VISUAL DETECTION OF SEX OFFENDERS AND CONSEQUENTIAL BIASES AMONG CHRISTIANS

Carmen M. Cusack; Matthew E. Waranius

I. INTRODUCTION

This pilot study investigated whether biases influenced respondents’ perceptions of a subject’s history of sex offense convictions.\(^1\) Biased perceptions of subjects’ religion, culture, ethnicity, or race may influence whether respondents believe that a subject has perpetrated a sex offense.\(^2\) Potential negative impacts for offenders include: hampered social dynamics, community coalescence, and rehabilitative aims.\(^3\) Biases may also affect criminal justice through witness bias or false conviction.\(^4\) Community members and potential victims may be negatively impacted by

\(^{1}\) See Section II infra.
\(^{2}\) Id.
\(^{3}\) See Section IV infra.
\(^{4}\) See Section IV infra.
misperceptions of criminal history.\textsuperscript{5} Potential victims may be unable to identify sex offenders, causing them to misplace their trust in people who, to them, appear to be unthreatening. In addition, these potential victims may be biased against individuals who are less likely to perpetrate sex crimes.\textsuperscript{6} Communities and potential mating populations could suffer from a lack of diversity due to unconscious bias.\textsuperscript{7} This knowledge is critical for communities, offenders, and potential victims.\textsuperscript{8}

This Article explains the foundation for this investigation and pilot study, which considered whether physical appearance evidences sex crime perpetration. Section II discusses facial features associated with non-traditional sexual preferences, sexual aggression, and sexual dominance. Section III, Methods, explains sampling and data collection strategies used to investigate relationships among race, bias, and perception of sex-offending. Section IV presents the data collected from surveying and

\textsuperscript{5} See Section IV infra.
\textsuperscript{6} See Section IV infra.
\textsuperscript{7} See Section IV infra.
\textsuperscript{8} See Section IV infra.
Section V analyzes this data. Finally, Section VI, the Discussion Section, concludes that perception of sex offense perpetration may correlate with perception that a person is unlikely to be Christian. Methodological limitations of this pilot study, which may be improved for future studies, are described in Section VII.

II. LITERATURE REVIEW

Appearance may be somewhat predictive of sexual history.\(^9\) Sexual preferences, for example, may be ascertainable after 50 milliseconds of observation.\(^10\) University students using Facebook have been found to have above chance success in accurately identifying male sexual orientation.\(^11\)

\(\text{[I]t is also possible that there is nothing special about sexual orientation at all and that the current}\)


\(^11\) *Id.* at 1104.
findings simply document the speed and efficiency of accurate person perception, more generally. Considering the ease with which [people] perceive and categorize perceptually obvious groups and the short durations necessary to reach consensus about the emotions and personality traits of others, it may merely be that we are equipped with a highly efficient capacity for perceiving others…. Rapid and accurate perception of male sexual orientation may be just another symptom of a fast and efficient cognitive mechanism for perceiving the characteristics of others [Internal citations omitted].

Even though sexual orientation may be perceptible, no physical characteristics have been demonstrated to indicate criminal sexual deviance.

Whereas perceptually obvious social categories such as age, race, or gender are quickly and efficiently perceived based on facial cues, little work has investigated the perceptibility of more ambiguous social groups. This leaves open the

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12 Id.
13 Id.

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question as to whether groups that lack clearly defined visual markers can be accurately perceived from brief glimpses of the face.\textsuperscript{14}

Some research shows that facial features may relate to aggression, as well as sexual behavior and preference.\textsuperscript{15} One study found that masculine appearance associated with a high degree of autism.\textsuperscript{16} Researchers theorized that autism related to irregularly-high activity levels of testosterone during gestation.\textsuperscript{17} These researchers hypothesized that males with high Autism-Spectrum Quotient (“AQ”) scores would appear to be more masculine.\textsuperscript{18} Respondents perceived that facial masculinity correlated with higher AQ scores among males depicted in these photos.\textsuperscript{19} However, respondents did not associate high AQ scores with masculine facial features among females depicted in

