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The Influence of Victim Gender and Emotional Expression in Victim Impact Statements on Legal Judgments and Punishment Decisions

Hannah Chimowitz
University of Massachusetts Amherst

THE INFLUENCE OF VICTIM GENDER AND EMOTIONAL EXPRESSION IN

VICTIM IMPACT STATEMENTS ON LEGAL JUDGMENTS AND PUNISHMENT

DECISIONS

A Thesis Presented

by

HANNAH CHIMOWITZ

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Approved as to style and content by:

_____
Linda M. Isbell, Chair

_____
Brian Lickel, Member

_____
Kathryne Young, Member

_____
Caren Rotello, Department Chair
Department of Psychological and Brain Sciences

ABSTRACT

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HANNAH CHIMOWITZ, B.A., RHODES COLLEGE

M.S., UNIVERSITY OF MASSACHUSETTS AMHERST

Directed by: Linda M. Isbell

Victim impact statements (VISs) are written or oral statements detailing the
effects a crime has had on a victim. While the practice of having victims present VISs at
sentencing hearings has generated much debate for over 25 years, the effects of this
practice on victims, defendants, and legal decision-makers remain poorly understood.
Prior research suggests that a victim's emotional expression can affect how victims are
perceived, and the legal judgments made in response to their statements. The current
research considers how the effects of victims' emotional displays on sentencing decisions
might be conditioned by victim gender. Using audio-recorded VIS stimuli, the present
research investigated the influence of victim gender (male vs. female) and emotional
expression (Study 1: anger vs. sadness; Study 2: anger vs. sadness vs. flat affect) on
legal judgments and punishment decisions. The results across Study 1 and Study 2 are
inconsistent, though findings from the study (Study 2) with the substantially larger
sample size suggest that individuals make legal judgments that are more favorable
towards female victims, regardless of the victim's emotion expression in a VIS.
However, hostile sexism and gender-emotion stereotype endorsement moderated the

effects of victim emotion expression and gender on sentence severity and empathy for a defendant.

Keywords: emotion perception, gender, legal judgments

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CHAPTER 1

INTRODUCTION

Within a legal system that has traditionally viewed emotion as the opposite of logic and reason, sentencing is a uniquely emotional procedure – one that judges describe as "the most daunting task" they perform (Bennett, 2011). At this point in a criminal case, the fact finding has ended, the strict rules of evidence no longer apply, and victims have the opportunity to present a victim impact statement. Victim impact statements (VISs) are written or oral statements detailing the effects a crime has had on a victim. Born from the victims' rights movement of the 1970s, VISs were implemented to provide an opportunity for victims to participate in the criminal sentencing process. While this objective likely seems harmless at first glance, VISs have been subject to considerable criticism since their introduction to U.S. courts.

VISs often provide particularly salient, emotional information, which has sparked concerns among legal scholars about the potential for their emotional appeal to bias legal decision-making (Myers & Greene, 2004). It is important to note that VISs are not meant to serve as evidence of a crime (Bandes, 2016); in fact, there are no standard guidelines on how VISs should be weighed in sentencing decisions in most states (Schuster & Propen, 2010). This equivocality fuels the ongoing debate over the purpose, legal relevance, and permissibility of VISs. Much of this debate and research in response to it has focused on the use of VISs in the extreme context of capital cases, where the death penalty is a possible sentence.

Research investigations have generated mixed empirical support for the concern that VISs may induce more severe sentencing recommendations. Some findings illustrate

that individuals are significantly more likely to vote for the death penalty when presented with a VIS from the victim's family (Luginbuhl & Burkhead, 1995; Myers & Arbuthnot, 1999). Other studies that did not directly measure sentencing recommendations have found significant effects of VISs on other factors relevant to sentencing decisions (e.g., compassion for victims; Greene, 1999; Greene, Koehring, & Quiat, 1998). However, separate investigations revealed no significant effects of VISs on capital sentencing judgments (Butler, 2008). For example, one study found only a third of participants reported that VISs had a moderate influence on their judgments of capital cases; moreover, the presence of a VIS did not influence the acceptance of aggravating and mitigating evidence (Gordon & Brodsky, 2007).

In light of these inconsistencies, researchers have focused on the conditions under which VISs may influence legal decision-makers' affective and cognitive processes, as well as ensuing effects on punishment decisions. In one line of study, researchers examine whether exposure to VISs elicits negative emotions among jurors or judges, and whether these emotions result in greater punitiveness. Examining VISs as a source of juror emotion, a few studies have found that mock jurors exposed to VISs reported feeling more upset and nervous (Wevodau et al., 2014), greater sympathy for crime victims, more anger toward perpetrators (Paternoster & Deise, 2011), and that these emotions resulted in greater punitiveness.

Previous findings also indicate that the emotional expression of the victim presenting an impact statement may influence perceptions of the victim and punishment decisions. There is increasingly consistent evidence for the 'emotional victim effect' (EVE), according to which victims who behave in an emotionally distraught manner are

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more likely to be considered 'real,' believable victims than those who express themselves in a neutral or numbed manner (Ask & Landström, 2010a). For example, Nadler, Rose, and Clark (2006) manipulated the intensity of a robbery victim's emotional expression to be severe or mild and found that in the mild condition (i.e., no long-term ill effects), participants reported less sympathy for the victim and recommended a more lenient punishment for the perpetrator. These findings suggest that a victim's emotional expression in a VIS is an important variable to consider when examining influences on sentencing decisions, and that specific emotional expressions are expected from crime victims.

1.1 Expectations of Crime Victims' Emotional Responses

Crime victims report experiencing a wide range of emotional responses, including fear, shock, helplessness, anger, rage, and numbness (Frieze et al., 1987; Wasserman & Ellis, 2010). Despite marked individual differences in emotional responses to victimization, prior research suggests people possess strong expectations about the types, as well as intensity, of emotions that crime victims experience. This finding is in line with broader conceptualizations of emotion norms. As emotions are often expressed within social interactions, scholars have proposed social rules of emotionality that govern the ways in which emotions are expressed and interpreted (Ekman & Friesen, 1971; Hochschild, 1979). Referred to as 'display rules' (Ekman & Friesen, 1971; Hareli et al., 2015) or 'feeling rules' (Hochschild, 1983), these social norms guiding emotionality indicate both the type and the intensity of emotions considered appropriate and expected within a specific situation.

In the context of criminal victimization, a number of studies have considered normative expectations of victims' emotions. Findings indicate that individuals expect victims to display more passive, low-status emotions (e.g., fear and sadness), versus emotions that signal agency and control over one's environment, such as anger and pride (Bosma et al., 2018a). Correspondingly, in conversations with judges and courtroom observations, Schuster and Propen (2010) found that judges were uncomfortable with victims' expressions of anger in VISs. Due to anger being interpreted as evidence of desire for revenge, judges felt that this emotion was rarely acceptable and often unproductive for victims to express in the courtroom. Compassion and grief, on the other hand, were considered more favorable and appropriate in VISs.

Many scholars have pointed to these stereotypes, or typical expectations of victims' emotional reactions, in explaining the emotional victim effect (EVE). According to this argument, people have stereotypical expectations about what constitutes a "normal" reaction to victimization; when these expectations are violated, this results in negative perceptions of the victim. In support of this expectancy-violation account, Ask and Landström found that the match between police trainees' expectations of a victim's emotion and the victim's actual expression mediated the effect of expression on credibility judgments, such that when expectations were not met, the perceived credibility of the victim was lower (Ask & Landström, 2010b).

There are a few sizable gaps in the research on the EVE that the current research aims to address. First, previous studies have mostly examined the presence or absence of victim emotion, and a handful have considered emotional valence. Yet recent research on the effects of discrete emotional expressions on judgments of crime victims' need for

social support indicates a need to revisit and revise the EVE by looking beyond the simple presence or absence of emotions that victims express (Wrede & Ask, 2015). Moreover, research on the EVE is limited by a primary focus on participants' responses to female victims of sexual crimes. As social norms guiding the appropriate expression of emotions differ depending on the gender and status of the individual expressing the emotion (Diefendorff & Greguras, 2009; Simpson & Stroh, 2004), stereotypical expectations about victims' emotional expressions are likely contingent on victim gender.

1.2 Gender Stereotypes and Emotion Expectations

The stereotype that women are more emotional than men has persisted for decades (Barrett & Bliss-Moreau, 2009; Fabes & Martin, 1991; Grossman & Wood, 1993; Plant et al., 2000; Rosenkrantz et al., 1968; Ruble, 1983; Timmers et al., 2003; Williams & Best, 1990). In addition to this general stereotype, women are expected to express more embarrassment, fear, happiness, guilt, sympathy, and sadness than men (Keltner, 1995; Plant et al., 2000). On the other hand, men are expected to experience and express more pride and anger (Fabes & Martin, 1991; Plant et al., 2000). These gendered emotion expectations can even influence the *perception* of emotion expressions, such that individuals interpret ambiguous and unambiguous expressions in a stereotype-consistent manner. For ambiguous expressions (i.e., blending sadness and anger), Plant et al. (2000) found that male targets were perceived as angrier and less sad than female targets with identical expressions. Other studies have found that anger is more easily detected in male faces, and happiness and sadness are identified more quickly on female faces (Becker et al., 2007; Bijlstra et al., 2010)

Emotion-gender stereotypes are also connected to the social inferences that people draw from others' emotional expressions. While most research findings demonstrate a backlash effect against women expressing counter-normative emotions (Ask & Landström, 2010b) – particularly anger (Gibson et al., 2009; Salerno et al., 2018) – some studies have found that male victims who express counter-stereotypical emotions (i.e., sadness) are viewed equally, and at times more, favorably than women victims expressing sadness (Hutson-Comeaux & Kelly, 2002; Shields, 2002; Zawadzki et al., 2013). Brown and colleagues (2015) provided additional evidence that men and women are held to distinct standards when it comes to emotional expressions (Brown et al., 2015). They examined participants' evaluations of men and women displaying congruent, neutral, or deviant (i.e., norm-violating) emotions and found that women received greater social punishment (i.e., more negative social evaluations) for displaying incongruent affect than did men.

There is evidence from at least one study that these emotion-gender stereotypes persist in the context of criminal victimization. Wrede and Ask (2015) examined public expectations about victims' emotional reactions in everyday settings and found that participants expected female victims to experience significantly more anxiety, fear, guilt, shame, and sadness, and significantly less hatred and anger than male victims. This pattern emerged across five crimes of varying severity – including battery, rape, threat, robbery, and burglary – demonstrating that gender-specific stereotypes about victims' emotional reactions generalize across different types of crimes.

As outlined above, it is necessary to recognize that emotional expressions can take on a variety of meanings, depending on the status and characteristics of the person

expressing them. Prior research on VISs suggests that a victim's emotional expression can affect the ways in which victims providing impact statements are perceived, and the legal judgments made in response to them. This evidence aligns with findings from the emotion perception literature demonstrating that individuals draw a variety of social inferences about a target based on their emotional expressions. Importantly, these social inferences are influenced by the target's gender. The current research builds on these bodies of work and aims to add to the existing literature by considering how the effects of victims' emotional displays in VISs on sentencing decisions might be conditioned by victim gender.

1.3 Research Overview

The current studies were designed to test the effects of a crime victim's gender and emotion expression in a VIS on perceptions of the victim, defendant, and crime, as well as sentencing recommendations. In order to test these effects, I developed audio-recorded VIS stimuli in which a male and female 'victim' delivered a VIS in a flat, sad, or angry manner. A series of pre-tests were conducted to ensure that participants perceived the intended emotional expressions, and to validate that the stimuli consistently represented the emotions of interest without any effects of victim gender.

