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IS MISS SYMPATHY A CREDIBLE DEFENDANT ALLEGING INTIMATE PARTNER VIOLENCE IN A TRIAL FOR MURDER?

Antonio Herrera, Inmaculada Valor-Segura, and Francisca Expósito

Universidad de Granada (Spain)

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Abstract

Current research has postulated that judicial inferencing and judgement-making are subject to biased appraisals. This study assessed the factors reported in the literature associated to the appraisal of criminality in a mock case of a battered woman standing trial for murdering her husband, and who pleaded legitimate self-defence in response to an instance of intimate partner violence. A nationwide sample of 169 police officers from different cities in Spain freely volunteered to participate in the study. Using a mock trial design, the defendant's prototypicality (prototypical vs. non-prototypical), and physical attractiveness (attractive vs. unattractive) were manipulated. Participants were required to assess the criminality (credibility, responsibility, and controllability) of a battered woman accused of murdering her husband, and who alleged legitimate self-defence in response to an incident of intimate partner violence. The results showed that a defendant perceived as the prototype of a battered woman was judged as having less or no control of the situation; physical attractiveness increased the perception of the defendant's responsibility in committing the crime; and an interaction between prototypicality and attractiveness in assigning credibility to the defendant's testimony. Moreover, hostile sexism mediated the relationship between the defendant's prototypicality and controllability. The results are discussed in terms of their implications for judicial judgement making in cases of battered women who kill their aggressors.

Keywords: intimate partner violence; criminality; prototypicality; attractiveness; sexism.

Resumen

La investigación ha puesto de manifiesto que el proceso de inferencia y toma de decisiones, es sensible a múltiples sesgos que pueden afectar tales juicios o valoraciones. La presente investigación trata de analizar algunos de los posibles factores que la literatura ha relacionado con la valoración de la criminalidad, en un caso en que se juzga a una mujer que ha matado a su marido y que alega, en su defensa, haber sido víctima de violencia de género. Participaron en el estudio 169 policías procedentes de distintas ciudades españolas, de manera voluntaria y anónima. Mediante un diseño de escenarios en el que se presentaba un caso judicial ficticio, se manipuló la prototipicidad de la acusada (prototípica vs. no prototípica) y su atractivo físico (atractiva vs. no atractiva). Los participantes tenían que valorar la criminalidad (credibilidad, responsabilidad y controlabilidad) de una mujer, que alegaba haber sido víctima de violencia de género, acusada de haber matado a su marido. Los resultados mostraron que cuando se presenta a la acusada como prototipo de mujer maltratada, se le atribuía un menor control de la situación, que el atractivo físico aumentaba la percepción de responsabilidad de la acusada en el delito cometido; y una interacción entre el atractivo físico y la prototipicidad en la evaluación de la credibilidad de la acusada. Asimismo, el sexismo hostil de los participantes actuaba como variable mediadora en la relación entre prototipicidad y la percepción de controlabilidad de la acusada. Estos resultados tienen implicaciones para la formación de juicios sobre víctimas de violencia de género que asesinen a su agresor y para la atención a las denunciantes de violencia de género que son discutidos.

Palabras clave: violencia de género; criminalidad; prototipicidad; atractivo; sexismo.

Introduction

In everyday life, people continuously make judgments based on what is purported to be unequivocal evidence in the belief that it is factual and valid. However, every inference of reality or particular instance of it is partly conditioned by the inferrer's perception (Suárez, Pérez, Soto, Muñiz, & García-Cueto, 2011).

Several studies have consistently shown that jury decision-making is based on exogenous extralegal criteria (Hammon, Berry, & Rodríguez, 2011). Some studies have focused on judge and jury decision-making in order to examine the impact of physical features (e.g. the defendant's attractiveness) and cognitive attributes (prototypicality) on the appraisal of criminality (the defendant's credibility, responsibility, and controllability) that drives the verdict and sentencing (Bollingmo, Wessel, Eilertsen, & Magnussen, 2008; Efran, 1974; Leventhal & Krate, 1977).

The influence of physical attractiveness on the appraisal of criminality

The defendant's or plaintiff's physical attractiveness are among the most frequently assessed variables in relation to interpersonal perceptions and decision-making (Agthe, Spörrle, & Maner, 2011; Sheppard, Goffin, Lewis, & Olson, 2011).

