



A Third Party's Judgment in Same-Race and Cross-Race Crimes

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Abstract

Prior studies investigating racial bias in legal decisions have involved race combinations of an observer, defendant, and victim where the observers' race was the same as either the defendants' or victims' race. Because of the research designs employed in those prior studies, the effects of the three actors all being of different races have not been investigated. It is timely to investigate race effects of the three actors all being different races, given that growing racial diversity in the criminal justice system makes the race combination plausible in a trial, and that race effects observed in prior studies may not generalize to the race combination. Therefore, we examined whether observers' punitive judgments against a defendant would differ in cross-race crimes (e.g., a white observer–black defendant–Hispanic victim) and same-race crimes (e.g., a white observer–black defendant–black victim), when the observers' race was different from both the defendant and victim. The present research demonstrated that observers rendered more punitive judgments against the defendant in same-race (vs. cross-race) crimes, particularly when the defendant and victim knew each other. We propose that observers, whose race is different from both the defendant and victim, perceive the defendant and victim in same-race (vs. cross-race) crimes as more homogeneous out-group members. This perceived homogeneity increases punitive judgments in same-race crimes.

Keywords Racial bias · Judgment in criminal cases · Homogeneity of out-group

Over the past few decades, researchers have frequently examined the effect of the race of different actors in a trial on people's legal decisions (see, Mitchell et al. 2005). This line of research has generally found that people display in-group biases favoring defendants and/or victims of the same race, and out-group biases against defendants and/or victims of a different race (Abwender and Hough 2001; Bottoms et al. 2004; Sommers and Ellsworth 2001; Mitchell et al. 2005; Wuensch et al. 2002). Frequently examined race combinations include studies where (1) the observer is the same race as the defendant but a different race from the

victim [in-group defendant and out-group victim: ID–OV]; (2) the observer is a different race from the defendant but the same race as the victim [out-group defendant and in-group victim: OD–IV]; (3) the observer is the same race as both the defendant and victim [in-group defendant and in-group victim: ID–IV]; and (4) the defendant and victim are of the same race while the observer is of a different race [out-group defendant and out-group victim: OD–OV]. Table 1 provides an overview of studies that have examined these combinations.

Most prior studies (as shown in Table 1) have investigated race effects focusing on race combinations of black and white observers, defendants, and victims. A few studies focused on Hispanic defendants and/or observers (e.g., Espinoza and Willis-Esqueda 2008, 2015); however, the studies did not manipulate the race of the victim. Therefore, we do not know whether the results of those studies will be replicated once the race of the victim is taken into account.

Given that the race of the three actors was manipulated such that they were either black or white, researchers had overlooked a potential but plausible racial combination—an observer, a defendant, and a victim who are all of different races. That is, the previous literature has not examined race

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Table 1 The racial compositions in prior studies

Researcher(s) (year)	Participant race	Defendant race	Victim race
Bagby et al. (1994)	White	White versus Black	White versus Black
Bottoms et al. (2004)	Mixed	White	White versus Black versus Hispanic
Bottoms et al. (2004)	White	White versus Black	White versus Black
Feild (1979)	White	White versus Black	White versus Black
Foley and Chamblin (1982)	White versus Black	White versus Black	White versus Black
ForsterLee et al. (2006)	White	White versus Black	White versus Black
Herzog (2003)	Israeli citizens	Jewish versus Arab	–
Hymes et al. (1993)	White	White versus Black	White versus Black
Kerr et al. (1995)	White versus Black	White versus Black	White versus Black
Lands (1986)	White versus Black	White versus Black	White versus Black
Maeder et al. (2013)	Mixed	White versus Asian	White versus Asian
Miller and Hewitt (1978)	White versus Black	Black	White versus Black
Rector and Bagby (1995)	White	White versus Black	White versus Black
Sargent and Bradfield (2004)	White	White versus Black	–
Saucier et al. (2010)	White	White versus Black	White versus Black
Sommers and Ellsworth (2000)	White versus Black	White versus Black	–
Ugwuegbu (1976)	Black	White versus Black	White versus Black
Wuensch et al. (2002)	White	White versus Black	White versus Black
Wuensch et al. (2002)	Black	White versus Black	White versus Black

effects in cross-race crimes where an observer's race is different from a defendant and a victim. Therefore, the purpose of the present study was to investigate the racial effect of cross-race (e.g., black observer, *Hispanic* defendant, and *white* victim) versus same-race crimes (e.g., black observer, *white* defendant, and *white* victim) when an observer's race is different from both the defendant's and victim's race. It is important to examine race effects of cross-race crimes in the OD–OV condition given that (1) growing *racial diversity* in the criminal justice system makes cross-race crimes in the OD–OV condition plausible in a trial and that (2) same- versus cross-race effects observed in prior studies *may not generalize* to cases where an observer's race is different from a defendant's and victim's race. We will discuss each one below.

Racial Diversity in the U.S. Criminal Justice System

A growing *racial diversity* (racial populations other than black and white) in the United States criminal justice system makes cross-race crimes in the OD–OV condition increasingly plausible in a trial. According to a data from a special report of the U.S. Department of Justice (Margan 2017), of 5,833,800 violent victimizations between 2012 and 2015, 44.2% involved combinations of non-black and non-white offenders and victims. 22.3% of the violent victimizations were committed against non-black and non-white victims

(14.5% for Hispanic, and 7.8% for other races); and 33.5% of the violent victimizations were committed by non-black and non-white offenders (14.4% for Hispanic, and 19% for other races).

Diversity among assembled juries is also growing. Although there is no national data collection on jury demographics, Gau (2016) collected data on the demographic characteristics of jury panel members during 2013 and 2014 in two counties of the southeastern U.S. The data showed that non-black and non-white jurors accounted for 23.7% of the race populations of juries in the two counties (21.3% for Hispanic, and 2.4% for other races). Furthermore, researchers and legal practitioners have begun to emphasize the importance of having a racially diverse jury because racially diverse juries have more accurate and wider-ranging deliberations (Sommers 2006) and promote self-monitoring effects during jury deliberation (Stevenson et al. 2017). There have also been direct efforts to promote racial diversity in jury pools. For example, the Illinois Supreme Court implemented a new jury composition pilot program in 2017, which aimed to increase diversity in juries. Therefore, given the growing racial diversity of offenders, victims, and jurors in the U.S., it is timely to investigate race effects on people's legal decisions in cross-race crimes when an observer's race differs from both the defendant and victim.

