

The Influence of Nondiagnostic Information and Victim Stereotypes on Perceptions of Guilt

Daniel M. Rempala and Andrew L. Geers
University of Toledo

Abstract: *Recent research has revealed that increasing nondiagnostic information about victims in rape trial scenarios decreases guilty verdicts. This finding contradicts several existing theoretical positions that predict nondiagnostic information about a target is beneficial to that target. Three experiments are presented to resolve this incongruity. It is hypothesized that greater nondiagnostic victim information can increase use of victim stereotypes. As such, we predicted that increasing nondiagnostic victim information decreases the number of guilty verdicts in trials featuring strongly negative victim stereotypes (e.g., rape trials), but not trials without strongly negative victim stereotypes (e.g., assault trials). In Study 1, nondiagnostic victim information in an assault trial scenario led to more—rather than fewer—guilty verdicts. In Study 2, increasing nondiagnostic victim information led to increased negative stereotyped perceptions in a rape trial scenario but not an assault trial scenario. In Study 3, nondiagnostic information showed no difference on the impact on the perception of male versus female victims of assault. Finally, we demonstrate the mechanisms by which nondiagnostic target information alters trial verdicts.*

Keywords: assault trials, nondiagnostic information, victim stereotypes.

INTRODUCTION

During the course of a jury trial, many factors can sway the opinions of jurors. Some factors are obvious and intuitive (e.g., eyewitness confidence, opinions of other jurors, the presence of a videotaped confession), while other influential factors are not obvious or intuitive (e.g., the order in which information is presented, jury size; Brewer and Wells 2006; Horowitz and Bordens 2002; MacCoun 1989). In the present research, we examined the relationship between perceptions of guilt and one not-so-obvious factor, the presence of nondiagnostic information about the parties involved in the trial.

Nondiagnostic Information

Diagnostic information has been defined as “information relevant to the judgment in question” (Kunda and Thagard 1996:291). Thus, *nondiagnostic* information is information *irrelevant* to the judgment in question, and in a criminal trial, nondiagnostic information would be information irrelevant to the defendant’s guilt.

Nondiagnostic information about a target can take many forms (e.g., demographic information, visual information). Under direct observation, people give off a wealth of information by their actions, whether through their tone of voice, body posture, or facial expressions. Observers use this information to judge a target’s personal

attributes even when the observer does not have the luxury of viewing the target for extended periods of time or across multiple situations (Ambady, Bernieri, and Richeson 2001). In many cases, salient features of the target, such as bodily cues that trigger stereotypes, are also used to form impressions. Initial impressions based on such limited information can be generated quickly and can also be quite rigid (Ambady et al. 2001).

Written, descriptive information can be used to create a similar effect. Researchers (Efran 1974; Landy and Aronson 1969) have shown that defendants in trial scenarios who are described positively (e.g., attractive, professional) are less likely to be found guilty, whereas targets who are described negatively (e.g., unattractive, manual laborer) are more likely to be found guilty. Even though this descriptive information is irrelevant to the guilt or innocence of a target, these results are not surprising, since impression formation studies have shown that observers judge and respond to targets with enviable characteristics more positively across a variety of situations (Eagly et al. 1991; Uleman, Newman, and Moskowitz 1996).

What happens, though, when the descriptive information is unrelated to the case at hand *and* is not obviously positive or negative? It is thought that nondiagnostic information about a target can also serve to increase the salience of that target. Basically, any method that draws more attention to a particular target increases that target's salience (Fiske and Taylor 1991). This has been accomplished by using a spotlight, central positioning, repetition of information, or by showing one target more on a videotape (i.e., providing more nondiagnostic visual information; Brown, Brown, and Zoccoli 2002; Eisen and McArthur 1979; Fiske and Taylor).

Salience, in turn, can lead observers to view a target in a more positive light and rate the target more favorably on a variety of dimensions (Brown et al. 2002; Eisen and McArthur 1979). Therefore, in a trial, one would expect that an increase of neutral, nondiagnostic target information would increase the tendency to view a target positively. Specifically, the hypothesis predicted by this account would be that, in a criminal trial, nondiagnostic information about an alleged victim leads jury members to have positive perceptions of that victim and, perhaps, provide more guilty verdicts. Conversely, nondiagnostic information about the defendant could instigate positive perceptions about the defendant and lead to fewer guilty verdicts.

Nondiagnostic information does not always produce the described effect, however. For instance, showing video footage of an African-American crime suspect can lead to negative perceptions of the suspect (Ratcliff et al. 2010). The results of a pair of recent experiments (Rempala and Bernieri 2005; Rempala and Geers 2009) also clearly conflict with this hypothesis. In these studies,

the authors attempted to alter salience by providing varied amounts of written biographical details about two targets in a rape trial. Specifically, both studies found that when participants read a vignette of a rape trial, increasing the amount of neutral, nondiagnostic, biographical information about the alleged victim decreased perceptions of defendant guilt. Further, reducing available information about the defendant in the case strengthened this victim-information effect. The latter study (Rempala and Geers) replicated the results of the first and examined two plausible mechanisms for this result: target positivity and perceptions of causal responsibility. Their results showed that increasing nondiagnostic victim information led participants to view the victim negatively and more causally responsible for the event. Both pathways mediated attribution of guilt, although perceived causality was more consistent.

Justice Motivation Hypothesis

Rempala and Geers (2009) discussed two competing hypotheses as to why the information about the alleged victim reduced target positivity and increased perceptions of causal responsibility. First, according to the Justice Motivation literature, when observers witness a victim suffering and are unable to alleviate the suffering, they tend to blame the victim so as to decrease the discomfort they are experiencing (i.e., if we perceive the target as deserving his or her fate, we feel less distress; Lerner 2003). Since the alleged rape described in the Rempala and Geers study took place in the past, participants could not alleviate the suffering so they may have increased victim blame in order to reduce discomfort. In this account, making the victim more vivid with the additional information made the suffering more salient, motivating the observers to reduce their discomfort by shifting blame to the victim.

Although Rempala and Geers (2009) did not directly test this hypothesis, several of their results were inconsistent with this view. Specifically, threat and perceived similarity between target and observer play a role in Justice Motivation (Shaver 1970; Lerner and Simmons 1966), such that those who witness a suffering target are motivated to not only blame the target, but perceive the target as being dissimilar. That way, observers feel protected from suffering the same fate. If Justice Motivation was a major factor in that study, nondiagnostic target information should have impacted perceptions of similarity between observer and target, but this was not the case. Also, the rape victim in the study was female, and since rape is a more common concern for women (Bohner et al. 1993), Justice Motivation would suggest that the female participants would feel more threatened and utilize the nondiagnostic information to a greater extent than the male participants. However, female participants, compared to males, did not blame the alleged

victim more and were not differentially affected by target information. Therefore, if threat drives a tendency toward victim blame, the Rempala and Geers study showed no evidence of that.

Victim Stereotype Hypothesis

An alternative explanation proposed by Rempala and Geers (2009) involves the possibility of nondiagnostic information activating existing stereotypes (hereafter referred to as the Victim Stereotype Hypothesis). In the stereotype literature, researchers initially predicted that nondiagnostic information would have a “dilution effect” and decrease the impact of categorical stereotypes (Nisbett, Zukier, and Lemley 1981). However, Peters and Rothbart (2000) discovered that the nondiagnostic information could affect stereotypic perceptions differently, depending on whether the information was typical of an individual in a given category. That is, even if the information is not directly related to a behavior in question, if it reinforces a stereotype, the information can make the behavior in question seem more typical of a person. Conversely, if the information runs counter to a stereotype, it can make the behavior seem less typical. In a legal setting, this phenomenon might manifest itself as follows: a defendant’s characteristics fit the stereotype of a person who committed a particular crime, so the alleged behavior would be seen as more typical of the defendant (i.e., he would be seen as more likely to have performed the behavior).