\begin{itemize}
\item \textsuperscript{14} Id. at 1100 (internal citations omitted).
\item \textsuperscript{15} Naomi J. Scott, et al., \textit{Facial Dimorphism in Autistic Quotient Scores} (2014).
\item \textsuperscript{16} Id.
\item \textsuperscript{17} Id.
\item \textsuperscript{18} Id.
\item \textsuperscript{19} Id.
\end{itemize}
the study.\textsuperscript{20} Hyper-masculine features may correlate with high levels of testosterone, and, therefore, potentially indicates increased likelihood to perpetrate violence that may correlate with sex crime.\textsuperscript{21} However, individuals with hyper-masculine appearances may be misclassified by observers as being aggressive or sex offenders. They may also suffer social harms even if they are not listed on sex offense registries.\textsuperscript{22} At the other extreme, sex offenders or violent individuals with feminized or gender neutral appearances may go undetected.\textsuperscript{23}

Even if biased community members can visually detect sex offenders, their biases may not severely disadvantage people with sex offense histories.\textsuperscript{24} Bias against sex offenders may not be as

\textsuperscript{20} Id.
\textsuperscript{24} Sarah W. Craun \& David M. Bierie, \textit{Are the Collateral Consequences of Being a Registered Sex Offender as Bad as We Think? A Methodological Research Note}, \textit{78 Fed. Probation} 28, 52 (2014).

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pronounced as suspected by some critics of sex offense registries.\textsuperscript{25} Research fails to show definitively that sex offenders are generally punished in perpetuity for their crimes.\textsuperscript{26} While research demonstrates that sex offenders may have some difficulty becoming fully involved in their children’s lives, such as attending school functions, most of these sex offenders tend not to suffer severe social consequences.\textsuperscript{27} The applicable consequences tend to be mainly psychological (e.g., depression or isolation).\textsuperscript{28}

Researchers, after examining data from 333 in-treatment sex offenders, concluded that environmental factors influence sex offenders’ sense of community support.\textsuperscript{29} Thus, support within a neighborhood may play a greater role than stigmatization.\textsuperscript{30} When neighbors are supportive, it may minimize a sex offender’s stigma or perceived

\textsuperscript{25} Id.  
\textsuperscript{26} Id.  
\textsuperscript{27} Id.  
\textsuperscript{28} Id.  
\textsuperscript{29} Id.  
\textsuperscript{30} Id.
undesirability.\textsuperscript{31} Biases against particular ethnicities, religions, or races create a lack of support that may affect people irrespective of their criminal histories.\textsuperscript{32} Conversely, support would overcome bias.\textsuperscript{33} Nevertheless, a person who has not been convicted of a sex offense may acutely sense a lack of support if they are perceived as being socially undesirable.\textsuperscript{34}

Neighborhood support may be somewhat unpredictable because it is localized and contingent on populations and other factors.\textsuperscript{35} Studies have found that certain groups are more likely to reject others.\textsuperscript{36} For example, Christians may have a greater tendency to exhibit bias against Muslims than Muslims do against Christians.\textsuperscript{37} Christians may be more biased against sexual “deviants” than

\begin{flushleft}
\textsuperscript{31} Id.
\textsuperscript{32} Id.
\textsuperscript{33} Id.
\textsuperscript{34} Id.
\textsuperscript{35} Id.
\textsuperscript{36} Id.
\end{flushleft}
other groups.\textsuperscript{38} For example, they may feel that homosexuality demoralizes humanity and deteriorates social cohesion.\textsuperscript{39} A study of more than 2,000 participants indicated that Judeo-Christian bias, in general, was against homosexuals.\textsuperscript{40} Additionally, criminal culpability may be imputed to those who appear to deviate from sexual or moral norms (i.e., “deviants”).\textsuperscript{41} Because some research suggests that sexual preference can be detected from facial features, then biased witnesses (i.e., community members) may assume that one form of sexual “deviance,” such as homosexuality, correlates with other forms of sexual deviance, such as pedophilia.\textsuperscript{42}

\textsuperscript{38} Id.
\textsuperscript{40} Id.
\textsuperscript{41} Carmen M. Cusack, \textit{Pornography and the Criminal Justice System} (2014).

