the pro-victim and pro-defendant gay male jury foreperson groups compared to their corresponding male jury foreperson groups. These findings corroborated and replicated the effects observed in Study One, highlighting the advantages of juries with gay male jury forepersons in reducing participant stigma levels. In the experimental groups reading a gay male juror or gay male jury foreperson's opinion was used to simulate the LGBT+ mock-jury experimental groups. This allowed mock-juror decisions in the LGBT+ groups to be compared with decisions in the non-LGBT+ groups where participants read the opinion of a male juror or male jury foreperson.

Recent studies have shown mock-jurors stigmatise transgender victims and deliver discriminatory verdicts (Carter et al., 2023; Ellingwood et al., 2022; Michalski et al, 2022; Miller and London, 2021; Sharifpour, 2017). However, none of these studies have compared guilty verdict rates in homogenous and heterogeneous jury groups. This is the first study to my knowledge, to explore

mock-juror stigma towards a victim of a transphobic hate crime and compare its influence on verdicts in LGBT+ and non-LGBT+ diverse English mock-juries.

Participant AHCL scores were also significantly higher in both the pro-victim and pro-defendant gay male jury foreperson groups compared to the corresponding male jury foreperson groups. Although the gay male jury foreperson was depicted as pro-defendant, depicting him as a gay male makes LGBT+ characteristics salient for participants and could explain their significantly higher AHCL scores. Study One also showed in gay male groups, participants gave significantly higher agreement scores with the AHCL measure compared to the male jury groups. Finally, the pro-defendant male juror's opinions reduced participant AHCL scores, with a large effect size compared to the pro-defendant gay male juror, showing the disadvantage of homogenous juries compared to heterogeneous juries. Overall, these findings provide strong statistical evidence that verdicts are fairer in sexually-diverse mock-juries, i.e. less tainted by transprejudice bias towards the victim and based on higher agreement levels with hate crime laws and less sentence-severity bias and that the benefits extend to other juridic considerations.

Participants' reasons for their verdicts

Similar to Study One, for not guilty verdicts, statement 6 had a significantly lower mean (2.40) based on 183 participants agreeing the *sentence maxima* is too high. Whereas for guilty verdicts the mean was 4.13 (slightly agree) based on 423 participants. This provides strong indirect evidence of sentence-severity bias and corroborates the findings of Study One.

In Study One, 121 participants agreed the maximum sentence was too high and chose this as the reason for their not guilty verdicts. The guilty verdict rates observed in Study Two were even lower than those reported in Study One as the majority of participants also considered the maximum sentence to be too high, which would partially explain the lower guilty verdict rates. Not-guilty verdicts due to participants agreeing the maximum sentence is too severe, would be unfair as mentioned above.

Significant predictors of verdicts

Firstly, the logistic regression analysis showed the group factor male or gay male was a significant predictor of verdicts and the odds of a guilty verdict are 199% higher due to a gay male mock-juror's opinion compared to a male juror's opinion. The gay male juror, was associated with twice the influence of the male juror (in this scenario). Secondly, the group factor of pro-victim or pro-defendant was also a significant predictor of verdicts and the odds of a guilty verdict were 183% higher due to the pro-victim opinions compared to the pro-defendant opinions. This quantifies the extra influence such a pro-victim juror can have compared to a pro-defendant juror in these guilt-oriented cases. These two factors, illustrate the advantages and effectiveness of LGBT+ representative juries, with even just one gay male juror and at the same time the relative ineffectiveness of a heterosexual male juror with the same pro-LGBT+ hate crime opinions.

Finally, we can see that the group factor of jury or jury foreperson was also a significant predictor of verdicts and the odds of a guilty verdict were 62% higher due to the jury foreperson's opinion compared to the juror's opinion. This quantifies the extra influence the jury foreperson had compared to a juror in these cases.

As regards the measures, social distance (stigma) was also a significant predictor of verdicts such that higher transprejudice levels predicted significantly lower %GVR. Given Study One showed post-stigma levels were significantly lower in LGBT+ diverse juries, these findings reinforce the need for more diverse juries to provide less biased verdicts. To date, very few studies have explored stigma toward transgender victims of hate crimes and how this may predict verdicts (Ringger, 2021). Given the limited research on a victim's gender identity, the current study starts to fill a significant gap in the current literature, particularly with respect to mock-jury studies based on the English jury system.

Furthermore, Study Two showed AHCL was the most significant predictor of all and the higher the AHCL and defendant blame ratings, the higher the %GVR. In view of these findings, I am firmly of the opinion that the jury foreperson at least should be vetted for agreement with HCL and social distance towards victim

(and defendant) characteristics (gender, sexuality etc.) to ensure fairer verdicts and reduce the risks of jury nullification.

9.1.3 Study Three

Lesbian groups compared to female groups on verdicts (hypothesis 1):

As we can see from Table 7.2 participants in the pro-victim lesbian group delivered significantly more guilty verdicts compared to participants in the pro-victim female group. This provides strong statistical evidence that the pro-victim lesbian juror had a significantly larger influence on participants delivering significantly more guilty verdicts compared to the pro-victim female juror. In Study Two, no such significant differences in verdicts were observed between the pro-victim gay male and pro-victim male, which may be due to the fact that the victim was depicted as a transgender female, i.e. gender outgroup whilst in Study Three the pro-victim was a lesbian, gender in-group.

The fact that stronger transfer effects were seen between lesbians and transgender women compared to gay men and transgender women indicates perceptions of transgender women are more closely tied to female gender issues compared to any perceived sexual orientation similarities. However, given there were stronger secondary transfer effects between lesbians and the transgender female compared to the female and the transgender female also indicates some degree of perceived sexual orientation similarities. Many transgender people also identify as homosexual (Kuper, Nussbaum and Mustanski, 2012) and even many that do not are often misidentified as homosexuals (van Anders, 2015).

Furthermore, similar to the effects observed in Study Two, in Study Three also, no significant differences were observed in the %GVR between the pro-defendant, lesbian group compared to the pro-defendant female group. This could be due to the fact that the crime scenario was biased in favour of a guilty verdict and/or participants not expecting the lesbian juror to be pro-defendant or because the lesbian juror made LGBT+ characteristics salient. Whatever the reasons, more importantly from a pragmatic methodology perspective, these findings show verdicts in cases involving a transgender victim of such hate crimes may not be any more biased if the juror is an anti-transgender gay juror

compared to a heterosexual juror. If such pro-defendant (anti-transgender) opinions were expressed by a gay juror, they would have the same effect on the final verdicts of other jurors, as if they were expressed by a heterosexual juror.

Hypothesis 2: Influence of gay female and heterosexual female on measures

As with Study Two, Study Three also sought to explore the relative impact of a lesbian juror's wider influence on other juridic considerations compared to a female juror. Hypothesis two explored the impact on participant's ratings of victim and defendant blame, victim suffering, agreement with hate crime laws and their levels of transprejudice towards the transgender victim via t-tests. As we can see from Table 7.4, the lesbian juror also had a significant influence on participants' measures compared to the female juror. Similar to Study Two, social distance (stigma) levels were significantly lower in the gay jury groups compared to the heterosexual juror groups. Participants with lowered levels of stigma towards the transgender victim in LGBT+ diverse juries would imply their subsequent verdicts were less biased and therein fairer verdicts as all juror verdicts should be.

Victim-suffering, defendant blame and sentence enhancement agreement ratings were also significantly higher in the gay groups compared to the non-gay groups. As mentioned, higher VS scores are particularly relevant as hate crime victims suffer more than non-hate crime victims (Mellgren et al., 2021). LGBT+ people also feel threatened more and angry when reading about a homophobic hate crime compared to a similar non-hate crime (Paterson et al., 2019). Greater participants agreement levels with sentence enhancement laws in the LGBT+ groups, indicates LGBT+ diverse juries can increase juror agreement levels with such hate crime laws. These results clearly highlight the greater influence gay female jurors have compared to female jurors on a variety of measures pertaining to jury deliberation considerations as also evidenced in Study Two.

The pro-defendant lesbian had a more positive influence on all measures in favour of the victim compared to the pro-defendant female, which maybe because of empathy and compassion (Lissitsa and Kushnirovich, 2020).

Whatever the reason, given the guilty biased scenario, significantly more agreement with hate crime laws and sentence enhancement laws and significantly higher victim suffering ratings as well as lower stigma towards transgender people, shows the multifarious benefits of LGBT+ diverse juries even under such pro-defendant or anti-hate crime law conditions. This again replicated the effects observed in Study Two with the pro-defendant gay male compared to the pro-defendant male mock-juror. Study Two also showed significantly more agreement with hate crime laws and significantly higher victim suffering ratings as well as lower stigma towards transgender people in the pro-defendant gay male groups compared to the pro-defendant male groups.

Although the effects on measures did not translate to significantly more guilty verdicts in the pro-defendant lesbian group compared to the pro-defendant female group, this may be partly due to the dichotomous nature of the verdict. Moreover, mock-jury studies are commonly operationalised so that participants are asked to deliver their verdict before completing measures so as to minimise any influence on verdicts, as in this research. In reality juror deliberations typically involve discussions around defendant and victim blame, victim suffering and relevant laws prior to delivering the verdict. Given the positive influence on the measures and that these more victim-favourable opinions and verdicts would be expressed during jury deliberations, we could expect an even larger influence on verdicts.

Again these effects were not observed in Study Two where there were no significant differences between the pro-victim gay male and pro-victim male groups on measures. Which may be due to the fact that a gay male pro-victim mock-juror could be seen as the gender outgroup of the transgender female victim as discussed above. The lesbian juror could also be expected to have had some similar LGBT+ hate incident experiences and/or misogynistic experiences or knowledge and hence may be relatively more of an 'expert' on such LGBT+ issues and share a more common identity. The pro-victim opinions of a lesbian maybe considered as a more genuine in-group response between the lesbian mock-juror and transgender female victim not only in terms of their shared LGBT+ commonality but also in terms of their shared female genders.

The main difference between the two studies was the gender of the gay male mock-juror in Study Two compared to the lesbian mock-juror in Study Three and the fact that in Study Three, participants were additionally first asked to rate their top three characteristics for inclusion under hate crime protection laws. Studies Two and Three explored secondary transfer effects from gay to transgender women, and secondary transfer effects were clearly stronger between lesbians and transgender women. This effect could also be alternatively or partially due to the fact that participants rated women and girls as the second most popular first choice for inclusion into hate crime laws above sexual orientation in third. Another contributory factor could be that in both studies, the majority (65%) of participants were women, which also shows the importance of gender balanced juries.

Lissitsa and Kushnirovich (2020) recently found exposure to negative information about LGBT+ on TV can cause a reverse reaction simply due to being familiarised with this group and gaining some understanding of these strangers via such inter-group contact. They also found that even negative portrayals of LGBT+ people facilitated compassion and empathy for their community and participants engaged in a variety of positive and negative interpretations of the same negative content. Their interviews with 52 adult participants showed that such para-social contact via exposure to LGBT+ content, regardless of its positive or negative valence, still created familiarity and generated empathy for LGBT+ people. Furthermore, the negative effects of negative vicarious contact have also been shown to be mitigated if outgroup perpetrators are portrayed and seen as atypical (Meeussen et al., 2013).

Participants' reasons for their verdicts

As in Study One, Study Three also found participants main reason for not guilty verdicts was because they agreed that the *sentence maxima* was too high, based on 120 participants. This provides strong indirect evidence of sentence-severity bias and corroborates the findings of Studies One and Two. In Study Three, 50% of the 120 participants that delivered not guilty verdicts agreed the *sentence maxima* was too high and chose this as the reason for their not guilty verdicts. The guilty verdict rates observed in Study Two were even lower than those reported in Study One as 53% of participants considered the *sentence*

maxima to be too high, which would partially explain the lower guilty verdict rates.

Pro-victim groups compared to pro-defendant groups on verdicts and measures (hypotheses 3 and 4)

The pro-defendant opinions were based on disagreement with hate crime laws specifically pertaining to transgender people and therein the pro-defendant opinions represented anti-transgender opinions. When the lesbian mock-juror was depicted as agreeing with the hate crime laws pertaining to transgender people i.e. pro-victim, participants delivered significantly higher %GVR compared to when the gay female mock-juror was depicted as disagreeing with these same hate crime laws i.e. pro-defendant. This could be partially explained by the fact that overall participants only considered the characteristic of transgender as their fifth choice for inclusion in hate crime laws with only 8% of participants rating transgender identity as their first choice (Table 7.7).

Participants considered women and girls and the elderly as more priority for protection under hate crime laws. Hence, when the lesbian mock-juror was depicted as pro-defendant i.e. disagreeing with hate crime laws protecting the transgender people, this resulted in participants delivering significantly more not guilty verdicts. Participants who are opposed to hate crime laws may have been more influenced by the pro-defendant opinions opposing transgender hate crime laws.

The wider influence of the pro-defendant groups on measures was that victim suffering and defendant blame was significantly lower in the pro-defendant groups compared to the pro-victim groups. Finally, victim blame was significantly higher in the pro-defendant groups compared to their corresponding pro-victim groups. These findings could also have a larger effect on verdicts where such opinions are expressed during deliberations. This further emphasises the importance of pre-screening potential jurors for agreement with the laws relevant to their case.

9.1.4 Summary of quantitative findings (studies 1-3)

Study One

Showed evidence of offence and sentence-severity, acquittal bias uniquely in hate crime aggravated offences and that the main reason for such bias was that the majority of participants agreed the *sentence maxima* was too high. The second most common reason why participants delivered a not guilty verdict was because of the defendant's good character witness statement and this is important as it has been shown in real trials to often lead to acquittals (LC, 2020). This effect would be expected to be stronger in actual trials, where the defence commonly produce several character witnesses to convince the jury. Given these three studies all showed evidence of a sentence-severity bias and the LC (2020) also acknowledging some aggravated offences are disproportionately high, this amounts to institutional stigma (an unjust law that denies, or fails to protect, the equal rights of minorities to unbiased and fair verdicts). Furthermore, given institutional stigma is seen as the cause of hate crimes (Perry, 2001) and hate crimes are due to public stigma which feeds self-stigma (Pryor and Reeder, 2011) reducing the levels of institutional stigma should in turn start to reduce the levels of all other types of stigma and hate crimes.

Study Two

Showed jury forepersons had significantly more influence on participants' verdicts compared to jurors except when the pro-defendant gay male jury foreperson was compared to a gay male, pro-defendant juror. This exception could be because the crime scenario was biased in favour of a guilty verdict and/or participants not expecting the gay jury foreperson to be pro-defendant or because the gay jury foreperson and gay juror made LGBT+ characteristics salient. The interesting point is the pro-defendant, gay male jury foreperson was still associated with fairer participant ratings on measures compared to the pro-defendant male jury foreperson given the guilty biased scenario (with significantly higher AHCL and victim suffering and significantly lower victim blame and social distance in the pro-defendant, gay male jury foreperson group). Additionally, when the gay male jury foreperson was pro-victim, this significantly improved %GVR compared to when a pro-victim gay juror, again stressing the importance of the foreperson.

When gay jury forepersons were compared to male jury forepersons on measures, the findings corroborated and replicated the findings in Study One which also showed significantly lower victim blame scores in the gay male juror groups compared to the male juror groups. As regards victim suffering (VS) ratings, the results showed significant differences between participants' mean VS scores indicating the pro-victim gay male jury foreperson's opinions significantly increased participant VS scores, with a large effect size compared to the pro-victim male jury foreperson.

Social distance levels were also significantly lower in both gay male jury foreperson groups compared to the male jury foreperson groups. Study Two showed secondary transfer effects of vicarious inter-group contact with a gay juror consistently and significantly reduced participant social distance (stigma) levels towards transgender women and victims in transphobic hate crimes, replicating the effects in Study One.

Furthermore, Agreement with Hate Crime Law (AHCL) ratings were also significantly higher in both gay male jury foreperson groups compared to the male jury foreperson groups, showing gay male jury forepersons can boost AHCL. AHCL was also found to be the most significant predictor and the higher the AHCL and defendant blame ratings, the higher the %GVR. The prediction model showed higher social distance scores reduced %GVR (being negatively correlated with guilty verdicts) and that the group factors of juror and jury foreperson were also significant predictors.

The sentence-severity evidence in Study Two also supported the findings of Lundrigan et al., (2018) showing acquittal bias in their attempted murder case, based on 118 jury-eligible participants. This study showed sentence-severity bias can also occur in a relatively less serious offence (aggravated common assault).

Study Three

aimed to partly replicate the findings of Studies One and Two. Chapter one highlighted the stigma towards transgender women from within the LGBT+ community. Jurors in actual LGBT+ representative juries may therefore also be

exposed to the pro-victim and/or pro-defendant (anti-transgender) opinions of LGBT+ jurors. Study Two explored this in terms of pro-defendant gay males and the influence of such views on verdicts and measures, whilst Study Three explored this in terms of lesbians, which is important as the victim was a transgender woman.

Both Boin et al., (2021) and Vezzali et al., (2021), recommended future research should examine experiences of positive versus negative contact, similar to Studies Two and Three of this research. It is crucial to also research the influence of anti-transgender opinions of LGBT+ mock-jurors due to intra-group stigma towards transgender people from within the LGBT+ community. Of the 227 transgender volunteers recently surveyed in the UK (Bradley, 2020), almost 40% had received transphobic abuse from someone in the LGBTQIA+ community. If a gay male juror expressed such anti-hate crime law / anti-transgender opinions towards a transgender female victim, this would not influence the verdicts of other jurors compared to if they were a heterosexual male juror. However, if this juror were lesbian, this could in fact positively influence the verdicts of other jurors in such cases in favour of a transgender female victim of hate crime.

Very few studies have explored the influence of secondary transfer effects following negative para-social (mediated) inter-group contact (Lissitsa and Kushnirovich, 2020). This is especially important for LGBT+ groups whose negative portrayals often outweigh positive media coverage (Eberl et al., 2018; Mastro, 2019). Para-social contact, is when people or participants observe members of an outgroup usually on TV or via other media (Park, 2012). Studies Two and Three contribute to the sparse literature in this field in the context of jury decision-making where jurors may naturally observe negative portrayals of the victim or defendant's characteristics (race, sexuality, gender etc) between other outgroup jurors (para-social contact) or between other ingroup and outgroup members (vicarious contact, for example another male or female juror's opinions of transgender hate crime laws).

According to a recent review by Vezzali et al., (2021), only seven of the 43 secondary transfer effect studies have been conducted within Western,

educated, industrialised and democratic countries i.e. comparative with UK culture. Jury settings naturally involve interactions between a group of twelve individuals with various overlapping in-group identities and different outgroup identities as regards their group identities and the identities of defendants and victims.

Comparing studies 1-3

Study One showed the secondary transfer prejudice reduction benefits of imagined inter-group contact with a gay male towards transgender victims of hate crimes. Study Two and Three showed the secondary transfer prejudice reduction benefits of para-social inter-group contact with a gay male and lesbian towards transgender victims of hate crimes compared to vicarious contact. The secondary transfer effects of positive para-social inter-group contact were more positive than the vicarious inter-group contact effects as regards the significantly higher %GVR in the pro-victim lesbian group compared to the pro-victim female group.

The secondary transfer effects of negative para-social inter-group contact were also more positive than the vicarious inter-group contact effects as regards hypothesis two on all measures (save victim blame) in the pro-defendant lesbian group compared to the pro-defendant female group. To my knowledge this is the first study evidencing such comparative effects. The findings of these three quantitative studies showing the multiple advantages of diverse juries representing the victim's identity are also likely to have implications for other hate crime protected identities; for example victims of disability hate crimes, especially where disabled people are also under-represented in UK juries.

Pettigrew (1998) maintained that more inter-group contact is associated with weakening ingroup ties, and this divergence from ingroup identity, subsequently results in positive attitudes towards outgroups. Diverse juries provide inter-group-contact opportunities and therein likely contribute to more positive outgroup attitudes. It is also important to not overlook the fact that during Study One alone, the transprejudice levels of the majority of the 330 participants in the four gay groups was shown to have been significantly reduced. Future research employing such imagined inter-group contact with mock-jurors is also likely to

yield such secondary benefits whilst conducting mock-jury research adding to its ethical advantages.

Given people can have multiple intersecting identities, common ingroup identities brings members of different groups into a more inclusive common identity, so people may show improved attitudes towards those who share the same common ingroup identity (Gaertner and Dovidio, 1986). The perceived overlap between different groups can help reduce inter-group prejudice (Roccas and Brewer, 2002). Tausch et al., (2010) also postulated that secondary transfer effects increase general tolerance and acceptance that are stronger for more similar groups.

Given the crime vignettes were guilty as regards demonstrating hate towards the victim's transgender identity, the victim-favourable decisions highlight the multiple advantages of LGBT+ diverse mock-juries in fairer juridic decisions. These empirical studies add to the scant research on the advantages of LGBT+ diverse juries (Sommers, 2006) and support the argument for more LGBT+ diverse juries. Finally, the findings from the three quantitative studies also contribute additional knowledge to inter-group contact theory and mock-juror research paradigms as discussed below.

9.2 Contributions to inter-group contact and mock-jury research

The purpose of incorporating imagined LGBT+ inter-group contact was two-fold, one to explore the impact on lowering transprejudice levels and two, to simulate LGBT+ representative mock-juries to compare juridic decisions in non-LGBT+ and non-LGBT+ groups. Some inter-group contact researchers (Brown and Hewstone, 2005; Pettigrew, 2009; Tausch et al., 2010) have argued the extended effects of inter-group contact are vital for both theory-building and policy implementation. I agree that inter-group contact effects can be used to create interventions to reduce prejudice and to also achieve greater inter-group harmony (Hewstone, 2015; Tausch et al., 2010), via diverse juries where juror prejudice may be significantly lowered.

In the experimental groups of Study One, imagined contact with a gay male juror was used to simulate the LGBT+ experimental groups and imagined

contact with a male juror to simulate the non-LGBT+ control groups. This allowed participant decisions in the LGBT+ groups to be compared with decisions in the non-LGBT+ groups. This method could also prove a simple and unique approach for simulating minority diverse juries in mock-juror research, to explore any benefits over non-minority diverse mock-juries. This method can also be adapted to explore the impact of other hate crime characteristics, (racially, religiously, gender and disability diverse mock-juries on juridic decisions). This is particularly important since the LC (2020) recommended aggravated offences be extended to victims of sexual orientation, transgender and disability hate crimes.

The recent review of secondary transfer effects (STE) by Unver et al., (2022) highlighted key research gaps. Only a few studies have recently gone beyond inter-group attitudes and explored the need and support for social change in societies or institutions dominated by power imbalances (Zingora and Graf, 2019). Study One uniquely showed the application of STE of imagined inter-group-contact to mock-jury studies. This research further showed STE were associated with significantly higher agreement levels with hate crime laws in the LGBT+ groups, which may also help reduce jury nullification.

Research also shows that observing a positive interaction between inter-group individuals, can reduce prejudice (Weisbuch, Pauker and Ambady, 2009) via vicarious inter-group contact. Study Two asked participants to read the pro-victim opinions of male and gay male jurors who essentially positively interacted with the gender out-group transgender victim via their pro-victim opinions. This uniquely operationalised vicarious inter-group contact in a jury decision-making paradigm by asking participants to read (observe) a written positive interaction between inter-group individuals. Para-social inter-group contact was operationalised via the pro-defendant opinions.

Mock-jury studies also use other forms of trial media such as video clips and actors (Bornstein et al., 2017), where vicarious and para-social inter-group contact prejudice reduction interventions could be applied and tested.

In mock-juror research, participants are asked to decide their verdict decisions after evaluating court case evidence presented to them by live actors, video recording clips, audio recordings or simply via written summaries. Although

research shows little difference in verdicts due to trial media and the advantages of written summaries trial media as much cheaper and less time-consuming to employ with less confounding variables (Bornstein et al., 2017).

Imagined inter-group contact not only provides prejudice reduction benefits but also novel approaches that are cheap, ethical and effective for simulating and comparing the benefits of minority diverse mock-juries in jury decision-making research, which is particularly important for minority groups with less frequent inter-group contact such as transgender people.

9.3 Study Four Discussion and data triangulation

Theme 1: Jury foreperson's extra influence

In eight of the interviewed cases the foreperson was described as being male and in the other two cases, a gay male. These qualitative findings support the previous findings by Zander and Henderson (1993) involving 800+ juries and showing the jury foreperson was heterosexual male in 80% of trials. The fact that jury forepersons tend to typically be male (Hastie et al., 1998) is concerning not only because jury foreperson selection appears to be sexist but because several studies have shown male jurors are also more transphobic (Fisher et al., 2017; Walch et al., 2012). Furthermore, LBT+ women, and women in general seem to be severely under-represented as jury foreperson's in UK juries, and given the foreperson has significantly more influence, this keeps juridic power in the hands of heterosexual males. Until an equal opportunities policy is implemented for jury foreperson selection, jury forepersons are likely to unfairly continue having more influence and overwhelmingly be dominated by heterosexual males.

Just two jurors believed the foreperson had the same influence as other jurors but these cases were described as having clear and strong evidence that the defendant was not guilty. In such straightforward cases the foreperson could be expected to have similar influence as other jurors. Study Two found male and gay male jury forepersons' opinions had significantly more influence on participants' decisions than the corresponding male or gay male jurors' opinions. The qualitative findings also supported US and UK Jury studies of

actual cases showing the foreperson has more influence compared to jurors on the final verdict and participates most (Darbyshire, 2001).

The jury foreperson has also been known to: take up to a third of the speaking time during jury deliberations (Strodtbeck and Lipinski, 1985): influence the speaking time and order of other jurors (Manzo, 1996): and one of the first jurors to speak (Diamond and Casper, 1992). Moreover, the jury foreperson also has the power and discretion of if and when to call for a straw vote early in the deliberations (Hastie et al., 1998). Despite this, selection of the jury foreperson has been reported as happening very quickly and with little discussion (Strodtbeck and Lipinski, 1985), based on no set rules to ensure equality and fairness. Given the numerous examples of jury foreperson misconduct cited in the literature chapter and the important role of the jury foreperson, selection protocols for the foreperson clearly need to be more, democratic and fair. The literature search also showed the vast majority of jury foreperson research has been conducted between 1955 and 1990 and largely in the US, so this study provides a more up-to-date and UK perspective.

Furthermore, lower levels of institutional stigma within jury institutions are more likely to encourage more minorities and therein render the experience of inter-group contact with LGBT+ individuals more frequent and also more optimal in terms of reducing prejudice. Jurors have equal status in terms of one vote each, share the common goal of trying to reaching a majority verdict, via co-operation during deliberations, and receive juridic guidance from judges to support them (meeting Allport's, 1954, optimal conditions for inter-group contact). Pettigrew et al., (2011) reported significantly greater prejudice reduction effect sizes (Cohen's $d = -0.29$) in groups where all four of Allport's optimal inter-group contact conditions were met compared to groups without these four optimal conditions.

A dominant jury foreperson, having significantly more influence than a juror, violates the condition of equal status and therein can undermine both the effectiveness of inter-group contact in reducing prejudice and the fairness of verdicts in certain cases, especially being heterosexual male. Hatzenbuehler and Link (2014) defined institutional stigma as societal-level conditions, norms

and policies that constrain the opportunities, resources, and wellbeing of the stigmatised. The absence of an equal opportunities policy for selecting the jury foreperson, constrains the opportunities, resources, and wellbeing of the stigmatised.

Theme 2: Importance of LGBT+ jurors and extra and wider harm to community

All three quantitative studies showed the gay mock-juror conditions generally had a more victim-favourable impact on participants' measures (higher levels of perceived victim suffering and less victim-blame) compared to the heterosexual conditions. During the interviews in Study Four, participants generally felt their LGBT+ identity and experiences, would be an asset in understanding a hate crime victim's suffering, and the deep and lasting harm caused by name-calling. Furthermore, one LGBT+ juror also stated that had the case been a gay domestic violence case, he would have considered his gay sexuality more of an asset to the case. The unique perspectives and insights of LGBT+ jurors could help non-LGBT+ jurors appreciate the extra harm and wider harm suffered by LGBT+ communities, as well as help create a more LGBT+ friendly jury.

Theme 3: No jury stigma towards LGBT+ jurors

All three studies showed inter-group contact with a gay mock-juror significantly reduced transprejudice levels. Direct contact effects would also be expected to reduce stigma towards LGBT+ people generally (Pettigrew and Tropp, 2006). These findings were supported by 9/10 participants interviewed, who reported no negative LGBT+ bias amongst their fellow jury members. Majority members seek to appear unbiased and can result in them behaving with greater positivity and friendliness (Shelton, et al., 2005). These impression management concerns can, also give stigmatised individuals persuasive power in face-to-face (F-T-F) interactions (Norton et al., 2012) and therefore it is not surprising that LGBT+ jurors would be expected to make an important contribution to the make-up of a jury.

This is particularly important in cases involving transgender victims, given their false and misleading stereotypes as intrinsically criminal, sexual deviants, predators, diseased and dangerous, have persisted for decades (Buist and Lenning, 2022). Any juror stigma towards LGBT+ jurors could have serious

consequences as this could reinforce an LGBT+ juror's anticipatory stigma and self-stigma and likely detract from their confidence in contributing to jury deliberations. Moreover, this is more likely to have a long-term negative impact on the well-being of an LGBT+ juror (Healy, 2006). Importantly, individuals do not have to personally experience enacted stigma to anticipate stigma, as they may anticipate stigma based on perceiving stigma in their environment or becoming aware of other LGBT+ people experiencing enacted stigma (Earnshaw et al., 2024). This illustrates the wider harm stigma has at the community level.

Five of the ten participants interviewed also anticipated they would be stigmatised by other jurors but after completing their jury service felt their presence helped the jury accept their LGBT+ identity. Participants did not report any negative LGBT+ jury bias, but experiencing respect and fairness amongst fellow jurors. One participant also mentioned an LGBT+ colleague who had turned down jury service as they were '*worried about, about being discriminated by other jurors*' and research shows minority group members exempt themselves from jury service significantly more than majority group members (Lever, 2017). Additionally, 93% of the 178 LGBT+ participants interviewed by Chakraborti et al., (2014) anticipated being harassed in future public settings due to their gender and sexuality.

Despite placing adverts online and around London on LGBT+ forums for several months, not a single transgender person with jury experience was recruited. This maybe partly due to there being very few transgender people with jury experience as they may have the most concerns regarding being comfortable accepting jury service due to higher levels of anticipatory stigma. Transgender people have reported being denied equal treatment, harassed, disrespected and/or physically assaulted when dealing with court staff (Grant et al., 2010). Furthermore, compared to almost any other marginalised group, transgender people are subject to higher rates of dehumanising and overt bigotry in court (Mogul et al., 2011). It would also be reasonable to expect anticipatory stigma to be greater for LGBT+ people with additional intersecting minority characteristics.

Intersectionality is defined as the convergence of multiple stigmatised identities within a person or group (Bowleg, 2013; Crenshaw, 2019). Although this research did not explore the impact of intersectional identities in detail, several similar comments related to intersecting identities were noted in the transcripts. These comments are mentioned, as it is essential to reflect the voices of the participants, three of whom identified as LGBT+ of colour i.e. with intersecting minority characteristics or double stigmas. They gave the impression that they felt stigma more so because of their colour rather than their LGBT+ identity. The intersectional nature of LGBT+ and ethnicity suggested an over-arching issue of White dominance and as regards LGBT+ (gender and sexuality) a male dominance.

One of the six dimensions of stigma identified by Jones et al., (1984) is concealability or visibility of the stigmatised mark. Crocker (1986) suggested that stigmatised attributes such as race or colour are more easily identifiable or visible, i.e. less concealable, allowing others to differentiate and stigmatise those with more visible marks. It is quite feasible, that the attention to a more visible identity such as colour may also render any other identity (for example LGBT+) more noticeable.

Furthermore, transgender women are subject to increased oppression, bigotry and violence (trans-misogyny) because they share intersecting marginalised identities (Calhoun, 2017; Serano, 2007). Courts have also tended to be hostile, discriminatory and threatening environments for transgender people (Buist and Stone, 2014; Mogul et al., 2011). Within the Criminal Justice System (CJS), gay men and lesbians have been hesitant to pursue criminal proceedings when victimised (Guadalupe-Diaz, 2013), often due to fear of negative treatment by criminal justice staff including clerks and lawyers (Herek et al., 2002; Rumney, 2009). By the same token, LGBT+ maybe more hesitant to report hate crimes and crimes in general against them and more hesitant to accept jury service. Currently, as the ten interviews also showed, LGBT+ minority group individuals are more likely to turn down the opportunity for jury service if and when invited (Lever, 2017) due to a number of different possible reasons.

Several interviewees also stated they generally would have no confidence in the verdicts of juries in LGBT+ hate crimes, if they did not have any LGBT+ jurors. All ten participants interviewed recommended LGBT+ jurors at least a couple of LGBT+ jurors be in the jury of LGBT+ hate crime cases largely to help contextualise and counterbalance LGBT+ stigma and myths. Interviewees also mentioned the importance of LGBT+ persons in juries to counterbalance opinions. Participants expressed they would have a strong lack of confidence in juries lacking LGBT+ representation, in hate crime cases.

Research shows the public have more confidence in diverse juries and deem them as fairer (Ellis and Diamond, 2003) and diverse juries have been shown as with these quantitative studies, to make fairer decisions via increased perspective-taking by other jurors (Sommers and Adenkambi, 2008). These findings support the study by Ellis and Diamond (2003), but uniquely based on the views of LGBT+ people with jury experience. LGBT+ diverse juries, could also help reduce some of the secondary harm of hate crime cases to the LGBT+ community, that may be caused by a lack of trust they may have in jury verdicts in LGBT+ hate crime cases as indicated by their under-reporting of such crimes. Research has shown that when members of the general public are informed of a jury's verdict and told the jury was diverse in its composition i.e. heterogeneous, they have significantly more confidence in such jury verdicts compared to the verdicts of homogenous juries (Ellis and Diamond, 2003).

One participant, even suggested a special procedure be established to ensure there are LGBT+ jurors in all LGBT+ hate crime cases. The Runciman Commission (1993) and Lord Auld (2001) addressed juror bias, recommending minority group defendants and victims be allowed at least one juror from their own minority group, but these proposals have remained ignored. When juries are under-representative of minority groups, this keeps juridic power in the hands of majority groups denying minority groups (LGBT+ groups) an opportunity to voice their opinions and perspectives.

