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Creating a Balance in Sentencing Offenders: A Step Towards Restorative Justice

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LOYOLA UNIVERSITY CHICAGO

CREATING A BALANCE TOWARDS SENTENCING OFFENDERS:

A STEP TOWARDS RESTORTATIVE JUSTICE

A THESIS SUBMITTED TO

THE FACULTY OF THE GRADUATE SCHOOL

IN CANDIDACY FOR THE DEGREE OF

MASTER OF ARTS

PROGRAM IN APPLIED SOCIAL PSYCHOLOGY

BY

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ABSTRACT

Public sentencing preferences often determine the sentencing statutes created by legislators. Extracting public opinion is typically done through mass public opinion polls; however, research has found that these polls often produce misleading findings. In order to accurately dissect the various layers of laypersons' sentencing choices, a victim impact statement (VIS) and a statement of offender remorse were manipulated within a crime scenario depicting moderately severe crimes. A total of 215 participants were randomly assigned to one of the 16 conditions in this 2 (crime type: residential burglary or unarmed robbery) x 2 (VIS: absence or presence) x 2 (offender remorse statement: partial or full apology) x 2 (counterbalance: VIS first or remorse statement first). As expected, the VIS caused participants to assign harsher sentences whereas the offender remorse statement caused more lenient sentences. The Theory of Attribution (Heider 1958; Kelley, 1967; Weiner, 1985) was applied to the current research, but attributions did not explain why the VIS or remorse affected sentencing harshness. The VIS statement did not, however, influence participants' attribution of the criminal behavior to internal characteristics (i.e. greed or laziness) nor did the remorse statement have a significant effect on the perception of external reasons (i.e. lack of jobs) as the cause for the offender's behavior. Respondents who attributed the crime to a character flaw, however, gave harsher sentences. As hypothesized, participants in the VIS present conditions were significantly more likely to use

retributive sentencing goals while determining a sentence for the offender whereas those in the full remorse statement conditions were significantly more likely to decide on a sentence with restorative justice goals. These hypotheses, however, were only partially supported because the VIS did not significantly influence restorative sentencing goals and the remorse statement did not influence the retributive sentencing goals. Though unexpected, if respondents inferred that the victim overreacted to the crime, they were significantly more likely to discount the VIS statement and to infer less emotional harm and recommend a more lenient sentence. Inferences about the victim's overreaction also were related to participants' inferences that the offender was less to blame, less sympathy for the victim, and perceptions that the crime was less serious.

When Legislators create sentencing statutes, the views of laypersons are often taken into account and extracted through mass public opinion polls. Mass public opinion polls, however, capture only the tip of the iceberg of public opinion regarding sentencing and justice. In these polls, particulars are left to laypersons' imagination due to a lack of information about offenders' background, details of the crime and the harm caused to the victim. Research has shown that when insufficient evidence is offered to individuals, stereotypes about offenders are often utilized when deciding on a case (Stalans & Diamond, 1990; Roberts & Stalans, 2000). Therefore, what many of these polls suggest are a public that supports harsher punishment than may actually be the case (see for a review, Roberts & Stalans, 2000; Roberts, Stalans, Indemaur, & Hough, 2003; Roberts, 2003). Research has only partially dissected this topic. Aspects of research left to discover include 1) which crimes result in lenient or harsher sentencing 2) how victim harm and offender remorse impact sentencing and 3) which form of justice (i.e. restorative, retributive, deterrence, or rehabilitation) the public endorses for various crimes.

The current study investigates how statements written by the victim and the offender affect laypersons' sentencing preferences for offenders convicted of residential burglary and unarmed robbery, which represent crimes in the moderately severe category. Also, this research seeks to understand how the public balances the conflicting goals of retributive justice and restorative justice when statements by the victim and offender are both presented. Are

laypersons merciful and willing to choose restorative justice sentencing options such as probation with community service hours or more focused on retributive sanctions of prison time for unarmed robbery or residential burglary crimes? The aim of this study is to provide a more detailed understanding as to how the public would sentence offenders in moderately severe crimes when ample information about the victim and offender is presented to make an informed sentencing decision. Before the methodology of the study is discussed, the relevant literature on the difference between restorative and retributive justice and the effect of victims' impact statements and offenders' remorse on sentencing will be presented.

Literature Review

Differences between Retributive and Restorative Justice

The key feature of retributive justice (also known as 'just desert') is proportionality (Wenzel, Okimoto, Feather, & Platow, 2008). The goal of the sentence is to mete out a sanction that is equal to the amount of harm caused by the offender (an eye for an eye mentality). While this can be beneficial for severe crimes such as rape and murder, it may be detrimental to criminals that commit minimally and moderately severe crimes. For example, prisonization has a negative effect on offenders in which job opportunities are fewer after prison release in addition to the likelihood that reoffending (recidivism) will increase (Gromet & Darley, 2006).

At the core of restorative justice is reparation, the act of repairing the harm done. Restorative justice focuses more on healing the victim, the offender, and the community. The offender taking responsibility for the crime and making reparation is still an aspect of this type of justice, but the goal of the reparation is to repair the harm done to the victim and community, and through the acts of reparation and taking responsibility have the offender

reintegrated in the community and committed to a law-abiding productive life. There is an opportunity during the restorative justice sentencing for the offender to be held accountable for the crime, accept responsibility, show remorse and offer a sincere apology to the victim. The apology often occurs during a face-to-face interaction, but also may take the form of a letter written to the victim. This is thought to restore a moral order and a sense of justice to the victim and the community (Wenzel et al., 2008).

Restitution and community service are typical sentences for restorative justice sanctions. The aim of the sentence is for the offender to understand the moral wrongdoing of the crime and to make amends with the victim and the community. When offenders commit crimes they are digressing from community norms. If the offender interacts with the victim through the court process, the offender may learn the extent of harm the crime has caused as well as the expected community norms and sanctions (Hayes & Daley, 2003). Once an understanding of the negative behavior is achieved through the sentencing, the offender should be more likely to regulate their behavior to avoid the same behavior in the future (Tyler & Jost, 2007).

The benefit of this justice is that an offender who is sincerely remorseful about the crime committed may be less likely to commit a similar offense in the future compared to an offender who is not remorseful (Tudor, 2007; Vidmar 2000; Wenzel et al., 2008). Restorative justice programs have been found to reduce reoffending (Braithwaite, 1989; Clear & Karp, 1999; Zehr, 2002). A recent meta-analytical study conducted by Latimer, Dowden & Muise (2005) showed that compared to other court programs, restorative justice programs were more effective at reducing recidivism.

Unfortunately, much of the public is unaware of the alternative to sentence offenders using restorative sanctions (for a review of public knowledge about restorative justice see Roberts & Stalans, 2004). This should be considered when thinking about the information extracted from public opinion polls (Doble & Green, 2000). When the public thinks of sentencing options, prison time is most easily recalled (Roberts & Stalans, 2000). When given alternative sentencing options, the choice of imprisonment decreases and the likelihood they will choose restorative justice sentencing increases when the offenders are juvenile, first time offenders, nonviolent recidivist offenders, property offenders and for offenses of a less serious nature (see Hough & Roberts, 1998; Roberts & Stalans, 2004). Based on reviews of the literature, research on public sentencing preferences has not provided participants with alternative sentencing choices or with moderately severe, community-based sanctions such as intensive supervision probation (e.g., Stalans, 2008). Thus, it is unclear what sanctions the public supports for moderately severe crimes when they are more informed of community-based alternatives.

Understanding the sentencing goals of the public will offer insight into their beliefs about justice. Key findings in the literature on lay sentencing preferences are: 1) the public uses proportionality and the extent of the harm caused by the crime to assess sentencing decisions 2) Laypersons favor individualized justice and 3) Sanctioning that allows the offender to integrate back into the community as a productive citizen is also supported by the public (Roberts & Stalans, 2004; Roberts, Stalans, Indemauro, & Hough, 2003; Stalans & Diamond, 1990; Finkel, 2001; Stalans, 2008). These findings suggest that laypersons prefer concepts central to both restorative and retributive justice-sentencing goals.

Public support for individualized justice is found to be evident in several research studies such as the research of Roberts and Stalans (2004), Finkel (2001), and Stalans (2002). Jury nullification is an example of the public's support for individualized sentencing that is proportional to the harm caused by the offense. The concept that a jury may acquit for one offender and not for another with the same offense is evidence of the public's evaluation of offenses by the individual. One reason juries may acquit a defendant is if the punishment is perceived as too severe for the crime. Also noted in the literature is a lack of research on public preferences for restorative sentencing, but this is due to the limitations of many studies presenting only restorative or retributive sanctions and not a combination of the two (Stalans, 2008). This current study will give participants sentencing options that encompass several types of sentencing goals, restorative, retributive, deterrence and rehabilitative justice as well as the possibility for a combination of justice sentencing goals.

Both individual and general deterrence were included in the study as a goal for participants' sentencing choices. General deterrence exemplified a form of deterrence to warn other potential offenders that punishment will be severe for the crime. Individual deterrence is to dissuade individual offenders from committing more crimes in the future. Rehabilitative justice was also included in the study as a sentencing option and offered a sentence that would restore the offender back into a law abiding citizen. Having multiple forms of justice goals for participants to choose from ensured a thorough and exhaustive examination of participants' sentencing preferences and goals.

Also noted in a review of the research on public opinion about restorative sentencing (Roberts & Stalans, 2004), there is a dearth of research on public preferences on restorative

sentencing. Many prior studies have focused on retributive and rehabilitative sentencing options, and other research gave only restorative sentencing options (Stalans, 2008). Few studies have examined whether the public would support restorative sentencing options over retributive options for moderately serious crimes such as those represented in this study. Furthermore, research has not examined the influence of victim impact statements on the public's sentencing preferences and the relative persuasive influence of victim impact statements compared to a statement of remorse by the offender. The literature on victim impact statements and the influence of apologies and remorse on judgments will be briefly reviewed.

Victim Impact Statements

Composed by the victim, a victim impact statement (VIS) is introduced as evidence in sentencing hearings. The typical characteristics of a VIS are the descriptions of the physical, emotional and financial injury to the victim caused by the crime. In some cases, the victim will suggest sentencing for the defendant. The VIS are typically given either orally by the victim or by a court official or written and given to the jury and judge.

History of Victim Impact Statements

Three cases had a large impact on the use of victim impact statements in court proceedings, *Booth v. Maryland*, 1987, *Gathers v. South Carolina*, 1989, and *Payne v. Tennessee*, 1991. These cases are, however, capital cases that the current research does not address. These cases are important in the verdict of VIS in all cases not just capital cases. The *Booth* and *Gathers* cases held that the VIS was irrelevant to the blameworthiness of the defendant and should not be included in sentencing judgment. The case of *Payne v. Tennessee* overruled *Booth*

and *Gathers* and found that the evidence may be admitted due to the fact that it indicates the defendant's blameworthiness by the amount of harm experienced by the victim. It was also decided that the admissibility of these statements should be decided on a case-by-case decision. In 2004, the Crime Victims' Rights Act was passed which stated the victim has "The right to be reasonably heard at any public court proceeding in the district court involving release, plea, sentencing or any parole proceeding" (Crime Victim's Rights 18 U.S.C.). Many jurisdictions now allow victims to make a statement in felony cases.

Research regarding the VIS has been diverse; some research supports the use and benefits of VIS in courts while other research supports the critics' views against the statements in courts. Supporters cite that victims feel an increased sense of justice and the VIS allows for the justice to be proportional to the crime, which can create harsher sentencing for offenders. Critics argue against their usage in courts. Three arguments are used to support eliminating VIS in sentencing hearings. First, it is argued that it goes against common principles of criminal proceedings. Second, the victim's impact statement may recommend sentences that are too severe for the amount of harm caused by the crime and thereby not support proportional retributive justice. Lastly, that the statements are too emotional and may bring a subjective and irrational approach to sentencing.