The influence of physical attractiveness has been extensively examined in the field of Social Psychology, and its effects have been reported in an array of contexts (Lemay, Clark, & Greenberg, 2010; Moore, Filippou, & Perrett, 2011). Thus, attractive people are often perceived as having positive personality features and attributes in consonance with the implicit theory that "beauty is goodness" (Dion, Berscheid, & Walster, 1972; Eagly, Ashmore, Makhijani, & Longo, 1991). This cognitive bias is also known as the halo effect (Thorndike, 1920), whereby a subjective perception of a single positive trait of a person may be extended or carried-over from one desirable trait to another leading to a biased positive global assessment of that person. This author was the first to empirically research this common error in reasoning. Similarly, Asch (1946) proposed that attractiveness was a central trait in interpersonal perception that prompted a chain reaction whereby a person was perceived to have other positive and desirable traits. Likewise, Moore et al. (2011) found that people with physically attractive facial features were perceived to have additional positive personal qualities such as intelligence.

The halo effect is intertwined with implicit personality theory (Kelly, 1955) that claim the first features we perceive become the working framework for the perception of further future characteristics and attitudes. Hence, the halo effect embodies the widely held belief that physically attractive individuals are more sociable, friendly, warm, competent and intelligent than unattractive individuals (Feingold, 1992; Langlois et al., 2000). Likewise, Fiore, Taylor, Mendelsohn, and Hearst (2008) found that in an internet dating scenario, individuals with facially attractive photographs were perceived more favourably than unattractive people. Similar results have been reported in studies on social networking sites (Brand, Bonatsos, D’Orazio, & DeShong 2012; Guéguen, Lourel, Charron, Fischer-Lokou, & Lamy, 2009).

In the occupational field, Sheppard et al. (2011) found a relation between target attractiveness and the accuracy of trait judgments within a mock job interview. Generally, attractive targets were rated more positively and more accurately, calling into question the assumption that biases are responsible for the more positive ratings that attractive individuals receive. Implications for practice and for future research are discussed.

As for the legal scenario, physical attractiveness has been observed to produce a lenity bias effect i.e., the tendency to perceive and treat an attractive person in a benevolent or indulgent way (Griffin & Langlois, 2006). Furthermore, a study of mock jurors who appraised the criminality of attractive and unattractive defendants found that jurors tended to find unattractive defendants more guilty than attractive ones (Patry, 2008). This finding corroborates the halo effect and personality theory (Kelly, 1955) that sustain our initial perception of features influences the perception of later ones.

Influence of prototypicality on the appraisal of criminality

According to prototype theory (Rosch, 1975), the more features and attributes an item has in common with a prototype, the more the item is judged to be prototypical of a category. Russell and Melillo (2006) have applied prototype theory to the forensic contexts by examining how the defendant’s prototypical attributes (i.e., the degree to which an individual fits the prototype of a battered woman) influenced jury verdicts. The characteristics used to define the defendant’s prototypicality or non-prototypicality were physical characteristics such as physical age or demeanour; social characteristics as social network, number of children, employment status, or dependency on husband’s

income; behavioural characteristics as withdrawn, timid, and justifying her husband's aggressive behaviour; psychological characteristics such as feeling guilty, confused, frightened, and so forth. The results of this study corroborate the prototype effect on jury verdicts i.e., an attractive/non-prototypical battered woman who dared to challenge her husband tended to be convicted of manslaughter. In comparison, a passive prototypical battered woman who was afraid of challenging her husband tended to be found not guilty on the grounds of legitimate self-defence.

Expósito and Herrera (2009) found that batterers were attributed more typically masculine characteristics than victims, and victims were attributed more typically feminine characteristics. Consequently, victims of gender violence are portrayed by typically feminine characteristics, to such an extent that the legal definition itself is almost identical to the prototypical standards defining battered women (Walker, 2009).

Terrance, Plumm, and Thomas' (2011) study on the relationship between the victim's gender and perceptions of gender violence showed that when the gender of the victim fitted the prototype of a victim of gender violence i.e., a woman, they were more positively perceived than male victims. Moreover, the further the defendant accused of killing her husband moved away from jurors' beliefs of what a battered woman should be, the harsher their verdicts became (Terrance & Matheson, 2003).

