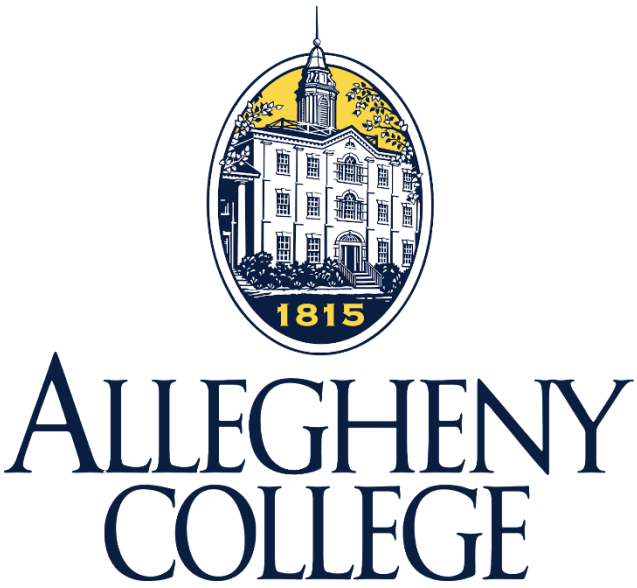
Verdicts and Victim Blame: The Impact of Victim Race and Sexuality



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This work is mine unless otherwise cited.

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Table of Contents

Abstract 4

Introduction 5

Method 23

Results 27

Discussion 32

References 40

Figures 47

Appendices 52

Abstract

Much of the current literature on the impact of victim identity characteristics on jury decision-making has observed that when victims are Black, sentences are more lenient for defendants in comparison to cases with White victims. Additionally, studies have shown that victim blaming decreases in hate crimes and sentence severity increases. However, there are contrasting results on the impact of victim sexuality on jury decisions, and few studies examine the combined impact of race and sexuality. The current study aimed to bridge this gap using an intersectional approach. Approximately 73 undergraduate students acted as mock-jurors and were presented with a one-page case summary describing a murder in which the race and sexuality of the victim varied across conditions. They were asked to read the transcript, evaluate the culpability of the victim, determine if the crime was hate-based, give a verdict, and rate their confidence in that verdict. No significant impact of race or sexuality of victims on sentence was observed, and victim blaming did not moderate the relationship between victim race or sexuality and sentence. Further, there was no significant difference in sentence severity between those who perceived hate-motivation and those who did not. Future research should investigate the impact of race and sexuality saliency, expand on current variables, and further study the impact of crime severity.

Keywords: jury decision-making, intersectionality, victim blame, sexual orientation, race

Verdicts and Victim Blame: The Impact of Victim Race and Sexuality

On May 3, 2023, a former member of the US Coast Guard named Deion Patterson entered a Northside Medical building in Atlanta, Georgia for an appointment to receive medication for some anxiety and depression issues he was experiencing. Shortly after arriving in the waiting room, he opened fire on the other patients there. One woman was killed in the attack, and four others were left injured but in stable condition by the time that Patterson fled from the hospital. Patterson was later apprehended in a nearby county (Amy & Brumback, 2023).

In 2023, there were 656 total cases of mass shootings—defined as shootings with four or more victims wounded aside from the shooter—in the United States, including the case of Mr. Patterson (*Gun violence archive,* 2024). This is reflective of the increasing rates of gun violence in the country in recent years. According to a report released by the Centers for Disease Control, 79% of all homicides in 2020 involved firearms. In fact, the rate of firearm homicides increased from 4.6 to 6.1 firearm deaths per 100,000 persons between 2019 and 2020, a nearly 35% increase in just one year, and the highest rate of firearm homicides since the 1990s (Centers for Disease Control and Prevention, 2022; Kegler et al., 2022). When investigating these statistics, it has become apparent that there are various disparities among the victims of gun violence.

Of these disparities, one of the most shocking occurs in relation to the race of the victims: Black individuals in the United States are disproportionately affected by gun violence. Although Black and African American individuals make up about 12.4% of the total United States population, they accounted for nearly 60% of the victims of gun violence in 2020. In contrast, White individuals in America made up approximately 61% of the population in 2020 yet only about 22% of the victims of firearm homicide were White (U.S. Census Bureau, 2022; Kegler et

al., 2022). A similar trend of racial disparities has also been observed among hate crime statistics.

Hate Crimes: What Are They And Who Is Affected?

Hate crimes are similar to other crimes in that they can take many different forms, such as simple and aggravated assault, rape, murder, vandalism, and arson (Rayburn et al., 2003; Herek 1989). What distinguishes hate crimes from others, though, is that they are motivated by an individual's bias against another person's perceived or actual race, gender, sexual orientation, ethnicity, religion, or disability (Cramer, Kehn, et al., 2013). Hate crimes are commonly unprovoked, but may also occur in retaliation for a perceived slight against the perpetrator by an individual or a social group (McDevitt et al., 2002). For example, an individual may commit a hate crime against a group because they feel something about that group identity, behaviors, or lifestyles are a direct attack against them. A person who is highly religious and holds homonegative views (negative perceptions and behaviors towards individuals as a result of hostility towards different sexual orientations) may believe that a homosexual couple is directly attacking them by showing affection in public and may be inclined to commit a hate crime against them in retaliation. These crimes also stand out in the sense that the perpetrator preys on individuals for their membership in a given social group; thus the target of the crime may not be the victim themselves but the group as a whole (Levin & McDevitt, 2002; Saucier et al., 2008).

There are various theories behind the causes of hate crimes. In the early 90s, researchers Levin and McDevitt (1993) examined reports and interviewed victims, offenders, and police officers in order to compile a study that described what they identified as the three main types of hate crime offenders. These include: (1) those that committed hate crimes for the thrill, (2) those that committed hate crimes in alleged defense of themselves or others against perceived

out-groups, and (3) those who were retaliating against groups for a perceived insult against them or other members of their social group (Gamblin et al., 2018; Levin & McDevitt, 1993; McDevitt et al., 2002). A fourth category was also proposed in which the primary motivation behind hate crimes was a personal conviction to rid the world of those deemed evil by the perpetrator, but only one of 169 hate offenses was categorized as this "mission hate crime" in a later study (Levin & McDevitt, 1993; McDevitt et al., 2002).

Similar to firearm homicide statistics, there are many disparities between which groups are affected by hate crimes in the United States. In 2021, nearly two-thirds of single-bias incident victims were targeted because of their racial/ethnic identity (Federal Bureau of Investigation, 2023). Reflective of the trends about firearm homicides previously discussed, Black individuals were the most common victims of racially based hate crimes. Approximately 31% of the race/ethnicity-related hate crimes were anti-Black or African American, and only about 16.5% of them were anti-White. Otherwise stated, Black individuals were nearly twice as likely to be victims of racially motivated hate crimes as White individuals in America. This may have some relation to the history of racial discrimination and violent crimes in the United States.

The second most victimized group, consisting of 15.9% of all hate crimes in 2021, were those targeted for their sexual orientation. Nearly 56% of sexual orientation-based hate crimes were anti-gay in nature, targeting men for being homosexual. After that, 30% of the crimes were anti-LGBTQ,[1] and 27.5% were anti-lesbian. About 2% of hate crimes were anti-transgender.[2] There were only 17 reported cases targeting bisexual individuals, and 11 anti-heterosexual hate crimes (Federal Bureau of Investigation, 2023). These statistics reveal that, of those victimized for their sexuality, gay men are the most common targets. Given the data showing that Black

[1] General anti-LGBTQ+ prejudice.
[2] These statistics are for single-bias crimes and do not include data on victims targeted for more than one identity such as race *and* sexual orientation.

individuals and gay men are some of the most victimized groups for hate crimes and gun violence, it may be important to examine how these marginalized identities play a role in jury decision-making.

Factors Influencing Juror Decision-Making

While juries are intended to be impartial towards defendants (U.S. Const., amend. VI), an abundance of research shows they are often influenced by various extralegal factors. Pretrial publicity (Hoetger et al., 2022), attitudes toward punishment (Thompson et al., 1984), and victim characteristics such as age (Bottoms et al., 2004) and gender (Williams et al., 2008) have each been shown to impact jury decision-making in criminal and/or civil trials. Even the race and sexuality of victims have been shown to have significant influence over jury decisions (Baldus et al., 1990; Bottoms et al., 2004; Girgenti et al., 2015; Pierce & Radelet, et al., 2017).

Victim Race and Juror Decision-Making

There is a particularly clear trend in current literature surrounding victim race and jury decision-making in multiple different types of crime. In general, many past studies have revealed that there are more guilty verdicts and sentences are harsher when the victim of a crime is White than when the victim is Black. For example, there were higher rates of guilty verdicts among those accused of raping White women than those accused of raping Black women (Bottoms et al., 2004; Lafree et al., 1985). Baldus et al. (1990) performed one of the most notable studies to this end. In 1978, Warren McCleskey was convicted for murder and armed robbery and was sentenced to death row. McCleskey claimed, however, that he was being unfairly discriminated against because the victim of his crime was White; he posited that the death penalty was given more often as a punishment when victims were White than when they were Black and was therefore discriminatory (Edmundson, 1990). This claim was based on the findings of Baldus

and colleagues' (1983). Baldus et al. (1983) analyzed existing capital punishment cases in the state of Georgia and concluded that defendants who were accused of murdering White victims were significantly more likely to receive the death penalty than those accused of murdering Black victims (Baldus et al., 1990; Bottoms et al., 2004; Edmundson, 1990). This "White victim effect" has been observed in multiple studies examining multiple locations across the United States such as Oklahoma (Pierce et al., 2017), North Carolina (Radelet & Pierce, 2011), and Louisiana (Pierce & Radelet, 2011) in the last three decades.