Theme 4: Sentence-severity concerns

Sentence-severity related concerns emerged as an unexpected, but very important category as all three quantitative studies found strong statistical

evidence of sentence-severity bias. Although only three participants were very concerned about finding an innocent defendant guilty, they mentioned this as a big concern throughout their jury service experience. Koch and Devine (1999) and Lundrigan et al., (2018) suggested jurors may be unduly biased due to thoughts about what if the defendant was found guilty when they may be innocent and they postulated this as an explanation for sentence-severity bias.

These statements support the reasons posited for sentence-severity bias (Lundrigan et al., 2018). Sentence-severity concerns would constitute an extra-evidentiary factor that jurors should not be concerned about when deciding verdict. However, unlike for a judge, there is no *ratio decidendi*, or reason/s given for jury decisions (Taylor and Denyer, 2014). The Law Commission (2023) considered piloting asking jurors to provide reasons for their verdicts in sexual assault and rape cases, but decided against this. Such considerations should not just be based according to the type of crime but also on the extent of the problem of verdicts based on extra-evidentiary factors. The three quantitative studies showed around half of the participants who delivered not guilty verdicts, did so because they considered the *sentence maxima* to be severe.

Theme 5: Benefits and reasons for jury service

There was a great sense of community spirit to support and inspire others and so many positive comments regarding trust and confidence in the jury system. All ten participants interviewed expressed their excitement when invited for jury service, their curiosity, wanting to know more about the jury system and the opportunity to represent LGBT+ people. Post-jury service comments included having more confidence in the jury system, meeting other LGBT+ jurors and being glad they took part. Eight participants also made several comments relating to the wider benefits of jury service to the community in representing the LGBT+ community, setting an example and supporting other LGBT+ jurors. In addition to invoking a sense of civic duty, one participant, even mentioned their jury service as a 'coming-out' opportunity. However, LGBT+ jurors may be at risk of secondary harm in LGBT+ hate crime trials and require additional support for this.

Finally, from Table 4.1 (participant demographics) we can also see that half of the participants were not currently on the local voting register due to moving recently and/or studying away from home, which meant presently they would not be invited for jury service again. Two participants mentioned they had been homeless in the past, so again this would have been a period when they would not have been able to receive a jury invitation. High rates of mobility due to studying away from home and homelessness are just two reasons highlighting the need for utilising additional secondary register lists in conjunction with the electoral register to capture more minorities for jury service. The five main themes emerging from the interviews are now discussed.

Summary of Study Four

Directed content analysis naturally lends itself to data triangulation (Erlandson et al., 1993), which has provided strong corroboration for the quantitative findings, including relevant theories and past research from the literature search chapters. The interviews strongly supported the findings of Study Two showing the foreperson has significantly more influence and participants' speculations on why this may be, also corroborated previous research findings. All three quantitative studies revealed the multifarious advantages of LGBT+ diverse juries, for example, low levels of LGBT+ prejudice and higher levels of victim empathy, again findings corroborated via the interviews including additional insights into the serious and persisting harm caused by hate incidents.

All ten participants agreed on the importance and need for LGBT+ representation in LGBT+ hate crime cases, one interviewee even mentioning that a special procedure should be established to ensure such representation. Furthermore, the participants also mentioned a wide range of other possible benefits of LGBT+ diverse juries in addition to countering stigma, such as helping to bust LGBT+ stereotypes and myths.

Intersectionality emerged as an unexpected theme revealing the extra difficulties faced by jurors with multiple stigmas. Concerns regarding whether to take up jury service or not were largely centred around high levels of anticipatory stigma, which a couple of participants opined would pose most difficulties for transgender people and explain why they maybe most under-

represented in juries. Participants cited multiple benefits in having taken part in jury service including more confidence in the fairness of the jury system which can only help to boost confidence in reporting hate crimes and the uptake of jury service requests amongst minorities. Finally, three participants mentioned serious concerns about finding an innocent defendant guilty, which has been posited as an explanation for sentence-severity bias.

9.4 Limitations

The court case scenarios were relatively mild in terms of no physical injury to the victim in the aggravated common assault cases and only minor physical injury in the aggravated actual bodily harm cases. Although common transphobic slurs and threats of violence were included in both offences, participants may have deemed these cases as relatively less serious compared to the cases we may expect in high courts or often hear about in the media. The cases may be deemed as not warranting a custodial sentence (but a community sentence) and therein encourage more participants to give a not guilty verdict because the majority of participants believed the *sentence maxima* was too high. Participants are also likely to select their verdict based on a combination of reasons, where these other reasons would partially explain their verdict reasons, rather than being attributed wholly to sentence-severity. It could be argued that participants were only given a limit of six reasons to choose from for their verdict reasons, although reason six, was other (please provide details) and just five participants selected this as the reason for their verdict.

Furthermore, the case summaries provided were brief and participants were asked to deliver their verdicts without any deliberation with other jurors, although Bornstein (2017) showed mock-juror decisions do not necessarily differ from real juries. Any impact of incorporating a deliberation procedure on verdicts was not investigated as individual mock-juror verdicts have also been shown to be similar to those predicted by mock-jury verdicts (Bornstein and Greene, 2011). The strongest predictor of jury verdicts has been shown to be the distribution of individual pre-deliberation verdicts. In almost 90% of trials, the majority pre-deliberation verdict becomes the final jury post-deliberation verdict (Baron and Kerr, 2003).

As the measures (defendant blame and social distance etc) were only completed after verdicts, responses may have been influenced by participants' verdict decisions. However, this study followed the most common protocol in jury decision making research of asking participants for their verdict before completing measures (Bornstein, 2017) for comparability with published studies. Given that only the base and aggravated versions of common assault and actual bodily harm were explored, this limits generalisation of the findings to other hate crime offences. Mock-jury study findings can and have been used to inform real-world jury procedures and policies, (for example improving jury instructions and deciding to allow jurors to ask witnesses questions, Bornstein and Greene, 2011).

Finally, this study did not assess participants' prior contact levels with LGBT+ people, which has also been shown to be associated with lower prejudice levels. However, multiple studies (Hindriks et al., 2014; Meleady and Forder, 2019; Schmid et al., 2012, 2014; Ünver et al., 2021; Vezzali and Giovannini, 2012; and Zezelj et al., 2020) still found evidence supporting secondary transfer effects, when contact with the secondary outgroup was controlled for. Schmid et al., (2012), included prior contact with secondary outgroups, (homosexuals and Jews), as a control variable and still found evidence for secondary transfer effects in their large-scale study conducted in eight European countries with a huge sample of 7042 participants.

9.5 Future studies

Given this study showed the unfair influence of the disproportionately higher *sentence maxima* of aggravated common assault (ACA) on conviction rates, it would be interesting to explore the influence of ACA with a lower sentence maxima (1-year) compared to the current 2-year sentence maxima, on conviction rates. As this research shows this could help off-set sentence-severity bias effects, at least partially and improve the low conviction rates. Comparing conviction rates in transphobic crimes with race, religion, disability and sexual orientation hate crimes would also be insightful.

Where the alternative base offence charge is included with any aggravated charge, juries are aware in advance of both charges. Given jurors tend to

deliver higher guilty verdict rates for the less serious charges (Lundrigan, 2018), a finding also confirmed by this study, and the fact that aggravated offences have disproportionately higher sentences, this could lower conviction rates further for aggravated offences. Therefore, it could also help to compare in a future study, verdict rates when only the aggravated offence is laid compared to when the aggravated and alternative base offence are laid to determine the influence on verdicts and any advantages/disadvantages.

Future studies could also compare the influence of a jury foreperson described as: selected by the judge / chosen by the jury / who volunteered themselves, as jurors may be more influenced by the opinions of a foreperson selected by the judge compared to a foreperson who volunteered. Additionally, the foreperson could be depicted as having previous jury experience / no previous experience and/or being lesbian compared to a gay male or to explore intersectionality further, a lesbian of colour compared to a White lesbian in a homophobic hate crime.

Intersectionality remains underexplored, future research could also compare attitudes towards transgender men and transgender women as well as gay transgender individuals where the double stigmatised identities of gay and transgender may be associated with the relatively lowest conviction rates in hate crime mock-jury studies. This could help to further understand the implicit associations between such groups and the psychological basis of these associations, revealing the subtle, perceived intersectional similarities/differences between these groups.

It could also prove more insightful to compare the jury service experiences of non-LGBT+ and LGBT+ jurors, including transgender people with jury experience in LGBT+ hate crimes to explore LGB+ and transgender intragroup stigma with non-LGBT+ intergroup stigma in the ever-changing political climate. Furthermore, to date there is relatively very little research interest in misogynistic hate crimes based on women and girls actual lived experiences (Mason-Bish, 2014). Consequently this group remains primarily overlooked and also due to the fact that in cases where misogyny maybe a peripheral component. Much more research in this area is needed to make the voices of

women and girls heard, to investigate, represent and build their case for inclusivity. The final chapter considers policy implications and theoretical contributions in light of the literature review and findings.

Chapter 10 Theoretical contributions and policy recommendations

10.1 Introduction

Findings from mock-jury studies have been used to inform real-world jury procedures and policies, (for example improving jury instructions and deciding to allow jurors to ask witnesses questions (Bornstein and Greene, 2011)). This chapter starts with the policy recommendations based on the key findings from the four studies. The need to include a fifth type of hate crime offender to the typology of hate crime offenders developed by McDevitt, Levin and Bennett (2002) are explained next as a first step to assist in the development of a more inclusive hate crime theory. I propose including Acceptance, Aspersions and a hostile form of Assimilation to extend the terror management theory of hate crimes and more fully explain why some people commit hate crimes and others do not.

10.2 Policy recommendations based on the findings

1. More LGBT+ diverse juries should be established

According to the recent UK Census (2022) 9% of the adult population in London identify as LGBT+. This equates to an average of one (1.08) LGBT+ juror in every 12-member jury in London. Lord Justice Auld (2001) recommended that in sensitive cases there should be a modified jury selection protocol to ensure at least three minority jurors are chosen. Around 350,000 jurors are summoned each year for jury service, and given the size of the LGBT+ population is around 1.5 million, this should be easily achievable in the UK, by simply adjusting the empanelling allocation procedure following random selection from multiple lists.

Our judicial system is meant to reflect community judgements and to bind us collectively to promote social cohesion. This is not possible “if, however unintentionally, significant numbers of people have little chance of contributing to those decisions, or of seeing others like them doing so either” (Lever, 2017, p6). One of the main advantages of trials by jury, is the scope for democratic participation, which is lost in homogenous juries.

Jury selection has become a political and legal struggle for minorities, African–Caribbean and South Asian minorities in Britain (Enright 1991; Herbert 1995). Asian, African and native American minorities in the US have also challenged their under-representation on juries (Alschuler, 1995; Fukurai et al., 1993; King, 1993; Smith 1993). When juries are under-representative of minorities, this keeps juridic power in the hands of majority groups, denying minority groups an opportunity to voice their opinions and perspectives. Gorska et al., (2017) compared institutional stigma factors across 28 European countries including the UK and found that positive and progressive LGB rights in institutional structures predicted more favourable attitudes toward LGB minorities by rendering inter-group contact with LGB individuals more common.

This research showed the multifarious benefits of LGBT+ diverse juries: victim blame levels were significantly lower towards the transgender female victim, while guilty verdicts, agreement with hate crime laws, defendant blame and perceived victim suffering were all significantly higher in the LGBT+ groups. In-line with inter-group contact research, I would expect such effects to also transfer to transgender male victims and have direct inter-group effects of stigma reduction if the victim was gay or the target of a bi-phobic hate crime or non-hate crime.

Additionally, none of the ten LGBT+ participants interviewed in Study Four reported any LGBT+ prejudice amongst their fellow jurors. The presence of minority group jurors can inhibit majority group members expressing prejudice (Kerr and Bray, 1982). It is essential to provide such key civic opportunities for inter-group contact, as this can also help reduce public stigma.

Rawl (2005) showed fulfilling important public duties such as jury service, can also help confirm the status of individuals as full members of society, trusted community members and increase voting rates in subsequent elections (Cornwell and Hans, 2011). Carbone and Plaut, (2013) argued diverse juries reflect community voices, stimulate psychological and behavioural benefits, support civic identity and engender a sense of civic pride as confirmed and emphasised by the LGBT+ jurors interviewed in Study Four. According to Consolini (1992) jury participation can encourage those historically alienated

and marginalised, more into public life and discourse. According to Gastil et al., (2010) an invitation to undertake jury service can garner a sense of political efficacy and the belief that one is competent and their participation matters, which can potentially translate into other forms of political participation (Langton and Cohen, 2005).

These findings support the need for more LGBT+ representative juries in transgender and sexual orientation hate crimes and cases involving victims with intersecting characteristics. Governments need to promote more diverse juries to guard against institutional stigma by acknowledging and acting on the research evidence highlighting the causes and sources of stigma and learning from more updated, international models of jury service recruitment etc. Davies and Edwards (2004) argued that to be impartial, jurors with a similar background and social or cultural group to the defendant and victim should be promoted. In exceptional circumstances, a judge has the power to compose a more mixed jury (Thomas, 2008). However, the literature search did not reveal any cases where judges have used such powers and if judges are reminded of these powers in sensitive hate crime cases, this could help set a trend that can enhance jury diversity and therein trial fairness.

Given minorities such as LGBT+ people are known to turn down jury service significantly more (Lever, 2017) the percentage of random invitations to minorities could also be increased by the required percentage. For LGBT+ hate crime cases the computer system could also randomly select two jurors from the pool of LGBT+ jurors available and randomly select ten other jurors from the general pool of available jurors. However, to initially have a sufficient pool of LGBT+ jurors, the initial jury summoning protocols first need updating.

The general public view verdicts and especially convictions of minority defendants as more legitimate when juries contain minority jurors (Ellis and Diamond 2003; Wilkenfeld, 2004). Although both of these studies were conducted in the US, we can reasonably infer these findings are likely to transfer to the British public. In their New Zealand study, Young et al., (2001) concluded the diversity of knowledge, perspectives and personal experiences of more representative juries enhanced the common sense and competency of

juries as fact-finders, which again can also be reasonably extrapolated to UK juries. Race, gender and ethnic diversity has also been shown to increase the quality of discussions and decisions, enhancing innovation and problem-solving (Elsass and Graves, 1997; Kirchmeyer and Cohen, 1992). Where these characteristics over-lap in victims with intersecting identities there could be even greater benefits with such diverse juries.

Anwar et al., (2012) showed the presence of Black jury members in a jury pool affected guilty verdicts for defendants in their US study. When there were no Black persons in the jury pool, juries were more likely to convict Black defendants than White defendants. As the number of Black venire persons increased, conviction rates for Black defendants decreased and increased for White defendants. The presence of a single Black person effectively eliminated the racial disparity in convictions, even if that Black person was not eventually selected for the final jury. To show its genuine commitment to equality, diversity and inclusion and to reduce juror bias, the UK needs to urgently adopt a modern jury selection procedure that ensures juries are more representative.

2. Selecting potential jurors from multiple registers

Lord Auld (2001) addressed juror bias by recommending the defence and prosecution be allowed to insist at least one juror be from the same minority group as the defendant and victim. These recommendations have never been implemented despite jury decision-making studies showing evidence of mock-juror verdicts being biased against all five hate crime characteristics. Such unjust practices also deny and fail to protect, the equal rights of minorities being invited/selected to participate in jury service and constitute institutional stigma (Hatzenbuehler, 2016).

Continuing to select jurors solely from the electoral register further marginalises minority groups from being invited to participate in jury service. In Study Four, all ten LGBT+ jurors were of the opinion there should be one or more LGBT+ jurors in LGBT+ hate crime cases for them to have confidence in the jury decisions and to ensure a fair trial. A modern approach is required in-line with international models, to produce more diverse juries by recruiting jurors via

multiple registers, ensuring the equal inclusion of marginalised groups in jury service (section 2.2).

3. *Sentence maxima* information should be omitted from jury guidance

In Study One, guilty verdicts were significantly lower in the aggravated offences compared to their base offences due to sentence-severity bias as replicated in Studies Two and Three (N=1623). Just over half the participants that gave not guilty verdicts for the aggravated offences, selected ‘the *sentence maxima* was too high’ as the reason for their not guilty verdicts, showing the extent of this problem. A similar sentence-severity bias effect was reported by Lundrigan et al., (2018) who speculated that as the offence seriousness increases, mock-jurors may be less willing to risk convicting an innocent person compared to acquitting a guilty person. Given juror guidance pertaining to *sentence maxima* can influence juror verdicts, demonstrates a serious risk to trial fairness based on such extra-legal information. I recommend *sentence maxima* information be omitted from juror guidance as sentence decisions are solely for judges to decide on. This should help improve the low conviction rates observed in aggravated offences. Alternatively, judges should inform jurors that sentences are typically well below *sentence maxima*.

4. The disproportionately higher *sentence maxima* for aggravated offences need to be reduced

Reducing the disproportionately higher aggravated *sentence maxima*, for example from 2-years to 1-year, should significantly improve the worryingly lower conviction rates observed in the aggravated offences due to sentence-severity bias effects. Failing to address *sentence maxima* could result in large numbers of transphobic hate crime cases resulting in acquittals and/or hung juries. This would deny transgender victims of such hate crimes a fair trial and therein constitute institutional stigma. In cases where a higher sentence is required, existing statutory provisions (Judiciary UK, 2024) grant judges the power to set a minimum period of imprisonment before which the Parole Board cannot consider an offender’s early release on licence. For example 1-year in custody without parole would send a strong message in such cases.

This is especially important, as the LC (2020) proposed that whenever aggravated offences are laid, the alternative base charge also be simultaneously laid. The relatively and significantly lower *sentence maxima* of base offences is likely to encourage juries to deliver more guilty verdicts for the lesser (base charge) and therein lower conviction rates for aggravated offences further. Currently, when a jury delivers a not guilty verdict for an aggravated offence, the judge can subsequently ask the jury to consider guilt for the base charge, even if this was not originally laid, which seems a better procedure if applied consistently. Laying just the aggravated offence initially and reducing *sentence maxima* could improve conviction rates and also help reduce the problem of plea bargaining.

The actual sentences awarded by judges for aggravated offences are well below the current *sentence maxima* and in fact very similar to the sentences for their base offences (LC, 2020). Table 2.1 showed the average sentence of 8.7 months for the different base offences was higher than the average sentence for all the different aggravated offences of just 8.3 months, indicating the significantly higher aggravated *sentence maxima* are largely un-necessary and/or not made use of to send a stronger message to hate crime offenders. Given that the average base sentence is just 2.7 months for common assault, the six-month sentence ceiling still allows ample scope for sentence enhancements (for example a 3-month sentence increased by a third, would be 4-months). Where the appropriate sentence is judged to be 5-months or more and an additional one-third sentence enhancement exceeds the 6-month *sentence maxima* for the base offence, in such rare cases this should still be applied, as this represents the separate enhanced sentence element.

Aggravated common assault has a two-year *sentence maxima* although sentences rarely ever exceed six-months (LC, 2020), their disproportionately higher *sentence maxima* should be reduced to a more practical and proportional level of one-year. During the LC, (2020) consultations, LGBT+ representatives were not in favour of stricter sentences, but more alternatives such as restorative justice. There is also a strong consensus in the criminological literature that certainty of punishment is a greater deterrent than severity of punishment (Paternoster, 2019; Pogarsky and Loughran, 2016; Pratt

and Turanovic, 2018) hence the focus should be on improving conviction rates to protect victims. This should help negate the influence of sentence-severity bias on lowering conviction rates. In such cases it is also feasible that LGBT+ representative juries would also have an even bigger influence on improving conviction rates in such aggravated offence cases, without actually reducing average custodial sentences and therein keeping with the broader aims of hate crime legislation.

The LC (2020) acknowledged aggravated offences are disproportionately high and still proposed extending these to other minority characteristics. Extending hate crime laws without a review of aggravated *sentence maxima* while minorities remain under-represented in UK juries, would amount to institutional transphobia (homophobia and biphobia) within the English jury system. Given also the past research and the evidence of sentence-severity bias across the three studies of this research, the unjust, disproportionately and un-necessarily higher *sentence maxima*, deny and fail to protect, the equal rights of minorities to unbiased verdicts.

5. Jurors should be asked to provide a *ratio decidendi* for their verdicts

The findings also support the argument for jurors to provide reasons for their verdicts (*ratio decidendi*). The *ratio decidendi* could be provided confidentially and anonymously, without any reference to the juror's name or number. This would provide the means via which the CPS can statistically determine the number of verdicts delivered that are actually based on sentence-severity and/or the consequence of good character witness statements and gauge the extent of these problems (verdicts based on extra-legal factors). This would then allow Governments to introduce specific jury reforms that target the most common extra-legal issues to make the jury system fairer.

This is particularly important as the 1981 Contempt of Court Act prohibits the study of UK jurors regarding any details of jury deliberations. Jury nullification allows jurors to acquit defendants who are guilty of a crime, but who they feel should not be punished because the law itself is unfair. Many people are opposed to hate crime laws for a range of different reasons (because they

punish motive, because they disagree with sentence enhancement laws, because they may disagree with the extra protection provided to certain groups over others, because they are seen as restricting freedom of speech or because of sentence-severity (LC, 2020). When members of the public are called for jury service, any oppositions to hate crime laws could result in lower and unfair conviction rates due to these extra-legal factors and further encourage jury nullification.

6. Potential jurors and jury forepersons should be vetted and jurors encouraged to report any juror misconduct during the trial

Potential jurors should be pre-screened, to determine their agreement levels with hate crime laws, sentence enhancement laws and any extreme bias against the five protected characteristics. Over the standard ten-days jury service, this would be quite practical and just a short, quick basic computer test e.g. less than half-hour to avoid back-logs and could help to improve conviction rates, identify potential jurors with English language issues and reduce jury nullification problems. Lord Justice Auld, in his Review of the Criminal Courts (2001) described jury nullification powers as a blatant affront to the legal process that has no place in English law. Darbyshire et al., (2002) argued nullification turned the jury into an anti-democratic, irrational and haphazard legislator. Half the jurors that delivered not-guilty verdicts in all three quantitative studies, did so as they disagreed with the *sentence maxima*, which effectively constitutes jury nullification (delivering a not guilty verdict due to disagreement with the law).

Observations of participant social distance levels also support the advantages of a voir dire process and/or peremptory challenges to vet juror's pre-existing stigma levels, particularly as regards the jury foreperson, given their extra influence on other jurors' decisions. A brief Implicit Association Test for potential jurors and jury forepersons could help identify pre-existing stigma levels and prove particularly useful in sensitive hate crime cases involving minority victims (and defendants), to exclude highly prejudicial jurors and therein make juries fairer. The social distance (proxy measure of stigma) basically measures discrimination or prejudice. In my view this empirical evidence highlights the serious levels of transgender bias and the harm this can cause.

A short computer-based test could be trialled to determine the suitability of jurors based on the relevant laws and charges in their case. The majority of UK jurors do not understand judges' instructions (Thomas, 2010) and therein may be more reliant on the jury foreperson's opinions and/or heuristic cues and individual biases. Jurors deemed unsuitable based on high levels of disagreement with the relevant laws (for example hate crime laws), could be allocated to other types of cases involving different laws. In the context of requiring jurors for ten-days of jury service, even if half an hour is spent re-allocating potential jurors to more suitable cases, this is a short period of time in terms of the potential benefits.

Biased verdicts, due to highly biased jurors and largely, heterosexual male jury forepersons with extra powers in unrepresentative juries, render victims of hate crimes to another form of 'secondary victimisation.' Such unfair verdicts and practices send negative messages to the victim's community and therein likely to cause wider harm. Court policies and juror briefings should also emphasise the importance of treating all (minority) jurors fairly, and be harsher on jurors that discriminate other jurors and obstruct justice.

7. Advertising campaigns for jury service should emphasise the benefits of jury service particularly for minority individuals

The interviews (Study Four) also highlighted a wide range of positive experiences for all ten LGBT+ jurors and typical examples from juror feedback could be included in jury summoning packs. Interviewees mentioned a great sense of community spirit and their desire to support and inspire other LGBT+ people to take part in jury service when invited. Other comments included having more trust and confidence in the jury system and positive experiences such as these should be included in government advertising campaigns and as testimonies in jury service invitation letters. A leaflet highlighting the positive experiences of jury service, particularly for minority group jurors, could help boost minority participation, given the generally high jury service attrition rates particularly amongst minorities. Feedback forms should also be given to jurors to monitor and improve jury service conditions and standards and highlight the psychological stress of jury service.

8. The extra powers of the jury foreperson should be reduced

The power imbalance between jury forepersons and jurors should be explored further and addressed by policy makers, to ensure more equal power for all jurors. Link and Phelan (2001) maintained that social, economic and/or political power is needed for the stigma process to unfold and manifest as discrimination. Unfortunately the current jury system provides jury forepersons with extra power over jurors to decide: which juror speaks next, for how long; if and when to have a straw vote and whether by a show of hands or secret ballot; when notes or questions are sent to the judge; when there has been enough discussion on a topic and when the next topic should be discussed. Each of these powers provides the foreperson with opportunities to exert more influence than other jurors. These extra powers should be taken out of the hands of the foreperson to provide more equality and decided democratically by the jury majority (and only where there are equal votes, the foreperson given the deciding vote). Furthermore, all voting should be via secret ballot, to make jurors feel safer, rather than a show of hands which can intimidate minority opinions.

9. A democratic procedure for jury foreperson selection be introduced

Currently there is no consistent tradition for selecting the jury foreperson, a juror can volunteer, the jury can vote for a foreperson or the judge can ask a juror if they would like to be the foreperson or indeed a foreperson may just emerge towards the end of a trial as the interviews revealed. The mere fact that a judge often appoints a particular juror to be the foreperson (no statistics are kept of the frequency) can potentially convey biased messages to the jury (for example that the judge considers this juror's judgment as superior to that of other jurors or that this juror's views are in accordance with those of the judge). Where the majority of the jurors select the foreperson, this already shows majority favouritism towards the foreperson. Given the jury foreperson often has the most influence, a consistent, random, equal opportunities selection process should be trialled, that would make it fairer for more women to also be jury forepersons. Perry (2001) argues that dominant ideas about ways of being are often entrenched in social structures and practices, effectively perpetuating the dominant identity i.e. 'doing difference.' Until an equal opportunities policy is implemented for jury foreperson selection, forepersons are likely to unfairly

continue having more influence and overwhelmingly be dominated by heterosexual, cisgender males.

10. The case for having a residual category needs to be reconsidered

Study Three also asked participants to rate which three groups they would choose most to be included for extra protection under hate crime laws. From the nine choices, Women and Girls (22.3%) was the second most popular choice, while transgender was the fifth most popular choice (7.7%). Therefore, in view of this, the LC should reconsider having a residual category to include women and girls and other groups to provide fuller parity otherwise the message sent to excluded groups such as the elderly is that they are not worthy of such protection (Mason-Bish, 2010).

11. Hate crime experts established

The LC (2021) proposed an expert be employed in sexual assault and rape cases to challenge stereotypes and rape myths. The findings of this research showed perceived victim suffering ratings were a significant predictor of verdicts, indicating the CPS could benefit from producing an expert to emphasise the extra harm experienced by hate crime victims. Jurors and judges should be briefed on the evidence of the extra harm caused by hate crimes, so that judges are more inclined to apply sentence enhancement laws and so that jurors can make more informed decisions.

10.3 Developing a more inclusive hate crime theory

Finally, I outline my theoretical development of a more inclusive hate crime theory based on the literature search beginning with the need to include a fifth type of offender and an underlying sub-conscious motive.

10.3.1 A fifth type of offender and the primary subconscious motive

When McDevitt, Levin and Bennett (2002) developed the typology of hate crime offenders, cases in which bias was only a peripheral component to the crime were omitted from their study. More spontaneous acts of hate occur in the context of highly individualised trigger situations (McGhee, 2007; Chakraborti and Garland, 2012) rather than from entrenched prejudices and these hostilities are unaccounted for under conventional hate crime frameworks. Many hate

crime offenders do not express prejudice most of the time, but rather, express prejudice under situations that trigger a departure from their normal behaviour and character and perpetrated by relatively ordinary people in the context of their everyday lives. Sibbitt (1997) and Ray, Smith and Wastell (2003) also interpreted hate offending as a characteristic of the everyday prejudice located largely in deprived neighbourhoods, triggered by situational cues: low levels of self-control under stress, anger or intoxication, weakness or inadequacy stemming from a range of existential, emotional and psychological processes (Dixon and Gadd, 2006; Gadd, 2009). I would say that those living in deprived neighbourhoods may have relatively lower levels of self-esteem and resort more to anti-social strategies to boost their self-esteem, which could be readily determined via a number of different validated self-esteem measures available to researchers. Stigma is also context dependent, for example disability may be more negatively judged in workplace environments for example, is socially constructed and varies dramatically across time and place (Phelan, Link and Dovidio, 2008).

The five types of offenders are shown in Table 10.1 and the fifth type, ambiguous offenders can be described as individuals with inconsistent, contradictory and ambiguous attitudes towards a particular identity difference (McGhee 2007). I have added the ambiguous offender to McDevitt, Levin and Bennett 's (2002) expanded typology of hate crime offenders to provide a more complete typology. Certain situations may occasionally challenge their fluctuating or situationally challenged self-esteem unexpectedly and/or low self-control, triggering underlying prejudices to manifest as specific hostile behaviours targeted towards certain individuals/groups.

The hostility or any hate element may be a peripheral component of the substantive offence, nevertheless it is important to address an offender's dependence on subconscious stereotypes and observing that many offenders are prone to winding themselves up psychologically (Lemos, 2005). If an ambiguous offender situationally perceives a threat to their self-esteem or ego, such situations can trigger the need to re-establish self-esteem. Ambiguous offenders may momentarily lose their self-control and exploit specific, perceived

stigmatising identities in their victims to devalue them and regain a sense of relative superiority pertaining to the particular characteristic.

Table 10.1 Typology of hate crime offenders (adapted from McDevitt, Levin and Bennet's (2002) expanded typology of hate crime offenders)

Mission seekers (1%)
Generally, hate crimes are the main/major and regular source of self-esteem for mission seekers Specific, core CWV and regularly a main source of their self-esteem Actively espouse hostilities towards specific identities, have most socio-economic or political power. Totally committed to their hate-crime oriented CWV, primary mission to rid society of alternative threatening CWVs, may join organised hate groups, making hate a career. Mobilising from above, CWV to subordinate, oppress and marginalise others by doing difference at structural levels and inciting violence and hate. Myths such as benefit cheats, stealing jobs etc are espoused by mission seekers to give them more reasons to justify their bias and spread and incite hate. Mission seekers experience the biggest threat from the difference, their CWV belief is their core belief in their lives, tend to be more hegemonic. Propagate structural stigma and propagate 'difference,' stereotypes, vulnerabilities, threats to jobs and values etc and incite hate from above.
Retaliatory (8%)
I propose that retaliatory offenders ordinarily rely on other sources as their main sources of self-esteem Hostility is their source of self-esteem, occasionally triggered when they perceive a threat to their specific group identity by hearing of an attack on their group, seek revenge, committed to defending their hate-crime oriented CWV, policing threats, responding to specific events that threaten them, may join organised hate groups, making hate a career, physical violence as their main resource, more propensity to violence. Actively seek specific targets, generally more violent.
Defensive (25%)
Defensive offenders also regularly rely on other sources as their main sources of self-esteem Occasional source of self-esteem, triggered when neighbourhood threatened by individual with particular difference, then actively seek specific targets, generally less violent, but committed to defending their hate-crime oriented CWV space, policing threats, responding to specific events / threats to their CWV, may join organised hate groups, making hate more of a career. Less propensity to violence, maybe relatively more educated, and use political activism as their main resource.
Thrill-seekers (66%)
I argue that thrill-seekers generally rely on hate crimes as a large and regular source, of their self-esteem via specific, demeaning slurs, threats and/or violence, actively seek specific targets, may be additionally triggered by defensive and retaliatory factors. Thrill-seekers maybe more bored or jealous, experience more threat to meaning, greater peer pressure, be drawn to risky behaviour, and may also have a propensity to violence and/or lower self-control, frequently lack academic qualifications, or be in relatively in lower-skilled jobs or unemployed (Iganski et al., 2011) and probably obtain less self-esteem from their work, careers, educational achievements, financial stability and therein are likely to be more reliant on other CWV beliefs or sources of self-esteem, maybe relatively lower self-esteem, generally least economic / political power, therefore easy source of self-esteem appeals more

due to perceived victim vulnerability or think society doesn't care about these victims or worse, will applaud their assault and victims not likely to report hate crimes, offenders may outnumber victims, may also feel more economic strains and insecurity. Driven by self-esteem obtained from the thrill of bias crimes of perceived difference, rather than hate, where difference gives them a sense of social power and legitimacy. Therefore hate element may only seem a minor component or even absent and seem like a source of fun for offenders to manage their boredom, but actually is their source of self-esteem to manage their existential anxiety.

Ambiguous (? %)

Ambiguous offenders regularly rely on other sources as their main sources of self-esteem. Hate incidents and crimes are a rare source of self-esteem when they interact with specific targets perceived as vulnerable identities or situationally vulnerable (and/or when intoxicated, angry, provoked, episode of low self-control, low self-esteem, frustrated, but also tend to use specific slurs, targeting particular differences. They may often have good friendships with for example some people of colour, but occasionally resort to specific stereotypic, racist slurs as a tool to hurt some people of colour to help them in confrontations. Ambiguous offenders, do not normally commit hate crimes (and usually manage with strategies 1, 2, 3 or 4 shown in Figure 10.1) but can be situationally triggered to commit hate crimes 'out of character' particularly when perceiving vulnerability of target where power inequalities can lead to increased hostility.

Sibbitt (1997) provided numerous examples of the contradictory way racism is interwoven into community and family life: whereby for example fears of financial security, education or health are projected onto those labelled foreign, Black or different while simultaneously espousing tolerance and exempting their Black friends from such criticism. Smith (2013) also argued it is crucial to attend to the shame that often lies behind racism, and the defences of denial and suppression that protect individuals from the painful humiliation of acknowledging one's negative biases. Furthermore, any effective work with hate crime offenders needs to be based on recognising that such violence often emerges not from feelings of power and superiority, per the standard accounts, but from a sense of weakness, subordination and low self-esteem / seeking to establish some power/superiority, hence hate violence is also commonly perpetrated by minorities (Smith, 2006).

