

**Original Article:**

**IMPACT OF PREGNANCY STATUS ON  
JURY PERCEPTIONS OF FEMALE DEFENDANTS**

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**Abstract**

Pregnancy impacts many areas of life and likely affects perceptions of women in the criminal justice system. The purpose of this study was to determine whether pregnancy status and participant gender influenced proposed sentence length for female defendants. This study utilized a 2 (male vs. female) x 2 (pregnant defendant vs. not) between-subjects design with imposed sentence length for six different crime scenarios serving as dependent variables. Additionally, since it was expected that type of crime could be related to imposed sentence, the 6 crime scenarios served as independent variables in a separate analysis, with imposed sentence serving as dependent variable. Two versions of a survey alternated between pregnant and not pregnant defendants for each crime. Following each scenario were questions regarding proposed sentence assuming a guilty verdict. It was hypothesized that a pregnant defendant would evoke sympathy in a trial situation, and consequently be sentenced less harshly by jurors than a non-pregnant woman. It also was hypothesized that, depending on the gender of the participant acting as juror, there would be differences in proposed sentence. Researchers analyzed results using a Multivariate Analysis of Variance with follow-up univariate analyses of each of the 6 crime scenarios to allow for consideration of type of crime. Results revealed pregnant defendants were sentenced less harshly than non-pregnant defendants. Additionally, male participants generally imposed harsher sentences than female participants. A separate Univariate Analysis of Variance revealed that type of crime related to sentencing. Findings suggest those involved in jury selection should consider potential biases of jurors regarding pregnancy status.

**Keywords:** Jury perceptions, sentencing, female defendants,  
pregnancy status, gender differences

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## INTRODUCTION

It is estimated that there are 213 million pregnancies per year world-wide (World Health Organization, 2012). Pregnancy has a profound effect on the lives of all involved (“Civil rights: Pregnancy discrimination,” 1994; Jones, 2016). While it is generally a positive time, pregnancy can have negative effects such as excessive stress, ambivalence, anxiety, and depressive symptoms (La Marca-Ghaemmaghami, 2015). An expectant mother is affected both by changes in her body and her life experience (Jones, 2016). Additionally, extensive research has shown pregnancy is still stigmatized in the workplace, which could lead to women hiding their pregnancy in certain circumstances. However, the struggles faced by pregnant women are not limited to the workforce. There likely are differences in the treatment of pregnant women within the justice system, such as during the trial process, but there is virtually no examination of this in the literature. Pregnancy status could complicate the trial phase and influence jury sentencing. In addition, the nature of the crime committed could affect the sentence given when considered with pregnancy status. This study was designed to examine and compare hypothetical jury perceptions of pregnant and non-pregnant women during criminal proceedings for different types of crimes.

### **Pregnancy Discrimination**

Discrimination based on pregnancy, while unfortunate, is a real problem faced by many women (“Civil rights: Pregnancy discrimination,” 1994). Such discrimination can include social isolation, negative stereotyping, poor interpersonal treatment, and more (Jones, 2016). Since the bulk of research on pregnancy discrimination has related to employment, the findings from such studies are reviewed in hopes of applying this understanding to our conceptualization of the treatment of pregnant women in the justice system. Jones (2016) found that employees in all stages of pregnancy face this issue to some extent. This is due, in part, to the conflicting beliefs about what makes a good mother versus a good worker (Perrone, 2009). The traditional role of a woman is to care for her home and children while her husband works and provides for the family. The more modern view considers women as equal to men, with both men and women working to provide for the family and being involved in raising the children. However, the old views sometimes still persist. Oftentimes, the conclusion is that a woman neglects both areas by continuing to work as a mother (Jones, 2016).