In recent years, a study was performed to investigate the impact of victim race and gender together on jury decisions. Girgenti (2015) utilized data collected by the Capital Jury Project to analyze the rate at which the death penalty was employed across 14 different states since 1991. The study found that in cases with a White victim, the odds of the defendant receiving the death penalty were 2.5 times higher than in cases with Black victims. Further, when taking into account the gender of victims, those accused of murdering Black men were less likely to receive the death penalty compared to those accused of murdering White men or women. This effect appeared even after controlling for various other legal variables including performance of defense attorneys and prosecutors, juror's perceptions of how heinous the crime was, and the presence of multiple victims, among others (Girgenti, 2015).

While the majority of studies have found effects of victim race on jurors' decisions in murder cases (Baldus et al., 1983; Girgenti, 2015; Pierce et al., 2017), a few studies have reported no impact of victim race (Bottoms et al., 2004). One particular study presented participants with a one-page vignette describing a child sexual assault in which the race and age of the victim were varied. Researchers found that there was no main effect of victim race on guilt verdicts. In other words, participants were equally as likely to give a guilty verdict in conditions

when the victim was Black as they were in the White victim conditions (Bottoms et al., 2004). These findings directly contrast with those of the Baldus et al. (1983) study.

There are a few potential reasons that these opposing results may have occurred. First and foremost, the main difference between these two studies is that while Baldus et al. (1983) analyzed data from court cases that already occurred between 1973 and 1978 (Edmundson, 1990), Bottoms et al. (2004) employed an experimental approach in which participants acted as if they were jurors in a trial. Because of this, social desirability bias may have had a hand in impacting the results. Social desirability bias occurs when individuals may be aware that they are being tested or judged, so they may modify their responses to appear more acceptable to experimenters or those around them—or to feel better about themselves (Larson, 2018). Participants may have changed their guilt judgements in order to appear more socially desirable to experimenters.

Another potential explanation may lie in changing manners of prejudice expression in the time periods during which these studies were performed. Modern Racism theory asserts that in current-day settings, individuals rarely show racist values in overt displays but do so in more subtle situations. In comparison, old-fashioned racism consists of more direct, outward hostility (Bottoms et al., 2004). Because there was no evidence of race impacting guilt sentences, a more explicit measure, but there *was* evidence of race impacting victim blaming (a more subtle measure), this study may provide proof of Modern Racism in action. While the participants in Bottoms et al. (2004) opted for more covert expressions of their prejudices, the jurors in the Baldus et al. (1983) analysis may have functioned under a more old-fashioned form of overt racism (Bottoms et al., 2004).

Victim Sexuality and Juror Decision-Making

Current literature regarding victim sexual orientation and jury sentencing behavior is conflicting and sparse. The vast majority of studies that investigate the impact of victim sexual orientation solely look at hate crimes (Cramer et al., 2014; Cramer, Wakeman,et al., 2013; Gamblin et al., 2018). Very few, however, look at crimes not explicitly motivated by perpetrator biases. In Canada, researchers examined how the sexual orientation and gender identity of victims of aggravated assault influenced guilt verdicts and perceptions of the victim (Ellingwood et al. 2022). Participants read a six-page trial transcript and were asked to reach a verdict for the defendant. Results indicated that there was no impact of the victim's sexual orientation on how guilty mock-jurors perceived the defendant to be or on their verdicts (Ellingwood et al., 2022). Whether the victim was heterosexual, homosexual, or bisexual did not influence if mock-jurors found the defendant guilty of the assault.

This is another situation in which social desirability effects may have impacted the responses that participants gave in relation to verdicts. In recent years, acceptance of the LGBTQ+ community has grown and changed drastically in North America. For example, the Hate Crimes Prevention Act in 2009 officially added new protections for homosexual and transgender individuals to existing hate crime legislation in the United States (Cramer, Wakeman, et al., 2013), and *Obergefell v. Hodges* protected the constitutional right for same-sex marriage in 2015 (*Obergefell v. Hodges,* 2015). It is entirely possible that in light of these changes and growing acceptance of the LGBTQ+ community, participants felt pressure to respond in a way that would make them appear more socially acceptable. In doing so, they may have chosen not to rely on their homonegative views in their sentencing decisions, which resulted in null findings.

Juror Decisions and Hate Crimes

As previously stated, hate crimes differ from other types of crimes in that they are motivated by bias against the victim's perceived or actual social group identity (Cramer, Kehn, et al., 2013), and the target of the crime is not necessarily the victim but the social group as a whole (McDevitt et al., 2002). Because of the impact that hate crimes have on victims (Rayburn et al., 2003) and the fact that it is a crime against a larger community rather than an individual (McDevitt et al., 2002), some legislation directs juries to increase the sentences for hate crime perpetrators (Cramer, Wakeman, et al. 2013). In general, mock-jurors will increase the severity of sentencing recommendations when they are instructed that the crime is a hate crime and that legislation may mandate penalty enhancement for this type of offense (Cramer, Kehn, et al. 2013).

Research has also shown that juries may intuitively assign harsher sentences for sexuality-based hate crime perpetrators *without* jury instruction (Cramer et al., 2010; Cramer, Wakeman, et al., 2013). Cramer et al. (2010) investigated whether mock-jurors would increase sentences for hate crime perpetrators in a capital murder case, even when not directed via jury instruction. Participants were provided a one-page summary of the murder of one man by his coworker. In the hate crime condition, the vignette included the perpetrator's rationale for the crime (his rage over the victim's sexual orientation). This study found that individuals who read about the hate crime were significantly more likely to recommend the death penalty than those in the control condition, where victim sexual orientation was not mentioned (Cramer et al., 2010). Overall, sentences were found to be harsher when people understood the murder to be a hate crime. Concurrent results were found in a later study by Cramer, Wakeman, and colleagues' (2013) in which capital punishment was more likely to be recommended when hate crime

evidence was present than when it was not (Cramer, Wakeman, et al., 2013). These findings provide evidence that jurors view hate motivations as an aggravating factor, or a circumstance surrounding a crime that implies an increase in the severity of an offense and synchronously merits a harsher sentence. This could indicate that jurors are sensitive to the fact that hate crimes have more intense negative effects on victims and members of the victims' social groups than other crimes (Craig & Waldo, 1996; Herek et al., 1997). Furthermore, jurors may view bias-motivated offenses as inherently worse than others, reflective of the way in which premeditation in murder results in harsher sentences than an unplanned crime (*First Degree Murder*, n.d.).

Cramer, Kehn, and colleagues' (2013) investigated the impact of victim identity on sentencing recommendations in hate crime cases, comparing homosexual, African American, and transgender victims. Longer sentences were given when the victim was gay than when the victim was transgender, but there was no sentencing difference between African American and homosexual victims (Cramer, Kehn, et al., 2013). This implies that while homosexual and Black individuals are the most highly victimized groups of hate crimes, juries may react similarly to victims in terms of sentencing harshness. There are limited studies, however, to back up the findings of Cramer and Kehn et al. (2013). In fact, there are very few studies that compare the effects of victim sexuality on sentence to the effects of victim race at all; there are even fewer that look at the combined effects of victim sexuality and victim race.

Theories Behind Sentencing Disparities

Why is it that these trends in jury decision-making exist, and why are there differences in sentencing decisions between racial groups or different sexual orientations? Many studies have attempted to uncover what psychological processes are occurring to explain these differences.

Juror prejudice is one common explanation proposed and examined by various studies (Bottoms et al, 2004; Cramer, Wakeman et al., 2013). Specifically, an individual's level of racist beliefs and homonegativity may be potential causes of their decision-making behaviors.

Modern Racism theory, as previously stated, describes the phenomena in which individuals in today's society less commonly show their racial prejudices in explicit displays but rather opt for more covert manners. People are more likely to mask their racial biases until they are in a situation in which they can be displayed more discreetly and where there is a reasonable explanation for their actions that do not expose their prejudices. This theory is most predictive of conservative-leaning individuals. Aversive Racism is similar in that an individual's prejudice appears in more subtle ways. A person might outwardly express positive racial attitudes but hold implicit negative racial biases that contradict them. This is most common among liberal-leaning individuals (Gamblin et al. 2018; Dovidio & Gaertner, 2000; Dovidio et al., 2017).

Subtle shows of prejudice like these may be done, consciously or subconsciously, in order to appear more socially desirable. For example, a college sports scout may offer a scholarship to one student and not another because of their racial bias, but only in an instance where they are able to blame their decision on the student's ambiguous qualifications. Applied to the courtroom, jurors may rely on their prejudices to make decisions only when there is a plausible alternative; they may justify their potentially racially-based actions on a victim's personality or their actions (Gamblin et al. 2018; Sommers & Ellsworth, 2000). Thus, Modern Racism theory and Aversive Racism theory suggest that a juror may rely (sometimes unknowingly) on their racial prejudices against the victim to give a more favorable sentence to the defendant, especially when they can attribute their actions to other factors. This theory is

supported by findings in the current literature in which, as participants' Modern Racism scores increased, sentence length decreased (Gamblin et al., 2018)

Homonegativity may also play a role in sentencing decisions. One study found that homonegativity moderated the relationship between crime conditions (hate crime, homosexual victim, heterosexual victim, and control) and sentencing recommendations (Cramer, Wakeman et al., 2013). Specifically, when mock-jurors' homonegativity was low, they were more likely to assign the death penalty in the hate crime condition than in all the other crime conditions. Thus, juror homonegativity had some level of influence on sentencing behaviors.