The analysis of the psychosocial factors (beliefs, mental schemata, stereotypes) involved in decision-making has revealed difference in the way juries evaluated "typical" victims of battery in contrast to "atypical" victims. Thus, juror's preconceptions regarding the behaviour considered to be "normal" in cases of intimate partner violence influenced the verdict i.e., they conferred greater credibility to a "typical" victim's testimony than to the testimony of an "atypical" victim (Bollingmo et al., 2008; Klippenstine & Schuller, 2012).

Furthermore, beliefs and attitudes towards gender violence are variables that have been found to influence judgement making and mediate the response to incidents of intimate partner violence (Gracia, García, & Lila, 2009). In addition, Valor-Segura, Expósito, and Moya (2008) have observed that traditional attitudes to gender were linked to a greater tendency to blame the victims of gender violence.

Ferrer, Bosch, Ramis, Torres, and Navarro (2006) analysis of the beliefs and attitudes of students (both boys and girls), and young males who had received no training or coaching regarding gender violence found that the latter held attitudes and beliefs that were more tolerant of gender violence.

One of the variables undeniably influencing the response to intimate partner violence is ideology concerning gender and gender roles i.e., attitudes towards the roles and responsibilities regarded to be appropriate for men and women, and beliefs about the relationship between both (Moya, 2003, p. 9). Recent theories have reconceptualised the traditional view of sexism that reinforces traditional gender roles with the notion of ambivalent sexism that has two interrelated sub-components: hostile sexism and benevolent sexism that also serve to propagate patriarchal dominance and social structures (Expósito, Moya, & Glick, 1998; Glick & Fiske, 1996). Expósito, Herrera, Moya, and Glick (2010) found that benevolently sexist women may embrace traditional gender roles in part to avoid antagonizing their intimate male partners, which ultimately perpetuates the male-dominant status quo. Moreover, gender violence was associated more with sexist descriptions of men than with non-sexist descriptions of men. The ideological variable that best predicted the tendency to blame the victims of gender violence was hostile sexism (Cohn, Dupuis, & Brown, 2009; Durán, Moya, Mejías, & Viki, 2010; Valor-Segura, Expósito, & Moya, 2011).

Bearing in mind the findings of current research, a field study was carried out to assess the effect of the defendant's prototypicality and attractiveness, and the mediating effects of ideological variables (sexist beliefs) on the appraisal of criminality in a mock trial of a female defendant accused of killing her husband, who pleaded legitimate-self defence in response to her aggressor. Succinctly, the following hypotheses were assessed:

- a) A defendant attractiveness effect was expected on the appraisal of criminality i.e., attractive victims would be perceived as more credible, less responsible, and less in control of the situation than unattractive victims.
- b) A defendant prototypicality effect was expected on the appraisal of criminality i.e., a prototypical battered woman would be perceived as more credible, less responsible, and less in control of the situation than a defendant who did not fit the standard prototype of a battered woman.
- c) A hostile sexism effect was expected to mediate the relationship between the defendant's prototypicality and the control of the situation.

Method

Participants

The sample consisted of 169 police officers (153 men and 16 women) from different police stations nationwide, age range 21 to 60 years, mean age 33.35 years ($SEM = .72$).

The police officers participating in this study belonged to the Spanish National or Local Police Force. A total of 42.6% of the police officers were stationed in Seville, 29.6% in Santiago de Compostela, 13% in Malaga, 10% in Almeria, and 4.7% in Madrid.

Procedure and experimental design

The sample was obtained through incidental sampling of police stations in the Spanish cities of Seville, Santiago de Compostela, Malaga, Almeria, and Madrid. Participants freely volunteered and were assured their data would remain anonymous and confidential. Participants were randomly assigned (i.e., were rotated in all four experimental conditions), and a total of 169 questionnaires were administered in alternate order i.e., almost 50% of the participants ($n = 85$) were first administered the written description of a trial followed by the appraisal of the defendant's criminality before undergoing ideological assessment. Alternatively, the remaining sample underwent ideological assessment prior to the written description of a trial followed by the appraisal of the defendant's criminality. Of the 169 participants, 34 completed the non-prototypical-unattractive condition, 43 the non-prototypical-attractive condition, 43 the prototypical-unattractive condition, and 49 the prototypical-attractive condition questionnaires.