Supporters of Victim Impact Statements

The first topic in the literature supporting the use of victim impact statements is the benefits to the victims themselves. Victim inclusion in the court case allows victims an increased sense of justice from being involved (Kilpatrick & Otto, 1987). The victims' rights movement began as a way to give voice to victims of crimes due to the belief that victims have been

disregarded by the criminal justice system (Henderson, 1985). The statements are also thought to give empowerment to the victims and to help in their healing process and in their understanding of the system (Kilpatrick & Otto, 1987).

Another aspect of research is the support for proportional sentencing (Erez, 1994). The amount of harm experienced by the victim would be the basis for a proportional sentence. It is also suggested that this can create harsher sentencing as a benefit. Proportionality is an element of retributive sentencing in which the sentencing should reflect the severity of the crime (Roberts & Stalans, 2004). In the case of VIS, it is the idea that the sentencing should reflect the extent of harm suffered by the victim. Erez (1994) noted that allowing victims to make statements about the harm they suffered informs the decision maker about several goals relevant to sentencing:

Retribution is enhanced when the extent of the harm caused is disclosed so that the punishments meted out is measured against the level of harm caused. The deterrent effect of punishment is increased because victim input increases prosecutorial efficiency, which in turn increases the certainty of sanctions...Lastly, rehabilitation is promoted when the offender, through the VIS, confronts the reality of harm he or she has caused the victim.

The focus of the sentencing process in restorative justice is not the intent to punish, but intent to reach an understanding between the victim, the offender, and the community that the act was wrong and reparation is needed.

Critics of Victim Impact Statements

Critics against the use of victim impact statements argue about the effects on the traditional concept of the criminal justice system, such as that crimes are against the state rather than the individual. Another argument relates to the extent of harm suffered by the victim that was not intended or unable to be foreseen. The third argument stands against the subjective and emotional nature of the VIS and how it may affect sentencing objectivity.

The traditional concept of a crime is that the offender acted against the state rather than the individual (Ashworth, 1993). The VIS relates the impact of the crime directly to the victim rather than an act against the state. This could also create sentencing inconsistency across crimes (Hall, 1991). The amount of harm becomes the proportionality component against the offender rather than the crime itself. Sentencing relates to the amount of harm suffered by the victim, whether or not the extent of harm caused could have been foreseeable. Some argue that the offender should not be held responsible for harm that was not intentional and not anticipated. Hills and Thomson (1999) found that the public supports sentencing that is proportional with the amount of harm caused to the victim, even if the severity of the harm is due to the victim's personal characteristics such as having an unknown disease that could cause them to be frailer. The public was significantly less concerned with the intention of the offender and more concerned with the extent of harm felt by the victim. However, the effect size in this study was very small. The amount of harm only explained 3% of the variance in the public sentencing attitudes. Erez and Rogers (1999) point out that the use and support of VIS may be to create a more conservative court system, one where harsher, punitive punishment dominates.

Opponents also argue that the emotion-laden testimony by the victim could cause jurors and judges to react irrationally when sentencing the offender. The research in this area has left blurred lines. Some research supports the idea that the emotional nature of the VIS can create irrational sentencing while other researchers suggest that emotions like sadness do not hurt rational processing but actually may promote rational processing (Myers & Green, 2004).

Therefore the admittance of a VIS without a statement by the offender in court may create a harsher, punitive court system. When combined with a restorative element, however, such as offender apology to the victim, this could balance the system and create more restorative sentencing choices.

Apology and Remorse

An abundance of research in the past two decades has explored the act of apology. Five aspects of an apology have been cited consistently in this research: 1) the expression of remorse such as "I'm sorry" 2) Accepting responsibility of the act 3) an explanation for the act 4) an offer of repair or restitution and 5) an offer to avoid the same act in the future (CCSARP; Scher & Darley, 1997; Petrucci, 2002). Research indicates that when all aspects of the apology are included in the apology, the apology is perceived as more sincere (Scher & Darley, 1997). Due to this finding, the current study will encompass these characteristics in the offender's remorse statement.

The power of apology and its restorative influence can be found in Japan. A study measured the wide spread use of apologies in Japan. Rather than going to court, offenders and victims can choose to let the offender's apology stand as the punishment. This phenomenon has shown to be successful in reducing the crime rate and the recidivism rate in Japan (Haley,

1998). In fact, research suggests that the more lenient the punishment, the less likely the offender will recidivate (Haley, 1998). Petrucci (2002) noted in a study conducted by Darby and Schlenker (1989) that individuals who apologized received less punishment. Apologies reduce the perceived negative identity of the individual (Scher & Darley, 1997). Acknowledging the act itself signifies the individual taking responsibility for the act (Petrucci, 2002). When apologies included more aspects of an apology, such as accepting responsibility of the act, an offer of repair and an offer to avoid similar future behavior, the offender was viewed as less blameworthy for the act (Scher & Darley, 1997) and less criminally responsible (Robinson, Smith-Lovin, and Tsoudis, 1994). Therefore the act of taking responsibility for the offense increases the positive view of an individual's character and can reduce the amount of blame attributed to the individual for the act. This takes the negative perception of the act from internal focus, like the offender's character, to an external focus, such as the act itself was bad but not the offender.

In Slovenko's (2006) article, he asked parole board members if they felt an offender could be considered rehabilitated without being remorseful about the crime committed. All who chose to answer this question said it was not possible. The idea of rehabilitation is strongly linked to offender's remorse. If the offender then shows he or she is remorseful, it suggests that a restorative sentencing approach would be more appropriate than the retributive, imprisonment approach. Slovenko also noted that the victim impact statements might be one of the most likely methods of inducing offender's remorse. Apologies consist of expressing remorse and accepting responsibility for the offender's actions. Victim statements allow the victim to be involved in the case and to allow the offender to understand the extent of harm

inflicted on the victim. Through apology and victim impact statements, both the offender and the victim are involved with the case and both are able to have a voice in the case. These types of victim-offender mediation have shown to be effective in decreasing anger in victims. It has also been found that offenders wish to apologize (Umbreit, Coates & Vos, 2001). Therefore the current design will include both types of statements from the offender and victim in one of the conditions to assess the public's attitudes of sentencing.

Relevant Theories and Proposed Hypotheses

In the current study, laypersons are assigned to read scenarios that either have a VIS statement or not, and either have a complete remorse statement or merely a statement of "I'm sorry". Laypersons are then asked their sentencing preferences and opinions about the victim, offender, and crime. Since past research has shown that the public supports restorative justice in mild crimes (Levant, Cullen, Fulton, & Wozniak, 1999, Morris, 2002) and a lessening of support for this justice for severe crimes (Doble & Green, 2000; for a review of studies see Roberts & Stalans, 2004), two types of crimes considered to be moderately severe, unarmed robbery and residential burglary, were used in this study. To further understand how laypersons arrive at their sentencing preferences, I have asked questions to assess the perceived dangerousness and persistence of the offender, the perceived physical and emotional harm to the victim and sympathy toward the victim, and their consideration of alternative sentences.

Prior research has suggested that Attribution Theory may be used to understand laypersons' support for restorative justice and to make predictions about when laypersons will support restorative justice sanctions such as community service, restitution, and community supervisions over the harsher retributive justice option of imprisonment (Roberts & Stalans,

2004). In this thesis, attribution theory (Kelley, 1967; Weiner, 1985) is used to formulate hypotheses about how the victim's impact statement and offender's remorse will affect the public's inferences about the offender and sentencing recommendations. When participants reflect on the motives behind the criminal's behavior, will they view the offender as motivated by external reasons, such as financial problems, or due to internal reasons such as being an immoral or greedy person?

The fundamental attribution error (Ross, 1977) is the tendency for individuals to overestimate the influence of internal factors on the behavior of others and to underestimate the situational factors that may have caused the behavior. Therefore, participants in the current study will already have this error when assessing the offender's behavior. When the participants are given the victim impact statement, this will amplify the effect and cause the harshest sentencing preferences. That is, when the partial remorse is coupled with the VIS, this will cause very harsh sentencing since the offender should not be perceived as sincere due to the lack of the full apology. When the VIS is given with the full apology, the full apology should decrease the harshness of the sentencing to a more moderate sentence.

Another aspect of the Attribution theories reflected in this research is Kelley's cube (Kelley, 1967). In this covariant paradigm, three variables make up the cube: distinctiveness, consistency, and consensus. Distinctiveness refers to whether the individual behaves identically when the given situation changes. Consistency is when the individual behaves identically from case to case in the given situation. Consensus refers to whether others behave similarly in the same situation.

The current study is a situation in which the distinctiveness and consensus is low, but consistency may vary based on the different conditions (i.e. conditions are based on the type of statement the participant receives such as whether a VIS or no VIS is given or a partial or full apology). If participants feel that the offender will be likely to continue this criminal behavior, then the consistency is high. The cube predicts when distinctiveness is low, consensus is low, but consistency is high then the traits of the individual will be implicated as having caused the event.

The addition of a remorse statement may impact the perception of the likelihood of reoffending. Participants in the full remorse condition may be more likely to believe the offender is sincere and avoid the behavior in the future. Therefore, if participants rate consistency low, participants will attribute the offender's behavior to the situational factors that he is financial stressed. In the partial apology conditions, participants will view the offender as more likely to reoffend due to low sincerity of the statement; therefore, consistency will be high and cause the behavior to be attributed to internal factors.

Hypotheses about Sentencing Preferences, Attributions, and Sentencing Goals

Based on attribution theory and research as well as the research on apologies, it is expected that participants will be more likely to attribute the crime to external causes such as he was financially stressed and unable to meet financial demands when the offender provides a full apology compared to when the offender provides a partial apology. Individuals form sentencing recommendations based in part on their attributions about the crime and the perceived blameworthiness of the offender. When the offender provides a full apology participants will assign less blame and responsibility to the offender than when the offender

provides a partial apology. When the offender provides a full apology, participants will assign a less severe sentence, will be more likely to assign straight probation supervision, will be more likely to assign community service, and will assign more importance to the restorative justice goal of sentencing than when offenders provide a partial apology. As Tudor (2007) noted in his research, the act of recognizing the remorse statement as sincere should result in the layperson preferring not only a less severe sentence, but may also create a preference for restorative and rehabilitation goals rather than retributive justice goals.

Crime type will not affect the severity of the sentence since both crimes should be considered to be of moderate severity and therefore incur similar sentencing choices for the offender. Therefore, the results will be the same for the residential burglary scenario and the unarmed robbery scenario and crime type is not expected to moderate the effects of the VIS statement or remorse statement.

Victim Impact Statements: Their Influence

Based on studies that have examined the impact of VIS on the public's decisions (Erez & Rogers 1999; Hills & Thomson 1999), it is expected that there also will be a main effect for the presence or absence of the VIS on sentencing severity, type of sentence, and importance given to restorative justice and retributive justice as a sentencing goal.

Participants will assign a more severe sentence, more importance to retributive or deterrence sentencing goals, and less importance to restorative justice when the victim provides an impact statement than when the victim does not provide an impact statement. In figure 1, the importance of sentencing with restorative goals is depicted. It is expected that the admittance of a VIS will decrease support for this goal when only a partial apology is present.