Given that pregnancy can affect one’s ability to complete certain tasks, employers may not want to hire pregnant women or keep pregnant women on staff (Jones, 2016). Although, the Pregnancy Discrimination Act prohibits this discrimination, it still occurs. It is sometimes impossible for pregnant women to receive needed accommodations (“Civil rights: Pregnancy discrimination,” 1994). Single mothers and low-income families suffer more than others from this type of discrimination (Palley, 2017). Between 3,400 and 4,000

pregnancy discrimination complaints were filed annually with the Equal Employment Opportunity Commission between the years of 2010 and 2015, but these women are believed to be only a small number of those experiencing discrimination (EEOC, 2016, as cited in Palley, 2017). When these complaints were investigated, often employers used justification of poor performance or attendance, or restructuring to explain their decisions. Pregnancy status has been shown to lead to other forms of employment discrimination as well, sometimes leading to women being perceived as asking for preferential treatment and even losing positions because of being forced to choose between performing job duties and feeling they were putting themselves or their unborn baby at risk (“Civil rights: Pregnancy discrimination,” 1994). As a result of the stigma of pregnancy, many women choose to conceal their pregnancies at work in an attempt to keep their jobs until they are unable to keep them hidden.

Discrimination because of pregnancy likely does not just occur in the workplace but in other areas as well, including within the criminal justice system. Given the statistical prevalence of sexism in other fields and industries, it seems probable that there is differential treatment of women involved in the trial process as a function of pregnancy status. It could be that pregnant women in the criminal justice system experience negative treatment similar to that of employed women. Alternatively, it is possible that there is more leniency granted as a result of a defendant being identified as pregnant. Given the limited research on pregnant women in such circumstances, considering employment discrimination as it relates to pregnancy can suggest some likely patterns.

### **Incarceration of Women**

Between the years of 1980 and 2014, the number of women in prisons and jails increased from roughly 26,000 to just over 222,000—a rise of over 700% (“The Sentencing Project,” 2018). When including women on probation and parole, the numbers spike to over one million women currently in the U.S. correctional system. Historically, the guidelines for treatment in correctional facilities have been based on men without regard for the specific needs of women (Chesney-Lind, 2003). Additionally, female offenders have been treated differently than men during their incarceration, not receiving the same opportunities for education and resources among other things (Glover v. Johnson, 1979). For example, while males make up a majority of violent offenders, those receiving disciplinary infractions are overwhelmingly female (Cook & Davies, 1999). Additionally, women’s prisons tend to have stricter supervision and women are often cited for infractions that would be overlooked for men.

Roughly 80% of incarcerated women are mothers and 6% are pregnant upon incarceration (Daane, 2003). Usually women incarcerated while pregnant had pregnancies that were unplanned and, in many cases, high risk. On top of these issues, prenatal and postpartum care in the criminal justice system is subpar (Committee on Health Care for Underserved Women, 2012). Inmates have limited access to health care and pregnant

women are no exception (Bright et al., 2011; Committee on Health Care for Underserved Women, 2012; Daane, 2003; Enders, 2010; Warner, 2010). Pregnant inmates require more sanitary items, clothes that accommodate a changing body, and access to prenatal care than other offenders (Daane, 2003). Often, incarceration facilities are inadequately equipped to meet these needs. The experiences of incarcerated pregnant women show a theme of emotional turmoil, constant stress, and inadequate care (Hall & Tabitha, 2010). In addition, incarcerated pregnant women have further emotional trauma from giving birth under duress and having their newborns taken away after 24 hours or less (Warner, 2010; Hall & Tabitha, 2010; Enders, 2010). Even so, there seems to be a clear lack of research on the effects of pregnancy during the trial phase and regarding sentencing outcomes. Given the preexisting stigma and potential differences in the treatment of pregnant women inside and outside the criminal justice system, it stands to reason that pregnancy status influences the judicial proceedings as well. The following literature addresses perceptions within the trial phase based on a variety of factors, but does not address the relationship between pregnancy status and juror decision-making. This study attempts to address that question.