Victim Blaming

Another plausible explanation for the impact of victim race and sexuality on sentencing decisions is the extent to which participants blame the victim for the crime (Cramer et al., 2010). Victim blaming occurs when a person assigns responsibility for a crime to the person who the crime was perpetrated against (American Psychological Association, n.d.). For example, victims of sexual assault are often held responsible for the crime against them (Davies et al., 2012). Multiple theories exist in an attempt to explain the phenomena of attributing blame to crime victims. One particular explanation names stereotypes and schemas about in-groups and out-groups as a potential culprit (Bottoms et al., 2004).

People tend to assume that members of their in-group, or the social group with which an individual identifies, have more positive characteristics than out-group members (Jussim et al., 1987). Conversely, people may have negative assumptions about out-group members, which then can lead to less-favorable evaluations about them (Bottoms et al., 2004). The Liberation hypothesis describes the tendency of jurors to rely on their personal assumptions, biases, and prejudices in situations when evidence remains ambiguous (Kalven & Zeisel, 1966). Under this

theory, in the absence of clear, compelling evidence, a juror may rely more heavily on their negative assumptions about victims that are out-group members, leading to an increased belief in that victim's responsibility for the crime they suffered. For example, a juror may be overseeing a case in which the victim identifies as transgender when the juror themself identifies as cisgendered. In this case, there may be very little concrete evidence pointing to the guilt of the defendant. Because of the lack of clear, compelling evidence, the juror may then feel liberated to (subconsciously or consciously) rely on their own personal feelings toward the victim. As a result of their differences in gender identity, the victim may be considered a member of an out-group by the juror. Disregarding any negative or transphobic perceptions that the juror may have against the victim's gender identity, the juror may still view the victim negatively solely because of their out-group membership. Thus, the feelings toward the victim on which the jury may rely are likely to be negative, which may lead to them placing blame on the victim.

A competing—yet similar—theory, however, is the Defensive Attribution Model (Burt & DeMello, 2003). This model claims that people attribute blame depending on how similar they perceive the victim to be to themselves. When the victim is perceived to be very dissimilar to the individual, victim blaming will increase. Moreover, when a victim is perceived to be more similar to an individual, the amount they blame the victim is decreased. It is possible this is because blaming a victim similar to the individual would imply that the crime may also happen to the individual, and in general, people prefer to maintain beliefs that the world is a safe place for them (Burt & DeMello, 2003). Thus, people are more likely to decrease blame for similar victims and increase blame for those who have stark differences from them. While this theory is proposed to explain victim blaming, little support has been found by means of empirical evidence (Burt & DeMello, 2003).

Defensive Attribution Theory and in-group/out-group stereotypes are similar theories, yet they hold a key difference. Both theories state that people may place an increased amount of blame onto victims that are different from them or are members of the individual's out-groups. However, Defensive Attribution Theory posits that the motivation for these judgments stems from a desire to maintain a sense of security and safety in the world (Burt & DeMello, 2003). In contrast, schemas and stereotypes about out-groups and their effects on victim blaming are instead motivated by *prejudice* against the victim's differences (Bottoms et al., 2004; Jussim et al., 1987). These two theories are not mutually exclusive; a juror may primarily blame a victim more because they want to maintain a belief that the world is safe, but may be influenced by their negative stereotypes about the victim at the same time, and vice versa. Nevertheless, as these two theories are explained by differing motivations, they are considered competing explanations.

Sperry and Siegel (2011) explain Just World Beliefs as another potential cause of victim-blaming tendencies. Belief in a just world is the view that the world is a good and just place, therefore good things will happen to good people and bad things will happen to bad people (Lerner, 1980; Sperry & Siegel, 2011). Thus, if something bad happens to an individual, such as a man being shot outside a bar while celebrating his spouse's birthday, people may conclude that the victim may have done something to cause the misfortune (Rayburn et al., 2003). It is more comforting to believe that the victim was somehow at fault rather than compromise the view that the world is a fair place (Sperry & Siegel, 2011).

Victim Blaming and Jury Decisions. Much of recent literature on the effect of crime type on victim blaming has been relatively consistent with its findings. In general, mock jurors tend to place less blame on victims when they perceive the crime to be more severe (Cramer, Kehn et al., 2013; Cramer, Wakeman, et al., 2013; Rayburn et al., 2003; Saucier et al., 2008). For

example, one study found that participants blamed victims of aggravated assault less than victims of simple assault, a less severe crime. The participants also rated aggravated assault as being the most similar crime to hate crimes, providing evidence that victim blaming decreases when the crime is hate-based (Saucier et al., 2008). Furthermore, various studies have found explicit evidence that participants blame victims less when they are told that the crime is a hate crime in comparison to other types of offenses (Cramer, Kehn, et al., 2013; Rayburn et al., 2003). Crime type, however, is not the only factor that impacts victim blaming.

When investigating the impact of victim race in cases of child sexual assault, Bottoms et al. (2004) discovered that participants held White victims to be less responsible for the sexual assault than Black victims. Another study found that Black male victims were less likely than White females to be seen as innocent, helpless victims, and were regarded with significantly less empathy than both male and female White victims. Black male victims were also found to be held more responsible than female victims as a whole. While the difference of perceived responsibility of the Black and White male victims was not statistically significant, Black male victims tended to be blamed more than all other groups studied (Girgenti-Malone, 2019).

In terms of sexual orientation of victims and victim blaming, the existing research is limited. Cramer, Wakeman et al. (2013) designed a study to test the impact of victim sexual orientation in hate crimes on victim blaming and sentencing recommendations, as well as any potential moderating effects of homonegativity and authoritarianism on these relationships. Victim blaming was measured utilizing Rayburn's Perceptions of Victim Blaming Scale (Rayburn et al., 2003). Results indicated that jurors blamed heterosexual victims significantly more than homosexual victims (Cramer, Wakeman et al., 2013). This may be a result of participants' sensitivity to the hate-based nature of the crime. As such, participants may have

placed less blame on the homosexual victim because they understood that the perpetrator's negative biases—a factor in which the victim was helpless against—played a direct role in the crime, and therefore alleviated any potential culpability of the victim.

As crime conditions, race, and sexual orientation have each been shown to influence the extent to which an individual blames a victim (Bottoms et al, 2004; Cramer, Wakeman et al., 2013; Girgenti-Malone, 2019; Saucier et al., 2008), many studies have also looked into the impact of victim blaming on sentence recommendations. Across the board, regardless of crime condition or type of hate crime (race-based or sexual orientation-based), victim blaming has not been found to directly impact the severity of the sentence mock-jurors recommend for offenders. Gamblin et al. (2018) reported that in neither race-based nor sexuality-based hate crimes did victim blaming directly predict sentence length. Bottoms et al. (2004) found similar results when researching victim blaming in child sexual assault cases. In this study, victim blaming alone did not predict the degree of guilt of the defendant (Bottoms et al., 2004). One study did find evidence to the contrary, though. Girgenti-Malone (2019) reported that blame was the only victim factor included in the experiment's model to be a statistically significant predictor of whether or not the defendant would be sentenced to death. As the level of victim blaming increased, the likelihood of the defendant receiving a death sentence decreased. (Girgenti-Malone, 2019).

The Current Study

The majority of previous studies on the impact of victim race have found that when an individual is accused of murdering a Black victim, they are less likely to receive the death penalty (Baldus et al., 1990; Edmundson, 1990; Girgenti, 2015; Pierce & Radelet, 2017). Some studies, however, have presented evidence to the contrary (Bottoms et al., 2004). Research

revolving around the influence of victim sexual orientation on sentencing behaviors is relatively sparse. While some studies find that there is an impact of sexual orientation in that sentences are more lenient for those accused of murdering homosexual victims (Cramer et al., 2010; Cramer, Wakeman, et al., 2013), other studies have found there to be no difference in sentencing decisions between victim sexualities (Ellingwood et al., 2022). Furthermore, very few studies have directly compared the effects of victim sexual orientation and race to each other, and even fewer have utilized an intersectional approach to investigate how these identities combined may change the way that jurors behave.

"Intersectionality" refers to the interaction that exists between social categories such as race, gender, sexual orientation, social class, etc. and the impact these overlapping identities have on experienced discrimination (Girgenti-Malone, 2019). Moreover, intersectionality theory argues that neglecting to look at the interaction between these identities by only studying race or sexual orientation alone may fail to fully illustrate the impact these variables have on jury sentencing behaviors in hate crimes (Crenshaw, 2012). Therefore, the current study aims to expand on previous knowledge by (1) investigating the impact of victim sexual orientation and race on prison sentences and (2) utilize an intersectional approach to bridge the gaps in current literature surrounding the combined effects of race and sexual orientation.

In relation to victim blaming, current literature has found that individuals blame victims of hate crimes less than other types of offenses (Cramer et al., 2010; Cramer, Wakeman, et al., 2013; Cramer et al., 2014; Saucier et al., 2008), and that Black victims tend to receive more blame than White victims (Bottoms et al., 2004; Girgenti-Malone, 2019). Current understandings of the impact of victim sexuality are that when victims are homosexual, they are blamed less (Cramer, Wakeman et al., 2013). However, studies investigating this effect are few and far

between. In addition to this, many studies have found that there is no direct effect of victim blaming on sentences (Bottoms et al., 2004; Gamblin et al., 2018), but contradictory findings have been released (Girgneti-Malone, 2019). Not many studies have researched the potential moderating effects of victim blaming on the relationship between victim race or victim sexuality on sentencing decisions. Therefore, the current study also aims to address this issue by investigating victim blaming as a potential moderating factor that influences the strength or direction of the relationship between victim race or sexual orientation on sentencing decisions.