Generalizability of Findings from Prior Studies

The literature, which examined racial biases in observers' legal decisions when observers' race is the same as either or both the defendant and victim, has shown that cross-race crimes elicit more punitive decisions compared to same-race crimes. The more punitive judgments in cross-race crimes (vs. same-race crimes) have been accounted for by in-group and out-group biases and perceived racial conflicts.

In-group and Out-group Biases

The harsher punishment in cross-race crimes than in same-race crimes could be partly explained by in-group and out-group biases (Tajfel and Turner 1986) when people form “favoritism toward one's own group or derogation of another group” (Spears 2007, p. 484). That is, observers are likely to hold negative attitudes toward an out-group defendant, particularly when the out-group defendant offends against a victim who is part of the observers' in-group. Along these lines, many prior studies have demonstrated more severe punishment in the OD–IV condition compared to the OD–OV, IV–ID, ID–OV conditions (Feild 1979; Foley and Chamblin 1982, for white observers; Hymes et al. 1993; Kerr et al. 1995, for black observers; Miller and Hewitt 1978, for white observers; Rector and Bagby 1995; Wuensch et al. 2002).

Due to the favoritism that people form toward their own group while holding negative attitudes toward outgroup members, one may expect that observers will be more lenient toward an in-group defendant who offends against an out-group victim. However, prior studies have shown more punitive judgments in the ID–OV condition than same-race conditions (i.e., the OD–OV or IV–IV condition; ForsterLee, ForsterLee et al. 2006; Hymes et al. 1993). This result may be explained by the black sheep effect (Marques 1990). The black sheep effect proposes that people may disapprove of an in-group member who has undesirable traits, in order to maintain a favorable evaluation of their in-group. When an in-group defendant offends against an out-group member, observers may perceive the defendant to be dishonoring their in-group (Lauderdale et al. 1984; Marques 1990) and render punitive judgments against the defendant.

In sum, prior studies have demonstrated more punitive judgments in cross-race (vs. same-race) crimes when observers' race is the same as either or both the defendant and victim, and in-group and out-group biases help explain the race effect. However, it is uncertain whether

the more punitive judgments in cross-race crimes would be replicated in the current studies where observers' race is different from both the defendant and victim, given that the defendant and victim are out-group members for both cross-race and same-race crimes.

Cross-Race Crimes in the Context of Race Conflicts

Some researchers have suggested that observers may consider cross-race crimes to be more serious than same-race crimes; as a result, they judge defendants in cross-race crimes more harshly than those in same-race crimes. Saucier et al. (2010) found that white participants recommended longer sentences in aggravated assault cases in the cross-race condition (black on white; and white on black) than the same-race condition (black on black; and white on white). The authors suggested that cross-race crimes may be perceived as more severe than same-race crimes because cross-race crimes are readily regarded as a hate crime. In the same vein, Herzog (2003) proposed the “cross-ethnicity” effect, which indicates that cross-ethnicity crimes are interpreted in the context of ethnicities and are perceived as more serious than same-ethnicity crimes.

Despite prior studies emphasizing the perceived race-conflict in cross-race crimes, it is unclear whether the more punitive judgments in cross-race crimes would be replicated in cases where an observer's race is different from a defendant's and victim's race. When an observer's race is different from the defendant's and victim's race involved in a crime, the crime is no longer racially self-relevant to the observer. Therefore, the race of the defendant and victim may no longer be major information to process when deliberating the crime, which may reduce more punitive judgments in cross-race (vs. same-race) crimes. Indeed, researchers have demonstrated that people show a deterioration in encoding efficiency and memory quality when the information is not related to themselves (i.e., the self-reference effect; Cartwright 1956; Gutchess et al. 2007; Leshikar and Duarte 2014; Rogers et al. 1977; Serbun et al. 2011).

Pilot Study

Given that cross-race versus same-race race effects found in previous studies may not generalize to the OD–OV condition, we conducted a pilot study to test two competing predictions regarding the effect of the race combination on observers' judgments, whose race differs from the race of both the defendant and victim. The two competing predictions are (a) observers would render more *severe* judgments against the defendant in same-race crimes than in cross-race crimes; or (b) observers would render more *lenient*

judgments for the defendant in same-race crimes than in cross-race crimes.

Method

Participants

Ninety-five undergraduate students participated in the pilot study. Four participants failed the manipulation check questions asking about the race of the defendant and victim. Six participants identified themselves as mixed-race. These ten participants were excluded from further analyses. Therefore, the final sample consisted of 85 participants (19 males and 66 females; $M_{age} = 19.9$, $SD = 3.6$; 33 whites, 19 blacks, and 33 Hispanics). The participants received course credit for their participation.

Design

We used a 4×4 Latin-Square design, where a column was Crime Type (Robbery, Battery, Arson, and Murder), a row was Scenario Order (RBAM, BAMR, AMRB, and MRBA), and treatment was Race Combination of defendant–victim (Race1–Race1, Race1–Race2, Race2–Race1, and Race2–Race2). Table 2 illustrates the full 16 conditions of the 4×4 Latin-Square design. We used a Latin-Square

design to minimize order and carry-over effects (for more details, see Fisher and Yates 1963).

Materials

Participants read four types of criminal cases—robbery, battery, arson, and murder. The robbery, battery, and arson summaries were adapted from Sommers and Ellsworth (2000). In the robbery case, four young men robbed the victim who later identified the defendant as one of the perpetrators during a lineup. The defendant had no previous criminal record and his girlfriend testified that she was with him at the time of the crime. In the battery case, the victim claimed that her boyfriend hit her with his fist during a party while the defendant argued that she was injured because she was drunk and fell to the floor. In the arson case, the defendant was accused of setting fire to a small church with a predominant congregation of a certain race, which is assigned following the research design (see Table 2), and he denied his involvement. However, there was an eyewitness who saw the defendant at the scene and the defendant’s fingerprint, which was inconclusive, was found on a gas can in the church. In the murder case, the defendant, who was a drug dealer, was accused of killing another drug dealer because of a territorial dispute between them. An eyewitness saw the physical fight but not its outcome because he left prior to the end of the fight.