### **Jury Perceptions**

When it comes to criminal prosecution, men and women have been viewed differently throughout history. In the late 1800s and early 1900s, it was thought that women did not commit crimes. Those who did, though, had been thought to hold masculine characteristics (Lombroso, 1876, 1893, as cited in Muraskin, 2012). Later it was thought that women committed crimes that were easier to conceal, and thus, underreported. Women were more often housewives; thus, they had fewer opportunities to commit crimes (Pollack, 1950, as cited in Muraskin, 2012; Simon, 1975, as cited in Muraskin, 2012). In addition, women committing crimes were convicted less often and received lesser sentences because officers (typically male) did not want to arrest and prosecute women (Muraskin, 2012). By 1975, the conclusion was that men and women all committed crimes (Adler, 1975, as cited in Muraskin, 2012); however, bias in perceptions and treatment still existed. The chivalry thesis, or paternalism, stereotypes women as not fully responsible for criminal behavior, which can lead to preferential treatment for female defendants (Rodriguez et al., 2006). There also are differences in sentencing between men and women based on the type of crime. For property and drug offenses, when minimum mandatory sentencing is not a factor, females receive prison sentences less often than male offenders, and are also often given shorter sentences. Violent offenses result in similar rates of incarceration, but with shorter sentences for females than males. Sentence length in general is influenced by the type and seriousness of the crime committed; these are two of the strongest predictors in sentencing outcomes (Koons-Witt et al., 2014). Criminal history also plays a role in many jurisdictions in that individuals with a more extensive criminal past are assigned harsher sentences.

Sentencing reform began in the 1980's to change the consideration from offender characteristics to offense characteristics in an effort to reduce the favorable treatment female offenders receive (Nagel & Johnson, 1994). The 1984 Sentencing Reform Act laid out several factors suggesting need for departure from sentence guidelines, and pregnancy was labeled not an appropriate basis for reduction. Pregnancy still played a role after this act in at least some situations, however. In the case of *United States versus Susan Pozzy*, the court reduced her sentence though she was charged with the same crime as her husband (US v Pozzy, 1990). Mr. Pozzy was sentenced to 45 months imprisonment and three years supervised release. Susan Pozzy was sentenced to three months of house arrest and two years supervised release. Susan was pregnant. While it was "prohibited" to take into consideration a defendant's pregnancy, the judge stated that it had played a role in his decision to depart downward from the guide sentence range.

When serving on a jury, men and women have been shown to consider factors differently regarding the defendant and the crime. For example, women tend to show more empathy and place more belief in child victims than men do in a jury situation (Guy & Edens, 2003; Bottoms et al., 2014). Additionally, women compared to men express higher opposition towards adult/child relationships in sexual assault cases. Bottoms et al. (2014) found that in their jury decisions, women, more than men, tended to assign guilt, rate the victim less responsible, and rate the defendant more responsible. Guy and Edens (2003) found that compared to women, men were more likely to blame victims, less likely to empathize with victims, and more likely to put greater responsibility on the victims. In general, the debate regarding gender differences in jury deliberation has been mostly theoretical. There is little research on how juror's gender affects their individual experience of the jury deliberation process, especially for considerations such as pregnancy.

Miller and Thomas (2015) studied the perceptions of women who used drugs during pregnancy. The study tested whether, and how harshly, women should be punished depending on a variety of variables including: type of drug, legality of drug, whether the drug was used all through pregnancy, and how healthy the baby was at birth. Participants read several scenarios describing women using one of five drugs and answered questions regarding legal action and emotional response to the cases. Participants recommended harsher sentencing for methamphetamine and cocaine than for marijuana or cigarettes and had stronger emotional reactions to methamphetamine, cocaine, and alcohol than to marijuana and cigarette use. Most participants in this study indicated high support for rehabilitation programs and, in the case of more harmful drugs, prison time.