Figure 1. Importance of Restorative Sentencing Goals

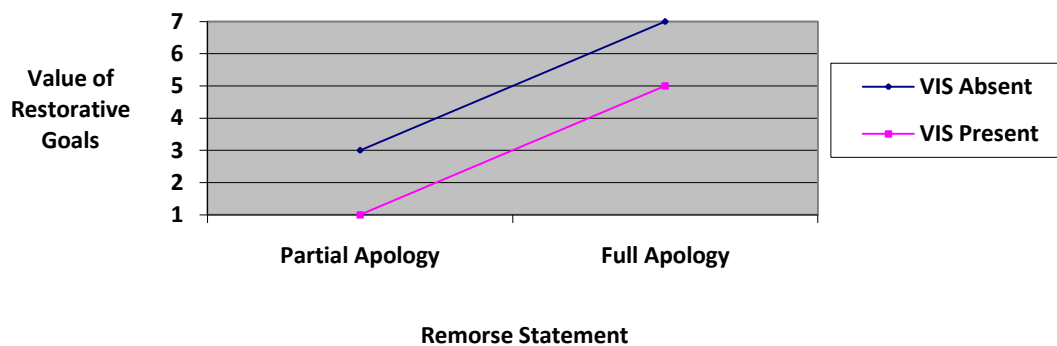
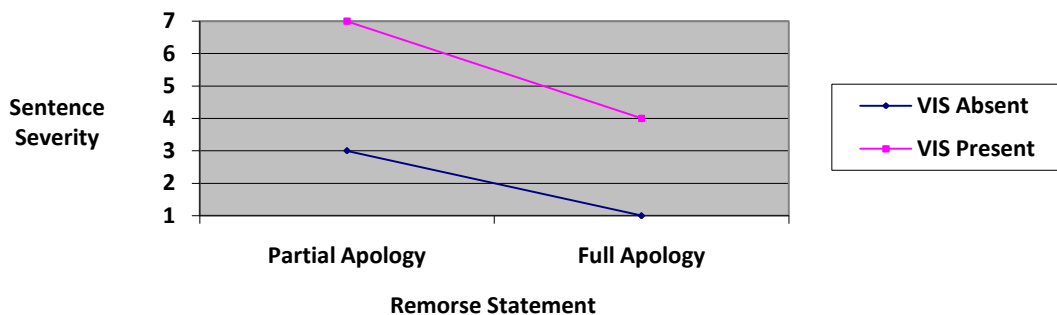


Figure 2. Influence of Victim Impact and Remorse Statements on Sentence Severity



Therefore, the condition where the offender provides a full apology and the victim provides an impact statement will have a moderately severe sentence and goals of both restorative and retributive justice. Moreover, when the offender only states I'm sorry and the victim provides an impact statement, participants will recommend the most severe sentence and will assign more importance to retributive and deterrence sentencing goals and the least importance to restorative sentencing goals. The hypothesized severity of the offender's

punishment is shown in Figure 2. As shown in Figure 2, a main effect for VIS statement and a main effect for Remorse statement are hypothesized.

Examining How the Public Interprets the Remorse Statement

Several factors will determine whether the remorse statement affects participants' sentencing recommendations and attributions. First, based on the apology literature (CCSARP; Scher & Darley, 1997; Petrucci, 2002), it is expected that the full apology will be perceived as more sincere than the partial apology. For the condition of full apology, the offender also will be perceived as having more understanding that the criminal act was wrong and perceived as taking more responsibility for his actions and more willing to repay the victim for the item stolen. As research suggests (Robinson, Smith-Lovin, & Tsoudis, 1994) offenders seem less criminally responsible and less deviant when they show signs of remorse and visibly more distress about committing the crime. It is expected that when an offender provides a full apology, rather than a partial apology, the participants will rate him as less dangerous and less likely to commit another crime.

Examining the Inferences Underlying Public's Sentencing Preferences

When individuals form sentencing preferences for a specific offender, they may infer several dimensions from the information provided that will be weighed in their final decision. In this study, we examine how inferences about the offender such as sincerity, attributions about the causes of the crime, dangerousness, likelihood of reoffending, and acceptance of responsibility are related to sentencing preferences. We also will examine how sympathy toward the victim and judgments about the reasonableness of the victim's reaction affect sentencing preferences and are related to sentencing goals.

Methods

Research Design

The main study was a 2 (Crime Type: Residential Burglary or Unarmed Robbery) X 2 (Remorse: Full or Partial apology) X 2 (Victim Impact Statement: Presence or Absence of a Victim Impact Statement) X 2 (Counterbalance: whether victim or offender present or fail to present a statement first) between subjects design resulting in 16 conditions. Participants were randomly assigned to one of the 16 conditions, and participated in the study by reading the material and answering the questions through an internet survey at a place and time of their convenience.

Participants

Undergraduate students (N = 215) participated in the web-based study for credit toward their introductory Psychology class at Loyola University Chicago, but data from 30 respondents were not included in the analyses. Participants were excluded if they completed the study (i.e. read the crime scenarios, statements and answered all of the questions) in less than 15 minutes or if they randomly answered questions in a way that suggests they did not read the questions. In addition, six respondents were excluded from analyses due to missing data on race. The average age was between 18 and 19 years old, and the range was between 17 and 28 years old. The majority of respondents were female (81.6 %; N = 151). Respondents varied on ethnicity with 66.8% Caucasians, 12.4% Asian Americans, 6.9% Latino Americans, 1% African Americans and 4.5% were classified as 'other ethnicity'. For analyses, a dichotomous race variable was created with 1 = minority group and 0 = Caucasian. Participants were asked whether they have ever been the victim of a crime; 16.8% of respondents indicated they had been victims of a crime.

Pilot Study

The pilot study examined the face validity of the two different remorse statements and how well respondents understood all of the questions and materials. Twenty participants read and answered the questions, and did not participate in the web-based main study. Participants that received the version B remorse statement felt the offender was more sincere in his apology ($M = 5.50$; $SD = 1.31$) compared to those who received the remorse statement version A ($M = 5.22$; $SD = 1.09$) but the difference was not significant. For those that received version B (see Appendix D) of the remorse statement, 25% rated the offender as very likely (a rating of a 7 on a 1 to 7 scale) in offering a sincere apology compared to the 11% that received version A (See appendix G). Therefore, the remorse statement labeled B was used for the main study to obtain a higher perceived sincerity. The pilot study was also used to test the other materials presented to the participants such as the crime scenarios and the victim impact statements as well as ensuring the survey itself was clear and concise to participants. The pilot study was conducted in a classroom where participants read the materials and answered the survey questions. At the end of the experiment, participants were asked to offer any feedback regarding the clarity of the survey and the materials.

Materials

The materials for this experiment included crime scenarios of unarmed robbery and residential burglary, a partial and full apology statement, a victim impact statement, the survey and an informed consent and debriefing form.

Crime Scenarios

The two types of crime scenarios are unarmed robbery and residential burglary. The crime scenarios gave details about the type of crime, the time and date of the crime, items stolen and the amount of worth of those items, prior arrests and convictions, age, race and gender, and employment status. The offender is a 20-year-old white male. A white male was chosen because a white male will be viewed as neutral whereas a male of a different ethnicity could cause participants to apply societal stereotypes to the criminal. A 20-year-old male was chosen because it is indicative of the age and gender of criminals in the justice system. Employment at a diner working for low wages was also indicated to introduce external causes for the crime to each participant. The victim was not harmed physically in either crime scenario to create a sense of a less severe crime.

The residential burglary crime scenario provided an estimated worth of items stolen at \$1200. This is the average worth of items stolen during a residential burglary. The female victim was not at home during the burglary. The researchers chose to have an absent victim due to the increase in perceived severity of the crime if the victim was home (See appendix A).

The crime scenario for unarmed robbery depicts a woman whose purse was snatched. The estimated worth of stolen items amounted to \$1200. The woman was not harmed and minimal force was used in the crime. Information about where the purse was found and which items led the police to identify the offender were also included (See appendix B).

Statements of Offender Remorse

A total of four remorse statements were created. Each crime type had two forms of a remorse statement, one including a partial apology and the other a full apology. For the full

remorse statements, the five elements discussed previously in the literature were encompassed in the statements. The five elements are 1) verbal expression of “I’m sorry” 2) accepting responsibility for the crime 3) an explanation for the behavior 4) an offer of repair and/or restitution and 5) an offer to avoid criminal behavior in the future.

For the two crimes, the remorse statements were very similar with only details about the crime and the victim changed. The offender included all five elements in the full remorse statement. More specifically, after stating he was sorry, the offender expressed an understanding that the crime was wrong and caused emotional suffering to the victim. He then explained his financial situation as a reason for the crime and offered to find another job in order to pay the victim back. He also added at the end of the statement that he will avoid the criminal behavior in the future (See appendices C and D). For each partial remorse statement, only a verbal expression of “I’m sorry” was stated.

Victim Impact Statements

A victim impact statement was created for each crime. Each VIS had similar qualities such as expressing the financial and emotional harm the crime had on the victim.

The VIS for the residential burglary crime scenario illustrated common emotional reactions to a crime such as the victim experiencing sleep problems, anxiety, inability to concentrate, decreased work performance and also the fear of being alone. In the crime scenario, a watch was taken during the burglary which had sentimental value to the victim. This was intended to increase the perceived emotional harm of the crime. The victim also explained the financial harm and impact that the burglary had on her (See appendix E).

The unarmed robbery scenario also had a VIS created specifically for that crime. For this VIS, a fear of strangers was also included in the emotional reaction to the crime since it took place in public on a street. Other emotional reactions to the crime included sleep problems, anxiety, decreased work performance and difficulty with concentration. The purse that was taken during the robbery was given sentimental value to increase the emotional impact of the crime onto the victim (See appendix F).

Procedure

The study was conducted online using Opinio a software program used for online surveys and experiments. For a general psychology course requirement, participants signed up for experiments of their choice on Experimetrix, an online system used to allow participant sign up and credit for participation in experiments. Experimetrix recorded participants' names and emails to ensure credit was given to the appropriate students. An email would then be sent to participants with detailed instructions on how to complete the experiment with a link included in the email to direct them to the online survey. A number was assigned to each participant to enter in at the end of the survey after reading the debriefing statement. This number was used to assign credit to participants that completed the survey. Opinio recorded how long each participant took to complete the survey.

Outcome Measures

Four groups of measures were the focus of the study; 1) sentencing decisions; 2) the goals of their sentencing recommendation and 3) perceptions about the offender and 4) perceptions of the victim. The measures of the nature and severity of the sentencing choices and the goals of sentencing were the main dependent variables. The attributions and

perceptions of the victim and offender were the mediating variables to understand what inferences contributed to respondents' sentencing choices.

Sentencing Choices

Participants were asked questions about their sentencing choices after reading the scenarios and statements. There were three sentencing options: straight probation, intensive supervision probation and prison. Information about each choice was given to participants so that they could make an informed choice about the extent of sentencing severity each one entailed (see Appendix H). Additional conditions were also an option for participants that chose a probation sentence. The conditions of probation included in the study are those that are typical in the court system such as community service, restitution, jail time, mandatory treatment and random alcohol and drug testing. Respondents were allowed to choose the type and amount of these conditions.

Sentencing Severity Measures

To represent more completely participant's sentencing preferences, two outcome measures were created to assess severity of the sentence. Very few participants chose prison as their sentencing choice (11.4%) and therefore, dichotomous variables were created to represent the harshness of sentencing and incarceration. Harshness of sentencing type was a dichotomous variable with straight probation coded as 0 (55%) and intensive probation supervision or prison coded as 1 (45%). Whether any incarceration was given was a dichotomous variable, and if any jail time or prison time was chosen it was coded as 1 (29.2%), otherwise a code of zero was assigned (70.8%).

Conditions of Probation

For the conditions of probation, dichotomous variables were created to analyze the two conditions that were chosen most frequently, community service and restitution. The community service variable consisted of whether participants chose community service (77.7%) or not (10.9%). Restitution was measured similarly, with either respondents assigning restitution (77.2%) or not (11.4%). The number of community service hours and restitution dollar amount were measured on a continuous scale. Only respondents who chose a probationary sentence were permitted to choose a restitution amount or community service hours; therefore, respondents who selected prison were not included in these analyses. To remove the effects of outliers, both the amount of restitution and community service hours were recoded. Community service was recoded into two different measures, a dichotomous measure and a continuous measure. The dichotomous measure was coded into whether community service was ordered (coded as 1) or not ordered (coded as 0). Community service was also recoded into a continuous measure to determine the number of hours participants assigned for the offender ($M = 250$, $SD = 80.00$). Restitution was recoded similarly, with a dichotomous measure and a continuous scale. That is, restitution was recoded into whether restitution was assigned (coded as 1) or not assigned (coded as 0) and was recoded to determine the amount of restitution dollars participants assigned ($M = \$3,000$, $SD = \$1,038.68$).