Table 2 The 4×4 Latin-square design in the pilot study

Condition	Case presentation order			
Condition1	Robbery × RC1	Battery × RC2	Arson × RC3	Murder × RC4
Condition2	Robbery × RC2	Battery × RC3	Arson × RC4	Murder × RC1
Condition3	Robbery × RC3	Battery × RC4	Arson × RC1	Murder × RC2
Condition4	Robbery × RC4	Battery × RC1	Arson × RC2	Murder × RC3
Condition5	Battery × RC1	Arson × RC2	Murder × RC3	Robbery × RC4
Condition6	Battery × RC2	Arson × RC3	Murder × RC4	Robbery × RC1
Condition7	Battery × RC3	Arson × RC4	Murder × RC1	Robbery × RC2
Condition8	Battery × RC4	Arson × RC1	Murder × RC2	Robbery × RC3
Condition9	Arson × RC1	Murder × RC2	Robbery × RC3	Battery × RC4
Condition10	Arson × RC2	Murder × RC3	Robbery × RC4	Battery × RC1
Condition11	Arson × RC3	Murder × RC4	Robbery × RC1	Battery × RC2
Condition12	Arson × RC4	Murder × RC1	Robbery × RC2	Battery × RC3
Condition13	Murder × RC1	Robbery × RC2	Battery × RC3	Arson × RC4
Condition14	Murder × RC2	Robbery × RC3	Battery × RC4	Arson × RC1
Condition15	Murder × RC3	Robbery × RC4	Battery × RC1	Arson × RC2
Condition16	Murder × RC4	Robbery × RC1	Battery × RC2	Arson × RC3

RC indicates the race combination of the defendant and victim. RC1 = Race1–Race1; RC2 = Race1–Race2; RC3 = Race2–Race1; and RC4 = Race2–Race2. For black observers, Race1 = Hispanic and Race2 = white. For Hispanic observers, Race1 = black and Race2 = white. For white observers, Race1 = black and Race2 = Hispanic. For example, a black observer who is assigned in Condition 9 views four criminal cases in the order of (1) the Hispanic on Hispanic arson case; (2) the Hispanic on white murder case; (3) the white on Hispanic robbery case; and (4) the white on white battery case

Head-and-shoulder photos, derived from Minear and Park's (2004) face database, and brief descriptions (e.g., name, age, race, etc.) of the defendant and victim were presented with each case summary to manipulate the race. To select neutral faces as the photo stimuli, we conducted a pilot test with 41 participants using Amazon Mechanical Turk. Participants sequentially viewed 100 faces and rated them on trustworthiness, attractiveness, and aggressiveness using an 11-point Likert scale (e.g., -5: unattractive, +5: attractive). The placement of each face was marked on a 3-dimensional coordinate graph, where each axis represented each of the three characteristics. We calculated the Euclidean distance of each face from the origin (0, 0, 0) and selected 7 faces that were the closest to the origin for each of the three races. The selected faces were randomly presented as the defendant and victim in the case summaries.

Dependent Measures

Participants' judgments were measured by six dependent measures: a dichotomous guilty verdict (*Do you find the defendant guilty of this offense; 0: not guilty, 1: guilty*), a continuous guilty verdict (*Please indicate to what extent you believe the defendant is guilty; 1: not at all, 7: very much*), perceived prosecution's case strength (*How convincing is the prosecution's case; 1: not at all convincing, 7: very much convincing*), perceived defense's case strength (*How convincing is the defense's case; 1: not at all convincing, 7: very much convincing; the reverse score was used for analyses*), perceived seriousness of the crime (*How serious is this offense; 1: not at all serious, 7: very much serious*), and sentence (*Please indicate what sentence you would recommend; 1: no punishment, 7: varied across crime types*).

Procedures

Up to six participants per session came to a laboratory. Participants were told that the purpose of the experiment was to investigate people's memory of criminal cases. An experimenter distributed a booklet, which included a consent form, the four case summaries, and a questionnaire containing the dependent measures for each of the criminal cases and demographic information (e.g., gender, and race), to each participant. During the experiment, participants were not allowed to talk to each other. Participants rendered their judgments after reading each case summary, and were then debriefed.

Results

Preliminary Analyses

Table 3 presents the summary of descriptive statistics as a function of the race combination between a defendant and a victim. We first conducted a principal component analysis (PCA) using oblimin rotation with the five continuous dependent measures to reduce data dimensions. All five measures were combined into one component. The Eigenvalues indicated that the components explained 53.31% of the total variance. The Cronbach's alpha of the combined five measures was 0.77. Therefore, we calculated the total score of the five continuous measures and named it judgments against the defendant. We used the reverse score of the strength of defense' case to compute the total score.

Since our interest was the comparison of same-race crimes and cross-race crimes, we collapsed the four levels of defendant–victim race combinations into two conditions, the same-race condition (Race1–Race1, and Race2–Race2) and the cross-race condition (Race1–Race2, and Race2–Race1). Before collapsing the levels, we examined whether the four conditions produced different result patterns and we did not find any significant differences. Therefore, the recoded race combination was used in further analyses.

Main Analyses

We conducted a hierarchical binary logistic regression analysis on the dichotomous guilty verdict with race combination as an independent variable. Crime type, scenario order, race of the defendant and victim, and participants' gender and race were included as covariates. We entered all covariates in the first step and race combination in the second step. The analysis demonstrated that crime type was the only significant predictor, goodness of fit index (GFI) overall model ($df = 14$) = 86.19, $p < 0.001$. Although participants in the same-race condition (60.6%) rendered guilty verdicts more frequently than those in the cross-race condition did (54.4%), the difference was not statistically significant, $B = 0.35$, $SE = 0.25$, Wald's χ^2 (1, $N = 339$) = 1.91, $p = 0.17$, $\exp(B) = 1.42$, 95% CI [0.86, 2.32]. A table containing the full statistical results is provided in Supplemental Material 1 (available at http://bit.ly/rasp_rc).