### **Purpose and Hypotheses**

There has been little research conducted regarding jury perceptions of pregnant women during the trial phase. Since pregnancy affects other areas of life, it makes sense that when a woman is brought into the criminal justice system, pregnancy will relate to how others perceive her. The purpose of this study was to examine the relationship between

pregnancy status and jury perception of a female defendant. It also seemed probable that men and women would differ in their perception of female defendants. For example, women might be more sympathetic to a pregnant defendant as a result of personal connection or having been pregnant or a mother (Christov-Moore et al., 2014). Alternatively, men could be more sympathetic given the documented perceptions that women are inferior to men and less able to make decisions and care for themselves (Montagu, 1999). Very few studies have examined the trial phase regarding pregnancy status, gender differences in jury members, and perceptions of female defendants specifically. The following study aimed to contribute to that gap in the literature. It was hypothesized that a pregnant defendant would evoke sympathy in jurors in a trial situation and consequently be sentenced less harshly by jurors than a non-pregnant woman when committing similar crimes. It also was hypothesized that there would be gender differences in perceptions of pregnant women. No specific direction for gender differences in perception of culpability was predicted. Finally, it was expected that type of crime would influence imposed sentence.

## METHOD

### Participants

Participants were undergraduate and graduate students from a regional university in the Pacific Northwest United States. The sample included 307 female participants and 85 male participants. Seven additional participants identified their gender as other and had to be removed from analyses because there were not enough participants in the category to examine differences. This resulted in a total of 392 participants ranging in age from 18 to 50 years old ( $M = 21.31$ ,  $SD = 4.96$ ). Participants were 29% freshmen, 16% sophomores, 28% juniors, 23% seniors, and 4% other. Roughly 5% had previous convictions of a misdemeanor crime and 1% had been convicted of a felony offense.

### Measures

**Jury perception scenarios.** Six scenarios were drawn up by the primary author with women committing crimes of varying degrees of seriousness. Given that seriousness of crime plays a role in sentence length (Koons-Witt et al., 2014), different types of crimes were used to answer this question in a separate analysis. Each of the six scenarios had two versions, one in which the defendant was pregnant and the other in which she was not. For each participant, three of the scenarios included a woman identified as pregnant and three did not identify the woman as pregnant. This allowed the researchers to determine if there were differences in perception based on the type of crime and to also balance for condition order effects. Scenarios included the first name and age of the woman, whether she was pregnant, and what crime she had committed (i.e., grand theft, murder, assault, kidnapping,

possession of illicit substances, and grand theft auto). Participants each read one version (pregnant or not) of the six scenarios. Scenarios were created based on common crimes committed by women and to allow for examination of the impact that differing types of crimes could have on decision. To minimize bias and allow for focus on the specific issue of pregnancy, scenarios included only the facts of the case and no reference to motive. In the first condition, the grand theft, assault, and possession of illicit substances scenarios each had a pregnant defendant and the murder, kidnapping, and grand theft auto scenarios had a non-pregnant defendant. The second condition was reversed. For example, participant one was presented with the grand theft scenario (scenario one), involving a pregnant defendant, and the murder scenario (scenario two), involving a non-pregnant defendant; in contrast, participant two had the grand theft scenario (scenario one) with a non-pregnant defendant and the murder scenario (scenario two) with a pregnant defendant. Following each scenario, participants were asked to assume the role of a juror and indicate the recommended sentence assuming a guilty verdict, with choices of one year of probation, one to five years in prison, ten to twenty years in prison, twenty to thirty years in prison, life in prison, and the death penalty. Analyses were conducted using a between subjects design.

**Demographic questionnaire.** The general demographic survey included questions regarding age, gender, year in school, previous experience with the law, and knowledge gained from experience with law enforcement or in criminology classes.