Reflecting perpetrator perspectives in bias crime theorisations should help develop better rehabilitation programmes and support services for offenders, helping them engage more and benefit more from such interventions. However, aetiological explanations of hate crimes remain undeveloped and incomplete (Healy, 2018) with weaknesses in the current theories. Walter's (2011) argument for example is that the difference between those who do and do not

commit hate crimes, is the level of self-control of individual regarding a perceived difference. However, Walter concedes some types of perpetrators (mission seekers) would not necessarily show signs of low self-control. Thus, acknowledging his 'a general theories of hate crime' is not complete and not applicable to all types of hate offenders. Terror management theory, TMT (Solomon, Greenberg and Pyszczynski, 2004) posits that all human behaviour is motivated by their need to manage the otherwise paralytic existential anxiety of their inevitable death by striving for self-esteem from their cultural world views. TMT provides a single, unifying (sub-conscious) motive that can explain the primary, underlying motive. TMT can also be expanded to incorporate the ambiguous offender to explain the full typology of hate crime offenders on the common basis that all offender types occasionally or frequently, resort to anti-social strategies to derive various levels of self-esteem.

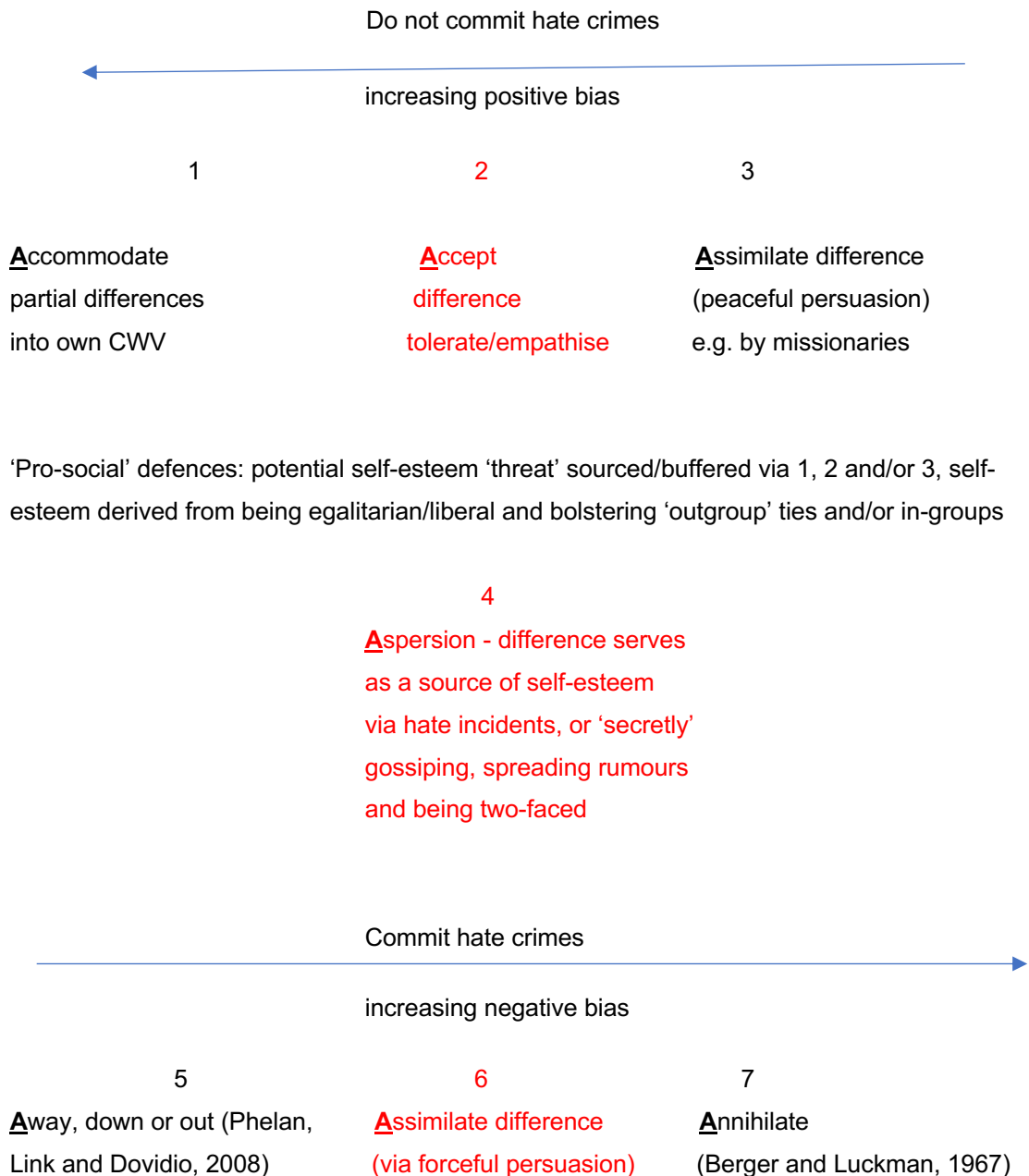
10.3.2 TMT (an existential hate crime theory)

TMT has been applied to explaining the cause of hate crimes, positing that alternative cultural world views (CWVs) are threatening, because these can undermine our perceptions of meaningful behaviour (Lieberman et al., 2001). Hence, this theory development was based on the literature as opposed to the data from this research. CWVs comprise a system of shared beliefs, that provide guidelines for what is right and wrong, social norms and behaviours which are rewarded or punished (Baka, Derbis and Maxfield, 2012). An individual's CWV encompasses a unique composite of sub-CWV beliefs pertaining to for example their religious beliefs, political views and their careers. Meeting or exceeding the standards of such CWV beliefs, provides several rewards, but self-esteem is the primary goal/need and it is essential to maintain these beliefs to bolster self-esteem, to protect individuals from the anxiety associated with the awareness of their mortality.

When this CWV anxiety-buffering system is threatened by different CWVs, the security or self-esteem we obtain by meeting or exceeding our CWV standards is threatened and our faith in our belief system no longer serves as an effective existential anxiety buffer of our mortality. Therefore, humans are highly motivated to defend their CWVs, which can be achieved via accommodation,

peaceful assimilation or annihilation to explain why some commit hate crimes and others do not, depicted in black in Figure 10.1.

Figure 10.1 Showing the seven self-esteem sources and management strategies (when interacting with people having different identities)



'Anti-social' defences: self-esteem threat managed by or sourced by derogating specific out-groups (verbal slurs, threats and/or violence) 4, 5, 6 and/or 7. Relatively more elitism / bigotry.

Criminal behaviour orders, already include sentencing guidelines for aggravating factors pertaining to the protected characteristics and could provide an alternative basis for prosecuting hate incidents and hate crimes involving anti-social behaviour. These different strategies or sources of self-esteem and self-esteem management strategies form the basis for the development of the more holistic theory of hate crime proposed below.

10.3.3 Self-esteem theory of crime

I argue that we can defend or bolster our CWVs and source of our self-esteem, via seven different strategies to mitigate the threat posed by other identity differences, when interacting with out-groups. Firstly, I incorporated the stigma strategies of keeping others Away, down or out (Phelan, Link and Dovidio, 2008) to the TMT explanations of why and how some individuals commit hate crimes and others do not (peaceful assimilation, accommodation and annihilation, Greenberg and Arndt, 2011; Solomon, Greenberg and Pyszczynski, 2003; Solomon et al., 2015). Secondly, I included three additional strategies: Acceptance, Aspersion (to cover hate incidents) and a hostile form of Assimilation), to explain this more fully (Figure 10.1).

Those that commit bias crimes have a need to frequently, occasionally or unexpectedly (situationally), derive a portion of their self-esteem from hostilities towards specific identity differences i.e. manage difference and self-esteem anti-socially via three different strategies, Figure 10.1. I am most definitely not implying that any desirable end is served by hate-based/biased violence, but rather explaining the anti-social sources of self-esteem used by such offenders, to manage specific differences due to their existential anxiety.

Those that do not commit bias crimes rely on other sources for their self-esteem, which allows them to use alternative, pro-social strategies to manage these differences depending on the unique composite of their dynamic sub-CWV beliefs (religious beliefs, race, political views, hobbies and careers etc) i.e. manage difference and self-esteem needs pro-socially via four alternative strategies.

For some individuals, 'hate' incidents are a sufficient source of self-esteem to make-up the self-esteem required, for other offenders, 'hate' violence is necessitated. Whilst, assimilation efforts to convert others provides a potent mechanism of bolstering faith in one's own CWV, for example conversion therapy (Greenberg and Kosloff, 2008).

Aspersions include using disparaging humour, which is commonly based on the denigration, defaming, belittling or hostility towards particular social groups (Koszałkowska and Wróbel, 2019; McGraw and Warren, 2010). Superiority theory maintains humiliation is the central component of humour: in the process of getting fun or thrills from ridiculing difference, our own sense of superiority receives a boost (Ford et al., 2015). Such humour inflates our own ego and deflates that of others, "humour entangled with hatred encourages a sense of moral superiority" (Sakki and Martikainen, 2021, p. 610). Since the core of disparagement humour is the insult, it is also thought to create and reinforce stereotypes of social groups and perpetuate prejudice (Ford and Ferguson, 2004). Disparaging humour can also buffer the effects of mortality salience and existential anxiety as I have shown (Morgan, Smith and Singh, 2019) and boost self-esteem.

The factor uniting victims of hate crimes, is that 'hate' crime offenders do not manage biased differences, pro-socially. If a person has an anti-social attitude towards a specific, different sexual orientation, for example bisexuals and towards a particular different religion, for example Jehovah's witnesses, then they are likely to be even more biased and hostile towards a bisexual, Jehovah's Witness.

The everydayness of hate crimes apparently arises out of boredom or jealousy or situational triggers, although these motives themselves may also in many cases be deliberate tactics by perpetrators to mislead the justice system, to avoid the longer sentences for hate crimes. Even thrill-seekers, are likely to temporarily experience power over their target groups when committing hate crimes, and thrill-seeking has been shown to both boost self-esteem and assuage existential anxiety (Firestone, 2015). All offender types derive a thrill from their offending.

Perry (2001) recognises hate crime as a tool to protect and reinforce boundaries of oppression and difference, for mission seekers and defensive perpetrators and I agree. However, I argue, these crimes are motivated by the need for self-esteem to assuage existential anxiety for those with certain CWVs. Furthermore, I would argue that it is also a tool for exploiting perceived vulnerability differences, and that these conscious motives are driven by the primal, subconscious need for self-esteem. The different CWVs that are deemed vulnerable or intolerant, triggering ambiguous hostilities, 'awaying' assimilation by force or annihilation, are culturally and structurally constructed and embedded into societal norms, policies and traditions.

Difference should be the foundation of inclusion in society for equal opportunities and social, cultural and economic practices should empower and embrace difference and diversity, rather than disempower it. Thus, reform is required at all levels of society; not simply policy and legislation, but also within education, employment, public services, housing, media and so on. To enact structural and cultural changes governments and media need to start utilising more egalitarian and liberal language and deconstruct negative stereotypes towards those with difference and get tougher on perceived vulnerability bias crimes, embracing inclusivity and equal opportunities, to breed a generation of more accommodating and accepting members of society. The dominant cultural, social and political norms that underlie bias crimes and stigmatised identities are temporal and subject to change.

Individuals whose (self-esteem) CWV is threatened by a corresponding but certain, different CWV, or do difference as a large source of their self-esteem, are motivated to stigmatise these specifically different identities and commit 'hate' crimes, incidents and behaviours against targets bearing this difference. Bias crimes reinforce dominance and/or situationally attempt to reinforce some dominance. However, I do not agree with Perry (2001) that hate behaviours are largely for the pursuit of power, but because the sense of more power imparts more self-esteem, hence a sense of power can itself be a large source of self-esteem.

Individuals whose own CWV is not threatened by a particular different CWV, are not motivated to stigmatise this difference and do not commit such bias crimes as they can: accommodate or accept the different CWV in question and the relative difference in their own CWV, can provide them with a bigger source of self-esteem for example being proud of being slim relative to obese people; or peacefully convert those that are different; or do not perceive differences in vulnerabilities; or are sympathetic; or accept their low self-esteem or do not exploit these perceived differences in an openly hostile manner. Not resorting to 'hate' crimes could also be partially explained by the need to be liked or the fear of prosecution or retaliation or simply explained by individuals who view certain stigmatised traits as tolerable or benign (non-threatening) or even interestingly different. Jones et al., (1984) maintained that a mark of difference (for example a tattoo) may be perceived as a stigmatised mark of deviance by some, as benign by others or even charming by yet others.

Doing difference (Perry, 2001), i.e. biased hostility towards a particular identity and/or perceived vulnerability difference in my view occurs when a given perceived vulnerability and/or difference triggers a perpetrator's need to be hostile and/or a given identity threatens a perpetrator's CWV belief and/or is a large source of their self-esteem. An individual's CWV may not necessarily be threatened and offenders may be triggered by their perceived vulnerability of the target. However, acquiring the additional label of 'perceived vulnerable' could also further stigmatise such groups and the views of different groups should be respected above all. The difference in the other's identity or the perceived difference in their vulnerability could also passively serve as a source of self-esteem via feelings of superiority, but for offenders the violence, hostility or intimidation are the main sources of their self-esteem. How much social, political and/or economic power we have also determines our ability to stigmatise (Link and Phelan, 2001) or express such hostilities. Many institutions protect their values via discriminatory policies and therein propagate the doing of difference downstream to individuals in society.

This theory also has the advantage of not depending on low self-control and therefore can explain why mission seekers who may have high self-control also commit bias crimes. Such bias crimes are also more about derogating

difference to boost self-esteem and can explain why many perpetrators are from minority groups. Intersectionality would also be expected to increase such marginalisation towards victims with more than one minority identity as a potentially greater difference could provide a potentially larger source of vulnerability and self-esteem. Finally, this theory provides a single unifying motive for all (hate) crimes where self-esteem is derived from derogating specific differences as well as seeking revenge, out of jealousy/greed/ego, in anger, or when provoked.

Thrill-seekers consciously commit hate crimes and incidents particularly when bored (when their self-esteem is likely to be lower). The anxiety of our mortality is existential therefore offenders may not be aware of their need for self-esteem, they feel 'threatened' and need to bolster their self-esteem to assuage existential anxiety. Given many thrill-seekers are unemployed or in low paid jobs, they may also be prone to more threats to meaninglessness or not attaining or exceeding their other CWV standards and suffer more episodes of boredom. When people are bored, their situation may seem more meaningless engendering a sense of dissatisfaction, restlessness and need for something challenging, therein directing their attention and behaviours towards pursuing more thrill-seeking activities (Elpidorou, 2020). To buffer the anxiety of boredom, meaningfulness can be re-established by engaging in CWVs; bolstering in-groups and derogating out-groups; affirming political ideologies (Van Tilburg and Igou, 2016); affirmations of heroes (Coughlan et al., 2017) and religiosity (Van Tilburg et al., 2019). Aggressive tendencies have also been shown to be rooted in existential distresses and in the motivations to find meaning in life (Van Tilburg et al., 2019).

Thrill-seekers are also likely to be more motivated by defensive and retaliatory and mission seekers. It is also very feasible that when 'hate' crime offenders are being prosecuted, many feel a better defence would be to say they were motivated less by prejudice but more by the thrill and due to boredom, for fun, for a laugh, due to peer pressure or trivialise such crimes by claiming they were drunk, under the influence of drugs, angered or provoked. Wittingly or unwittingly, thrill-seekers are a part of the mission seeking mission that

promulgates the biases of thrill-seekers and targeting specific differences reveals their particular bias.

All bias offenders have social, economic and/or political power, even thrill-seekers have social/economic power over their vulnerable victims as majority representatives, and often operating in gangs to verbally and physically keep down, out and away certain differences and ruling the streets. Those with more political, economic and/or social power have been able to have their beliefs structurally embedded in societal traditions, policies and organisations. These institutional beliefs promulgate throughout society and either promote egalitarian beliefs or incite 'hate' crimes, incidents and behaviours.

The different types of offenders may also be inter-related: where thrill-seekers may also occasionally commit and/or develop into or resort to retaliatory or defensive offending and/or get a thrill from their biased behaviours and vice versa. In committing hate crimes thrill-seekers effectively also defend their territory and it would be reasonable to assume they are more active when retaliatory perpetrators are triggered and help achieve the aims of all three types of perpetrators including mission seekers. At the same time, hate crimes may also provide a secondary 'thrill' to defensive, retaliatory and mission seekers even though this is not their main, conscious motivation. Perpetrators may also act for reasons such as resentment, jealousy or simply a desire for peer approval or to experience a thrill, similar to acts of vandalism or joy riding to experience thrills (Sullaway, 2004).

The sociologist, Joseph Harry (1990) categorised anti-gay hate crime offenders into activists who seek out homosexual victims by traveling to gay neighbourhoods and opportunists who engage in gay bashing only when an opportunity arises. Harry suggested four factors need to be present for gay bashing to occur: (1) the gay identity must be a stigmatised characteristic; (2) there must be immature people who have a need to validate their male, heterosexual status; (3) so much so that they are willing to resort to criminal violence and; (4) there must be visibly identifiable opportunities to engage in such hate crimes (Harry, 1990). Berk, Boyd and Hamner (2012) argued that anti-gay hate crimes in effect, are a way that offenders convey their opinions or CWVs.

The functional approach maintains that individuals have and express specific attitudes because they derive psychological benefits from these attitudes including the commission of particular hate crimes (Herek, 1992). According to Herek by targeting specific groups, for example homosexuals, heterosexual males reaffirm their ingroup identity, therein helping their ingroup and themselves, feel more positive about their heterosexual ingroup identity. Such ego-defensive violence provides a means to reaffirm their masculinity, which they associate with their heterosexuality. The ego-defensive function is similar to the postulations of Tajfel and Turner's (1979) social identity theory (SIT). The sociologist, Karl Hamner (1992) argued SIT can explain hate crimes such as gay bashing as it posits that a person's self-esteem (and self-concept) are based on identifying with particular ingroups with which the person identifies and feels a sense of membership. As regards homosexuality, heterosexual males use their negative perceptions of homosexuals and anti-gay violence to boost their individual and group self-esteem.

Dixon and Court (2003) argued the importance of attending to the unconscious, dynamic and emotional factors and need for better informed interventions to uncover and effectively address the complex psychological processes underlying such offending. Most hate crimes tend to be committed by relatively ordinary people in the context of their everyday lives as situational cues can give rise to the "animus expressed by offenders, which lies beneath the surface of everyday cognition for many individuals: (Iganski, 2008: 41). It is crucial to recognise the sub-conscious motive to be able to develop more effective programmes and interventions for hate crime offenders that target the core cause.

Levin and McDevitt (2002) found in their study that 66% of hate offenders were primarily motivated by the thrill of offending. The majority of people (especially younger offenders) are not inclined to perpetrate hate crimes for serious reasons such as mission seekers, but largely to enjoy the thrill and fun they experience from targeting vulnerable minorities that are easier to dominate (more vulnerable) and that society in general has already marginalised, for example the homeless and sex workers. The point here is that in perpetrating hate crimes, thrill-seekers are still largely aware they are violating hate crime laws and this adds to the thrill and they tend to demonstrate hostility towards

certain protected groups only. Although they are largely, consciously driven by the thrills they get, they are inclined by their prejudices to choose to get these thrills by demonstrating their specific prejudices towards particular protected groups or easy, vulnerable targets.

Thrill-seeking also does not mean that thrill-seekers do not perceive positive consequences of their prejudicial targeting, i.e. to dominate them, to suppress them, to keep them down and out and away. They may prefer to get their thrills from committing specific hate crimes as opposed to seeking thrills via other means such as participating in dangerous sports, experimenting with drugs, risky sex, or speeding (Gullone and Moore, 2000). I agree with Perry (2001), that thrill-seekers use their prejudices (resulting from constructions of difference, stereotyping and the perceived threats posed by certain minority individuals) to justify their partially hate-motivated behaviours, but ultimately these are self-esteem motivated.

Xavier et al., (2005) showed that in 35% of their transgender participants' reports, US perpetrators were motivated by transphobia, a threat to their heteronormativity (Schilt and Westbrook, 2009). According to Hennen (2008) to reaffirm their heterosexuality, perpetrators devalue and ridicule sexual/gender deviations, channelling their anger consciously or unconsciously to obtain and maintain the respect of their peers and a sense of self-esteem (Jamel, 2017). I argue that their heteronormative CWV renders such perpetrators more sensitive to sexual/gender deviations. When their CWV sense of self is challenged, violence maybe the only resource for some perpetrators to boost and protect their bigot self-image (Iganski and Levin 2015).

Furthermore, compared to non-hate crimes, hate crimes tend to be perpetrated more often by groups of perpetrators (McDevitt et al., 2002). This may be partly because the self-esteem rewards are likely to be higher in such group/gang settings. The impact of such group violence is especially exacerbated when targeting LGBT+ victims as in group violence there can be a diffusion of responsibility (Darley and Latané, 1968) and because peer encouragement exacerbates the levels of biased violence. According to a report from the US National Coalition of Anti-Violence programs (NCAVP, 2012) the most common average age of LGBT+ hate crime perpetrators was reported as just 24.

Younger, more immature perpetrators are more likely to be searching for 'easy' and anti-social sources and 'easy' sources of self-esteem by targeting specific, perceived vulnerable identities.

According to Link and Phelan (2001) stigma manifests when its five components coexist (section 1.6.2), culminating in discrimination in situations where social, economic and/or political power differentials co-occur. Stigma does not necessarily culminate in hate, but discrimination. All victims of bias crimes have characteristics stigmatised by various offenders. Perceiving differences is labelling the perceived vulnerability in the target as the victim's stigmatising mark of difference based on stereotyping. Stigma involves negative bias, negative stereotypes and othering, doing difference. Research has identified six factors that are directly related to crime including anti-social values (Taxman, Shepardson and Byrne, 2004). It is not so much that offenders have low self-control but people commit bias crimes if it is a large source of their self-esteem, and/or they have relatively high levels of stigma, and/or use the derogation of outgroups as their means of assuaging existential anxiety. Many offenders may not consciously be aware of this primal motive, as TMT operates below the threshold of consciousness.

Goldenberg et al., (2000) showed individuals tend to avoid behaviours and distance themselves from opinions that pose a threat to their self-esteem. The pursuit for positive self-esteem goes so far that even irrational and potentially harmful behaviour, such as risky driving, smoking, or tanning, will be pursued if the behaviour contributes to an individual's positive self-esteem (Hansen, Winzeler and Topolinski, 2010).

Mortality salience has also been shown to increase Christian students' dislike of Jewish students (Greenberg et al., 1990). Castano et al., (2002) found mortality salience increased Italians' bias in favour of fellow Italians and against Germans and these effects have been consistently replicated in dozens of countries (Vail et al., 2011). Mortality salience can also trigger actual aggression against those who explicitly threaten one's CWVs, indicating that terror management needs may also play a role in the extreme acts of violence against outgroups (McGregor et al., 1998).

Research shows societal stereotypes are also easily brought to mind even for people who repudiate prejudice (Devine, 1989). Stereotypes are aspects of our CWVs that make members of out-groups seem simpler, more predictable and often also seem inferior, where mortality salience also increases stereotypic thinking. Scapegoating, allows people to view the source of their fears as external and controllable, something they can fight against to eradicate in the name of goodness, rather than face the existential anxiety of the inevitability of their own death (something they cannot avoid). The study by Pyszczynski et al., (2006) asked undergraduates to rate their support for using extreme military violence (chemical and nuclear weapons) to kill terrorists, and the collateral killing of thousands of innocent civilians. Following reminders of death, conservatives showed strong support for such extreme violence.

TMT postulates that our most vile attitudes and behaviours toward other groups stem from a fear we cannot fully cope with or comprehend. By defensively clinging to a sense that our group's beliefs are uniquely special and right, we set the stage for prejudice and aggression against outgroups. The best option is to work to ensure that the sorts of beliefs we rely upon to sustain a sense of meaning and value in this life are oriented towards accepting rather than rejecting others, place higher value on tolerance and appreciation for others' uniqueness (Greenberg et al., 1992; Pyszczynski et al., 2006). The typology expanded on above is particularly helpful in understanding 'hate' crimes where bias is a peripheral motive. This could allow law enforcement agents to identify potential suspects, determine more accurately the probability of any risk of escalation, as well as gain a deeper insight into an offenders underlying motivation, key to improving correction services, rehabilitation and intervention programmes.

10.4 Concluding remarks

Study One uniquely tested the secondary transfer prejudice reduction effects of positive, imagined inter-group contact with a gay male, on participant verdicts and juridic decisions in a mock-juror paradigm. Participant post-test stigma levels towards the transgender victim were significantly lower in the gay male imagined contact (LGBT+ groups) compared to the male imagined contact (or non-LGBT+ groups).

Studies Two and Three, uniquely operationalised and compared positive and negative inter-group contact on participant decisions, after reading the anti-transgender/anti-hate crime law, (pro-defendant opinions) of a person depicted as a gay male (Study Two) and a lesbian (Study Three) 'random mock-juror.' When these pro-defendant opinions were described as those of a gay male mock-juror, this did not negatively influence participant verdicts compared to when described as the opinions of a heterosexual male juror. Furthermore, when the mock-juror was depicted as a lesbian, this actually positively influenced participant verdicts, in favour of the transgender female victim. To my knowledge, this is the first study operationalising and comparing positive and negative para-social and vicarious inter-group contact in mock-juror studies.

Furthermore, all three studies confirmed the extent of sentence-severity bias in aggravated offences, with around half of all participants selecting '*sentence maxima* are too high' as the main reason for their not guilty verdicts. Three of the participants interviewed also (unexpectedly) mentioned being overly concerned about the severity of the sentence when deciding their verdicts. Moreover, this research also showed the second most common reason for not guilty verdicts was due to the defendant's good character witness. This is the first study to provide an indication of the percentage of mock-jurors overly influenced by such extra-legal factors and the extent of these problems.

Study One also showed significantly lower guilty verdicts in the aggravated offences compared to their base offences. This provides one of the first indications of the worryingly low conviction rates that can be expected if/when aggravated offences are extended to transgender victims of hate crimes. The replicated findings are based on jury-eligible, UK participants, under the proposed UK hate crime laws, involving a large sample size (N=1623).

In the LGBT+ groups, guilty verdicts were significantly higher, as was agreement with hate crime laws, defendant blame and perceived victim suffering, whilst victim blame was significantly lower, showing additional benefits of LGBT+ diverse juries. These empirical studies add to the scant research on the advantages of diverse juries and specifically regarding LGBT+

diverse juries. Interviewees generally felt their LGBT+ identity and related experiences, were an asset in understanding the victim's suffering. All ten participants interviewed, were of the opinion that juries should have at least a couple of LGBT+ jurors in hate crime trials to challenge any LGBT+ stigma and stated they would not have confidence in juries with no LGBT+ jurors. Diverse juries, could also help reduce some of the secondary harm to communities, encourage minorities to take-up jury service and increase inter-group contact opportunities. The findings also have implications for homophobic and bi-phobic hate crime trials via inter-group contact effects and could also help boost public trust in the jury system and even reporting rates for such hate crimes.

In addition, Study Two showed the heterosexual and gay, male jury foreperson's opinions had significantly more influence on participant decisions compared to the same opinions expressed by a heterosexual and gay, male jurors. Moreover, when the gay male jury foreperson was pro-victim, this significantly improved %GVR compared to when a pro-victim gay male juror. Eight of the LGBT+ jurors interviewed, also felt the jury foreperson had/has the most influence and tends to be a dominant character and five participants believed they would have had more influence if they were the jury foreperson.

Just one LGBT+ juror felt they had less influence than other jurors, due to them being the only gay person and Black person in the jury. The interviews unexpectedly highlighted the greater vulnerability and victimisation faced by LGBT+ people with additional stigmatised characteristics (gay women of colour). Half the participants interviewed anticipated being stigmatised and believed this may be why a lot of LGBT+ people particularly turn down jury service, or because they are less confident with their gender/sexuality and if they have additional stigmas (intersecting identities). The main reasons for accepting jury service were wanting to represent and meet and support other LGBT+ people.

Policy recommendations include reducing the disproportionately higher *sentence maxima* of aggravated offences to reduce sentence-severity bias and improve conviction rates and reducing the extra powers of the jury foreperson to minimise their significantly greater influence. A consistent, democratic

procedure needs to be implemented for selecting the foreperson. Jury selection protocols should include selecting potential jurors from additional registers to recruit more minority jurors. Finally, jurors should be asked to provide a reason for their verdict to determine the impact of extra-evidentiary factors. Theoretical contributions include contributions to inter-group contact and mock-jury research, the development of a more holistic hate crime theory, a book chapter and submission of a research paper due for publication in this December's peer-reviewed issue of the British Society of Criminology Online Journal.

References

- Armitage, L., 2020. Explaining backlash to trans and non-binary genders in the context of UK Gender Recognition Act reform. *INSEP–Journal of the International Network for Sexual Ethics and Politics*, 8(SI), pp.5-6.
- Abrams, D., Crisp, R.J., Marques, S., Fagg, E., Bedford, L. and Provias, D., (2008). Threat inoculation: experienced and imagined intergenerational contact prevents stereotype threat effects on older people's math performance. *Psychology and aging*, 23(4), p.934.
- Acker, G. (2017). Transphobia among students majoring in the helping professions. *Journal of Homosexuality*, 1-19.
- Agadullina, E.R., Lovakov, A.V. and Malysheva, N.G., (2018). Essentialist beliefs and social distance towards gay men and lesbian women: a latent profile analysis. *Psychology & Sexuality*, 9(4), pp.288-304. adapted from Esses and Dovidio (2002).
- Albert Kennedy Trust, (2018). <https://www.globalization.org/en/content/lgbtq-homeless-britain-homelessness-uk-gay/> downloaded 29/07/24.
- Allport, G.W., Clark, K. and Pettigrew, T., (1954). The nature of prejudice.
- Al Ramiah, A., and Hewstone, M. (2013). Inter-group contact as a tool for reducing, resolving, and preventing inter-group conflict. Evidence, limitations, and potential. *American Psychologist*, 68(7), 527-542.
- Alschuler, A.W. (1995) Racial quotas and the jury. *Duke Law Journal* 44, 704–743.
- Alvesson, M. and Skoldberg, K. (2009). *Reflexive Methodology: New Vistas for Qualitative Research*, 2nd edn. London: Sage.
- Amery, F., (2024). 'Gender critical' feminism as biopolitical project. *Sexualities*, p.13634607241257397.
- Anderson, S. M. (2020). Discrimination against cisgender and transgender LGBTQ individuals. *Psychology of Women Quarterly*, 44(3), 323–341.
- Ansari, S., Panhwar, A.H. and Mahesar, G.A., (2016). Mixed methods research:

Ontological, epistemological and methodological underpinnings. *ARIEL-An International Research Journal of English Language and Literature*, 27, 133 – 141.

Antjoule, N., (2016). The hate crime report. *Homophobia, biphobia and transphobia in London. Hg. v. Galop*.

Anwar, S., Bayer, P., and Hjalmarsson, R. (2012). The impact of jury race in criminal trials. *Quarterly Journal of Economics*, 127, 1017–1055.

Anwar, S., Bayer, P. and Hjalmarsson, R., (2022). Unequal Jury Representation and Its Consequences. *American Economic Review: Insights*, 4(2), pp.159-74.

Arber, A. (2006). Reflexivity: 'A challenge for the researcher as practitioner?'. *Journal of Research in Nursing*. 11. Pp. 147-157.

Arghode, V. (2012). Qualitative and quantitative research: Paradigmatic differences. *Global Education Journal*, 2012(4), pp.155-163.

Aronson, K. M., Stefanile, C., Matera, C., Nerini, A., Grisolaghi, J., Romani, G...and Brown, R. (2016). Telling tales in school: Extended contact interventions in the classroom. *Journal of Applied Social Psychology*, 46, 229-241.

American Psychiatric Association. (2013). Diagnostic and statistical manual of mental disorders: DSM-5. Washington, D.C: American Psychiatric Association.

Anderson, R. T. (2018). When Harry became Sally: Responding to the transgender moment. New York: Encounter Books.

Antwi, S. K., and Hamza, K. (2015). Qualitative and quantitative research paradigms in business research: A philosophical reflection. *European Journal of Business and Management*, 7(3), 217-225. Retrieved from <https://www.iiste.org/Journals/index.php/EJBM/article/view/19543>.

APA, (2022). <https://www.apa.org/topics/lgbtq/transgender>.
<https://www.apa.org/topics/lgbtq/transgender-people-gender-identity-gender-expression> retrieved 29/07/24.

Armstrong, R.A., (2014). When to use the Bonferroni correction. *Ophthalmic and physiological optics*, 34(5), pp.502-508.

Asendorpf, J. B., Banse, R., and Mucke, D. (2002). Double dissociation between explicit and implicit personality self-concept: The case of shy behavior. *Journal of Personality and Social Psychology*, 83, 380-393.

Auld J., Review of the Criminal Courts of England and Wales (September 2001) (known as the Auld Report), Available at: <http://www.criminal-courts-review.org.uk/ccr-00.htm>.

Awan, I., and Zempi, I. (2017) 'I will Blow your Face OFF' – Virtual and Physical World, Anti-Muslim Hate Crime'. *British Journal of Criminology*. 57(2). Pp.362-380.

Bagci, S.C., Stathi, S., and Piyale, Z.E. (2019) When imagining inter-group contact mobilizes collective action: The perspective of disadvantaged and advantaged groups. *International Journal of Intercultural Relations*, 69, 32–43.

Baka, L., Derbis, R., and Maxfield, M. (2012). The anxiety-buffering properties of cultural and subcultural worldviews: Terror management processes among juvenile delinquents. *Polish Psychological Bulletin*, 43(1), 1-11.

Baker, S.E. and Edwards, R., (2012). How many qualitative interviews is enough?

Baldus DC, Woodworth G, Zuckerman D, Weiner NA, Broffit B. (2001). The use of peremptory challenges in capital murder trials: a legal and empirical analysis. *Univ. Penn. J. Const. Law* 3:3–169.

Baldwin, J. and McConville, M., (1979). *Jury trials* (p. 41). Oxford: Clarendon Press.

