

The “Hoodie Effect”: George, Trayvon and How it Might Have Happened

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Note: The authors of this article are not engaged for either side of this dispute, or any current dispute that closely bears on a fact pattern similar to the Zimmerman case. The purpose of this article is to explore the social psychology of events such as the death of Trayvon Martin, in light of our experience applying such information to juror values and decision-making.

The role of litigation consultants varies from case to case, but central questions are common:

How do citizens from various walks of life make sense of this story?

What parts of the story are likely to resonate with different people?

What questions will jurors have, and what information will be required for them to feel confident they have reached the correct verdict?

What we offer in this article is a form of analysis that those working on this case might undertake.

There has been no shortage of opinions regarding why George Zimmerman shot the unarmed teenager Trayvon Martin.¹ Some say it is reflective of *institutional racism*. Others say it *was justifiable*. Others think it an example of *vigilantism*. Still others say it was an example of racial profiling, stalking and straight-forward *murder*. In an unusual move, George Zimmerman's defense team has established a website and social media presence to *keep the public aware* of their case.

Both those prosecuting and defending Mr. Zimmerman have the responsibility to present a view of the killing—but to be effective with jurors (or the public at large) they will have to offer not only facts about *what* happened, but a reasonable explanation of *why* it occurred. Reasonable people want an explanation that offers understanding and logic, in part to reduce their apprehension about violent encounters. As trial consultants, our task is to sort out the 'why' of such an event. Our own strategy is to look to the social sciences research for insight into what is known of human behavior as it applies to the case, and then to discuss with mock jurors these evidence-based hypotheses. While it is crucial that any narrative is consistent with the facts, there are numerous ways those facts might be understood or interpreted; and therein lies the persuasive power of the case narrative.

The emotional power of this story is enormous. There are few who are not moved. You can expect to see pro-Zimmerman or pro-Martin slants to what is written in blawgs, editorials, and public comments, but few remain neutral. This is a horrible story—whether you see it as a miscarriage of justice that Zimmerman has been charged with a crime at all, or a miscarriage of justice that an arrest was so long in coming.

Why did the shooting occur? Are there explanations that “make sense”? The social sciences research has a great deal to say to us about 'how' it might have happened. In this paper, we would like to review what the research tells us and offer some ideas (much as we would in a case we were working on) for our understanding how (and helping jurors understand 'how') this could have happened.

First, some background on the two people in this story: *George Zimmerman and Trayvon Martin*.

George Zimmerman has reported he is a “*neighborhood watch captain*” but there is no record of him being part of a registered neighborhood watch program. Other media depictions conflict. Some say George Zimmerman is *not a racist vigilante*.



“The 28-year-old insurance-fraud investigator comes from a deeply Catholic background and was taught in his early years to do right by those less fortunate. He was raised in a racially integrated household and himself has black roots through an Afro-Peruvian great-grandfather - the father of the maternal grandmother who helped raise him.

A criminal justice student who aspired to become a judge, Zimmerman also concerned himself with the safety of his neighbors after a series of break-ins committed by young African-American men.”

¹Despite the media frenzy over this case, the initial story run in the Orlando Sentinel was only three paragraphs long. The story was *not covered outside Florida*. In addition, this case has also generated intense debate over “*stand your ground*” laws (dubbed by pro-gun-control groups as “shoot first” laws. *Neighborhood watch programs* and the idea of neighborhood watch volunteers carrying weapons are also under heated debate.

Other sources say he *is a racist vigilante*.

“George Zimmerman had previously been charged with resisting arrest with violence and battery on an officer but the charges were dropped. He had also been accused of domestic violence in a case where he counter-accused his partner.”

Obviously, these images of George Zimmerman are diametrically opposed and will be highly influential with jurors—each encouraging them to see Zimmerman through either a sympathetic or a punitive lens.²

Trayvon Martin was a 17 year old black male staying at the home of his father’s fiancée in the gated neighborhood who went out that night to purchase a *bottle of Arizona Iced Tea and a bag of Skittles candy* for his brother and himself. His shooting has been described as *“walking while black”*. His parents described Trayvon as a *courageous son*.