As for truly nondiagnostic (i.e., irrelevant to the judgment and typicality of target) information, there is only minimal support for the idea that this sort of target information creates a dilution effect (Peters and Rothbart 2000). In fact, one study proposed that truly nondiagnostic target information might activate stereotypes by making the target more “judgeable” (Yzerbyt et al. 1994). That is, observers feel that since they have more information about a target, they are more familiar with the target and more comfortable judging that target, independent of the quality of that information. Schneider and Blankmeyer (1983) reported a similar result in a study where they identified targets as either introverts or extroverts, then made half the targets more salient. Participants judged the salient targets as fulfilling the prototypical traits of the identified categorization more than non-salient targets.

Rempala and Geers (2009) provided no indication whether the nondiagnostic target information was typical of the target category. Generally speaking, however, the research design utilized in that study lent itself to the use of stereotypes by participants. First, Taylor and others (1978) determined that making an individual’s group membership salient increased the likelihood that the individual would be perceived in a stereotypic fashion. With group membership established, if the information provided is truly nondiagnostic, the observer still processes

the information based on category (Neuberg and Fiske 1987). In the Rempala and Geers study, targets were immediately identified as either a defendant or an alleged victim in a rape trial (as would be the case in most trial scenarios). Similarly, when using trial scenarios, group-relevant, nondiagnostic information has been found to impact perceptions of guilt in the direction of existing stereotypes when the evidence is ambiguous (Ugwuegbu 1979). In the Rempala and Geers study, the evidence was ambiguous: the physical evidence was minimal and participants had to rely on the conflicting statements of the defendant and alleged victim.

Thus, given the details of the scenario provided by Rempala and Geers (2009), greater amounts of nondiagnostic information about a victim could have activated victim stereotypes. That is, after the target had been identified as an alleged victim, the nondiagnostic information served to consign her to a stereotypic category. In terms of the Rempala and Geers findings, there are many stereotypes associated with rape victims, and perhaps increasing target salience activated specific beliefs dealing with causality (e.g., only sexually promiscuous women are raped) and guilt (e.g., alleged rape victims are lying for attention; Deitz et al. 1982), which decreased guilty verdicts.

Although plausible, at the moment, the Victim Stereotype Hypothesis remains untested. Exploration of this hypothesis would assist in identifying exactly how nondiagnostic information alters verdicts. Neuberg and Fiske (1987) asserted that, unlike instances when group membership is clearly established, in instances when an observer lacks an overarching category label for a target, incoming information will be processed in an individuated, rather than categorical manner. A similar argument could be made for weak category labels (i.e., those that have few strong stereotypes associated with them) versus strong category labels. This hypothesis raises the novel possibility that the influence of nondiagnostic information should differ markedly based on the target stereotypes evoked by the trial. For example, in a trial less laden with stereotypic assumptions about the targets, nondiagnostic information about the victim should not decrease perceptions of defendant guilt, as it does for a rape trial.

Investigating the impact of nondiagnostic information is important for trials where the victim serves as a witness. In the United States, alleged rape victims frequently serve as the primary witness in rape trials, and the experience is traumatic enough to earn the name “The Second Rape” (Madigan and Gamble 1991). The result of the previous research (Rempala and Bernieri 2005; Rempala and Geers 2009) questions the wisdom of prosecutors insisting on this strategy in effort to improve their case. It is now vital to test the universality of this phenomenon.

The Current Research

Four studies were conducted to account for the previous finding that greater nondiagnostic victim information increases guilty verdicts. The first study is a pilot study in which we developed an appropriate comparison scenario for the rape trial scenario used in the Rempala and Geers (2009) study. Study 1 used an identical methodology as the Rempala and Geers study to see if varying target information has the same effect in an assault trial as in a rape trial. A failure to replicate would support the Victim Stereotype Hypothesis. Study 2 sought to directly examine the relationship between nondiagnostic information and stereotyped perceptions. Study 3 sought to compare the effect of nondiagnostic information on female versus male victims.

PILOT STUDY

Overview

In this study, we sought to create an assault trial scenario comparable to the rape trial scenario used in the Rempala and Geers (2009) study. While constructing the scenario, we first had to determine whether the nondiagnostic information used was typical of the target, and whether there are significantly more negative stereotypes associated with rape victims than assault victims. The goal was to use equivalent information but in a qualitatively different kind of criminal trial.

Method

Participants

A total of 76 undergraduate students participated in the Pilot Study. 53 participants (35 females, 17 males, and 1 individual who did not indicate gender) helped to verify that there are more stereotypes about an alleged victim in a rape trial than an alleged victim in an assault trial. Another 23 participants (14 females and 9 males) helped to determine the typicality of the victim information we planned to use in Study 1.

Testing Availability of Victim Stereotypes

Before constructing the scenario, we tested for differences in the total stereotypes and negative stereotypes associated with a particular type of victimization. We asked participants to list characteristics typical of people who engaged in six different activities, including “a woman who accuses a man of rape” and “a man who accuses another man of assault.” The four additional (filler) activities were “a person who runs for president,” “a man who goes streaking at a sporting event,” “a person who smokes marijuana,” and “a woman who joins the Marines.” The instructions stated, “Indicate at least one characteristic per person described, but include

enough to form a representative description of the type of person who is normally involved in these activities.”

Four research assistants ($\alpha = .94$) rated the listed characteristics on a three-point scale (1 = “generally negative,” 3 = “generally positive”). We defined a generally positive characteristic as something complementary (e.g., “brave”) or enviable, while a generally negative characteristic was something insulting (e.g., “wimp”) or unenviable.

Testing Information Typicality

We also examined whether the nondiagnostic target information to be used in the scenario (see Appendix) was also not typical, because the typicality of nondiagnostic information is thought to mediate its impact on target perception (Peters and Rothbart 2000). The goal was to find nondiagnostic target information roughly equal in typicality to the nondiagnostic target information used in the Rempala and Geers (2009) study.

Participants read through two lists of characteristics. For the first set of characteristics, they indicated how typical each characteristic was of a male assault victim. We included characteristics we planned to use in the Victim Information Present conditions in Study 1 (i.e., “single,” “wears nylon jackets,” “drinks Budweiser beer,” “works as a retail manager,” “socializes with co-workers,” and “is 25 years old”). For each characteristic, participants circled either “Typical,” “Atypical,” or “Unrelated.”

Participants completed a similar task for the second set of characteristics, which referred to a female rape victim. We included the characteristics used in the Victim Information Present conditions in the Rempala and Geers (2009) study (i.e., “attends a Methodist Church,” “is from Colorado,” “works at a retail store,” “has a boyfriend,” “is a marketing major,” and “is 20 years old”). These characteristics were examined to establish congruence in the typicality of the nondiagnostic target information used in the proposed assault trial and the target information used in the Rempala and Geers study.