Two independent variables were manipulated while participants read the written recreation of a simulated trial of a battered woman who had murdered her husband, and pleaded legitimate self-defence in response to her aggressor. Participants were asked to perform the role of the jury, read the case, and complete the questionnaire.

A 2 (defendant attractiveness: attractive vs. unattractive) X 2 (defendant prototypicality: prototypical vs. non-prototypical) full factorial design was carried out to assess the effects on the evaluation of criminality (credibility, responsibility, and controllability). In addition, the mediating effect of hostile sexism on the relationship

between prototypicality and control of the situation was assessed. The design sensitivity analysis of the sample of 169 police officers revealed the probability of detecting ($1-\beta$) significant differences ($\alpha < .05$) for a medium effect size was 99.99%.

Material and measures

A written recreation of a mock trial of a battered woman who had killed her husband, and pleaded legitimate self-defence in response to her aggressor was manipulated by the following experimental conditions: a) prototypicality (defendant is described as a prototype of a battered woman vs. the defendant is described as a non-prototype of a battered woman); and b) physical attractiveness (the defendant is described as an attractive woman vs. the defendant being described as an unattractive woman).

The descriptions of the defendant as prototypical or non-prototypical of a battered woman were based on the characteristics outlined in the “battered woman syndrome” (Walker, 2009). The prototypical battered woman was described as follows:

María is a 36-year old housewife with two children (6 and 3-year old) who has been married for 10 years. During the trial, María is described as wearing sun glasses that hide her face, poor personal appearance and dress, and is timid in answering to the judge’s or lawyer’s questions.

The non-prototypical battered woman was described as follows:

María is a financial consultant of a leading company; she has no children, and has been married for ten years. During the trial, María is described as a well-dressed fashion conscious woman, calm and resolute in her interactions with the judge and lawyers.

The physical attractiveness variable was defined using the facial features described in the literature for defining an attractive woman i.e., large eyes, small chin and nose, prominent cheeks and thick lips (Cunningham, 1986; Cunningham, Roberts, Barbee, Druen, & Wu, 1995; Johnston & Franklin, 1993).

The “attractive” battered woman was described as follows:

María is an attractive woman with thick lips, smooth harmonious facial features, straight blonde hair, and a slender and elegant appearance.

The “unattractive” battered woman was described as follows:

María is an unattractive woman with thin lips, stern and jarring facial features, dark bundled hair, and is neither slender nor elegant in appearance.

In addition, the following information was given to all of the experimental conditions:

María is a woman on trial for stabbing her husband to death. At her trial, María pleaded legitimate self-defence claiming she had feared her husband would kill her during a violent domestic argument. María can hardly give details on how the events happened, she appeared confused and her testimony did not appear to cohere with the admissible evidence (her husband was found dead on his bed with several stab wounds to the back, and there were no signs of a struggle). In her version of the events, she claimed that during her history of intimate partner violence, she had always felt she was incapable of standing up to her husband. She said she couldn't understand how she could have killed him, she couldn't remember anything about what followed the argument with her husband, and she only remembered seeing him lying on their blood stained bed before she decided to phone the police. Her defence lawyer entered a not guilty plea on the grounds that she had acted in legitimate self-defence in response to a history of continuous abuse.

Participants were evaluated using the following measures:

- Sociodemographic variables: gender, age, academic and employment status, religious and political affiliation, sentimental affairs or relationship with their partner.
- Criminality was assessed on the basis of: a) the defendant's credibility (How credible is María's testimony?) with respondents using a 7-point Likert type scale where (1= *Totally unbelievable*, 7= *Totally believable*); b) the defendant's responsibility (To what extent was María responsible for the episodes of battery and to what extent was she to blame for this situation?) was measured on a 7-point Likert type scale where (1 = *Totally responsible for the episodes of battery*, 7 = *No responsibility for the episodes of battery*); and c) control of the situation (To what extent was María in control of the situation and events for which she was committed for trial?) as measured on a 7-point Likert type scale where (1 = *Had no control of the situation*, 7 = *Was fully in control of the situation*).
- Two further items were introduced as manipulation checks: a) Defendant's attractiveness (Do you think the defendant is physically attractive?) dichotomous (Yes/No) response format; and b) Battered Woman Prototypicality (To what extent

does María fit the prototype of a battered woman?) as measured on a 7-point Likert type scale where (1 = *Doesn't fit the prototype of a battered woman at all*, 7 = *Completely fits the prototype of a battered woman*).