Finally, there is much consistency in the current literature on the impact of hate crimes on sentencing decisions. A multitude of past research has found that participants increase the severity of their sentence recommendations when they are instructed that the crime is motivated by bias (Saucier et al., 2008), and are able to identify hate crime indicators and adjust their sentences accordingly (Cramer, Kehn, et al., 2013; Cramer, Wakeman, et al., 2013; Rayburn et al., 2003). The current study aims to replicate these findings by examining whether participants are able to identify whether or not a crime is a hate crime, and the extent to which this impacts their sentencing recommendations.

In order to meet these goals, participants were randomly assigned to one of four experimental groups and presented with a case summary that details the murder of a man who was celebrating his spouse's recent birthday at a local bar. In these summaries, the race and sexual orientation of the victim was varied by way of describing the location (bar vs. gay bar) and insults bystanders report hearing during the altercation (racial slurs, slurs aimed at the victim's sexual orientation, or un-specified insults). Participants then were asked about their perceptions of the victim, their sentence recommendation (operationalized as life in prison without parole or 20–25 years in prison with a chance of parole), their degree of confidence in

their sentence recommendation, and whether or not they believe the crime at hand to be hate-based. To this end, there are three main hypotheses to this study.

Firstly, based on the results of Baldus et al., (1990) and Cramer, Kehn et al., (2013), I hypothesized that there will be main effects of victim race and sexual orientation on prison sentences, as well as an interaction between these variables. More specifically, I anticipated that when victims are homosexual, the recommended sentence will be more lenient than when victims are heterosexual. Likewise, based on the findings of past research (Baldus et al., 1990; Girgenti, 2015), I anticipated that sentences will be harsher when victims are White than when they are Black. Based on intersectional theory and the presence of two or more marginalized identities, I anticipated that Black homosexual victims would result in the most lenient sentences, and White heterosexual victims would result in the harshest.

Secondly, I hypothesize that the relationship between victim race and the defendant sentence will be moderated by the level of victim blaming. In particular, it is anticipated that the relationship between victim race and jury sentence will be influenced by the extent to which the victim is blamed. Moreover, I hypothesize that the relationship between victim sexuality and defendant sentence will be similarly moderated by victim blaming: the relationship between victim sexuality and sentence will be dependent on victim blaming levels.

Finally, given the results of past studies in which it has been shown that increased severity of crimes result in harsher sentences (Saucier et al., 2008), and that jurors sentence defendants accused of hate crimes more harshly (Cramer et al., 2010; Cramer, Wakeman et al., 2013), I hypothesize that the sentence decision ratings of mock jurors will be significantly higher for participants that perceived the crime to be hate-motivated than those who did not.

Method

Participants

Participants were 92 (31.5% male, 65.8% female, 2.7% prefer not to say) undergraduate students from a small northeastern liberal arts college (M_{age} = 19.50, *SD* = 1.26).The participants were recruited online through SONA, a service that allows individuals to sign-up for and participate in studies that are both online and in-person in a lab setting. As compensation for participating in this 10-minute study, each participant received 1 SONA credit. Two participants failed to respond to the questions provided in the study, and were thus removed. Moreover, 17 participants were removed for failing manipulation checks. These participants misidentified one or more of the following details of the case: the victim's race or sexual orientation, the weapon used, the location of the crime, and the relationship between the victim and the defendant. The remaining 73 participants were somewhat racially and ethnically diverse. Approximately 69.9% of the sample was White, 9.6% Black or African American, 8.2% Asian, and 12.3% reported their race as Other. About 8.2% of participants reported being of Spanish, Latino, or Hispanic origin.

The median religiosity score of participants was 2, indicating the sample of participants centered around "Slightly Religious". The median political orientation score was 5, meaning the participants leaned "Slightly Liberal".

Design

The current study followed a 2 (Victim Race: Black vs. White) x 2 (Victim Sexuality: Homosexual vs. Heterosexual) between-subjects experimental design. Participants were each randomly assigned to one of four groups before being presented with a short, one-page case vignette developed from Cramer et al. (2013) that summarizes the details of a murder case, in

which the independent variables—the race and sexual orientation of the victim—vary by condition (see Appendix A). The main dependent measure of this study was the severity of the sentence that participants suggested for the defendant, Michael Jones. Participants were given the choice of recommending life in prison without parole, or a more lenient sentence of 20–25 years in prison. They were also asked to give a rating of their confidence in this verdict, which was measured on a scale of 1 to 9, where 1 denotes "*not at all confident*" and 9 denotes "*extremely confident*", and were given the chance to provide a written explanation of their reasoning behind their decisions in sentencing and confidence.

Participants' level of victim blaming and their perceived severity of the crime were then measured using a scale developed from Carter et al. (2022), in which higher scores indicate a higher degree of blame placed on the victim. Next, participants were asked if they believed the crime was a hate crime. Finally, a set of demographic questions were provided to the participants in order to report on the makeup and representativeness of the sample.

Materials

Case Summary

The case summary was adapted from the vignette utilized by Cramer, Kehn et al. (2013), and covers the case of Michael Jones, a man being charged with the murder of his co-worker. It was reported that the victim was at a local bar celebrating the birthday of his spouse when he was approached by Mr. Jones in the parking lot. The two entered into an altercation, and witnesses reported overhearing Mr. Jones shouting slurs at the victim. As the victim then attempted to enter his vehicle, Mr. Jones overpowered him and shot him two times in the chest without clear provocation.

In the White victim conditions, the victim's name appeared as Bradley Schmitt, and in the Black victim conditions, the victim's name appeared as Jerome Williams. These names were selected from 2020 U.S. Census Data as they appeared in the list of most common names for White and Black Americans, respectively (Comenetz, 2016). Moreover, in the heterosexual victim conditions, the victim was reported as celebrating his wife's birthday at a local bar. In the homosexual victim conditions, the victim was reported as celebrating the birthday of his husband at the local gay bar (see Appendix A).

Manipulation Checks

Before completing the questionnaires regarding perceptions of the victim and the crime, participants were asked about the race and sexual orientation of the victim in order to determine if the independent variable manipulation was functional (see Appendix B).

Perceptions of Victim and Crime Severity

Immediately following the case summary, participants were given a 6-point series of statements regarding their perceptions of the victim adapted from Carter et al. (2022). Example statements for the Victim Blaming scale include "*Jerome/Bradley was responsible for the attack*" and "*Jerome/Bradley could have done something to prevent the attack if Jerome/Bradley wanted to*" (see Appendix C). Participants were asked to rate their agreement with the statements on a 7-point Likert scale where 1 denoted "*entirely disagree*" and 7 denoted "*entirely agree*". Higher scores indicate a higher level of victim blaming. Two items in the Victim Blame Scale—"*Jerome/Bradley put up enough of a fight*" and "*I feel sympathetic towards Jerome/Bradley*"—were reverse scored. An average of all participants' Victim Blame scores was calculated in order to create a composite in which higher scores indicated increased victim blaming, and lower scores indicated lower levels of victim blaming (Cronbach's $\alpha = .76$).

Participants were also provided with the definition of a hate crime, and were asked whether or not the murder at hand was hate-based (see Appendix D). Responses of "*Yes, the crime was a hate crime*" were coded as 1, and responses of "*No, this crime was not a hate crime*" were coded as 0.

Sentence

After responding to the Perceptions of Victim and Crime Severity questions, participants were asked to act as a member of a special sentencing jury. They were told that a previous jury found the defendant guilty and that they needed to recommend a prison sentence for the defendant. Participants were given the choice between a sentence of life in prison without parole, which was coded as "+1", or 20–25 years in prison (with a chance of parole), coded as "-1". Participants were then asked to provide their confidence in the sentence they recommended on a scale of 1 (*not at all confident*) to 9 (*extremely confident;* see Appendix E). These measures were combined to create a continuous sentencing variable from -9 to +9 in which a score of -9 implies participants are extremely confident in their verdict of 20–25 years, and +9 implies participants are extremely confident in their verdict of life in prison without parole. Participants were provided the opportunity to explain their rationale in order to provide insight into their decision-making process as well (see Appendix F).

Demographics

Participants responded to a series of demographic questions in order to report on the makeup and representativeness of the sample (see Appendix G). The questions utilized were taken from U.S. Census questions that pertain to the race, ethnicity, age, gender, political orientation, and religiosity of the participants.

Procedure

The following procedure was modeled after Carter et al. (2022) and approved by the Allegheny College Institutional Review Board. Participants were recruited through SONA and were presented with a link to a digital survey hosted through Qualtrics, an online survey service. Upon beginning the survey, participants were provided with an informed consent form and asked to confirm that they are over 18 years of age and agree to participate in the present study (see Appendix H). Participants were then randomly assigned one of the four previously mentioned case summaries in which the race and sexual orientation of the victim is varied. After reading the case summary in its entirety, participants filled out a series of questionnaires regarding their perceptions of the victim and the severity of the crime, their suggested sentence, confidence in that verdict, and their rationale behind their sentence. Finally, participants answered various demographic questions about their age, race, gender, ethnicity, religiosity, and political orientation. Upon completion of these steps, participants were fully debriefed and thanked for their participation in the study (see Appendix I). The process of reading the case summary and responding to all questionnaires took approximately ten minutes.