### **Procedures.**

Participants signed up for the study via SONA, an online forum used by the Psychology Department to allow students to anonymously participate in research studies. The consent form expressed that participation in the study indicated voluntary consent, and they could withdrawal at any time. The study was linked to SurveyMonkey. Participants completed one of two sets of questionnaires. Each set contained the same information and basic layout, the only difference being which scenarios had pregnant women and which had non-pregnant women. Participants completed the set of measures beginning with the scenarios and corresponding questions, followed by demographics, and other questionnaires not utilized for this study. There were validity checks to make sure participants were attentive to the items. On a weekly basis the survey link was alternated between the two sets of questionnaires in which everything was the same except the pregnancy status in the scenarios. Participants were granted research credit in exchange for their involvement in the study.

Analyses utilized the type of crime, gender of the participant, and pregnancy status of the woman in the scenario in consideration of suggested sentence. The scenarios were analyzed between subjects independently; the only variance was in whether the defendant was pregnant or not and the gender of the participant acting as juror. Sentence lengths were

influenced by the type of crime, however, each crime was compared to the same crime in the follow-up analyses.

## RESULTS

It was hypothesized that that a pregnant defendant would evoke sympathy in a trial situation, and consequently a pregnant woman would be sentenced less harshly by a juror than a non-pregnant woman when committing similar crimes. Additionally, it was believed that the type of crime would have an impact on overall sentencing level and these were examined independently for this reason. For the purposes of analysis, imposed sentence length was treated as a continuous variable, the options available to participants included one year of probation, one to five years in prison, ten to twenty years in prison, twenty to thirty years in prison, life in prison, and the death penalty. A 2 (male participant vs. female participant) x 2 (pregnant defendant vs. not pregnant defendant) Multivariate Analysis of Variance (MANOVA) revealed a significant overall difference in proposed sentencing with all six scenarios included as a function of pregnancy status,  $F(6, 383) = 3.071, p = .006, \eta^2 = .046$ . Follow up Univariate analyses of the six independent scenarios (grand theft, murder, assault, kidnapping, possession of illicit substances, and grand theft auto) revealed that only the murder scenario resulted in a statistically significant difference in proposed sentence length as a function of being pregnant or not,  $F(1, 388) = 14.238, p = 0.000, \eta^2 = 0.035$ . Specifically, in the scenario involving murder, the pregnant woman ( $M = 3.17, SD = 1.20$ ) was sentenced less harshly by respondents than the non-pregnant woman ( $M = 3.67, SD = 1.05$ ) when committing the same crime. The grand theft scenario, the assault scenario, the kidnapping scenario, the possession of illicit substances scenario, and the grand theft auto scenario did not show statistically significant differences in the proposed sentence length as a function of pregnancy status (See Table 1). These results partially support the hypothesis that a pregnant defendant would evoke sympathy in a trial situation, and consequently that a pregnant woman would be sentenced less harshly by a juror than a non-pregnant woman when committing similar crimes.

It also was hypothesized that there would be gender differences in perceptions of pregnant women; no specific direction for gender differences in perception of culpability was predicted. The same MANOVA revealed a significant difference in sentencing as a function of gender of the participant (i.e., the hypothetical juror),  $F(6, 383) = 2.942, p = 0.008, \eta^2 = 0.044$ . Specifically, follow up Univariate ANOVAs revealed that for two crime scenarios, murder and kidnapping, there was a statistically significant difference in proposed sentence as a function of gender (murder,  $F(1, 388) = 7.657, p = .006, \eta^2 = .019$ ; kidnapping,  $F(1, 388) = 9.928, p = .002, \eta^2 = .025$ ). Specifically, for the murder scenario, male participants ( $M = 3.67, SD = 1.051$ ) sentenced defendants harsher than female participants ( $M = 3.31, SD = 1.185$ ). Similarly, for the kidnapping scenario, male

participants ( $M = 1.67$ ,  $SD = 0.793$ ) sentenced defendants harsher than female participants ( $M = 1.45$ ,  $SD = 0.621$ ). The other four scenarios did not show a statistically significant difference in the proposed sentence length as a function of gender of the participant (See Table 2.).