Across two studies, I examined the differential effects of a male versus female victim's emotion expressions (Study 1: sadness and anger; Study 2: sadness, anger, flat affect) on perceptions of the victim, defendant, and crime, as well as sentencing recommendations. In addition, Study 1 investigated participants' expectations of a male versus female victims' emotional expressions. Consistent with prior findings on expectations about emotional responses, I predicted that participants would expect the

male (vs. female) victim to express more anger. Conversely, I hypothesized that participants in the female (vs. male) victim conditions would expect the victim to be more emotional and express higher levels of sadness.

I further hypothesized that when the victim violated emotion-gender stereotypes, participants would respond less favorably to the victim, reporting lower perceptions of credibility. Regarding perceptions of the defendant, I predicted that participants in the stereotype-consistent victim conditions would judge the defendant more harshly, reporting stronger negative emotional responses to the defendant and higher defendant blame. Lastly, I expected that participants exposed to a stereotype-incongruent (vs. consistent) victim would perceive the crime to be less serious and recommend more lenient sentences for the defendant. Because there is substantial evidence that emotion-gender stereotypes are equally endorsed by both women and men (Knox et al., 2004; Robinson & Johnson, 1997), I did not make specific predictions regarding participant gender effects.

CHAPTER 2

STUDY 1 AND PRETEST

2.1 Introduction to Pre-Test 1

A total of six audio-recorded VIS stimuli were created for the present research. A near-identical VIS script was audio-recorded by a male and female actor in three emotional tones: angry, sad, and flat. All recordings were under two minutes. The VIS script included the typical elements of an impact statement and was informed by model VISs from sources including judicial districts' victim support units, victim advocacy agencies, news reports, and prior research (Bosma et al., 2018a; Lens et al., 2013; Tsoudis, 2000). The VIS script can be found in Appendix A.

2.2 Pre-Test 1 Methods

2.2. Participants

193 participants (64.8% female, 74.1% White, age $M = 37.56$, $SD = 11.96$) were recruited through Amazon's Mechanical Turk (MTurk). Participants received $0.25 for participation.

2.2.2 Procedure

After providing online consent, participants were randomly assigned to listen to one of the six VIS recordings. Participants then reported the extent to which they perceived the victim to express various emotions on a slider scale from 1 (*not at all*) to 7 (*very much*). Relevant emotion items were combined to create scales for perceived victim anger (anger, fury, irritation, Cronbach's $\alpha = 0.88$) and perceived victim sadness (sadness, helplessness, despair, Cronbach's $\alpha = 0.90$).

2.3 Pre-Test 1 Results

Results demonstrated the desired effects of emotion condition. General linear

models with victim emotion and victim gender condition as fixed factors indicated that

participants' perceptions of victim anger (Welch's $F(2, 125.377)$, $p < .001$) and sadness

($F(2, 190) = 10.96$, $p < .001$) differed significantly as a function of victim emotion

condition.[1] Importantly, there were no main effects of victim gender on perceived

emotion; nor were there any interactions between victim gender and emotion.

Planned contrasts revealed that participants who listened to an angry VIS reported

higher perceptions of victim anger ($M = 5.49$, $SD = 1.30$) compared to those in the flat

affect conditions ($M = 3.99$, $SD = 1.56$), $t(124.744) = 5.93$, $p < .001$, and the sad victim

conditions ($M = 3.86$, $SD = 1.70$), $t(117.823) = 6.07$, $p < .001$. The neutral and sad

conditions did not differ significantly in perceived victim anger, $t(126.288) = -.455$, $p =$

.65.

Participants who listened to a sad VIS perceived the victim as expressing greater

sadness ($M = 5.78$, $SD = 1.25$) compared to those who heard an angry VIS ($M = 4.79$, SD

$= 1.25$), $t(190) = -4.60$, $p < .001$. Perceived sadness was significantly higher in the neutral

conditions than in the angry conditions, $t(190) = -3.10$, $p = .002$. While those in the sad

conditions reported higher perceived sadness than those in the neutral conditions ($M =$

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[1] A series of 2 (participant gender: male, female) x 2 (victim gender: male, female) x 3 (victim emotion: angry, sad, neutral) ANOVA's were conducted to test for participant gender effects on perceptions of victim anger and sadness. In addition to the desired main effects of victim emotion condition, a significant interaction emerged between participant gender and victim emotion on perceived victim sadness, $F(2, 181) = 4.22$, $p = .016$, p $\eta^2 = .045$. Pairwise comparisons indicated that male (vs. female) participants who listened to an angry VIS perceived significantly greater sadness ($M = 5.47$, $SD = 1.02$ vs. $M = 4.49$, $SD = 1.24$), $F(1, 187) = 8.87$, $p = .003$, $SE = .329$. There was also a significant interaction between participant and victim gender on perceived sadness, $F(1, 181) = 6.83$, $p = .01$, p $\eta^2 = .036$. Simple effects analyses indicated that male participants perceived marginally more sadness when they listened to a male victim ($M = 5.75$) versus a female victim ($M = 5.27$), $F(1, 66) = 3.04$, $p = .086$. Similarly, female participants perceived marginally more sadness in the female victim's VIS ($M = 5.40$) than in the male victim's ($M = 5.00$), although this was not a significant difference, $F(1, 123) = 2.73$, $p = .101$. Simple effects of participant gender on perceptions of sadness by victim gender condition indicated that when the victim was male, male participants perceived significantly more sadness ($M = 5.75$) than did female participants ($M = 5.00$), $F(1, 94) = 8.40$, $p = .005$, p $\eta^2 = .082$. There was not a significant effect of participant gender on perceptions of sadness when the victim was female, $F(1, 95) = .20$, $p = .65$. Importantly, the main effect of victim emotion condition on perceived anger and sadness remained significant in the original two-way ANOVA when including participant gender as a covariate, $F(2, 184) = 23.15$, $p < .001$, p $\eta^2 = .201$, and $F(2, 184) = 10.37$, $p < .001$, p $\eta^2 = .101$, respectively.

5.45, $SD = 1.15$), this was not a significant difference, $t(190) = 1.56$, $p = .121$. This issue is addressed and resolved in subsequent pre-tests.

2.4 Study 1 Overview

The pre-test confirmed that the angry and sad VIS stimuli were perceived as intended, without effects of victim gender on participants' ratings of victim emotion. In Study 1, which focused on the angry and sad victim conditions, participants were randomly assigned to listen to one of four VIS's (female/male victim expressing anger/sadness) and responded to items related to the victim, defendant, and crime.

2.5 Study 1 Methods

2.5.1 Participants

Participants (N = 460) were recruited through Amazon's Mechanical Turk (MTurk) and received $0.50 for participation. Ten participants failed at least two of the three attention check items and sixteen individuals opted to withdraw from the study, leaving a final sample of 434 participants (53.2% female; 72.1% White, 11.8% Black, 8.1% Asian, 6.7% Hispanic; age $M = 38.28$, $SD = 12.58$; see Table 1 for all participant demographics).

2.5.2 Procedure

After providing consent to participate, participants were randomly assigned to one of four VIS conditions reflected in the 2 (victim gender: male or female) x 2 (victim emotion: angry or sad) between-subjects design. Participants first reviewed written case information about a fictitious assault and armed robbery in which the victim's gender was specified. All case information, except for the victim's gender, was held constant across conditions (see Appendix A for case materials). Participants were then notified that they

would listen to the victim's impact statement; however, before listening to this statement, participants were asked to rate the extent to which they expected the victim to express various emotions in the statement.

Next, participants listened to one of the four VIS recordings and responded to items assessing their current emotional state and judgments of the victim and defendant. Participants then provided sentencing recommendations, rated their level of confidence in their sentencing decision, and rated the severity of the crime. Lastly, participants reported demographic information, including age, gender, race, political orientation, and prior experience as a crime victim. Participants were then debriefed and compensated.

2.5.3 Measures

2.5.3.1 Expected victim emotion

Emotion items were informed by prior research (Ask & Landström, 2010a; Wrede & Ask, 2015), and were primarily based on the Juror Negative Affect Scale (JUNAS; Bright & Goodman-Delahunty, 2006). The JUNAS includes 30 items that represent four subscales. The first three subscales combine items from the anger, fear/anxiety, and sadness subscales from the Profile of Mood States (McNair et al., 1981) and the Positive and Negative Affect Scale (Watson et al., 1988). Bright and Goodman-Delahunty (2006) also developed a fourth to capture disgust. Although the disgust subscale was not of interest in the present research, disgust, as well as shame and guilt, were included to obscure the purpose of the task. Items taken from the anger subscale included anger, fury, and irritation. Items included from the fear/anxiety subscale included unease, fear, and anxiety. Items from the sadness subscale included helplessness and sadness.

Prior to listening to the VIS, participants reported the extent to which they expected the victim to be emotional in the VIS on a slider scale from 1 (*completely emotionless*) to 7 (*completely emotional*). Participants then rated the likelihood that they victim would express the following emotions in the VIS, on a slider scale from 1 (*not at all likely*) – 7 (*extremely likely*): unease, anxiety, fear, anger, fury, irritation, sadness, helplessness, despair, disgust, shame, guilt, and neutrality. The order in which emotion items were presented was randomized.

A principal-axis factor analysis with an oblimin rotation yielded a three-factor solution, using an eigenvalue > 1 criterion. As the anger items and items related to both sadness and fear loaded on to separate factors, composites were created for expected victim anger (anger, fury, irritation; Cronbach's α = .79) and expected victim sadness and fear (unease, anxiety, fear, sadness, helplessness, despair; Cronbach's α = .83).

2.5.3.2 Participant emotion

After listening to the VIS, participants rated the extent to which they were experiencing various emotions 'right now' on a slider scale from 1 (*not at all*) – 7 (*very much*). With the exception of neutrality, emotion items were identical to those used to measure expected victim emotion and were presented in a randomized order. Participants were then given the opportunity to list any other emotions they were currently experiencing in an open-ended item.

Once again, a principal-axis factor analysis resulted in a factor solution in which anger alone and both sadness and fear loaded on to separate factors. Based on this factor structure, two composite scales were created by averaging relevant items assessing self-

reported anger (anger, fury, irritation; Cronbach's α = .90) and sadness and fear (unease, anxiety, fear, sadness, helplessness, despair; Cronbach's α = .94).

2.5.3.3 Emotional responses to the defendant

Participants rated the extent to which they felt the following emotions toward the defendant on a slider scale from 1 (*not at all*) – 7 (*very much*): sympathy, compassion, concern, empathy, anger, contempt, and disgust. Items were combined and averaged into an empathy subscale (sympathy, compassion, empathy; Cronbach's α = .97; adapted from Johnson et al., 2002) and a subscale of negative emotions towards the defendant (anger, disgust; Cronbach's α = .83; adapted from Rose, Nadler, & Clark, 2006).

2.5.3.4 Victim credibility and blame

Victim credibility was measured with five items on a slider scale from 1 (*not at all*) – 7 (*very much*). Participants rated the extent to which they perceived the victim to be believable, unconvincing, uncertain, honest, and sincere (uncertain and unconvincing reverse scored, Cronbach's α = .85). Two items measured the extent to which participants believed the victim was to blame, and responsible for what happened to them. Response options were presented on a sliding scale, ranging from 1 (*not at all*) – 7 (*completely*), Cronbach's α = .98.

2.5.3.5 Perceptions of perpetrator and perpetrator blame

Participants were asked to rate how well each of the following described the defendant who committed the crime on 7-point sliding scales (1 = *not at all*, 7 = *very well*): dangerous, out of control, blameworthy, someone with no conscience (Cronbach's α = .82).

2.5.3.6 Sentence recommendations, confidence, and crime severity.

Two items assessed sentencing recommendations. First, in an open-ended item, participants were informed that 'In cases such as this, the minimum sentence is probation without supervision, the maximum sentence is ten years in prison, and people have received sentences anywhere in between.' They were then asked to report what sentence they would impose for the defendant in a free text format. Responses to the open-ended sentencing recommendation item were coded for recommended years in prison by two independent raters. The number of years in prison that participants recommended ranged from 0-40; however, as over 98% of responses fell within the range of 0-12, responses greater than 12 were recoded to 12 to minimize the effects of outliers ($M_{original} = 5.48$, $SD_{original} = 3.99$; $M_{12max} = 5.32$, $SD_{12max} = 3.36$).