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Even if facial features cannot be used to identify sexual orientation, stereotypes about physical appearance and other social markers may be used by the casual observer to deduce or label sexuality.\textsuperscript{43} However, intimate details, such as sex roles, may be accurately determinable through observation by participants in research settings.\textsuperscript{44} Research shows that participants could detect whether homosexual partners played “insertive” or “receptive” roles in homosexual relationships.\textsuperscript{45} Thus, stereotypes about individuals’ sexual histories, preferences, and fetishes may be assumed, or possibly, inferred.\textsuperscript{46} If intimate sexual details may be ascertained by viewers, and biases may be formulated based on observations and associations, then perhaps religious faith or cultural identity may be observable and serve as the foundation for bias

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by these individuals. Hate crimes demonstrate that biased individuals prey on cultural outsiders who they believe exhibit physical characteristics consistent with minority groups. Hate groups may victimize individuals who appear to be similar to targeted groups. For example, Sikhs may be targeted by anti-Muslim hate crimes. Similarly, stereotypes may influence some individuals to perpetrate violence against others because they believe that the others, who appear to defy sexual norms, are sexual deviants—therefore predators. Misidentification and labeling may result in severe social, interpersonal, and public health problems, which is why the topic should be further explored.

III. METHODS

This pilot study used Survey Monkey to survey a convenience sample of 10,000 self-

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identified Christians in 2014. Christians were sampled systematically and randomly. Members of the sample were only selected based on their membership in Christian social media groups, but their beliefs in Christianity or membership in other Christian groups were not investigated. Their participation was solicited through social media blasts announcing a link to the Survey Monkey survey. Researchers used a free data collection plan that limited the number of responses to the first 100 respondents; however, researchers were able to collect 105 responses.

This pilot study asked respondents to determine whether the men depicted in 10 individual photos were convicted sex offenders. The photos were not presented with any data or identifying information, such as offenders’ charges, ages, or ethnicities. Researchers used the prefix “NS” internally to designate “non-sex offender” and “S” to designate “sex offender.” Half of the photos were of convicted sex offenders, and the other half were of men convicted of drug offenses. Each group
included images of males from various ethnicities and races, including Hispanic, Jewish, Arab, African American, and Asian, as well as age groups ranging from 18 years old to 55 years old.

The photos of drug offenders served as a control for bias. Images of convicted offenders were collected from public inmate prison records and sex offender registries throughout the United States, including from Arkansas, Florida, Georgia, Idaho, Illinois, and New York. Inclusion criteria required photos to have been taken within the past five years and within five years of the commission of the crime. This would ensure that inmates’ appearances in photos were relatively similar to offenders’ appearances at the time of perpetration. The men’s appearances in these photos would also be relatively similar to their present appearances if they were to reenter the community at the time of this study. These similarities helped to minimize the effects of institutionalization or aging on offenders’ appearances, which may have skewed respondents’ biases, perceptions, or detection of sex offense
history. The photos were compiled within the terms of use specified by government agencies on websites. Only photos of convicted offenders were used. The study excluded incarcerated men awaiting trial in order to avoid implicating guilt against those presumed to be innocent. The null hypothesis for the study was that no bias would be evident in the perception of sex offenders among different demographics.

Analytic strategies included descriptive statistics and a chi-square test to find whether relationships were merely random, or whether they had a statistical significance at a 95% confidence interval. For example, acuity was suggested when respondents predicted sex offenders and non-sex offenders, but bias was suggested when large percentages of respondents consistently indicated their belief that sex offenders and non-sex offenders pertaining to a particular racial demographic were sex offenders.

Researchers provided links to open tests on Survey Monkey that cross-linked to each other.
Each test combined photos of offenders with various ages, races, and criminal histories. Each offender’s race and age was specified by government records, except for Jewish individuals, who were selected by researchers due to Jewish names and traditional Ashkenazi appearances. Test One and Test Two each featured an Asian man between the ages 46-55 years; a Jewish man between the ages 36-45 years; an African American man between the ages 25-35 years; an Arab man between the ages 46-55 years; and a Hispanic man between the ages 18-24 years. Whereas Test One featured a sex offender in one demographic group, Test Two featured a drug dealer and vice versa. For example, in Test One, the Asian offender was a drug dealer between the ages of 46-55 years; and in Test Two, the Asian offender was a sex offender within the same age range. Offenders in Test One and Test Two belonging to the same race were close in age; however, age groups were selected randomly according to convenience. Researchers prioritized race, offense, and date of conviction as inclusion
criteria before analyzing offenders’ ages. Age was not an inclusion or exclusion criteria in itself, but offenders were grouped by age. However, researchers represented the majority of offenders’ ages in order to explore age bias. Thus, drug dealers in one test served as a control group for sex offenders in the other test for age and race.