Results and discussion

Victim Stereotypes

Overall, “woman who accuses a man of rape” generated the third highest mean for total stereotypes ($M = 3.19$, $SD = 1.65$) and the second highest mean for negative stereotypes ($M = 2.23$, $SD = 1.41$) (behind “person who smokes marijuana”). Conversely, “man who accuses another man of assault” generated the lowest mean for total stereotypes ($M = 2.07$, $SD = .91$) and the third highest mean for negative stereotypes ($M = 1.61$, $SD = 1.11$). As predicted, in paired samples t-tests, the rape target generated significantly more total stereotypes than the assault target, $t(52) = 5.15$, $p < .01$, and significantly more negative stereotypes, $t(52) = 3.22$, $p < .01$.

Information Typicality

For the assault victim, five of six characteristics used in the scenario for Study 1 received more labels of “Unrelated” than either “Typical” or “Atypical.” We conducted chi-square analyses, and for “wears nylon jackets,” $\chi^2(2) = 20.96, p < .01$, “works as a retail manager,” $\chi^2(2) = 25.13, p < .01$, and “is 25 years old,” $\chi^2(1) = 5.26, p < .05$, these differences were all significant. For “drinks Budweiser beer,” $\chi^2(2) = 5.83, p < .06$, the difference was marginally significant. For “socializes with co-workers,” the difference was nonsignificant ($p = .74$), but nine participants considered the characteristic unrelated, compared with six who considered it typical and eight who considered it atypical.

The lone characteristic not identified as unrelated was “single.” 13 participants judged it as typical, seven judged it as unrelated, and three judged it as atypical, $\chi^2(2) = 6.61, p < .05$. This result was significant. However, when the “Typical” and “Unrelated” categories were compared by themselves, there was no significant difference.

For the rape victim, five out of the six characteristics used in the Victim Information Present scenarios for the Rempala and Geers (2009) study received more labels of “Unrelated” than either “Typical” or “Atypical.” A chi-square test was used to analyze the results, and for all five, “attends a Methodist church,” $\chi^2(2) = 17.041, p < .01$, “is from Colorado,” $\chi^2(1) = 19.17, p < .01$, “works in a retail store,” $\chi^2(2) = 18.09, p < .01$, “has a boyfriend,” $\chi^2(2) = 9.48, p < .01$, and “is a marketing major,” $\chi^2(2) = 25.39, p < .01$, the difference was significant.

The lone characteristic not identified as unrelated was “is 20 years old,” which was identified as “Typical” of rape victims, $\chi^2(2) = 9.74, p < .01$. Thirteen participants judged the characteristic as typical, nine judged it as unrelated, and one judged it as atypical. This result was significant. However, when only the “Typical” and “Unrelated” categories were compared, there was no significant difference between the two.

Thus, the Pilot Study supported constructing the intended scenario (see Appendix). Participants produced fewer stereotypes for assault victims than for rape victims. As for the typicality of the nondiagnostic information, for both the information used in the Rempala and Geers (2009) rape scenario and the information for the assault scenario in Study 1, five out of six items leaned toward “Unrelated,” while one leaned toward “Typical.”

STUDY 1

Overview

Participants read one of four scenarios describing an assault trial (see Appendix). When finished, participants judged whether the defendant was guilty or not guilty (a

dichotomous measure) and how guilty the defendant was (an ordinal measure). They also provided ratings that indicated their perceptions of causal responsibility and target positivity for each target (alleged victim and defendant). The four scenarios were identical except for the amount of neutral, nondiagnostic, biographical information provided about the alleged victim and the defendant. We manipulated defendant information along with our main independent variable, victim information, in Study 1, as prior studies have found defendant information to be an important moderator of this effect (e.g., Rempala and Geers 2009). Specifically, the effect of victim information has been most pronounced in the extreme information conditions (i.e., where information is provided about the victim and not the defendant, and vice versa).

We predicted that nondiagnostic victim information would not increase the perceived guilt of the alleged victim, as has been shown in studies utilizing a similar format but with a rape trial scenario (e.g., Rempala and Geers 2009). In fact, based on the impact of nondiagnostic information on targets in non-stereotypic situations (e.g., Brown et al. 2002), the information may benefit the alleged victim (i.e., reduce perceptions of guilt). Finally, we anticipated that perceptions of causality and positivity would at least partially mediate any impact of nondiagnostic information on verdicts.

Method

Participants and Procedure

A sample of 114 undergraduate participants (86 females and 28 males) were told to imagine themselves as jurors in a trial as they read a one-page, fictitious account of an assault (see Appendix). The scenario described the case of Andrew Marshall, who became involved in an altercation at a local bar with a young man named Roger Carlson. According to both the alleged victim and defendant, the two argued about the football game playing on TV. The defendant claims that the injuries (minor brain damage) that followed resulted from self-defense, whereas the alleged victim claims that attack was unprovoked. After reading the facts of the case, participants provided a verdict and target ratings. We attempted to use methods that paralleled those used by Rempala and Geers (2009).

Information Manipulations

We created two levels of victim information for the written scenario. In the Victim Information Present condition, participants learned that the alleged victim was a 5'9", 185-pound, 25-year-old man from Fort Collins, Colorado, who was an assistant manager at Office Max. The scenario also stated that he was single, watching the football game with co-workers, drinking Budweiser, and wearing a navy blue, nylon jacket. In the Victim Information Absent condition, participants merely received his physical dimensions and were told that he was

watching the game and drinking beer. This additional information served to make the target more individuating and vivid to participants but was irrelevant to the assault issue at hand.

We also manipulated the amount of nondiagnostic defendant information participants received. The two levels of defendant information corresponded in content to the victim information (i.e., the defendant was a 5'10", 175-pound male. He was a 28-year-old Century Twenty-One agent from Denver who was single, watching the game with his brother, drinking Miller Lite, and wearing a brown leather coat.).

Judgments

After reading the scenario, participants provided two separate evaluations of guilt: a verdict of "guilty" or "not guilty" (a dichotomous measure) and using a Likert-scale, they rated how guilty the defendant was (1 = "not at all guilty," 7 = "completely guilty").

Participants also answered several items having to do with target causality, including: the degree to which the defendant initiated the action in the scenario (1= "not at all," 7 = "to a large degree"), how responsible the defendant was for the action (1 = "not at all responsible," 7 = "extremely responsible"), the degree to which the action was due to circumstances beyond the defendant's control (1 = "not at all," 7 = "to a large degree"), and the degree to which the alleged victim caused the defendant to behave in the manner he did (1 = "not at all," 7 = "to a large degree"). The last two items were reverse-scored. Participants also made a similar set of judgments about the alleged victim. For that set of ratings, the first two items were reverse-scored. Finally, the victim and defendant causality items were combined into a composite Causality index.

We conducted a reliability analysis on this composite Causality score, and although the alpha was slightly low ($\alpha = .64$ for the eight items), since this was a reliable

combination in the Rempala and Geers (2009) study, and since the victim and defendant causality scores from this sample showed a strong negative correlation with one another ($r = -.38, p < .01$), we deemed this value acceptable. Combining the two measures is also conceptually useful: if one is assigning blame for an event, assigning more blame to one target implies assigning less blame to other targets, especially in a trial featuring a dichotomous verdict. A high score on this variable indicated a greater perception of defendant causality, while a low score indicated a greater perception of causality on the part of the alleged victim.