Subsequently, participants were presented with the minimum and maximum sentencing determinations for individuals convicted of armed assault and robbery – roughly 5-9 years in prison. They were asked to indicate the sentence they would impose for the defendant in this case on a slider scale from 5-9 years in prison. As participants moved the slider, they were able to see the value of their choice to one decimal place. Responses to the restricted range sentencing item were not normally distributed; a histogram showed a bimodal distribution of the data, with the majority of responses falling at the minimum or maximum values. Thus, all analyses of sentencing recommendation reported are of the open-ended item. Lastly, participants rated how confident they felt in their sentencing decision on a slider scale from 1 (*not at all confident*) – 7 (*completely confident*) and indicated how serious the crime was on a slider scale from 1 (*not at all*) – 7 (*completely*).

2.5.3.1.6 Attention checks

Three attention checks were included throughout the study. Participants were asked to indicate the type of crime that had occurred in the case, to identify which legal actor from a list (i.e., criminal, lawyer, victim) had provided the impact statement, and to select 'very well' from a list of possible responses.

2.6 Study 1 Results

A series of two-way ANOVAs were conducted to examine the effects of victim gender and emotion on the dependent variables. Descriptive statistics for each dependent variable can be found in Table 2.

2.6.1 Expected Victim Emotion[2]

As predicted, a significant effect of victim gender on expected victim emotionality emerged ($F(1, 430) = 6.62$, $p = .01$, $\eta p^2 = .015$), such that the female victim was expected to be more emotional in the VIS ($M = 5.80$, $SD = .91$) than the male victim ($M = 5.56$, $SD = 1.04$). The analysis of expected victim sadness and fear also yielded a significant main effect of victim gender, $F(1, 430) = 10.06$, $p = .002$, $\eta p^2 = .023$. As hypothesized, participants reported greater expectations that a female victim would display greater sadness and fear ($M = 5.29$, $SD = 1.00$) compared to a male victim ($M = 4.97$, $SD = 1.11$). The analysis of expected victim anger, however, revealed no significant effects (all $p > .26$).

2.6.2 Participant Emotion

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[2] Analyses of participant gender effects showed a significant effect of participant gender on expected victim sadness and fear, $F(1, 424) = 5.36$, $p = .021$, p $\eta^2 = .012$, such that female participants expected greater sadness and fear ($M = 5.25$, $SE = 0.07$) than male participants ($M = 5.01$, $SE = 0.08$). There was also a marginal effect of participant gender on expected victim anger, $F(1, 424) = 3.57$, $p = .06$, p $\eta^2 = .008$. Female participants expected slightly more anger from the victim ($M = 5.06$, $SE = 0.08$) than male participants ($M = 4.83$, $SE = 0.09$). Unexpectedly, there was a significant interaction between participant gender and victim emotion on expected victim anger, $F(1, 424) = 3.9$, $p = .049$, p $\eta^2 = .009$. Simple effects analyses indicated that within the angry VIS conditions, male participants expected less anger ($M = 4.63$, $SE = .13$) than female participants ($M = 5.10$, $SE = .12$). Male participants in the angry VIS conditions also expected significantly less anger ($M = 4.63$, $SE = .13$) than did male participants in the sad VIS conditions ($M = 5.02$, $SE = .12$).

Analyses of participants' self-reported emotions suggested an emotional contagion effect. Participants who listened to an angry VIS reported experiencing significantly greater anger ($M = 4.63$, $SD = 1.88$) than those who listened to a sad one ($M = 4.02$, $SD = 1.82$), $F(1, 428) = 11.64$, $p = .001$, $\eta p2 = .026$. Conversely, participants who listened to a sad VIS reported marginally more sadness and fear ($M = 4.29$, $SD = 1.86$) than those who heard an angry VIS ($M = 3.98$, $SD = 1.74$), $F(1, 428) = 3.03$, $p = .083$, $\eta p2 = .007$.

2.6.3 Responses to the Victim and Defendant

There were no significant effects of victim emotion or gender on perceived victim credibility (all $p > .18$), victim blame (all $p > .49$)[3], empathy for the defendant (all $p > .10$), defendant blame (all $p > .31$) or negative emotional responses to the defendant (all $p > .22$).[4]

2.6.4 Sentencing Judgments and Perceptions of the Crime

There were no significant effects of victim gender or emotion on open-ended sentencing recommendations (all $p > .48$). There was a marginal effect of victim emotion on sentence confidence, $F(1, 430) = 3.50$, $p = .062$ $\eta p2 = .008$, with those in the sad victim conditions reporting marginally greater confidence in their sentencing decisions ($M = 5.83$, $SD = 1.49$) than participants in the angry victim conditions ($M = 5.55$, $SD = 1.68$).

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[3] Female participants rated the victim as more credible ($M = 5.92$, $SE = 0.08$) than did male participants ($M = 5.56$, $SE = 0.09$), $F(1, 424) = 9.17$, $p = .003$, p $\eta^2 = .021$. Female participants also reported significantly lower victim blame ($M = 1.55$, $SE = 0.10$) than male participants ($M = 2.12$, $SE = 0.12$), $F(1, 424) = 14.48$, $p < .001$, p $\eta^2 = .033$.

[4] Male participants reported greater empathy for the defendant ($M = 2.41$, $SE = 0.112$) than female participants ($M = 1.98$, $SE = 0.11$), $F(1, 424) = 7.86$, $p = .005$, p $\eta^2 = .018$. Female participants also rated the defendant as significantly more blameworthy, out of control, danger, and as someone with no conscience ($M = 6.04$, $SE = 0.07$) than male participants ($M = 5.75$, $SE = 0.08$), $F(1, 424) = 7.92$, $p = .005$, p $\eta^2 = .018$.

There was a significant interaction between victim gender and emotion on crime severity, $F(1, 430) = 6.17$, $p = .013$, $\eta p2 = .014$ (see Figure 1). Simple effects analyses revealed a marginal effects of victim gender when the victim expressed sadness. As predicted, within the sad VIS conditions, the crime was rated as marginally more serious when the victim was a female ($M = 5.95$, $SD = .91$) than when the victim was male ($M = 5.71$, $SD = 1.04$), $F(1, 430) = 3.19$, $p = .075$, $\eta p2 = 007$. Within the angry victim conditions, the effect of gender was trending, with higher ratings of crime severity when the victim was male ($M = 5.93$, $SD = 1.07$) versus female ($M = 5.68$, $SD = 1.08$), $F(1, 430) = 2.99$, $p = .085$, $\eta p2 = 007$.

Regarding the effect of victim emotion, simple effects analyses indicated a marginal effect of emotion within the female conditions ($F(1, 430) = 3.6$, $p = .058$, $\eta p2 = .008$), such that the crime was perceived as more serious when the female victim expressed sadness ($M = 5.95$, $SD = .91$), as opposed to anger ($M = 5.68$, $SD = 1.08$). The effect of victim emotion on crime severity within the male victim conditions was not significant, $p = .11$; however, mean differences were in the expected direction, with higher perceived crime severity when the male victim expressed anger ($M = 5.93$, $SD = 1.07$) versus sadness ($M = 5.71$, $SD = 1.04$).

2.7 Discussion

In Study 1, I found partial support for my hypotheses, such that participants anticipated a female victim would be more emotional in general and would express greater sadness in her VIS, compared to a male victim. These results provide further support for previous work suggesting that emotion-gender stereotypes are applied to crime victims (Wrede & Ask, 2015). While prior investigations did not *directly* examine

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expectations of victims' emotional expressions in VISs, the current findings indicate that individuals hold gender-stereotypical expectations about the types and intensity of emotions that crime victims express in a VIS. However, participants did not report significantly higher expectations of anger from the male versus the female victim. The unexpected finding that participants did not appear to apply emotion stereotypes to male victims could be due to the "inherent contradiction" in "the acknowledgment of the male (emotional) victim" (Bosma et al., 2018b; Doherty & Anderson, 2004). Evidence suggests that stereotypes associating both women and victimhood with weakness, defenselessness, and vulnerability overlap to such an extent that criminal victimization is perceived to be a feminine and feminizing experience (Howard, 1984). Thus, the notion of a male victim is counter normative, which might weaken individuals' stereotypical emotion expectations of them.

In addition, the finding that victim gender and emotion interacted to influence perceptions of the crime was in line with my predictions. Participants perceived the crime as more serious when the victim expressed gender stereotypical emotions. Importantly, crime severity has been found to be a primary determinant of sentencing (Frase, 1997). According to focal concerns theory, offense severity is one of the key legal variables that guide judges and other legal actors in reaching sentencing decisions (Steffensmeier & Ulmer, 2016).

Contrary to my hypotheses, there were no significant effects of victim gender or emotion expression on sentencing recommendations or on judgments of the victim or the defendant. It is possible that in asking participants about their expectations of the victims' emotions at the onset of the study, participants were primed to attend to the emotional

expression of the victim, reacting to the VIS and answering subsequent measures

differently than they would have otherwise. Additionally, there are numerous individual

differences that may moderate the effects of victim gender and emotion, such as

endorsement of traditional gender roles. Such influences are important to investigate in

future research.

2.8 Limitations

Study 1 has several limitations that are addressed in Study 2. As mentioned, one

potential limitation was the inclusion of the emotion expectation measure prior to

exposing participants to the VIS. This variable was of interest, given the need to establish

the normative expectations of male and female victims' emotions. By using a between-

subjects design in which respondents only considered either a male or female victim, we

were able to avoid direct comparisons that might have prompted stereotypical responses.

Nevertheless, in Study 2, this measure was removed to minimize potential demand

characteristics.

Next, while we intended to assess participants' emotional responses to the victim

in Study 1, responses to these items were uninterpretable due to experimental error.

Previous studies have found a significant association between empathy for victims and

recommended sentences for defendants (Deitz et al., 1984), suggesting that individuals'

emotional responses to victims are important in punishment decisions. Finally, in Study

1, the bimodal distribution of sentencing recommendations on the closed-ended measure

– which more closely resembles real-world sentencing decisions made within an

established guideline range (United States Sentencing Commission, Guidelines Manual,

§3E1.1, 2018) – violated assumptions required for traditional regression and ANOVA

analyses. For this reason, a more subjective scale of sentencing severity was included in Study 2.

CHAPTER 3

STUDY 2 AND PRETESTS

Study 2 extended the current investigation of the effects of victim gender and emotional expression in responses to VISs by including a third emotion condition that victims are likely to experience and present: flat affect (Center for Substance Abuse Treatment, 2014). By definition, victims are discussing the effects of a crime in a VIS. Research on victims of trauma demonstrates that victims often dissociate from the source of trauma, resulting in a numb or neutral emotional state when discussing it (Christianson & Lindholm, 1998; Ehlers & Clark, 2000). This numb, neutral emotional state can be described as flat affect. A distinguishing feature of flat affect is "a pervasive constriction in emotional tone and responsiveness, in the presence of external stimuli that would be expected to lead to a range of emotional responses" (Rice et al., 1969). Given emotion-gender stereotypes associating women with emotionality, it is important to understand how perceptions of victims displaying this common affective response in a VIS might differ depending on their gender, as well as how a victim's display of flat affect might influence legal judgments.

In addition, in Study 2, I investigated whether individuals' beliefs in traditional gender roles and stereotypes moderate the effects of victim emotion expression and gender on legal judgments and decision-making; such effects could indicate who is more or less likely to demonstrate biased responses to VISs given by counter-stereotypical victims. Prior research has identified traditional gender role attitudes, stereotype endorsement, and ambivalent sexism as important predictors of various legal judgments, including bias against angry female attorneys (Salerno & Phalen, 2018), attitudes towards

male and female offenders, judgments of crime severity, and punishment decisions (Herzog & Oreg, 2008). Due to the addition of an emotion condition, as well as the goal of examining additional moderators, I recruited a considerably larger sample in Study 2.