Crime Seriousness

Respondents also were asked to rate on a 1 to 7 scale the seriousness of the crime ($M = 2.47$; $SD = 1.04$), where 1 equals minimally serious and 7 equals extremely serious. A new measure was created to counter outlier effects. A rating of one or 2 was combined into one

category as well as a rating of 6 and 7. Only 18.8% of participants rated the crimes as minimally serious with a rating of 1 or 2 but even fewer (2.5%) gave a severity rating of a 6 and 7. The majority of respondents gave the crime a rating of 3 (33.7%) or 4 (29.7%) indicating a moderate level of crime seriousness and 14.4% gave the crime a rating of 5.

Sentencing Goals

To understand the intent behind respondents' sentencing choices, participants were asked to rank the goals from least important (1) to the most important (7) goal for their sentencing decision. A key element for each sentencing goal was used to determine the purpose for participants' sentencing. These definitions were presented to participants as possible choices for their sentencing goal. To include both forms of deterrence, individual and general deterrence were defined separately. General deterrence was identified as the goal to warn other potential offenders that punishment is certain and severe for crimes so that they refrain from committing crimes while individual deterrence was defined as the aim to warn the offender that committed the crime that punishment is certain and severe for crimes in order to keep the offender from committing additional crimes in the future. To repair the harm done to the victim and the community and to have the offender accept responsibility for his actions so that he may return to the community as a citizen was classified as restorative justice. Retributive justice was explained as to punish the offender with a sentence that is equal to the amount of harm caused. Rehabilitative justice was described as to change the offender into a law abiding citizen. An additional sentencing goal option to participants was to reduce prison overcrowding by assigning a probation sentence, and to keep this offender from committing further offenses while incarcerated.

Perceptions about the Victim

Respondents were asked to rate on a 1 (extremely unlikely) to 7 (extremely likely) likert scale how they felt about the victim's guilt for being the victim of a crime ($M = 3.27$; $SD = 1.84$), whether the victim wants to be repaid ($M = 5.91$; $SD = 1.33$), if the victim overreacted ($M = 3.19$; $SD = 1.64$) or had a reasonable reaction to the crime ($M = 4.91$; $SD = 1.40$) and if the participants felt empathy ($M = 5.05$; $SD = 1.54$) and sympathy for the victim's reaction ($M = 4.84$; $SD = 1.23$).

Emotional Harm Scale

A scale of the average rating of two items, "received serious emotional harm" and emotional harm assessed perceptions about the victim's emotional harm, $M = 3.95$, $SD = 1.34$, Cronbach Alpha = .77.

Victim Sympathy

A scale of the average rating of the items, "deserves sympathy" and "has empathy for victim" was used to assess sympathy for the victim ($M = 4.92$; $SD = 1.91$; Cronbach's alpha = .94).

Victim's Reaction to the Crime

A dichotomous measure was created to assess moderating effects with the VIS and remorse statements. The ratings of 1 to 4 on victim overreacted measure were coded as 0 and indicated reasonable reaction (79.3%) and ratings of 5 to 7 were coded as 1 (20.7%) indicating an overreaction to the crime.

Perceptions about the Offender and Remorse

Participants were asked to rate the reasons why the offender committed the crime using a likelihood likert scale (1 equals extremely unlikely and 7 equals extremely likely) to assess attributions. A factor analysis was conducted on the ratings of the nine possible causes

for the crime with oblique rotations that allowed for correlation among the concepts. A three-factor solution that explained 67.1% of the variance emerged. The first factor was labeled Internal Character Attributions and consisted of five items; greed, lazy, lack of morals, lack of appropriate family upbringing and not concerned with the wellbeing of others accounted for 40.9% of the variance explained. An internal attribution scale was created by taking the average of the ratings for seven items: greed, laziness, drugs, lack of appropriate family upbringing, lack of concern for the wellbeing of others and lack of morals ($M = 3.55$; $SD = 1.39$; Cronbach's alpha = .80). A scale of external attributions consisted of two items, financial stress and inadequate job opportunities ($M = 5.89$; $SD = 1.23$; Cronbach's alpha = .64). An additional scale of two items, offender blame, was created to determine the level of financial and emotional blame participants attributed to the offender for the crime ($M = 5.54$; $SD = 1.27$; Cronbach's alpha = .73).

Recidivism

On a 1 to 7 likert scale, respondents were asked to rate the likelihood the offender will recidivate with the sentence that had been chosen for the offender ($M = 2.91$, $SD = 1.19$). Participants were also asked to rate the likelihood the offender will recidivate if the offender is acquitted ($M = 5.53$, $SD = 1.37$).

Results

The results section is organized around the dependent measures. The manipulation checks are presented first to provide readers with a sense of the manipulation strength for the remorse and victim impact statements. Secondly, the outcomes for sentencing choices will be explored to show what influenced participants' sentencing choices for probation or

incarceration. Following the sentencing outcomes, the next section will discuss the effects of remorse and VIS statements on the additional sanctions of restitution and community service if probation was chosen. The goals behind sentencing choices will also be examined to establish which form of justice participants endorse for these moderately severe crimes. Next, the effect of the victim impact and remorse statements on participants' opinions about the victim and the offender are examined. Finally, a logistic regression is presented to examine the inferences underlying the choice of a prison or probation sentence.

In addition, to remove any effects of participants' judgments that the victim overreacted, this variable was included in all analyses. The gender and minority status of the respondents were also included in all univariate and multivariate analysis of variance, and logistic regressions. Multivariate analysis of variance (MANOVA) was used when the dependent measures were correlated.

Manipulation Checks

Manipulation checks were conducted to assess the internal validity of the statements. First, the VIS was hypothesized to increase the perceived seriousness of the crime, the extent of the perceived harm caused to the victim and to increase the sympathy participants felt for the victim. An analysis of variance was run to verify the full remorse statement was judged as more sincere compared to the partial apology. To assess the impact of the remorse statements on the participants, the extent of blame associated with the offender was measured to establish whether the amount of blame diminished with the admission of a full remorse statement. Participants' perception about the amount of blame for the crime was measured to determine if the full remorse statement reduced the believed amount of blame associated with the offender.

Lastly, the participants' beliefs about the offender's likelihood of recidivating were also measured.

Crime Seriousness

The hypothesis was supported, but only when participants judged the victim as having a reasonable reaction to the crime. ANOVA revealed only a significant interaction between the VIS and perceived overreaction of the victim was found, $F(1, 164) = 12.802$, $\eta^2 = .064$, $p < .001$. As expected, when participants believed the victim's reaction was reasonable, the crime was rated as more serious when the VIS was present ($M = 3.00$) than when the VIS was absent ($M = 2.34$), $t(137) = -2.75$, $p < .007$. When the victim was perceived as overreacting, participants rated the crime as less serious when a VIS was present ($M = 1.76$) than when a VIS was absent ($M = 2.55$), $t(36) = 2.16$, $p < .03$. The crime was seen as less serious when participants judged the victim as overreacting because they discounted the VIS statement.

Victim Sympathy

The hypothesis that a VIS statement will increase participants' sympathy was not supported. A significant interaction between VIS and victim overreacted variable was found, $F(1, 179) = 11.35$, $p < .001$, $\eta^2 = .07$. When the victim was judged as reasonable, the VIS present ($M = 4.92$) and VIS absent ($M = 5.11$) were not significantly different, and both showed that participants generally had high sympathy for the offender, $t(144) = -.882$, $p > .05$. Thus, the small amount of variance on this variable may account for the non-significant finding. When the victim was judged as overreacting, the perceived sympathy was lower for those that received a victim impact statement ($M = 4.18$, $SD = 1.31$) compared to those that did not receive a VIS ($M =$

5.43, $SD = 1.16$), $t(37) = 2.835$, $p < .05$. Therefore, the sympathy rating for the victim decreased when participants felt the victim overreacted.

In addition, three other significant interactions were found. A crime type by remorse interaction was significant, $F(1, 150) = 6.350$, $p < .05$, $\eta^2 = .041$. In the partial apology conditions, unarmed robbery elicited more sympathy for the victim from the participants ($M = 5.30$, $SD = 1.01$) than the residential burglary conditions ($M = 4.62$, $SD = 1.66$), $t(78) = -2.224$, $p < .05$. The full remorse condition did not result in significant differences between the two crime types. The other two interactions, crime type by counterbalance, $F(1, 150) = 5.536$, $p < .02$, $\eta^2 = .036$ and remorse by counterbalance, $F(1, 150) = 4.648$, $p < .033$, $\eta^2 = .03$ were significant at the main level but when teased apart to determine the nature of the difference, were not significantly different.

Extent of Emotional Harm

Supporting the hypothesis, the emotional harm of victims was rated higher in the VIS present ($M = 4.64$) than in the VIS absent condition (3.76), $F(1, 149) = 4.40$, $p < .05$, $\eta^2 = .029$. A significant VIS by victim overreact interaction moderated the main effect findings, $F(1, 149) = 6.29$, $p < .05$, $\eta^2 = .041$. Supporting the hypothesis, when victims were perceived as reacting reasonably, participants rated the amount of emotional harm higher when they received a VIS statement ($M = 4.82$, $SD = 1.28$) than participants who did not read a VIS ($M = 3.61$, $SD = 1.40$), $t(139) = -5.310$, $P < .001$. When victims were perceived as overreacting, the VIS present and VIS absent conditions had similar ratings on emotional harm and resulted in no significant differences. No other main effects or two-way interactions were significant.

Sincerity of Offender's Remorse

Participants rated the full remorse statement as significantly more sincere ($M = 4.96$; $SD = 1.53$) than the partial apology ($M = 3.84$; $SD = 1.74$), $F(1, 183) = 22.83$, $\eta^2 = .880$, $p < .001$.

The offender attributes, offender felt guilt about committing the crime and the offender wanted to pay the victim back, also strengthened the perceived sincerity of the offender. Participants who read the full remorse statement gave a higher rating of offender guilt for the offense ($M = 5.16$; $SD = 1.41$) compared to participants that read the partial apology ($M = 4.36$; $SD = 1.71$), $F(1, 183) = 12.103$, $p < .001$.

Offender Blame

An ANOVA was used to test the hypotheses on the offender's blame for harm. The hypothesis was not supported for the offender's blame scale. There was a significant VIS by victim overreact interaction $F(1, 149) = 5.983$, $p < .016$, $\eta^2 = .039$. When participants felt the victim overreacted, marginally significant results showed that higher ratings of blame were associated with the offender when no victim impact statement was present ($M = 5.86$, $SD = .81$) compared to when the VIS was present ($M = 4.94$, $SD = 1.44$), $t(36) = 1.987$, $p = .055$. Therefore, the reaction of the victim could influence the perception of blame associated with the offender (i.e. a victim overreaction is related to less offender blame). However, similar high ratings of blame were given for the conditions of where the VIS statement was present ($M = 5.5$) and VIS was absent ($M = 5.5$) if the participants believed the victim reacted reasonably, $p > .05$. The offender's full remorse statement was hypothesized to reduce the blame associated with the offender; however, this hypothesis was not supported. Therefore, the remorse statement did not affect the view of blame associated with the offender as prior research has found.

Perceptions about the Victim's Reaction

To discover whether variables other than the VIS predicted participants' perception that the victim overreacted, a logistic regression was executed with the victim being coded as 1 for overreacted to the crime and a code of 0 for being classified as not overreacted. Participants who received a VIS were 2.5 times more likely to identify the victim as overreacting to the crime ($p < .02$). Other variables included in the model that did not predict whether respondents classified the victim as having overreacted to the crime was minority status, gender, type of crime the participant received, a full or partial remorse statement, or whether the VIS or the remorse statement was given first for participants to read.

Recidivism

The majority of participants assigned a 2 (36.2%), 3 (25.98%), or 4 (17.3%) on a 7 point likert scale (with a rating of 1 being unlikely to recidivate) for the offender's likelihood for recidivism if given the sentence that respondents recommended. An ANOVA was conducted to assess whether the independent variables had a significant effect on participants' belief that the offender will recidivate. Results showed that crime type had a significant impact on respondents' opinions, $F(1, 155) = 9.753$, $\eta^2 = .059$, $p < .001$. Participants in the unarmed robbery conditions gave the offender a higher rating for the likelihood of recidivism ($M = 3.39$) compared to participants in the residential burglary conditions ($M = 2.57$). However, this effect was moderated by a minority by crime type interaction, $F(1,155) = 7.161$, $\eta^2 = .031$, $p < .01$. Caucasian participants gave a higher rating for the likelihood of recidivating in the unarmed robbery conditions ($M = 3.94$) compared to the burglary condition ($M = 2.58$), $t(46) = 4.844$, $p < .001$.