Participants also rated how likeable the defendant was (1 = "not at all likable," 7 = "very likable") and how good a person the defendant was (1 = "bad person," 7 = "good person"). These last two items were combined into a Defendant Positivity index ($r = .45, p < .01$). The participants made a similar series of ratings about the alleged victim, and these ratings were combined into a Victim Positivity index ($r = .48, p = .01$). Victim Positivity and Defendant Positivity were kept separate because they did not significantly correlate ($p = .60$) and the four items had a low alpha when combined ($\alpha = .46$). Also, they were kept separate in the rape trial scenario used in the Rempala and Geers (2009) study, and we wanted to compare the mediation findings between the two studies. Finally, separating them makes sense conceptually: unlike the Causality variable, by viewing one target in a positive light, an observer does not automatically perceive a second target negatively.

Results

Judgments of Guilt

We conducted chi-square analyses on the dichotomous verdicts across the information conditions (see Table 1).

Table 1. Percentage of Guilty Verdicts by Information Condition (Study 1)

Defendant Information	Victim Information		Mean %
	Present	Absent	
Present	75.9 % ^{ab} (n = 29)	55.2 % ^b (n = 29)	65.5 %
Absent	88.9 % ^a (n = 27)	72.4 % ^{ab} (n = 29)	80.4 %
Mean %	82.1 %	63.8 %	

Note: Cells with different superscripts differ significantly from each other. Higher percentages indicate more guilty verdicts.

The chi-square comparing the two Victim Information conditions was significant, $\chi^2(1) = 4.85, p < .05$, such that greater Victim Information resulted in more guilty verdicts. Conversely, the chi-square comparing the two Defendant Information conditions was marginally significant, $\chi^2(1) = 3.17, p < .07$, such that greater Defendant Information resulted in fewer guilty verdicts.

The pattern of results was such that the category that produced the lowest percentage of guilty verdicts was the Victim Information Absent-Defendant Information Present condition (55.2%), and the category that produced the highest percentage of guilty verdicts was the Victim Information Present-Defendant Information Absent condition (88.9%). This difference was significant, $\chi^2(1) = 7.79, p < .01$. Thus, consistent with the Victim Stereotype hypothesis, instead of being detrimental to the targets, nondiagnostic information actually appeared to benefit them.

We analyzed the ordinal, degree of guilt measure (i.e., “How guilty is the defendant?”) using a 2 x 2 x 2 ANOVA, with Victim Information (VI), Defendant Information (DI), and Participant Gender (Gender) as the predictors (see Table 2). Although we made no specific hypotheses about the role of Gender, we included it because it significantly predicted ordinal guilt ratings in the rape trial studies (Rempala and Berniri 2005; Rempala and Geers 2009). In the current study, Gender significantly predicted Degree of Guilt, $F(1, 106) = 14.17, p < .01, r = .34$, such that females rated the defendant as being more guilty ($M = 5.24, SD = 1.70$) than did males ($M = 3.86, SD = 1.51$). DI was also a significant predictor, $F(1, 106) = 6.75, p < .05, r = .24$, such that the DI Present condition ($M = 4.47, SD = 1.89$) yielded lower Degree of Guilt ratings than did the DI Absent condition ($M = 5.36, SD = 1.48$). VI was also a

significant predictor, $F(1, 106) = 4.03, p < .05, r = .19$, with the VI Present condition yielding higher Degree of Guilt ratings ($M = 5.25, SD = 1.53$) than the VI Absent Condition ($M = 4.57, SD = 1.90$). There were no significant interaction effects.

When comparing the individual information conditions, as with the dichotomous verdicts, there was a significant difference between the VI Present-DI Absent ($M = 5.59, SD = 1.22$) and the VI Absent-DI Present ($M = 4.00, SD = 1.96$), $t(54) = 3.62, p < .01$.

Next, we tested each of the three possible mediators (Causality, Defendant Positivity, and Victim Positivity) using the path-analysis procedure outlined by Kenny, Kashy, and Bolger (1998). In each of the cases, we used VI, DI, and Gender as the original predictors. First, we will discuss the dichotomous guilt measure of guilt, followed by the ordinal guilt measure.

Test of Possible Mediators

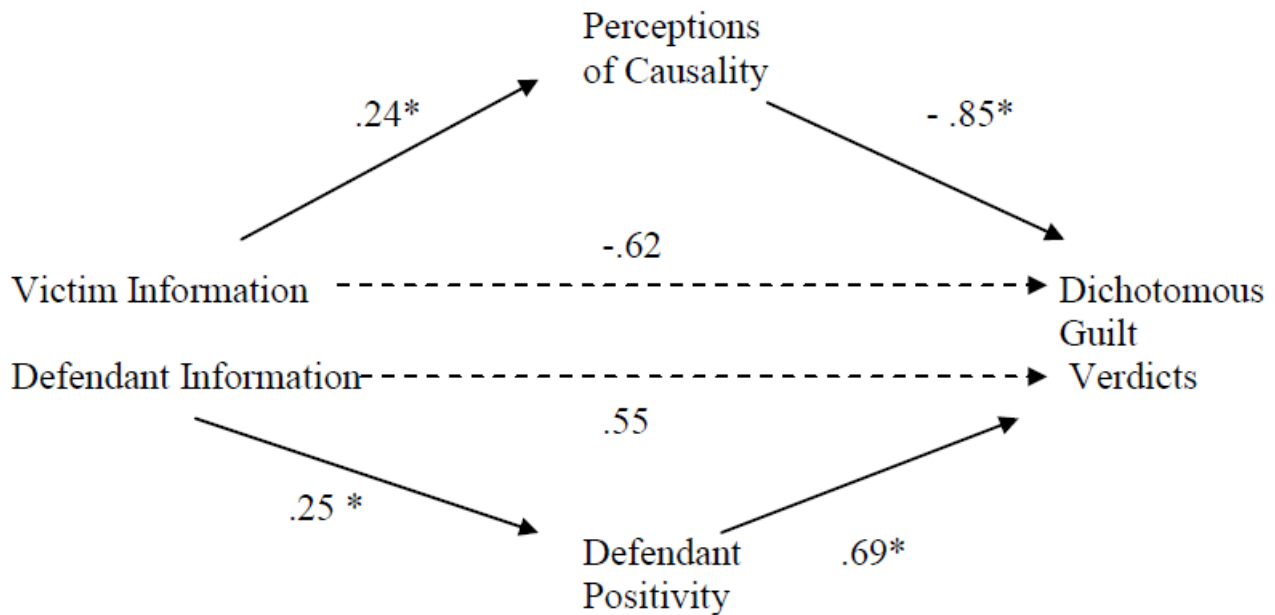
Dichotomous guilt verdicts. In order to examine the relationship between VI, DI, and Gender and guilt verdicts, we conducted a logistical regression (see Figure 1). Gender (Wald [$df = 1, N = 114$] = 14.73, $B = -2.02, p < .01$) and DI (Wald [$df = 1, N = 114$] = 4.27, $B = 1.03, p < .05$) significantly predicted dichotomous guilt verdicts, such that females were more likely than males to find the defendant guilty and greater DI was associated with fewer guilty verdicts. VI was also a significant predictor (Wald [$df = 1, N = 114$] = 3.94, $B = -.97, p < .05$), such that higher VI was associated with more guilty verdicts (*Note*: verdicts were coded 1 = “Guilty,” 2 = “Not Guilty,” so a direct relationship with perceptions of guilt actually would produce a negative B value).