We also conducted an analysis of covariance (ANCOVA) to examine the effect of the race combination on the judgments against the defendant. We entered crime type, scenario order, races of the defendant and victim, and participant's gender and race as covariates. Participants

Table 3 Descriptive statistics as a function of the race combination between a defendant and a victim

	Dichotomous verdict (%)	Continuous verdict	Prosecution case strength	Defense case strength	Seriousness of crime	Sentence	Victim blaming	Responsibility of victim	Total score	
									Judgments against defendant	Judgments against victim
Pilot study										
Same-race (N=170)	60.6	4.69 (1.73)	4.66 (1.59)	3.73 (1.59)	5.61 (1.67)	3.54 (1.98)	–	–	22.77 (6.01)	–
Cross-race (N=169)	54.4	4.30 (1.82)	4.44 (1.66)	4.04 (1.54)	5.54 (1.41)	3.38 (1.94)	–	–	21.65 (6.01)	–
Main study										
Same-race Stranger (N=61)	65.6	5.16 (1.71)	4.69 (1.80)	–	5.02 (1.71)	3.59 (2.19)	2.00 (1.65)	1.97 (1.60)	13.44 (5.01)	3.97 (3.11)
Acquaintance (N=71)	67.6	5.10 (1.80)	4.80 (2.16)	–	5.18 (1.63)	3.61 (2.08)	2.21 (1.69)	2.24 (1.79)	13.51 (4.87)	4.45 (3.42)
Total (N=132)	66.7	5.13 (1.75)	4.75 (2.00)	–	5.11 (1.66)	3.60 (2.13)	2.11 (1.67)	2.11 (1.71)	13.48 (4.92)	4.23 (3.28)
Cross-race										
Stranger (N=70)	52.9	4.89 (1.86)	4.43 (2.02)	–	5.30 (1.61)	3.83 (2.15)	2.70 (2.05)	2.81 (2.19)	13.14 (5.17)	5.51 (4.07)
Acquaintance (N=59)	49.2	4.39 (1.87)	3.95 (1.80)	–	5.12 (1.57)	3.02 (2.03)	2.61 (2.07)	2.37 (1.96)	11.36 (4.83)	4.98 (3.96)
Total (N=129)	51.2	4.66 (1.87)	4.21 (1.93)	–	5.22 (1.59)	3.46 (2.13)	2.66 (2.05)	2.61 (2.09)	12.33 (5.07)	5.27 (4.01)

Standard deviations in parenthesis

Table 4 The effect of race combination on the total judgments against the defendant (pilot study)

Source	Sum of squares	<i>df</i>	Mean square	<i>F</i>	Partial η^2
Covariate					
Subject gender	5.61	1	5.61	0.16	<0.001
Subject race	84.85	1	84.85	2.42	0.007
Scenario order	46.77	1	46.77	1.33	0.004
Crime type	377.74	1	377.74	10.75***	0.032
Defendant race	60.76	1	60.76	1.73	0.005
Victim race	0.19	1	0.19	0.01	<0.001
Race combo	104.84	1	104.84	2.98†	0.009
Error	11,592.47	330	35.13		

*** $p < 0.001$ † $p < 0.10$

in the same-race condition ($M = 22.77$, $SD = 6.01$) made more negative judgments toward the defendant than did those in the cross-race condition ($M = 21.65$, $SD = 6.01$). The difference between both groups was marginally significant, $F(1, 330) = 2.98$, $p = 0.08$, $\eta_p^2 = 0.01$ (see Table 4).

In sum, both analyses showed that people tended to render more unfavorable judgments against the defendant in a same-race crime than the defendant in a cross-race crime, although the statistical significance of the racial effect was marginal.

Exploratory Analysis

To rule out the possibility that the more punitive judgments in same-race crimes (vs. cross-race crimes) are affected by a specific race or specific race combinations of an observer, a defendant, and a victim—rather than the racial effect of cross-race versus same-race crimes, we conducted an ANCOVA on the total judgment against the defendant with races of the defendant and victim as independent variables; scenario order, crime type, and participant's gender as covariates. The ANCOVA was performed for each race of observers, instead of including observers' race as an independent variable, because races of the defendant and victim were not independent of the observers' race. As expected, main and interaction effects of races of the defendant and victim on judgments against the defendant were not significant for any races of observers. We present the total judgment score for each of the race combinations of observer \times defendant \times victim (see Table 5; Supplemental Material 2 is available at http://bit.ly/rasp_rc for more detailed description of the F test results). Overall, for each race of observers, observers rendered more punitive judgments against the defendant accused of a same-race crime (vs. a cross-race crime), regardless of the defendant's and victim's race. Black and Hispanic observers rendered slightly more punitive judgments against the white defendant ($M_{\text{black obs.}} = 23.03$, $M_{\text{Hispanic obs.}} = 22.38$) than either the black ($M_{\text{Hispanic obs.}}$

$M_{\text{black obs.}} = 21.25$) or the Hispanic ($M_{\text{black obs.}} = 21.32$) defendant. However, punitive judgments against the white defendant increased when the victim was also white (i.e., same-race crimes) compared to when the victim was non-white.

As exploratory examinations, we also tested whether each of the covariates in the main analyses could moderate the race-combination effect on observers' judgment. We found a significant moderation effect only for crime types. We conducted an ANCOVA on the judgments against the defendant with race combination and crime type as independent variables; scenario order, race of the defendant and victim, and participant's gender and race as covariates. As a result, the interaction of crime type \times race combination was statistically significant, $F(3, 325) = 4.12$, $p < 0.01$, $\eta_p^2 = 0.037$ (see Supplemental Material 3 available at http://bit.ly/rasp_rc for detailed statistical information). Simple main effect analyses demonstrated that participants rendered significantly more negative judgments against defendants of the same-race condition than defendants of cross-race condition for the battery case ($M_{\text{same}} = 27.14$, $SD_{\text{same}} = 5.44$; and $M_{\text{cross}} = 23.45$, $SD_{\text{cross}} = 5.91$), $p = 0.001$, $d = 0.65$, 95% CI [0.21; 1.09], and the arson case ($M_{\text{same}} = 20.52$, $SD_{\text{same}} = 5.14$; and $M_{\text{cross}} = 18.12$, $SD_{\text{cross}} = 5.14$), $p = 0.04$, $d = 0.47$, 95% CI [0.04; 0.90]. The race-combination effect was not significant for the robbery case ($M_{\text{same}} = 19.24$, $SD_{\text{same}} = 5.07$; and $M_{\text{cross}} = 19.65$, $SD_{\text{cross}} = 5.46$), $p = 0.72$, $d = -0.08$, 95% CI [-0.51; 0.35], or the murder case ($M_{\text{same}} = 24.10$, $SD_{\text{same}} = 5.11$; and $M_{\text{cross}} = 25.33$, $SD_{\text{cross}} = 4.70$), $p = 0.28$, $d = -0.25$, 95% CI [-0.68; 0.18].