“Trayvon was our hero. At the age [of] 9, Trayvon pulled his father from a burning kitchen, saving his life. He loved sports and horseback riding. At only 17 he had a bright future ahead of him with dreams of attending college and becoming an aviation mechanic. Now that’s all gone. When Zimmerman reported Trayvon to the police, they told him not to confront him. But he did anyway. All we know about what happened next is that our 17 year-old son, who was completely unarmed, was shot and killed.”

Alternately, Trayvon Martin is *depicted as a troubled youth* in difficulty with both the school and legal systems.

“Trayvon Martin was suspended from school three times in the months before he was shot dead by a neighborhood watchman, it emerged today. It was also revealed that he might have attacked a bus driver, according to a Twitter account that it is claimed belonged to the teen. The Miami Herald claims that in October, he was caught with a ‘burglary tool’ - a flathead screwdriver - and 12 pieces of women’s jewelry. Martin insisted that they did not belong to him. Earlier, he had been suspended for skipping school and showing up late to class. And most recently, in February, he was suspended again when officials found a ‘marijuana pipe’ and an empty baggie with traces of the drug.”

Like George Zimmerman, Trayvon’s depiction in the media is both sympathetic and unsympathetic. Jurors will be faced with the urgent wish to understand the true identities of George Zimmerman and Trayvon Martin.

²Another area of research highlighted by this case is on the *impact of apology in litigation*. George Zimmerman *unexpectedly apologized to Trayvon Martin’s parents* during his bail hearing. “I wanted to say I am sorry for the loss of your son. I did not know how old he was, I thought he was a little bit younger than I am and I did not know if he was armed or not.”

Imparting Understanding of What Happened: What the Research Tells Us

There is a *[fine line between self-defense and murder](#)* and both sides need to know how to explain possible reasons for such a shooting to jurors. What we've seen in the media reactions to this story are largely three groups of responses: one group that cries racism; another that supports self-defense/justifiable homicide; and a third group who wants more information—including those who are worried that the Zimmerman arrest is reflective of pressures from *["mob thinking"](#)* rather than a due process.

The social science research points to five possible hypotheses for George Zimmerman's decision to shoot: a heightened tendency to see Trayvon holding a gun; feeling powerful/"larger than life" because George, himself, was holding a gun; George perceiving himself as being in a position of power; a domestic variation on the *turban effect*; and increased racial bias due to exposure to alcohol (not necessarily drinking it).



Wielding a Gun Increases Bias to See Guns Held by Others

New research shows that if you carry a gun yourself, you are much more likely to believe *[others are holding guns as well](#)*. It's more than a sense of suspicion--you actually see innocent objects (for example, a shoe, a cell phone or a soda can in this study) as guns.³ For this research, participants either held a toy gun or a neutral object like a foam ball.

Researchers then compared their interpretation of various computer screen images showing another person holding either a gun, a cell phone or a soda can. Participants were asked what the person in the photo was holding. When the research participant was holding a gun, they were more likely to believe the person on the computer screen was also holding a gun.

One phase of the experiment finding this bias involved varying the race of the person holding the object (either a gun or an innocent object). In other words, researchers had both African American and Caucasian confederates holding objects and asked research participants to react to this array of individuals. What they found was no significance in varying race of the person holding the object but a tendency among the research participants to react more quickly (one way or the other) when the pictured potential threat was black rather than white.

Lead author Jessica Witt comments on this finding by saying that race of the person holding the object may result in activating other stereotypes that result in conclusions being drawn based on the observer's sense of threat. Essentially, *[we over-react](#)*.

"However, there are other factors related to race, and that is where stereotypes come in," she says. "If you have stereotypes, and your perception is changed when holding a gun, those factors could interact to increase the likelihood of an over-reaction. In our study, there was a gun in 50 percent of the trials. In the real world that is not typically the case, but I would expect in the real world, this gun effect and race stereotype could amplify each other."

³This research is in press currently: Witt, JK & Brockmole, JR (2012). Action alters object identification: Wielding a gun increases the bias to see guns. *Journal of Experimental Psychology: Human Perception and Performance*.