Table 2. Mean ratings for Degree of Guilt by Information Condition (Study 1)

Defendant Information	Victim Information		Mean
	Present	Absent	
Present	4.96 ^{ab} ($SD = 1.75$)	4.07 ^b ($SD = 1.96$)	4.52 ($SD = 1.90$)
Absent	5.59 ^a ($SD = 1.22$)	5.04 ^{ab} ($SD = 1.73$)	5.32 ($SD = 1.50$)
Mean	5.27 ($SD = 1.53$)	4.54 ($SD = 1.90$)	

Note: Cells with different superscripts differ significantly from each other. Higher values indicate greater perceived defendant guilt.

Figure 1. Path Analysis for Dichotomous Guilt Judgments (Study 1)



Note: Coefficients are written in *B* weights (except for the coefficients predicting Perceptions of Causality and Defendant Positivity, which are written in standardized beta weights).
 * $p < .05$

In attempt to mediate this effect, we conducted linear regressions from VI, DI, and Gender to the three proposed mediators (Causality, Defendant Positivity, and Victim Positivity). Significant paths were found from VI to Causality, $t(113) = 2.55, \beta = .24, p < .05$, and from DI to Defendant Positivity, $t(113) = 2.72, \beta = .25, p < .05$. There were no significant paths to Victim Positivity, so it will not be discussed further.

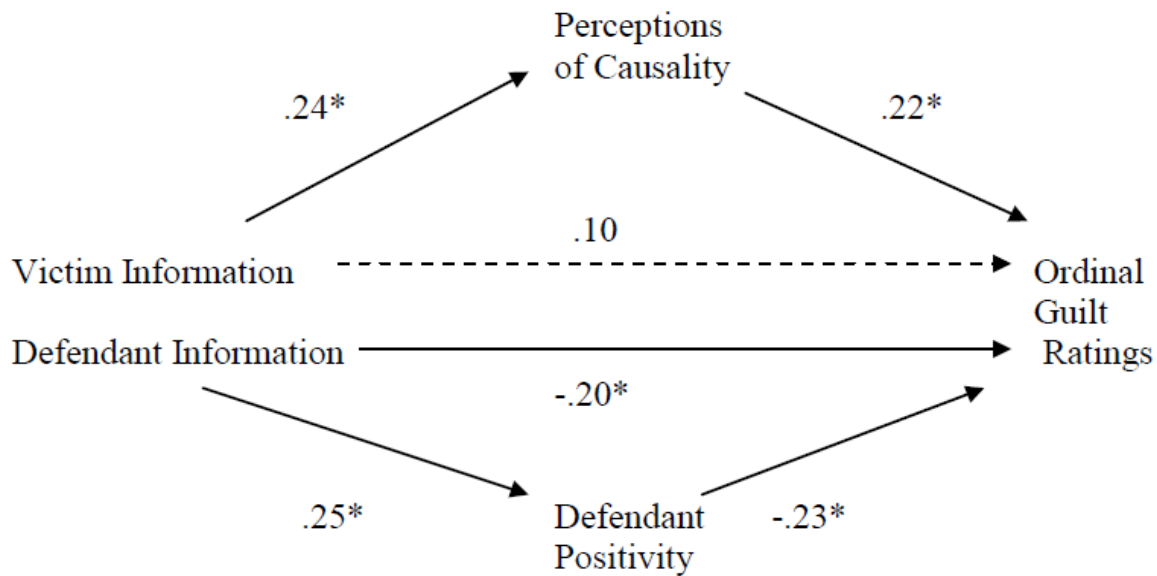
We then conducted logistic regressions from the mediators to the dichotomous guilt verdicts. Causality significantly predicted guilt verdicts (Wald [$df = 1, N = 114$] = 12.71, $B = -1.07, p < .01$), such that a higher Causality score (i.e., perceiving the defendant as causally responsible) produced more guilty verdicts. Defendant Positivity was also a significant predictor, (Wald [$df = 1, N = 114$] = 12.24, $B = .76, p < .01$), such that higher Defendant Positivity scores produced fewer guilty verdicts.

When we simultaneously loaded Causality into the regression with the predictor variables, Gender (Wald [$df = 1, N = 114$] = 15.04, $B = -2.21, p < .01$) and Causality (Wald [$df = 1, N = 114$] = 10.05, $B = -1.16, p < .01$) remained significant, while VI and DI became nonsignificant, suggesting full mediation of VI. Similarly,

when we loaded Defendant Positivity into the regression with the predictor variables, Gender (Wald [$df = 1, N = 114$] = 16.43, $B = -2.37, p < .01$) and Defendant Positivity (Wald [$df = 1, N = 114$] = 11.95, $B = .92, p < .01$) remained significant, while VI and DI became nonsignificant, suggesting full mediation of DI. We conducted Sobel tests (Sobel 1982) in the individual pathways to see if the mediators carried the influence of the IV to the DV and found that Causality significantly mediated the effect of VI, $z = -1.99, p < .05$, and Defendant Positivity significantly mediated the effect of DI, $z = 2.14, p < .05$.

When we simultaneously loaded VI, DI, Gender, Defendant Positivity, and Causality into a regression to predict guilt verdicts, only Gender (Wald [$df = 1, N = 114$] = 16.11, $B = -2.43, p < .01$), Defendant Positivity (Wald [$df = 1, N = 114$] = 6.08, $B = .69, p < .05$) and Causality (Wald [$df = 1, N = 114$] = 4.64, $B = -.85, p < .05$) remained significant. This suggests the full mediation of VI and DI. When Sobel tests were conducted on the regression analysis using both mediators, the path from VI to Causality to guilt verdicts was marginally significant, $z = -1.65, p < .10$, as was the path from DI to Defendant Positivity to guilt verdicts, $z = 1.83, p < .07$. Thus,

Figure 2. Path Analysis for Ordinal Guilt Ratings (Study 1)



Note: All coefficients are written in standardized beta weights.
* $p < .05$

Causality and Defendant Positivity successfully mediated the effect of the predictor variables, with Defendant Positivity showing itself to be the slightly more powerful mediator.

Ordinal guilt measure. We also conducted a mediation analysis on the ordinal guilt measure (Degree of Guilt), and it produced results similar to the mediation analysis for the dichotomous measure (see Figure 2). We conducted an initial linear regression from VI, DI, and Gender to the Degree of Guilt measure. VI significantly predicted Degree of Guilt, $t(110) = 2.08, \beta = .18, p < .05$, such that greater VI was associated with greater defendant guilt, DI was a significant predictor, $t(110) = -3.27, \beta = -.28, p < .01$, such that greater DI was associated with less defendant guilt, and Gender was a significant predictor, $t(110) = 4.07, \beta = .34, p < .01$, such that females perceived the defendant as being more guilty than did males.

The path from Causality to Degree of Guilt was significant, $t(112) = 4.44, \beta = .39, p < .01$, as was the path from Defendant Positivity to Degree of Guilt, $t(112) = -4.48, \beta = -.39, p < .01$.

When we simultaneously loaded Causality into a regression with the predictors, Gender, $t(109) = 4.13, \beta = .33, p < .01$, Causality $t(109) = 3.94, \beta = .32, p < .01$, and DI, $t(109) = -3.08, \beta = -.25, p < .01$, remained significant, while VI and DI became nonsignificant, suggesting full mediation of VI. However, when we simultaneously loaded Defendant Positivity into a regression with the

predictors, Gender, $t(109) = 4.34, \beta = .34, p < .01$, Defendant Positivity, $t(109) = -4.02, \beta = -.33, p < .01$, and DI, $t(109) = -2.37, \beta = -.19, p < .05$, remained significant while VI became nonsignificant, suggesting partial mediation of DI. We again conducted Sobel tests on the individual mediation pathways, and found that Causality significantly mediated the effect of VI, $z = 2.14, p < .05$, and Defendant Positivity significantly mediated the effect of DI, $z = -2.25, p < .05$.