IV. DATA

A total of 526 responses were collected with 456 responses collected from Test One and 70 from Test Two. In Test One, the first image (“Ns1”) was of an Asian man convicted of a drug offense (Table 1). There were 91 responses of which 44 respondents said that he looked like a convicted sex offender, and 47 respondents said that he did not. The second image (“Ns15”) was of a Jewish man convicted of a drug offense. Ninety responses were submitted. Seventy one responses identified him as appearing to be a convicted sex offender, and 19 respondents said that he did not appear to be a sex offender. The third image (“S17”) generated 91
responses of which 45 respondents reported that an African American man convicted of a sex offense looked like a convicted sex offender; yet 46 respondents said that he did not. The fourth image (“S29”) was of an Arab man convicted of a sex offense. There were 93 responses of which 68 reported that the man looked like a convicted sex offender. Of 93 respondents, 25 respondents said that he did not. The fifth image (“S34”) was of a Hispanic man convicted of a sex offense, who was identified as a sex offender by 60 of 91 respondents, but not by 31 respondents, who said that he did not look like a sex offender.

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Table 1. Test One Data
In Test Two, the first image ("S6") was of an Asian man convicted of a sex offense. There were 14 responses of which 11 responders said that he looked like a convicted sex offender, and 3 responders said that he did not. The second image ("S2") was of a Jewish man convicted of a sex offense. There were 14 responses of which 11 responders said that he looked like a convicted sex offender, and 3 responders said that he did not. The third image ("Ns27") was of an African American man convicted of a drug offense. There were 14 responses of which 5 responders said that he looked like a convicted sex offender, and 9 responders said that he did not. The fourth image ("Ns12") was of an Arab man convicted of a drug offense. There were 14 responses of which 12 responders said that he looked like a convicted sex offender, and 2 responders said that he did not. The fifth image ("Ns32") was of a Hispanic man convicted of a drug offense. There were 14 responses of which 9 responders said that he looked like a convicted sex offender, and 5 responders said that he did not.

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Table 2. Test Two Data

V. ANALYSIS

A. Test One

For (Asian) Ns1, 49% of the respondents believed that the image belonged to a convicted sex offender, and 52% of the respondents believed that it did not. For (Jewish) Ns15, 79% of the respondents believed that the image belonged to a convicted sex offender, and 22% of the respondents believed that it did not. For (African American) S17, 49% of the respondents believed that the image belonged to a convicted sex offender, and 51% of the respondents believed that it did not. For
(Arab) S29, 73% of the respondents believed that the image belonged to a convicted sex offender, and 27% of the respondents believed that it did not. For (Hispanic) S34, 66% of the respondents believed that the image belonged to a convicted sex offender, and 34% of the respondents believed that it did not.

B. Test Two

For (Asian) S6, 50% of the respondents believed that the image belonged to a convicted sex offender, and 50% of the respondents believed that it did not. For (Jewish) S2, 79% of the respondents believed that the image belonged to a convicted sex offender, and 2% of the respondents believed that it did not. For (African American) Ns27, 36% of the respondents believed that the image belonged to a convicted sex offender, and 64% of the respondents believed that it did not. For (Arab) Ns12, 86% of the respondents believed that the image belonged to a convicted sex offender, and 14% of the respondents believed that it did not. For (Hispanic) Ns32, 64% of the respondents believed that the
image belonged to a convicted sex offender, and 36% of the respondents believed that it did not. Statistical analyses were used to determine whether relationships were merely random or if they had a statistical significance at a 95% confidence interval. Other factors, such as age, were not relevant or statistically significant.

VI. DISCUSSION

One new finding in this area of research may be that Christian respondents’ perceptions of Arab and Jewish sex offenders and non-sex offenders demonstrated bias in comparison to their perceptions of Hispanics, Asians, and African Americans. A possible explanation may be that these Christian respondents perceived offenders who appeared to be Jewish and Arab as being less likely to be Christian than Hispanic, Asian, and African American offenders, and, thus, more likely to be suspicious or sexually devious. Almost 80% of African Americans identify as Christians, and African American culture is widely known for its
influence on Christian spirituality (e.g., gospel choirs). Hispanics are typically Christians identifying as Catholic (55%) and Protestant (22%). Approximately 36% of Christians live in the Americas, and many of these are Mexican.