It was hypothesized that the remorse variable would have a significant effect on recidivism due to rating the consistency (i.e. this criminal behavior is a typical behavior) as high in the partial apology conditions and low in the full remorse conditions. However, this finding was not supported.

An ANOVA was conducted to measure participants' ratings for the offender's likelihood to recidivate if acquitted (the second measure of recidivism) resulting in one significant interaction, counterbalance by gender, $F(1,150) = 4.777$, $p < .05$, $\eta^2 = .031$. A follow up t test was conducted to understand these differences more specifically. Female participants rated the offender significantly more likely to recidivate if acquitted when the VIS was read first ($M = 5.21$, $SD = 1.54$) whereas those that received the remorse first rated the offender as significantly less likely to recidivate if acquitted ($M = 5.82$, $SD = 1.22$), $t(149) = -2.722$, $p < .05$. Males, on the other hand, did rate the likelihood for recidivism differently based on which statement they received first. That is, the female participants were influenced by the statement they were given first but male participants were not.

Incarceration and Punishment Severity

The following section on sentencing outcomes consists of logistic regression and chi square analyses assessing the impact of the VIS and remorse statement on sentencing decisions. First, we will look at whether participants chose a probation sentence or an incarceration sentence (jail or prison time) and see how the VIS and remorse statement influenced their sanction preference. Next, the sentencing harshness will be examined using a dichotomous measure of straight probation (0) or a sentence of intensive probation or prison (1).

Incarceration

A chi square was conducted comparing participants' sentencing preferences for incarceration when the partial or full remorse statement was presented. Results show that when respondents felt that the victim did not overreact to the crime, they were significantly more likely to select an incarceration sentence in the partial apology conditions (21.4%) compared to the full apology conditions (8.0%), $\chi^2 (1) = 7.640, p < .01$. The results were not significant for when participants perceived the victim as overreacting, $\chi^2 (1) = 1.448, p > .05$.

An additional chi square test was conducted to understand how the VIS plays a role in incarceration sentencing. In the VIS conditions, when participants felt the victim overreacted to the crime, the support for an incarceration sentencing significantly decreases (3.7%) compared to the support for incarceration when no VIS was presented (33.3%), $\chi^2 (1) = 6.525, p < .01$. The results were not significant when participants perceived the victim as reacting justifiably, $\chi^2 (1) = 0.223, p > .05$.

A logistic regression was conducted on the dichotomous measure of incarceration with jail or prison time (coded as 1) or no jail or prison time (coded as 0). In the logistic model, remorse and an interaction between the VIS and the victim overreacting were significant predictors of incarceration (see Table 1). Other items in the model that were not significant were crime type, VIS, counterbalance, gender, minority, and victim overreaction. Results indicate that when participants were given the full remorse statement, they were less likely to assign an incarceration sentence (odds = .375, $p < .01$). Also, when the VIS was present and participants felt the victim overreacted, participants were less likely to assign a sentence of incarceration (odds = .045, $p < .05$).

Punishment Severity

To determine the severity of the sentencing, the dichotomous variable of harshness of sentencing was created, with straight probation coded as zero and a harsher sentence of intensive supervision probation or prison coded as one.

The admittance of a victim impact statement had a significant effect on participants' support for a harsher sentence, $\chi^2 (1) = 10.09$, $p < .01$. When respondents perceived the victim as reacting justifiably, support for an intensive supervision probation or prison sentence was much higher (55.4%) in the VIS present condition compared the VIS absent condition (32.3%). That is, twice the number of participants chose a harsher sentence when the VIS was presented in their condition. Results were not significant for the victim overreacting $\chi^2 (1) = 0.054$, $p > .05$.

The counterbalance conditions also significantly influenced sentencing severity, $\chi^2 (1) = 5.513$, $p < .05$. Results indicate that when the remorse statement was presented first, participants chose a more lenient sentence of straight probation (64.3%) compared to those who received the VIS first (47.1%). That is, the VIS first created support for a harsher sentence while the remorse statement first created support for a more lenient sentence.

In the logistic model, the significant predictors for participants who chose a harsher sentence were remorse, counterbalance, VIS, and the interaction of the VIS and the victim overreacting (see Table 1). For remorse, the full remorse statement caused participants to be less likely to assign a harsher sentence (odds = .504, $p < .05$).

Table 1. Logistic Regression Results for Incarceration and Punishment Severity (Logistic Coefficients)

Variables	Incarceration	Punishment Severity
Unarmed Robbery	-.007(.993)	-.488(.614)
Full Remorse statement	-.980(.375)**	-.685(.504)*
Counterbalance: Remorse came First	.300(1.349)	-.722(.486)*
VIS statement Present	.572(1.772)	1.5(4.484)***
Victim Overreacted	.201(1.222)	.481(1.617)
VIS present and Victim Overreacted	-3.106(.045)**	-1.958(1.41)*
Female participant	.481(1.618)	.076(1.078)
Minority participant	-.427(.653)	-.231(.794)
Model Chi Square	27.008**	31.468***
Nagelkerke R Square	.194	.210
Constant	-.884	.156
DF	8	8

Note. Numbers are unstandardized coefficients, and the numbers in the parentheses are the odds ratio. Superscripts indicate the probability level of significance: * $p < .05$; ** $p < .01$; *** $p < .001$.

When a remorse statement was given first to participants in the conditions, they were also less likely to impose a harsher sentence (odds = .486, $p < .05$). When a VIS was present, however, participants were 4.5 times more likely to assign a more severe sentence (odds = 4.484, $p < .001$). Similar to the results found for the incarceration variable, a present VIS

interacted with the belief that the victim overreacted caused participants to be .14 times less likely to impose a harsh sentence (odds = .141, $p < .05$).

Conditions of Probation Sentencing Outcomes

As discussed previously in the methods section, only the restitution and community service conditions will be explored because of their link with restorative justice; only about 18% of respondents chose mandatory treatment or jail time in combination with probation sentences. Jail time was analyzed in the incarceration measure.

Community Service

Results from a chi square analysis found that there were no significant differences for the independent measures on whether community service was ordered.

To determine the factors that predict the participants' sentence choices for community service, a logistic regression was conducted to determine the likelihood of ordered community service (coded as 1) or not ordered (coded as 0). The overall logistic model for both crime types was, however, not significant, $\chi^2 (7) = 5.755$, $p > .05$. Additionally, two logistic regressions were run, one for each crime type, to assess any significant differences that were crime specific. However, no significant results emerged with the exception that, men compared to women were less likely to recommend community service (odds = .197, $p < .05$).

An ANOVA examined whether any variables had an effect on the number of community service hours assigned. Only two-way interactions were tested. Results showed that remorse, crime type and remorse by counterbalance significantly affected participants' assignment of community service hours.

Participants in the full remorse conditions assigned less community service hours ($M = 54.75$) compared to those in the partial apology conditions ($M = 110.75$), $F(1, 140) = 9.329$, $\eta^2 = .062$, $p < .01$.

Residential Burglary elicited more community service hours ($M = 98.40$) compared to the unarmed robbery conditions ($M = 67.10$), $F(1, 140) = 4.984$, $\eta^2 = .034$, $p < .05$.

Lastly, the interaction of remorse by counterbalance was significant, $F(1, 140) = 7.008$, $\eta^2 = .048$, $p < .01$. In the partial apology conditions, giving the participants the remorse statement first caused participants to assign an average of 118.36 hours compared to those participants that received the VIS first ($M = 70.43$), $t(61) = -2.182$, $p < .05$. This effect held only in the partial apology conditions as the number of community service hours assigned in the full remorse conditions was not significantly different depending on which statement was presented first to the participants.

Restitution

Chi square tests were carried out to follow up on the logistic regression analysis. Just as the logistic regression will also indicate, remorse was a significant factor in participants' preferences for restitution as a condition of probation, however, only when participants felt that the victim did not overreact. That is, overall participants overwhelmingly supported restitution as a condition of probation in full apology (83.1%) condition and this was decreased to 68.8% in the partial condition, $\chi^2(1) = .4.706$, $p < .05$.

In order to understand which predictors caused participants to be more likely to add a restitution condition to probation, a logistic regression was performed to predict whether

restitution was ordered (coded as 1) or not ordered (coded as 0). In the logistic model, the variables remorse, crime type and minority were significant predictors of restitution.

As shown in Table 2, respondents were nearly 3 times more likely to choose a restitution sentence in the conditions where the participants received the full remorse statement (odds = 2.71, $p < .02$). In the unarmed robbery conditions, participants were more likely to assign a restitution sentence (odds = .230, $p < .05$). Lastly, minority members were also more likely to assign restitution compared to non minority members (odds = .300, $p < .05$).

Table 2. Logistic Regression Results for Restitution (Logistic Coefficients)

Crime Type: Unarmed Robbery	-.231(.292)**
Remorse: Full Remorse	1.295(3.652)**
Counterbalance: Remorse First	-.427(.652)
VIS: Present VIS	-.326(.722)
Victim Did Not Overreact	-1.148(.317)
VIS x Victim Overreacted	1.011(2.748)
Gender: Female	-.208(.812)
Minority: Minority Member	-1.506(.222)
Model Chi Square	20.037***
Nagelkerke R Square	.211
Constant	3.231
DF	8

Note. Numbers are unstandardized coefficients, and the numbers in the parentheses are the odds ratio. Superscripts indicate the probability level of significance: * $p < .05$; ** $p < .01$; *** $p < .001$.

The following variables were also included in the model, but were not significant predictors of restitution sentencing: whether a VIS is present or absent, whether the VIS or statement of remorse was given first to participants, whether the victim overreacted, the interaction of the VIS and whether the victim overreacted and gender.

To understand if any of the manipulations had an effect on the amount of restitution dollars assigned, an ANOVA was run testing all main effects and two way interactions. The predicted main effects for remorse and VIS were not supported. Two unanticipated interactions were significant. Results showed that the counterbalance by minority interaction was significant, $F(1, 133) = 7.495$, $\eta^2 = .051$, $p < .01$. The results revealed that when the remorse statements were presented first to the participants, minority members assigned significantly less restitution dollars ($M = 690.87$; $SD = 160.12$) compared to non minority members ($M = 1230.38$; $SD = 125.19$). When the VIS was presented first, minority members assigned significantly more restitution dollars ($M = 1034.07$; $SD = 166.62$) compared to non-minority members ($M = 937.74$; $SD = 142.23$). A follow up t-test was conducted to determine at which level (i.e. the remorse presented first or the VIS presented first) affected the amount of restitution dollars assigned. The results suggest that when the remorse statement was presented first to participants, minority members assigned significantly less dollars ($M = 660.87$, $SD = 627.21$) compared to non minority members ($M = 1094.61$, $SD = 603.06$), $t(86) = 2.934$, $p < .01$.

Another interaction, remorse by counterbalance, had a significant impact on the amount of restitution dollars participants assigned to the offender $F(1, 139) = 5.012$, $\eta^2 = .035$, $p < .05$. A follow up t-test found that when the VIS was presented first to participants,

those in the full remorse condition assigned a higher amount of restitution dollars ($M = \$1251.24$, $SD = \$543.84$) compared to those who received the remorse statement first ($M = \$983.69$, $SD = \$558.37$), $t(94) = 2.377$, $p < .05$. When the VIS was presented first, participants who read the partial remorse statement assigned less restitution dollars ($M = \$760.00$, $SD = \$712.59$) compared to when the remorse statement was presented first ($M = \$978.57$, $SD = \$717.31$) but was not significantly different, $t(60) = -1.124$, $p > .05$.