We simultaneously loaded VI, DI, Defendant Positivity, Causality, and Gender into a regression with Degree of Guilt as the dependent variable. DI, $t(108) = -2.47, \beta = -.20, p < .05$, Defendant Positivity, $t(108) = -2.58, \beta = -.23, p < .05$, Causality, $t(108) = 2.46, \beta = .22, p < .05$, and Gender, $t(108) = 4.30, \beta = .33, p < .01$, remained significant. VI, however, became nonsignificant. When Sobel tests were conducted on the regression analysis using both mediators, the path from VI to Causality to Degree of Guilt was marginally significant, $z = 1.77, p < .08$, as was the path from DI to Defendant Positivity to Degree of Guilt, $z = -1.87, p < .07$. Thus, once again, Causality and Defendant Positivity successfully mediated the effect of the predictor variables, with Defendant Positivity the slightly more powerful mediator. This despite the fact that Causality fully mediated VI for both measures and Defendant Positivity only partially mediated DI for the ordinal guilt measure. DI was a stronger initial predictor of both the dichotomous

and ordinal measures than VI, providing more of an effect to mediate.

Discussion

The results indicate that nondiagnostic information about a target appeared to benefit that target in the assault case provided, such that greater victim information led to a higher percentage of guilty verdicts and greater defendant information led to a lower percentage of guilty verdicts. These findings provide support for the Victim Stereotype hypothesis in explaining the results of the aforementioned rape trial studies (Rempala and Bernieri 2005; Rempala and Geers 2009), in the sense that the Victim Information = Victim Blame effect went away in trial scenario that featured a target with fewer negative stereotypes associated with his condition.

Also, even though Victim Information and Defendant Information affected both the dichotomous and ordinal guilt measures, they affected observer attributions in fundamentally different ways. Victim Information consistently influenced Perceptions of Causality. With more victim information, participants assigned less causal responsibility to the alleged victim for his plight. The path analyses showed that Perceptions of Causality fully mediated Victim Information's effect on both Degree of Guilt and the dichotomous verdict, as Victim Information became nonsignificant in both of the final regressions. The other path of interest ran from Defendant Information through Defendant Positivity. Greater nondiagnostic Defendant Information led participants to view the defendant in a positive light, which, in turn, yielded less perceived guilt.

Similar to the Rempala and Geers (2009) results, Causality mediated the relationship between Victim Information and perceptions of guilt, which is consistent with the idea of the burden of proof being on the accuser. However, the relationship was in the opposite direction. This fails to support the Justice Motivation hypothesis, which predicted that observers witnessing a suffering target whom they cannot help would be inclined toward victim blame, and that increasing salience would increase blame. Instead, the nondiagnostic victim information made victim blame *less* likely.

There were several other discrepancies between this study and the Rempala and Geers (2009) study, primarily having to do with the role of Defendant Information. In the Rempala and Geers study, Defendant Information had no bearing on either their dichotomous or their ordinal guilt measures. In this study, Defendant Information consistently had an impact, and was consistently mediated by Defendant Positivity. Perhaps, here again, rape stands as a particular case. A rape trial involves many preconceptions, primarily associated with the actions and characteristics of the victim, which may lead observers to look to the victim first to attribute blame. In a relatively

novel situation (i.e., someone getting punched in the face at a bar and suffering brain damage), observers may look to both targets for an explanation.

Although the results of this study imply that there is something distinct about rape cases compared to assault cases (specifically, rape victims compared to assault victims) that sets them apart in terms of how nondiagnostic information is used, this still does not mean that nondiagnostic Victim Information increases the strength of existing stereotypes. For that test, another experiment was required.

STUDY 2

Overview

This study examined the effect of the presence of nondiagnostic victim information on victim stereotypes. Using the rape trial scenario utilized in previous studies (e.g., Rempala and Geers 2009) and the assault trial scenario used in Study 1, we examined whether increasing the nondiagnostic information about the victims increased the strength of stereotypic beliefs. Based on the Victim Stereotype Hypothesis, we predicted that increasing nondiagnostic target information would increase the prevalence of stereotypes about alleged rape victims, but not alleged assault victims.

Method

Participants and Design

A sample of 200 undergraduates (61 males and 139 females) read either an assault trial or rape trial scenario that featured either low or high levels of victim information and completed a series of ratings based on the stereotypes listed in the Pilot Study.

This study attempted to determine if nondiagnostic target information increased one's tendency to view a target in those stereotypic terms. Participants read either the assault trial scenario used in Study 1 or the rape trial scenario used in the Rempala and Geers (2009) study. The latter scenario described the case of Rebecca Marshall, a fictitious college student who went to a party and met a young man named Roger Carlson. According to both alleged victim and defendant, the two went for a short walk and started to kiss. The defendant claims that the intercourse that followed was consensual, while the alleged victim claims that it was forced.

For each scenario, we provided one of two levels of victim information. In the assault scenario, the information provided was the same as what was available in the Victim Information Present scenarios in Study 1. For the rape trial scenario, in the Information Present condition, participants were told that the alleged victim was a 5'4", 125-pound, 20-year-old Methodist from Fort

Collins, Colorado, who was majoring in Marketing at Colorado State University, employed at a department store jewelry counter, and had a boyfriend who was attending college out of state. In the Information Absent conditions, participants were merely given the target's physical dimensions.

Ratings of Stereotypic Dimensions

Rape scenario. Using Likert-scales, participants rated the alleged rape victim on six dimensions, based on the most common items listed for "a woman who accuses a man of rape" in the Pilot Study (i.e., the "Testing Availability of Victim Stereotypes" section). They were: "How much stress did the alleged victim experience?" (1 = "no stress," 7 = "a great deal of stress"), "How angry is the alleged victim?" (1 = "not at all," 7 = "to a large degree"), "How frightened is the alleged victim?" (1 = "not at all," 7 = "to a large degree"), "To what degree is the alleged victim motivated by revenge?" (1 = "not at all," 7 = "to a large degree"), "To what degree is the alleged victim motivated by a need for attention?" (1 = "not at all," 7 = "to a large degree"), and "How likely is it that the alleged victim is lying?" (1 = "not at all likely," 7 = "extremely likely"). Each item was analyzed separately.

Assault scenario. Using Likert-scales, participants rated the alleged victim on six dimensions, based on the most common items listed for "a man who accuses another man of assault" in the Pilot Study. The majority of these dependent measures were the same as for the alleged rape victim, except that instead of "To what degree is the alleged victim motivated by a need for attention?" the assault victim scenario featured the item, "How passive was the alleged victim?" (1 = "not at all," 7 = "extremely passive"). Each item was analyzed separately.

Results

For the rape scenario, we found significant differences on two of the six measures. For the item, "How angry is the alleged victim?" participants in the Information Present condition rated the alleged victim as being angrier ($M = 5.08$, $SD = 1.34$) than those in the Information Absent condition ($M = 4.48$, $SD = 1.37$), $t(96) = 2.20$, $p < .05$. Similarly, for the item, "To what degree is the alleged victim motivated by revenge?" participants in the Information Present condition rated the alleged victim as being more revenge-driven ($M = 3.72$, $SD = 1.57$) than those in the Information Absent condition ($M = 3.08$, $SD = 1.51$), $t(96) = 2.05$, $p < .05$. The other four t-tests were not significant. However, except for the question, "How likely is it that the alleged victim is lying?" scores for the Information Present condition exceeded those in the Information Absent condition.