In other words, racial biases can result in intensifying pre-existing stereotypes when we identify the person holding the object as more of a threat. The researchers quote the familiar saying “*when you hold a hammer, everything looks like a nail*”. They point out that when you have a gun you are more likely to see situations as justifying shooting.

Obviously, in this situation George Zimmerman had a weapon in hand. By his own report, he did not know if Trayvon Martin was armed. He told the 9-1-1 operator he believed Trayvon Martin was “*black*” and “*really suspicious, looks like he’s on drugs*”. Zimmerman’s actions would not have been possible without that weapon and having the weapon made him more likely to see a hoodie-wearing teen wielding a cell phone, soda and Skittles as a threat to his own safety. He reacted by pulling the trigger

Do I Look Bigger with My Finger on a Trigger? (Yes.)

According to [Science Daily](#), “*new research confirms what scrawny thugs have always known*”. Holding a gun makes you look bigger to others.⁴ George Zimmerman is reportedly 5’8” (shorter than the US average at 5’9.5”) and weighs about 185 (again [lower than the US average](#) at 191). While he would likely not describe himself as “*scrawny*”, he is under-tall and under-weight compared to US averages. This research says that when observers know someone has “*a gun or a large kitchen knife*”, we perceive them to be “*taller, larger and more muscular*” than those with more “*mundane objects*”.

George Zimmerman’s report is that Trayvon Martin ([6’0” and 160 pounds](#)) “[threw the first punch](#)”. While there is no way to corroborate this statement, what this research would indicate is that if, as Zimmerman says, Martin saw Zimmerman’s gun and “*a struggle began*” –it would make sense that an unarmed observer seeing a weapon would sense a significant threat and attempt to avoid that threat.

The attorney for Trayvon Martin’s family says [who initiated the first punch](#) is not important:

Crump said it was not clear that Martin threw the first punch but, argued that even if he did, Zimmerman’s actions launched the entire sequence of events. “Trayvon Martin had every right to stand his ground,” Crump said. “We believe that Trayvon went to his grave not knowing who this strange man was that was approaching and confronting him.”

What this research says is that Trayvon Martin would have seen George Zimmerman as more physically imposing than he is in reality, since Martin knew Zimmerman had a gun. Even if Martin didn’t believe Zimmerman would pull the trigger, he would have perceived Zimmerman as being larger and more menacing. Conversely, if Zimmerman believed (see below for reasons why) that Martin was carrying a weapon, he, too, would have perceived Martin as being bigger and more a more menacing threat, even apart from the weapon.

⁴Fessler, DMT, Holbrook, C. & Snyder, JK (2012). Weapons make the man (larger): Formidability is represented as size and strength in humans. [PLOS ONE, 7\(4\)](#), April. Open access.

Perceiving Oneself as Powerful

Other research that may have relevance to this case has to do with how powerful people act on their sense of powerfulness in relation to others.⁵ We cannot know George Zimmerman's personal sense of being powerful but in this situation, he was acting as a *self-appointed "neighborhood watch captain"*, carrying a gun, and confronting a "really suspicious guy" wearing a hoodie. He had imbued himself with self-appointed authority, even after being told otherwise by the legitimate authorities, which suggests a sense of considerable personal power. We also know he had *long-standing aspirations* to be in law enforcement. What this research says is that if you feel powerful, and there are no brakes on your sense of powerfulness, you are more likely to act in a fashion consistent with "priming impulses".

A review of the *9-1-1 tape of Zimmerman reporting Martin* indicates Zimmerman was suspicious, knew Martin had "something" in his hand and that Martin "had his hand on his waistband". Despite being told by the 9-1-1 dispatcher to "not follow" Martin, Zimmerman both followed and apparently confronted Martin.

In terms of priming, these researchers would likely see Zimmerman *as primed* to anticipate danger and threat based on his description of Martin in the 9-1-1 call. We cannot know for certain how these events unfolded; we only know the outcome. This study is, among those we are considering, perhaps the mostly loosely supported in terms of relevance to the Trayvon Martin shooting. We simply do not know about George Zimmerman's sense of his own power and firm conclusions are therefore premature. But it does point out a potential area of story development for both prosecution and defense: The prosecution notion that he was wielding arrogant power (or from the defense perspective, that he was modestly but courageously trying to protect his neighbors) could be a worthwhile component of the narrative.