Baldwin, J., and McConville, M. (1980). Does the composition of an English jury, affect its verdict? *Judicature*, 64, 133-139.

Balsam, K. F., Molina, Y., Beadnell, B., Simoni, J., and Walters, K. (2011). Measuring multiple minority stress: The LGBT People of Color Microaggressions Scale. *Cultural Diversity and Ethnic Minority Psychology*, 17(2), 163-174.

Bar Council, (2020). <https://www.barcouncil.org.uk/resource/guest-blog-how-will-restricting-jury-trial-and-reducing-jury-numbers-affect-the-delivery-of-justice.html>, retrieved 03/03/22.

Barnes, A. and Ephross, P.H. (1994). The impact of hate violence on victims – emotional and behavioural responses to attacks. *Social Work*, 39 (3), 247-251.

Barnes, B. R. (2019). Transformative mixed methods research in South Africa: Contributions to social justice. In S. Laher, A. Fynn, and S. Kramer (Eds.), *Transforming research methods in social sciences: Case studies from South Africa* (pp. 303-316). Johannesburg: Wits University Press.

Baron, R. and Kerr, N., (2003). *Group process, group decision, group action 2/E*. McGraw-Hill Education (UK).

Barrett, D. C., and Pollack, L. M. (2005). Whose gay community? Social class, sexual Self-expression, and gay community involvement. *The Sociological Quarterly*, 46(3), 437- 456.

BBC News Online, Cambridgeshire, 2022, April 22nd,
<https://www.bbc.co.uk/news/uk-wales>
61154398?at_medium=RSS&at_campaign=KARANGA, retrieved 23/04/22.

Becker, H. (2007). *Telling About Society*, Chicago: University of Chicago Press.

Bell, B.E. and Loftus, E.F., (1988). Degree of Detail of Eyewitness Testimony and Mock Juror Judgments 1. *Journal of Applied Social Psychology*, 18(14), pp.1171-1192.

Berger, P. L., and Luckmann, T. (1967). *The social construction of reality*. Garden City, NY: Anchor.

Berk, R.A., Boyd, E.A. and Hamner, K.M., (2012). Thinking more clearly about hate-motivated crimes. In *Hate and bias crime* (pp. 49-60). Routledge.

Bewick, V., Cheek, L. and Ball, J., (2003). Statistics review 8: Qualitative data—tests of association. *Critical care*, 8, pp.1-8.

Bezrukova, K., Spell, C. S., Perry, J., and Jehn, K. A. (2016). A meta-analytical integration of 40 years of research on diversity training. *Psychological Bulletin*, 142, 1227–1274.

Biddle, C., and Schafft, K. A. (2015). Axiology and anomaly in the practice of mixed methods work: Pragmatism, valuation, and the transformative paradigm. *Journal of Mixed Methods Research*, 9, 320-334.

Biernat, M., Vescio, T.K. and Billings, L.S., (1999). Black sheep and expectancy violation: Integrating two models of social judgment. *European Journal of Social Psychology*, 29(4), pp.523-542.

Blascovich J, Mendes WB, Hunter SB, Lickel B, Kowai-Bell N. (2001). Perceiver threat in social interactions with stigmatized others. *Journal of Personality and Social Psychology*. 80:253–267.

Blondeel K, de Vasconcelos S, García-Moreno C, Stephenson R, Temmerman M, Toskin I (2018). Violence motivated by perception of sexual orientation and gender identity: a systematic review. *Bull World Health Organ* 96(1):29–41.

Boatright, R.G., (1998). Why Citizens Don't Respond to Jury Summonses, and What Courts Can Do About It. *Judicature*, 82, p.156.

Bockting WO, Miner MH, Swinburne Romine RE, Hamilton A, Coleman E., (2013). Stigma, mental health, and resilience in an online sample of the US transgender population. *Am J Public Health* 103(5):943–951.

Bodenhausen, G. V., and Lichtenstein, M. (1987). Social stereotypes and information-processing strategies: The impact of task complexity. *Journal of personality and social psychology*, 52(5), 871.

Bogardus, E.S., (1933). A social distance scale. *Sociology & Social Research*.

Bogardus, E. (1938). Social distance and its practical applications. *Sociology and Social Research*, 22, 462–476.

Boin, J., Rugar, M., Graf, S., Neji, S., Spiegler, O., and Swart, H. (2021). The generalization of inter-group contact effects: Emerging research, policy relevance, and future directions. *Journal of Social Issues*, 77(1), 105–131.

Bonnington, O., and Rose, D. (2014). Exploring stigmatisation among people diagnosed with either bipolar disorder or borderline personality disorder: A critical realist analysis. *Social Science and Medicine*, 123, 7-17.

Borden, William, (2013). Experiments in adapting to need: Pragmatism as orienting perspective in clinical social work. *Journal of Social Work Practice* 27: 259–71.

Bornstein, B. H. (1999). The ecological validity of jury simulations: Is the jury still out? *Law and human Behavior*, 23(1), 75.

Bornstein, B. H., Golding, J. M., Neuschatz, J., Kimbrough, C., Reed, K., Magyarics, C., and Luecht, K. (2017). Mock juror sampling issues in jury simulation research: A meta-analysis. *Law and Human Behavior*, 41(1), 13.

Bornstein, B.H. and Greene, E., (2011). Jury decision making: Implications for and from psychology. *Current Directions in Psychological Science*, 20(1), pp.63-67.

Bornstein, B.H. and McCabe, S.G., (2004). Jurors of the absurd-the role of consequentiality in jury simulation research. *Fla. St. UL Rev.*, 32, p.443.

Bornstein, B.H., (2017). Jury simulation research: Pros, cons, trends, and alternatives.

Boster, F. J., Hunter, J. E., and Hale, J. L. (1991). An information-processing model of jury decision making. *Small Group Research*, 18, 524-547.

Botcherby, S. Glen, F. Iganski, P. Jochelson, K. and Lagou, S. (2011). Equality groups' perceptions and experience of crime. Analysis of the British Crime Survey 2007-08, 2008-09 and 2009-10. Briefing Paper 4, London, UK: Equality and Human Rights Commission.

Bottoms, B. L., Davis, S. L., and Epstein, M. A. (2004). Effects of victim and defendant race on jurors' decisions in child sexual abuse cases. *Journal of Applied Social Psychology*, 34(1), 1–33.

Bourdieu P. (1987). What makes a social class? On the theoretical and practical existence of groups. *Berkeley Journal of Sociology*. 32:1–18.

Bourdieu, P. (1990). Social space and symbolic power. *In Other Words*, Polity Press.

Bowleg, L. (2013). "Once you've blended the cake, you can't take the parts back to the main ingredients": Black gay and bisexual men's descriptions and experiences of intersectionality. *Sex Roles*, 68(11-12), 754-767.

Bowman, N. A., and Griffin, T. M. (2012). Secondary transfer effects of interracial contact: The moderating role of social status. *Cultural Diversity and Ethnic Minority Psychology*, 18(1), 35.

Box, G.E. and Tidwell, P.W., (1962). Transformation of the independent variables. *Technometrics*, 4(4), pp.531-550.

Bradley, C., (2020). Transphobic hate crime report 2020. *London: Galop*.

Brambilla, M., Ravenna, M., and Hewstone, M. (2012). Changing stereotype content through mental imagery: Imagining inter-group contact promotes stereotype change. *Group Processes & Inter-group Relations*, 15(3), 305–315.

Brandwatch and Ditch the Label. (2019). Transphobia report 2019. Brandwatch.

Braunstein M. D. (2017). The five stages of LGBTQ discrimination and its effects on mass incarceration. *Miami Race and Social Justice Law Review*, 17, 217–246.

Braun, V. and Clarke, V., (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3 (2), 77–101.

Bray, R. M., and Kerr, N. L. (1979). Use of the simulation method in the study of jury behavior: Some methodological considerations. *Law and Human Behavior*, 3, 107–119.

Bridgeman, D. L., and Marlowe, D. (1979). Jury decision making: An empirical study based on actual felony trials. *Journal of Applied Psychology*, 64,91-98.

Bridges, David. (2017). “Nothing about us without us’: The ethics of outsider research.” In *Philosophy in Educational Research*. New York: Springer.

Brierley, J.A., (2017). The role of a pragmatist paradigm when adopting mixed methods in behavioural accounting research. *International Journal of Behavioural Accounting and Finance*, 6(2), pp.140-154.

Brown, R., and Hewstone, M. (2005). An integrative theory of inter-group contact. *Advances in Experimental Social Psychology*, 37, 255–343.

Bryman, A., and Bell, E. (2007). *Business research methods* (2nd ed.). Oxford; New York: Oxford University Press.

Bryman, A. and Bell, E. (2011). *Business research methods* 3rd edn. Oxford: Oxford University Press.

Bryman, A. and Cramer, D., (2004). Constructing variables. *Handbook of data analysis*, pp.17-34.

Buist, C.L. and Stone, C., (2014). Transgender victims and offenders: Failures of the United States criminal justice system and the necessity of queer criminology. *Critical Criminology*, 22(1), pp.35-47.

Buist C. L., Lenning E. (2022). *Queer criminology*. Routledge.

Bujang, M.A., Ab Ghani, P., Zolkepli, N.A., Adnan, T.H., Ali, M.M., Selvarajah, S. and Haniff, J., (2012), September. A comparison between convenience sampling versus systematic sampling in getting the true parameter in a population: In *2012 international conference on statistics in science, business and engineering (ICSSBE)* (pp. 1-5).

Bujang, M.A., Sa'at, N., Joys, A.R. and Ali, M.M., (2015), October. An audit of the statistics and the comparison with the parameter in the population. In *AIP Conference Proceedings* (Vol. 1682, No. 1, p. 050019). AIP Publishing LLC.

Burman, M. and Brooks-Hay, O., (2020). Delays in Trials: the implications for victim-survivors of rape and serious sexual assault. *Briefing paper*.

Burns, N. and Grove, S. K., (1999). *Understanding nursing research*. 2nd ed. London: W.B. Saunders.

Cabeldue, M.K., Cramer, R.J., Kehn, A., Crosby, J.W. and Anastasi, J.S., (2018). Measuring attitudes about hate: Development of the hate crime beliefs scale. *Journal of interpersonal violence*, 33(23), pp.3656-3685.

Calhoun C. (2017). Bullseye on their back: Police profiling and abuse of trans and gender non-conforming individuals and solutions beyond the department of justice guidelines. *Alabama Civil Rights & Civil Liberties Law Review*, 8(1), 127–144.

Campbell, C., and Deacon, H. (2006). Unravelling the contexts of stigma: from

internalisation to resistance to change.

Campbell, R. and Raja, S. (1999). The secondary victimization of rape victims: Insights from mental health professionals who treat survivors of violence. *Violence and Victims*, 14, pp. 261-275.

Cano, I., Best, D., Beckwith, M., Phillips, L.A., Hamilton, P. and Sloan, J., (2020). Stigma related to health conditions and offending behaviors: Social distance among students of health and social sciences. *Stigma and Health*, 5(1), p.38.

Carbone, C.S. and Plaut, V.C., (2013). Diversity and the civil jury. *Wm. & Mary L. Rev.*, 55, p.837.

Carnevale, P. J., and Probst, T. M. (1997). Conflict on the Internet. In S. Keisler (Ed.), *Culture of the Internet* (pp. 233–255). Mahwah, NJ: Erlbaum.

Castano, E., Yzerbyt, V., Bourguignon, D. and Seron, E., (2002). Who may enter? The impact of in-group identification on in-group/out-group categorization. *Journal of experimental social psychology*, 38(3), pp.315-322.

Castano, E., Yzerbyt, V., Paladino, M., and Sacchi, S. (2002). I belong, therefore, I sexist: Ingroup identification, ingroup entitativity, and ingroup bias. *Personality and Social Psychology Bulletin*, 28, 135–143.

Carter, L.M., Goodmon, L.B., Urs, M. and Rutledge-Jukes, H., (2023). The effects of victim gender identity, juror gender, and judicial instructions on victim blaming, crime severity ratings, and verdicts in sexual assault trials. *Journal of homosexuality*, 70(6), pp.1187-1224.

Chakraborti, N., and Garland, J. (2012). Reconceptualizing hate crime victimization through the lens of vulnerability and 'difference'. *Theoretical Criminology*, 16(4), 499–500.

Chakraborti, N., and Garland, J. (2015). *Hate crime: Impact, causes and responses* (2nd ed.). Sage.

Chakraborti, N., Garland, J. and Hardy, S. (2014). 'The Leicester Hate Crime Project: Findings and Conclusions' Leicester: University of Leicester.

Chakraborti, N. and Hardy, S.J., (2015). LGB&T hate crime reporting: Identifying barriers and solutions.

Chalmers, J. and Leverick, F., (2017). A comparative analysis of hate crime legislation: A report to the hate crime legislation review, pp 31 to 33.

Chalmers, J., Leverick, F. and Munro, V.E., (2021). The provenance of what is proven: exploring (mock) jury deliberation in Scottish rape trials. *Journal of Law and Society*, 48(2), pp.226-249.

Chenail, R.J., (2011). Interviewing the investigator: Strategies for addressing instrumentation and researcher bias concerns in qualitative research. *Qualitative Report*, 16(1), pp.255-262.

Clay, D., (2017). The Effects of Perceived Authority on the Decision-Making Process of Mock Jurors. *Available at SSRN 2966759*.

Chomeya, R., (2010). Quality of psychology test between Likert scale 5 and 6 points. *Journal of Social Sciences*, 6(3), pp.399-403.

Crenshaw, K., (2019). 'Difference' through intersectionality. In *Dalit Feminist Theory* (pp. 139-149). Routledge India.

Christie, N. (1986). The ideal victim. In Fattah, E. A. (Ed). From crime policy to victim policy: Reorienting the Justice System. (pp. 17-30). London, UK: Palgrave Macmillan.

Crisp, R.J., Stathi, S., Turner, R.N. and Husnu, S., (2009). Imagined inter-group contact: Theory, paradigm and practice. *Social and Personality Psychology Compass*, 3(1), pp.1-18.

Cityam, (2021). <https://www.cityam.com/record-backlog-60000-cases-waiting-to-be-heard-in-uk-crown-courts/>, Thursday 24th June, 2021, Retrieved, 10/08/22.

Clair, M., (2018). Stigma: Forthcoming in Core Concepts in Sociology.

Clark III, R.D., (1999). Effect of number of majority defectors on minority influence. *Group Dynamics: Theory, Research, and Practice*, 3(4), p.303.

Clements-Nolle, K., Marx, R., and Katz, M. (2006). Attempted suicide among

transgender persons: The influence of gender-based discrimination and victimization. *Journal of Homosexuality*, 51(3), 53-69.

Cohen, J. (1992). A power primer. *Psychological Bulletin*, 112(1), 155–159.

Cole, S. W., Kemeny, M. E., Taylor, S. E., and Visscher, B. R. (1996). Elevated physical health risk among gay men who conceal their homosexual identity. *Health Psychology*, 15, 243- 251.

Coleman E, Radix AE, Bouman WP, Brown GR, de Vries ALC, Deutsch MB, et al. (2022). Standards of care for the health of transgender and gender diverse people, version 8. *Int J Transgend Health*;23:S1–259.

Collins, Patricia Hill, (2017). Social inequality, power, and politics: Intersectionality in Dialogue with American Pragmatism. In *Pragmatism and Justice*. Edited by Susan Dieleman, David Rondel and Christopher Voparil. New York: Oxford University Press, pp. 147–62.

Collis, J. and Hussey, R. (2003). *Business research: A practical guide for undergraduate and postgraduate students*, 2nd edition. New York: Palgrave Macmillan.

Colliver, B., (2021). “Not the right kind of woman”: Transgender women's experiences of transphobic hate crime and trans-misogyny. In *Misogyny as hate crime* (pp.213-227). Routledge.

Colliver, B. and Silvestri, M., (2022). The role of (in) visibility in hate crime targeting transgender people. *Criminology & Criminal Justice*, 22(2), pp.235-253.

Connelly, L.M., (2008). Pilot studies. *Med surg nursing*, 17(6), p.411.

Connolly, P. (2007). *Quantitative data analysis in education: A critical introduction using SPSS*. London & New York, NY: Routledge.

Consolini, P.M., (1992). *Learning by doing justice: jury service and political attitudes* (Doctoral dissertation, University of California, Berkeley).

Coons, J. V., and Espinoza, R. K. (2018). An examination of aversive heterosexism in the courtroom: Effects of defendants' sexual orientation and

attractiveness, and juror gender on legal decision making. *Psychology of Sexual Orientation and Gender Diversity*, 5, 36–43.

Cornwell, E. Y., and V. P. Hans. (2011). "Representation through Participation: A Multilevel Analysis of Jury Deliberations." *Law and Society Review* 45 (3): 667– 698.

Corcoran, C., Lader, D., and Smith, K. (2015). Hate crime, England and Wales, 2014/2015. Home Office.

Corrigan, P. W., Markowitz, F. E., and Watson, A. C. (2004). Structural levels of mental illness stigma and discrimination. *Schizophrenia bulletin*, 30(3), 481-491.

Corrigan, P.W., Watson, A.C., Byrne, P. and Davis, K.E., (2005). Mental illness stigma: Problem of public health or social justice? *Social Work*, 50(4), pp.363-368.

Corrigan, P. W., Lam, C. S., and Cheng, W. M. (2007). Measuring self-stigma of mental illness in China and its implications for recovery. *International Journal of Social Psychiatry*, 53(5), 408-418.

Corrigan, P.W. and Shapiro, J.R., (2010). Measuring the impact of programs that challenge the public stigma of mental illness. *Clinical psychology review*, 30(8), pp.907-922.

Cotten-Huston, A. L., and Waite, B. M. (1999). Anti-homosexual attitudes in college students: Predictors and classroom interventions. *Journal of Homosexuality*, 38, 117–133.

Cowan, C. L., Thompson, W. C., and Ellsworth, P. C. (1984). The effects of death qualification on jurors' predisposition to convict and on the quality of deliberation. *Law and Human Behavior*, 8, 53-79.

CPS, 2020, 9th October, <https://www.cps.gov.uk/cps/news/proportion-hate-crime-cases-getting-increased-sentences-all-time-high>.

Craig-Henderson, K. and Sloan, L. R. (2006). After the hate: Helping psychologists help victims of racist hate crime. *Clinical Psychology: Science and Practice*, 10, 481–490.

Cramer, R. J., Wakeman, E. E., Chandler, J. F., Mohr, J. J., and Griffin, M. P. (2013). Hate crimes on trial: Judgments about violent crime against gay men. *Psychiatry, Psychology, and Law*, 20, 202–215.

Cramer, R. J., Clark, J. W., Kehn, A., Burks, A. C., and Wechsler, H. J. (2014). A mock juror investigation of blame attribution in the punishment of hate crime perpetrators. *International Journal of Law and Psychiatry*, 37, 551–557.

Creswell, John W., and Vicki L. Plano Clark. (2011). *Designing and Conducting Mixed Methods Research*, 2nd ed. Thousand Oaks: Sage.

Creswell, J. W. (2014). *Research design: qualitative, quantitative, and mixed Methods' approaches*. 4th edn. United States of America: SAGE Publications, Inc.

Crisp, R.J., Stathi, S., Turner, R.N. and Husnu, S., (2009). Imagined inter-group contact: Theory, paradigm and practice. *Social and Personality Psychology Compass*, 3(1), pp.1-18.

Cronen, Vernon E. (2001). Practical theory, practical art, and the pragmatic-systemic account of inquiry. *Communication Theory* 11: 14–35.

Daly, G. and Pattenden, R., (2005). "Racial Bias and the English Criminal Trial Jury". 64(3) *Cambridge Law Journal*, 678–710.

Darbyshire, P., Maughan, A. and Stewart, A., (2002). What can we learn from published jury research? Findings for the Criminal Courts Review 2001. *Criminal Law Review-London-*, pp.970-980.

Darley, J. M., and Latané, B. (1968). Bystander intervention in emergencies: Diffusion of responsibility. *Journal of Personality and Social Psychology*, 8(4), 377–383.

Davies, C. and Edwards, C., (2004). 'A Jury of Peers': A Comparative Analysis. *The Journal of Criminal Law*, 68(2), pp.150-159.

Davies, M., Pollard, P., and Archer, J. (2006). Effects of perpetrator gender and victim sexuality on blame toward male victims of sexual assault. *Journal of Social Psychology*, 146, 275-291.

Davies, M., Rogers, P., and Whitelegg, L. (2009). Effects of victim gender, victim sexual orientation, victim response and respondent gender on judgements of blame in a hypothetical adolescent rape. *Legal and Criminological Psychology*, 14, 331-338.

Davies M, Walker J, Archer J, Pollard P (2010). A comparative study of long-term psychological functioning in male survivors of stranger and acquaintance rape. *J Aggress Confl Peace Res* 2(4):25–33.

Deese, M. A., and Dawson, B. L. (2013). Changing attitudes toward LGBT students: An analysis of an awareness training paradigm aimed at increasing pro-LGBT attitudes. Papers & Publications: *Interdisciplinary Journal of Undergraduate Research*, 2, Article 7.

Denzin, N. K. (1989). Interpretive interactionism. Newbury Park, CA: Sage.

Devine, P. G. (1989). Stereotypes and prejudice: Their automatic and controlled components. *Journal of Personality and Social Psychology*, 56, 5–18.

Devine, D. J., Clayton, L. D., Dunford, B. B., Seying, R., and Pryce, J. (2001). Jury decision making. 45 years of empirical research on deliberating groups. *Psychology, Public Policy and Law*, 7, 622–727.

Devine, D.J., Buddenbaum, J., Houp, S., Studebaker, N. and Stolle, D.P., (2009). Strength of evidence, extra-evidentiary influence, and the liberation hypothesis: Data from the field. *Law and Human Behavior*, 33(2), pp.136-148.

Devine, D. J. (2012). Jury decision-making: The state of the science. New York: New York University Press.

Devine, D. J., and Caughlin, D. E. (2014). Do they matter? A meta-analytic investigation of individual characteristics and guilt judgments. *Psychology, Public Policy and Law*, 20, 109–134.

Diamond, S. S. (1997). Illuminations and shadows from jury simulations. *Law and Human Behavior*, 21, 561– 571.

Diamond, S. S., and Casper, J. D. (1992). Blindfolding the jury to verdict consequences: Damages, experts, and the civil jury. *Law and Society Review*, 26, 513-557.

- Dieleman, Susan, David Rondel, and Christopher Voparil. (2017). Introduction: Perspectives on pragmatism and justice. In *Pragmatism and Justice*. Edited by Susan Dieleman, David Rondel and Christopher Voparil. New York: Oxford University Press, pp. 1–17.
- Dillehay, R. C., and Nietzel, M. T. (1985). Juror experience and jury verdicts. *Law and Human Behavior*, 9, 179-191.
- Dixon, L. and Court, D. (2003). 'Developing Good Practice with Racially Motivated Offenders', *Probation Journal*, 50: 149-53.
- Dixon B and Gadd, D, (2006). 'Getting the Message? "New" Labour and the Criminalization of "Hate,"' 6. *Criminology and Criminal Justice* 309.
- Dong Y, Peng CY, (2013). Principled missing data methods for researchers. *Springer plus*; 2(1):222.
- Donnerstein, E., and Donnerstein, M. (1976). Research in the control of interracial aggression. In R. G. Green and E. C. O'Neal (Eds.), *Perspectives on aggression* (pp. 133–168). New York: Academic Press.
- Dovidio, J.F., Kawakami, K., Johnson, C, Johnson, B., and Howard, A. (1997). On the nature of prejudice: Automatic and controlled processes. *Journal of Experimental Social Psychology*, 33, 510-540.
- Dunn, O.J., 1961. Multiple comparisons among means. *Journal of the American statistical association*, 56(293), pp.52-64.
- Dutton, E. and Madison, G., (2021). Gender dysphoria and transgender identity is associated with physiological and psychological masculinization: A theoretical integration of findings, supported by systematic reviews. *Sexuality Research and Social Policy*, 18, pp.788-799.
- Dzelme, I. (2008). *Psychological Effects of Hate Crime*. Riga, Latvia: Latvian Centre for Human Rights.
- Earnshaw, V. A., Logie, C., Wickersham, J. A., and Kamarulzaman, A. (2024). LGBTQ Stigma. In *Global LGBTQ Health: Research, Policy, Practice, and Pathways* (pp. 15-44). Cham: Springer International Publishing.

Eberl, J. M., Meltzer, C. E., Heidenreich, T., Herrero, B., Theorin, N., Lind, F., Strömbäck, J. (2018). The European media discourse on immigration and its effects: A literature review. *Annals of the International Communication Association*, 42, 181–206.

Ehrlich, H. (1992). The ecology of anti-gay violence. In G. M. Herek and K. T. Berrill (Eds.), *Hate Crimes. Confronting Violence Against Lesbians and Gay Men* (105-112). Newbury Park, CA: Sage.

Eigenberg, H., and Garland, R. (2008). Victim blaming. In L. J. Moriarty (Ed.), *Controversies in Victimology* (pp. 21-36). Newark, NJ: Elsevier Press.

Elkjaer, B. and Simpson, B. (2011). 'Pragmatism: A lived and living philosophy. What can it offer to contemporary organization theory?' in H. Tsoukas and R. Chia (eds) *Philosophy and Organization Theory*. Bradford: Emerald Publishing, pp.55–84.

Ellingwood, H., Pica, E., Pozzulo, J. and Schultheis, E., (2022). The Influence of Victim Sexual Orientation, Gender, and Gender Identity on Mock Jurors' Judgments. *Journal of Police and Criminal Psychology*, pp.1-8.

Ellis, L., and S. S. Diamond. (2003). "Race, Diversity, and Jury Composition: Battering and Bolstering Legitimacy." *Chicago-Kent Law Review* 78 (3): 1033–1058.

Elpidorou, A. (2020). Is boredom one or many? A functional solution to the problem of heterogeneity. *Mind and Language*.

Elsass, P. M., and L. M. Graves. (1997). "Demographic Diversity in Decision-making Groups: The Experiences of Women and People of Color." *Academy of Management Review* 22 (4): 946–973.

Enders, C.K., (2003). Using the expectation maximization algorithm to estimate coefficient alpha for scales with item-level missing data. *Psychological methods*, 8(3), p.322.

Enright, S. (1991). Multi-racial juries. *New Law Journal* 141/6513, 992–996.

Erlandson, D.A., Harris, E.L., Skipper, B.L., and Allen, S.D. (1993). *Doing Naturalistic Inquiry: A Guide to Methods*. Newbury Park, CA: Sage Publications.

Erlingsson, C., and Brysiewicz, P. (2017). A hands-on guide to doing content analysis. *African Journal of Emergency Medicine*, 7(3), 93–99.

Eskridge WN, Spedale D., (2006). *Gay marriage: For better or for worse?* Oxford; United Kingdom: Oxford University Press.

Espinoza, R.K., Willis-Esqueda, C., Toscano, S. and Coons, J., (2015). The impact of ethnicity, immigration status, and socioeconomic status on juror decision making. *Journal of ethnicity in criminal justice*, 13(3), pp.197-216.

Esses, V. M., and Dovidio, J. F. (2002). The role of emotions in determining willingness to engage in inter-group contact. *Personality and Social Psychology Bulletin*, 28(9), 1202–1214.

Etikan, I., Musa, S.A. and Alkassim, R.S., (2016). Comparison of convenience sampling and purposive sampling. *American journal of theoretical and applied statistics*, 5(1), pp.1-4.

Evening Standard, October 2022. <https://www.msn.com/en-gb/news/newslondon/e2-80-98transphobic-narratives-from-politicians-fuelling-hate-e2-80-99-as-recorded-crimes-soar/ar-AA12FoQL>, retrieved online, 06/10/22.

Ezie C., Saenz R. (2020). *Abuse and neglect of transgender people in prisons and jails: A lawyer's perspective*.

Fagerland, M.W., (2012). t-tests, non-parametric tests, and large studies—a paradox of statistical practice? *BMC medical research methodology*, 12, pp.1-7.

Farmer, L. B., and Byrd, R. (2015). Genderism in the LGBTQQIA community: An interpretative phenomenological analysis. *Journal of LGBT Issues in Counselling*, 9(4), 288-310.

Fassinger, R. and Morrow, S.L., (2013). Toward best practices in quantitative, qualitative, and mixed-method research: A social justice perspective. *Journal for Social Action in Counselling & Psychology*, 5(2), pp.69-83.

Fielding, N., Lee, R., Blank, G., and Fricker, R. D., (2012). Sampling Methods for Web and E-mail Surveys. *The SAGE Handbook of Online Research Methods*, 195–216.

- Fine M, Asch A. (1988). Disability beyond stigma: social interaction, discrimination, and activism. *J. Soc. Issues* 44:3-22.
- Firestone, R.W., (2015). Psychological defenses against death anxiety. In *Death anxiety handbook: Research, instrumentation, and application* (pp. 217-241). Taylor & Francis.
- Fisher, A. D., Castellini, G., Ristori, J., Casale, H., Giovanardi, G., Carone, N., Fanni, E., Mosconi, M., Ciocca, G., Jannini, E. A., Ricca, V., Lingiardi, V., and Maggi, M. (2017). Who has the worst attitudes toward sexual minorities? *Journal of endocrinological investigation*, 40(3), 263–273.
- Flores, AR (2015). Attitudes toward transgender rights: Perceived knowledge and secondary interpersonal contact. *Politics, Groups, and Identities* 3(3): 398-416.
- Flores, A.R., Haider-Markel, D.P., Lewis, D.C., Miller, P.R., Tadlock, B.L. and Taylor, J.K., (2018). Challenged expectations: Mere exposure effects on attitudes about transgender people and rights. *Political Psychology*, 39(1), pp.197-216.
- Flynn, A., (2011). 'Fortunately we in Victoria are not in that UK situation': Australian and United Kingdom legal perspectives on plea bargaining reform. *Deakin Law Review*, 16(2), pp.361-404.
- Foley, L. A., and Pigott, M. A. (1997). Race, age and jury decisions in a civil rape trial. *American Journal of Forensic Psychology*, 15, 37-55.
- Foley, L. A., and Pigott, M. A. (2002). Race, self-presentation and reverse discrimination in jury decisions. *American Journal of Forensic Psychology*, 20(3), 37–52.
- Forbes, A. A. (2014). LGBTQ experiences with the courts: The role of gender Non-conformity and assertiveness (Doctoral dissertation). Retrieved from http://academicworks.cuny.edu/gc_etds/208.
- Ford, T. E., and Ferguson, M. A. (2004). Social consequences of disparagement humor: a prejudiced norm theory. *Pers. Soc. Psychol. Rev.* 8, 79–94.

Ford, T. E.; Richardson, K and Petit, W. E. (2015), "Disparagement humor and prejudice: Contemporary theory and research," in: *Humor: International Journal of Humor Research*, Vol. 28, No. 2, 171-186.

Frable, D. E., Platt, L., and Hoey, S. (1998). Concealable stigmas and positive self-perceptions: Feeling better around similar others. *Journal of Personality and Social Psychology*, 74, 909-922.

Frost, J., 2019. Introduction to statistics. *Statistics By Jim Publishing*.
<https://statisticsbyjim.com/basics/correlations>.

Fukurai, H., Butler, E.W. and Krooth, R. (1993). *Race and the Jury: Racial Disenfranchisement and the Search for Justice*. Plenum: New York.

Gadd, D, (2009). 'Aggravating Racism and Elusive Motivation.' 49 *Brit J Criminology* 755.

Galinsky, A.D. and Moskowitz, G.B., (2000). Perspective-taking: decreasing stereotype expression, stereotype accessibility, and in-group favoritism. *Journal of personality and social psychology*, 78(4), p.708.

Gaertner, S.L., and Dovidio, J.F. (1986). The aversive form of racism. In J.F. Dovidio and S.L. Gaertner (Eds.), *Prejudice, discrimination, and racism* (pp. 61-89). Orlando, Florida: Academic Press.

Gamblin, B. W., Kehn, A., Vanderzanden, K., Ruthig, J. C., Jones, K. M., and Long, B. L. (2018). A comparison of juror decision making in race-based and sexual orientation-based hate crime cases. *Journal of Interpersonal Violence*. Advance online publication.

Gamblin, B.W., Kehn, A., Vanderzanden, K., Ruthig, J.C., Jones, K.M. and Long, B.L., (2021). A comparison of juror decision making in race-based and sexual orientation-based hate crime cases. *Journal of interpersonal violence*, 36(7-8), pp.3231-3256.

García, J.G., (2000). Adaptation of the questionnaire of legal attitudes for the definition of psychosocial profiles in the selection of jurors (Doctoral dissertation, University of Granada).

Garland, J. and Chakraborti, N., (2006). Recognising and responding to victims of rural racism. *International Review of Victimology*, 13(1), pp.49-69.

Garland, J. and Funnell, C., (2016). Defining hate crime internationally: Issues and conundrums. *The globalisation of hate: Internationalising hate crime*, pp.15-30.

Garofalo, J. (1997). Hate crime victimization in the United States. In R. C. Davis and A. J. Lurigio (Eds.), *Victims of crime* (2nd ed., pp. 134–145). Thousand Oaks, CA: Sage.

Gastil, J., Deess, E.P., Weiser, P.J. and Simmons, C., (2010). *The jury and democracy: How jury deliberation promotes civic engagement and political participation*. Oxford University Press.

Gavrielides, T. (2012). 'Contextualising Restorative Justice for Hate Crime'. *Journal of Interpersonal Violence*. 27(18). Pp. 3624-3643.

Gazzola, S.B. and Morrison, M.A., (2014). Cultural and personally endorsed stereotypes of transgender men and transgender women: Notable correspondence or disjunction? *International Journal of Transgenderism*, 15(2), pp.76-99.

Gershman, B.L., (2005). Contaminating the Verdict: The Problem of Juror Misconduct. *SDL Rev.*, 50, p.322.

Ghabrial, M. A., and Ross, L. E. (2018). Representation and erasure of bisexual people of color: A content analysis of quantitative bisexual mental health research. *Psychology of Sexual Orientation and Gender Diversity*, 5(2), 132-142.

Ghabrial, M. A. (2019). "We can shapeshift and build bridges": Bisexual women and gender diverse people of color on invisibility and embracing the borderlands. *Journal of Bisexuality*, 19(2), 169-197.