To examine individuals' perceptions of victims expressing flat affect, as compared to angry and sad affect, an additional pre-test including items that assessed participants' perceptions of flat affect was conducted in order to ensure that the VIS stimuli captured the emotions of interest. After the pre-test, the best performing stimuli were selected for use in a 2 (victim gender: male, female) x 3 (victim emotion: flat, sad, angry) between-subjects experimental design. Revising my initial predictions from Study 1, Study 2 aimed to test whether participants who listened to a sad (versus flat or angry) VIS would form more favorable evaluations of and report greater empathy for the victim (H1) and form more negative evaluations of and report greater negative emotional responses to the defendant (H2).

Additionally, based on initial findings and prior evidence that women receive more negative social evaluations for displaying norm-violating affect than do men (Brown et al., 2015), I hypothesized that the effect of emotion condition on responses to the victim and defendant would be larger when the victim was female, as compared to male (H3). In an exploratory hypothesis, I predicted that judgments of the female victim expressing flat affect would more closely resemble responses to the stereotype-inconsistent (i.e., angry) female victim; conversely, judgments of the male victim expressing neutral affect would more closely resemble responses to the stereotype-consistent (i.e., angry) male victim (H4). In an extension of the findings from Study 1, I hypothesized that perceptions of crime severity would be greater when 1) the female

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victim expressed sadness versus flat affect or anger and 2) the male victim expressed anger or flat affect versus sadness (H5).

Lastly, I hypothesized that the influence of victim emotion and gender on judgments of the victim, defendant, and crime would be moderated by individual differences in participants' endorsement of emotion-gender stereotypes and/or ambivalent sexism (H6). Specifically, I predicted that responses favoring victims (i.e., positive emotional responses to victims, negative judgments of defendants, higher ratings of crime severity, and harsher sentencing recommendations) who express stereotypical emotions would be stronger among participants who are relatively higher in emotion-stereotype beliefs and/or ambivalent sexism.

3.1 Pre-test methods

3.1.1 Participants

A total of 600 participants were recruited through MTurk in order to pre-test the six VIS stimuli. Participants were excluded if they chose to withdraw their data after being debriefed of the true purpose of the study ($n = 65$), if they incorrectly answered at least two attention checks ($n = 42$), response times were extremely short or long ($n = 11$), their answers to open-ended items were nonsensical ($n = 6$), or they used duplicate IP addresses ($n = 11$). After exclusions, the final sample for the pre-test study was 465 (58.7% female, 74.4% White, $M_{age} = 39.39$, $SD_{age} = 13.56$).

Due to concerns with responses to the flat affect male condition in initial analyses (outlined in greater detail in the results), an additional sample of 200 was recruited through MTurk to pre-test two updated versions of the male victim/flat affect VIS. After

exclusions, 140 responses were retained (53.6% female, 73.6% White, M_{age} = 39.32, SD_{age} = 12.22). All participants who completed the pre-test received $0.25.

3.1.2 Procedure

As in the first pre-test, participants were randomly assigned to listen to one of six VIS's and reported the extent to which they perceived the victim expressed various emotions in his/her statement on a slider scale from 1 (*not at all*) to 7 (*very much*). Additional emotion items were included to assess perceptions of flat affect. Relevant items were combined to create scales for perceived victim anger (anger, fury, irritation; final merged sample Cronbach's α = 0.89), sadness (sadness, helplessness, despair; Cronbach's α = 0.80), and flat affect (numbness, neutrality, detachment; Cronbach's α = 0.78).

3.2 Pre-test Results

In order to examine whether the respective emotion conditions were perceived as intended without effects of victim gender, a series of one-way ANOVAs with post hoc comparisons (Dunnett T3) were conducted to examine differences in perceived victim anger, sadness, and flat affect as a function of VIS condition. Overall, there was a significant effect of VIS condition on perceptions of each emotion (anger: Welch's F(5, 209.61) = 61.51, p <.001; sadness: Welch's F(5, 212.83) = 11.02, p <.001; flat affect: Welch's F(5, 212.82) = 9.39, p <.001). Post hoc analyses yielded expected results for all VIS conditions except for the male victim/flat affect version.

For perceived victim anger, post hoc comparisons indicated that participants in the angry female and angry male VIS conditions victim perceived the victim as significantly angrier than participants in all of the other VIS conditions (see Table 3 for

descriptives and all comparisons). The mean difference between the angry female and angry male VIS conditions was not significant (95% CI [-.13, .90], $p = .32$). The same pattern emerged for perceived victim sadness, such that compared to all other conditions, the victim was perceived as significantly sadder in the sad female and sad male VIS conditions. The mean difference in perceived sadness between the sad female condition and sad male condition was non-significant (95% CI [-.30, .62], $p = .99$).

However, this pattern did not emerge for perceptions of flat affect. Post hoc comparisons demonstrated that the flat female victim was perceived as more detached, neutral, and numb than the flat male victim, $p = .006$, $SE = .23$. Moreover, there were no significant differences in perceived flat affect when comparing the flat male VIS to any other VIS conditions (all $p > .20$; see Table 3).

Due to concerns with the quality of the male victim/flat affect VIS, two additional versions of this condition were developed and tested in a subsequent pre-test. The version of the male flat affect VIS that yielded the higher mean perceived flat affect was selected ($n = 65$) and analyzed in comparison to the other five pre-tested VIS conditions (total $N = 457$). Post hoc comparisons (Dunnett T3) indicated that the new male/flat affect VIS was perceived as significantly more detached, neutral, and numb than all other VIS conditions, with no significant mean difference compared to the female flat affect VIS ($p = .99$). In addition to this improvement, the new flat male VIS was also rated as significantly less sad and angry compared to the sad female/male and angry female/male VIS conditions, respectively (see Table 4 for all comparisons). These six pre-tested VIS stimuli were retained and employed in Study 2.

3.3 Study 2 Methods

3.3.1 Participants

Participants (N = 1313) were recruited through MTurk and received $0.80 for participation. After excluding participants who failed at least two of the three attention check items (n = 9), those that opted to withdraw from the study (n = 21), responses with poor quality data or duplicate IP addresses (n = 12), and participants who completed the study in under 10 minutes or over 50 minutes (n = 66), the trimmed sample comprised of 1,205 participants (M_{age} = 42.40, SD_{age} = 14.14; see Table 5 for all other demographics).

3.3.2 Procedure

The procedure for Study 2 was identical to that of Study 1 with a few exceptions. First, participants were randomly assigned to listen to one of six VISs, as reflected in the 2 (male vs. female victim) x 3 (angry vs. sad vs. flat victim) experimental design. Second, participants were not asked to rate expected victim emotions before listening to the VIS; nor were they asked to report their own emotional state after listening to the VIS. Third, in light of the ongoing Covid-19 pandemic, which has disproportionately affected incarcerated individuals, and protests for racial justice and an end to police brutality, the date of the crime was stated as occurring before the pandemic (2018) and the race of the victim and defendant were specified as White (see Appendix B). Also, in addition to the open-ended and forced range sentencing recommendation items, participants were asked to respond to a more subjective punishment item assessing recommended sentence severity. Lastly, participants completed the additional individual difference measures described below.

3.3.3 Measures

Items for victim blame, emotional responses to the defendant, crime severity, and confidence in sentencing recommendations were identical to Study 1.

3.3.3.1 Emotional responses to the victim

Participants rated the extent to which they felt the following emotions toward the victim on a slider scale from 1 (*not at all*) – 7 (*very much*): sympathy, compassion, concern, empathy, anger, contempt, and disgust. The first four items were combined into a composite score representing empathy for the victim (Cronbach's $\alpha = 0.93$), while the latter three items created a subscale representing negative emotions towards the victim (Cronbach's $\alpha = 0.86$).

3.3.3.2 Victim credibility

Participants rated the extent to which they perceived the victim to be believable, convincing, honest, and sincere (Cronbach's $\alpha = 0.98$). Response options were presented on a sliding scale, ranging from 1 (*not at all*) – 7 (*completely*).

3.3.3.3 Defendant blame

Two sets of items were used to assess defendant blame. Though the Perceptions of Perpetrator Blame Scale (PPBS) has not been extensively used in the literature, it has been found to be reliable, with internal consistency values above 0.85 (Cramer et al., 2010, 2013; Rayburn et al., 2003; Sommer et al., 2016). This measure consists of 14 bipolar adjective pairs (e.g., violent-nonviolent) that are rated on a seven-point scale. After reverse scoring six pairs of adjectives, a total perceived blame score was tabulated, with higher scores representing higher perpetrator blame (Cronbach's $\alpha = 0.95$). Additionally, the two items used for victim blame were asked in regard to the defendant. Specifically, participants rated the extent to which the defendant was responsible and to

blame for the crime on a slider scale from 1 (*not at all*) – 7 (*completely*). These two items were combined to form a short scale of defendant blame (Cronbach's $\alpha = 0.95$).

3.3.3.4 Sentence recommendations

Participants were asked to rate the severity of the sentence they would impose on a slider scale from 1 (*minimum sentence*) to 7 (*maximum sentence*). Participants then indicated how many years and/or months they would sentence the defendant to in prison in a free-text item. Free-text responses were again coded for recommended years in prison. Because 98.8% of these responses fell within the range of 0-12, I again recoded responses of 13+ years to 12 to minimize the effects of outliers ($M_{original} = 7.14$, $SD_{original} = 2.85$; $M_{12max} = 7.09$, $SD_{12max} = 2.69$).

Lastly, as in Study 1, participants were presented with the minimum and maximum sentencing determinations for individuals convicted of armed assault and robbery (63-108 months) and were asked to recommend a sentence within this range.

3.3.3.5 Attention checks

Three attention checks were again included throughout the study. Participants were asked to indicate the type of crime that had occurred in the case, to select 'very well' from a list of possible responses, and to type the word 'yes' into a text box.

3.3.3.6 Emotion-gender stereotype beliefs

A measure of emotion-gender stereotype endorsement was included to assess individuals' beliefs about the kinds of emotions that men and women typically express. The measure was nearly identical to that developed by Plant and colleagues (2000). Participants were asked to report how often they believe men and women express a series of emotions on a slider scale from 1 *(never)* to 7 *(very frequently)*. The emotions included

two male-stereotyped emotions (anger, pride) and four female-stereotyped emotions (sadness, happiness, sympathy, fear, emotions in general).

In line with Plant et al. (2000), responses to these items were used to create difference scores that serve as a measure of stereotype beliefs. For female-stereotyped emotions, participants' scores targeting men were subtracted from scores targeting women. For male-stereotyped emotions, the reverse approach was taken. These differences were then averaged into an index of stereotype endorsement (Cronbach's α for all difference scores = 0.76). Scores on the scale can range from -6 to 6, with higher scores reflecting greater endorsement of emotion-gender stereotypes. In the current study, participants' scores ranged from -1.43 to 4.64 ($M = 1.34$, $SD = .96$).

3.3.3.7 Ambivalent sexism

Ambivalent sexism is one indicator of individuals' support for traditional gender roles; it encompasses two sets of beliefs: benevolent sexism (paternalistic, stereotypical views of women in restricted roles) and hostile (antagonism towards women) sexism (Glick & Fiske, 1996). As such, participants will complete the short version of the Ambivalent Sexism Inventory (Glick & Fiske, 1996; Glick & Whitehead, 2010), which consists of two 6-item subscales that tap both benevolent (Cronbach's $\alpha = 0.87$) and hostile sexism (Cronbach's $\alpha = 0.92$).[5]

3.3.3.8 Legal attitudes and sentencing goals

The Revised Legal Attitudes Questionnaire (RLAQ) consists of 23 items and four subscales representing authoritarian, antiauthoritarian, and equalitarian tendencies

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[5]Participants in Study 2 who identified as female reported lower mean levels of both benevolent and hostile sexism ($M_{benevolent} = 3.17$, $SD = 1.18$; $M_{hostile} = 2.48$, $SD = 1.22$; $r = .44$, $p < .01$) than participants who identified as male ($M_{benevolent} = 3.64$, $SD = 1.22$; $M_{hostile} = 3.09$, $SD = 1.33$; $r = .39$, $p < .01$).

