



Perceived Culpability: The Role of Sex in Community Sentencing Recommendations for Low-Level Drug Crimes

Reese Carpenter, Samantha Leija, Julianna Cepeda, Jose Orlando, Emma Augustyn, Anne Shubert, Grace Sikiyan, Paisley Hayes, Renee Castillo B.S., Amanda Sease Ph.D., & Kevin Knight Ph.D.
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Background

- ❖ Sex disparities in criminal sentencing are well documented (Embry & Lyons, 2012; Frances & Taylor, 1991 ; Jeffries et al., 2003)
- ❖ Federal data shows female offenders receive sentences averaging 29% shorter than male offenders (U.S. Sentencing Commission, 2023)
- ❖ These disparities are often attributed to paternalistic biases in judicial decision-making (Albonetti, 1997; Freiburger, 2010)
- ❖ The present study investigates whether these biases extend to public perception — specifically, whether community members sentence males longer than females for the same low-level crime
- ❖ Tarrant County community members were randomly assigned to one of three vignette conditions (female, male, or gender-neutral), each depicting the same low-level drug offense committed by a parent, and asked to recommend a sentence length
- ❖ It is hypothesized that participants will recommend longer sentences for male offenders than for female offenders
- ❖ Findings are expected to show that sex bias in sentencing is not limited to the judiciary but is also present in lay community members' recommendations.
- ❖ This would suggest paternalistic attitudes toward female offenders are culturally embedded, reinforcing the need for bias-awareness interventions across both legal and public contexts

Method

Participants

- ❖ Participants included 42 Tarrant County residents recruited from public locations. Missing data was removed.
- ❖ The final sample was comprised of 20 (50%) females, 20 (50%) males, all over the age of 18
- ❖ A full breakdown of participants' demographic info is shown in Table 1

Measures

- ❖ Randomization to one of three vignette conditions: male, female, or sex-neutral offender.
- ❖ Offender Sex: Male, Female
- ❖ Sentence length: 1, 2, 3, 4, 5 (Years in Prison)