Results

Missing Data

One participant failed to respond to one of the questions on the victim-blaming scale. In order to account for this missing data, mean imputation was utilized. The group mean (M = 3.563) was calculated for that particular question from all participants in the same experimental condition—White, homosexual victim—and used as the participant's response. This method was selected over casewise deletion because of the relatively small sample size. Using the group

mean in order to fill in the missing value was done because it is a less conservative measure, and the small sample size may already lack statistical power to detect differences.

Victim Race and Sexuality on Sentence

Preliminary Analyses

In order to determine whether the assumption of normality was met for this data, the residuals of the dependent variable—sentence severity—were graphed against a theoretical normal distribution of residuals on a Q-Q plot (see Figure 1). The residuals of the data deviate from the theoretical distribution of residuals, providing evidence that the assumption of normality is violated with this data. Failure to meet this assumption may impact the results by impacting the reliability of the p-value and F-statistics found during analysis.

Levene's test was run in order to test if the data gathered met the assumption of homoscedasticity. As $p > .05$, there is evidence suggesting the assumption of equal variances was not violated. Additionally, in order to control for the independence of observations, this study utilized random assignment to place participants in experimental groups. This was done to ensure that the measurement of each participant is in no way influenced by the measurement of another participant.

Results

A 2 x 2 between–subjects factorial ANOVA[3] was conducted in order to determine the influence of victim race and victim sexuality on participants' sentence severity ratings for the defendant. Results indicated that there were no significant main effects of victim race on sentence severity ratings, $F(1, 69) = .078$, $p = .781$, $d = -0.07$. The severity of a sentence in cases with a Black victim ($M = 4.85$, $SE = 0.89$) was not significantly different than cases with White

[3] As the data violated the assumption of normality, a Kruskal-Wallis test could be run to test for differences between group medians. However, as this non-parametric equivalent does not test for interactions, a factorial ANOVA was prioritized.

victims (M = 5.18, SE = 0.81). Moreover, there was no significant effect of victim sexuality on sentence severity, $F(1, 69) = .01$, $p = .921$, $d = 0.02$. That is to say, when victims were homosexual (M = 4.96, SE = 0.82), the severity of recommended sentences was not significantly different than when victims were heterosexual (M = 5.08, SE = 0.87). In addition, there is no significant interaction between victim race and sexuality on sentence severity, $F(1, 69) = .003$, $p = .955$, $\eta^2 < .001$.

It is important to note the sentencing trends in the data in regards to race and sentencing behaviors. While the ANOVA results were not significant, participants who read about cases with White victims tended to have slightly higher average sentencing severity ratings (M = 5.18) than those who read about Black participants (M = 4.85; See Figure 2). This trend may be indicative of sentencing differences that may be better understood with a larger sample.

Impact of Victim Blaming, Victim Race and Sexuality on Sentence

To test for moderating effects of victim blaming on the relationship between victim race and sentence severity, a moderation analysis was run with victim race as the predictor, victim blame as the moderator, and sentence severity as the outcome variable. Results indicated that victim blame did not influence this relationship, $b_3 = 1.74$, $t = 1.23$, $p = .221$. The extent to which a participant blamed the victim did not impact the relationship between the victim's race and the severity of the recommended sentence (see Figure 4).

A second moderation analysis was run with victim sexuality as the predictor, victim blame as the moderator, and sentence severity as the outcome. Results indicated that the relationship between victim sexuality and sentence severity is not moderated by the level of victim blaming $b_3 = 1.04$, $t = 0.87$, $p = .387$ (see Figure 5).

Hate Crime Perceptions and Sentence

Preliminary Analyses

Levene's test was conducted to determine if the variances of the two groups were approximately equal. Results provide evidence to suggest that the data does not violate the assumption of equal variances as $p > .05$. Additionally, to ascertain whether the sample is normally distributed, the Shapiro-Wilk test of normality was conducted. As $p < .05$ for those who determined the crime to be hate-motivated and those who did not, there is evidence to suggest a deviation from normality.

Results

The final test performed was an independent samples t-test[4]. This was done in order to determine whether the average sentence severity was higher for participants that viewed the crime as a hate crime than those who did not. The t-test indicated that the average sentence severity rating for those who viewed the crime to be hate-motivated was not significantly higher than that of those who did not perceive hate motivation, $t(71) = -0.44$, $p = .331$, $d = -0.13$. In other words, there was no difference in sentence between these groups. Those who perceived the crime to be hate-based ($M = 5.15$, $SD = 4.99$) did not sentence the defendant more harshly than those who did not perceive the crime to be motivated by hate ($M = 4.50$, $SD = 5.08$).

Exploratory Analyses

Victim Blame Exploratory Analyses

A few exploratory analyses were conducted in order to further understand the impact of victim blame and the variables that might affect blame levels. Firstly, as the moderation analysis revealed, there is no direct relationship between victim blaming and sentence, nor is there an

[4] Because the data violates the assumption of normality, a Mann-Whitney U test was also conducted. However, even with running the non-parametric tests, results were still not statistically significant, ($p = .126$).

overall moderating effect. A 2 x 2 between-subjects factorial ANOVA was then run to see whether the race and sexuality of victims impacted participants' levels of victim blame. This analysis revealed that race significantly impacted victim blame, $F(1, 69) = 6.49$, $p = .013$, $d = -0.60$. More blame was placed on White ($M = 2.70$, $SE = 0.15$) victims than on Black victims ($M = 2.13$, $SE = 0.17$). Sexual orientation of victims also had a significant effect on blame levels, $F(1, 69) = 5.24$, $p = .025$, $d = -0.54$. Victim blame was higher when the victim was heterosexual ($M = 2.67$, $SE = 0.16$) than when they were homosexual ($M = 2.16$, $SE = 0.15$). No interaction was found between victim race and sexual orientation on victim blame, though $F(1,69) = 3.101$, $p = .083$, $\eta^2 = .037$ (see Figure 3).

Results of a Mann-Whitney U Test[5] also showed that median victim blame scores of participants who did not perceive the crime as hate-based were higher than those who did believe the crime was hate-based $t(71) = 1.963$, $p = 0.008$. Those who believed the defendant committed a hate crime blamed the victim less than those who believed that the defendant was not operating under hate-motivations. This is consistent with current literature on the effect of hate crimes on victim blaming (Rayburn et al., 2003).

Political Orientation and Religiosity

Pearson's r was utilized to test for a correlation between participant political orientation/religiosity on victim blaming and sentence severity. However, no significant correlations were found between these groups. Political identification did not correlate with victim blame ($r = -.183$, $p = .122$) or sentence severity ($r = -.008$, $p = .943$). Likewise, religiosity of participants was not correlated with victim blame ($r = .223$, $p = .058$) or sentence severity ($r = -9.60 \times 10^{-4}$, $p = .994$). It is important to note, however, that both the political orientation and

[5] An independent sample t-test was originally run, but failed the Shapiro-Wilk test of normality ($p < .001$). Because of this, the non-parametric equivalent was utilized and significant results were found.

religiosity of participants were highly skewed. A larger sample with normally distributed political identification and religiosity may produce different results.

Discussion

The purpose of this study was to investigate the impact of victim characteristics such as race and sexuality on mock-jurors' sentencing behaviors, and the extent to which victim blaming and perceptions of crime severity impact responding. It was hypothesized that sentences would be more lenient when victims were either Black or homosexual, and harshest when the victim was a heterosexual White man. Victim blaming was expected to influence the strength or direction of the relationship between victim race and sexuality and sentence severity. Moreover, I hypothesized that those who perceived the crime to be hate-motivated would give significantly harsher sentences than those who did not perceive hate motivations.

The results of the present study demonstrated insufficient evidence to show that victim sexual orientation or race had a significant effect on sentence severity, and no interaction was found between these two variables. While not significant in this study, however, there was a general trend in which participants, on average, had slightly harsher sentences when victims were White and/or heterosexual. This is congruent with past findings that have shown jurors' may exhibit anti-Black toward victims when making sentencing decisions (Baldus et al., 1990; Girgenti, 2015). This effect might be found significant in a larger sample.

Little support was found for the Race Moderation and Sexuality Moderation hypotheses as well. Across all levels of victim blaming, sentencing severity remained relatively constant for both cases with Black and White victims. Further, sentences were similar between cases with heterosexual and homosexual regardless of victim blame levels.

Finally, the extent to which hate crime perception influences sentencing decisions was evaluated. Of the total sample, approximately 97% of participants in the marginalized identity conditions (homosexual and/or Black victim) identified that the incident was a hate crime. Only two mock-jurors who read about a Black and/or homosexual victim did not see the crime as hate-motivated. This provides evidence that participants' were sensitive to factors that implied the crime might have occurred as a result of bias against parts of the victim's identity. Further support for this is found in the short response section of the questionnaire. Most mock-jurors stated they based their sentencing decisions on the fact that the attack was racially motivated, or a result of the victim's sexual orientation. However, while participants were largely able to recognize factors that point towards hate crimes, this did not influence their sentencing decisions for the defendant.

Contrary to expectations, those who viewed the crime as a hate crime did not sentence the defendant any harsher than those who didn't believe the crime to have hate-motivations. This result directly contradicts previous findings that have shown hate crime perceptions to significantly impact sentence severity (Cramer et al., 2010; Cramer, Wakeman et al., 2013). It is important to note, however, that only 14 participants believed the murder was not a hate crime, as compared to 59 who reported it met the definition of a hate crime. With a sample size this small, it is difficult to accurately interpret results of statistical testing.