- The Ambivalent Sexism Inventory (Glick & Fiske, 1996; Spanish version by Expósito, Moya, & Glick, 1998) consists of 22 items on a 6-point Likert type scale where (0 = *Totally disagree*, 5 = *Totally agree*). The inventory measures two subcomponents of sexism: hostile sexism and benevolent sexism, each consisting of 11 items. The coefficient alpha for the entire scale was .91, for the hostile sexism subscale .92, and for the benevolent sexism subscale .86; the results were similar to those obtained in other studies e.g., Glick, Sakalli-Ugurlu, Ferreira, and Aguiar-de-Souza (2002) who reported .83 for the hostile subscale and .83 for the benevolent subscale.

Results

Preliminary analysis

Initial statistical analysis revealed that the order of presentation of the information had no effect on the results i.e., no significant differences were observed among variables: a) defendant's credibility, $F(1, 167) = 0.82$, *ns*; b) defendant's responsibility, $F(1, 167) = 2.53$, *ns*; and c) defendant's control of the situation, $F(1, 168) = 3.09$, *ns*.

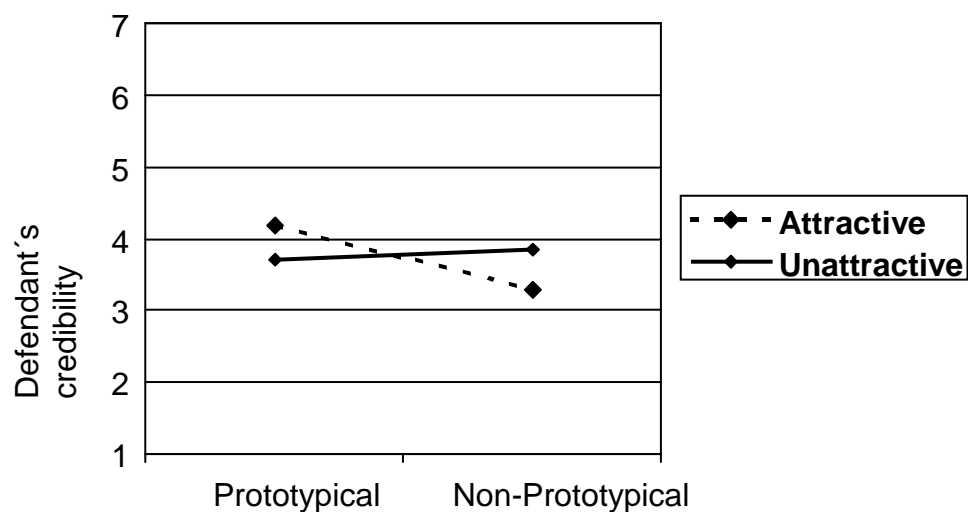
Moreover, the results corroborated the adequacy of the experimental manipulations regarding the defendant's attractiveness (Do you think the defendant is physically attractive?) i.e., the participants who read the scenario describing the defendant as an attractive woman identified her correctly, $\chi^2(1, N = 84) = 23.05$, $p < .001$; and the participants who read the scenario describing the defendant as an unattractive woman identified her correctly, $\chi^2(1, N = 85) = 51.86$, $p < .001$.

As for the defendant being the prototype of a battered woman (To what extent did María fit the prototype of a battered woman?), the manipulation was successful, $F(1, 167) = 46.33$, $p < .001$, $\eta_p^2 = .21$, $1 - \beta = .99$. Thus, participants tended to consider the defendant fitted the prototype of a battered woman when she was prototypical rather than a non-prototypical of a battered woman (*Ms* 5.05 *vs.* 3.30 for a prototypical and non-prototypical battered woman, respectively).