(Kravitz et al., 1993). Responses are made on a 7-point Likert scale (1: *Strongly disagree*

– 7: *Strongly agree*) and scores yield an overall score reflecting levels of legal

authoritarianism (Cronbach's α = 0.84), in addition to the subscales (equalitarianism

Cronbach's α = 0.69; authoritarianism Cronbach's α = 0.80; anti-authoritarianism

Cronbach's α = 0.72).

The Sentencing Goals Scale (McKee & Feather, 2008) consists of 20 items and

four subscales representing the primary goals of sentencing: incapacitation (Cronbach's α

= 0.83), deterrence (Cronbach's α = 0.89), retribution (Cronbach's α = 0.89), and

rehabilitation (Cronbach's α = 0.83). The response options are made on a 7-point Likert

scale, coded in the current study as ranging from -3 (*strongly disagree*) to 3 (*strongly*

agree).

3.4 Study 2 Results

A series of 2x3 ANOVAs were conducted to investigate the main and interactive

effects of victim gender and emotion expression on dependent variables related to the

victim (victim blame, credibility, and emotional responses to the victim), the defendant

(perceptions of defendant blame, emotional responses to the defendant), and the crime

(perceived severity, sentencing, and confidence). Descriptive statistics for each dependent

variable can be found in Table 6, and Table 7 contains intercorrelations of these

variables.

3.4.1 Responses to the Victim

There was a significant main effect of victim gender on perceived victim

credibility ($F(1, 1199)$ = 10.80, p = .001, ηp^2 = .009), empathy for the victim ($F(1, 1199)$

= 14.33, p < .001, ηp^2 = .012), and negative emotions towards the victim ($F(1, 1199)$ =

25.70, $p < .001$, $\eta p^2 = .012$). Across these outcomes, participants who listened to a VIS given by a female (vs. male) victim reported more favorable responses, including higher perceived credibility ($M_{\text{female}} = 5.82$; $M_{\text{male}} = 5.50$), more empathy for the victim ($M_{\text{female}} = 6.09$; $M_{\text{male}} = 5.82$), and lower levels of negative emotions towards the victim ($M_{\text{female}} = 1.60$; $M_{\text{male}} = 1.89$). This pattern did not emerge for victim blame (all $p > .29$).

In addition, there was a marginal interaction between victim emotion and gender on victim credibility ($F(2, 1199) = 2.60$, $p = .075$). Follow-up pairwise comparisons indicated that participants perceived the female (vs. male) victim as more credible in the flat and sad conditions ($F(1, 1199) = 7.38$, $p = .007$; $F(1, 1199) = 8.56$, $p = .003$), but not in the angry conditions ($p = .97$). While perceived credibility for the female victim was highest in the sad versus angry or flat conditions, these predicted differences did not reach significance (both $p > .17$). Unexpectedly, the male victim was perceived as marginally more credible in the angry versus the flat condition, (95% CI [-.01, .80], $p = .057$). The differences in credibility for the male victim expressing sadness, very anger or flat affect, were non-significant (both $p > .55$).

There was also a trending interaction between victim emotion and gender on empathy for the victim, $F(2, 1199) = 2.46$, $p = .086$. Similar to credibility, participants reported greater empathy for the female (versus male) victim in the sad and flat conditions ($F(1, 1199) = 7.45$, $p = .006$; $F(1, 1199) = 11.60$, $p = .001$), but not in the angry conditions ($p = .67$). There was also a marginal effect of emotion condition when the victim was female, $F(2, 1199) = 2.95$, $p = .053$, $\eta p^2 = .005$. Pairwise comparisons indicated that participants reported marginally more empathy for the female victim when she expressed flat affect versus anger (95% CI [-.01, .58], $p = .062$). Contrary to

hypotheses, there were no significant differences between the sad condition compared to the angry or flat conditions (both $p > .22$). [6]

3.4.2 Responses to the Defendant

There was a main effect of victim gender on negative emotions towards the defendant ($F(1, 1199) = 6.58$, $p = .01$, $\eta p^2 = .005$), such that participants who listened to a female victim's impact statement reported significantly more anger, disgust, and contempt for the defendant ($M = 5.29$) compared to those who heard a male victim's impact statement ($M = 5.05$). There were no significant effects of victim gender or emotion on defendant blame (all $p > .15$) or empathy for the defendant (all $p > .19$).[7]

3.4.3 Sentencing Judgments and Perceptions of the Crime

A significant main effect of victim gender on sentencing emerged for both the open-ended item ($F(1, 1164) = 7.65$, $p = .006$, $\eta p^2 = .007$) and the slider scale item ranging from 63-108 months ($F(1, 1199) = 9.64$, $p = .002$, $\eta p^2 = .008$). Participants who heard a female victim's VIS recommended a longer average sentence in months ($M = 89.66$, $SD = 17.22$) and in years ($M = 7.30$, $SD = 2.65$) versus those in the male victim

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[6] The main effects of victim gender on victim credibility, empathy for the victim, and negative emotions towards the victim remained significant when including participant gender as a covariate. There was also a significant effect of participant gender on victim blame ($F(1, 1191) = 28.94$, $p < .001$, $\eta p^2 = .024$), empathy for the victim ($F(1, 1191) = 18.95$, $p < .001$, $p\eta2 = .016$), and negative emotions towards the victim ($F(1, 1191) = 14.89$, $p < .001$, $\eta p^2 = .012$). Compared to female participants, male participants tended to report less favorable responses to the victim; this included significantly more negative emotions towards the victim ($M_{male} = 1.93$; $M_{female} = 1.62$), greater victim blame ($M_{male} = 1.72$; $M_{female} = 1.34$), and lower empathy for the victim ($M_{male} = 5.77$; $M_{female} = 6.08$). In addition, the trending interactions between victim emotion and gender on victim credibility and empathy remained similar with participant gender as a covariate ($p_{credibility} = .071$; $p_{empathy} = .078$).

[7] The main effect of victim gender on negative emotions towards the defendant remained significant when including participant gender as a covariate. There was also a significant effect of participant gender on defendant blame ($F(1, 1186) = 21.65$, $p < .001$, $p\eta^2 = .018$) and empathy for the defendant ($F(1, 1186) = 6.51$, $p = .011$, $p\eta^2 = .004$). Compared to female participants, male participants tended to report less negative judgments of the defendant; this included greater empathy for the defendant ($M_{male} = 3.38$; $M_{female} = 3.10$), and less defendant blame ($M_{male} = 6.20$; $M_{female} = 6.42$). Male participants also reported marginally lower levels of negative emotions towards the defendant than female participants ($p = .054$).

conditions ($M = 86.60$ months, $SD = 17.19$; $M = 6.87$ years, $SD = 2.72$). No significant

effects emerged for sentencing severity (all $p > .19$), perceptions of crime severity (all $p >$

.26), or sentence confidence (all $p > .11$).[8]

3.4.4 Moderated Moderation Models with Individual Difference Variables

Moderated moderation analyses (Model 3 in PROCESS) were run on each

outcome to investigate three-way interactions between the individual difference variables

(i.e., ambivalent sexism, hostile sexism, and emotion-gender stereotyping) and victim

emotion and gender. These analyses revealed a significant three-way interaction between

hostile sexism, victim gender, and victim emotion on sentence severity ($F(2, 1190) =$

2.92, $p = .05$). The interaction between victim gender and emotion was significant for

participants high (+1SD) in hostile sexism ($F(2, 1190) = 4.93$, $p = .007$), but not for

participants of average or low levels of hostile sexism. Among those high in hostile

sexism, participants who listened to a sad VIS sentenced the defendant less harshly when

the victim was male versus female ($b = -.33$, $SE = .16$, $p = .049$, 95% CI [-.64, -.002]).

The opposite pattern emerged for those who listened to an angry VIS, such that the

defendant was sentenced more harshly when the victim was male versus female ($b = .39$,

$SE = .17$, $p = .02$, 95% CI [.06, .71]). There was not a significant effect of victim gender

in the flat affect conditions ($p = .43$). Looking at effects of victim emotion condition

among those high in hostile sexism, sentence severity was higher when the female victim

expressed sadness compared to flat affect ($b = .34$, $SE = .17$, $p = .049$, 95% CI [.002,

.68]) or anger ($b = .57$, $SE = .17$, $p = .001$, 95% CI [.90, .23]). The difference between the

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[8] The main effects of victim gender on sentencing in months and years remained significant when including participant gender as a covariate. No effects of participant gender emerged for variables related to the crime and punishment.

flat and angry female victim conditions was not significant ($p = .19$). Among participants

high in hostile sexism, there were no significant effects of victim emotion condition on

sentence severity when the victim was male. However, sentence severity was marginally

higher when the male victim expressed anger versus flat affect ($b = .30$, $SE = .16$, $p = .07$,

95% CI [-.03, .62]). These differences among participants high in hostile sexism are

illustrated in Figure 2.

In addition, there was a marginally significant three-way interaction between

emotion-gender stereotype endorsement, victim gender, and victim emotion on empathy

for the defendant ($F(2, 1193) = 2.84$, $p = .059$). The interaction between victim gender

and emotion reached significance only for participants who were high (+1SD) in

emotion-gender stereotyping, ($F(2, 1193) = 3.12$, $p = .045$). Examining this group of

participants, those who listened to a sad VIS reported significantly more empathy for the

defendant when the victim was male versus female, $b = .39$, $SE = .15$, $p = .008$, 95% CI

[.10, .68]. For the other victim emotion conditions, this interaction did not reach

significance ($p_{flat} = .83$, $p_{angry} = .46$). Among those high in emotion-gender stereotype

endorsement, no significant effects of victim emotion condition emerged on empathy for

the defendant when the victim was male or female (all $p > .07$). These differences are

illustrated in Figure 3.

3.5 Study 2 Discussion

Participants' responses to the victim, defendant, and crime followed a consistent

pattern in Study 2, although this pattern did not support my hypotheses. Namely, I found

that participants reported higher credibility, lower levels of negative emotions, and more

empathy for a female victim in comparison to a male victim, regardless of the emotion

that the victim expressed in a VIS. This pattern remained with emotional responses to the defendant, such that participants reported higher levels of anger, disgust, and contempt for the defendant when the victim was female versus male. Moreover, sentencing recommendations made in both a free-text format and a slider scale item were longer when the victim was female, as compared to male.

These findings suggest that participants prioritized victim gender over emotion expression, with no support for my predictions that participants would respond more favorably to the victim and more punitively to the defendant when the victim expressed sadness in the VIS (H1-2). While the marginal and trending interactions that emerged between victim emotion and gender on victim credibility and empathy provided weak support for my hypothesis that victim gender would moderate the effects of emotion expression (H3), the exploratory hypothesis (H4) that responses to the flat female/male victims would resemble responses to the angry female/male victims was not supported. Moreover, I found no evidence in support of an interaction effect between victim gender and emotion on participants' responses to the defendant (H3) or perceptions of the crime (H5).

For the individual difference variables of ambivalent sexism and endorsement of emotion-gender stereotypes, the effects that emerged from moderated moderation models provided partial support for the hypothesis that participants higher in emotion-stereotype beliefs and/or ambivalent sexism would be more likely to respond in favor of the victim when he or she expressed stereotypical emotions (H6). Specifically, participants who were higher than average in hostile sexism sentenced the defendant more harshly when the victim was a sad female (vs. male) or an angry male (vs. female), and when a female

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victim expressed sadness (vs. flat affect or anger). Those who were above average in

emotion-gender stereotype endorsement also displayed a bias in favor of the stereotypical

victim; they reported less empathy for the defendant when the victim expressing sadness

was female, versus male.