Participant Goals for Sentencing the Offender

A central theme of the current research was to explore the goals behind participants' sentencing preferences. Goals were measured on a 7 point likert scale, but were recoded to assess which goals were selected as the first and second priority. A priority rating of 1 or 2 was coded as 1 while a lower importance rating of 3-7 was coded as a zero. Chi square tests were then run on each of the goals.

Remorse was hypothesized to increase support for restorative justice sentencing goals and decrease support for retributive sentencing goals. The VIS, on the other hand, was hypothesized to amplify support for retributive sentencing goals and minimize support for restorative sentencing goals. Results show that these hypotheses were partially supported. Remorse had a significant effect on restorative sentencing goals, $\chi^2(1) = 8.408$, $p < .01$. A greater percentage of respondents who received the full remorse statement selected restorative justice as a goal (49.0%) than those who received the partial apology statement (27.8%), Fisher exact one-tailed $p < .003$. Table 3 shows that the difference between full remorse and partial remorse remained after controlling for whether a VIS statement was present. The goal to punish offenders, a retributive justice goal, was not influenced by the

remorse statement, $\chi^2 (1) = .509$, one-tailed $p < .29$. The VIS, however, had an influence on retributive justice goals as hypothesized, $\chi^2 (1) = 5.289$, $p < .05$ (also shown in Table 3). Chi square results reveal that 31.5% of respondents chose retributive justice as an important goal in the VIS conditions compared to the 16.9% in absent VIS conditions. The VIS, however, did not affect restorative sentencing goals, one-tailed $p < .29$.

Table 3. Percentage of Participants indicating Restorative and Retributive Sentencing Goals High in Importance

	Percentage Indicating Restorative Justice Goals as Top		Percentage Indicating Retributive Justice Goals as Top	
	No VIS*	VIS	No VIS	VIS*
Partial Apology	27.3%	28.6%	16.7%	38.9%
Full Remorse	56.3%	42.9%	17.0%	26.8%

Note. Numbers are unstandardized coefficients, and the numbers in the parentheses are the odds ratio. Superscripts indicate the probability level of significance: * $p < .05$; ** $p < .01$; *** $p < .001$.

Offender sentencing goals were collapsed into 5 categories; repair and change or repair and punish, deterrence or deterrence and punish, repair and deterrence, change and deterrence and incarcerate with any other goal. Chi square tests were conducted to assess how the manipulations affected the choice of the two top goals. See Figures 3 and 4 for these results. As you can see in the figures, remorse had a significant effect on sentencing goals, $\chi^2 (4) = 9.226$, one tailed $p < .03$.

Figure 3: Percentage of Participants' Sentencing Goals for the Partial Apology Conditions

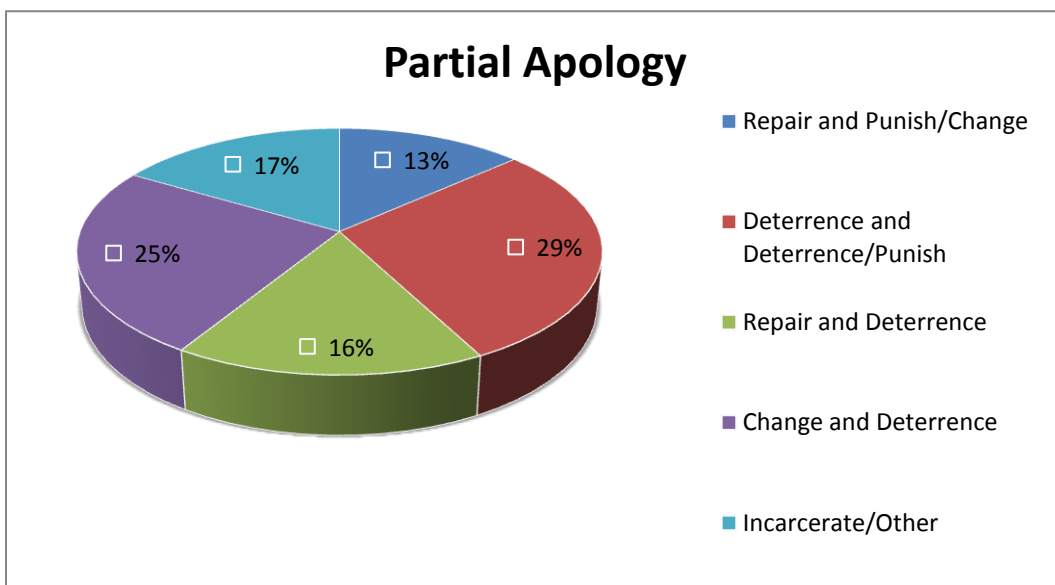
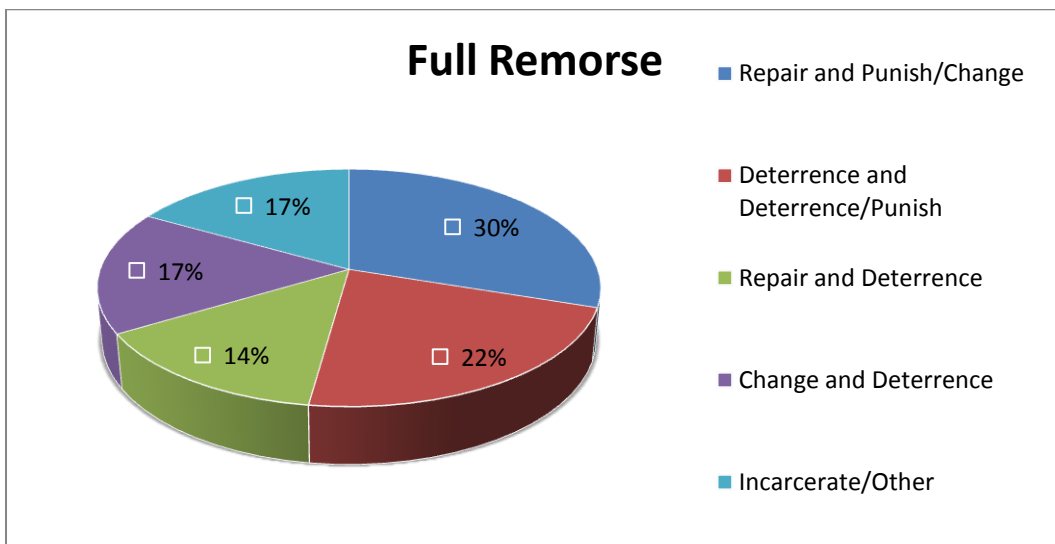


Figure 4: Percentage of Participants' Sentencing Goals for the Full Remorse Conditions



MANOVA results indicate a main effect for crime type on sentencing goals, $F(5, 153) = 2.46$, $\eta^2 = .100$, $p < .05$. A significant effect also emerged for the interaction of crime type by minority status on sentencing goals, $F(5, 153) = 2.432$, $\eta^2 = .084$, $p < .05$.

A main effect for minority status was significant for general deterrence, $F(1, 164) = 5.753$, $\eta^2 = .034$, $p < .05$. Minority members rate general deterrence lower in importance ($M = 3.29$) than non-minority members, ($M = 4.08$). This demonstrates that in the current study, minority members do not support the harsher sentencing goal of general deterrence.

Perceptions about the Offender

Next, a MANOVA tested whether any variables affected the internal and external attribution scales. The results were not significant, however. That is, the VIS did not influence the offender internal character scale and the remorse did not have an effect on the external attribution scale. Therefore, the hypotheses regarding these variables were not supported.

The third factor, mental illness, was the only item loading on this factor and was therefore treated as a single item measure. The perception that drugs caused the criminal behavior was tested as a separate measure because it did not load on any other measure. An ANOVA was run for each variable, mental illness and drugs, but no significant results emerged.

Mediating Effects of the Inferences on Sentencing Decisions

A logistic regression was conducted to determine the mediating effects of the variables on harshness of sentencing. In step one, the VIS, crime type, remorse, counterbalance, victim overreaction, minority and gender variables were entered into the equation (as shown in Table 5). In Step two, several inferences were tested using a stepwise procedure, including the goals of general deterrence, retributive justice, restorative justice and crime seriousness and the

extent of the victim's financial harm, emotional harm, and sympathy as well as whether the offender understood the crime was wrong, and the likelihood of committing a new crime if acquitted.

The Third column of Table 4 shows the final model with the inferences that had a significant effect on sentencing harshness. Perceptions that the offender would likely commit another crime if acquitted increased the likelihood that harsher sentences were recommended.

If respondents rated restorative justice as the top or second priority for the sentence, they were significantly less likely to recommend a harsh sentence. Respondents who perceived that the offender understood the crime was wrong were significantly more lenient. Perceptions about whether offenders understood the wrongfulness of the crime and the priority given to restorative justice mediated the effects of remorse on sentencing harshness; once these inferences were controlled remorse no longer had a significant effect. The effect of VIS statement and counterbalance remained after controlling for the significant inferences, which suggests that the model did not capture the inferences that contributed to the VIS effect.

As predicted from Attribution Theory, internal attributions also had a significant relationship with sentencing harshness; however, neither the remorse statement nor the VIS affected internal attributions. To avoid multicollinearity issues and assess inferences that could be potential mediators, internal attribution scale was not kept in the model because it correlated moderately and significantly, with several other inferences and goals in the model that had stronger mediating effects.

Table 4. Mediation Effects on Harshness of Sentencing (Logistic Coefficients)

Variables in the Equation	Step One: Before Inferences Entered	Step Two: After Inferences Entered
Crime Type: Residential Burglary	-.48 (.62)	-.56 (.57)
Remorse: Full Remorse	-.72 (.48) [*]	-.39 (.68)
Counterbalance: VIS First	.77 (.47) [*]	-.91 (.40) [*]
VIS: Present VIS	1.03 (2.79) ^{**}	1.00 (.68) ^{**}
Offender Understands Crime is Wrong		-.31 (.73) [*]
Likelihood of committing another offense if acquitted		.47 (1.60) [*]
Restorative Justice is a Priority	NA	-.85 (.43) [*]
Victim Did Not Overreact	.82 (2.27)	.86(2.36)
Gender: Male	-.05 (.95)	-.07 (.88)
Minority: Minority Member	-.16 (.86)	-.024 (.95)
Model Chi Square	23.093 ^{**}	50.96 ^{***}
Nagelkerke R Square	.166	.338
Constant	.	-1.06
DF	7	10

Note. Numbers are unstandardized coefficients, and the numbers in the parentheses are the odds ratio. Superscripts indicate the probability level of significance: *p < .05; **p < .01; ***p < .001.

Discussion and Implications

The current research was based on the premise that the presence of a victim impact statement as well as an offender remorse statement can affect sentencing of the offender in moderately severe criminal cases. Prior research explored public sentencing preferences with research focused on more severe crimes (i.e. capital cases, sexual assault, armed robbery, etc.) and with many studies offering limited sentencing options (Stalans, 2008). This study sought to understand individual sentencing preferences in moderately severe crimes (unarmed robbery and residential burglary) and included alternative, community based sanctions in addition to prison. Furthermore, few studies on the forms of justice that guide public sentencing preferences have explored the support for restorative justice goals over retributive justice goals in an array of crimes. While much of the research in the area of psychology and law has studied offender remorse and victim impact statements, the combination of both statements in a study is seldom found, if any exist.

Past research proposed that restorative justice sanctions (i.e. community service and restitution) would be supported more than an incarceration sentence in less severe crimes when individuals were given the option for these alternative, restorative options (Finkel, 2001; Indemaur & Hough, 2003; Roberts & Stalans, 2004; Stalans 2008). The remorse statement was projected to increase participants' support for these community- based sanctions because the offender showed remorse and a willingness to make amends. The VIS, on the other hand, was anticipated to create an opposite effect, one that would exemplify retributive sentence goals (i.e. harsher punishment) as prior research had found (Myers & Green, 2004).