**Table 1. Mean Sentence Length Overall and as a Function of Pregnancy Status of defendant**

Crime Scenario	Overall M( <i>SD</i> )	Pregnant Defendant M( <i>SD</i> )	Not Pregnant Defendant M( <i>SD</i> )
Grand Theft	1.27(0.47)	1.21(0.46)	1.32(0.48)
Murder	3.39(1.17)	3.17(1.20)	3.67(1.05)
Assault	1.21(0.49)	1.18(0.47)	1.23(0.50)
Kidnapping	1.50(0.67)	1.51(0.65)	1.49(0.70)
Possession	2.24(0.66)	2.24(0.64)	2.25(0.67)
Grand Theft Auto	1.24(0.51)	1.22(0.50)	1.28(0.52)

Note: Sentence length was coded as follows for analysis: 1 = 1 year of probation, 2 = 1-5 years in prison, 3 = 10-20 years in prison, 4 = 20-30 years in prison, 5 = life in prison, and 6 = death penalty.

**Table 2. Mean Proposed Sentence Length as a Function of Gender of Participants**

Crime Scenario	Male Participants M ( <i>SD</i> )	Female Participants M( <i>SD</i> )
Grand Theft	1.27(0.54)	1.27(0.45)
Murder	3.67(1.05)	3.31(1.19)
Assault	1.24(0.63)	1.20(0.44)
Kidnapping	1.67(0.79)	1.45(0.62)
Possession	2.24(0.72)	2.24(0.64)
Grand Theft Auto	1.25(0.51)	1.24(0.51)

Note: Sentence length was coded as follows for analysis: 1 = 1 year of probation, 2 = 1-5 years in prison, 3 = 10-20 years in prison, 4 = 20-30 years in prison, 5 = life in prison, and 6 = death penalty.

## DISCUSSION

This study examined the relationship of pregnancy status to juror perception of female defendants. It was hypothesized that a pregnant female defendant would evoke sympathy from jurors and consequently be sentenced less harshly than a non-pregnant female defendant when on trial for committing similar crimes. Results showed that pregnancy status of the defendant was related to less harsh sentencing in the murder scenario, but there was no significant difference in sentence length indicated in the other scenarios as a function of pregnancy status. This difference in proposed sentence length means that for the crime of murder, pregnant defendants were assigned shorter proposed sentences than non-pregnant defendants for the same crimes. This suggests that, in cases involving pregnant women, there is the possibility of the jury being more sympathetic; thus, sentencing pregnant women less harshly than non-pregnant women when committing similar crimes. Eighty percent of incarcerated women are mothers. Being an expectant mother at the time of trial should not make a difference in the sentencing. Nevertheless, in this study, in the case of murder, pregnancy was correlated with less harsh sentencing. With the potential for this bias in mind, those involved in jury selection can be better informed and consider this factor in selection of jurors depending on the goals of the trial. There is the potential that defendants could use pregnancy as a strategy to elicit a lesser sentence from the jury.

This study has ramifications for administrative and criminal justice, as many women are pregnant during their criminal trials. When judges and attorneys are conducting their checks of potential jury members for suitability to serve, those with prejudice regarding pregnancy can be excluded or included for the jury depending on the goals. This research has implications for the criminal justice system in how cases involving pregnant defendants may be handled. It also provides initial insight into how various factors relate to the juror decision-making. This study provides an initial point of reference for further examination of the potential impacts of pregnancy on judicial proceedings. There are also implications for psychology and sociology; as this provides more insight into the experiences of women in the criminal justice system. A future area of study should examine whether there is bias for or against women with children.

Further, hypothesis two predicted that there would be a gender difference in the perception of female defendants. This hypothesis was based on existing research regarding gender perceptions of females. Results showed that male participants acting as jurors proposed harsher sentence lengths than female participants regardless of pregnancy status of the defendant in the scenario. The gender difference in proposed sentence length was greatest in the scenarios involving severe crimes (i.e., involving murder and kidnapping). This indicates that female jurors may be more sympathetic to the crimes of women than male jurors. Given that the difference in sentence length was not significant in all scenarios, the seriousness of the crime seems to play a role. Additionally, as expected, the seriousness

of the crime related to the sentence length proposed; with more serious crimes correlated with longer average sentences.