CHAPTER 4

GENERAL DISCUSSION

For over 25 years, the practice of having victims present impact statements during sentencing hearings has generated much debate. Yet the effects of this practice on victims, defendants, and legal decision-makers remain poorly understood (S Bandes, 2016). Supporters often cite objectives of the broader victims' rights movement in defense of VISs: increasing victim involvement, giving victims a meaningful voice in the criminal justice process, and perhaps even aiding victims in the coping and healing process (Cassell, 2009; Myers et al., 2006). Opponents have voiced concerns about possible prejudicial effects of VISs on jurors and judges, which might threaten the fairness of sentencing hearings and result in unequal treatment of defendants and victims alike (Bandes, 1999; Bandes & Salerno, 2014; Bandes et al., 1996).

In this thesis, I built upon prior evidence and theory regarding criminal victimization, emotion perception, and gender stereotyping to argue that individuals may make inferences about the victim, defendant, and crime based on the emotions that the victim expresses in their VIS. Across two studies, I examined the differential effects of a male versus female victim's emotional expressions in a VIS on participants' responses related to the victim, defendant, and crime. Study 1 provided initial evidence that individuals apply emotion-gender stereotypes to victims presenting VISs in forming expectations of victim sadness, but not anger. This discrepancy suggests that the application of emotion-gender stereotypes in the context of VISs are constrained to emotions that adhere to stereotypes about victimization – passive, less agentic emotions (Bosma et al., 2018a).

Moreover, in Study 1, I found the predicted interaction effect between victim gender and emotion expression on perceptions of crime severity: when the female victim expressed sadness, versus anger, the crime was perceived to be more serious. In Study 2, this interaction did not replicate. Instead, I found that regardless of which emotion a victim expressed, participants made more positive judgments of the victim, more negative judgments of the defendant, and more punitive sentencing recommendations when the victim was female. The current results stand in contrast to research in other domains (e.g., organizational, social influence) evidencing penalties for women expressing anger (Brescoll & Uhlmann, 2008; Salerno & Peter-Hagene, 2015). However, the present findings align with evidence from prior research findings demonstrating more severe sanctions for offenders who victimize women (Curry, 2010; Curry et al., 2004; Holcomb et al., 2004).

However, I did find the hypothesized effects of victim gender and emotion expression on sentence severity among individuals high in hostile sexism. These participants punished the defendant more harshly when the victim expressed a stereotype-congruent emotion. Sentence severity was significantly harsher when the victim was female and expressed sadness in her VIS, compared to the sad male victim, angry female victim, and female victim expressing flat affect. Moreover, sentence severity was greater in the stereotype-consistent angry male victim condition compared to the stereotype-inconsistent angry female condition. Finally, individuals high in emotion-gender stereotype endorsement reported less empathy for the defendant when the victim expressed a stereotype-congruent emotion. These results extend prior findings in which individuals who explicitly endorse sexist attitudes report more favorable attitudes towards

targets who adhere to, versus those who violate, traditional gender stereotypes (Gaunt, 2013; Salerno & Phalen, 2019). Specifically, the current results suggest that in the context of legal judgment and decision-making this bias translates to more negative reactions towards individuals who transgress against victims who conform to gender roles.

Unexpectedly, a number of inconsistencies emerged in the findings from Study 1 and Study 2. For example, Study 1 found no significant effects of victim gender or emotion expression on legal judgments or punishment decisions. However, the findings from Study 2 consistently demonstrated that participants were partial to a female victim. Across almost every dependent variable, participants in Study 2 reported more favorable responses to the victim and more punitive responses to the defendant, including harsher sentencing recommendations, when the victim was female. There are a few possible explanations of these inconsistent findings. First, as discussed earlier, it is possible that participants responded differently in Study 1 because they had been asked to report their expectations of the victim's emotions before hearing the VIS and responding to other measures. Second, and perhaps more likely, the effects of victim gender found in Study 2 were small in size. The sample of 434 participants in Study 1 was considerably underpowered the detect such effects. The sample size in Study 1 may also help to explain the lack of replication of the interaction effect on crime severity in Study 2. With over three times as many participants in Study 2, the power to detect such an interaction was substantial.

Limitations and Future Directions

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Across both studies, rigorously pretested audio-recorded VIS stimuli were utilized. While the use of audio-recorded statements enabled me to avoid effects of victim attractiveness, weight, and other potential confounds indicated in previous research (Salerno et al., 2019). While audio stimuli is an improvement over previous VIS studies in which a victim is simply described as sad, angry, or emotional versus unemotional (Clarke & Lawson, 2009; Feild, 1979), there are only three states, to my knowledge, that allow audio-recorded VISs to be submitted (Bosma et al., 2018b; Peace & Forrester, 2012; Rose et al., 2006a). Real-world VISs are most often presented in-person at sentencing hearings, which involve dynamic interactions that audio recordings cannot capture. Additionally, the current research is limited by its focus on two (Study 1) to three (Study 2) discrete emotions. It is likely that the range of emotions that victims express during VISs extend beyond sadness, anger, and flat affect; it is also highly unlikely that victims express one single emotion throughout their VIS. These limitations allowed for greater experimental control required in early research stages.

Moreover, the current study materials were limited to a brief description of a crime and the VIS, with little information about the defendant and victim. A defendant's criminal history is an important factor for consideration in sentencing determinations in the U.S. Indeed, many participants made a note of this and specified their sentencing recommendations to be under the condition that the defendant had no prior offenses. Thus, the lack of information provided likely made it difficult for participants to make judgments related to the defendant. In future work, more information about the crime and the offender could be included, such that participants are presented with more detailed materials upon which to base their responses. Future research investigations could also

utilize dynamic video VIS stimuli, which might be more likely to induce stronger reactions from participants and more closely resemble the real-world context in which VISs are presented.

Lastly, the current study did not address the role of victim or defendant race. This is a clear limitation, as racial disparities are pervasive in the U.S. legal system. At least one study suggests that victim race can influence legal actors' responses to VISs. An interview study with capital jurors found that compared to cases involving white victims, for cases involving a non-white victim, jurors reported that the family's loss and grief and the fact that a victim had a loving family were less important factors in their sentencing decision (Karp & Warshaw, 2006). Furthermore, some evidence demonstrates specific gender- *and* race-based emotion stereotypes (*National Survey of State Victim Impact Statement Laws*, 2010). The complex interactions between victim emotion expression, gender, and race are an important area of investigation for future research.

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Table 1

Study 1 Participant Demographics

	N	*%*
Gender		
Male	201	46.3
Female	231	53.2
Non-binary/other	2	0.5
Race		
White	313	72.1
Black	51	11.8
Hispanic	29	6.7
Asian	35	8.1
American Indian or Alaskan Native	1	.2
Other	5	1.2
Political Orientation		
Very liberal	59	13.6
Liberal	127	29.3
Middle-of-the-road	109	25.1
Conservative	101	23.3
Very conservative	38	8.8

Table 2

Study 1 Descriptive Statistics for Outcome Variables (by Condition and Overall)

Dependent Variable	Angry Female	Sad Female	Angry Male	Sad Male	Overall
	M (SD)	*M (SD)*	*M (SD)*	*M (SD)*	*M (SD)*
Victim					
Expected emotionality	5.81 (0.97)	5.79 (0.86)	5.61 (1.03)	5.51 (1.05)	5.68 (0.98)
Expected victim sadness/fear	5.34 (1.01)	5.24 (0.99)	4.94 (1.12)	5 (1.11)	5.13 (1.07)
Expected victim anger	4.82 (1.25)	4.99 (1.16)	4.94 (1.34)	5.03 (1.26)	4.95 (1.25)
Victim credibility	5.71 (1.31)	5.86 (1.24)	5.8 (1.19)	5.62 (1.16)	5.75 (1.22)
Victim blame	1.78 (1.5)	1.73 (1.48)	1.79 (1.54)	1.96 (1.69)	1.81 (1.55)
Defendant					
Negative emotional responses to defendant	5.12 (1.63)	5.45 (1.43)	5.38 (1.53)	5.41 (1.3)	5.34 (1.47)
Empathy for defendant	2.28 (1.68)	2.04 (1.51)	2.16 (1.49)	2.23 (1.72)	2.17 (1.6)
Defendant blame	5.76 (1.18)	5.95 (1.15)	5.97 (0.99)	5.92 (0.96)	5.9 (1.07)
Crime					
Crime severity	5.68 (1.08)	5.95 (0.91)	5.93 (1.07)	5.71 (1.04)	5.82 (1.03)
Sentence recommendations (free response)	5.01 (3.23)	5.39 (3.37)	5.54 (3.26)	5.32 (3.57)	5.32 (3.36)
Sentence recommendation (5-9 yrs)	6.28 (1.58)	6.69 (1.67)	6.53 (1.59)	6.68 (1.61)	6.55 (1.62)
Confidence in sentence recommendation	5.37 (1.82)	5.88 (1.62)	5.72 (1.52)	5.78 (1.36)	5.69 (1.59)

Table 3

Pretest Study 2 Initial Descriptives and Post Hoc Comparisons for Perceived Victim Anger, Sadness, and Flat Affect by

Condition

	Flat female	Sad female	Angry female	Flat male	Sad male	Angry male
Perceived anger	3.84 (1.73) $_a$	3.91 (1.60) $_a$	5.64 (1.21) $_b$	3.36 (1.63) $_a$	3.78 (1.52) $_a$	6.02 (.94) $_b$
Perceived sadness	5.17 (1.17) $_a$	6.09 (.89) $_b$	5.35 (1.16) $_a$	5.40 (1.16) $_a$	5.93 (.99) $_b$	5.19 (1.27) $_a$
Perceived flat affect	4.36 (1.41) $_a$	3.23 (1.43) $_b$	2.91 (1.67) $_b$	3.54 (1.41) $_b$	3.12 (1.60) $_b$	3.20 (1.84) $_b$

Note. Means not sharing a common subscript in a given row differ at $p < .05$.

Table 4

Pretest Study 2 Final Descriptives and Post Hoc Comparisons for Perceived Victim Anger, Sadness, and Flat Affect by

Condition

	Flat female	Sad female	Angry female	Flat male	Sad male	Angry male
Perceived anger	3.82 (1.74) a	3.91 (1.60) a	5.64 (1.22) b	3.54 (1.60) a	3.78 (1.52) a	6.02 (.94) b
Perceived sadness	5.17 (1.18) a	6.09 (.89) b	5.35 (1.17) a	5.66 (1.70) a	5.93 (.99) b	5.19 (1.27) a
Perceived flat affect	4.37 (1.45) a	3.23 (1.43) b	2.88 (1.65) b	4.59 (1.28) a	3.12 (1.60) b	3.20 (1.84) b

Note. Means not sharing a common subscript in a given row differ at $p < .05$.