Theoretical and Applied Implications

The lack of an effect of race or sexual orientation on juror sentences has a couple of explanations that are important to note. Firstly, this may be indicative of a lack of racial or sexual orientation biases of participants. Studies have shown that jurors who are high in homonegativity view homosexual victims in a more negative light (Herek, 2000) and that those who score higher

on the Modern Racism Scale may give harsher sentences towards those who commit crimes against White victims (Bottoms et al., 2004). It is possible that participants in the present study have lower levels of homonegativity and Modern Racism beliefs than those in previous studies that have found effects of victim race and sexual orientation on sentencing. Understanding the skewness of participant political orientation towards liberal ideologies provides some level of support for this idea. Past studies have found that political orientation positively correlated with Modern Racism in that the more politically conservative people are, the higher their scores on the Modern Racism Scale tend to be (Nail et al., 2003; Oxendine, 2016). As the preset sample leaned more liberal, participants' levels of Modern Racism may have been lower, resulting in no impact of race on sentencing decisions.

However, while the results were not statistically significant, there were still general trends that pointed towards biases against Black and homosexual victims in sentencing decisions. Even without statistical significance, trends of anti-Black and anti-LGBTQ+ biases are concerning. In an experimental setting, participants may be unwilling to rely on their biases to make decisions. However, even though researchers attempt to replicate real-life situations with as much accuracy as possible, an online trial sentencing simulation is still not the same as a real, in-person trial. Prosecutors and defense attorneys should still make efforts to limit the amount of these biases in jurors through the voir dire process. Asking potential jurors questions regarding their perceptions on race and sexual orientation and eliminating those who respond in ways that reveal prejudices that may lead to differential sentencing could help to reduce the impact of biases in the courtroom. Decreasing these biases, in turn, could help to lessen disparities that exist between those that commit crimes against minority groups and those that do not.

As previously stated, the current study's findings directly contradict results of archival studies that have been done. This is an example of an increasingly common trend in which experimental studies attempt to replicate biases exhibited in archival studies, but instead find null results, or a reversal of the expected hypotheses. For example, Shaw et al. (2021) found that jurors were significantly *more* likely to render a guilty verdict when defendants were White than when they were Black, a direct reversal of their hypotheses and previous archival findings. A recent meta-analysis investigated this null-reversal phenomenon by looking at these discrepancies between experimental and archival studies on defendant race and sentencing decisions since 2013. This analysis found that 61.5% of archival studies exhibited anti-Black biases in sentencing decisions, but zero experimental studies reproduced this bias (Le Grand et al., 2024). Although the current study analyzed victim rather than defendant race and also included victim sexual orientation, a similar effect of null results were found. It becomes apparent that other factors might be at play to cause this lack of replicability of previous findings.

One possible explanation for why this null-reversal phenomenon may have occurred in the present study are the effects of Aversive Racism and Social Desirability Biases. People are known to behave in ways they believe will make them appear to match societal standards for what is acceptable. In recent years, societal acceptance towards the LGBTQ+ community has increased. At the same time, societal condemnation of racial prejudices has consistently grown in the past decades (Cramer, Wakeman et al., 2013). Participants may have feared that relying on personal biases about a victim's racial identity or sexual orientation might make them appear more negatively to the experimenter, and therefore responded contrary to their personal beliefs.

Along the same line, Aversive Racism theory states that people—often those that lean politically liberal—may subconsciously rely on their internal racist beliefs in ambiguous situations but outwardly express opposing views in situations in which racial issues are evident (Dovidio & Gaertner, 2000). It is entirely possible that the case summary did not provide a situation with enough ambiguity for these biases to impact decision-making. The role of the victim's racial identity in the crime may have been made too evident, making participants high in aversive racism feel the need to respond differently in order to appear more in line with societal norms and standards.

Ambiguity—or the lack thereof, in this case—of racial issues has been shown to have a direct effect on jury decisions. Various studies have demonstrated that when race issues are made salient in a case, racial bias is decreased towards Black defendants. The more evident that racial issues were at play during the crime, the less that mock-jurors relied on their anti-Black biases to make a verdict or sentencing decision (Cohn et al., 2009; Sommers & Ellsworth, 2001). In the present study, it was not explicitly stated that the crime was committed directly because of the victim racial identity or sexual orientation in order to allow participants to come to their own conclusions. However, it is possible that the race and sexual orientation of the victim remained too salient with the inclusion of the defendant shouting slurs at the victim. Thus, it is possible that the saliency of victim sexual orientation may explain mock-jurors' lack of biased decision-making.

If race saliency is truly a mechanism behind the lack of biased sentencing decisions of mock-jurors, this provides valuable insight for prosecutors and defense attorneys on the construction of their arguments during trial. Highlighting the role of racial issues by "playing the race card" in a case may lead jurors to respond in ways that do not rely on their potential

negative biases towards victims. This, in turn, can help to decrease sentencing disparities that leave marginalized racial and ethnic groups disproportionately at the mercy of the criminal justice system. In the same way, cases in which there is much uncertainty over the role of sexual orientation of victims could result in anti-homosexual biases impacting jury decisions. It stands to reason that stressing the potential anti-LGBTQ+ motive of the defendant might help to decrease these biases in the court.

Limitations and Future Directions

There are various limitations to the current study to be noted. Firstly, the sample size was relatively small (n = 73) and underpowered, meaning a type II error is more likely. The participant pool also consists only of undergraduate students between the ages of 18 and 25 from a small liberal arts college; therefore, generalizability of the sample to the broader United States population is limited. In addition, the current study's methodology utilizes a vignette in an online survey format to simulate being on a jury, resulting in limited ecological validity. This differentiates the study from a real-life trial in a number of ways, including the lack of a jury deliberation phase, which may impact behavior (Nuñez et al., 2011).

One limitation of the current study which may have impacted the results is the severity of the crime described in the case summary. When crime severity increases, studies have found that jurors will generally increase sentences for defendants (Cramer et al., 2010). The current study utilizes the case of Mr. Jones, a man accused of murdering his coworker. As is, murder is a severe crime, even without evidence of racial bias at play in the crime. The results of the present study indicate that participants may have viewed murder as so severe that it warranted a life sentence regardless of whether evidence of hate motivation was present or not. Future research could benefit from exploring the effects of manipulating this variable. Varying the severity of the

crime between different experimental groups in conjunction with victim characteristics could help to uncover how crime severity impacts juror sentencing behaviors.

In a similar manner, the two possible sentences offered—20–25 years in prison and life in prison without parole—may not have been distinct enough and allowed for confusion on sentence length. A "life sentence" may mean different things across different states. In Delaware or Florida, a life sentence is 25 years before a person can become eligible for parole, whereas in Connecticut an individual must spend 60 years in prison before being considered for parole (*How long is a life sentence (A state-by-state breakdown)*). Life *without* parole, on the other hand, means that the convicted individual does not have the chance of being released. If participants' did not understand this distinction, the difference between 20–25 years in prison versus the misunderstood "life sentence" may have appeared slim. One participant who advocated for the shorter sentence justified their decision by saying that life in prison is variable, and that it could mean as short as 15 years. Because of this, they decided the sentence of 20-25 years guaranteed that the defendant would be in prison for a certain amount of time. This provides evidence that participants may not have understood the sentencing options, or viewed them as not being distinct enough from each other to warrant a difference. Providing more extreme sentencing options such as the death penalty may be better suited to show the effects of the variables in question. Future studies on this topic should take this into consideration when developing research materials.

In addition to the aforementioned limitations, the primary dependent variables of this study were limited to two levels: White and Black, and heterosexual versus homosexual. By constricting the racial identity variable to a binary, all other racial groups are completely excluded. Likewise, sexual orientation exists on a wider spectrum than solely heterosexual and

homosexual. Studies have shown that various members of the LGBTQ+ community, as well as people of different racial groups, experience discrimination in different ways in the legal system (Gamblin et al., 2018; Sommers & Ellsworth, 2000). In order to have a better and more comprehensive understanding of the biases experienced in the courts, it is important to include these various identities. Future studies should expand on the race and/or sexual orientation of victims, as well as including ethnic identities.

Conclusion

Past research has shown that mock-jurors tend to show anti-Black biases towards victims, and sentence defendants more leniently than when victims are White. Current knowledge on the effect of sexual orientation, however, is limited. The current study found that, when looking at the interaction between these two identities, that race and sexual orientation did not have an impact on mock-juror decision-making. Going further, victim blame was not found to influence the relationships between victim identity and sentence. Although results of the present study suggested that bias might not play a role in sentencing decisions of mock-jurors, it is important that future research continues to examine this. Extended research into the impact of race and sexual orientation might be used to inform legal actors on biases that exist within the court systems, and ways in which bias-mitigation efforts could reduce them.