Discussion

The pilot study did not replicate the more punitive judgments against defendants accused of cross-race crimes (vs. same-race crimes) that have been demonstrated in prior studies. Furthermore, participants in the pilot study rendered a slightly more punitive judgment against defendants in

Table 5 The total judgment against the defendant by race combinations of observer × defendant × victim (pilot study)

Observer's race	Defendant's race	Victim's Race	<i>N</i>	<i>M</i>	<i>SD</i>	<i>M</i> difference	Cohen's <i>d</i>	
Black	Hispanic	Hispanic	19	22.37	6.07	+ 2.11	0.36 [−0.28; 1.01]	
		White	19	20.26	5.49			
		Total	38	21.32	5.80			
	White	Hispanic	Hispanic	19	22.79	8.22	+ 0.47	0.06 [−0.57; 0.70]
			White	19	23.26	6.34		
			Total	38	23.03	7.25		
		Total	Hispanic	38	22.58	7.13		
			White	38	21.76	6.04		
			Total	76	22.17	6.58		
Hispanic	Black	Black	33	20.94	6.26	− 0.62	− 0.11 [−0.59; 0.38]	
		White	32	21.56	5.28			
		Total	65	21.25	5.76			
	White	Black	Black	33	21.30	5.73	+ 2.15	0.37 [−0.12; 0.86]
			White	33	23.45	5.94		
			Total	66	22.38	5.89		
		Total	Black	66	21.12	5.96		
			White	65	22.52	5.66		
			Total	131	21.82	5.83		
White	Black	Black	33	23.09	5.50	+ 1.12	0.20 [−0.29, 0.69]	
		Hispanic	32	21.97	5.72			
		Total	65	22.54	5.59			
	Hispanic	Black	Black	33	21.91	6.34	+ 1.64	0.26 [−0.22, 0.75]
			Hispanic	33	23.55	6.15		
			Total	66	22.73	6.25		
		Total	Black	66	22.50	5.92		
			Hispanic	65	22.77	5.95		
			Total	131	22.63	5.91		

M difference was calculated by subtracting the *M* of the cross-race condition from the *M* of the same-race condition. Its positive value indicates more punitive judgments against the defendant in the same-race condition than in the cross-race condition

same-race crimes, although the race effect was marginally significant. The exploratory analyses demonstrated that the more punitive judgments in same-race crimes than in cross-race crimes were consistently found for each race of observers, regardless of the defendant's and victim's race. This rules out the possibility that the more punitive judgments in same-race crimes (vs. cross-race crimes) are confounded by a specific race or specific race combinations of an observer, defendant, and victim.

We suggest that the findings in the pilot study could be related to the out-group homogeneity effect—the phenomenon that people tend to perceive their out-group members as more similar to one another than are their own-group members (Judd and Park 1988; Quattrone and Jones 1980). Because of the out-group homogeneity effect, people are likely to overestimate and to overgeneralize the stereotypicality of out-groups (Judd et al. 1991), which increases negative attitudes against the out-group members. Indeed, researchers have demonstrated that discrimination against

out-group members increases, as the out-group members are perceived as more homogeneous (Brauer and Er-rافی 2011; Vanbeselaere 1991; Wilder 1978). For instance, Brauer and Er-rافی (2011) demonstrated reduced discrimination against out-group members when the out-group members had diverse opinions on a topic, when different characteristics among the out-group members were emphasized, and when participants were asked to think about differences among the out-group members. In the pilot study, observers might have perceived the defendants and victims in same-race crimes as more racially homogeneous out-group members compared to those in cross-race crimes. The perceived homogeneity might have led to more punitive judgments against the defendants in same-race (vs. the cross-race) crimes.

The homogeneity hypothesis also accounts for why the judgments in the battery and arson cases were more punitive for the same-race than the cross-race crimes but not in the robbery and murder cases. The closer defendant–victim relationship in the battery (the defendant and victim were

dating) and arson (the defendant was a neighbor) cases might have accelerated the punitive judgments in the same-race condition because the closer relationship also increased the perceived homogeneity of the defendant and victim. Therefore, the disparity in participants' judgments involving the race effect across specific types of crimes might be due to the close relationship between the defendant and victim in the battery and arson cases. In the main study, we examined whether the race-combination effect, which led to more severe judgments toward the defendant in same-race crimes (vs. cross-race crimes), is moderated by the relationship between the defendant and victim.

Main Study

The purpose of the main study was to replicate the main effect of the race combination in the pilot study and to investigate whether a relationship between a defendant and victim moderates the race-combination effect. We hypothesized that, when observers' race was different from the race of the defendant and victim, the observers would render more severe judgments against the defendant in the same-race crime compared to those made for the cross-race crime. Furthermore, based on findings in the pilot study, we expected that the race effect will be stronger when the defendant and victim knew each other (the acquaintance condition), compared to when the defendant and victim were strangers to each other (the stranger condition).

We added Asian to the race combinations of the defendant and victim. We also used different criminal cases from those used in the pilot study in order to test the generalizability of the race-combination effect to other races and criminal cases. We chose Asian as the additional race for the current research design because, excluding blacks, Hispanics, and whites, Asians account for the largest race-population in the U.S. criminal justice system. For example, between 2012 and 2015, 1.3% of the violent victimization offenders were Asian (Margan 2017). However, researchers have paid relatively little attention to same- versus cross-race effects involving Asian people; we found only one study that investigated the racial effects with the white \times Asian combination of defendants and victims (Maeder et al. 2013, see Table 1). Similarly to other studies that examined cross-race versus same-race race effects when the observers' race was the same as either the defendants' or victims' race, Maeder et al. (2013) demonstrated that participants rendered more punitive judgments in the cross-race condition than the same-race condition. Given the limited investigation of same- versus cross-race effects involving Asian defendants and victims, we included Asian race combinations to further examine the generalizability of the race-combination effects in the pilot study and

gain a more comprehensive understanding of the effect of race on legal decision-making.

Method

Participants

Three hundred-twenty Amazon Mechanical Turk users participated in the main study. Fifty-nine participants failed to correctly identify the race of the defendant and victim and were eliminated from the analysis. Responses of the remaining 261 participants (134 males; $M_{\text{age}} = 38.01$, $SD = 12.84$; 187 whites, 14 blacks, 14 Hispanics, 38 Asians, and 8 other races) were included for further analyses. Each participant received \$0.50 for the participation.