For the assault scenario, there were no significant differences between the Information Present and the Information Absent conditions on any of the six dependent

measures. Also, mean values for three of the six measures were higher in the Information Absent condition than in the Information Present condition (the items being "How much stress did the alleged victim experience?" "How frightened was the alleged victim?" and "How passive was the alleged victim?").

Discussion

We hypothesized that increasing the nondiagnostic information about the alleged victim in a rape trial scenario would also increase stereotyped beliefs about her. Although the information disparity led to only two significant increases, one could argue that these variables (i.e., anger and revenge) were the two most important when addressing causal responsibility; that is, an angry, revenge-driven alleged victim would likely be a vindictive alleged victim. Both characteristics are generally associated with a motivation to initiate aggressive action (as opposed to, say, anxiety, which leads to withdraw behaviors). In addition, five of the six sets of scores in the rape scenario were in the predicted direction. Overall, these findings are consistent with the idea that nondiagnostic information can activate negative stereotypes in rape trials, particularly stereotypes associated with causality. Conversely, the assault trial scenario, which is associated with fewer available stereotypes and fewer negative stereotypes, yielded no effect for information on any of the six dependent measures.

Despite attempts to maintain informational equivalence, there is one glaring problem with comparing the two scenarios used (rape versus assault): the genders of the alleged victims are different, leaving us unable to tell whether gender of the alleged victims or the nature of the victimization is leading to the increased use of stereotypes. This cannot be solved simply by changing the gender of the targets and using the same scenarios (i.e., scenarios featuring a man who gets date-raped and a woman who gets into a fistfight over a football game), because the bizarre nature of those situations would likely dwarf any effect of nondiagnostic information on participant perceptions of the victim. In some respects, changing target gender would fundamentally alter the dynamic of the scenarios. For example, in the assault case, the male defendant's assertion of self-defense would be less credible if he had punched a woman in the face. Thus, we attempted to create another scenario, this time featuring a victimization that could befall a man or woman equally.

STUDY 3

Overview

In this study, participants read a brief scenario describing a vehicular assault case. This time, we varied both the amount of nondiagnostic victim information available and the gender of the victim. According to Study 2, nondiagnostic victim information increased the victim's perceived anger and desire for revenge in a rape trial but not an assault trial. In this study, if the presence of nondiagnostic information leads to an increase in perceived anger and revenge motivation for a female victim but not a male victim, that would support for the idea that victim gender drove the effects described in Study 2. However, if there is no effect for victim gender, this would support the idea that category of victimization drove those effects.

Method

Participants and Design

A sample of 135 (54 males and 81 females) undergraduates participated in the study. Two participants were dropped from the analysis because they provided incomplete data.

The procedure was very similar to Study 2. Participants read a one-page scenario of a vehicular assault. The scenario describes the defendant (Roger Carlson) as having an argument with the alleged victim (either Andrew Marshall or Rebecca Marshall) in his apartment. The defendant is described as leaving the apartment, getting in his car, and starting to drive off. In the defendant's version, the alleged victim attempted to jump onto the hood of the car and rolled off, and the wheel of the car ran over the alleged victim's leg. In the alleged victim's version, the defendant saw the alleged victim and accelerated, hitting the alleged victim and running over the alleged victim's leg.

In both of the High Victim Information conditions, the victim information was similar to the target information used in the scenarios in Study 2. We altered it slightly to make it more gender neutral and to establish the severity of the injury. In this case, the victim was a Methodist from Fort Collins majoring in Marketing who owned a 1998 Nissan Altima and who worked as an athletic trainer at a local health club. We did not deem it necessary to test the typicality of the information because the comparison was between two categorically identical criminal trials, the information manipulation across categories was identical, and on the face of it, it's difficult to ascertain how an observer might view this information as being more or less typical of males hit by cars as opposed to females hit by cars. After reading the scenario, participants answered the following questions: "How angry is the alleged victim?" (1

= "not at all," 7 = "to a large degree") and "To what degree is the alleged victim motivated by revenge?" (1 = "not at all," 7 = "to a large degree").

Results

Both dependent variables were analyzed using a 2 x 2 x 2 ANOVA, with Participant Gender, Victim Gender, and Victim Information as the independent variables. For the Anger variable, there was no significant effect for participant sex. There was no significant effect for Victim Information ($p = .12$), although high victim information ($M = 5.96$, $SD = 1.20$) was associated with greater perceived anger than low information ($M = 5.63$, $SD = 1.36$). There was a marginally significant difference for Victim Gender, $F(1, 127) = 3.05$, $p < .09$, $r = .15$, such that female victims ($M = 5.99$, $SD = 1.22$) were rated as being more angry than male victims ($M = 5.59$, $SD = 1.33$). There were no interaction effects.

For the Revenge variable, there was no significant effect for participant sex. There was no significant effect for Victim Information ($p = .18$), although high victim information ($M = 4.62$, $SD = 1.87$) was associated with a greater perceived desire for revenge than low information ($M = 4.13$, $SD = 1.84$). There was no significant difference for Victim Gender ($p = .50$), although female victims ($M = 4.51$, $SD = 1.90$) were rated as being more revenge driven than male victims ($M = 4.25$, $SD = 1.83$).

Discussion

The results showed no dramatic effect of victim gender in a vehicular assault case. There was one marginally significant effect for Victim Gender, such that female victims were judged as angrier than male victims. There were also no interaction effects between Victim Information and Victim Gender. While the scenario used in this study was not the same as the assault scenario in Study 2, it was reasonably close in most respects (e.g., severity of injury, lack of physical evidence that would determine culpability). In terms of the impact of victim information, the results seemed to mimic the results of the assault scenario (i.e., they were nonsignificant) more so than the results of the rape scenario. Thus, it seems safe to say that, while victim gender may have influenced participant judgments in Study 2, it was not the dominant factor.

This is not to say that victim gender is unimportant. In fact, in terms of stereotypic perceptions, one would have to consider victim gender as inextricably linked with a variety of crimes, perhaps none more so than rape (to say nothing of defendant gender). As a result, it is often difficult to tease apart victim gender from nature of the victimization. Study 3 represents one such attempt.

GENERAL DISCUSSION

With the studies contained in this article, we sought to examine the role of nondiagnostic behavior in criminal trials. Previous research had shown that nondiagnostic information about alleged rape victims led participants to perceive her as causally responsible for the rape and, consequently, provide fewer guilty verdicts (Rempala and Bernieri 2005; Rempala and Geers 2009). One hypothesis offered for this result, the Victim Stereotype Hypothesis, proposed that target information was activating negative stereotypes about the victim. The studies in this paper sought to test this hypothesis. The Pilot Study established that there are more stereotypes and negative stereotypes about alleged victims of rape than alleged victims of assault. Study 1 showed that nondiagnostic information actually benefitted targets in an assault trial: Victim Information increased perceptions of defendant guilt by influencing causality assessments, while Defendant Information decreased perceptions of defendant guilt by influencing affect judgments of the defendant. Study 2 showed that increasing nondiagnostic information about a victim in a rape trial led to an increase in aggression-related, stereotypic perceptions. Finally, Study 3 showed that, in a vehicular assault case, participants were not significantly influenced by victim gender, and that the effect of victim information for female victims mirrored its effect for male victims.