Although initial results serve to enhance our understanding of the perception of pregnant offenders, there are limitations that warrant mention. For example, findings may be limited by the sample population given that the participants were all university students enrolled in psychology courses. If this survey were administered to participants in a broader population, findings could be different. In addition, the use of hypothetical situations with limited information in the scenarios could have influenced results. Individuals often think they know how they would react in certain circumstances; however, until placed in a given position, they do not know how they will react. Future studies should examine existing cases of defendants committing similar crimes with the variance of pregnancy status to further enhance understanding. Conducting interviews with past jurors could show trends in sentencing for cases involving pregnant defendants. In addition to interviewing jurors, speaking to previously or currently incarcerated populations of women, both pregnant and not, could reveal whether there have been differences in the sentencing for similar cases as a result of pregnancy status. Additional research is needed in this area given the ramifications for administration of equitable justice.

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#### **REFERENCES**

- Bottoms, B. L., Peter-Hagene, L.C., Stevenson, M. C., Wiley, T. R. A., Mitchell, T. S., Goodman, G. S. (2014). Explaining gender differences in jurors' reactions to child sexual assault cases. *Behavioral Sciences and the Law*, 32, 789-812. <https://doi.org/10.1002/bsl.2147>
- Bright, C. L., Kohl, P. L., Jonson-Reid, M. (2011). Females in the juvenile justice system: Who are they and how do they fare? *Crime and delinquency* 60(1), 106-125. <https://doi.org/10.1177/0011128711421652>

- Chesney-Lind, M. (2006). Patriarchy, crime, and justice feminist criminology in an era of backlash. *Feminist Criminology* 1(1), 6-26.  
<https://doi.org/10.1177/1557085105282893>
- Christov-Moore, L., Simpson, E. A., Coudé, G., Grigaityte, K., Iacoboni, M., & Ferrari, P. F. (2014). Empathy: Gender effects in brain and behavior. *Neuroscience and Biobehavioral Reviews*, 46(4), 604-627.  
<http://doi.org/10.1016/j.neubiorev.2014.09.001>
- Civil rights: Pregnancy discrimination (1994). *American Journal of Law and Medicine*, 20(3), 345-346.
- Committee on Health Care for Underserved Women (2012). Committee Opinion No. 535: Reproductive Health Care for Incarcerated Women and Adolescent Females. *The American College of Obstetricians and Gynecologists*. <https://www.acog.org/-/media/project/acog/acogorg/clinical/files/committee-opinion/articles/2012/08/reproductive-health-care-for-incarcerated-women-and-adolescent-females.pdf>
- Cook, S. (Ed.), Davies, S. (Ed.) (1999). *Harsh punishment: International experiences of women's imprisonment*. Northeastern University Press.
- Crowne, D. P., Marlowe, D., (1960). Marlowe-Crowne Social Desirability Scale (MC-SDS).
- Daane, D. M. (2003). Pregnant prisoners: Health, security, and special needs issues. In S. Sharp (Ed.), *The incarcerated woman: Rehabilitative programming in women's prison* (pp. 61-72). Pearson Education Inc.
- Enders, S. R. (2010). Working to improve health care for incarcerated women. In Solinger, R. (Ed.), Johnson, P. C. (Ed.), Raimon, M., L. (Ed.), Reynolds, T. (Ed.), Tapia, R. C. (Ed.) *Interrupted life: Experiences of incarcerated women in the United States* (pp. 259-263). University of California Press, Ltd.
- Glover v. Johnson, 478 F. Supp. 1075 (1979).
- Guy, L. S., Edens, J. F. (2003). Juror decision-making in a mock sexually violent predator trial: Gender differences in the impact of divergent types of expert testimony. *Behavioral Sciences and the Law*, 21, 215-237. <https://doi.org/10.1002/bsl.529>
- Hall, C., Tabitha, (2010). The birthing program in Washington State. In Solinger, R., Johnson, P., C., Raimon, M., L., Reynolds, T., Tapia, R., C. *Interrupted life: Experiences of incarcerated women in the United States* (pp. 86-88). University of California Press, Ltd.
- Jones, K. P. (2016). To tell or not to tell? Examining the role of discrimination in the pregnancy disclosure process at work. *Journal of Occupational Health Psychology*, 22(2), 239-250. <https://doi.org/10.1037/ocp0000030>
- Koons-Witt, B. A., Sevigny, E. L., Burrow, J. D., Hester, R. (2014). Gender and sentencing outcomes in South Carolina: Examining the interactions with race, age, and offense