Table 5

Study 2 Participant Demographics

	N	*%*
Gender		
Male	482	40.0
Female	716	59.4
Non-binary/other	7	0.6
Race		
White	950	78.8
Black	115	9.5
Asian	74	6.1
American Indian or Alaskan Native	9	.7
Other	27	2.3
Multiple	30	2.5
Ethnicity		
Not Hispanic and/or Latino	107	9.0
Hispanic and/or Latino	1097	91.0
Political Orientation		
Very liberal	153	12.7
Liberal	388	32.2
Middle-of-the-road	299	24.8
Conservative	283	23.5
Very conservative	81	6.7

Table 6

Study 2 Descriptive Statistics for Outcome Variables by Condition and Overall

| Dependent Variable	Angry Female	Sad Female	Flat Female	Angry Male	Sad Male	Flat Male	Overall
	M (SD)	M (SD)	M (SD)	M (SD)	M (SD)	M (SD)	M (SD)
Victim							
Negative emotions towards victim	1.67 (1.28)	1.58 (1.20)	1.54 (1.14)	1.86 (1.34)	2.04 (1.56)	1.77 (1.36)	1.74 (1.33)
Empathy for victim	5.92 (1.33)	6.14 (1.06)	6.21 (1.06)	5.87 (1.26)	5.81 (1.33)	5.78 (1.35)	5.96 (1.25)
Victim credibility	5.70 (1.75)	6.02 (1.48)	5.75 (1.85)	5.69 (1.57)	5.52 (1.69)	5.29 (1.77)	5.66 (1.70)
Victim blame	1.50 (1.27)	1.48 (1.23)	1.39 (1.12)	1.51 (1.15)	1.60 (1.32)	1.43 (1.10)	1.48 (1.20)
Defendant							
Negative emotional responses to defendant	5.10 (1.75)	5.38 (1.52)	5.40 (1.58)	5.09 (1.61)	5.07 (1.61)	5.00 (1.67)	5.18 (1.63)
Empathy for defendant	3.28 (1.11)	3.19 (1.00)	3.11 (0.95)	3.16 (0.98)	3.30 (1.08)	3.23 (1.10)	3.21 (1.04)
Defendant blame (short scale)	6.33 (1.62)	6.25 (1.64)	6.53 (1.24)	6.17 (1.63)	6.36 (1.37)	6.36 (1.44)	6.33 (1.50)
PPBS	5.68 (1.45)	5.82 (1.25)	5.97 (1.21)	5.71 (1.27)	5.76 (1.29)	5.74 (1.24)	5.78 (1.29)
Crime							
Crime severity	5.79 (0.97)	5.98 (0.88)	5.94 (0.86)	5.85 (0.88)	5.84 (0.88)	5.88 (0.85)	5.88 (.89)
Sentence (min-max)	5.34 (1.19)	5.63 (1.14)	5.54 (1.26)	5.42 (1.16)	5.44 (1.09)	5.41 (1.18)	5.46 (1.17)
Sentence recommendations (free response)	7.05 (2.83)	7.58 (2.79)	7.41 (2.69)	6.85 (3.05)	6.97 (2.91)	6.99 (2.79)	7.14 (2.85)
Sentence recommendation	87.35 (17.46)	91.87 (16.43)	89.8 (17.54)	86.26 (17.22)	86.94 (17.07)	86.6 (17.37)	88.15 (17.27)
Confidence in sentence recommendation	5.58 (1.58)	5.74 (1.44)	5.83 (1.45)	5.57 (1.45)	5.65 (1.50)	5.51 (1.55)	5.65 (1.50)

Table 7

Study 2 Pearson Bivariate Correlations

Variable/number	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1. Crime severity	--														
2. Sentence severity	.59**	--													
3. Sentence in months	.41**	.61**	--												
4. Sentence in years	.42**	.63**	.86**	--											
5. Victim credibility	.24**	.25**	.17**	.16**	--										
6. Victim blame	-.07*	-.08*	.01	-.06	-.18**	--									
7. Empathy for victim	.35**	.28**	.18**	.20**	.42**	-.31**	--								
8. Negative emotions towards victim	-.04	-.05	.02	-.03	-.19**	.61**	-.46**	--							
9. Negative emotions towards defendant	.18**	.27**	.20**	.21**	.26**	-.14**	.32**	-.11**	--						
10. Defendant Blame	.02	.04	.003	.01	.08*	-.23**	.15**	-.22**	.31**	--					
11. Empathy for defendant	-.01	-.08**	-.08**	-.10**	-.02	.38**	.01	.34**	-.14**	-.28**	--				
12. PPBS	.14**	.12**	.05	.07*	.10**	-.33**	.22**	-.28**	.32**	.45**	-.31**	--			
13. Stereotype index	.04	.07*	.02	.04	.11**	-.28**	.13**	-.21**	.19**	.15**	-.19**	.18**	--		
14. Hostile sexism	.01	.08**	.09**	.07*	-.05	.30**	-.14**	.29**	.04	-.10**	.10**	-.10**	-.07*	--	
15. Benevolent sexism	.21**	.18**	.14**	.15**	.11**	.18**	.13**	.21**	.19**	-.03	.12**	.02	.09**	.45**	--

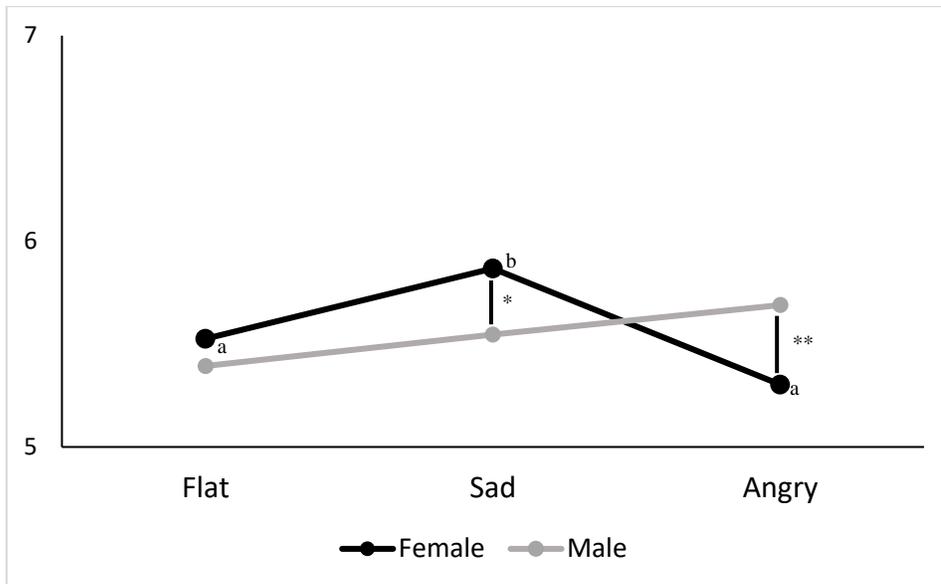*p = .001. **p = .05

Figure 1

Interaction Effect of Victim Gender and Emotion on Crime Severity
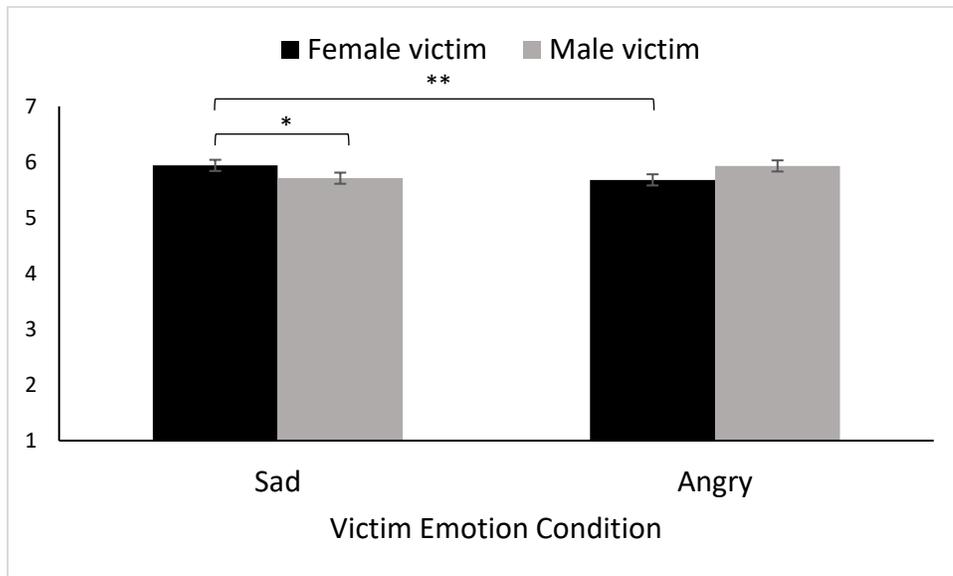
$^*p = .075.$ $^{**}p = .058.$

Figure 2

Sentence Severity as a Function of Victim Gender and Emotion Among Participants High
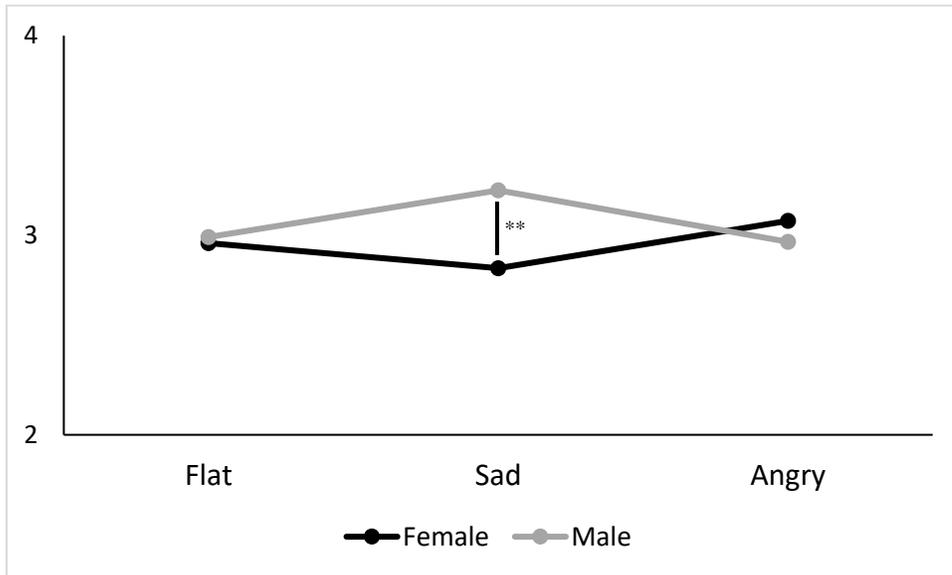
in Hostile Sexism

Note. Markers on the female victim line not sharing a common subscript differ at $p < .05$.
Full range of response options for sentence severity (1-7) not shown.
*$p = .049$. **$p = .02$.

Figure 3

Empathy for Defendant as a Function of Victim Gender and Emotion Among Participants

High in Emotion-Gender Stereotype Endorsement

Note. Full range of response options for empathy for the defendant (1-7) not shown.
**p = .008.

Appendix A

Study 1 Materials

Female Victim Condition: Case Description

The victim was mugged at gunpoint while going for a run early on a Sunday morning. The perpetrator is a 26-year-old male. The victim is a 32-year-old female. As the victim cut through a park, the perpetrator approached from behind, drew the weapon at the victim's back, and pushed her to the ground. The victim was told that the gun was loaded. The perpetrator demanded the victim hand over her phone, wallet, watch and any other valuables. The perpetrator then patted down the victim, told her not to move, and fled the scene. The perpetrator was found eight blocks from the park with the victim's possessions. The perpetrator has been found guilty of armed robbery and assault. At the sentencing hearing, the victim will give a victim impact statement to the judge.

Male Victim Condition: Case Description

The victim was mugged at gunpoint while going for a run early on a Sunday morning. The perpetrator is a 26-year-old male. The victim is a 32-year-old male. As the victim cut through a park, the perpetrator approached from behind, drew the weapon at the victim's back, and pushed him to the ground. The victim was told that the gun was loaded. The perpetrator demanded the victim hand over his phone, wallet, watch and any other valuables. The perpetrator then patted down the victim, told him not to move, and fled the scene. The perpetrator was found eight blocks from the park with the victim's possessions. The perpetrator has been found guilty of armed robbery and assault. At the sentencing hearing, the victim will give a victim impact statement to the judge.

Victim Impact Statement Transcript: Neutral Condition

I never thought I'd feel the barrel of a gun pressed against my back. What can you do in that situation, when your life is threatened, when you have no option other than to hand over whatever's asked of you?

When he pushed me down to the ground, I suffered bruising to my legs and back, and cuts to my hands…but that's healed now. When he pointed the gun at my face, he made me believe I might die, and that's not something I can just forget and move on from.

I had more than my belongings taken that morning – I lost my sense of security.

The robbery has affected my sleep, my work, and my entire outlook. I'm no longer able to trust people like I did before. I'm paranoid – I don't feel safe anywhere…it's horrible to feel unsafe. It's not okay.