Effect of the defendant's prototypicality and attractiveness on the appraisal of criminality (credibility, responsibility, and controllability)

In order to assess the effect of prototypicality and attractiveness on the appraisal of the defendant's criminality, ANOVAs with a full factorial design were undertaken with factors the defendant's prototypicality and attractiveness, and dependent variables: the defendant's credibility, responsibility, and control of the situation. The results showed a principal effect of the defendant's attractiveness on the responsibility for the situation and events, $F(1, 165) = 4.75, p < .05, \eta_p^2 = .03; 1 - \beta = .58$. Thus, greater responsibility for the situation and events was attributed to attractive defendants ($M = 5.42, SD = 1.87$), than to unattractive defendants ($M = 5.99, SD = 1.43$). In addition, the results revealed a principal effect of prototypicality on control of the situation, $F(1, 165) = 8.08, p < .01, \eta_p^2 = .05, 1 - \beta = .81$. Thus, a defendant described as prototypical of a battered woman was judged to have less control of the situation ($M = 3.26, SD = 1.72$) than a non-prototypical battered woman ($M = 4.05, SD = 1.85$). Moreover, the results confirmed an interaction between prototypicality and attractiveness on the defendant's credibility, $F(1, 165) = 4.08, p < .05, \eta_p^2 = .02; 1 - \beta = .52$ (see Figure 1). Thus, attractive prototypical defendants predicted greater credibility than attractive non-prototypical defendants (4.18 vs. 3.30, respectively). In comparison, unattractive non-prototypical defendants were assigned less credibility than attractive non-prototypical defendants ($M = 3.85$ vs. $M = 3.72$, respectively). The other remaining effects were not significant, $F_s < 2, ns$.

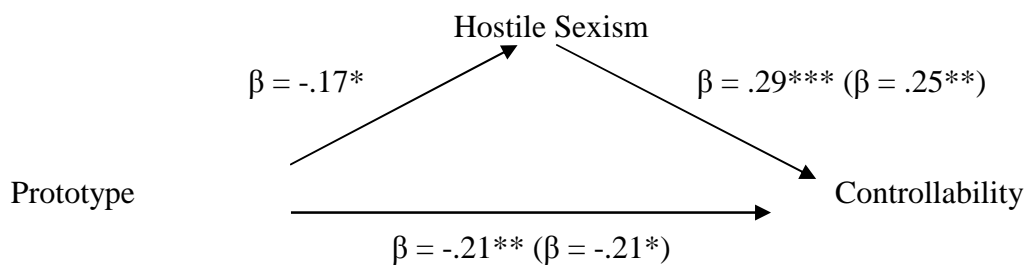
Figure 1. Interaction between Prototypicality and Attractiveness on the Defendant's Credibility.



Hostile sexism as a mediator between prototypicality and control of the situation

The mediating role of hostile sexism on the defendant’s prototypicality and controllability of the situation was assessed following the recommendations of Baron and Kenny (1986), who defined three conditions necessary for mediation. First, the independent variable (prototypicality) must influence the mediating variable (hostile sexism). Second, the mediating variable must be related to the dependent variable (controllability). Third, there should be a significant relationship between the independent and dependent variable; after it has been introduced, the mediating variable loses partially or totally its effect. Regression analysis was performed to assess these conditions. Figure 2 shows that the variable prototypicality was significantly negatively related to control of the situation ($\beta = -.21, p = .006$). Thus, prototypical defendants were judged to be less in control of the situation. Moreover, an independent regression analysis found a significant negative relationship between prototypicality and hostile sexism ($\beta = -.17, p < .05$), and between hostile sexism and control of the situation ($\beta = .29, p = .001$). Furthermore, in the third stage of regression analysis, prototypicality was observed to partially lose its effect on controllability of the situation when the hostile sexism variable ($\beta = -.21, p = .012$) was introduced. The Sobel Test (Sobel, 1982) that was carried out to determine the significance of the fall in the prototype effect on the dependent variable found a significant indirect prototype effect on controllability of the situation through hostile sexism ($Z = -1.99, p < .05$). Hence, the statistical analysis underscored that hostile sexism partially mediated the relation between the defendant’s prototypicality and controllability.