The statements are the influential force in the individuals' sentence choice for the offender. The victim impact and offender remorse statements are polar opposites and cause different attributions about the victim and offender and therefore, marked differences in sentencing severity. The VIS was predicted to evoke harsher sanctions backed by retributive sentencing goals due to the attribution that internal characteristics (i.e. greed, laziness) caused the offender to commit the crime. On the other hand, the remorse statement was predicted to sway participants to attribute the crime to external reasons (i.e. financial problems) and therefore give minimally severe punishment that was driven by restorative justice goals. Therefore, the current study sought to encompass the limitations of past research in the field to offer new insight.

Past research proposed that restorative justice sanctions (i.e. community service and restitution) would be supported more than an incarceration sentence in less severe crimes when individuals were given the option for these alternative, restorative options (Finkel, 2001; Indemauro & Hough, 2003; Roberts & Stalans, 2004; Stalans 2008). The study found that remorse reduced individuals' recommendations for harsh sentences such as intensive supervision or prison, and increased support for restorative justice as a sentencing goal. As expected based on past research (Myers, 2004), the VIS increased individuals' recommendation for harsh sentences and incarceration and also increased the priority assigned to retributive justice as a sentencing goal.

The manner in which individuals view the offender's behavior, whether caused by an inherent characteristic or due to a situational circumstance, was the predicted motivation that shaped participant sentence choices. To review Kelley's Cube (1967), the covariant paradigm is

made up of distinctiveness, consistency, and consensus. Distinctiveness refers to how the individual would behave if the situation were different; consistency is whether the behavior is a common trait of the individual and consensus refers to whether other individuals behave the same in a similar situation.

This study was designed to create a perception that distinctiveness and consensus were low but the manipulated variant, consistency, would be viewed as either high or low depending on the statements' weight. It was predicted that if participants felt the offender's behavior was a consistent (i.e. typical) conduct then consistency would be considered high. Kelley's Cube dictates that when distinctiveness and consensus are low but consistency is high that the individual's behavior will be credited to his internal character. In contrast, when distinctiveness and consensus are low and consistency is low, the Cube suggests that individuals will attribute the behavior to an external, situational behavior. The results that emerged are mixed and support the predictions partially. The VIS did cause participants to impose harsher punishment, but it did not have an effect on recidivism or the internal character scale. The remorse statement did not influence the external and internal character scales, but also did not have an effect on perceptions about recidivism. The following discussion will explore these findings in greater detail.

Crime Seriousness

The participants' perceived seriousness of the crime was influenced by the VIS, as predicted. This effect, however, interacts with the overreaction variable. That is, the VIS did cause participants to view the crime as more severe when they read a VIS but only if they did not feel the victim overreacted. Perhaps the victim's reaction lends to the victim's credibility

and that an overreaction to the crime in the VIS causes participants to feel that the victim is not being honest. A more extensive discussion of these results will be explored throughout the discussion as this variable was found to have a significant effect on respondents' sentence choices and their opinions about the victim.

Victim Sympathy and Perceived Emotional Harm

The VIS influenced the perceived emotional harm of the victim but was moderated by a VIS by victim reaction interaction. When the victim's reaction was found to be reasonable, the inclusion of a VIS increased the rating for the perceived harm caused to the victim. That is, in the conditions where the VIS is absent, the extent of harm was not rated as high. Therefore, the hypothesis that the VIS will increase the perceived extent of emotional harm was supported but only when the victim's reaction is considered to be reasonable.

Another variable related to how the participants viewed the victim was victim sympathy. When the participants judged the victim's reaction as an overreaction, they actually felt less sympathy for the victim. Therefore, the extent to which the participants could feel sympathy for the victim and how much harm the victim incurred from the crime depended largely on how the victim's reaction was judged, as an overreaction or a reasonable reaction. More discussion about victim overreaction will be discussed shortly.

Effects of the VIS on Public's Sentencing Preferences

This study highlights the importance of measuring the public's inferences about victim impact statements to assess more completely how these statements change their sentence preferences. The presence of a VIS statement significantly increased participants' support for retributive sentence goals. The VIS, however, did not significantly affect participants' support

for restorative sentencing, though it was predicted that participants would assign less importance to restorative justice goals when the VIS was present. In the current study, about 21% of respondents judged the victim as overreacting to the crime. The judgment of whether victims reacted justifiably or overreacted had moderating effects on the impact of the VIS statement on sentencing preferences. For both the incarceration and harshness measures, when individuals judged the victim as reacting justifiably, the VIS increased the harshness of the sentence and the likelihood of incarceration. As one would expect, if the victim's credibility was discounted by being labeled as overreacting, respondents were less likely to follow the victim's recommendation for harsh punishment. If participants believed the victim overreacted, they were actually *less* likely to impose an incarceration sentence or a harsher sentence than those who did not feel the victim overreacted.

Therefore, a victim impact statement can decrease the severity of the sentence if it is interpreted as an overreaction. With these current results, it is suggested that if a victim is considered to have reacted irrationally to the crime then the victim will pay the price, not the offender. What has been found, thus far, is that the victim impact statement does create a more punitive approach to sentencing as Erez and Rogers noted in their research (1999) but only when the victim's reaction is perceived to be a reasonable reaction.

Effects of the Remorse Statement on Public's Sentencing Preferences

The full remorse statement included all five aspects: 1) the expression of remorse such as "I'm sorry" 2) Accepting responsibility of the act 3) an explanation for the act 4) an offer of repair or restitution and 5) an offer to avoid the same act in the future which research has found creates a greater perception of sincerity (CCSARP; Scher & Darley, 1997; Petrucci, 2002).

Research has found that when a remorse statement includes all of these aspects that the perceived sincerity is increased and reduces the negative identity of the individual who offered the remorse (Scher & Darley, 1997), and the current findings replicate these results. In criminal cases, a remorseful offender often is awarded less severe punishment (Darby & Schlenker, 1989). Supporting my hypothesis, the full remorse statement influenced participants' support to lessen the harshness of the sanction and to reduce incarceration compared to the partial apology.

The full remorse statement compared to the partial apology, however, increased participants' recommendations for restitution to the victim regardless of whether the victim was seen as overreacting or justifiably reacting. Since the offender was sincere in his apology and offered to make amends, participants were more willing to assign restitution and decrease the harshness of the punishment. Moreover, the full remorse statement caused a significant increase in support for sentencing the offender with restorative justice goals, but did not have an effect on participants' support for retributive goals.

The public wanted the offender to be held accountable and pay for his crime (retributive justice) but also wanted the offender and victim to reintegrate back into the community (restorative justice). In brief, the findings suggest that a sincere complete apology compared to a "I'm sorry" allows individuals to infer that the offender understands the crime is wrong and is willing to make amends, and reduces the severity of the recommended sentence and increases their desire for restorative justice.

While remorse was not a significant predictor for choosing community service, it did influence the number of hours participants assigned for the offender. Participants in the full

remorse conditions assigned less community service hours while those in the partial apology assigned significantly more. These results confirm the hypothesis further that the partial apology elicits harsher punishment. This effect was moderated by the counterbalance of the statements. In the partial apology conditions, participants who read the partial apology first assigned a significantly greater number of hours compared to when the VIS was given first. Perhaps the statement, "I'm sorry" was perceived as even more insincere because the VIS explained in detail the impact the crime had on the victim. When the partial apology came after the VIS, it is assumed that even the "I'm sorry" is viewed as more sincere since the offender heard the victim's statement.

The full remorse statement had a large impact on participants' support for assigning restitution with 83% assigning restitution. In the full remorse statement, the offender pleads to be able to make amends for the crime and thus individuals were willing to provide a sanction that the offender desired. This finding supports my hypothesis that the full remorse will be more likely to cause participants to uphold restorative justice goals when deciding on a sentence.

Past research has also found that a full offer of remorse by the offender influences participants' opinion that the likelihood of recidivism is low (Gold & Weiner, 2000; Pipes & Alessi, 1999). Unfortunately, this hypothesis was not supported in the current research. It is unclear why the current research should have different findings than past research and could be due to the sample. Perhaps participants felt their sentencing was too lenient or that their sanctions would not directly impact the offender's behavior. Future research should delve into

why participants were not influenced by remorse when they reflected on the offender's future criminal behavior.

Counterbalance Effects on Sentencing Preferences

The order in which the two statements were given to the participants was not predicted to manipulate sentence severity. Unfortunately, there was not much evidence in past research to indicate that the counterbalance would cause a primacy effect. This was not the case, however, as has been found in many of the findings. Results for punishment severity showed that when the remorse statement was presented first to respondents, they were less likely to impose a harsher sentence. This suggests that simply presenting the remorse statement first may influence individuals to give a more lenient sentence than warranted. When the remorse statement was presented first to participants, the support for a harsh sentence decreased compared to when the VIS was given first to participants.

The remorse statement first caused participants to assign 3 times the number of community service hours than when the VIS was first. The remorse statement first may have created a priming effect for the assignment of the hours. First, Neidermeier, Horowitz & Kerr (2001) found that the statement of remorse by the offender admits responsibility for the crime and therefore, the offender is more likely considered guilty compared to an offender that does not offer remorse. Second, the offender asks to be able to make amends for the crime. Perhaps the guilt of the offender combined with the offer to make amends created a heavier weight for a harsher sentence compared to when the victim impact statement was presented first.

To apply this research to the courtroom, a possible way to offset the effects of the counterbalance of statements on sentence severity would be for a judge to allow half the jury to

read the victim's statement first while the other half reads the offender statement first. On the other hand, what if there are no jurors and only a judge? How do the primacy effects come into play when trying to create a balanced environment for both the victim and the offender in court? It is not just important to present both the offender's and the victim's voice but the order in which they are presented can determine the severity of the sanction according to the current study's results. This is an important topic to explore in future research.

Gender and Race Differences in Sentencing Preferences

Minority and gender were both included in all analyses conducted in this study. While the sample was made up largely of Caucasian females, the sample consisted of about 20% men. Only one result emerged for gender. Men were less likely to assign community service than women. Among the results, this is the only gender difference found. This is another result that would be ideal for future research to understand the gender differences in sentencing offenders and to determine if this difference was study specific or can be generalized.

Three significant differences between minority members and non minority members emerged in the current study. Minority status influenced the amount of restitution dollars assigned, the offender's external reason for committing the crime, and recidivism.

Minority status played a part in participants' assignment of restitution as a condition of probation but interacted with the counterbalance variable. Minority members assigned less restitution dollars than non minority members when the remorse statement was presented first. It is unclear why minority members influenced more by the remorse statement coming first compared to the VIS.

Another difference to note is that minority members rated lack of job opportunities as the reason the offender committed the crime significantly more than non minority members. It would be interesting to assess the interaction of socioeconomic status and minority status on individuals' perceptions about the offender and sentence choices in future research.

Lastly, the findings on recidivism that did emerge (i.e. crime type and crime type by minority interaction) were not hypothesized to influence the participants' perceptions of the offender's future behavior. Minority members felt that the likelihood to reoffend was higher for the offender who committed unarmed robbery; however, non minority members did not rate the likelihood to recidivate as high. Possibly a purse snatching is considered more severe since the victim is present at the time of the crime compared to a residential burglary where a victim is not present.

Emotion and Law: Impact of the Victim Impact Statement

A burgeoning research avenue, very recently explored by social researchers (and others as well as this area overlaps with neuroscience, law, etc.), is the combination of emotion and law. In some scenarios, emotion is regarded as a nuisance to the objective nature of the courtroom and jury and judge decision making, however, emotion seems to play a large part in crimes, from minor crimes such as petty theft to severe capital cases. Therefore, while law attempts to dissuade the usage of emotion in the courtroom, it seems it is rather unavoidable and this discrepancy has recently come under the radar of social psychologists as an important area to investigate. Thus, this brings me to highlight the advancement of information in the area of emotion and law from the current study.

Prior research on emotion and law investigated how emotion can impact sentencing decisions and perceptions the participants held about the victim and offender. Past research has offered a partial explanation for the findings and indicates the research paths that still need to be pursued. The primary focus has been to explore how the emotion laden testimony of the victim causes harsher punishment for the offender than is warranted (Myers & Green, 2004). Other research has examined the varying degrees of the victim's emotional reaction to the crime. Kaufman, Drevland, Wessel, Overskeid, & Magnussen (2003) found that a victim's emotionally expressive account caused the participants to believe the offender was guiltier than when a victim gave a neutral response to the crime (i.e. showed mild emotionally reaction to the crime or none at all). Therefore, in this research, the view of the offender was impacted by the victim's account of the crime and how emotion laden the victim's testimony was.