- type. *Criminal Justice Policy Review*, 25(3), 299-324.  
<https://doi.org/10.1177/0887403412468884>
- La Marca-Ghaemmaghami, P., & Ehlert, U. (2015). Stress during pregnancy: Experienced stress, stress hormones, and protective factors. *European Psychologist*, 20(2), 102-119. <https://doi.org/10.1027/1016-9040/a000195>
- Miller, M. K., & Thomas, A. (2015). Understanding changes in community sentiment about drug use during pregnancy using a repeated measures design. In Miller, J. A. (Ed.), Blumenthal, J. (Ed.), Chamberlain (Ed.), *Handbook of community sentiment (113-128)*. [https://doi.org/10.1007/978-1-4939-1899-7\\_8](https://doi.org/10.1007/978-1-4939-1899-7_8)
- Montagu, A. (1999). *The natural superiority of women*. AltaMira Press.
- Muraskin, R. (2012). *Women and justice: It's a crime* (5<sup>th</sup> ed.). Pearson Education Inc.
- Nagel, I. H., & Johnson, B. L. 1994. The role of gender in a structured sentencing system: Equal treatment, policy choices, and the sentencing of female offenders under the United States sentencing guidelines. *The Journal of Criminal Law & Criminology*, 85(1), 181-221.  
<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=6809&context=jclc>
- Palley, E. (2017). Pregnancy discrimination and the law: Implications for social work. *Journal of Women and Social Work*, 32(2), 188-201.  
<https://doi.org/10.1177/0886109916654733>
- Perrone, K. M. (2009). Traditional and nontraditional work and family roles for women and men. *Journal of Career Development*, 36(1), 3-7.  
<https://doi.org/10.1177/0894845309340787>
- Rodriguez, S. F., Curry, T. R., Lee, G. (2006). Gender differences in criminal sentencing: Do effects vary across violent, property, and drug offenses? *Social Science Quarterly*, 87(2), 318-339. <https://www.jstor.org/stable/42956126>
- Sharp, S. (2003). *The incarcerated woman rehabilitative programming in women's prison*. Pearson Education Inc.
- Solinger, R. (Ed.), Johnson, P. C. (Ed.), Raimon, M. L. (Ed.), Reynolds, T. (Ed.), Tapia, R. C. (Ed.). *Interrupted life: Experiences of incarcerated women in the United States*. University of California Press, Ltd.
- The Sentencing Project. <https://www.sentencingproject.org/publications/incarcerated-women-and-girls/>
- United States v. Pozzy, 902 F.2d 133 (1990).
- Warner, K. (2010) *Pregnancy, motherhood, and loss in prison*. In Solinger, R. (Ed.), Johnson, P. C. (Ed.), Raimon, M. L. (Ed.), Reynolds, T. (Ed.), Tapia, R. C. (Ed.), *Interrupted life: Experiences of incarcerated women in the United States* (pp. 89-93). University of California Press, Ltd.
- World Health Organization. <https://www.who.int/whr/2005/chapter3/en/index3.html>

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