Figure 2. The Mediating Role of Hostile Sexism on the Defendant’S Prototypicality and Controllability.



Note. * $p \leq .05$; ** $p \leq .01$; *** $p \leq .001$; the β score after introducing the independent variable and the mediating variable at the same time appears between brackets.

Discussion

Contrary to the hypothesis that attractive women defendants accused of murdering their husbands would receive a more benevolent appraisal of criminality, the results showed unattractive women defendants were attributed less criminal responsibility. Consequently, the stereotype that attractiveness diminishes criminal responsibility is unfounded in cases of battered women who murder their husbands. In this study, the opposite effect was observed i.e., in this evaluation context the effect was also found but inversely with the opposite sign. A plausible explanation is that the attractiveness of a battered woman accused of murdering her husband is inconsistent with the prototype of a battered woman: young, battered, physically weak and frail woman (Walker, 2009) i.e., physically unattractive. Likewise, research on the influence of prototypes or stereotypes on the appraisal of gender violence by judges and juries (e.g., Terrance & Matheson, 2003), has shown that the further the defendant moved away from jurors' beliefs of what a battered woman should be, the harsher their verdicts became. The findings of this study have shown that the physical attractiveness of a battered woman hindered rather than advanced a plea of legitimate self-defence i.e., physical attractive battered women were attributed greater responsibility for the episodes of intimate partner violence.

As for the effect of prototypicality on the appraisal of criminality, the data showed it predicted controllability i.e., atypical defendants were attributed greater control of the situation. A possible explanation may lie in heuristic reasoning involving the tendency to use shortcuts i.e., speedy and cost-effective cognitive processing in judgement making (Fariña, Arce, & Novo, 2002). A good example is the heuristics of “counterfactual thinking” (Roese & Olson, 1997), in this study this reasoning shortcut was grounded on the assumption that a defendant who failed to fit the prototype of a battered woman (i.e., a well dressed, attractive woman who was calm and resolute) must have had some control of the situation, which undermined alternative hypotheses such as she had acted in legitimate self-defence. These findings and interpretation have been systematically reported in the literature i.e., people who behave atypically and violate the expectations of others are perceived as having greater intentionality as their behaviour is judged be the result of their own free will (Jones & Davis, 1965; Lurigio, Carroll, & Stalans, 1994; Russel & Melillo, 2006).

According to the hypothesis of this study, a principal effect was expected of both the defendant's prototypicality and attractiveness on the appraisal of criminality i.e., a physically attractive prototypical defendant would be judged to be more credible, less responsible, and less in control of the situation. The results partially substantiated the hypothesis in the appraisal of credibility in terms of the interaction between the defendant's prototypicality and attractiveness i.e., greater credibility was attributed to attractive prototypical defendants than to unattractive non-prototypical defendants. Thus, the results highlight that the stereotype "what is beautiful is good" is only applicable to a prototypical battered woman defendant on trial for murdering her husband (Dion et al., 1972; Eagly et al., 1991).

Furthermore, in line with the initial hypothesis of this study, the relationship between prototypicality and control of the situation was partially mediated by a hostile sexism effect i.e., high hostile sexism scores mediated the relationship between the prototype of a battered woman and control of the situation.

These results underscore the need for training related to the handling of domestic violence complaints by law enforcement officers that challenges dominant ideologies about gender, gender roles, and gender violence, particularly, since the police is the first law enforcement agency to respond to allegations of intimate partner violence. The results of this study highlight that the judgement making of law enforcement officers in cases of battery was conditioned by variables such as physical attractiveness or the prototype of a battered woman. Two fundamental due process requirements of criminal law are the presumption of innocence, and the battered woman's right to a fair hearing without the risk of revictimization (i.e., to doubt the battered woman's allegation and motives rather than pursue the aggressor) that contributes to the high prevalence of unreported cases of domestic violence commonly referred to as "silent" cases (Chu & Sun, 2010; Ministerio de Sanidad, Servicios Sociales e Igualdad, 2012). In the absence of any legally admissible evidence, assumptions that battered women accused of murdering their husbands are responsible for and in control of the situation and events demoralizes and deters them from reporting their aggressors (Arce, Fariña, Carballal, & Novo, 2009; Chu & Sun, 2010).

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