Wessel, Drevland, Eilersten, & Magnussen (2006) followed up on the prior research study, but focused on the emotionally appropriate reaction to the crime. They found that when a victim reacted mildly to a serious crime and when a victim reacted severely to a mild crime, the victim's reaction was found as unusual. This study did not go much into the ramifications on sentencing and victim and offender perceptions, however. The current study adds further to this body of knowledge and shows that there are ramifications to such beliefs about the victim's reaction. If the victim is perceived as overreacting to the crime, punishment for the offender can be less severe than when the victim is not considered overreacting to the crime and less sympathy is felt for the victim. The amount of blame associated with the offender for the crime is also dependant on how participants judged the emotional reaction of the victim. Less blame was associated with the offender when the victim's reaction was viewed as an overreaction and

is a possible precursor to explain why punishment for the offender was also affected by the victim's reaction.

Offender Attributions

Two important hypotheses, using the theory of attribution, were not supported in the present study. While the remorse and the VIS did impact participants' sentence choices, it did not affect their inferences (attributions) about why the offender committed the crime. Therefore, these findings suggest that the effects of remorse and VIS statements on sentencing preferences in the current research cannot be explained by Attribution Theory. Other theories may better address the inferences underlying sentencing preferences. The current research suggests that inferences about whether the offender understood the crime was wrong and whether they were likely to commit another crime underlie sentencing choices as well as shifts in the priority given to retributive and restorative justice. Future research can expand on these initial findings, which are consistent with a socially pragmatic thinker (e.g., Stalans, 1996) and the normative framing and efficiency framing found in research on how police officers and the public make decisions about whether to arrest and punish domestic batterers (e.g., Stalans & Finn, 1994; Stalans, 1996).

Limitations

The current study has some limitations that may restrict the generalizability of the findings and strengths that increase generalizability. The sample lacked diversity in gender, age, ethnicity and socioeconomic status. However, the findings on how remorse and VIS statements affected individuals' sentencing preferences, sentencing goals, and inferences about the victim and offenders should generalize across demographic characteristics. Supporting this assertion,

few effects were found for gender and race or the interaction of gender and race on sentencing preferences and inferences. Future research can replicate these effects using a broader sample and obtain more reliable overall estimates of the public's support for restorative sentencing and restorative goals. One particular strength of the study is that participants received the typical information that judges have in deciding sentences. However, the VIS and offender remorse statement were given to the participants as statements to read whereas a more realistic approach such as a video recording of a sentencing hearing could elicit a better understanding of how the offender's and the victim's voice can shape public opinion.

The limitations of the current research show simply the next step for research in the area of emotion and law research. First, more creative and realistic ways of expressing the offender's remorse and the victim's impact statement, such as audiovisual materials like a videotape, would parallel the reality of the courtroom experience. In addition, with the size of the design (16 cell design) it was not possible with the current study to measure victim under-reaction and to vary the extent of victim reaction from mild to severe. Mentioned earlier, however, is the need for a progression of research in the area of law and emotion focused on victim reaction and how it influences opinions about the victim, offender and punishment.

Lastly, the final limitation to be reviewed is the application of social theory to the current research. If research informs us that there is an effect but there is no reason behind this effect for its occurrence then we do not know why it is happening. Therefore, the current research applied the Attribution Theory and Kelley's Cube. The results did not confirm the predictions based on this theory such as why the VIS did not influence participants' perceptions about recidivism and the internal offender character scale. In addition to measuring attributions,

however, the study also measured normative concerns such as whether the offender understood the wrongfulness of the actions and efficiency and/or pragmatic concerns such as the likelihood of committing a new offense, and found support that these inferences underlie sentencing preferences and mediate the effects of remorse on sentencing preferences. Future research is needed to understand fully the inferences connected to sentencing preferences. Finding a suitable theoretical framework for public sentencing preferences and about how perceptions of the victim and offender are formed would offer insight into the field as well as further the current research.

Conclusion

The central theme behind this current research was to create a balanced system by introducing a statement written by the offender to offset the harsh effects of the VIS. Overall, the victim and offender statements do influence sentence decisions as was hypothesized and prior research has found. Other variables that were not expected to impact sentence severity were victim overreaction, minority and the counterbalance of statements. These findings indicate that allowing statements to be presented during a court case is a complex decision that can affect the severity of the sanctions. Lastly, the VIS was backed by support for retributive sentencing goals while the remorse statement created a foundation for restorative justice goals.

APPENDIX A: RESIDENTIAL BURGLARY CRIME SCENARIO

On June 20, 2007 at approximately 6:00 p.m. the offender entered the home through an open window and stole \$1,200.00 worth of goods including a stereo, speakers, clothing, jewelry and suitcases. The resident, Megan Leery, was not home at the time of the crime. A neighbor witnessed the offender entering the residence and called the police. Based on the neighbor's description and the police's timely arrival, they were able to locate James Miller and arrest him. Miller was not carrying a weapon. The speakers and suitcases were recovered but the jewelry, stereo, and clothing were not found. James Miller, a 20 year old white male, pled guilty to residential burglary and was convicted. He has one prior arrest for theft under \$300, and no prior convictions. There is no history of substance abuse with this individual. Miller works full time at a local diner as a cook but has been unable to pay for all of his bills due to low wages.

APPENDIX B: UNARMED ROBBERY CRIME SCENARIO

On July 5, 2007, the offender, Will Richards, bumped into Joanne Dietrich, age 45, as he passed her on 1111 N. Dearborn St., Chicago at approximately 1:00 p.m. Her purse slipped off her shoulder and Will Richards grabbed it and ran. The purse contained \$1,200 worth in cash and gift cards; her driver's license and two credit cards were also in her purse. Joanne Dietrich was not harmed during the robbery. When the police arrested Will Richards, he was carrying the credit cards that belonged to Joanne Dietrich. The purse was found two blocks from the robbery in a garbage can. Joanne Dietrich indicated that she was very confident that Will Richards was the man who bumped into her and grabbed her purse. Will Richards, a 20 year old white male, plead guilty to unarmed robbery and was convicted. Richards has one prior arrest for theft under \$300 but no convictions. There is no history of substance abuse with this individual. Richards is employed full time as a cook at the local Diner but has been unable to pay for all of his bills due to low wages.

APPENDIX C: RESIDENTIAL BURGLARY REMORSE STATEMENT

I'm sorry for breaking into Ms. Megan Leery's house. I didn't mean to make her scared. I know it's wrong to steal, I know it is. I just got laid off from my construction job, or that is what they called it anyhow. I have to eat and pay the rent. After two weeks of job searching, I had no money to live on. I just can't go two weeks without pay. I was so desperate to not have to live on the street and move out of my home that stealing from Ms. Leery's house became an easy fix. I know it was wrong. If I could just get help getting me a job, I could pay her back for what I took and pay my rent. I won't let this happen again. I need help to make it right. I'm sorry.

APPENDIX D: UNARMED ROBBERY REMORSE STATEMENT (VERSION B)

I'm sorry for taking Ms. Joanne Dietrich's purse and scaring her, I only meant to grab the bag. I know it's wrong to steal, I know it is. I just got laid off from my construction job, or that is what they called it anyhow. I have to eat and pay the rent. After two weeks of job searching, I had no money to live on. I just can't go two weeks without pay. I was so desperate to not have to live on the street and move out of my home that Ms. Deitrich's purse became an easy fix. I know it was wrong. If I could just get help getting me a job, I could pay her back for what I took and pay my rent. I won't let this happen again. I need help to make it right. I'm sorry.

APPENDIX E: RESIDENTIAL BURGLARY VICTIM IMPACT STATEMENT

I came home to find the police swarming my house. When I went inside, it was ransacked. Someone had come into my home and taken things that I worked hard for. This man went through my personal things and it made me feel violated like it was a direct attack on me. I wonder at night when I am trying to sleep, if the burglar had come into my home while I was there. I wonder if some other burglar might come into my home at night when I am alone and sleeping. It keeps me from sleeping so I am always tired. I think my work understands to an extent but since I cannot focus, I am not making the commission I would normally make. I haven't had enough money to buy the items that were taken from me, which were about 1,200 dollars in value and I didn't have home insurance. The watch had sentimental value because my father who is now dead gave it to me for my 10th birthday. I would like to watch TV at night so I don't feel so alone. I have even had my friends come to stay with me so that I am not alone—I just can't stand to be alone.

APPENDIX F: UNARMED ROBBERY VICTIM IMPACT STATEMENT

I keep telling myself that I wasn't harmed when he took my purse but every day when I walk down the street, I look over my shoulder to see if someone is waiting for me, to prey on me and take something from me. The \$1200 taken from my purse was not irreplaceable but it wasn't just that. I had pictures of when my sister and I were younger in my wallet which was never recovered with the purse. That purse was a present from my mother who died last year but I don't even want to look at that bag because it reminds me of him bumping into me and taking what was mine. I had no control over what was happening. He could have hurt me so I just let him take it. It is like I think that any man walking down the street is about to hurt me or rob me. I have so much anxiety that it is usually hard to sleep at night. So many nights with no sleep have taken a toll on my work ability and the relationships I have. It seems people are expecting me to shake it off, but I just can't seem to stop thinking about him, or the robbery, or who may be hanging around the corner next. I don't trust strangers and I am so scared of them but I live in a big city, so there are strangers everywhere, everyday.

APPENDIX G: UNARMED ROBBERY REMORSE STATEMENT VERSION A

I'm sorry for taking Ms. Joanne Dietrich's purse and scaring her. I know it's wrong to steal and am sorry for causing Ms. Dietrich to be so scared and for taking her money. I saw her walking alone with her nice bag and just saw it so easy. I know the hurt that I caused her and want to make it right. I work at a diner as a cook but can't pay the rent, gas, and electric bill and still have money for food and clothing on my wages. I was really upset and didn't know what to do so that I wasn't kicked out of my apartment. I am asking to have the chance to continue working to pay back Ms. Dietrich for what I stole. I don't intend to steal again. I'm going to look into training for a skilled labor job and hope to get another part time job until I can find a job that will make ends meet. Fast money and stuff may be easy to get but it come with a lot of guilt and too much a cost to others. I hope I'll be allowed to make my mistake right and promise to work harder for what I want and need. I am sorry and I will pay you back.

APPENDIX H: SENTENCING OPTIONS

Straight Probation:

The offender lives at his residence in the community and is required to comply with the conditions of probation that include not committing additional crimes, not using illegal drugs or alcohol, obtaining or maintaining employment and attending at least two regularly scheduled appointments at the probation office with a probation officer that checks his compliance. The probation officer also visits the offender at an unscheduled time at the offender's home once every two months. Officers verify the residence and employment once every month and arrest records are checked once every three months. Offenders pay probation fees for supervision. Other conditions of probation can also be added including drug testing, community service, mandatory treatment and restitution.

Intensive Supervision Probation:

Probation officers have more surveillance and contact with offenders compared to Standard Probation. Offenders proceed through three phases with the amount of surveillance decreasing: (a) Phase 1: officer visits offender 5 times a week and offender has a curfew from 7:00 p.m. to 7:00 a.m. for the first 3 months; (b) Phase 2: officer visits offender 3 times a week and offender has a curfew from 9:00 p.m. to 7 a.m. for 3 to 6 months; (c) Phase 3: officer visits offender 3 times a week and offender has a curfew for 11:00 p.m. to 7:00 a.m.. All other conditions of standard probation apply and offender is placed on standard probation after 24 months. Other conditions can be added.

Prison:

Offender resides in a secure institution.

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The final copies have been examined by the director of the thesis and the signature which appears below verifies the fact that any necessary changes have been incorporated and that the thesis is now given final approval by the committee with reference to content and form.

The thesis is therefore accepted in partial fulfillment of the requirements for the degree of Master of Arts.

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