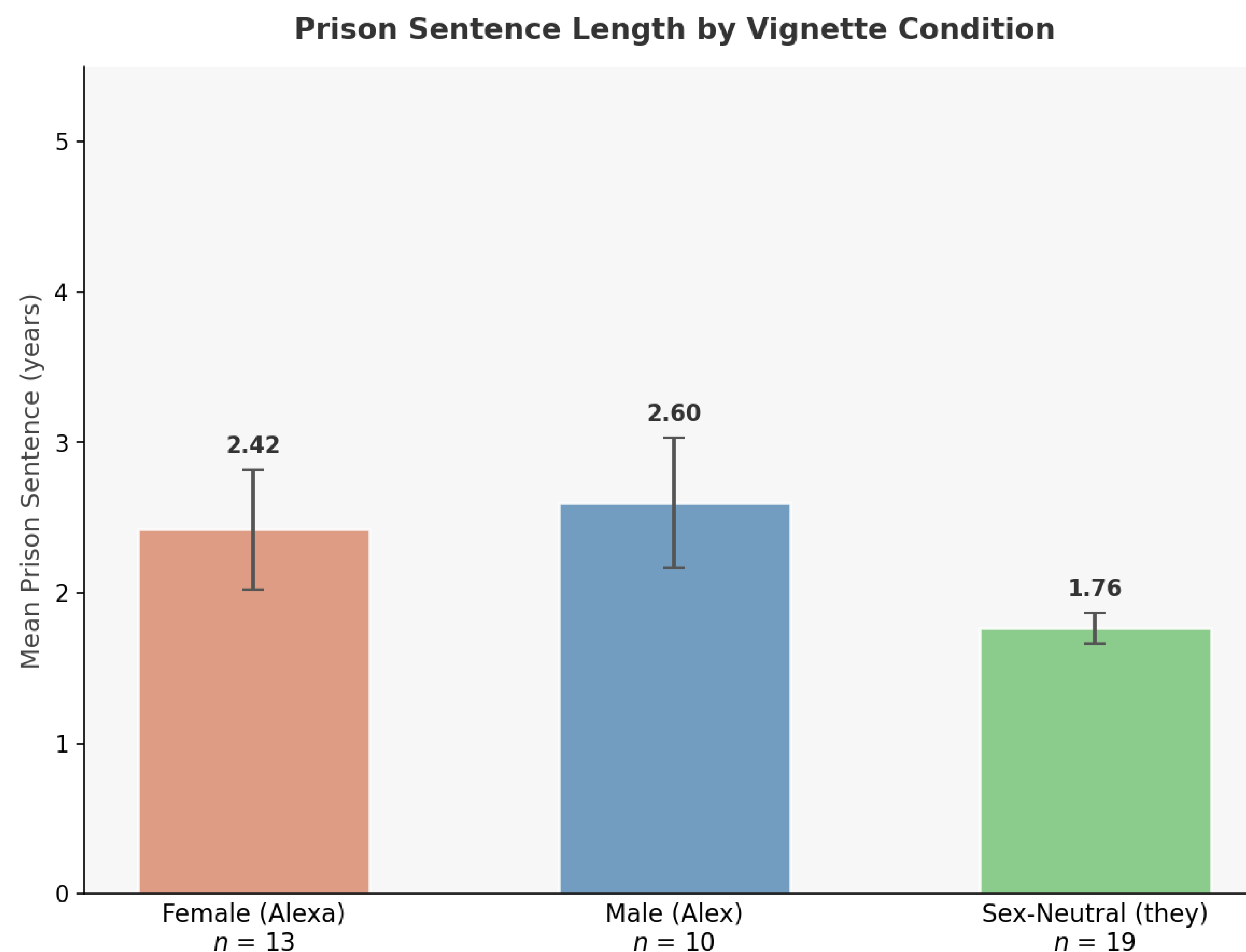
Table 1. Demographics

Characteristic	n	%
Total Participants (N = 42)		
Sex		
Male	20	47.6
Female	20	47.6
Prefer not to say	2	4.8
Age Range		
18-24	17	40.5
25-34	9	21.4
35-44	4	9.5
45-54	3	7.1
55-65	4	9.5
65 and older	4	9.5
Prefer not to say	1	2.4
Race/Ethnicity		
White, Caucasian	16	38.1
Black or African American	9	21.4
Hispanic or Latino	8	19.0
Other, Please Specify	3	7.1
Native Hawaiian or other Pacific Islander	2	4.8
Prefer not to say	2	4.8
Asian or Asian American	2	4.8
Annual Income (before taxes)		
Less than \$25,000	22	52.4
25,000 – 49,000	5	11.9
50,000 – 74,000	5	11.9
75,000 – 99,000	2	4.8
\$100,000 or more	4	9.5
Prefer not to say	4	9.5
Education		
Less than high school	1	2.4
High school graduate	7	16.7
Some college	18	42.9
2 year degree	4	9.5
4 year degree	8	19.0
Professional degree	3	7.1
Prefer not to say	1	2.4

Results:

- ❖ A one-way ANOVA revealed a trending but non-significant effect of vignette condition on recommended prison sentence length, $F(2, 39) = 2.50, p = .09$
- ❖ Participants in the male condition had the longest imposed sentences on average ($M = 2.60$ years), followed by the female condition ($M = 2.42$ years), and the sex-neutral condition ($M = 1.76$ years)
- ❖ Pairwise comparisons indicated that participants recommended significantly shorter sentences in the sex-neutral condition compared to the male condition ($p = .02$)

Graph 1. Prison Sentence Length



Vignette Script:

"A 28-year-old person, who is a single parent, was arrested during a police operation targeting local drug distribution. According to investigators, they sold an illegal substance to an undercover officer in a public parking lot. The amount was consistent with intent to distribute, though it was not an unusually large quantity. They have no prior criminal record and cooperated fully with the arresting officers. The offense carries a maximum sentence of up to 5 years in prison and/or a \$10,000 fine under state law"

Limitations

- ❖ The current study is still in the process of collecting data, thus the results displayed are preliminary.
- ❖ A sample of individuals residing in the same county may limit the generalizability of findings to other states, counties, countries, etc. (e.g., attitudes may vary by region).
- ❖ Other factors, including prior victimization, political ideology, and knowledge of the legal system, were not measured but may influence a participant's decision on how much time people should be sentenced for low level crimes.

Discussion / Future Directions

- ❖ The current results align with existing literature indicating that females tend to receive shorter sentence lengths than males, potentially reflecting paternalistic bias in sentencing decisions. This may further suggest that perceived maternal obligations lead to greater leniency toward female offenders compared to male offenders.
- ❖ There is limited research directly comparing sentencing decisions across male, female, and sex-neutral conditions. Notably, the lowest sentence recommendations were assigned to the sex-neutral condition, which may reflect the absence of sex-based stereotypes — without a clear sex to assign to the offender, participants may have found it more difficult to apply preconceived biases, resulting in more lenient judgments.
- ❖ Future research should aim to replicate and further explore these findings, particularly if continued data collection yields consistent results.
- ❖ Current findings are statistically underpowered. Data collection is ongoing with the intent of reaching an adequate sample size to achieve sufficient statistical power.

References

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