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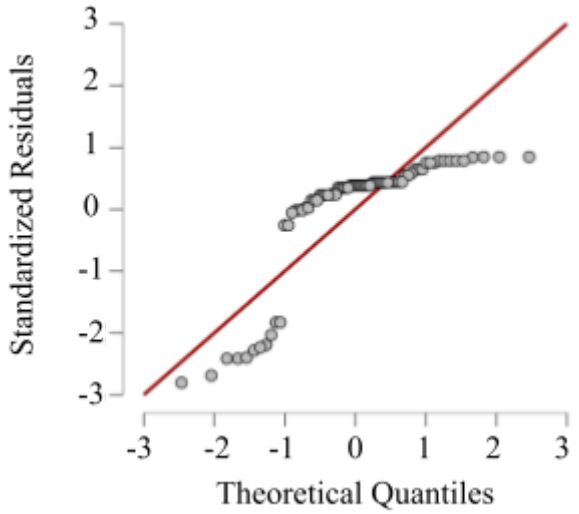
Figure 1

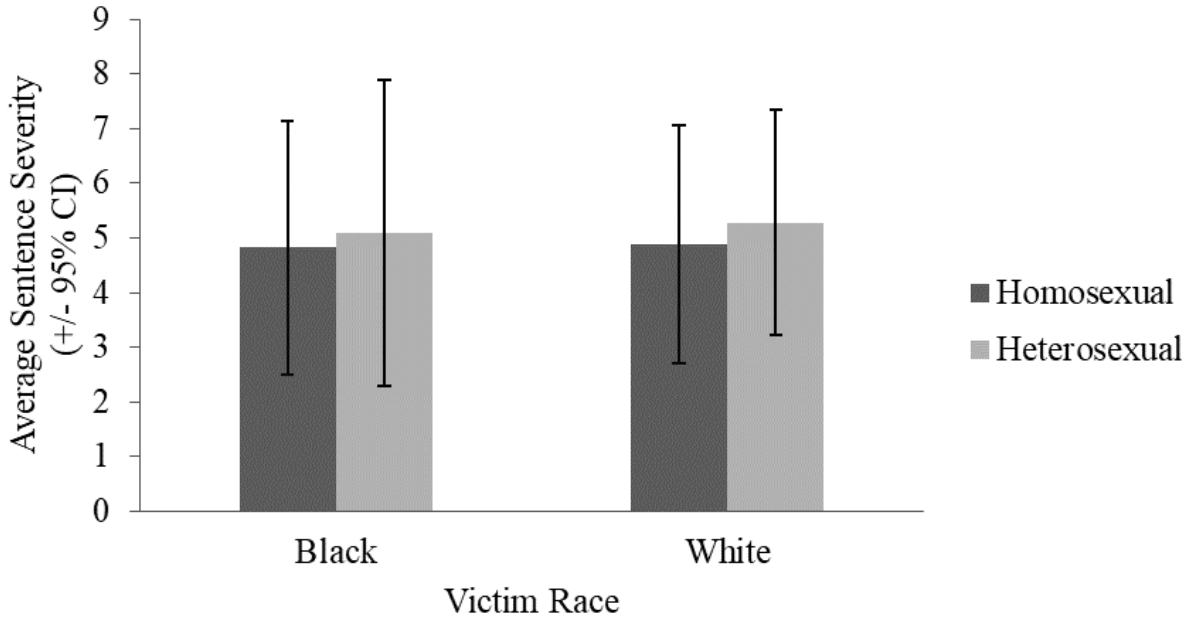
Q-Q Plot of Victim Race and Sexuality on Sentence Severity



Note. The standardized residuals of the data are graphed against theoretical values. The data heavily deviates from the theoretical distribution of residuals, meaning the data fails to meet the assumption of normality.

Figure 2

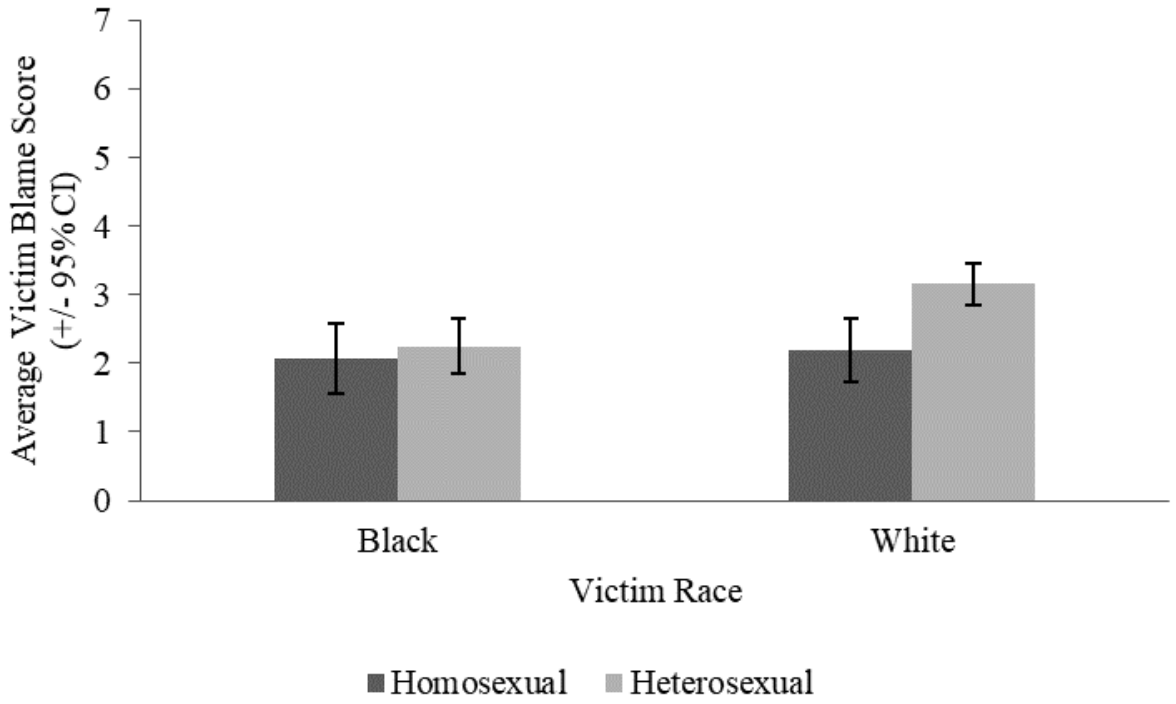
Race and Sexual Orientation of Victims on Sentence Severity



Note. The effects of victim race and sexuality on sentence severity. Higher scores on the y-axis indicate higher confidence and harsher sentences. Error bars represent 95% confidence intervals. The original scale of sentence severity was -9 to +9, however the average sentence severity was relatively high. For the sake of clarity, only values between 1 and 9 are shown on the y-axis.

Figure 3

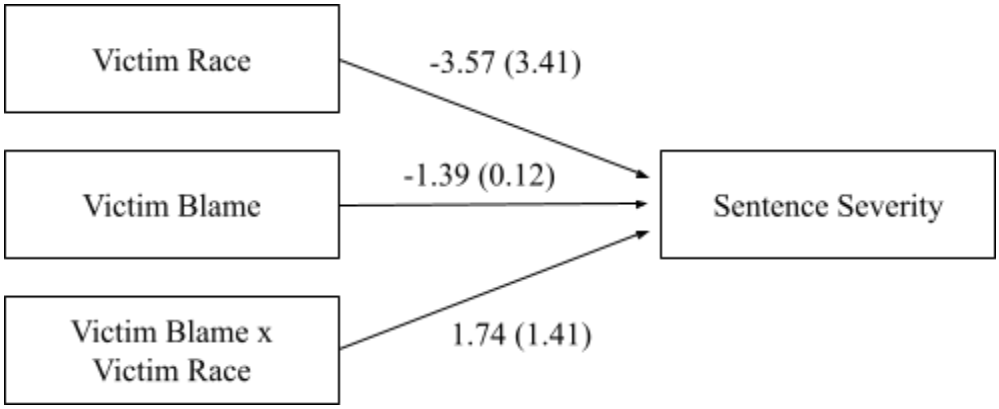
Race and Sexuality of Victims on Victim Blaming



Note. The impact of victim race and sexuality on victim blame. Higher scores on the y-axis indicate higher levels of victim blaming. Error bars represent 95% confidence intervals.

Figure 4

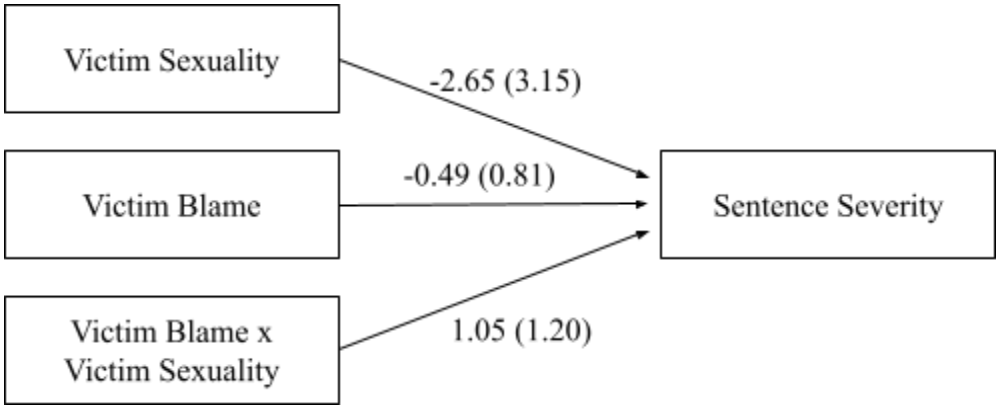
Victim Blame as a Moderator for the Relationship Between Race and Sentence Severity



Note. The moderating effects of victim blame with race as the predictor, victim blame as the moderator, and sentence severity as the outcome. For this analysis, Black victims were coded as 0 and White victims were coded as 1.

Figure 5

Victim Blame as a Moderator for the Relationship Between Sexuality and Sentence Severity



Note. The moderating effects of victim blame with victim sexual orientation as the predictor, victim blame as the moderator, and sentence severity as the outcome. For this analysis, heterosexual victims were coded as 0, and homosexual victims were coded as 1.