Gillen, J. (2019). Gillen Review: Report into the law and procedures in serious sexual offences in Northern Ireland Part 1. Northern Ireland Department of Justice.

Gillespie, A, (2013). *The English Legal System*. OUP Oxford.

Giwa, S., and Greensmith, C. (2012). Race relations and racism in the LGBTQ community of Toronto: Perceptions of gay and queer social service providers of color. *Journal of Homosexuality*, 59(2), 149-185.

Given, L.M. ed., (2008). *The Sage encyclopedia of qualitative research methods*. Sage publications.

Goffman, E. (1963). *Stigma: notes on the management of spoiled identity*. Englewood Cliffs, NJ.

Goffman, E. (1986). *Stigma: Notes on the Management of a Spoiled Identity*. New York: Simon & Schuster.

Goldenberg, J.L., Pyszczynski, T., Greenberg, J. and Solomon, S., (2000). Fleeing the body: A terror management perspective on the problem of human corporeality. *Personality and social psychology review*, 4(3), pp.200-218.

Goldkuhl, Göran. (2012). Pragmatism vs interpretivism in qualitative information systems research. *European Journal of Information Systems* 21: 135–46.

Goldman, M., and Frass, L. A. (1965). The effects of leader selection on group performance. *Sociometry*, 28, 82-88.

Goltz, D. B. (2014). “We’re not in Oz anymore”: Shifting generational perspectives and tensions of gay community, identity, and future. *Journal of Homosexuality*, 61(11), 1503-1528.

Goodall, K.E. and Walters, M., (2019). Legislating to address hate crimes against the LGBT community in the Commonwealth.

Górska, P., van Zomeren, M., and Bilewicz, M. (2017). Inter-group contact as the missing link between LGB rights and sexual prejudice. *Social Psychology*.

Government report 2018 for trans experiences:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/722314/GEO-LGBT-Survey-Report.pdf.

Gowen, C., and Britt, T. (2006). The interactive effects of homosexual speech and sexual orientation on the stigmatization of men evidence for expectancy violation Theory. *Journal of Language and Social Psychology*, 25, 437–456.

Grant, M. J., and Booth, A. (2009). A typology of reviews: An analysis of 14 review types and associated methodologies. *Health Information and Libraries Journal*, 26(2), 91–108.

Grant, J. M., Mottet, L. A., Tanis, J., Herman, J. L., Harrison, J., and Keisling, M. (2010). National transgender discrimination survey report on health and health care. Washington, DC: National Center for Transgender Equality and National Gay and Lesbian Task Force.

Greenberg, J., Pyszczynski, T., Solomon, S., Rosenblatt, A., Veeder, M., Kirkland, S., *et al.*, (1990). Evidence for terror management II: The effects of mortality salience on reactions to those who threaten or bolster the cultural worldview. *Journal of Personality and Social Psychology*, 58, 308–318.

Greenberg, J., and Arndt, J. (2011). Terror Management Theory. In P. A. M. Van Lange, A. W. Kruglanski, and E.T. Higgins (Eds.), *Handbook of theories of social psychology* (Vol. 1, pp. 398-415). London, UK: Sage.

Greenberg, J. and Kosloff, S., (2008). Terror management theory: Implications for understanding prejudice, stereotyping, inter-group conflict, and political attitudes. *Social and Personality Psychology Compass*, 2(5), pp.1881-1894.

Greenberg, J., Pyszczynski, T., Solomon, S., Rosenblatt, A., Veeder, M., Kirkland, S. and Lyon, D., (1990). Evidence for terror management theory II: The effects of mortality salience on reactions to those who threaten or bolster the cultural worldview. *Journal of personality and social psychology*, 58(2), p.308.

Greenberg, J., Simon, L., Solomon, S., Chatel, D., and Pyszczynski, T. (1992). Terror management and tolerance: Does mortality salience always intensify negative reactions to others who threaten one's cultural worldview? *Journal of Personality and Social Psychology*, 63, 212–220.

Greene, E., and Wade, R. (1988). Of private talk and public print: General pretrial publicity and juror decision-making. *Applied Cognitive Psychology*, 2(2), pp.123-135.

Greene, Jennifer C., and Jori N. Hall. (2010). Dialectics and pragmatism: Being of consequence. In *Handbook of Mixed Methods in Social and Behavioral Research*, 2nd ed. Edited by Abbas Tashakkori and Charles Teddlie. Thousand Oaks: Sage, pp. 113–43.

Greene, J. C. and Caracelli, V. J. (2003). Making paradigmatic sense of mixed methods practice, In: A. Tashakkori, and C. Teddlie (Eds). *Handbook of mixed methods in social and behavioral research* (pp.91-110). California: Sage Publications.

Greenwood, K., Carroll, C., Crowter, L., Jamieson, K., Ferraresi, L., Jones, A.-M., and Brown, R. (2016). Early intervention for stigma towards mental illness? Promoting positive attitudes towards severe mental illness in primary school children. *Journal of Public Mental Health*, 15, 188-199.

Grubb, A. and Harrower, J., (2008). Attribution of blame in cases of rape: An analysis of participant gender, type of rape and perceived similarity to the victim. *Aggression and violent behavior*, 13(5), pp.396-405.

Guadalupe-Diaz, X. (2013). An exploration of differences in the help-seeking of LGBTQ victims of violence by race, economic class and gender. *Gay & Lesbian Issues and Psychology Review*, 9, 15-33.

Guarino, N., Oberle, D. and Staab, S., (2009). What is an ontology? In *Handbook on ontologies* (pp. 1-17). Springer, Berlin, Heidelberg.

Guasp, A, Gammon A and Ellison, G, (2013). Homophobic Hate Crime: The Gay British Crime Survey 2013 (Stonewall and Yougov 2013) p 25, available at https://www.stonewall.org.uk/system/files/Homophobic_Hate_Crime__2013.

Gullone, E. and Moore, S., (2000). Adolescent risk-taking and the five-factor model of personality. *Journal of adolescence*, 23(4), pp.393-407.

Hahn H. (1983). Paternalism and public policy. *Society* XX:36-46.

Hall, N. (2013). Hate crime (2nd ed.). Routledge.

Hammersley, M. (2000). *'Taking Sides in Social Research: Essays on Partisanship and Bias'*. London: Routledge.

Hammersley, M. (2014). Mres Programme: Module a Core Reading: An Introduction to Social Research. The Open University, UK.

Hamner, K.M., (1992). Gay-bashing: A social identity analysis of violence against lesbians and gay men. London: Sage.

Hansen, J., Winzeler, S. and Topolinski, S., (2010). When the death makes you smoke: A terror management perspective on the effectiveness of cigarette on-pack warnings. *Journal of experimental social psychology*, 46(1), pp.226-228.

Harry, J., (1990). Conceptualizing anti-gay violence. *Journal of Interpersonal Violence*, 5(3), pp.350-358.

Harry, B., and Lipsky, M. (2014). Qualitative Research on Special Education Teacher Preparation. In M. McCray, T. Brownell, and B. Lignugaris / Kraft (Eds.), *Handbook of research on special education teacher preparation* (pp. 445-460).

Hartley, E., and Hartley, R. (1952). *Fundamentals of social psychology*. New York: Alfred A. Knopf.

Harwood, J., Paolini, S., Joyce, N., Rubin, M. and Arroyo, A., (2011). Secondary transfer effects from imagined contact: Group similarity affects the generalization gradient. *British journal of social psychology*, 50(1), pp.180-189.

Hastie, R., Penrod, S. D. and Pennington, N. (1983). *Inside the Jury*. Cambridge, MA: Harvard University Press.

Hastie, R., Schkade, D. A., and Payne, J. W. (1998). A study of juror and jury judgments in civil cases: Deciding liability for punitive damages. *Law and Human Behavior*, 22, 287-314.

Hate Crime Laws (2020). Consultation paper 250, Final Report, September 2020, <https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/10/Hate-crime-final-report.pdf>.

Hathcoat, J. D., and Meixner, C. (2017). Pragmatism, factor analysis, and the conditional incompatibility thesis in mixed methods research. *Journal of Mixed Methods Research*, 11, 433-449.

Hatzenbuehler ML (2016). Structural stigma: research evidence and implications for psychological science. *Am Psychol* 71(8):742–751.

Hatzenbuehler, M. L., Keyes, K. M., and Hasin, D. S. (2009). Associations between perceived weight discrimination and the prevalence of psychiatric disorders in the general population. *Obesity*, 17, 2033–2039.

Hatzenbuehler ML, and Pachankis JE. (2016). Stigma and minority stress as social determinants of health among lesbian, gay, bisexual, and transgender youth: research evidence and clinical implications. *Pediatr Clin N Am* 63(6):985–997.

Hatzenbuehler ML, Phelan JC, Link BG. (2013). Stigma as a fundamental cause of population health inequalities. *Am J Public Health* 103(5):813–821.

Haynes, A., and Schweppe, J. (2017). LGB and T? The specificity of anti-transgender hate crime. In A. Haynes, J. Schweppe, & S. Taylor (Eds.), *Critical perspectives on hate crime: Contributions from the Island of Ireland* (pp. 130). Palgrave Macmillan.

Healy, J., (2018). *On the periphery of hate crime: disability at the intersections of marginalisation, vulnerability and difference* (Doctoral dissertation, Middlesex University).

Hegarty, P., Smith, A. and Bogan-Carey, T., (2019). Stigma as framed on YouTube: Effects of personal experiences videos on students' beliefs about medicalizing intersex. *Journal of Applied Social Psychology*, 49(3), pp.133-144.

Hennen, P. (2008). *Faeries, bears, and leathermen*. Chicago: University of Chicago Press.

Herek, G.M., (1992). Psychological hetero-sexism and anti-gay violence: The social psychology of bigotry and bashing.

Herek, G. M. (2002). Gender gaps in public opinion about lesbians and gay men. *Public Opinion Quarterly*, 66, 40–66.

Herek, G. M., Cogan, J. C., and Gillis, J. R. (2002). Victim experiences in hate crimes based on sexual orientation. *Journal of Social Issues*, 58, 319–339.

Herek, GM, Gillis JR and Cogan, JC, Glunt, EK, (1997). "Hate crime victimization among lesbian, gay, and bisexual adults: prevalence, psychological correlates, and methodological issues." 12 *Journal of Interpersonal Violence* 195-215.

Herek, G, Cogan J and Gillis, J, (1999). 'Psychological Sequelae of Hate-Crime Victimization Among Lesbian, Gay and Bisexual Adults.' 67 *J Consulting and Clinical Psychology* 945.

Herman J. L., Flores A. R., O'Neill K. K. (2022). *How many adults and youth identify as transgender in the United States?* UCLA School of Law, Williams Institute. <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Trans-Pop-Update-Jun-2022.pdf>.

Hewstone, M. (2015). Consequences of diversity for social cohesion and prejudice: The missing dimension of inter-group contact. *Journal of Social Issues*, 71(2), 417–438.

Hewstone, M., and Swart, H. (2011). Fifty-odd years of inter-group contact: From hypothesis to integrated theory. *British Journal of Social Psychology*, 50, 374-386.

Hill, C.E., Knox, S., Thompson, B.J., Williams, E.N., Hess, S.A. and Ladany, N., (2005). Consensual qualitative research: An update. *Journal of counselling psychology*, 52(2), p.196.

Hindriks, P., Verkuyten, M., and Coenders, M. (2014). Inter minority attitudes: The roles of ethnic and national identification, contact, and multiculturalism. *Social Psychology Quarterly*, 77(1), 54–74.

Hinrichs, D.W., and Rosenberg, P.J. (2002). Attitudes toward gay, lesbian, and bisexual persons among heterosexual liberal arts college students. *Journal of Homosexuality*, 43, 61-84.

Hodell, E. C., Wasarhaley, N. E., Lynch, K. R., and Golding, J. M. (2014). Mock juror gender biases and perceptions of self-defense claims in intimate partner homicide. *Journal of Family Violence*, 29, 495-506.

Hodson, G., Choma, B. L., and Costello, K. (2013). Experiencing alien-nation: Effects of a simulation intervention on attitudes toward homosexuals. *Journal of Experimental Social Psychology*, 45, 974–978.

Hodson, G., Dube, B., and Choma, B. (2015). Can (elaborated) imagined contact interventions reduce prejudice among those higher in inter-group disgust sensitivity (ITG-DS)? *Journal of Applied Social Psychology*, 45, 123-131.

Hoffarth, M.R. and Hodson, G., (2018). When inter-group contact is uncommon and bias is strong: The case of anti-transgender bias. *Psychology & Sexuality*, 9(3), pp.237-250.

Holleman, G. A., Hooge, I. T. C., Kemner, C., and Hessels, R. S. (2020). The 'Real-World Approach' and its problems: A critique of the term ecological validity. *Frontiers in Psychology*, 11, Article 721.

Home Office, (2023). Official statistics: Hate crime, England and Wales, 2022 to 2023, 2nd edition. <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2022-to-2023/hate-crime-england-and-wales-2022-to-2023>.

Hubbard, L., (2021). Hate Crime Report.

Hughto JM, Reisner SL, Pachankis JE. (2015). Transgender stigma and health: a critical review of stigma determinants, mechanisms, and interventions. *Soc Sci Med* 147:222–231.

Human Rights Watch. (2000). Punishment and prejudice: Racial disparities in the war on drugs. Human Rights Watch Report: United States, 12(2), G1202.

Hussein, A., (2009). The use of triangulation in social sciences research: Can qualitative and quantitative methods be combined? *Journal of comparative social work*, 4(1), pp.106-117.

Hsieh, H. F., and Shannon, S. E. (2005). Three approaches to qualitative content analysis. *Qualitative Health Research*, 15(9), 1277–1288.

Husnu, S. and Crisp, R.J., (2010). Imagined inter-group contact: A new technique for encouraging greater inter-ethnic contact in Cyprus. *Peace and Conflict*, 16(1), pp.97-108.

Hyde, Z., Doherty, M., Tilley, M., McCaul, K., Rooney, R. and Jancey, J., (2013). The first Australian national trans mental health study: Summary of results.

Iganski, P., (1999). Why make 'hate' a crime? *Critical Social Policy*, 19(3), pp.386-395.

Iganski, P. (2008). 'Hate Crime and The City'. The Policy Press. Bristol University.

Iganski, P., Smith, D., Dixon, L. and Barga, J., (2011). *Rehabilitation of hate crime offenders*. Equality and Human Rights Commission Scotland.

Iganski, P. and Lagou, S, (2014). "The personal injuries of 'hate crime'" in The Routledge International Handbook on Hate crime.

Iganski, P. and Lagou, S., (2015). Hate crimes hurt some more than others: Implications for the just sentencing of offenders. *Journal of interpersonal violence*, 30(10), pp.1696-1718.

Iganski, P., and Levin, J. (2015). Hate crime: A global perspective. New York: Routledge.

Jacobs, J. B., and Potter, K. A. (1998). Hate crime: Criminal law and identity politics. New York: Oxford University Press.

Jackson, L. M. (2011). The psychology of prejudice: From attitudes to social action. Washington, DC: *American Psychological Association*.

Jamel, J., 2017. *Transphobic hate crime*. Springer.

Jamel, J., (2018). Transphobic hate crime on a national and international scale. In *Transphobic hate crime* (pp. 21-40). Palgrave Macmillan, Cham.

Jauk, D. (2013). 'Gender Violence Revisited: Lessons from Violent Victimization of Transgender Identified Individuals,' *Sexualities*, 16: 80–825.

Johnson, S. D., and Byers, B. D. (2003). Attitudes toward hate crime laws. *Journal of Criminal Justice*, 31, 227–235.

Johnson, B., and Christensen, L. (2012). Educational research: quantitative, qualitative, and mixed approaches (4th ed.). Thousand Oaks, CA: Sage publications.

Johnson, R. B., and Onwuegbuzie, A. J. (2004). Mixed methods research: A research paradigm whose time has come. *Educational Researcher*, 33(7), 14-26.

Jones, E.E., (1984). *Social stigma: The psychology of marked relationships*. WH Freeman.

Kairys, D., Kadane, J. and Lehoczky, J.P., (1977). Jury representativeness: A mandate for multiple source lists. *Calif. L. Rev.*, 65, p.776.

Kang, J., (2005). Trojan Horses of Race, 118 Harvard. *Law Review*, 1489, pp.1494-1593.

Kaplan, M. F. (1989). Studying juror cognition by studying judgments of murder mysteries. *Basic and Applied Social Psychology*, 10(3), 225–240.

Kaplan, K.L., and Simon, R.I. (1972). Latitude and severity of sentencing options, race of the victim and decisions of simulated jurors: Some issues arising from the 'Algiers Motel' trial. *Law and Society Review*, 7(1), 87–98.

Kaplan, M. F., Wanshula, L. T., and Zanna, M. P. (1993). Time pressure and information integration in social judgement: The effect of need for structure. In O. Svenson, & A. J. Maule (Eds.), *Time pressure and stress in human judgement and decision making*. (pp. 255-267). New York, NY: Plenum Press.

Kassing, L. R., Beesley, D., and Frey, L. L. (2005). Gender role conflict, homophobia, age, and education as predictors of male rape myth acceptance. *Journal of Mental Health Counselling*, 27, 311–328.

Kelly, L.M. and Cordeiro, M., (2020). Three principles of pragmatism for research on organizational processes. *Methodological innovations*, 13(2).

Kermode, M., Bowen, K., Arole, S., Pathare, S. and Jorm, A.F., (2009). Attitudes to people with mental disorders: a mental health literacy survey in a rural area of Maharashtra, India. *Social psychiatry and psychiatric epidemiology*, 44(12), pp.1087-1096.

Kerr, N.L., (1978). Severity of prescribed penalty and mock jurors' verdicts. *Journal of Personality and Social Psychology*, 36(12), p.1431.

Kerr, N.L. and Bray, R.M. eds., (1982). *The psychology of the courtroom*. New York: Academic Press.

Kim, C. and Harwood, J., (2019). What makes people imagine themselves in contact with outgroup members: Exploring the relationship between vicarious media contact experiences and imagined contact. *Communication Studies*, 70(5), pp.545-563.

King, N.J. (1993). Racial jury mandering: cancer or cure? A contemporary review of affirmative action in jury selection. *New York University Law Review* 68, 707–776.

King, M.E., Winter, S. and Webster, B., (2009). Contact reduces transprejudice: A study on attitudes towards transgenderism and transgender civil rights in Hong Kong. *International Journal of Sexual Health*, 21(1), pp.17-34.

Kirchmeyer, C., and A. Cohen. (1992). "Multicultural Groups: Their Performance and Reactions with Constructive Conflict." *Group and Organization Management* 17 (2): 153–170.

Klein, K.A., (2022). *Examining Attitudes Toward Transgender Defendants* (Doctoral dissertation, University of North).

Klumpp, T. and Mialon, H., On hatred" (2013). *ALER*, 15, pp.39-65.

Koch, C., and Devine, D. (1999). Effects of reasonable doubt definition and inclusion of a lesser charge on jury verdicts. *Law and Human Behavior*, 23(6), 653-674.

Koenig, Terry, Rick Spano, and John Thompson. (2019). *Human Behavior Theory for Social Work Practice*. Singapore: Sage Publications.

Koszalkowska, K., and Wróbel, M. (2019). Moral judgment of disparagement humor. *Humor* 32, 619–641.

Kushnirovich, N., (2020). Is negative the new positive? Secondary transfer effect of exposure to LGBT portrayals in TV entertainment programs. *Journal of Applied Social Psychology*, 50(2), pp.115-130.

Kutateladze, B.L., (2022). Hate crime victimization and reporting within Miami's queer Latine immigrant population. *Law and human behavior*, 46(6), p.429.

Lacatus, C., Schade, D. and Yao, Y. (2015), "Quo Vadis IR: method, methodology and innovation", *Millennium: Journal of International Studies*, Vol. 43 No. 3.

Lambda Legal, (2014). Protected and Served? Executive Summary, LAMBDA LEGAL 12 (2014).
https://www.lambdalegal.org/sites/default/files/publications/downloads/ps_executive-summary.pdf.

Lampe, T.M., Reisner, S.L., Schrimshaw, E.W., Radix, A., Mallick, R., Harry-Hernandez, S., Dubin, S., Khan, A. and Duncan, D.T., (2020). Navigating stigma in neighborhoods and public spaces among transgender and nonbinary adults in New York City. *Stigma and Health*, 5(4), p.477.

Langton, L and Cohen, T, (2005). U.S. Dept. Of Justice, Bureau Of Justice Statistics special report, No. NCJ223851, Civil Bench and Jury Trials in state courts.

Lau, H., Lau, C., and Loper, K. (2014). Public opinion in Hong Kong about gays and lesbians: The impact of interpersonal and imagined contact. *International Journal of Public Opinion Research*, 26(3), 301- 322.

Law Commission Report, (2020). Consultation paper 250, Final Report, September 2020, <https://s3-eu-west-2.amazonaws.com/lawcom-prod-storage-11jsxou24uy7q/uploads/2020/10/Hate-crime-final-report.pdf>.

Ledwaba, R., (2022). The influence of socio-economic status and parents' educational background on career aspirations of young adults (Doctoral dissertation).

Lee, E. J. (2006). When and how does depersonalization increase conformity to group norms in computer-mediated communication? *Communication Research*, 33(6) 423– 47.

Lee, W., and Cunningham, G. (2014). Imagine that: examining the influence of sport-related imagined contact on inter-group anxiety and sexual prejudice across cultures. *Journal of Applied Social Psychology*, 44, 557-566.

Lee, Y.T., Ottati, V.C., Lin, C. and Chan, S.X., (2014). How are Asian Americans seen and evaluated? Examining ethnic stereotypes and their cultural complexity. *Cross-Cultural Communication*, 10(2), pp.98-111.

Lefevor, G. T., Boyd-Rogers, C. C., Sprague, B. M., and Janis, R. A. (2019). Health disparities between genderqueer, transgender, and cisgender individuals: An extension of minority stress theory. *Journal of Counselling Psychology*, 66(4), 385–395.

Lemmer, G. and Wagner, U. (2015). Can we really reduce ethnic prejudice outside the lab? A meta-analysis of direct and indirect contact interventions. *European Journal of Social Psychology*, 45(2), 152–168.

Lemos, G. (2005). The search for tolerance. York: Joseph Rowntree Foundation.

Lever, A., (2017). Democracy, Epistemology and the Problem of All-White Juries. *Journal of Applied Philosophy*, 34(4), pp.541-556.

Levi, M.M., (2022). Mental Health in the Courtroom: How Victim Mental Illness impacts juror decision-making in a rape case.

Levin, J., and McDevitt, J. (2002). Hate crimes revisited: America's war on those who are different. Boulder, CO: Westview Press.

Levin, J. and Rabrenovic, R. (2009). 'Hate as cultural justification for violence', in Perry, B. (ed.) Hate crimes (vol. 1). Westport: Praeger.

Levinson, J.D., (2007). Forgotten racial equality: Implicit bias, decision-making, and misremembering. *Duke LJ*, 57, p.345.

Levinson, J. D., Smith, R. J., and Young, D. M. (2014). Devaluing death: An empirical study of implicit racial bias on jury-eligible citizens in six death penalty states. New York University *Law Review*, 89, 513-581.

Levinson, J.D. and Young, D., (2009). Different shades of bias: Skin tone, implicit racial bias, and judgments of ambiguous evidence. *W. Va. L. Rev.*, 112, p.307.

Lieberman, J.D., Arndt, J., Personius, J. and Cook, A., (2001). Vicarious annihilation: The effect of mortality salience on perceptions of hate crimes. *Law and Human Behavior*, 25, pp.547-566.

Liebkind, K., Mahonen, T. A., Solares, E., Solheim, E., and Jasinskaja-Lathi, I. (2014). Prejudice-reduction in culturally mixed classrooms: The development and assessment of a theory-driven intervention among majority and minority youth in Finland. *Journal of Community and Applied Social Psychology*, 24, 325-339.

Lingiardi, V., Falanga, S., and D'Augelli, A. (2005). The Evaluation of Homophobia in an Italian Sample. *Archives of Sexual Behavior*, 34, 81–93.

Lingiardi, V., Nardelli, N., Ioverno, S., Falanga, S., Di Chiacchio, C., Tanzilli, A., and Baiocco, R. (2016). Homonegativity in Italy: Cultural issues, personality characteristics, and demographic correlates with negative attitudes toward lesbians and gay men. *Sexuality Research and Social Policy*, 13(2), 95–108.

Lissitsa, S. and Kushnirovich, N., (2020). Is negative the new positive? Secondary transfer effect of exposure to LGBT portrayals in TV entertainment programs. *Journal of Applied Social Psychology*, 50(2), pp.115-130.

Lombardi, E. L., Wilchins, R. A., Priesing, D., and Malouf, D. (2002). Gender violence: Transgender experiences with violence and discrimination. *Journal of Homosexuality*, 42 (1), 89-101.

Loughnan, S., Pina, A., Vasquez, E.A. and Puvia, E., (2013). Sexual objectification increases rape victim blame and decreases perceived suffering. *Psychology of Women Quarterly*, 37(4), pp.455-461.

Lynch, M. and Haney, C., (2000). Discrimination and instructional comprehension: Guided discretion, racial bias, and the death penalty. *Law and Human Behavior*, 24(3), pp.337-358.

Link, B.G. and Phelan, J.C., (2001). Conceptualizing stigma. *Annual review of Sociology*, 27(1), pp.363-385.

Lundrigan, S., Dhimi, M.K. and Mueller-Johnson, K., (2018). A re-examination of the acquittal biasing effect of offence seriousness. *Psychiatry, Psychology and Law*, 25(5), pp.769-778.

Lyons, H. Z., Johnson, A., Bike, D. H., Flores, L. Y., Ojeda, L., and Rosales, R. (2013). Qualitative research as social justice practice with culturally diverse populations. *Journal for Social Action in Counselling and Psychology*, 5(2), 10-25.

Maarouf, H., (2019). Pragmatism as a supportive paradigm for the mixed research approach: Conceptualizing the ontological, epistemological, and axiological stances of pragmatism. *International Business Research*, 12(9), pp.1-12.

MacPherson, W. (1999). The Stephen Lawrence inquiry. The Stationery Office.

Magyarics, C., (2016). The Effect of Victim Religion on Juror Perceptions of Hate Crimes.

Maine, A., (2022). Perceptions of Violence and the Self-Regulation of Identity for LGBTQ People in the UK. *The Journal of Criminal Law*,

Makowski, A. C., Kim, T. J., Luck-Sikorski, C., and von dem Knesebeck, O. (2019). Social deprivation, gender and obesity: Multiple stigma? Results of a population survey from Germany. *BMJ Open*, 9.

Manchester Evening News, 2017, 13th September, retrieved 30/11/22.
<https://www.manchestereveningnews.co.uk/news/juror-who-took-role-seriously-13616425>.

Manzo, J. F. (1996). Taking turns and taking sides: Opening scenes from two jury deliberations. *Social Psychology Quarterly*, 59, 107-125.

Marconi, E., Monti, L., Marfoli, A., Kotzalidis, G.D., Janiri, D., Cianfriglia, C., Moriconi, F., Costa, S., Veredice, C., Sani, G. and Chieffo, D.P.R., (2023). A systematic review on gender dysphoria in adolescents and young adults: focus on suicidal and self-harming ideation and behaviours. *Child and adolescent psychiatry and mental health*, 17(1), p.110.

Mares, M. L., and Pan, Z. (2013). Effects of Sesame Street: A meta-analysis of children's learning in 15 countries. *Journal of Applied Developmental Psychology*, 34, 140-151.

Marinucci, M., Maunder, R., Sanchez, K., Thai, M., McKeown, S., Turner, R. N. and Stevenson, C. (2021). Intimate inter-group contact across the lifespan. *Journal of Social Issues*, 77(1), 64–85.

Marques, J.M. and Paez, D., (1994). The 'black sheep effect': Social categorization, rejection of ingroup deviates, and perception of group variability. *European review of social psychology*, 5(1), pp.37-68.

Marvasti, A. (2004). *'Qualitative Research in Sociology'*. London: Sage Publications Ltd.

Mason, G. (2014) 'The Symbolic Purpose of Hate Crime: Ideal Victims and Emotion'. *Theoretical Criminology*. Vol: 18 (1) pp. 75-82.

Mason-Bish, H., (2014). We need to talk about women: Examining the place of gender in hate crime policy. In *Responding to Hate Crime* (pp. 169-182). Policy Press.

Mason-Bish H (2010). Future challenges for hate crime policy: Lessons from the past. In Chakraborti N, Garland J (eds) *Hate Crime: Concepts, Policy, Future Directions*. Collumpton: Willan, pp. 58–78.

Mason-Bish, H. (2013). 'Conceptual issues in the construction of disability hate crime', in: A. Roulstone and H. Mason-Bish (Eds.), *Disability, Hate Crime and Violence*, Abingdon: Routledge.

Mason-Bish, H. (2015). Beyond the Silo: Rethinking hate crime and intersectionality. In Hall, N., Corb, A., Giannasi, P. & Grieve, J.G.D. ed(s). *The Routledge International Handbook on Hate Crime*. Oxon: Routledge, pp24-33.

Mastro, D, (2019). Virtual Theme Collection: Immigrants as Minorities in the Media. *Journalism & Mass Communication Quarterly*, 96, 31–36.

Mathias, K., Kermode, M., Goicolea, I., Seefeldt, L., Shidhaye, R. and San Sebastian, M., (2018). Social distance and community attitudes towards people with psycho-social disabilities in Uttarakhand, India. *Community mental health journal*, 54(3), pp.343-353.

Mattson, R., (2018). LGBTQ Athletes and discrimination in sport, in *Sexual Orientation, Gender Identities, and the Law: A Research Bibliography, 2006-2016* (Dana Neacsu and David Brian Hold, eds., 2018).

Maxwell, J. A. (1996). *Qualitative research design*. Newbury Park, California: Sage Publications.

Mayring, Ph., Huber, G.L., Guertler, L. and Kiegelmann, M. (Eds). (2007). *Mixed methodology in psychological research*. Rotterdam: Sense Publishers.

McCabe, S. and Purves, R., (1974). *The Shadow Jury at Work: An Account of a Series of Deliberations and Verdicts Where "Shadow" Juries Were Present During Actual Trials*. Blackwell for the Oxford University Penal Research Unit.

McComas, W.C., and Noll, M.E. (1974). Effects of seriousness of charge and punishment severity on the judgments of simulated jurors. *Psychological Record*, 24, 545–547.

McDermott, D. T., and Blair, K. L. (2012). ‘What’s it like on your side of the pond?’: A cross- cultural comparison of modern and old-fashioned homonegativity between North American and European samples. *Psychology & Sexuality*, 3, 277–296.

McDevitt, J., Levin, J. and Bennett, S., (2002). Hate crime offenders: An expanded typology. *Journal of social issues*, 58(2), pp.303-317.

McGhee, D. (2007). The challenge of working with racially motivated offenders: an exercise in ambivalence? *Probation Journal* 54(3): 213-226.

McGraw, A. P., and Warren, C. (2010). Benign violations: making immoral behavior funny. *Psychol. Sci.* 21, 1141–1149.

McGregor, H., Lieberman, J. D., Solomon, S., Greenberg, J., Arndt, J., Simon, L., *et al.*, (1998). Terror management and aggression: Evidence that mortality salience motivates aggression against worldview threatening others. *Journal of Personality and Social Psychology*, 74, 590–605.

McHugh, M., L.(2013). The Chi-Square Test of Independence. *PubMed Central*, pp.143-149.

McLemore, K.A., (2018). A minority stress perspective on transgender individuals' experiences with mis-gendering. *Stigma and Health*, 3(1), p.53.

Meeussen L, Phalet K, Meeus J, Van Acker K, Montreuil A, Bourhis R, (2013). "They Are all the same": Low perceived typicality and outgroup disapproval as buffers of inter-group threat in mass media. *International Journal of Intercultural Relations*, 37:146-158.

Meleady, R., and Forder, L. (2019). When contact goes wrong: Negative inter-group contact promotes generalized outgroup avoidance. *Group Processes and Inter-group Relations*, 22(5), 688–707.

Mellgren, C., Andersson, M. and Ivert, A.K., (2021). For whom does hate crime hurt more? A comparison of consequences of victimization across motives and crime types. *Journal of Interpersonal Violence*, 36(3-4), pp.NP1512-1536NP.

Menard, S. (1995). "Applied Logistic Regression Analysis: Sage University Series on Quantitative Applications in the Social Sciences", Thousand Oaks, CA: Sage.

Meyer, I.H. (2003). "Prejudice, Social Stress, and Mental Health in Lesbian, Gay and Bisexual Populations: Conceptual Issues and Research Evidence." *Psychological Bulletin*, 129(5): 674-697.

Meyer, I. (2007). Prejudice and discrimination as social stressors. In I. H. Meyer, & M. E. Northridge (Eds.), *The health of sexual minorities: Public health perspectives on lesbian, gay, bisexual, and transgender populations* (pp. 242-67). NY: Springer.

Meyer, D. (2010). 'Evaluating the severity of hate-motivated violence: Intersectional differences among LGBT hate crime victims.' *Sociology*. 44(5) Pp. 980-995.

Michaels, P.J., Álvarez, M.L., Rüsch, N. and Corrigan, P.W., (2012). Constructs and concepts comprising the stigma of mental illness. *Psychology, society & education*, 4(2), pp.183-194.

Michalski, N.D., Bitter, A.N. and Nuñez, N., (2022). "Trans Folks are in the Crosshairs": Jury Decision-Making and the Trans Panic Defense. *Journal of Interpersonal Violence*.

Miles, E. and Crisp, R.J., (2014). A meta-analytic test of the imagined contact hypothesis. *Group Processes & Inter-group Relations*, 17(1), pp.3-26.

Miller, M.K., Clark, J.D. and Alvarez, M.J., (2022). Exploring the boundaries of societally acceptable bias expression toward Muslim and atheist defendants in four mock-juror experiments. *The Social Science Journal*, 59(3), pp.439-474.

Miller, J. and Glassner, B. (2004). 'The "insider" and "outsider:" finding realities in Interviews.' In: Silverman, D. *Qualitative Research: Theory, Methods and Practice*. (eds). London: Sage. Pp. 125-14.

Miller, Q.C. and London, K., (2021). Mock jurors' perceptions of child sexual abuse cases involving sexual and gender minority victims. *Psychology of Sexual Orientation and Gender Diversity*.