Design

The main study involved a 2 (race combination of defendant–victim: cross- vs. same-race) \times 2 (relationship of defendant–victim: stranger vs. acquaintance) \times 4 (crime type: battery, car theft, vandalism, vs. sexual assault) between-subjects factorial design. The race combination of the defendant and victim was manipulated to create four race combinations using white, black, Hispanic, and Asian (same-race condition: Race1–Race1 or Race2–Race2; and cross-race condition: Race1–Race2 or Race2–Race1). When participants were assigned to the same-race condition, they read either Race1–Race1 or Race2–Race2 scenario selected at random. When participants were assigned to the cross-race condition, they read either Race1–Race2 or Race2–Race1 scenario. The race of the defendant and victim was always different from the participant's race.

Materials

We used four criminal case summaries—battery (same summary used in the pilot study), car theft, vandalism, and sexual assault. In the battery case, the defendant was either the victim's boyfriend or a stranger sitting at the next table in a bar. In the car theft case, the defendant, who was either a friend or a total stranger to the victim, was accused of unauthorized use of the victim's car. In the vandalism case, the defendant, who was either a neighbor or a stranger, was arrested by the police while he was vandalizing the victim's house. In the sexual assault case, the defendant, who was either a building cleaner at the victim's workplace or a stranger, was accused of a sexual assault. The head-and-shoulder photos were selected from the Chicago Face Database (Ma and Wittenbrink 2015). The photos were presented alongside each case summary to manipulate the defendant's and

victim's race. We selected 8 faces for each race, calculating their neutrality using the same method as the pilot study.

Dependent Measures

We measured participants' judgments toward the defendant using the same items used in the pilot study, except for the perceived defense's case strength. In addition, we included two new items to measure participants' judgments toward the victim—victim blaming (*To what extent is the victim to blame for the case; 1: not at all, 7: To a very great extent*), and the perceived responsibility of the victim (*To what extent is the victim responsible for the case; 1: not at all, 7: To a very great extent*).

Procedures

Participants read one of the four case summaries, completed a questionnaire about their judgments for the crime, and were then debriefed.

Results

Preliminary Analyses

Table 3 presents the summary of descriptive statistics as a function of the race combination and relationship between the defendant and victim. We conducted a PCA using oblimin rotation with the six continuous measures to reduce data dimensions. As a result, we extracted two components. The first component explained 37.40% of the variance and contained the continuous guilty verdict, perceived prosecution's case strength, and sentence. The second component explained 32.97% of the variance and contained victim blaming, perceived responsibility of the victim, and perceived seriousness of the crime. We calculated the total score of each component and named them judgments against the defendant (the first component; Cronbach alpha = 0.80) and judgments against the victim (the second component; Cronbach alpha = 0.74). The two measures were used for further analyses.

Main Analyses

We conducted a hierarchical binary logistic regression analysis of the dichotomous guilty verdict. We entered all covariates (crime type, races of the defendant and victim, and participant's gender and race) at the first step. At the second step, we entered the race combination and relationship of defendant–victim. We entered the interaction term of race combination \times relationship at the final step. The analysis demonstrated that race combination and relationship of

defendant–victim marginally improved the model fit, GFI of overall model ($df = 16$) = 184.43, $p < 0.001$; GFI of the second step ($df = 2$) = 5.79, $p = 0.06$. Of the two variables, only the race combination significantly predicted guilty verdicts, $B = 0.85$, $SE = 0.41$, Wald's $\chi^2(1, N = 261) = 4.41$, $p = 0.04$, $\exp(B) = 2.35$, 95% CI [1.06, 5.21]. The odds of a guilty verdict were 2.35 times greater for participants in the same-race condition than those in the cross-race condition. The interaction of race combination \times relationship did not improve the model fit, GFI of overall model ($df = 17$) = 184.44, $p < 0.001$, GFI of the third step ($df = 1$) = 0.011, $p = 0.92$; and did not significantly predict guilty verdicts, $B = 0.09$, $SE = 0.83$, Wald's $\chi^2(1, N = 261) = 0.01$, $p = 0.92$, $\exp(B) = 1.09$, 95% CI [0.21, 5.57]. See Supplemental Material 4 available at http://bit.ly/rasp_rc for more detailed description of the statistical results.

We also conducted a MANCOVA on judgments against the defendant and victim with crime type, races of the defendant and victim, and participant's gender and race as covariates; and race combination and relationship of defendant–victim as independent variables. The multivariate effect was significant only for the race combination, $F(2, 251) = 3.77$, $p = 0.02$, Wilks' $\Lambda = 0.97$, $\eta_p^2 = 0.03$. Univariate testing demonstrated that participants in the same-race condition rendered more punitive judgments against the defendant, $F(1, 252) = 4.30$, $p = 0.04$, $\eta_p^2 = 0.02$, and had more favorable judgments of the victim, $F(1, 252) = 4.16$, $p = 0.04$, $\eta_p^2 = 0.02$, than those in the cross-race condition. However, the multivariate effect of race combination was marginally qualified by the multivariate interaction effect of race combination \times relationship, $F(2, 251) = 2.44$, $p = 0.09$, Wilks' $\Lambda = 0.98$, $\eta_p^2 = 0.02$. See Supplemental Material 5 available at http://bit.ly/rasp_rc for more detailed description of the statistical results.

Univariate testing demonstrated that the interaction effect was marginally significant for the total judgment against the defendant, $F(1, 252) = 2.98$, $p = 0.09$, $\eta_p^2 = 0.01$. To examine the interaction pattern, we conducted a simple main effect analysis of race combination on the total judgment against the defendant. The simple main effect of race combination demonstrated more severe judgments against the defendant for same-race crimes ($M = 13.51$, $SD = 4.87$) than for cross-race crimes ($M = 11.36$, $SD = 4.83$) only in the acquaintance condition, $p = 0.02$, $d = 0.44$, 95% CI [0.09; 0.79]; the difference was not significant in the stranger condition ($M = 13.44$, $SD = 5.01$ for the same-race crimes; $M = 13.14$, $SD = 5.17$ for the cross-race crimes; $p = 0.73$, $d = 0.06$, 95% CI [-0.28; 0.40]).

Exploratory Analyses

We also examined whether the judgments against the defendant and victim were affected by specific race combinations

of observer \times defendant \times victim, rather than the same- versus cross- race combinations. We conducted a MANCOVA on the judgments against the defendant and victim with race of the defendant and victim as independent variables; crime type, defendant–victim relationship, and observer’s gender were entered as covariates. Because of the small N of non-white observers, the MANCOVA was performed only for white observers. The main and interaction effects of race of the defendant and victim were not significant (see Supplemental Material 6 available at http://bit.ly/rasp_rc). For a more thorough examination, we present the judgment scores by the race combinations of defendant \times victim for white observers (see Table 6). As expected, white observers rendered more punitive judgments against the defendant and more favorable judgments for the victim in same-race crimes than in cross-race crimes, regardless of the defendant’s and victim’s race. Supplemental Material 7 (available at http://bit.ly/rasp_rc) includes a table containing the full race combinations of observer \times defendant \times victim.