Appendix A: Trial Summary

This is the sentencing phase of S. Jones Case #12517. Mr. Jones has already been found guilty of murder. The only question before you, the jury, is whether Mr. Jones should be sentenced to life in prison without parole, or 20–25 years in prison. ***It must be shown beyond reasonable doubt that Mr. Jones acted in a cold-blooded fashion without concern for the victim or remorse for his actions. If this is shown, then the defendant will be sentenced to life in prison without parole. If this is not true the defendant will be sentenced to 20–25 years.***

Below are the details for the jury's consideration:

The victim, Mr. ***(Bradley Schmitt/Jerome Williams)***, was a 36-year old (***White/Black)*** male. He was a history teacher at a local highschool since September of 1996. The perpetrator, Mr. Michael Jones, is a 41-year-old coworker of Mr. (***Schmitt/Williams')***.

At approximately 10:00 p.m. on February 3, 2002 the defendant, Mr. Jones, arrived unexpectedly at the **(*gay bar/bar)*** where Mr. (***Schmitt/Williams)*** was celebrating his (***wife/husband's)*** birthday. After a brief verbal argument in the venue parking lot in which witnesses to the scene reported hearing Mr. Jones screaming slurs regarding Mr. Schmitt/Williams's ***(race/sexual orientation)***, Mr. (***Schmitt/Williams)*** attempted to enter his vehicle and close the door on Mr. Jones. Mr. Jones reportedly over-powered Mr. (***Schmitt/Williams)*** and pulled him from the vehicle. As documented in the trial, Mr. Jones drew a gun from inside his jacket and shot the victim twice in the chest without provocation.

According to witness testimony, Mr. **(*Schmitt/Williams)*** and Mr. Jones were professional colleagues, but not close friends. Additionally, several of the victim's family members and colleagues testified that Mr. Jones had never met with Mr. (***Schmitt/Williams)*** outside of the workplace. Before the night in question, the two men had never reportedly had serious problems. Examination of Mr. Jones' background revealed no prior criminal record or history of violence.

At his trial, Mr. Jones testified that he was overcome by rage due to the altercation, blacked out, and shot the victim. Mr. Jones was convicted of murder by a jury of his peers.

Appendix B: Manipulation Checks

Please respond to the following questions about the case summary.

1. What weapon was used against the victim

Knife	Gun

2. What was the victim's racial identity?

Black	White

3. Where did the crime take place?

A local high school	A local (*bar/gay bar)*

4. What was the victim's sexual orientation?

Homosexual	Heterosexual

5. What was the nature of the defendant and the victim's relationship?

Coworkers	They did not know each other

Appendix C: Victim Blame Scale

Please rate your agreement with the following statements about the victim and the crime on a scale of 1 to 7 based on what you read in the case summary.

1 – Entirely Disagree
2 – Mostly Disagree
3 – Somewhat Disagree
4 – Neither Agree nor Disagree
5 – Somewhat Agree
6 – Mostly Agree
7 – Entirely Agree

1. ***(Jerome/Bradley)*** was responsible for the attack.
2. ***(Jerome/Bradley)*** could have done something to prevent the attack if he really wanted to.
3. ***(Jerome/Bradley)*** put up enough of a fight.
4. I feel sympathetic towards **(*Jerome/Bradley)***
5. ***(Jerome/Bradley)***'s behavior was to blame for this attack.
6. ***(Jerome/Bradley)*** should have known better than to engage with the defendant.

Appendix D: Hate Crime Perceptions

The FBI describes that any crime motivated by an individual's bias against another person's perceived or actual race, ethnicity, gender, sexuality, religion, or disability is classified as a hate crime. Does the crime at hand fit the definition of a hate crime? ***Please circle the answer that most applies.***

Yes, the crime was a hate crime. The victim was targeted because of his race/sexality.	**No, the crime was not a hate crime. The victim was not targeted because of his race/sexuality.**

Appendix E: Sentence and Rationale

Sentence

In this study, you are acting as a juror that is tasked with sentencing the defendant. A separate jury has already determined that the defendant is guilty, and it is your task to determine the appropriate sentence for the defendant based on the details you were provided in the case summary. ***Given what you have read, please circle the sentence you believe to be most appropriate for the crime.***

Life in Prison (without parole)	**20–25 years in prison (with chance of parole)**

1. *Please explain your rationale behind your verdict below (Short answer)*

_____

Appendix F: Verdict Confidence

Verdict Confidence

Please rate how confident you are on a scale of 1 (not at all confident) to 9 (extremely confident) in your verdict.

1 – Not at all confident
5 – Moderately confident
9 – Extremely confident

1	2	3	4	5	6	7	8	9

Appendix G: Demographic Information

Demographic Information

Please answer the following questions about your race, ethnicity, age, gender, religiosity, and political orientation. Circle which answer best applies.

What is your race?

1. Black or African American
2. Asian
3. Native American
4. White
5. Other

Are you of Spanish, Latino, or Hispanic origin?

1. No, not of Spanish, Latino, or Hispanic origin
2. Yes, Mexican, Mexican-American, Chicano
3. Yes, Puerto Rican
4. Yes, another Hispanic, Latino, or Spanish origin

In years only, what is your age? _____ (*short answer*)

Which gender do you identify with?

1. Man
2. Woman
3. Prefer not to say/Other

To what level do you consider yourself to be religious?

1. Not at all
2. Slightly
3. Somewhat
4. Moderately
5. Very
6. Extremely

How do you identify politically?

1. Strongly Conservative
2. Moderately Conservative
3. Slightly Conservative
4. Centrist
5. Slightly Liberal
6. Moderately Liberal
7. Strongly Liberal

Appendix H: Informed Consent

An Exploration of Juror Decision-Making in Criminal Trials
Allegheny College
Department of Psychology

Purpose of Research: The purpose of this study is to research factors that influence jury decisions, as jury decision-making is an important part of the legal system.

Method/Procedure: I understand that I will be asked to read a short trial summary and offer my judgment on the sentence of the defendant. My participation in this study will take approximately **20** minutes and I will receive 1 SONA Credit for my participation. During the study I will be asked to respond to a few short questionnaires regarding my judgment of the defendant, my perceptions on the crime and the victim, and regarding my general demographic information (age, race, ethnicity, gender, etc.). I may decline answering any question and stop the study at any time without penalty.

Length of Participation: I understand that reading the trial summary of a murder trial and answering the following questionnaires will take about 20 minutes.

Risks to the Individual: I understand that there will be no more risk other than what is normally experienced in everyday life. However, I may withdraw from the study for any reason without penalty if I am unable or unwilling to continue.

Benefits of the Research: I understand that this research will benefit the world of psychology and the legal system by expanding the knowledge and understanding of the factors that impact jury decision-making and perceptions of crime and victims. I understand there is no direct benefit to myself.

Compensation: I understand that I will receive 1 SONA Credit for my participation.

Confidentiality, Recording Information, and Data Security: I understand that the data being collected will be entirely anonymous–the researchers will not be collecting any identifying features or names. All data will be stored in a computer that is password protected and only accessible by the primary researcher. Public presentation of data will include no identifying features of responses or participants. Data will be destroyed three years after the completion of the study.

Voluntary Nature of Participation: I understand that I do NOT have to participate in this research project. Furthermore, I may choose to withdraw my participation at any time without penalty. I understand that I may skip any individual questions that I do not wish to answer, and I may choose not to participate in any part of the study without being questioned.

Results of Research Project: I understand that I am entitled to a copy of the results once this study is completed–a summary will be made available by email upon contacting the primary

researcher, Emily Eshleman at eshleman01@allegheny.edu, or the faculty advisor, Dr. Christopher Normile.

Contact Information: If I have any questions about this research project, I can contact the research advisor, Dr. Christopher Normile at cnormile@allegheny.edu. If I have questions or concerns about the treatment of research participants in this IRB-approved project, I can contact the Chair of the Allegheny Institutional Review Board (IRB) at IRB@allegheny.edu.

I confirm that I have received this informed consent form. I have carefully read and understood the information on this form and all of my questions thus far have been answered.

1. Yes
2. No

I confirm that I am at least 18 years of age at the time of my participation in the study.

1. Yes
2. No

I confirm that I agree to participate in this study.

1. Yes
2. No

Appendix I: Debriefing Statement

Debriefing Statement

Thank you for participating in this study! In this study we are researching the impact of the race and sexual orientation of a victim of gun violence on the sentence a juror gives the offender, the juror's perception of the severity of the crime, and the extent to which mock-jurors blame the victim for the crime. This was not stated upfront in the informed consent form, as knowledge of what we are examining may have impacted how participants responded.

We hypothesize that victim race and sexual orientation will predict sentencing outcomes. In particular, we hypothesize that defendants accused of murdering White and homosexual victims will receive harsher sentences than those accused of murdering Black and heterosexual victims. We also hypothesize that participant's level of victim-blaming and perception of crime severity will mediate the relationship between victim race and sexual orientation, and juror sentencing outcomes. Finally, we hypothesize that participants will give harsher sentences to the defendant when they perceive the crime to be hate-based.

If you have any concerns with the way in which the study was conducted, please feel free to contact the Allegheny College Institutional Review Board at IRB@allegheny.edu. If you are interested in receiving a copy of the results of the study or if you wish to ask any questions about the study, please reach out to Emily Eshleman at eshleman01@allegheny.edu or the faculty adviser Dr. Chris Normile at cnormile@allegheny.edu. If you'd like to learn more about the topic on your own, feel free to check out the following articles that have investigated similar topics:

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Ellingwood, H., Pica, E., Pozzulo, J, & Schutheis, E. (2022). The influence of victim of sexual orientation, gender, and gender identity on mock jurors' judgements. *Journal of Police and Criminal Psychology, 38*, 461–468. https://link.springer.com/article/10.1007/s11896-022-09533-7