Nobody has a right to do this – to make someone feel constantly on edge. I hope the court can recognize the effect this has had on me.

Victim Impact Statement Transcript: Sad Condition

I never thought I'd feel the barrel of a gun pressed against my back. What can you do in that situation, when your life is threatened, when you have no option other than to hand over whatever's asked of you?

When he pushed me down to the ground, I suffered bruising to my legs and back, and cuts to my hands…but that's healed now. When he pointed the gun at my face, he made me believe I might die, and that's not something I can just forget and move on from.

I had more than my belongings taken that morning – I lost my sense of security, and it makes me so sad.

The robbery has affected my sleep, my work, and my entire outlook. I'm no longer able to trust people like I did before. I'm paranoid – I don't feel safe anywhere…it's horrible to feel unsafe. It's not okay.

Nobody has a right to do this – to make someone feel constantly on edge. I hope the court can recognize the effect this has had on me.

Victim Impact Statement Transcript: Angry Condition

I never thought I'd feel the barrel of a gun pressed against my back. What can you do in that situation, when your life is threatened, when you have no option other than to hand over whatever's asked of you?

When he pushed me down to the ground, I suffered bruising to my legs and back, and cuts to my hands…but that's healed now. When he pointed the gun at my face, he made me believe I might die, and that's not something I can just forget and move on from.

I had more than my belongings taken that morning – I lost my sense of security, and it pisses me off.

The robbery has affected my sleep, my work, and my entire outlook. I'm no longer able to trust people like I did before. I'm paranoid – I don't feel safe anywhere…it's horrible to feel unsafe. It's not okay.

Nobody has a right to do this – to make someone feel constantly on edge. I hope the court can recognize the effect this has had on me.

Study 2 Case Description

On October 22, 2019, a 32-year-old white [female/male] victim was mugged at gunpoint while going for a run early on a Sunday morning. The perpetrator was a 26-year-old white male.

As the victim cut through a park, the perpetrator approached from behind, drew the weapon at the victim's back, and pushed [her/him] to the ground. The victim was told that the gun was loaded. The perpetrator demanded the victim hand over [her/his] phone, wallet, watch, and any other valuables. The perpetrator then patted down the victim, told [her/him] not to move, and fled the scene.

The perpetrator was found eight blocks from the park with the victim's possessions. The perpetrator was found guilty of armed robbery and assault. At the sentencing hearing, the victim gave a victim impact statement, which is a statement providing information about the effects of a crime on a victim. You will now hear this statement.

Appendix C

Study Measures

Study 1

*All measures were reported on a 1-7 sliding Likert scale, unless otherwise denoted.

Expected Victim Emotion.

How emotional do you expect the victim to be in [his/her] statement? 1: Completely emotionless – 7: Completely emotional

Please rate the **likelihood** that the victim will express the following emotions in [his/her] impact statement. 1: Not at all likely – 7: Extremely likely

- Unease
- Anxiety
- Fear
- Anger
- Fury
- Irritation
- Sadness
- Helplessness
- Despair
- Disgust
- Shame
- Guilt
- Neutrality

Participant Emotion.

Please rate the extent to which **you** feel the following emotions right now. 1: Not at all – 7: Very much

- Unease
- Anxiety
- Fear
- Anger
- Fury

- Irritation

- Sadness

- Helplessness

- Despair

- Disgust

- Shame

- Guilt

- Neutrality

Please list any other emotions you are currently experiencing, if not included in the list above. (Free text)

Victim Credibility. 1: Not at all – 7: Very much

To what extent did you perceive the **victim** to be:

- Believable

- Unconvincing

- Uncertain

- Honest

- Sincere

Victim Blame. 1: Not at all – 7: Completely

- To what extent was the victim to blame for what happened?

- To what extent was the victim responsible for what happened?

Emotional Responses to the Defendant. 1: Not at all – 7: Very much

Please rate the extent to which you feel the following emotions toward the defendant who committed the crime:

- Sympathy

- Compassion

- Concern

- Empathy

- Anger

- Contempt

- Disgust

Perceptions of Defendant Blameworthiness. 1: Not at all – 7: Very well

Please rate how well the following words describe the **defendant** who committed the crime:

- Dangerous
- Out of control
- Blameworthy
- Someone with no conscience

Sentence recommendations.

- In cases such as this, the minimum sentence is probation without supervision, the maximum sentence is ten years in prison, and people have received sentences anywhere in between. What sentence would you impose for the defendant in this case? (Free text)

- The sentencing determinations available for individuals convicted of armed assault and robbery range from 63-108 months, or roughly five to nine years, in prison. Please indicate the sentence you would impose for the defendant in this case. (Sliding scale from 5-9 years)

Sentence confidence. 1: Not at all confident – 7: Completely confident

Please rate how confident you are in your sentencing decision.

Crime severity. 1: Not at all– 7: Extremely

How serious was this crime?

Study 2

*All measures will be reported on a 1-7 sliding Likert scale, unless otherwise denoted.

Victim Credibility. 1: Not at all – 7: Very much

To what extent did you perceive the **victim** to be:

- Believable
- Honest
- Sincere

Emotional Responses to the Victim. 1: Not at all – 7: Very much

Please rate the extent to which you feel the following emotions toward the victim:

- Sympathy
- Compassion
- Concern
- Empathy
- Anger
- Contempt
- Disgust

Victim Blame. 1: Not at all – 7: Completely

- To what extent was the victim to blame for what happened?
- To what extent was the victim responsible for what happened?

Emotional Responses to the Defendant. 1: Not at all – 7: Very much

Please rate the extent to which you feel the following emotions toward the defendant who committed the crime:

- Sympathy
- Compassion
- Concern
- Empathy
- Anger
- Contempt
- Disgust

Perceptions of Defendant Blame.

Please rate the defendant on the following qualities.

	1	2	3	4	5	6	7	
violent	1	2	3	4	5	6	7	nonviolent
gentle	1	2	3	4	5	6	7	forceful
maniacal	1	2	3	4	5	6	7	sane
good natured	1	2	3	4	5	6	7	vicious
malicious	1	2	3	4	5	6	7	kind
blameless	1	2	3	4	5	6	7	blameworthy
fault	1	2	3	4	5	6	7	faultless
harmful	1	2	3	4	5	6	7	harmless
hurtful	1	2	3	4	5	6	7	innocuous
responsible	1	2	3	4	5	6	7	irresponsible
careful	1	2	3	4	5	6	7	reckless
conscientious	1	2	3	4	5	6	7	careless
reliable	1	2	3	4	5	6	7	unreliable
dependable	1	2	3	4	5	6	7	undependable

Sentence recommendations.

- Please indicate how you would sentence the defendant in the case. 1: Minimum sentence– Maximum sentence

- In cases such as this, the minimum sentence is probation without supervision, the maximum sentence is ten years in prison, and people have received sentences anywhere in between. How many years in prison would you sentence the defendant to in this case? (Free text)

- The sentencing determinations available for individuals convicted of armed assault and robbery range from 63-108 months, or roughly five to nine years, in prison. Please indicate the sentence you would impose for the defendant in this case. (Sliding scale from 5-9 years)

Sentence confidence. 1: Not at all confident – 7: Completely confident

Please rate how confident you are in your sentencing decision.

Crime severity. 1: Not at all– 7: Extremely

How serious was this crime?

Emotion-gender stereotype beliefs. Adapted from Plant et al. (2000); 1: Never – 7: Very frequently

How often do you believe [men/women] experience:

- Emotions in general
- Anger
- Pride
- Sadness
- Happiness
- Sympathy
- Fear

Ambivalent sexism. Adapted from Glick & Fiske, 2001; 1: Disagree strongly – 5: Agree strongly

(1) Many women have a quality of purity that few men possess. (b)

(2) Women should be cherished and protected by men. (b)

(3) Women seek to gain power by getting control over men. (h)

(4) Every man ought to have a woman whom he adores. (b)

(5) Men are incomplete without women. (b)

(6) Women exaggerate problems they have at work. (h)

(7) Once a woman gets a man to commit to her, she usually tries to put him on a tight leash. (h)

(8) When women lose to men in a fair competition, they typically complain about being discriminated against. (h)

(9) Many women get a kick out of teasing men by seeming sexually available and then refusing male advances. (h)

(10) Women, compared to men, tend to have a superior moral sensibility. (b)

(11) Men should be willing to sacrifice their own well being in order to provide financially for the women in their lives. (b)

(12) Feminists are making unreasonable demands of men. (h)

Sentencing Goals Scale. McKee and Feather, 2008; -3: strongly disagree – 3: strongly agree

1. With the right approach, most offenders can be rehabilitated back into society.

2. Justice is not done if the offender is not punished in some way.

3. The purpose of court sentences should be to protect society from the offender.

4. Crime rate would decrease if sentences were appropriately severe and publicized more widely.

5. Prison sentences are useful because at least they don't allow criminals to reoffend.

6. Justice requires that the punishment should be severe as the offence.

7. Repeat offenders should be given every opportunity to fit back into society.

8. If the courts fail to punish criminals, potential offenders are not discouraged from committing similar offences.

9. The purpose of punishment should be to make offenders pay for the wrongs that they have done.

10. It is necessary for society to protect itself from the possibility that the offender might commit further offences.

11. The purpose of court sentences should be to rehabilitate the criminal.

12. Strict enforcement of the law (and its penalties) is necessary to prevent others from committing similar offences.

13. Criminals should be punished for their crimes in order to make them repay their debt to society.

15. If I were a victim of a crime, I would be satisfied even if the only effect of the offender's punishment was that the offender was eventually rehabilitated.

14. Offenders should be locked away so that they can't reoffend

16. Penalties should be severe enough so that criminals are unlikely to reoffend.

17. Offenders should be punished to make them suffer as others have suffered.

18. It is obvious from the increase in crime rates that penalties aren't severe enough.

19. If judges would divert more people from prisons into rehabilitation programs, there would be less crime.

20. Offenders must be punished so that they cannot cause any further harm to the community.

Revised Legal Attitudes Questionnaire. Kravitz et al., 1993; 1: strongly disagree – 7: strongly agree

Anti-Authoritarian Sub-Scale

1. Unfair treatment of underprivileged groups and classes is the chief cause of crime.

2. No one should be convicted of a crime on the basis of circumstantial evidence, no matter how strong such evidence is.

3. Wiretapping by anyone or for any reason should be completely illegal.

4. Because of the oppression and persecution minority group members suffer, they deserve leniency and special treatment in the courts.

5. A society with true freedom and equality for all would have very little crime.

6. When there is a "hung" jury in a criminal case, the defendant should always be freed and the indictment dismissed.

Authoritarian Sub-Scale

1. Too many obviously guilty persons escape punishment because of legal technicalities.

2. Evidence illegally obtained should be admissible in court if such evidence is the only way of obtaining a conviction.

3. Any person who resists arrest commits a crime.

4. Defendants in a criminal case should be required to take the witness stand.

5. Accused persons should be required to take lie-detector tests.

6. Police should be allowed to arrest and question suspicious looking persons to determine whether they have been up to something illegal.

7. The law coddles criminals to the detriment of society.

8. Upstanding citizens have nothing to fear from the police.

Equalitarian Sub-Scale

1. Search warrants should clearly specify the person or things to be seized.

2. There is no need in a criminal case for the accused to prove his innocence beyond a reasonable doubt.

3. When determining a person's guilt or innocence, the existence of a prior arrest record should not be considered.

4. All too often, minority group members do not get fair trials.

5. Citizens need to be protected against excess police power as well as against criminals.

6. It is better for society that several guilty men be freed than one innocent one wrongfully imprisoned.

7. It is moral and ethical for a lawyer to represent a defendant in a criminal case even when he believes his client is guilty.

8. The freedom of society is endangered as much by zealous law enforcement as by the acts of individual criminals.

9. In the long run, liberty is more important than order.