Taken together, these results support the Victim Stereotype Hypothesis: nondiagnostic, non-typical information activated stereotypes in a rape trial, leading to victim blame, but since there were no stereotypes to activate in the assault trial, the information actually benefitted the alleged victim. This does not support the Justice Motivation Hypothesis, which predicted that witnessing a suffering target under any circumstance where the observer could not correct the situation would have been exacerbated by nondiagnostic target information and would lead to greater victim blame.

One unexpected finding was the prominent role of Defendant Information in Study 1. Although it showed an inconsistent impact in the past (Rempala and Bernieri 2005; Rempala and Geers 2009), it proved every bit as powerful a predictor as Victim Information in Study 1. However, rather than impacting Perceptions of Causality, as Victim Information consistently has, it affected Defendant Positivity. Perhaps if an observer's judgment is especially affected by the nondiagnostic victim information (e.g., negative stereotypes are activated), the observer feels no need to examine the defendant. If, however, the situation remains sufficiently ambiguous, defendant information comes into play, acting on attributions of guilt via perceptions of positivity. This explanation is speculative, however, and requires a systematic examination.

As for the generalizability of these findings, it would be worth investigating whether the effect of nondiagnostic information would become detrimental again in a trial associated with a high number of negative stereotypes about the victim (although, one would have difficulty finding a trial laden with more negative victim stereotypes than a rape trial). One also could further examine how the gender of the targets (defendant and alleged victim) interacts with type of crime (e.g., those that are heavily gender stereotyped and those that are not).

Although the present studies increase our understanding of the impact of nondiagnostic information in rape and assault trials, we acknowledge several limitations. First, the present studies relied on college student, mock-jury samples. In the future, the Victim Stereotype Hypothesis should be examined using non-student samples. That said, the decision-making process engaged in by mock jurors has proven highly similar to actual jurors (MacCoun 1989), even when using college students (Bornstein 1999). Thus, we do not anticipate that changing the sample would produce dramatic differences.

A more serious problem was that the gender distribution of these studies was quite skewed, with some analyses featuring more than twice as many female as male participants. Since gender was identified as a significant predictor in multiple analyses, greater care should be taken to establish a more equal distribution.

Another remaining issue involves whether these results would replicate with different stimulus material. The brief vignettes used in the present studies contain far less target information than what jurors might receive in actual court cases. As such, data will be needed to replicate our findings with richer stimulus materials. However, we should note that research on person perception using thin-slices (Ambady et al. 2000) and research on perceptions of guilt (Lassiter et al. 2001) has revealed that increasing the complexity of social stimuli (and thereby, nondiagnostic information) to which observers are exposed often does not appreciably alter target ratings. In a similar vein, we do not as of yet know if the same results will hold when the nondiagnostic information is presented in visual, rather than written, form. Although one could argue that the information provided by a visual representation would have a more dramatic impact than the paltry quality provided by the vignettes, this is only speculation.

On a final note, these studies illustrate some of the difficulties inherent in using written vignettes to study both trial information and type of crime. In the Pilot Study, we rated the typicality of the manipulated victim information in a pair of trial vignettes. In order to thoroughly investigate that issue, however, we probably should have tested the typicality of *all* the target information in the two scenarios (i.e., all characteristics and behavior of both targets) and matched quantity of target information for alleged victims and defendants in both scenarios. To

adequately analyze the dozens of variables involved, we would have needed several dozen participants, just to make sure the information was categorically meaningless before we commenced with the study. Similarly, it was difficult to tease out the effect of target gender in the results of the subsequent study because they involved a physical altercation. Male date rape victims and females getting into bar fights with males are both uncommon events that likely would dominate observer perceptions of the target, including perceived culpability. Taken together, this means that, in order to compare perceptions of two different categories of criminal trials, one may be *forced* to change the target information provided (victim gender included) in order to make the story plausible and be prepared to thoroughly analyze those changes.

In summary, these studies serve to establish the importance of nondiagnostic information in influencing perceptions of guilt. They also help to explain the interaction that takes place between nondiagnostic target information and the trial context within which the information appears.

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APPENDIX

Underlined portions are biographical information pertaining to the victim while bold-faced portions are biographical information that deals with the defendant.

Please read the following account of a 1991 criminal trial involving an alleged assault as though you were serving on the jury:

The alleged event occurred on the evening of September 29, 1991, at a bar near the campus of Colorado State University. The alleged victim is Andrew Marshall, a 5'9", 185-pound male. He is a single, twenty-five-year-old assistant manager of an Office Max in the Fort Collins area (home of Colorado State University). He was at the bar with a group of co-workers. The defendant is Roger Carlson, a 5'10", 175-pound male. **He is a single, twenty-eight-year-old Century Twenty-One agent from Denver. He was in Fort Collins visiting his brother, who was also at the bar at the time of the incident.** Although both men agree that the defendant punched the alleged victim on the night in question, the alleged victim claims that the attack was sudden and unexpected, while the defendant claims he acted in self-defense.

The basic trial testimony indicates that the two men were visiting the bar to watch the Monday Night Football game between the Denver Broncos and the Kansas City Chiefs. The alleged victim was seated with a group of co-workers at table on the opposite side of the room from the bar. **The defendant was seated at the bar with his brother.** In the middle of the third quarter, the alleged victim approached the bar to place a drink order. While he stood beside the defendant, the defendant made a stray, disparaging comment about the Broncos, the alleged victim's favorite football team, which the alleged victim took exception to. An argument ensued.

The alleged victim claims that the defendant used his left hand to grab the collar of the alleged victim's navy blue nylon jacket and used his right to punch the alleged victim in the face. The alleged victim fell to the ground, unconscious. The defendant claims that the alleged victim threw the first punch, but that the defendant ducked under it, knocking his **brown leather** coat off the adjacent stool in the process. Only then did the defendant strike the alleged victim. Surrounding patrons intervened and prevented any further violence. None of the patrons admitted to seeing anything, and the bartender was at the other end of the bar, tending to an order. The defendant's brother was using the men's room at the time of the altercation and saw nothing.

The punch fractured the alleged victim's nose and sent a bone fragment into his brain. The alleged victim no longer has any sense of smell and his equilibrium has become impaired to the point where he can no longer work effectively or walk unaided. The alleged victim claims that, at the time of the incident, he had just finished his second Budweiser, while the defendant claims that he had consumed a pair of **Miller Lites**.

The judge's instructions before the jury is charged include the need for the prosecution to prove beyond a reasonable doubt that the defendant did assault Andrew Marshall and, "in the end, vote in accordance with your conscience."

About the authors:

Dan Rempala received his PhD from the University of Hawaii at Manoa and is teaching at Leeward Community College. In addition to jury decision-making, he studies emotional regulation and emotional contagion.

Andrew Geers received his PhD from the University of Ohio and is an associate professor at the University of Toledo. In addition to decision-making, his research involves goals and expectations, formation of affect and emotion, and placebo effects.

Contact information: Dr. Dan Rempala, Social Sciences Division, Leeward Community College, 96-045 Ala Ike, Pearl City, HI 96782; Phone: 808-455-0374 Email: drempal@hotmail.com

Dr. Andrew Geers, Department of Psychology, University of Toledo, Toledo, OH 43606;
Phone: 419-530-2717 Email: Andrew.geers@utoledo.edu