Miller, P. and Sonderlund, A. (2010). 'Using the internet to research hidden populations of illicit drug users: a review'. *Addiction*. 105(9). Pp. 1557-1567.

Minero, L. P. and Espinoza, R. K. E. (2016). The influence of defendant immigration status, country of origin, and ethnicity on juror decisions: An aversive racism explanation for juror bias. *Hispanic Journal of Behavioral Sciences*, 38, 55-74.

Momen, R.E. and Dilks, L.M., (2021). Examining case outcomes in US transgender homicides: An exploratory investigation of the intersectionality of victim characteristics. *Sociological Spectrum*, 41(1), pp.53-79.

Mogul J. L., Ritchie A. J., Whitlock K. (2011). *Queer (In)justice: The criminalization of LGBT people in the United States*. Beacon.

Mohr, R.I. and Purdie-Vaughns, V., (2015). Diversity within women of color: Why experiences change felt stigma. *Sex Roles*, 73(9), pp.391-398.

Molina-Azorin, J. F. (2016). Mixed methods research: An opportunity to improve our studies and our research skills. *European Journal of Management and Business Economics*, 25, 37-38.

Monteith, Lindsey and Pettit, Jeremy. (2011). Implicit and Explicit Stigmatizing Attitudes and Stereotypes About Depression. *Journal of Social and Clinical Psychology*. 30. 484-505.

Moon, M.D., (2019). Triangulation: A method to increase validity, reliability, and legitimation in clinical research. *Journal of emergency nursing*, 45(1), pp.103-105.

Moran, L.J., and Sharpe, A.N. (2002). Policing the transgender/violence relation. *Current Issues in Criminal Justice*, 13, 269-285.

Moran, L. J. and Sharpe, A. N. (2004). 'Violence, Identity and Policing: The Case of Violence against Transgender People', *Criminology and Criminal Justice*, 4: 395–417.

Morgan, David L. (2007). Paradigms lost and pragmatism regained: Methodological implications of combining qualitative and quantitative methods. *Journal of Mixed Methods Research* 1: 48–76.

Morgan, David. L. (2014). Pragmatism as a paradigm for social research. *Qualitative Inquiry* 20: 1045–53.

Morgan, J., Smith, R. and Singh, A., (2019). Exploring the role of humor in the management of existential anxiety. *Humor*, 32(3), pp.433-448.

Morrison, M.A. and Morrison, T.G., (2013). Modern homonegativity scale. In *Handbook of sexuality-related measures* (pp. 414-426). Routledge.

Morse, J.M., (2012). The implications of interview type and structure in mixed-method designs. *The SAGE handbook of interview research: The complexity of the craft*, pp.193-204.

Moscovici, S. and Personnaz, B., (1980). Studies in social influence: V. Minority influence and conversion behavior in a perceptual task. *Journal of*

Experimental Social Psychology, 16(3), pp.270-282.

Mutz, D. C., and Goldman, S. K. (2010). Mass media. In J. F. Dovidio, M. Hewstone, P. Glick, & V. Esses (Eds.), *Handbook of Prejudice, Stereotyping, and Discrimination* (pp. 241-258). Thousand Oaks CA: Sage.

Myers, M. A. (1979). Rule departures and making law: Juries and their verdicts. *Law & Society Review*, 13, 781–797.

Myers, R.H. and Myers, R.H., (1990). *Classical and modern regression with applications* (Vol. 2, p. 488). Belmont, CA: Duxbury press.

Nadal, K. L., Skolnik, A., and Wong, Y. (2012). Interpersonal and systemic microaggressions toward transgender people: Implications for counselling. *Journal of LGBT Issues in Counselling*, 6 (1), 55-82.

Nadal, K.L., Davidoff, K.C. and Fujii-Doe, W., (2014). Transgender women and the sex work industry: Roots in systemic, institutional, and interpersonal discrimination. *Journal of Trauma & Dissociation*, 15(2), pp.169-183.

Nagoshi, J. L., and Brzuzy, S. (2010). Transgender theory: Embodying research and practice. *Affilia: Journal of Women & Social Work*, 25(4), 431-443.

Namaste, V. K. (2000). *Invisible Lives: The Erasure of Transsexual and Transgendered People*. University of Chicago Press.

National Coalition of Anti-Violence Programmes (NCAVP). (2012). Hate violence against lesbian, gay, bisexual, transgender, queer, and HIV-affected communities in the United States in 2011: A Report from the National Coalition of Anti-Violence programs (pp. 1–103). New York: New York City Gay & Lesbian Anti-Violence Project.

Nealy, E.C., (2014). *The presentation of trans in everyday life: an autoethnographic exploration of gendered performance*. City University of New York.

Nemes, S., Jonasson, J.M., Genell, A. and Steineck, G., (2009). Bias in odds ratios by logistic regression modelling and sample size. *BMC medical research methodology*, 9(1), pp.1-5.

Neuendorf, K. A. (2002). *The content analysis guidebook*. Thousand Oaks, CA:

Sage.

Newcomer, K.E., Hatry, H.P. and Wholey, J.S., (2015). Conducting semi-structured interviews. *Handbook of practical program evaluation*, 492, p.492.

Nickerson, S., Mayo, C., and Smith, A. (1986). Racism in the courtroom. In *Portions of this paper were presented at the American Psychological Association meeting, Los Angeles, California, Aug 1981*. Academic Press.

Nili, A., Tate, M. and Barros, A., (2017). A critical analysis of inter-coder reliability methods in information systems research. University of Tasmania, Australia, pp. 1-11.

Norton, M.I., Dunn, E.W., Carney, D.R. and Ariely, D., (2012). The persuasive "power" of stigma? *Organizational Behavior and Human Decision Processes*, 117(2), pp.261-268.

Norton, A.T. and Herek, G.M., (2013). Heterosexuals' attitudes toward transgender people: Findings from a national probability sample of US adults. *Sex roles*, 68(11-12), pp.738-753.

Oakley, A. (1981.) Interviewing women, in: H. Roberts (Ed.) *Doing feminist research*. London, Routledge & Kegan Paul.

Oliver, M., (1998). Theories of disability in health practice and research. *Bmj*, 317(7170), pp.1446-1449.

Onwuegbuzie, A. and Leech, N. (2005). Taking the "q" out of research: Teaching research methodology courses without the divide between quantitative and qualitative paradigms. *Quality & Quantity*, 39(3), pp.267-296.

Orosz, G., Bánki, E., Bőthe, B., Tóth-Király, I. and Tropp, L.R., (2016). Don't judge a living book by its cover: effectiveness of the living library intervention in reducing prejudice toward Roma and LGBT people. *Journal of Applied Social Psychology*, 46(9), pp.510-517.

Otis, M.D. and Skinner, W.F. (1996). The prevalence of victimization and its effect on mental well-being among lesbian and gay people. *Journal of Homosexuality*, 30, 93-122.

Owusu-Bempah, A., Walters, M. and Wiedlitzka, S., (2019). Racially and Religiously Aggravated Offences: 'God's Gift to Defence'? *Criminal Law Review*, 6, pp.463-485.

Paluck, E.L., Porat, R., Clark, C.S. and Green, D.P., (2021). Prejudice reduction: Progress and challenges. *Annual review of psychology*, 72, pp.533-560.

Palucki, B.L., (2003). Jury decisions in hate crime cases: Exploring the role of extra-legal factors.

Panter, H. and Dwyer, A., (2023). Concluding Thoughts and Future Directions. In *Transgender People and Criminal Justice: An Examination of Issues in Victimology, Policing, Sentencing, and Prisons* (pp. 213-216). Cham: Springer International Publishing.

Park, S.Y., (2012). Mediated inter-group contact: Concept explication, synthesis, and application. *Mass Communication and Society*, 15(1), pp.136-159.

Parker, R., Aggleton, P. (2003). HIV and AIDS-related stigma and discrimination: a conceptual framework and implications for action. *Social Science & Medicine*, 57 (1), 13–24.

Parmenter, J.G., Galliher, R.V. and Maughan, A.D., (2021). LGBTQ+ emerging adults' perceptions of discrimination and exclusion within the LGBTQ+ community. *Psychology & Sexuality*, 12(4), pp.289-304.

Pasulka, N. (2012). The case of CeCe McDonald: Murder—or self-defense against a hate crime? Mother Jones. Retrieved 27 June 2013, from <http://www.motherjones.com/politics/2012/05/cece-mcdonaldtransgender-hate-crime-murder>.

Paternoster, R. (2019). How much do we really know about criminal deterrence? In *Deterrence* (pp. 57-115). Routledge.

Paterson J. L., Brown R., Walters M. A. (2019). Feeling for and as a group member: Understanding LGBT victimization via group-based empathy and inter-group emotions. *British Journal of Social Psychology*, 58(1), 211–224.

Paterson, J., Walters, M. A., Brown, R., and Fearn, H. (2018) The Sussex hate crime project: Final report, University of Sussex.

Patton, M. Q., (2013). Qualitative research and evaluation methods. 4th ed. SAGE Publications.

Peace Council, (2014). <https://peacecouncil.net/pnl/november-december-2014-839/transphobia-and-racism-within-the-lgbt-community>.

Peel, K.L., (2020). A beginner's guide to applied educational research using thematic analysis. *Practical Assessment, Research, and Evaluation*, 25(1), p.2.

Perez-Brumer A, Hatzenbuehler ML, Oldenburg CE, Bockting W (2015). Individual-and structural-level risk factors for suicide attempts among transgender adults. *Behav Med* 41(3):164–171.

Perneger T.V., (1998). What's wrong with Bonferroni's adjustment. *BMJ*; 316: 1236–1238.

Perry, B. (2001). In the name of hate: Understanding hate crimes. New York, NY: Routledge.

Perry, B., and Alvi, S. (2012). 'We are all vulnerable'. *International Review of Victimology*, 18(1), 57.

Perry, B, (2014). "Exploring the community impacts of hate crime" in The Routledge International Handbook on Hate Crime.

Pettigrew, T.F., (1998). Inter-group contact theory. *Annual review of psychology*, 49(1), pp.65-85.

Pettigrew, T.F., (2009). Secondary transfer effect of contact: Do inter-group contact effects spread to noncontacted out-groups? *Social Psychology*, 40(2), pp.55-65.

Pettigrew, T.F. and Tropp, L.R., (2006). A meta-analytic test of inter-group contact theory. *Journal of personality and social psychology*, 90(5), p.751.

Pettigrew, T.F. and Tropp, L.R., (2008). How does inter-group contact reduce prejudice? Meta-analytic tests of three mediators. *European journal of social psychology*, 38(6), pp.922-934.

Pettigrew, T.F., Tropp, L.R., Wagner, U. and Christ, O., (2011). Recent advances in inter-group contact theory. *International journal of intercultural relations*, 35(3), pp.271-280.

Pettigrew, T.F. and Tropp, L.R., (2013). Does inter-group contact reduce prejudice? Recent meta-analytic findings. In *Reducing prejudice and discrimination* (pp.103-124). Psychology Press.

Phelan, J.C., Link, B.G. and Dovidio, J.F., (2008). Stigma and prejudice: one animal or two? *Social science & medicine*, 67(3), pp.358-367.

Phinney, J.S., Ferguson, D.L. and Tate, J.D., (1997). Inter-group attitudes among ethnic minority adolescents: A causal model. *Child development*, 68(5), pp.955-969.

Piggott, L., (2011). Prosecuting Disability Hate Crime: a disabling solution? *People, Place & Policy Online*, 5(1), pp.25-34.

Plath, Debbie. (2006). Evidence-based practice: Current issues and future directions. *Australian Social Work* 59: 56–72.

Plath, D. (2013). Evidence-based practice. In *Social Work Theories and Methods*, 2nd ed. Edited by Mel Gray and Stephen Webb. London: Sage, pp. 229–40.

Plumm, K. M., and Terrance, C. A. (2013). Gender-bias hate crimes: What constitutes a hate crime from a potential juror's perspective? *Journal of Applied Social Psychology*, 43, 1468–1469.

Pogarsky, G., and Loughran, T. A. (2016). The policy-to-perceptions link in deterrence: Time to retire the clearance rate. *Criminology & Pub. Pol'y*, 15, 777.

Pollard, P., (1992). Judgements about victims and attackers in depicted rapes: A review. *British Journal of Social Psychology*, 31(4), pp.307-326.

PolICASTRO, C., and Payne, B. K. (2013). The blameworthy victim: Domestic violence myths and the criminalization of victimhood. *Journal of Aggression, Maltreatment, & Trauma*, 22(4), 329-347.

Ponterotto, J. G., Mathew, J., and Raughley, B. (2013). The value of mixed methods designs to social justice research in counselling and psychology. *Journal for Social Action in Counselling and Psychology*, 5 (2), 42-68.

Potter, G. and Chatwin, C. (2011). 'Researching cannabis markets online: some lessons from the virtual field' In: Fountain, J. *Markets, Methods and Messages: Dynamics in European Drug Research*. (eds). Lengerich: Pabst Science Publishers.

Potter, W.J. and Levine-Donnerstein, D., (1999). Rethinking validity and reliability in content analysis.

Povee, K., and Roberts, L. D. (2015). Attitudes toward mixed methods research in psychology: The best of both worlds? *International Journal of Social Research Methodology*, 18, 41–57.

Powell, T. C. (2001). Competitive advantage: Logical and philosophical considerations. *Strategic Management Journal*, 22, 875–888.

Pratt, S., (2016). Pragmatism as ontology, not (just) epistemology: Exploring the full horizon of pragmatism as an approach to IR theory. *International Studies Review*, 18(3), pp.508-527.

Pratt, T. C., and Turanovic, J. J. (2018). Celerity and deterrence. In *Deterrence, Choice, and Crime, Volume 23* (pp. 187-210). Routledge.

Preece, J., Rogers, Y., and Sharp, H. (2002). Interaction Design: Beyond Human-Computer Interaction. John Wiley & Sons, New York.

Pryor, J. B., and Reeder, G. D. (2011). HIV-related stigma. In J.C. Hall, B.J. Hall and C.J. Cockerell (Eds.), *HIV/AIDS in the Post-HAART Era: manifestations, treatment, and Epidemiology* (pp. 790-806). Shelton, CT: PMPH-USA, Ltd.

Pyszczynski, T., Abdollahi, A., Solomon, S., Greenberg, J., and Weise, D. (2006). Mortality salience, martyrdom, and military might: The Great Satan versus the Axis of Evil. *Personality and Social Psychology Bulletin*, 32, 525–538.

Ragin, C.C. and Becker, H.S. (1992). What is a Case? New York: Cambridge University Press.

Rahman, M.S., (2020). The advantages and disadvantages of using qualitative and quantitative approaches and methods in language “testing and assessment” research: A literature review.

Ramlo, S.E. and Newman, I., (2011). Q methodology and its position in the mixed methods continuum. *Operant Subjectivity*, 34(3), pp.172-191.

Ranganathan, P., Pramesh, C.S. and Aggarwal, R., (2017). Common pitfalls in statistical analysis: logistic regression. *Perspectives in clinical research*, 8(3), pp.148-151.

Ray, L., Smith, D. and Wastell, L. (2003). 'Racist Violence from a Probation Service Perspective', in R. M. Lee and E. A. Stanko, eds, *Researching Violence*, 217-31. London: Routledge.

Rebar, C., Gersch, C., Macnee, C. and McCabe, S. (2011). Understanding Nursing Research: Using Research in Evidence-based. 3rd edn, Lippincott William & Wilkins, Philadelphia.

Rees, C., (2011). An introduction to research formidwives.3rd ed. Edinburgh: Elsevier.

Ringger, C. S. (2018). Do defendants' gender identity and sexual orientation influence juror decisions? Unpublished manuscript.

Ringger, C. S. (2020). Attitudinal predictors of juror decisions on gender and sexual minority defendants. *Journal of Homosexuality*, 1–28.

Ringger, C.S., (2021). Attitudinal predictors of juror decisions on gender and sexual minority defendants. *Journal of homosexuality*, 68(12), pp.2047-2074.

Robinson, P. H., Jackowitz, S. E., and Bartels, D. M. (2012). Extra-legal punishment factors: A study of forgiveness, hardship, good deeds, apology, remorse, and other such discretionary factors in assessing criminal punishment. *Vanderbilt Law Review*, 65, 737-828.

Robson, C. (2011). Real world research: a resource for users of social research methods in applied settings. Wiley Chichester.

Roccas, S., and Brewer, M. B. (2002). Social Identity Complexity. *Personality and Social Psychology Review*, 6(2), 88–106.

Rodham, K. and Gavin, J., (2006). The ethics of using the internet to collect qualitative research data. *Research Ethics Review*, 2 (3), 92–97.

Rose, S. and Mechanic, M. (2002). 'Psychological Distress, Crime Features, and Help-Seeking Behaviors Related to Homophobic Bias Incidents'. *American Behavioral Scientist*. 46(1). Pp.14-26.

Rotenstein, V. and Hans, V.P., (2022). Gentlewomen of the Jury. *Michigan Journal of Gender & Law, Forthcoming*, 2023, pp.22-23.

Rothman KJ. No adjustments are needed for multiple comparisons. *Epidemiology* 1990; 11: 43–46.

Rottman DB, Flango CR, Cantrell MT, Hansen R, LaFountain N. (2000). State Court Organization 1998. *Bur. Justice Stat. Rep. NCJ- 178932*, US Dep. Justice, Williamsburg, VA.

Roulston, K., (2001). Data analysis and 'theorizing as ideology'. *Qualitative research*, 1(3), pp.279-302.

Roulstone, A. and Sadique, K. (2013). 'Vulnerable to misinterpretation: disabled people, "vulnerability", hate crime and the fight for legal recognition', in: A. Roulstone and H. Mason-Bish (Eds.), *Disability, Hate Crime and Violence*, Abingdon: Routledge.

Rumney, P. N. S. (2009). Gay male rape victims: Law enforcement, social attitudes and barriers to recognition. *The International Journal of Human Rights*, 13, 233-250.

Runciman Commission, (1993). Runciman, V.W., 1993. The Royal Commission on Criminal Justice Report, Cmnd 2263.

Russell, B. (1966). Pragmatism. In his *Philosophical essays*, pp.79-111. New York: Simon & Schuster. (Original work published 1909).

Ryan, W. (1971). *Blaming the victim*. New York, NY: Random House.

Sakki, I., and Martikainen, J. (2021). Mobilizing collective hatred through humour: affective-discursive production and reception of populist rhetoric. *Br. J. Soc. Psychol.* 60, 610–634.

Saks, M.J. and Marti, M.W., (1997). A meta-analysis of the effects of jury size. *Law and Human Behavior*, 21(5), pp.451-467.

Schiappa, E., Gregg, P. B., & Hewes, D. E. (2005). The parasocial contact hypothesis. *Communication Monographs*, 72, 92–115.

Schott, R. (2014). 'The Life and Death of Bullying' In: Schott, R. and Sondergaard, D. *School Bullying: New Theories in Context*. (eds). Cambridge: Cambridge University Press. Pp. 185-206.

Schmid, K., Hewstone, M., Küpper, B., Zick, A., and Wagner, U. (2012). Secondary transfer effects of inter-group contact: A cross-national comparison in Europe. *Social Psychology Quarterly*, 75(1), 28–51.

Schilt, K., and Westbrook, L. (2009). Doing gender, doing heteronormativity: Doing “gender normals”, transgender people, and the social maintenance of heterosexuality. *Gender and Society*, 23(4), 440–464.

Schmid, K., Hewstone, M., and Tausch, N. (2014). Secondary transfer effects of inter-group contact via social identity complexity. *British Journal of Social Psychology*, 53(3), 443–462.

Schumann, S., Klein, O., Douglas, K. and Hewstone, M., (2017). When is computer-mediated inter-group contact most promising? Examining the effect of out-group members' anonymity on prejudice. *Computers in Human Behavior*, 77, pp.198-210.

Schweppe, J, (2012). “Defining Characteristics and Politicising Victims: A Legal Perspective.” 10(1) *Journal of Hate Studies* 173, 191.

Scott, J., (2017). From presence to participation—the role of the juror reimagined. *Law and Humanities*, 11(2), pp.286-308.

Seckinger, J.H., and Broun, K.S. (1979). *Problems and cases in trial advocacy* (2nd ed.). St. Paul, MN: The National Institute for Trial Advocacy.

Sentencing council guidelines, (2019). Common-assault-racially-or-religiously-aggravated-common-assault.
<https://www.sentencingcouncil.org.uk/offences/magistrates-court/item/common-assault-racially-or-religiously-aggravated-common-assault-for-consultation-only/>.

Sentencing council statistical bulletin, (2019).
<https://www.sentencingcouncil.org.uk/wp-content/uploads/Assault-statistical-bulletin.pdf>.

Sentencing council, (2022).
<https://www.sentencingcouncil.org.uk/offences/crown-court/item/aggravated-burglary/>.

Serano J. (2007). *Whipping girl: A transsexual woman on sexism and the scapegoating of femininity*. Seal Press.

Shaghghi, A., Bhopal, R. S., and Sheikh, A., (2011). Approaches to Recruiting 'Hard – To-Reach' Populations into Re-search: A Review of the Literature. *Health Promotion Perspectives* [online], 1 (2), 86–89.

Shannon-Baker, P. (2016). Making paradigms meaningful in mixed methods research. *Journal of Mixed Methods Research*, 10, 319-334.

Shapiro, G., and Markoff, J. (1997). 'A Matter of Definition' in C.W. Roberts (Ed.). *Text Analysis for the Social Sciences: Methods for Drawing Statistical Inferences from Texts and Transcripts*. Mahwah, NJ: Lawrence Erlbaum Associates.

Sharifpour, S., (2017). *The effect of gender and sexual orientation on perception of transgender sexual assault victims* (Doctoral dissertation, Alliant International University).

Shelton, J.N., Richeson, J.A., Salvatore, J. and Trawalter, S., (2005). Ironic effects of racial bias during interracial interactions. *Psychological Science*, 16(5), pp.397- 402.

Sheridan MS, (2005). Judgements of responsibility, pleasure, and trauma in sexual assault of gay men and lesbians. (Unpublished doctoral dissertation). York University: Toronto, Ontario.

Sherif, M., and Sherif, C. (1956). *An outline of social psychology*. New York: Harper & Brothers.

Sherry, M. (2010). *Disability Hate Crimes: Does Anyone Really Hate Disabled People?* Aldershot: Ashgate.

Sibbitt, R., (1997). *The perpetrators of racial harassment and racial violence* (pp. vii-viii). London: Home Office.

Siegel, D.P., (2019). Transgender experiences and transphobia in higher education. *Sociology Compass*, 13(10), p.e12734.

Simon, R.J., (1967). *The jury and the defense of insanity*. Transaction Publishers.

Sink, A., and Mastro, D. (2017). Mediated contract with gay men as a predictor of modern homonegativity: An analysis of exposure to characters appearing on television between 2000 and 2015. *Communication Reports*, 1–13.

Smith, M. (1993). Pilot plan to assure that each grand jury has two minorities. *Minneapolis Star Tribune* p.6. 29/10/93.

Smith, K., Lader, D., Hoare, J. and Lau, I. (2012). Hate crime, cyber security and the experience of crime among children: Findings from the 2010/11 British Crime Survey. London, UK: Home Office.

Smith, D., (2013). Racially motivated offenders and the Probation Service. In *Race and probation* (pp. 25-40). Willan.

Smith, S. J., Axelton, A. M., and Saucier, D. A. (2009). The effects of contact on sexual prejudice: A meta-analysis. *Sex Roles*, 61, 178–191.

Smith, C., Davis, J.P. and Roberts, A., (2019). Probative or prejudicial: Biasing effects of background information in police body-worn video evidence on mock-juror decisions in victim-depressed domestic abuse cases.

Solomon, S., Greenberg, J., and Pyszczynski, T. (2003). Fear of death and human destructiveness. *Psychoanalytic Review*, 90, 457-474.

Solomon, S., Greenberg, J. and Pyszczynski, T., 2004. The cultural animal: Twenty years of terror management theory and research.

Solomon, S., Greenberg, J., and Pyszczynski, T. (2015). *The worm at the core: On the role of death in life*. New York, NY: Random House.

Sommers, S. R. (2006). "On Racial Diversity and Group Decision Making: Identifying Multiple Effects of Racial Composition on Jury Deliberations." *Journal of Personality and Social Psychology* 90 (4): 597–612.

Sommers, S.R. and Adekanmbi, O.O., (2008). Race and juries: An experimental psychology perspective. *Critical Race Realism: Intersections of Psychology, Race and Law*, pp.78-93.

Sommers, S.R. and Norton, M.I., (2006). Lay theories about White racists: What constitutes racism (and what doesn't). *Group Processes & Inter-group Relations*, 9(1), pp.117-138.

Sperry, K., and Siegel, J. T. (2013). Victim responsibility, credibility, and verdict in a simulated rape case: Application of Weiner's attribution model. *Legal and Criminological Psychology*, 18, 16-29.

Stangl, A. L., Lloyd, J. K., Brady, L. M., Holland, C. E., and Baral, S. (2013). A systematic review of interventions to reduce HIV-related stigma and discrimination from 2002 to 2013: How far have we come? *Journal of the International AIDS Society*, 16(3S2), 1–7.

Stathi, S. and Crisp, R.J., (2008). Imagining inter-group contact promotes projection to outgroups. *Journal of Experimental Social Psychology*, 44(4), pp.943-957.

Stathi, S., Crisp, R., and Hogg, M. (2011). Imagining inter-group contact enables member-to-group generalization. *Group Dynamics: Theory, Research, and Practice*, 15(3), 275-284.

Stephan WG, and Stephan CW.,(1985). Inter-group anxiety. *Journal of Social Issues*; 41:157–175.

Stone, E., (1997). From the research notes of a foreign devil: disability research in China. *Doing disability research*, pp.207-227.

Stonewall (2018). *LGBT in Britain – Trans Report* accessed at <https://www.stonewall.org.uk/sites/default/files/lgbt-in-britain-trans.pdf> on 24/4/18.

Stonewall, 28th June, 2019. <https://www.stonewall.org.uk/about-us/news/stonewall-uprising-50-years-lgbt-history>, retrieved online, 19/08/22.

Stonewall, 2023, <https://www.stonewall.org.uk/about-us/news/new-data-rise-hate-crime-against-lgbtq-people-continues-stonewall-slams-uk-gov->

Stotzer R. L. (2009). Violence against transgender people: A review of United States data. *Aggression and Violent Behavior*, 14(3), 170–179.

Strömwall, L.A., Alfredsson, H. and Landström, S., (2013). Rape victim and perpetrator blame and the Just World hypothesis: The influence of victim gender and age. *Journal of sexual aggression*, 19(2), pp.207-217.

Strodtbeck, F. L., and Lipinski, R. M. (1985). Becoming first among equals: Moral considerations in jury foreman selection. *Journal of Personality and Social Psychology*, 49, 927-936.

Sullaway, M., (2004). Psychological Perspectives on Hate Crime Laws. *Psychology, Public Policy, and Law*, 10(3), p.250.

Swart, H., Hewstone, M., Christ, O., and Voci, A. (2011). Affective mediators of inter-group contact: A three-wave longitudinal study in South Africa. *Journal of Personality and Social Psychology*, 101(6), 1221–1238.

Tabachnick, B.G., and Fidell, L.S. (2014). Using multivariate statistics (6th ed.). Boston; Pearson Education, Limited.

Tadlock, B.L., Flores, A.R., Haider-Markel, D.P., Lewis, D.C., Miller, P.R. and Taylor, J.K., (2017). Testing contact theory and attitudes on transgender rights. *Public Opinion Quarterly*, 81(4), pp.956-972.

Tajfel, H., and Turner, J. (1979). An integrative theory of inter-group conflict. In J. A. Williams & S. Worchel (Eds.), *The social psychology of inter-group relations* (pp. 33–47). Belmont, CA: Wadsworth.

Tausch, N., Hewstone, M., Kenworthy, J. B., Psaltis, C., Schmid, K., Popan, J. R., Cairns, E., and Hughes, J. (2010). Secondary transfer effects of inter-group contact: Alternative accounts and underlying processes. *Journal of Personality and Social Psychology*, 99(2), 282–302.

Taxman, F.S., Shepardson, E.S. and Byrne, J.M., (2004). Tools of the trade: A guide to incorporating science into practice. *Washington, DC: National Institute of Corrections*.

Taylor N, and Denyer, R, (2014). 'Judicial Management of Juror Impropriety,' 78 JCL 43.

Teddlie, C. and Tashakkori, A. (2012). Common "core" characteristics of mixed methods research a review of critical issues and call for greater convergence. *American Behavioral Scientist*, 56(6), pp.774-788.

Tee, N. and Hegarty, P., (2006). Predicting opposition to the civil rights of trans persons in the United Kingdom. *Journal of Community & Applied Social Psychology*, 16(1), pp.70-80.

Temple Newhook, J., Pyne, J., Winters, K., Feder, S., Holmes, C., Tosh, J., Sinnott, M.-L., Jamieson, A., and Pickett, S. (2018). A critical commentary on follow-up studies and "desistance" theories about transgender and gender-Non-conforming children. *International Journal of Transgenderism*, 19(2), 212–224.

Testa RJ, Habarth J, Peta J, Balsam K, Bockting W. (2015). Development of the gender minority stress and resilience measure. *Psychol Sex Orientat Gend Divers* 2(1):65.

The European Union (EU) Directives based on Article 13 EC now mention multiple discrimination; Directive 2000/43, preamble at [14]; Directive 2000/78, Preamble. Precautions against neglecting intersectional cases. In *European Union Non-Discrimination Law* (pp. 63-84). Routledge-Cavendish.

The Times, June 22, 2021, <https://www.thetimes.co.uk/article/cut-juries-tackle-crown-court-trials-backlog-c8lsm3f5h>, retrieved 03/03/22.

Thomas, C.A. and Balmer, N.J., (2007). Diversity and fairness in the jury system. Ministry of Justice.

Thomas, C., (2008). Exposing the myths of jury service. *Criminal Law Review London*, 6, p.415.

Thomas, C., (2010). *Are juries fair?* (Vol. 1). London: Ministry of Justice.

Thomas, C.A., (2017). Ethnicity and the fairness of jury trials in England and Wales 2006-2014. *Criminal Law Review*, 2017(11), pp.860-876.

Thomas, D. M., Amburgey, J., and Ellis, L. (2016). Anti-transgender prejudice

mediates the association of just world beliefs and victim blame attribution. *International Journal of Transgenderism*, 17, 176–184.

Timans, R., Wouters, P. and Heilbron, J., (2019). Mixed methods research: what it is and what it could be. *Theory and Society*, 48(2), pp.193-216.

Tompkins, T.L., Shields, C.N., Hillman, K.M. and White, K., (2015). Reducing stigma toward the transgender community: An evaluation of a humanizing and perspective-taking intervention. *Psychology of Sexual Orientation and Gender Diversity*, 2(1), p.34.

Trans Actual Community Voice Survey, (2021). <https://transactual.org.uk/wp-content/uploads/TransLivesSurvey2021.pdf>.

Tremlin, R., (2021). *Mental Health Stigma Towards Offenders and Juror Decision Making* (Doctoral dissertation, University of East Anglia).

Tukachinsky, R., Mastro, D., and Yarchi, M. (2015). Documenting portrayals of race/ethnicity on primetime television over a 20-year span and their association with national-level racial/ethnic attitudes: TV portrayals and national-Level attitudes. *Journal of Social Issues*, 71(1), 17–38.

Turner, R.N. and Crisp, R.J., (2010). Imagining inter-group contact reduces implicit prejudice. *British Journal of Social Psychology*, 49(1), pp.129-142.

Turner, R.N., Crisp, R.J. and Lambert, E., (2007). Imagining inter-group contact can improve inter-group attitudes. *Group Processes & Inter-group Relations*, 10(4), pp.427-441.

Tyler, I. (2013). *Revolting Subjects: Social Abjection and Resistance in Neo-liberal Britain*, London: Zed.

Tyler, I.E. and Slater, T., (2018). Rethinking the sociology of stigma. *The Sociological Review*, 66(4), pp.721-743.

UK ONS 2021 census, <https://commonslibrary.parliament.uk/2021-census-what-do-we-know-about-the-lgbt-population/>.

UK Government News, 2012, 23/01/12.
<https://www.gov.uk/government/news/juror-convicted-for-internet-research>.

UK Government News, 2016, 09/06/2016.
<https://www.gov.uk/government/news/two-jurors-found-guilty-of-contempt-of-court>.

UK Jury service, 2022, <https://www.gov.uk/jury-service/what-you-can-claim-if-youre-an-employee>, retrieved 7/1/22.

Ulich, D., Hausser, K., Mayring, Ph., Strehmel, P., Kandler, M. and Degenhardt, B. (1985). Psychologie der Krisenbewältigung: eine Längsschnittuntersuchung mit arbeitslosen Lehrern.

Uniform Jury Selection and Service Act, (1968). Mississippi and Indiana Code, Section, 13–5, 8(1).

Ünver, H., Cakal, H., Özkan, Z., Kizik, B. and Eraslan, E.G., (2022). A Review on the Secondary Transfer Effect of Inter-group Contact. *Ordu Üniversitesi Sosyal Bilimler Enstitüsü Sosyal Bilimler Araştırmaları Dergisi*, 12(2), pp.1461-1500.

Vail, K., Motyl, M., Abdollahi, A. and Pyszczynski, T., 2011. Dying to live: Terrorism, war, and defending one's way of life. *Interdisciplinary analyses of terrorism and political aggression*, pp.49-70.

Valentine, D. (2003). 'The calculus of pain': Violence, anthropological ethics, and the category transgender. *Ethnos*, 68, 27-48.

Van Anders, S. M. (2015). Beyond sexual orientation: Integrating gender/ sex and diverse sexualities via sexual configurations theory. *Archives of Sexual Behavior*, 44, 1177–1213.

Van Wijk, E. and Harrison, T., (2013). Managing ethical problems in qualitative research involving vulnerable populations, using a pilot study. *International Journal of Qualitative Methods*, 12(1), pp.570-586.

Van Tilburg, W. A. P., and Igou, E. R. (2016). Going to political extremes in response to boredom. *European Journal of Social Psychology*, 46, 687–699.

Van Tilburg, W. A. P., Igou, E. R., Maher, P. J., and Lennon, J. (2019). Various forms of existential distress are associated with aggressive tendencies. *Personality and Individual Differences*, 144, 111-119.