We manipulated the relationship between the defendant and victim as the acquaintance versus stranger conditions. Because the defendant–victim relationship also varied within the acquaintance condition (i.e., a couple in the battery case, friends in the car theft case, neighbors in the vandalism case, and people who work at the same building in the sexual assault case), we examined if the more punitive judgments against the defendant and more favorable judgments for the victim in same-race crimes (vs. cross-race crime) would be stronger, as the defendant–victim relationship was closer. Because the extent of closeness of

the defendant–victim relationship was not directly manipulated in the main study, we do not have the objective rating score of the closeness of the relationship for each case. However, Gächter et al. (2015) asked participants to rate closeness among romantic, friend, and acquaintance relationships. The authors found that the romantic relationship was perceived as closest, followed by the friend relationship and acquaintance relationship. Therefore, we assume that the closeness of the relationship would follow the order of (1) the battery case, (2) the car theft case, and (3) the vandalism and sexual assault cases. As shown in Table 7, in the acquaintance condition, the more punitive judgments against the defendant and more favorable judgments toward the victim in same-race crimes (vs. cross-race crimes) were particularly strong for the battery case ($d_{\text{against defendant}} = 0.65$ and $d_{\text{against victim}} = -0.58$), followed by the car theft case ($d_{\text{against defendant}} = 0.45$ and $d_{\text{against victim}} = -0.39$), the vandalism case ($d_{\text{against defendant}} = 0.32$ and $d_{\text{against victim}} = 0.06$), and the sexual assault case ($d_{\text{against defendant}} = 0.30$ and $d_{\text{against victim}} = 0.24$).

Discussion

The main study replicated the more punitive judgments against the defendant for same-race crimes than for cross-race crimes found in the pilot study—in the same-race condition, observers rendered a guilty verdict more frequently, judgments against the defendant were more punitive, and judgments toward the victim were more favorable.

Table 6 The total judgment against the defendant and victim by race combinations of defendant \times victim for white observers (main study)

Defendant’s race	Victim’s race	N	Judgments against defendant				Judgments against victim			
			M	SD	M diff.	Cohen’s d	M	SD	M diff.	Cohen’s d
Asian	Asian	35	14.23	5.30	+0.67	0.13 [−0.34; 0.60]	3.51	2.90	−1.45	−0.42 [−0.93; 0.10]
	Non-Asian	36	13.56	5.02			4.96	3.98		
	Black	19	13.11	5.39			3.80	3.61		
	Hispanic	17	14.06	4.68			5.69	4.14		
	Total	71	13.89	5.14			4.13	3.45		
Black	Black	25	13.76	4.31	+1.28	0.26 [−0.29; 0.80]	4.52	3.58	−0.69	−0.18 [−0.72; 0.36]
	Non-Black	27	12.48	5.52			5.21	4.11		
	Asian	10	12.30	5.81			5.16	4.00		
	Hispanic	17	12.59	5.52			5.30	4.52		
	Total	52	13.10	4.97			4.89	3.85		
Hispanic	Hispanic	38	12.89	5.32	+1.51	0.30 [−0.20; 0.80]	3.74	2.83	−1.26	−0.37 [−0.84; 0.10]
	Non-Hispanic	26	11.38	4.69			5.00	3.92		
	Asian	16	11.88	4.60			5.76	4.62		
	Black	10	10.60	4.97			4.24	3.01		
	Total	64	12.28	5.09			4.33	3.42		

M diff. was calculated by subtracting the M of the cross-race condition from the M of the same-race condition. Its positive value indicates more punitive judgments against the defendant and victim in the same-race condition than in the cross-race condition

Table 7 The total judgment against the defendant and victim by crime type × race combination in the acquaintance condition (main study)

Crime type	Race combo	<i>N</i>	Judgment against defendant				Judgment against victim			
			<i>M</i>	SD	<i>M</i> diff.	Cohen's <i>d</i>	<i>M</i>	SD	<i>M</i> diff.	Cohen's <i>d</i>
Battery	Cross	18	14.72	4.23	+2.40	0.65 [−0.04; 1.34]	6.06	4.29	−2.06	−0.58 [−1.27; 0.11]
	Same	16	17.13	3.10			4.00	2.61		
Car theft	Cross	14	8.14	3.13	+1.39	0.45 [−0.27; 1.17]	7.14	4.19	−1.50	−0.39 [−1.11; 0.32]
	Same	17	9.53	3.06			5.65	3.33		
Vandalism	Cross	8	15.50	2.88	+0.95	0.32 [−0.49; 1.14]	4.75	4.37	+0.25	0.06 [−0.75; 0.87]
	Same	22	16.45	2.99			5.00	4.36		
Sexual assault	Cross	19	8.79	3.74	+1.27	0.30 [−0.37; 0.97]	2.47	1.26	+0.40	0.24 [−0.43; 0.91]
	Same	16	10.06	4.63			2.88	2.06		

M diff. was calculated by subtracting the *M* of the cross-race condition from the *M* of the same-race condition. Its positive value indicates more negative judgments against the defendant and victim in the same-race condition than in the cross-race condition

Furthermore, for white observers, the race-combination effect was consistently found regardless of the defendant's and victim's race.

The main effect of the race combination was marginally moderated by the relationship between the defendant and victim. Observers rendered more punitive judgments against the defendant in same-race crimes than cross-race crimes, particularly when the defendant and victim knew one another (i.e., the acquaintance condition). The exploratory examination showed that the race-combination effect grew stronger, as the defendant–victim relationship became closer. These findings indicate that the disparity of the race-combination effect across crime types found in the pilot study could be due to the varied relationship between the defendant and victim in the criminal cases.

General Discussion

The present research demonstrated that observers rendered more punitive judgments against the defendant in same-race crimes than in cross-race crimes when the observers' race was different from both the defendant's and victim's race. Regardless of defendant's and victim's race, the race-combination effect was found for all observers in the pilot study, and for white observers in the main study. This finding rules out the alternative explanation that the more punitive judgments in same-race crimes (vs. cross-race crime) may be caused by a specific race or specific race combinations of an observer, a defendant, and a victim.