The "Hoodie Effect": A Domestic Variant of "The Turban Effect"

Recent research on the *"turban effect"*⁶ shows what you probably guess it would show. We exhibit automatic biases (heightened since 9/11) against those wearing turbans, are more prone to see innocent objects held by the turban-wearer as weapons, and in video games at least, we shoot at them more frequently just because they wear turbans. And therefore they are dangerous. Because they wear turbans.

Much has been made about Trayvon Martin *wearing a hoodie*. The hoodie has become a sociopolitical statement *seen in Congress*, at *rallies protesting* Trayvon Martin's death, among *professional athletes*, and *in churches*. Geraldo Rivera, no stranger to controversy, made an *oft-quoted comment* blaming the hoodie (equally with George Zimmerman) for Trayvon Martin's death.

⁵Guinote, A., Weick, M. & Cai, A. (2012). Does power magnify the expression of dispositions? *Psychological Science*.

⁶Unkelbach, C., Forgas, J., & Denson, T. (2008). The turban effect: The influence of Muslim headgear and induced affect on aggressive responses in the shooter bias paradigm *Journal of Experimental Social Psychology*, 44 (5), 1409-1413 DOI: 10.1016/j.jesp.2008.04.003

“I believe that George Zimmerman, the overzealous neighborhood watch captain, should be investigated to the fullest extent of the law and if he is criminally liable, he should be prosecuted,” Rivera said Friday morning on Fox & Friends. “But I am urging the parents of black and Latino youngsters, particularly, to not let their children go out wearing hoodies. I think the hoodie is as much responsible for Trayvon Martin’s death as George Zimmerman was.”

Is it fair to blame an item of clothing for a teen’s death? Obviously not. No more fair than it is to shoot those wearing turbans faster than we shoot other opponents in video games. No more fair than it is to sexually assault a woman who is wearing provocative clothing. No more fair than it is to make assumptions about others based on religion, sexual orientation, age, disability status, or other differences. What the research suggests is that while all agree it’s awful that a young person died, the apprehension experienced by Mr. Zimmerman might be understood by jurors who have these biases.

Assumptions about “the hoodie” reflect stereotypes and biases. The hoodie wearer is seen as a delinquent, as dangerous, as probably black, as untrustworthy, and as “suspicious”. We can hear stereotypes in George Zimmerman’s 9-1-1 call reporting Trayvon Martin’s presence in the gated neighborhood. The “hoodie effect” may have exacerbated George Zimmerman’s response to Trayvon Martin’s presence in the gated neighborhood, increased his suspicion and sense of threat, and contributed to his use of deadly force.

You Don’t Have to Drink Alcohol to Act Intoxicated When it Comes to Racial Bias



Finally, we have research looking at alcohol and racial biases. But not just any old research. This is scary research because you don’t have to drink a drop to have your racial biases raised by alcohol.⁷ We’ll never know *if George Zimmerman was drinking* that night because while Trayvon was given drug screen tests including blood alcohol levels, George Zimmerman was not.

Fortunately, or perhaps unfortunately, it doesn’t matter. All you have to do is see a billboard, a television ad, or some other image of alcohol and you act in a more racially biased manner! We [blogged on this research](#) recently:

“What this research (along with other studies we have reported to you) demonstrates is that in 2012, we still assume black men are aggressive, violent and dangerous. We still assume white men are higher status occupationally than black men regardless of how they are dressed.

And, according to this research, when we are primed by alcohol (whether via direct ingestion or merely viewing advertisements for alcohol), we are more likely to see black men as wielding weapons (as opposed to say, wallets, cell phones or car keys).”