Velasco, P. D. P. (1995). The influence of size and decision rule injury decision-making. In G. Davies, S. Lloyd-Bostock, M. McMurran, & C. Wilson (Eds.), *Psychology, law, and criminal justice: International developments in research and practice* (pp. 344-348). Berlin, Germany: Walter De Gruyter.

Vernon, M.A., (1997). Black Jamaican immigrant women's experiences, perceptions and responses to abuse from male spouses and partners; the impact of slavery (Doctoral dissertation, Carleton University).

Vescio T. K., Sechrist G. B., and Paolucci M. P. (2003). Perspective taking and prejudice reduction: The mediational role of empathy arousal and situational attributions. *European Journal of Social Psychology*, 33(4), 455–472.

Vezzali, L., Birtel, M.D., Di Bernardo, G.A., Stathi, S., Crisp, R.J. and Cadamuro, A. (2020). Don't hurt my outgroup friend: Imagined contact promotes intentions to counteract bullying. *Group Processes and Inter-group Relations*, 23(5), 643–663.

Vezzali, L., Capozza, D., Stathi, S. and Giovannini, D. (2012). Increasing outgroup trust, reducing infra-humanization and enhancing future contact intentions via imagined inter-group contact. *Journal of Experimental Social Psychology*, 48(1), 437–440.

Vezzali, L., Crisp, R. J., Stathi, S., and Giovannini, D. (2015). Imagined inter-group contact facilitates intercultural communication for college students on academic exchange programs. *Group Processes & Inter-group Relations*, 18, 66–75.

Vezzali, L., Di Bernardo, G. A., Cocco, V. M., Stathi, S., and Capozza, D. (2021). Reducing prejudice in the society at large: A review of the secondary transfer effect and directions for future research. *Social and Personality Psychology Compass*, 15(3), 1–36.

Vezzali, L., and Giovannini, D. (2012). Secondary transfer effect of inter-group contact: The role of inter-group attitudes, inter-group anxiety and perspective taking. *Journal of Community & Applied Social Psychology*, 22(2), 125–144.

Vezzali, L., Stathi, S., Giovannini, D. (2012). Indirect contact through book reading: Improving adolescents' attitudes and behavioural intentions toward immigrants. *Psychology in the Schools*, 49, 148–162.

Vezzali, L., Stathi, S., Giovannini, D., Capozza, D., and Trifiletti, E. (2015). The

greatest magic of Harry Potter: Reducing prejudice. *Journal of Applied Social Psychology*, 45, 105-121.

Vidmar, N., (1972). Effects of decision alternatives on the verdicts and social perceptions of simulated jurors. *Journal of Personality and Social Psychology*, 22(2), p.211.

Vidmar, N., and Hans, V. P. (2007). American juries. New York: Prometheus Books.

Vincent, F., Radford, K., Jarman, N., Martynowicz, A. and Rallings, M.K., (2009). Hate Crime against People with Disabilities: A baseline study of experiences in Northern Ireland. *Institute for conflict research*, 6, pp.69-70.

Vogel, M., (2019). Plea Bargaining under the Common Law. *The Oxford Handbook of Criminal Process*, pp.729-760.

Waddington, P. (2010). 'An examination of hate crime'. *Police Review*. 118(6077). Pp. 14-15.

Wakelin, A., and Long, K. M. (2003). Effects of victim gender and sexuality on attributions to blame to rape victims. *Sex Roles*, 49(9-10), 477–487.

Walch, S.E., Sinkkanen, K.A., Swain, E.M., Francisco, J., Breau, C.A. and Sjoberg, M.D., (2012). Using inter-group contact theory to reduce stigma against transgender individuals: Impact of a transgender speaker panel presentation. *Journal of Applied Social Psychology*, 42(10), pp.2583-2605.

Walker, T. G. (1976). Leader selection and behavior in small political groups. *Small Group Behavior*, 7(3), 363-368. Retrieved from <http://sgr.sagepub.com/>.

Walters, M, Wiedlitzka, S, Owusu Bempah A, and Goodall, K, (2017). Hate Crime and the Legal Process: Options for Law Reform, p124.

Walters, M. A., Paterson, J. L., McDonnell, L., Brown, R. (2020). Group identity, empathy and shared suffering: Understanding the 'community' impacts of anti LGBT and Islamophobic hate crimes. *International Review of Victimology*, 26(2), 143–162.

Walters, M.A., Paterson, J., Brown, R. and McDonnell, L., (2020). Hate crimes against trans people: assessing emotions, behaviours, and attitudes toward

criminal justice agencies. *Journal of interpersonal violence*, 35(21-22), pp.4583-4613.

Walters, M.A., (2012). Hate crimes hurt more: Can restorative practices help repair the harms? (Doctoral dissertation, Oxford University, UK).

Walters, MA, (2014). Hate Crime and Restorative Justice: Exploring Causes, Repairing Harms.

Walters, M.A., Paterson, J.L. and Brown, R., (2021). Enhancing punishment or repairing harms? Perceptions of sentencing hate crimes amongst members of a commonly targeted victim group. *The British Journal of Criminology*, 61(1), pp.61-84.

Walters, A. S., and Rehman, K. (2013). Avenue T: Using film as entrée in teaching about transgender. *Sex Education*, 13(3), 336–348.

Weisbuch, M., Pauker, K., and Ambady, N. (2009). The subtle transmission of race bias via televised non-verbal behavior. *Science*, 326, 1711-1714.

Weiss, J.T., (2003). Within the US Gay and Lesbian Community. *Bisexuality and Transgenderism: InterSEXions of the Others*, 3, p.25.

Wenger, A. A., and Bornstein, B. H. (2006). The effects of victim's substance use and relationship closeness on mock jurors' judgments in an acquaintance rape case. *Sex Roles*, 54(7-8), 547-555.

Werner, C. M., Strube, M. J., Cole, A. M., and Kagehiro, D. K. (1985). The impact of case characteristics and prior jury experience on jury verdicts. *Journal of Applied Social Psychology*, 15, 409– 427.

West, K., Hotchin, V., and Wood, C. (2017). Imagined contact can be more effective for participants with stronger initial prejudices. *Journal of Applied Social Psychology*, 47(5), 282-292.

West, K., Turner, R., and Levita, L. (2015). Applying imagined contact to improve physiological responses in anticipation of inter-group interactions and the perceived quality of these interactions. *Journal of Applied Social Psychology*, 45, 425–436.

Wexler, L. (2013). Extra-legal whitewashes. *DePaul Law Review*, 62, 817-856.

Whatley, M.A. and Riggio, R.E., (1993). Gender differences in attributions of blame for male rape victims. *Journal of Interpersonal Violence*, 8(4), pp.502-511.

White, B. H., and Kurpius, S. E. R. (2002). Effects of victim sex and sexual orientation on perceptions of rape. *Sex Roles*, 46, 191–200.

White, F. A., Abu-Rayya, H. M., and Weitzel, C. (2014). Achieving twelve-months of inter-group bias reduction: The dual identity-electronic contact (DIEC) experiment. *International Journal of Intercultural Relations*, 38, 158–163.

Wicks, A. C., and Freeman, R. E. (1998). Organization studies and the new pragmatism: Positivism, anti-positivism, and the search for ethics. *Organization Science*, 9, 123–140.

Wickes, R., Sydes, M., Benier, K. and Higginson, A. (2016). 'Seeing' Hate Crime in the community: Do resident perceptions of hate crime align with self-reported victimization?' *Crime and Delinquency*. 63(7). Pp. 875-896.

Wiley, T. R. A., and Bottoms, B. L. (2013). Attitudinal and individual differences influence perceptions of mock child sexual assault cases involving gay defendants. *Journal of Homosexuality*, 60, 734–749.

Wilkenfeld, J. (2004). "Newly Compelling: Re-examining Judicial Construction of Juries in the Aftermath of *Grutter v. Bollinger*." *Columbia Law Review* 104 (8): 2291–2327.

Williams, M. and Tregidga, J. (2013). '*All Wales Hate Crime Research Project*'. Cardiff: University of Cardiff.

Williams, M.L. and Tregidga, J., (2014). Hate crime victimization in Wales: Psychological and physical impacts across seven hate crime victim types. *British Journal of Criminology*, 54(5), pp.946-967.

Winter, S., Rogando-Sasot, S., and King, M. (2007). Transgendered women of the Philippines. *International Journal of Transgenderism*, 10 (2), 79-90.

Winter, S., Chalungsooth, P., Teh, Y., Rojanalert, N., Maneerat, K., Wong, Y., and Macapagal, R. (2009). Transpeople, transprejudice, and pathologization: A seven-country factor analytic study. *International Journal of Sexual Health*,

21, 96–118.

Wojcieszak, M., and Azrout, R. (2016). I saw you in the news. *Journal of Communication*, 66(6), 1032–1060.

Worthen, M.G., (2013). An argument for separate analyses of attitudes toward lesbian, gay, bisexual men, bisexual women, MtF and FtM transgender individuals. *Sex Roles*; 68:703-23.

Worthen, M.G., (2022). This is my TERF! Lesbian feminists and the stigmatization of trans women. *Sexuality & Culture*, 26(5), pp.1782-1803.

Xavier, J. M., Bobbin, M., Singer, B., and Budd, E. (2005). A needs assessment of transgendered people of color living in Washington, DC. *International Journal of Transgenderism*, 8(2/3), 31–48.

Yang Y & Wu F., (2007). Comparison of the wavefront aberrations between natural and pharmacological pupil dilation. *Ophthalmic Physiol Opt* 2007; 27: 220–223.

Young, W., Cameron, N. and Tinsley, Y. (2001). New Zealand Law Commission, Report 69, 'Juries in Criminal Trials', Wellington (also published as Parliamentary Paper E3169.

Young, W., (2003). Summing-up to juries in criminal cases-what jury research says about current rules and practice. *Criminal Law Review-London-*, pp.665-689.

Zahnow, R., McVeigh, J., Bates, G., Hope, V., Kean, J., Campbell, J., and Smith, J., (2018). Identifying a typology of men who use anabolic androgenic steroids (AAS). *International Journal of Drug Policy*, 55, 105–112.

Zander, M and Henderson, P., (1993). The Royal Commission on Criminal Justice: Crown Court Survey (Research Study No 19, HMSO, 1993).

Zezelj, I., Milošević-Đorđević, J., Van Niekerk, J., and Pavlović, Z. (2020). How to address the caveat of avoiding direct contact: Reducing prejudice towards gay and lesbian people in five Balkan countries. *Journal of Social Psychology*, 160(2), 190–203.

Zimman, L. (2009). 'The other kind of coming out': Transgender people and the

coming out narrative genre. *Gender and Language*, 3(1), 53-80.

Zingora, T., and Graf, S. (2019). Marry who you love: Inter-group contact with gay people and another stigmatized minority is related to voting on the restriction of gay rights through threat. *Journal of Applied Social Psychology*, 49(11), 684–703.

Appendices

Appendix A Ethics Approval

Ethics approval from Bournemouth University received on 21/12/22.

RE: Ethics ID 45315.

On behalf of the Social Sciences & Humanities Research Ethics Panel by the Chair, I am pleased to confirm a Favourable Opinion for the above research on the basis described in the ethics checklist as revised and supporting documentation.

Sarah Bell

Research Development & Support.

Appendix B Measures/Scales

Pre-test Social Distance measure (pre-test measure, Bogardus, 1933)

used only for Study 1, Table 5.1

1	2	3	4	5	6
Very willing	Willing	Slightly willing.	Slightly unwilling	Un-willing	Very unwilling

- (1) How willing would you be to move next door to a transgender female?
- (2) How willing would you be to talk to a transgender female at a social event?
- (3) How willing would you be to work with a transgender female?
- (4) How willing would you be to make friends with a transgender female?
- (5) How willing would you be to have a transgender female marry into your family?
- (6) How willing would you be to rent a room in your home to a transgender female?

Manipulation check question (used in studies 1-3)

What is the gender of the alleged victim? Male, Female, or Transgender
Female?

Verdict measure

Do you believe the defendant is guilty or not guilty of Transphobic aggravated common assault? **Guilty / Not Guilty**

Juror guidance (for verdict decisions, studies 1-3)**Transphobic Aggravated Common Assault**

A defendant is guilty of transphobic aggravated common assault if there is evidence that at the time of causing the victim to fear violence, or immediately before or after doing so, the defendant demonstrated towards the victim, hostility based on the victim's transgender identity, in which case the defendant shall be liable at the discretion of the court to imprisonment for a term, not exceeding 24-months, Crime and Disorder Act 1998, s.29.

Alternative charge if not guilty for the first charge**Common assault (only for Study 1)**

A defendant is guilty of common assault if there is evidence that the defendant's behaviour caused the victim to fear violence, in which case the defendant shall be liable at the discretion of the court to imprisonment for a term, not exceeding 6-months, (Criminal Justice Act 1988, s.39).

Transphobic Aggravated Actual Bodily Harm (only for Study 1)

A defendant is guilty of Transphobic Aggravated Actual Bodily Harm if there is evidence that at the time of causing the victim actual bodily harm, or immediately before or after doing so, the defendant demonstrated towards the victim, hostility based on the victim's transgender identity, in which case the defendant shall be liable at the discretion of the court to imprisonment for a term, not exceeding 7 years (Crime & Disorder Act, 2022, section 29).

Alternative Charge (if not guilty for the first charge)**Actual bodily Harm (only for Study 1)**

A defendant is guilty of Actual Bodily Harm if there is evidence that they physically assaulted the victim resulting in actual bodily harm to the victim, in which case the defendant shall be liable at the discretion of the court to imprisonment for a term, not exceeding 5 years (Offences against the Person Act 1861, section 47).

Reason for verdict measure, (adapted from the methodology of Greene and Wade, 1988) for Study 1

To what extent do you agree with the following statements;

- 1) Calling a transgender person a tranny or a she-boy is evidence of hate or hostility towards a transgender person

Strongly agree	agree	slightly agree	slightly disagree	disagree	strongly disagree
1	2	3	4	5	6

- 2) Calling a transgender person a tranny or a she-boy should not be excusable just because it may be considered normal or common language

Strongly agree	agree	slightly agree	slightly disagree	disagree	strongly disagree
1	2	3	4	5	6

- 3) The fact that the defendant had a transgender work friend as a character witness saying the defendant has always been very good to him over the last 5 years, shows that he does not hate transgender people

Strongly agree	agree	slightly agree	slightly disagree	disagree	strongly disagree
1	2	3	4	5	6

- 4) Just because the defendant said he was provoked when he called the transgender person a tranny or a she-boy, is not a good enough excuse

Strongly agree	agree	slightly agree	slightly disagree	disagree	strongly disagree
1	2	3	4	5	6

- 5) Because the defendant said he was angry when he called the transgender person a tranny or a she-boy, makes this excusable

Strongly agree	agree	slightly agree	slightly disagree	disagree	strongly disagree
1	2	3	4	5	6

- 6) The maximum prison sentence of 6 months / 2 years is too high

Strongly agree	agree	slightly agree	slightly disagree	disagree	strongly disagree
1	2	3	4	5	6

(Lower scores indicate greater disagreement with hate crime laws, items 1, 2 and 4 were reverse coded).

7) From the above 6 reasons, which reason influenced your verdict most?

Reason number.....

Any other reason.....please state

Agreement with Hate crime law statements

For Studies Two and Three.

-
1. Calling a transgender person a 'tranny' or 'she-male' should not be excused just because a lot of people may consider this common language.
 2. Calling a transgender person a 'tranny' or 'she-male' should be seen as evidence of hate or hostility towards a transgender person.
 3. Calling a transgender person a 'tranny' or 'she-male' should not excuse the defendant just because the victim made him angry.
 4. Calling a transgender person a 'tranny' or 'she-male' should not excuse the defendant just because he felt provoked by the victim (sitting next to the defendant and spilling the defendant's tea etc.).
 5. The defendant's transgender friend (character witness) saying the defendant has always been very good to him over the past 5 years, does not prove the defendant does not hate transgender people.
 6. The maximum prison sentence of 2 years is not too high.

(1=strongly agree to 6=strongly disagree, items 2 and 4 were reverse scored, so higher scores indicate greater agreement with hate crime law statements).

The fictitious 'mock-juror' and AHCL measure

After reading the court case summary, participants were presented with what was described as the 'actual notes' of a male or gay male, juror or jury foreperson that was either pro-victim or pro-defendant according to their randomised group. Participants were informed that these were the notes of an anonymous, random juror who had taken part in this same study, therefore this juror represented the mock-juror.

The pro-victim opinions consisted of six statements that were framed as positive opinion statements (based on statements agreeing with hate crime laws) to justify the guilty verdict of the mock-juror. Participants were asked to what extent they agreed/disagreed with these statements, comprising the hate crime law measure similar to that used in Study One. The pro-defendant opinions consisted of the same six statements but simply framed as negative opinion statements (based on the same statements but disagreeing with HCL) to justify the not guilty verdict of the mock juror. The measure was scored such that 1=strongly agree to 6=strongly disagree. Pro-victim scores were reverse scored 1=6 etc., so that higher scores indicated more agreement with HCL.

Victim blame scale (adapted from the methodology of Strömwall et al, 2013)

- 1) To what extent do you think that the alleged victim can be blamed for this incident?

0% 20% 40% 60% 80% 100%

Defendant blame scale (adapted from the methodology of Strömwall et al, 2013)

- 1) To what extent do you think that the defendant can be blamed for this incident?

0% 20% 40% 60% 80% 100%

Perceived Victim suffering scale, (adapted from Loughnan et al., 2013)

1) How much do you think the alleged victim suffered as a result of this incident?

1	2	3	4	5	6
not at all	very slightly	slightly	moderately	a lot	a great deal

2) How long do you think it will take the alleged victim to recover from this incident and go about life as before (0-10 months, in 2-month increments).

0	2	4	6	8	10

3) Please indicate the amount of counselling you think should be made available for the alleged victim (0 -10 weeks, in 2-week increments).

0	2	4	6	8	10

Sentence enhancement agreement (adapted from Cramer et al., 2013)

To what extent do you agree or disagree the sentence for common assault should be increased by a judge (within the 6-month maximum) because hate crimes are seen as causing extra harm to victims and the community:

1	2	3	4	5	6
Strongly agree.	Agree.	Slightly agree.	Slightly disagree.	Disagree.	Strongly disagree

Post-test Social Distance measure (post-test, Bogardus, 1933)

1. How willing would you be to move to a place where the next-door neighbour was a transgender female?
2. How willing would you be to talk to a transgender female at a social event?
3. How willing would you be to work on the same job at work with a transgender female?

4. How willing would you be to have a transgender female as a friend?

5. How willing would you be to have someone in your family marry a transgender female?

6. How willing would you be to share a flat with a transgender female?

1	2	3	4	5	6
Very willing	Willing	Slightly willing.	Slightly unwilling	Un-willing	Very unwilling

Scales for the measures

Measure (variable)	Scale
Sentence enhancement adapted from Cramer et al., (2013)	1-item, 6-point Likert, 1=strongly agree to strongly disagree reverse scored so Higher scores = greater agreement
Pre-test social distance adapted from Bogardus (1938)	6-item, 6-point Likert, 1=very willing to 6=very unwilling Lower scores = less transprejudice, i.e. greater willingness to socially engage with a transgender woman
Post-test social distance adapted from Bogardus (1938)	6-item, 6-point Likert, 1=very willing to 6=very Unwilling. Lower scores = less transprejudice
Defendant blame adapted from Stromwall et al., (2013)	1-item, 6-point Likert, 1=0% blame 6=100% blame Higher scores=more blame
Victim blame adapted from Stromwall et al., (2013)	1-item, 6-point Likert, 1=0% blame 6=100% blame Higher scores=more blame
Perceived Victim suffering adapted from Loughnan et al., (2013)	3-item, 6-point Likert, 1=not at all to 6=a great deal Higher scores=more victim suffering
Agreement with Hate crime laws (AHCL)	Participants asked to what extent they agreed / disagreed with the six AHCL statements: 6-item, 6-point Likert, 1=strongly agree to strongly disagree

Appendix C Rationale for measures (dependent variables) chosen

Pre-test and post-test social distance measures and internal consistencies

Bogardus's (1938) social distance measure was chosen as a measure of transgender stigma as this has been extensively applied internationally and adapted to examine attitudes toward LGBT+ and transgender people specifically (Hinrichs and Rosenberg, 2002). Desired social distancing from LGBT+ individuals has been found to be related to prejudicial and negative attitudes towards LGBT+ people (Agadullina et al., 2018; Esses and Dovidio, 2002; Đorđević, 2015; Gowen and Britt, 2006; Kushnirovich, 2020; Lingardi et al., 2005). Social distance is also a commonly used proxy measure for stigma (Kermode et al., 2009; Cano et al., 2020; Makowski et al., 2016; Mathias et al., 2018) and specifically as a proxy measure of transgender stigma (Tomkins et al., 2015).

Furthermore, the research of other academics has reaffirmed the scale's reliability, validity and merits (Hartley and Hartley, 1952; Parrillo and Donoghue, 2005; Sherif and Sherif, 1956;). Orosz et al, (2016) also recently showed the scale has good internal consistencies concerning LGBT+ groups (α pre-test measure= 0.90; α post-test measure= 0.94). Winter et al., (2009) adapted the social distancing scale to measure the prejudicial and social distancing attitudes of 841 undergraduates towards transgender women in seven countries including the UK. Social distancing from gay men and women due to discomfort caused by their presence has also been shown to be negatively related to actual contact with gay people (Lingardi et al., 2016). Furthermore, given King et al., (2009) also found that decreased social distance, decreased social discrimination and transprejudice, and increased support for equal opportunities, for transgender civil rights and anti-discrimination laws, shows this measure is well suited to this hate crime research.

Victim blame, defendant blame and perceived victim suffering measures

Past research has shown that mock-jurors also often attribute blame to victims, due to the victim's behaviour or characteristics such as personality or gender (Grubb and Harrower, 2008; Pollard, 1992). Furthermore, when deciding guilt and/or sentence, the two main factors judges consider are blame and the

amount of harm caused (Sentencing Council, 2022), the same criteria expected of jurors in aggravated hate crimes. If a victim is considered more blameworthy, the level of blame attributed to the defendant should be reduced (Whatley and Riggio, 1993) and therefore for comparability with published research (Strömwall et al, 2013) separate victim and defendant blame measures were employed as per the method of Strömwall et al, (2013). The victim and defendant blame measures were single item measures, but with responses requested on a percentage scale ranging from 0 to 100% in 20% increments. This scale avoids any neutral mid-point and provides a 6-point Likert continuous measure with greater reliability than a 5-point Likert scale with a neutral midpoint (Chomeya, 2010). A perceived victim suffering measure is also commonly used in mock-jury research and was adapted from Loughnan et al., (2013), comprising a three-item, 6-point Likert response ranging from 1 = not at all to 6 = a great deal, the scales for all measures are provided above.

Appendix D Summary of quantitative studies

Study 1 Hypothesis:	IVs and DVs:	Statistical tests:	Why:
1: Within-subjects, post-test social distance levels (repeated DV1) will be significantly lower compared to pre-test social distance levels in the gay male juror imagined contact experimental groups (IV1) but not significantly lower in the male imagined contact control groups.	Pre-test social distance (DV1) and post-test social distance measure: both continuous scales.	Within-subjects paired t-tests on participants' pre-test and post-test social distance scores for each of the eight groups.	Do participants show significantly reduced post-test social levels towards the transgender victim in the gay male imagined contact groups?
2: Post-test social distance scores will be correlated with the measures.	Continuous scales: DV: Defendant blame, victim blame perceived victim suffering and sentence enhancement agreement	Pearson correlation coefficient	To explore the wider influence / correlations of post-test social distance (stigma) levels, with participants' ratings on measures.
3: There will be a relationship between verdicts in the aggravated offence groups and their corresponding base offence groups.	IV2= aggravated offence groups / base offence groups Comparing verdicts in the aggravated offence groups with verdicts in the corresponding base offence groups.	(X ²) chi square test Given the dichotomous nature of the verdict (guilty or not guilty).	Do participants in the more serious aggravated offence groups deliver significantly lower percentage guilty verdict rates (%GVR) compared to participants in the less serious base offence groups?
4: There will be a relationship between verdicts in the gay male juror experimental groups and their corresponding male juror control groups.	IV3= gay male groups / male groups Comparing verdicts in the gay male groups with verdicts in the corresponding male groups.	(X ²)	Do participants in the gay male juror groups deliver significantly different %GVR compared to participants in the male juror groups? Are guilty verdicts significantly higher in gay male groups

			compared to male groups?
5: Participants' scores on the measures will be significantly different in the gay male experimental groups compared to the male control groups.	DVs: Defendant blame, victim blame, perceived victim suffering and sentence enhancement agreement scores.	Between-subjects t-tests were conducted for each of the measures between the gay male and corresponding male groups.	Do participants in the gay male juror groups deliver significantly different scores on the measures compared to participants in the male juror groups?
6: Defendant-blame, victim blame, victim suffering and sentence enhancement will be significant predictors of verdict.	Predictors: Defendant-blame, victim blame, victim suffering and sentence enhancement DV: Verdict (guilty/ not guilty) categorical.	Logistic regression	To determine the significant predictors of verdicts.
Study 2 Hypothesis	No pre - test social -	distance measure	
1: There will be a relationship between verdicts in the jury foreperson groups and their corresponding juror groups.	IV1= jury foreperson groups / juror groups Comparing verdicts in the jury foreperson groups with verdicts in the corresponding juror group conditions.	(X ²) Participants first read the pro-defendant/pro-victim opinions of a gay male/male juror foreperson/juror	Do participants in the jury foreperson groups deliver significantly different %GVR compared to participants in the corresponding juror groups? vicarious / para-social contact
2: The mean scores of the measures will be significantly different between the jury foreperson and juror groups.	DVs: Defendant blame, victim blame, perceived victim suffering and social distance scores.	Between-subjects t-tests were conducted	To determine the influence of the male and gay male jury forepersons compared to the male and gay male jurors on participants' measures. Do jury forepersons have more influence than jurors?
3: There will be a relationship between verdicts in the gay male groups and their corresponding male groups.	IV2= gay male groups / male groups Comparing verdicts in the gay male groups with verdicts in the corresponding male group conditions.	(X ²)	Do participants in the gay male groups deliver significantly different %GVR compared to participants in the corresponding male groups?

			Do gay males have more influence than male jurors?
4: Participants will deliver significantly different mean scores on the measures in the gay male experimental groups compared to participants in the male control groups.	DVs: Defendant blame, victim blame, perceived victim suffering, social distance and agreement with hate crime laws (AHCL)	Between-subjects t-tests were conducted for each of the measures between the gay male and corresponding male groups.	Do participants in the gay male juror groups have significantly different scores on the measures compared to participants in the male juror groups. Partial replication and to determine whether not-guilty verdicts are due more to sentence-severity or disagreement with hate crime laws?
5: Defendant blame and AHCL will be the most significant predictors of verdicts.	Predictors: Defendant-blame, victim blame, victim suffering and AHCL. DV: Verdict (guilty/ not guilty)	Logistic regression	To determine the significant predictors of verdicts.
Study 3 Hypothesis	No pre - test social -	distance measure	
1: There will be a relationship between verdicts in the lesbian experimental groups and their corresponding female control groups.	IV1= lesbian groups / female groups Comparing verdicts in the lesbian groups with verdicts in the corresponding female group conditions.	(X ²) Participants first read the pro-defendant/pro-victim opinions of a gay female/female juror vicarious / para-social contact	Do participants in the gay female juror groups deliver significantly different %GVR compared to participants in the female juror groups? Are guilty verdicts significantly higher in gay female groups compared to female groups?
2: Participants will deliver significantly different mean scores on the measures in the lesbian experimental groups compared to participants in the female control groups.	DVs: defendant blame, victim blame, victim suffering, social distance sentence enhancement agreement and AHCL,	Between-subjects t-tests were conducted	Do participants in the gay female juror groups have significantly different scores on the measures compared to participants in the female juror groups?

3: There will be a relationship between verdicts in the pro-victim groups and their corresponding pro-defendant groups.	IV2= pro-victim groups / pro-defendant groups Comparing verdicts in the pro-victim groups and their corresponding pro-defendant group conditions.	(X ²)	Do participants in the pro-victim groups deliver significantly different %GVR compared to participants in the pro-defendant groups?
4: Participants will deliver significantly different mean scores on the measures in the pro-victim groups compared to participants in the pro-defendant groups.	DVs: agreement with hate crime laws, victim blame, defendant blame, victim suffering, social distance and sentence enhancement agreement.	Between-subjects t-tests were conducted	To determine the influence of the pro-victim groups compared to the pro-defendant groups on participants' measures.

DVs, Continuous: Pre-social distance, post-social distance: both 6-item continuous scales, 6-point Likert, 1 to 6. Defendant blame (1-item, 6-point Likert, 0 to 100%). Victim blame (1-item, 6-point Likert, 0 to 100%). Perceived victim suffering (3-item, 6-point Likert, 1 to 6. Sentence enhancement agreement (1-item, 6-point Likert, 1 to 6. Agreement with Hate Crime Laws: 6 item, 6-point Likert, 1 to 6, lower scores represent greater disagreement. Verdict, Categorical, (Guilty=1/ not guilty=0).

Appendix E Sample size calculation for studies 1 and 2

Logistic regression is the statistical test that requires the largest sample size to determine the significant predictors of verdicts per the research question and in line with jury decision-making studies. Nemes et al., (2009), recommended a minimum sample size of 500 participants as necessary for logistic regression analysis. From their simulation study, Nemes et al., (2009) and Bujang et al., (2012; 2015), showed that a large sample size of 500 plus participants increased accuracy in yielding statistics representing the parameters in the target population i.e. can be inferred to the larger population. Enders, (2003) showed that 15% to 20% missing data was common in educational and psychological studies. Therefore, taking an estimate of 20% expected missing data and a sample size of 500 = 600 for logistic regression, giving a total sample size of 640 participants for the eight groups.

Appendix F Imagined Contact Task

Prejudice reduction intervention, adapted from the methodology of Harwood et al., 2011, for Study 1.

For homosexual mock-juror conditions

In line with the Equality Act (2010), this study is open to all jury eligible volunteers regardless of sexuality or gender and so some of these mock juries may also randomly include a Lesbian, Gay, Bisexual or Transgender (LGBT+) mock juror participant.

In your mock jury group, there are 5 heterosexual males, 1 homosexual male, and 6 heterosexual females (condition 1) / 6 males and 6 females (control condition 2).

Please spend the next 2 minutes imagining you are talking to the gay male juror participant / a male juror you are sitting next to in the jury room and that the interaction is positive, relaxed and comfortable. Closing your eyes will help you visualise better meeting the gay male / one of the other male jurors in the jury room.

Please think about what made the experience positive, relaxed and comfortable. (Such elaboration has been shown to be beneficial in reinforcing imagined contact effects in research by Husnu and Crisp, 2010).

Appendix G Construction of the fictitious Court case scenarios, vignettes

The court case scenarios were constructed such that the defendant was guilty of the aggravated offences (based on current judicial guidance for racially and religiously aggravated offences, Appendix B). A not guilty verdict would indirectly be indicative of a biased verdict and participants were also asked to select a reason for their verdict from a list of six common reasons (LC, 2020) or to provide a reason of their own, to determine the cause of not guilty verdicts.

Given common assault (CA) and actual bodily harm (ABH) represent the most common types of prosecuted hate crimes that transgender people suffer (Ministry of Justice, 2021) these offences were chosen. Furthermore, in terms of the maximum sentences of two years and five years, for CA and ABH respectively are the least serious crimes and therefore ethically minimised any distress to participants.

For increased authenticity, the court case scenarios included the two most common transphobic slurs namely, “tranny” and “she-male” (Brandwatch, 2019). Brandwatch, explored online transphobic attitudes in the US and UK, analysing 10 million posts between 2015 and 2019. Of the 1.5 million anti-trans posts, “Tranny” and “she-male” were by far the most commonly noted slurs used. The anti-bullying charity Ditch the label described the harassment as inhumane and hurtful and represented different aspects and levels of ignorance and intolerance. The LC (2020), mentioned that in courts some slurs may be considered excusable because they are deemed common language or when said in anger or provoked. This research asked participants whether they considered the two most common transphobic slurs as excusable because: they consider them common language: or when said in anger: or when provoked and whether they agreed/disagree such slurs constitute evidence of a hate crime.

Appendix H Court case scenarios, vignettes

Crown Court, Case Summary: Vickers v Davis, Case number 435.

(Aggravated common assault and Common assault)

Alleged victim's statement (Ms Vickers a 40-year old transgender female, assigned a male gender at birth but who identifies herself as a transgender female, having had hormone therapy and a sex change operation).

I just sat down to have a coffee at the Café, opposite the defendant, who I now know is Mr Davis and he started giving me dirty and very unfriendly looks. I had wireless earphones and was listening to music. I did not hear the first thing Mr Davis said to me, because I was trying not to look at him, but when I noticed he was speaking to me, I turned my music down and indicated by waiving my hand to my ear that I did not hear him, which seemed to anger him even more. I (turned my music off) and left the café quickly because Mr Davis made me feel very uncomfortable with his angry looks and as I was getting to my car Mr Davis confronted me and was abusive saying "Don't come back here you Tranny, there's too many of you she-male weirdos round here. You people make me sick, you're disgusting." I ignored him and kept walking to my car. When I looked back, Mr Davis threatened me, saying "you come here again and I will punch your head-in, you transvestite pervert. When he waived his fist in my face, I was scared he was going to hit me and I quickly got into my car, drove around the corner and called the police immediately. I have been scared to go to the café or to the shops since.

Defendant's Statement (Mr Davis)

30-year old, White, heterosexual male, with no previous arrests and no history of being violent.