The more punitive judgments for same-race crimes (vs. cross-race crimes) in the present research contradict findings in prior studies (Feild 1979; Foley and Chamblin 1982, for white observers; Hymes et al. 1993; Kerr et al. 1995, for black observers; Miller and Hewitt 1978, for white observers; Rector and Bagby 1995; Wuensch et al. 2002; Forster-Lee et al. 2006; Hymes et al. 1993). In prior studies where

observers' race was the same as the defendant and/or the victim, observers made more punitive judgments in cross-race crimes than in same-race crimes, which could be accounted for by in-group and out-group biases or perceived racial conflicts. Although our results differ from those of prior studies, our findings could also be explained in terms of out-group biases. We suggest that the more punitive judgments in same-race crimes might be because people display stronger discrimination against more homogeneous out-group members (Brauer and Er-rافی 2011; Vanbeselaere 1991; Wilder 1978). That is, when observers' race is different from the defendant's and victim's race, the observers may perceive the defendant and victim as more homogeneous out-group members for same-race crimes (vs. cross-race crimes), which in turn may increase punitive judgments toward the defendant involved in same-race crimes.

The stronger discrimination against more homogeneous out-group members could also account for the more punitive judgment in same-race crimes particularly evident in acquaintance crimes compared to stranger crimes—the close defendant–victim relationship (e.g., acquaintance crimes) could increase the homogeneity of the defendant and victim, leading to more punitive judgments in same-race crimes (vs. cross-race crimes). This was supported by our findings showing that the race-combination effect was strongest in the battery case where the defendant and victim were a couple, compared to the other types of crimes which occurred between less close relationships (e.g., friends, and neighbors) than the romantic relationship.

An alternative explanation for the more punitive judgments in same-race (vs. cross-race) crimes could be that participants may be more likely to attribute the cause of the crime to the defendant's personal characteristics (i.e., internal attribution) for same-race crimes than for cross-race crimes because cross-race crimes could be interpreted in the context of racial conflicts (i.e., external attribution). Indeed, some prior studies have demonstrated that making

such internal attributions as opposed to external attributions results in more punitive decisions (Carroll and Payne 1977; O’Toole and Sahar 2014). However, given that this alternative explanation cannot explain the moderation effects of the relationship between the defendant and victim, it would be reasonable to interpret the more punitive judgments in same-race crimes by the outgroup homogeneity effect.

The present research has some limitations with regard to the research design. First, we suggested that the more punitive judgments in same-race crimes (vs. cross-race crimes) in the OD–OV condition could be due to the strong homogeneity of the defendant and victim in same-race crimes. However, the current studies did not directly measure the perceived homogeneity of the defendant and victim. In future research, it would be desirable to include measures that estimate the perceived homogeneity between the defendant and victim in order to test its mediation effect on the relationship between race combination of the defendant and victim and observers’ legal judgments. Second, in the main study, we tested whether the closeness of the defendant–victim relationship would linearly moderate punitive judgments. We assumed that the closeness would follow the order of a couple, friends, and acquaintances. For future studies, we suggest that researchers directly manipulate the closeness of the defendant–victim relationship to investigate its moderation effect more precisely. Finally, the number of participants was comparable among observers’ race types in the pilot study, but not in the main study, therefore limiting the exploratory examinations due to the small number of non-white observers. However, given that the pilot study demonstrated that the race-combination effect was consistently found for each of the observers’ races, the imbalance of the sample size between white and non-white participants would not taint findings in the present research while it is desirable that the effects are replicated with a more balanced sample.

One of the general limitations of simulated laboratory research is a lack of external validity. Some researchers warn about the risk of the generalizability of research findings because of methodological homogeneity across studies (Diamond 1997; Konečni and Ebbesen 1986). Given the concern, we tried to vary the stimuli and participant type across the studies to increase the external validity of the studies. We tested the race-combination effect with various types of stimuli—7 criminal cases, and 53 face photos of the defendant and victim. We also conducted the current studies with different participant types—undergraduates and community members, and different research setting—in-person and online studies.

One might also be concerned about the ecological validity of the current study. Because our participants had to render their judgments of criminal cases after reading brief case summaries, the participants’ decision-making may not parallel people’s decision-making in real-world trials.

However, while studies have shown some differences in participants’ verdicts between case summary and more realistic trial mediums (e.g., video, audio, and transcript; (Bermant et al. 1974; Juhnke et al. 1979)), the main effect of trial media produced conflict results. For example, Bermant et al. (1974) compared written case summaries to audiotaped trials and found higher guilty verdict rates for the case-summary condition than for the audio condition. Contrarily, Juhnke et al. (1979) found lower guilty verdict rates for the case-summary condition than for the audio and video conditions. Thus, given that more methodological variation is needed for jury decision-making research, it would be informative to replicate the current studies with different types of trial media to examine the generalizability of the race-combination effect.

The present research demonstrated that the more punitive judgments in same-race crimes than in cross-race crimes for the OD–OV condition were moderated by the relationship between the defendant and victim. It would be also informative to investigate potential moderators other than the defendant–victim relationship. For example, the punitiveness in same-race crimes for the OD–OV condition could be reduced if observers are exposed to information that increases the heterogeneity of the defendant and victim. For instance, a defendant and victim could each be categorized into different sub-groups, such as different school affiliations, political orientations, nationalities, and so on. Those sub-categorizations may reduce the perceived homogeneity of the defendant and victim, which may make judgments against the defendant in same-race crimes more lenient than cross-race crimes.

The current study focused on race. However, it may be possible to extend our findings in different contexts, such as sexual orientation (LGBT) or social affiliation. For example, when an observer is a heterosexual man, the observer may render more punitive judgments toward the defendant in same-sex-orientation crimes (e.g., gay man defendant and gay man victim) than in cross-sex-orientation crimes (e.g., gay man defendant and lesbian victim). It would be interesting to test the combination effect in the OD–OV condition in different contexts in future research.

Although a cross-race crime in the OD–OV condition is plausible in a trial situation, researchers have paid relatively little attention to this race combination. Considering that the flow of various ethnicities and races into the United States is still in progress, the cross-race combination in the OD–OV condition may become more common than it once was. The current study offers an initial investigation of the cross- versus same-race combination in the OD–OV context. Our findings may provide a more comprehensive understanding of race effects on people’s judgments regarding cross- and same-race crimes.

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