Of the world’s five major geographic regions, the Americas have both the largest number and the highest proportion of Christians. More than a third of Christians worldwide (37%) live in the Americas, where nearly nine-in-ten people (86%) are Christian. The three countries with the largest Christian populations – the United States, Brazil and Mexico – are in the Americas. Together, these three countries alone account for nearly one in every four Christians in the world (24%), about the same proportion as the whole of

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Europe (26%) and all of sub-Saharan Africa (24%).

As of 2013, one-third of Catholics in the United States identified as Hispanic. Pew Forum on Religion and Public Life reports that 42% of Asian Americans are Christian, while 26% of this demographic is unaffiliated, 14% is Buddhist, and 10% is Hindu. Koreans and Filipinos are more likely to be Christian and Catholic, respectively, than they are any other religion. Within the general public, approximately only one-third more are Christian; however, Koreans are integrated into church life in the United States where they attend church more regularly than non-Asians. Filipinos are traditionally Catholic, which is the basis for stereotypes and perceptions that all Filipinos as Catholic. Thus, some Christians

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53 Id.

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may generally perceive Asians as potentially being Christian.

Even though most Americans identify Islam primarily with Arabs, two-thirds of Arab Americans are Christian. However, most Arab immigrants since World War II have been Muslims, and Muslims are the fastest-growing segment of the Arab American population.  

Thus, Christians may incorrectly perceive Arabs as being more likely to be Muslim. These perceptions may be rooted in fears about Muslim immigration and conversion. Christians who associate Islam with anti-Christian political or religious beliefs may be biased against Arabs, whom Christians assume to be Muslim.

People may differentiate groups who abuse children. One reason for this differentiation may be that respondents are able to detect sexual preference for children based on the perpetrator’s appearance.

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57 Cusack, HAIR AND JUSTICE.
Studies show that respondents can detect subjects’ preferences for opposite-sex or same-sex partners by looking at subjects’ photos. Respondents may also detect gendered sex roles within relationships, such as “insertive” or “receptive” roles in homosexual relationships. This study’s methodology is designed similarly to those studies; thus, this data may possibly be used to extrapolate that respondents could be able to detect subjects’ preference for children. However, these sex-offending subjects did not necessarily commit sex offenses against children. Yet, cultural biases are likely to emerge demonstrating that respondents perceive certain groups as being more likely to engage in sexual relationships with children or engage in sexually violent behavior. Furthermore, certain ethnic groups may be less likely to detect a history of sex offenses against children because of cultural acceptance for statutory rape or sexual abuse. Some cultural demographics may be less

likely to detect history of sexual violence against adults because of rape supportive attitudes. If findings support these hypotheses, then these discussions may be relevant to labeling and racial profiling; community police response to sex crimes; socialization and tolerance; dating and mate selection; false convictions; and other areas of criminology, sociology, and penology.

VII. LIMITATIONS

These early findings are not generalizable or definitive, and they require additional exploration. Researchers believe that data may indicate biases and accurate predictions. Yet, data indicates that populations are more likely to demonstrate biases than acuity. This study could be improved in several ways. First, this study lacked a control group for non-Christians. Second, the response rate was extremely low, 0.001%. However, researchers collected 105 responses, even though researchers

Ekaterina Kamenskaya & Georgy Kukharev, Recognition of Psychological Characteristics from Face, 1 METHODS OF APPLIED INFORMATICS 59 (2008).

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only anticipated collecting 100. Researchers believe that the response rate was only low because this was a pilot study.

In order to improve analyses, researchers may revise the methodology by analyzing both quantitative and qualitative data in a mixed-methods project. Researchers may analyze qualitative data explaining why respondents believed subjects' appearances denoted particular criminal history. Major themes could include physical descriptions, such as dark circles around eyes; or intuitive descriptions, such as offenders having an appearance of creepiness. Descriptive and analytical statistics could be used to discover correlations between major themes and demographic groups, such as race or ethnicity. A mixed methods study would provide greater insight into individuals’ religious, aesthetic, sexual, and cultural perspectives. Additional knowledge could help refine educational materials or campaigns informing the public about labeling and harm caused by bias, such as hate crimes and unfair trials.

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