I was enjoying a full English breakfast in my local café when this person came who I thought was a transvestite man in women's clothes and sat right opposite me on my Table. There were other tables free, but she deliberately just sat opposite me and was right in my face. I was not giving her dirty looks, I was just put off my breakfast because she was smelling of some weird perfume and

looked un-natural. When I asked her politely if she could pass me the salt, she ignored me and made some strange, rude gesture with her hands. When I asked her a second time, she ignored me and got up suddenly to leave. She knocked the table deliberately with her foot causing some of my tea to spill as she got up so suddenly and just walked out. I was told later by the police she could not hear me asking her to pass the salt because she was listening to music on her wireless ear-phones. I did not know, she was listening to music and I did not know she was trying to tell me she could not hear me when she made weird hand gestures. When she was leaving, I had to step out for some fresh air. Before I had finished my breakfast in the café the Police arrived and started questioning me. I gave her an angry look, but I did not threaten her, she is lying and exaggerating. I am sorry for calling her a tranny or she-male, I was angry and thought he was a man in women's clothes, it does not mean I hate transgender people. One of my best friends at work is transgender, who can testify that I am good with transgender people and proves that I don't hate them. I was angry because she ignored me and did not pass me the salt and then she provoked me by spilling my tea and making weird hand gestures at me, so yes, I was angry when I said what I said. Anyway, it should not be against the law to call someone a tranny or she-male, because it is normal common language. And if she was listening to music on her ear-phones she could not be sure of what I said anyway.

Character witness for the Defendant

A transgender male work colleague testified as a character witness, that the defendant Mr Davis has always been a very good friend to him at work over the past 5 years.

Crown Court, Case Summary: Vickers v Davis, Case number 436.

(Aggravated actual bodily harm differences in red, Actual bodily harm in normal black type).

Alleged victim's statement (Ms Vickers a 40-year old transgender female, assigned a male gender at birth but who identifies herself as a transgender female, having had hormone therapy and a sex change operation).

I just sat down to have a coffee at the Café, opposite the defendant, who I now know is Mr Davis and he started giving me dirty and very unfriendly looks. I had wireless earphones and was listening to music. I did not hear the first thing Mr Davis said to me, because I was trying not to look at him, but when I noticed he was speaking to me, I turned my music down and indicated by waving my hand to my ear that I did not hear him, which seemed to anger him even more. I (turned my music off) and left the café quickly because Mr Davis made me feel very uncomfortable with his aggressive looks. As I was **having a quick cigarette outside to calm my nerves, Mr Davis followed me outside and deliberately stepped on my left foot and pushed down on it causing me severe pain. As I rushed** to my car, just outside the café, Mr Davis confronted me and was abusive saying "Don't come back here you Tranny, there's too many of you she-male weirdos round here. You people make me sick, you're disgusting." I ignored him and kept walking to my car. When I looked back, Mr Davis threatened me, saying "you come here again and I will punch your head-in, you transvestite pervert. When he waived his fist in my face, I was scared he was going to hit me and I quickly got into my car, drove around the corner and called the police immediately. **I also went to the A&E at the Hospital to get my foot checked for any fractures** and I have been scared to go to the café or to the shops since.

Defendant's Statement (Mr Davis)

30-year old, White, heterosexual male, with no previous arrests and no history of being violent.

I was enjoying a full English breakfast in my local café when this person came who I thought was a transvestite man in women's clothes and sat right opposite

me on my table. There were other tables free, but she deliberately just sat opposite me and was right in my face. I was not giving her dirty looks, I was just put off my breakfast because she was smelling of some weird **aftershave or** perfume and looked un-natural. When I asked her politely if she could pass me the salt, she ignored me and made some strange, rude gesture with her hands. When I asked her a second time, she ignored me and got up suddenly to leave. She knocked the table deliberately with her foot causing some of my tea to spill as she got up so suddenly and just walked out. I was told later by the police she could not hear me asking her to pass the salt because she was listening to music on her wireless ear-phones. I did not know, she was listening to music and I did not know she was trying to tell me she could not hear me when she made weird hand gestures. When she was leaving, I had to step out for some fresh air **and accidentally stepped on her foot, so I said sorry**. Before I had finished my breakfast in the café the Police arrived and started questioning me. I gave her an angry look, but I did not threaten her, she is lying and exaggerating. I am sorry for calling her a tranny or she-male, I was angry and thought he was a man in women's clothes, it does not mean I hate **cross-dressers or** transgender people. One of my best friends at work is transgender, who can testify that I am good with transgender people and proves that I don't hate them. I was angry because she ignored me and did not pass me the salt and then she provoked me by spilling my tea and making weird hand gestures at me, so yes, I was angry when I said what I said. Anyway, it should not be against the law to call someone a tranny or she-male, because it is normal common language. And if she was listening to music on her ear-phones she could not be sure of what I said anyway. **I stepped on her foot by mistake and apologised and she seemed OK walking back to her car and driving, but then clearly exaggerated the pain in her foot.**

Medical Report

Patient came in with mild bruising and redness visible to the top of the left foot but had full range of movements in toes and foot with some slight pain. No signs of any fractures. Patient complained of suffering psychological stress from fear of being attacked because of their transgender identity, advised to see G.P. for referral if needed. Given ibuprofen for pain and any swelling and discharged from A&E.

Appendix I 'Actual juror's' notes (fictitious juror)

Pro-victim juror (pro-hate crime)

Pro-defendant juror (anti hate crime)

Guilty Verdict

Not Guilty Verdict

1) Calling a transgender person a 'tranny' or 'she-male' should **(not)** be seen as evidence of a hate crime i.e. as hostility towards a transgender person.

2) Such slurs or name calling, should not **(should)** be excusable because they may be considered by some people as normal or common language.

3) Such slurs should not **(should)** be excusable because the defendant said he was angry when he said these words in the heat of the moment.

4) Such slurs should not **(should)** be excused because the defendant said he was provoked, (by the alleged victim sitting at his table, spilling his tea, ignoring him and making weird hand gestures).

5) The defendant has a transgender friend from work, as his character witness, this does not prove **(this proves)** the defendant does not hate transgender people and

6) The maximum prison sentence of 2 years for this offence is not **(is)** too long.

Appendix J Normality and Assumption tests for studies 1-3

Normality and assumption tests were conducted for all three quantitative studies, and were within normally acceptable limits (see SPSS output).

The assumption tests for within-subjects paired samples t-tests (within groups) Table 5.1 (Study 1) for example included tests of normality for the mean pre- and post-test social distance scores which showed skewness levels below 0.21 and kurtosis levels below -1.27, i.e. that were within normally acceptable limits (see SPSS output). Although the Shapiro-Wilk value was significant, $p < 0.001$, the t-test is considered a robust parametric test, especially when based on such very large sample sizes (Fagerland, 2012). Q-Q plots for pre and post-test social distance scores showed reasonable linearity with no outliers beyond the whiskers of the box plots.

Assumption tests for X^2 analyses for studies 1-3

(X^2) assumes the data was obtained through random selection. However, it is common to find inferential statistics used with data from convenience sampling (Etikan, Musa and Alkassim, 2016; McHugh, 2013). The X^2 test is a non-parametric statistic and the following assumptions were met:

1. The level of measurement of all the variables (verdicts) was nominal. The data in the cells were the number of guilty counts, which was compared to the number of not guilty counts i.e. nominal data, where guilty was coded 1 and not guilty was coded 0 meeting the requirement for nominal data.
2. The levels (or categories) of the variables were mutually exclusive. That is, a particular subject fitted into one and only one level of each of the verdict variable (either guilty or not guilty). Each subject contributed data to only one cell in the X^2 .
3. The study groups were independent.

The value of the cell expected was at least 5 or more in all of the cells and no cell had an expected value of less than one (Bewick et al., 2003). This assumption was met due to the large sample size.

T-tests were chosen over ANOVA as the hypotheses required comparisons of within-group variations, which is the focus of t-tests to specifically compare the means of two groups to check whether they differ significantly. Furthermore, t-tests produce a much simpler and shorter statistical output report that is easier to interpret. ANOVA analyses focus more on between-group and within-group variations to examine whether there is a significant difference in means between three or more groups and whether any observed variation between these multiple groups is greater than within group variations (Frost, 2019).

Multiple post-hoc comparison tests (Bonferroni corrections) were not conducted to avoid reducing the statistical power i.e. the ability to detect effects that actually exist. By its very nature, Bonferroni adjustments make finding genuine effects less likely, and increase the chance of false negatives (Dunn, 1961). The probability of a type I error cannot be decreased without increasing probability of a type II error, hence real differences may not be detected. When the research design is exploratory as with this study, it is better not to miss a possible effect, i.e., to avoid a type II error and therefore not to use a Bonferroni correction (Armstrong, 2014). As the number of tests increases, the value of the adjusted p using the Bonferroni correction decreases markedly, lowering the power of the test.

As regards this particular research project I evaluated that a type I error (a false positive i.e. failing to reject the null hypothesis when it may actually be true in the population) would be more problematic than a type II error (a false negative). The null hypothesis was unlikely to be true given the design of this study and the literature. A Type II error would be considered more serious than a Type I error in this study, i.e. more likely to result in a missed opportunity. Furthermore, the large sample sizes recruited in this research provided more statistical power, making it easier to spot genuine effects and reduced the likelihood of any false positives or negatives.

Corrections for multiple comparisons may not be needed when only a few planned comparisons are involved as with this research i.e. just a few comparisons based on the literature search rather than all possible comparisons. The choice of which comparisons to make was part of the experimental design. Bonferroni correction should not be used when performing

a single test, when the comparisons are pre-planned and few in number, and when the tests are highly correlated, or in exploratory research where there the risk of type II errors is more acceptable. A Bonferroni correction is also not advisable in circumstances in which the variables under study are heavily inter-dependent, (Yang and Wu, 2007). This research had a small number of control groups which were compared to their experimental groups.

This study had control groups and experimental groups, and I only needed to compare the experimental group to the control group without any need to compare the experimental groups to each other. Bonferroni corrections reduce the chance of a type I error at the expense of a type II error and are used when there are no pre-planned hypotheses. No post-hoc corrections should be made (Rothman, 1990) and the Bonferroni correction is unnecessary (Perneger, 1998).

Appendix K Interview schedule

Pre-interview

Before the interviews, participants were sent the participant agreement form, participant information sheet and general demographic questions.

Guide to Interview Questions (the interview will last for up to 1-hour)

Be prepared to probe any unexpected information more. React to their answers and ask more follow up questions, why etc. remain flexible with questions, open to what they say, wait till they have finished speaking. You mentioned can you tell me more?

Introduction

Warm up

Firstly, thank you for taking the time for this interview, I am a final year (f/t) PhD student at Bournemouth University researching LGBT+ people's experiences of jury service.

How are you today(their preferred name)?

Tell me a little about yourself...../ what are your hobbies...../ Do you have pets?

Starting with easy, clear and open questions to encourage conversation.

Interview Questions

1a. When you first received the letter to attend jury service what would you say were the main reasons why you wanted to do jury service.....

1b. And were there any reasons for not wanting to do jury service.....
(Can you please explain more)

1c. Did you feel comfortable going as an LGBT+ person or prefer to conceal your LGBT+ identity in any way for jury service?

Probe:

Do you think you would have attended jury service if you had not come out about your LGBT+ identity? would you have any concerns about jury service?

2a. Do you remember the victim or defendant's race, gender, sexuality, religion etc?

2b. Were there members of the jury with similar identities.....

Probe:

Do you think it is fair or helps if the jury has some members with similar identities to the victim and/or defendant.....why / how?

2c. How many men and women were there were in the jury.....how many White and non-White jurors were they mostly old or young.....

Probe:

How might this jury mix affect their decisions?

2d. Generally, do you think your presence as an LGBT+ juror (or the presence of any minority group juror) reduced or increased any bias expressed by other jurors?

Probe:

In what way and how?

2e) Do you think as an LGBT+ juror you had the same, less or more influence as other jurors?

3a. Do you think in LGBT+ hate crime cases, the jury should have at least one or more LGBT+ jurors? Why?

3b. In an LGBT+ hate crime case, would you have more, less or the same confidence in the verdict of a jury with an LGBT+ juror compared to a jury with no LGBT+ juror? Why?

4a. Would you say there were any long-term benefits or disadvantages of jury service?

4b. Would you recommend jury service to other LGBT+ friends or do jury service yourself again if invited?

5a. Were you a juror or the jury foreperson?

Probe:

Did you want to be the jury foreperson, why?

5b. Would you recommend other LGBT+ people volunteer as jury foreperson when invited for jury service?

5c. Do you remember the jury foreperson's gender.....
occupation..... or if they had any previous jury experience?

5d. Do you remember how or why they were chosen to be the jury foreperson?

5e. Generally, do you think the jury foreperson has the same, less or more influence on other juror's decisions? Why?

5f. Do you think an LGBT+ juror would have more influence if they were the jury foreperson? How?

Probe:

If you had been the jury foreperson, do you think you would have had less, the same or more influence?

6. Do you have any knowledge of any other LGBT+ people's positive or negative experiences of jury service?

7. Can you think of any LGBT+ specific issues which may determine whether an LGBT+ person chooses to take part in jury service or not?

Probe:

Research shows a lot of LGBT+ people choose not to take part in jury service when invited, why do think that might be?

8. What would you like to add about your jury service experience? (Without mentioning any details of the jury discussions).

Note: Go back to any questions for more details if need be.

Thank you very much for your valuable contribution and time.

Post-interview

Following their interview, participants were informed that within a week, I would e-mail them a copy of the transcribed interview text for them to check for any errors, approve and agree with. The audio file was uploaded into Microsoft office 365 for transcription and double checked for any errors and edited as required.

Appendix L Sample Interview

(transcript A, interviewee: HD, 10 am–11am, 09/01/24)

Question 1. So when you first received the letter to attend jury service, what would you say were the main reasons why you wanted to do jury service?

Well, I have never participated in jury service before and I, I was quite curious what it is about ^{6.1A} and I thought it, it is a great opportunity to take part in something that involves justice. ^{6.2A} And I only saw positives in, in that, so I was quite excited ^{6.1A} to take part in it.

OK, sure. And were there any reasons or doubts for not maybe wanting to do jury service? Did you have any concerns?

When you start jury service you can't help worrying during jury discussions, that you might end up finding an innocent person guilty especially for serious crimes with long prison sentences. ^{4.1A} At the back of my mind, I, I also had concerns about how my LGBT+ identity would be accepted or viewed by everyone in the jury and how any negativity might influence things. ^{3.1A} But I was still determined to go ahead with it and experience whatever I was going to experience.

Sure. That's really good. OK. Did you feel comfortable going as you are, or did you prefer to conceal your LGBT+ identity in any way?

I, I would say I was comfortable, at the same time I felt that had this been years earlier, in the past I would not have been comfortable ^{3.1A} in the past. Not very comfortable, but I came to realise that there is no point me covering things or

Category 6:

Reasons and benefits of doing jury service

Sub-Categories:

6.1 Reasons and benefits of doing jury service for self
6.2 Reasons and benefits of doing jury service for the community

Sub-Category 4.1

Sentence severity related concerns

Category 3:

Anticipatory stigma

Sub-category 3.1:

LGBT+ juror
anticipatory stigma

Sub-category 3.1:

LGBT+ juror
anticipatory stigma

pretending that I'm someone else, that I'm not. So I, I was going to deal with whatever scenarios or situations I could, would come across, whether it is in jury service or outside and that's the attitude I, I had.

OK, that's good. Do you remember whether? The victim in the case or the defendant was a minority group member in terms of their race or gender or religion, et cetera.

It, it was a case with a minority member in terms of race. He was. Non-British, non-White, male individual.

Are you, when you say he, are you referring to the victim or the defendant?

Both.

OK. Do you think your presence as an LGBT+ juror or the presence of any other minority group juror may have reduced or increased any bias expressed by other jurors?

Yeah, I have come across these type of situations, even outside of jury service. So I was kind of prepared to see that or experience that in jury service.^{3.1A} People don't always express their opinions, or let's say, prejudice. If someone like me or other LGBT+ person, is, is in their presence they, they may think something different and say something different. But openly, nobody there has expressed anything or I had not noticed any, sort of a bias.^{2.3A} But, whether that represents their opinions, I'm not sure.

OK. And do you think as an LGBT+ juror you had the same influence or less or more influence on other jurors' opinions? Or generally, do you think any minority juror had the same influence or less or more influence.

Sub-category 3.1:

LGBT+ juror
anticipatory stigma

Category 2

Importance and
impact of an
LGBT+ juror.

Sub-category 2.3:

Little or no LGBT+
jury bias

I, I guess it, it always will depend on the case, yeah within what the jury is deliberating. But uh, in my particular case, I, I don't think my identity had more influence, but I do think that in some cases it is important to have one, at least one representative of, of the minority group, especially if the case involved a victim or defendant of a minority group, LGBT+ minority group.^{2.4A}

Sub-category

2.4: Expected LGBT+ importance in hate crime cases

Do you remember how many men and women there were in the jury, White and non-White, older, younger jurors etc?

There was more men than women, there was, I think four females, women and the majority were men. So I, I think, uh rather than bias towards myself as an LGBT+ there, there was more of a bias towards women from male jurors.^{7.1A}

Category 7

7.1:
Intra-jury bias

Was that a positive bias or a negative bias? How do you mean?

That sort of a prejudice towards women that women don't know or we women are not competent enough to deliberate on jury service, especially if they are not from high educational positions or something like that.^{7.1A}

Category 7.1:

Intra-jury bias

OK. And did you, did you feel that maybe the lawyers in the case, they in any way kind of tailored any of their arguments in response to the type of jury that there was there. So given that there was more men, or there was an LGBT+ juror, or there were a couple of other minority group members.

UM. Well, there, there might be. I think they, they were this, was an older jury, mostly men, so they framed their, their speeches or their questions accordingly in my opinion, my perception.

OK, OK, um and do you think in LGBT+ hate crime cases? Had this been a hate crime case, should juries have at least one or more LGBT+ jurors?

I would say definitely, definitely at least. In fact, there should be, half of the jurors I mean from the victimised group, or in hate crimes.^{2.4A} Just like we have people of colour of different ethnic minorities representing juries. Gender and sexuality should be included in how they are representing juries.^{2.4A}

Sub-category

2.4: Expected LGBT+ importance in hate crime cases

So would you, would you have the same confidence, less confidence or more confidence in the verdict of a jury that has an LGBT+ juror compared to a jury that didn't have an LGBT+ juror? If it was a hate crime case.

Yes. Well, if it was a hate crime case and there wouldn't be any LGBT+ jury member involved, I, I would not have any confidence in this.^{2.4A} I definitely would not have confidence in their decision.

Sub-category

2.4: Expected LGBT+ importance in hate crime cases

Can you tell me more, why?

Well if it's an LGBT+ hate crime, only LGBT+ people really know from their own experiences how bad this can be ^{2.4A} it would not be fair not to have a couple of LGBT+ jurors for cases with LGBT+ victims.^{2.4A}

Sub-category

2.4: Expected LGBT+ importance in hate crime cases

OK Thank you, sure, and having taken part in an important civic duty like jury service, how did you feel afterwards? Would you say there were any, maybe long-term benefits or any disadvantages even, of jury service?

I found it a very good experience. Personally for me it was very good experience. ^{6.1A} I was very glad I took part in it. ^{6.1A} I had the opportunity to express my opinions as an LGBT+ member and as a woman, ^{6.2A} which I think is important, that people still need awareness and it is important to take this to institutional level, and reflect these opinions. ^{6.2A} So I was very glad, I was, I had the opportunity to partake, take part in something so important.

So would you recommend jury service to other LGBT friends or family? Or would you do jury service again if you were invited?

Yes, I would do it again and I, I would recommend it regardless the LGBT+ status to anyone, it depends on the individual, if they are strong enough in terms of the crime being, being discussed or if they can express their opinions. If they can follow the case and, and other factors including English, the language that it is spoken in. So there may be some people who cannot follow what is going on. I would recommend it to anybody, whether they are an LGBT+ member or not.

OK. Thank you. And so now we're going to come to some questions about the, the jury foreperson. Firstly, did you feel that maybe you wanted to be the jury foreperson?

I, I personally am not the type for jury foreperson. The, the person that kind of suggested or volunteered was from the very first um impression, quite a dominant character with leadership and very opinionated. ^{5.3A} So the majority of jury members had confidence in him. Um, he was a male individual, ^{5.1A} in, in his 50s. With like a very good job or position ^{5.3A} in a company who talked a lot.

Sub-Categories:

6.1 Reasons and benefits of doing jury service for self

6.2 Reasons and benefits of doing jury service for the community

Category 5:

Jury foreperson's characteristics

5.1 Jury

Foreperson

Gender

5.3 Other Jury

Foreperson

characteristics

Would you recommend that other LGBT+ people maybe volunteer as jury foreperson?

Yes, yes. And anybody should volunteer if, if they have the confidence to do that.

So you mentioned briefly the jury foreperson's, gender and occupation, and do you know if they had any previous experience of doing jury service?

I don't think so. I'm not sure I didn't. I don't know.

And do you remember how or why they were chosen?

Um, well, we had, there, there was a question, if anybody wants to be uh, the foreperson and he kind of suggested that, uh, he is happy to take that role on ^{5.3A} and then we just quickly agreed ok to the man who seemed confident and wanted to be the jury foreman. ^{5.3A}

Sub-category 5.3

Other Jury
Foreperson
characteristics

OK and do you think generally the jury foreperson tends to have the same influence as other jurors or less influence or maybe more influence than other jurors?

Sub-category 5.3

Other Jury
Foreperson
characteristics

I think it largely depends on the jury foreperson's character mainly, this person is probably someone with some level of leadership skills and dominant type and speaks a lot. ^{5.3A}
That can very well present their arguments and is intelligent so yeah, they usually would have the, the most influence. ^{1.1A}
But if that person is among those jury members that are not a foreperson, then I, I think that person will also influence verdicts. So it's not necessarily just the status within that jury group.

Category 1:

Jury
Foreperson's
influence.

Sub-category

1.1 Jury
Foreperson has
more influence

And do you think if an LGBT+ person or had you been the jury foreperson yourself, do you think you would have had more influence than you did? Just because you might have been the jury foreperson?

I don't, I don't think in my case I would have more influence, but I think another LGBT+ jury foreperson, yes, could, could have, depending on their character and personality.

OK. And do you have any knowledge of any other LGBT+ people's experiences of jury service, positive or negative?

No, no, I, I don't know anybody. I, I don't really know. Only for a few people that were called for jury service but for whatever reason they didn't go. But I don't know anybody who has actually experienced it as well.

These other people that you said they, they didn't go, were they LGBT+ people?

Yes, they were my friends.

So can you think of any LGBT+ specific issues? Why LGBT people may be more inclined not to take part in jury service? Because research shows that minority group members such as LGBT+ people tend to decline jury service or exempt themselves from jury service more than majority group members. Any idea why that might be?

Uh, they may come across situations in life where they experience prejudice and discrimination and some settings like these institutions and within the jury might bring up some sort of experiences or memories from the past ^{3.2A} and they, they wouldn't feel like experiencing it again or they may be fed up with their society. The couple of LGBT+ who

Sub-category 3.2 General LGBT+ juror anticipatory stigma

told me they turned down jury service was because they were less comfortable with their sexuality, and were worried about, about being discriminated by other jurors ^{3.2A} or, or their views not listened to as much. If you are nervous about being in public, social settings, the jury is, is squashed into a tight space, you're all sat very close to each other and it can be a bit uncomfortable. Especially if you are shy or a quiet person who tends to be less outspoken in public.

Sub-category 3.2
General LGBT+
juror anticipatory
stigma

Right. Finally, is there anything else that you would like to add about your jury service experience without mentioning any details of the jury discussions?

I think, I think LGBT+ people should take part in, in this process and they should not shy away even if they feel like at first instance that, that it's not something for them. But our voices need to be heard and we need more active members of society. ^{6.2A} It is a lot more difficult for some LGBT+ people, spending more than a week with a dozen other strangers in a tight space and having to get on together to try and make the best decisions, valuing other people's opinions.

Sub-category 6.2
Reasons and
benefits of doing
jury service for
the community

OK. Thank you so much for your time and help. I'm going to stop the recording now.

Appendix M Logistic regressions

According to Menard (1995) Tolerance values of <0.1 indicate serious collinearity problems. The data below for Study 1. shows all Tolerance values were >0.45 suggesting that the assumption of multicollinearity was met when social distance was removed. Furthermore, according to Myers (1990) VIF values >10 indicate collinearity problems and the Table below shows all VIF values were <2.21 further suggesting that the assumption of collinearity was met (save for pre and post-social distance levels which were therefore excluded from the model).

Collinearity statistics (Study 1)

Predictor Variable	Tolerance	VIF
Defendant blame	0.628	1.592
Victim blame	0.535	1.868
Sentence enhancement	0.506	1.978
Victim suffering	0.454	2.200

Logistic regression tests also assume there is a linear relationship between the natural log of the dependent variable (logit) and the independent variables. This assumption was tested by showing the interaction term between the predictors and their log transformations.

Linearity of the continuous variables with respect to the logit of the dependent variable and independent variables was assessed via the Box-Tidwell (1962) procedure. A Bonferroni correction was applied using all eight terms in the model resulting in statistical significance being accepted when $p=0.05/8 = < 0.0063$ (Tabachnick and Fidell, 2014). Based on this assessment, all continuous independent variables were found to be linearly related to the logit of the dependent variable.

Model 1 (Study 1)

A standard logistic regression was performed to determine the significant predictors of verdicts, with verdict as the dependent, categorical variable and victim blame, defendant blame, sentence enhancement agreement and perceived victim suffering as potential, predictors.

565 cases were included in the assumptions analysis model, $\chi^2(\text{omnibus}) R^2 = 270.274$, $df = 4$, $p = < 0.001$ and accounted for between 38.0% (Cox & Snell r square) and 51.9% (Nagelkerke r square) of the variance, with 70.3% of the guilty verdicts correctly classified and 88.2% of the not guilty verdicts correctly classified (overall 81.6% of the verdicts were correctly predicted). The SPSS output shows sentence enhancement agreement levels, victim-blame, defendant blame and perceived victim suffering all significantly predicted verdicts. The Hosmer-Lemeshow test was not significant ($p = 0.779$) indicating the model is a good fit.

An inspection of the standardised residual values however, revealed 20 outliers with residuals > 2.5 . The model was re-computed without these outliers and the slightly improved final model is reported fully.

Collinearity and assumption tests (for Study 2)

Logistic regression analysis

According to Menard (1995) Tolerance values of < 0.1 indicate serious collinearity problems. The data below for Study 2 shows all Tolerance values were > 0.51 indicating the assumption of multicollinearity was met. Furthermore, according to Myers (1990) VIF values > 10 indicate collinearity problems and Table 6.13 shows all VIF values were < 1.93 further suggesting the assumption of collinearity was met.

Collinearity statistics (Study 2)

Predictor Variable	Tolerance	VIF
Defendant blame	0.745	1.342
Victim blame	0.655	1.527
Victim suffering	0.586	1.706
Social distance	0.629	1.589
AHCL	0.520	1.924

Logistic regression tests also assume there is a linear relationship between natural log of the dependent variable (logit) and the independent variables. This assumption was tested by showing the interaction term between the predictors and their log transformations, logits were not significant as shown in the SPSS output for Study 2 (Hosmer and Lemeshow, 1989).

Model 1 (Study 2)

Thirteen cases had missing values, 601 cases were included in the analysis and there were 19 outliers. The logistic regression model was statistically significant, $\chi^2(\text{omnibus}) R^2 (df=8, N =601) = 173.628, p = <0.001$. The model explained 25.1% of the variance in verdicts according to the Cox & Snell r square and 35.6% of the variance according to the Nagelkerke r square, with 91.5% of the guilty verdicts correctly classified and 46.4% of the not guilty verdicts correctly classified (overall 78.0% of the verdicts were correctly predicted). The SPSS output shows defendant-blame, AHCL and social distance significantly predicted verdicts. The Hosmer-Lemeshow test was not significant ($p=0.120$) indicating the model is a good fit.

Appendix N Themes derived from theory and research questions for Study Four

Developing the coding framework and operationalising the definitions

Once I had formulated clear research questions based on the categories and sub-categories (themes), I tested and verified the categories, by creating the structure analysis matrix (Table 11.1) to help define what will be coded and how. The definitions were based on the operationalised definitions shown for each of the research and theory-based category and sub-category questions (Hsieh and Shannon 2005).

Table 11.1 Pre-defined categories and sub-categories or themes and operationalised definitions derived from the theory and research

Research and theory question-based categories and sub-categories / themes	Meanings / operational definitions	In-text code
Jury foreperson's Influence		
1.1 Jury foreperson has more influence	All text passages referring to jury foreperson's having more influence than other jurors or being very influential.	1.1
1.2 Jury foreperson has the same influence	All text passages suggesting jury foreperson's have a similar level of influence compared to other jurors Noted occurring in one of the subsequent transcripts	1.2

Importance and impact of an LGBT+ juror		
2.1 Positive LGBT+ juror influence	All text passages referring to the positive influence of the interviewees (the LGBT+ juror's influence)	2.1
2.2 Negative LGBT+ juror influence	All text passages relating to any negative influence of the interviewees (the LGBT+ juror's influence) Noted as occurring in other transcripts	2.2
2.3 Little or no LGBT+ jury bias	All text passages relating to no, or very little bias of the jury towards the LGBT+ juror's identity	2.3
2.4 Expected LGBT+ importance in hate crime cases	All text passages hypothetically relating to the need or importance for LGBT+ jurors in LGBT+ hate crime cases Noted as occurring in other transcripts	2.4
Anticipatory stigma 3.1 LGBT+ juror anticipatory stigma 3.2 General LGBT+ jury service concerns	All text passages based on pre-jury service concerns suggesting the LGBT+ interviewee anticipated being stigmatised by the jury All text passages based on any hypothetical concerns, LGBT+ people in general, may have when considering or rejecting the opportunity to undertake jury service	3.1 3.2

Sentence severity concerns 4.1 Sentence severity related concerns	All text passages suggesting the LGBT+ juror was concerned about the defendant receiving a severe sentence including concerns about the defendant being innocent.	4.1
Jury foreperson's characteristics 5.1 JF Gender 5.2 JF Ethnicity 5.3 Other JF characteristics	All text passages indicating the jury foreperson's gender and Ethnicity and Noted as occurring in other transcripts Any other personal characteristics of the jury foreperson (e.g. dominant, outspoken)	5.1 5.2 5.3
Reasons and benefits of doing jury service 6.1 Reasons and benefits of doing jury service for self 6.2 Reasons and benefits of doing jury service for the community	All text passages pertaining to reasons for wanting to do jury service relating to self (the LGBT+ juror / interviewee) including any benefits to self All text passages pertaining to reasons for wanting to do jury service for the community including any benefits to the community	6.1 6.2

Intra-jury bias.		
7.1 Intra-jury bias	All text passages related to any intra-jury bias experienced by LGBT+ jurors	7.1

Glossary

Ambiguous Offender

A type of hate crime offender who has inconsistent, contradictory and ambiguous attitudes towards a particular outgroup or identity difference e.g. another race, religion or gender etc.

Confederate

A person portrayed as a genuine participant in a research study but who assists the researcher to play a specific, predetermined role. The confederate is portrayed or acts in a certain way to manipulate the social situation to measure their influence on the true, participants' decisions. Participants are briefed at the end of the study as to the true nature of the confederate.

Cultural World View (CWV)

A system of shared beliefs, that provide guidelines for what is right and wrong, social norms and behaviours which are rewarded or punished.

Defensive Offender

A type of hate crime offender who is triggered to offend when their neighbourhood is threatened by members of certain outgroups and are committed to defending their space, policing threats, and responding to specific events / threats to their own group identity,

Hate Crimes

The Crown Prosecution Service (2022), defined hate crimes as “any crime where the offender has either demonstrated hostility or been motivated by hostility based on race, religion, disability, sexual orientation or transgender identity.”

Hate Incidents

Include all malicious behaviours motivated by hate that fall below the threshold of criminality.

Institutional Stigma / structural stigma

The unjust laws, policies and traditions that deny or fail to protect the equal rights of minorities (Hatzenbuehler and Pachankis, 2016).

Imagined inter-group contact

Indirect inter-group contact based on simply imagining inter-group contact with an out-group member and that can have some of the same benefits of actual inter-group contact.

Intersectionality

The convergence of multiple stigmatised identities within a person or group (Bowleg, 2013; Crenshaw, 2019).

LGBT+

Represents lesbian, gay, bisexual, and transgender, whilst the plus includes queer, intersex and asexual people. I have used the term LGBT+ but realise this does not cover all the ways in which people define their gender or sexuality.

Mission Seeker

A type of hate crime offender who actively espouses hostilities towards a specific outgroup, and is committed to their hate-crime oriented mission to rid society of this certain outgroup.

Para-social inter-group contact

Involves inter-group contact based on observing out-group members interacting amongst themselves.

Percentage Guilty verdict rate (%GVR)

$\%PGVR = \frac{\text{all guilty verdicts}}{\text{all guilty verdicts} + \text{all not-guilty verdicts}} \times 100 =$
the percentage of guilty verdicts

Ratio decidendi

A Latin legal term meaning "the reason for the decision," referring to the legal principle on which a court's ruling and judgment (or sentence) is based and which must be directly related to case facts (evidence).

Retaliatory Offender

A type of hate crime offender who is triggered to offend when they perceive a threat to their specific group identity by hearing of an attack on their group, and seek revenge, police threats, and respond to specific events that threaten them.

Secondary transfer effects

Where inter-group contact with a certain out-group reduces stigma towards members that outgroup as well as reducing stigma towards members of a related or similar outgroup e.g. inter-group contact with homosexuals can reduce stigma towards transgender people.

Sentence maxima

The maximum sentence for a given offence according to the sentencing guidelines.

Transgender

To extend transgender hate crime laws to all minority gender groups therein ensuring parity and more inclusive protection, I strongly recommend the more inclusive definition of transgender, used in Scottish law also be adopted in England and Wales, where transgender is an umbrella term for;

- (a) transvestism, transsexualism, or intersexuality or (b) those that have changed their gender, or (c) any other gender identity that is not the standard male or female gender identity. This is inclusive of people with non-binary or gender-queer genders, or those who are agender and any individuals who do not identify with the sex or gender they were assigned at birth. A more inclusive definition would extend transgender hate crime laws to all minority gender groups and therein ensure parity.

Thrill Seekers

A type of hate crime offender who commits hate crimes primarily because they seek the thrill associated with such offending behaviour.

Vicarious inter-group contact

Inter-group contact based on observing social interactions between in-group members with out-group members.

Voir dire

A face-to-face jury selection process that involves the preliminary examination and questioning of potential jury members by a judge and/or counsel employed in some countries to determine the suitability of jurors for a particular Court Case trial.