⁷Stepanova, E., Bartholow, B., Saults, J., & Friedman, R. (2012). Alcohol-related cues promote automatic racial bias *Journal of Experimental Social Psychology* DOI: [10.1016/j.jesp.2012.02.006](https://doi.org/10.1016/j.jesp.2012.02.006)

When we consider this research in light of the Trayvon Martin case, it's very disturbing. It obviously has scary ramifications for all of us since the media is saturated with images of alcohol and just having lunch or dinner at a restaurant can result in looking at both images. You could close your eyes but ultimately there appears no other way to avoid this sort of bias-exposure. The research raises questions about whether this effect is triggered by listening to music about drinking or drugs, or news reports or advertising on the radio.

We can only guess about whether George Zimmerman had been drinking or had been exposed to alcohol imagery that evening (either directly or through the viewing of magazines, online, or on television). What we can surmise, based on the research and a review of his 9-1-1 call, is that his stereotypes were working over-time, his senses were on high alert, and his ultimate reactions were likely exaggerated by his sense of threat and danger. Whether his sense of threat and danger were realistic is a difficult question that a jury will have to decide.

Summary and Recommendations

Research offers various insights for factors that might have played a part in seeing Trayvon Martin as a threat, even though he was unarmed and, even though if he wanted to hurt George Zimmerman, he was not likely to succeed. It's a very sad story and a commentary on our oh-so-not-post-racial-society. This is likely a story about more than racial bias, but racial bias appears to have played a significant role in tragedy for Trayvon Martin, George Zimmerman, and civil society.

It is axiomatic that in a diverse jury, different people will key in on different features of the evidence. If the parties involved in this case were to conduct pre-trial research with mock jurors, it would be worth exploring whether any or all of these story components are viewed as credible, informative, or useful by differing members of the jury. If one of the research conclusions is viewed as irrelevant by 60% of the jurors but is useful or instructive to 40%, it might be worth including. But if it is viewed as helpful by 60% while being harshly alienating to 40%, that approach would likely be too risky. Taking a look at reactions to story elements and identifying which jurors are most prone to reacting positively or negatively to facts and explanations is central to effective jury selection strategies.

A pro-Prosecution compilation of these research studies would create an identity for George Zimmerman as a wannabe police officer with racist and overly suspicious tendencies. He is a small man and covered his insecurities about his size with dreams of being in law enforcement (being "important and in authority"), by elevating his status to "neighborhood watch captain" and by carrying a concealed weapon as he made his nightly rounds of the gated neighborhood. What he really was, was the neighborhood busybody wielding a gun. When he saw Trayvon Martin wearing a hoodie in the dark and rainy night, and carrying "something", he made assumptions based in bias and racism. He profiled, stalked, confronted and ultimately killed Trayvon Martin for "walking while black". A self-appointed vigilante cannot be allowed to wander neighborhood streets killing innocent and unarmed teenagers.

A pro-Defense explanation of this same research would identify George Zimmerman as a biracial man with a love of neighborhood and a sense of community responsibility. He was enrolled in community college and, as a responsible citizen, kept 9-1-1 operators apprised of suspicious activities and people in his neighborhood. He was out patrolling as part of his neighborhood watch when confronted and assaulted by Trayvon Martin. The research would potentially paint Martin as being attracted to the intimidating image that his attire created in Zimmerman, and not as an innocent teen. In the ensuing struggle, Zimmerman remembered he had a gun and shot Martin in self-defense. Not realizing Martin was so seriously wounded, Zimmerman tackled and restrained Martin while awaiting 9-1-1 responders. George Zimmerman was trying to be a responsible and proud community member who took the only action he saw as possible to protect his own life while also protecting his community. Should he be punished for taking on that commitment and civic responsibility?

Litigation research usually begins with a careful examination of pre-existing attitudes about various issues, particularly those relevant to the facts of the case. Once evidence presentations are concluded at a mock trial, it is important to listen carefully as mock jurors deliberate and then thoroughly debrief around issues related to race, bias, gun control/safety, stand-your-ground laws, and other additional areas that emerge.

Are the post-presentation attitudes the same or different than those expressed prior to the evidence?

Has the story somehow been transformative in some way?

Social science researchers attempt to understand behavior, but real life (and true crime), is a laboratory of a different type.

Image 1 [hoodie](#)

Image 2 [George and Trayvon](#)

Image 3 [gun](#)

Image 4 [fully stocked bar](#)