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Why Does Occupational Prestige Affect Sentencing Outcomes?: Exploring the Perceptual Mediators

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Abstract

Research on the effect of an offender's occupational prestige on criminal sentencing shows mixed results, with some studies showing a positive association between prestige and sentence severity and others showing a negative association. We revisit this question using an online vignette experiment. Drawing on affect control theory and its computer program, *Interact*, we hypothesize that an offender's occupational prestige will increase the recommended sentence and that post-crime, or transient, impressions of the offender's potency will mediate this effect. We find support for both hypotheses: Occupational prestige increases the recommended sentence, and post-crime impressions of the offender's potency mediate this effect. The mediation is partial when potency is measured with semantic differentials, and it is complete when potency is measured with a set of explicit, denotative items. We also explore the mediational role of post-crime impressions of the offender's evaluation and activity. Although offender activity does not function as a mediator, offender evaluation plays a minor mediational role when offender potency is also controlled. We also find an interaction between post-crime offender evaluation and potency, with participants recommending a lighter sentence for offenders they see as both weak and evaluatively neutral. We discuss the empirical, theoretical, and methodological implications of these findings and outline avenues for future research.

Keywords

affect control theory, vignette experiment, occupational crime

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The U.S. criminal justice system is designed to mete out punishments in a consistent way, assigning sanctions based solely on legally relevant factors, such as the seriousness of the crime and the offender's history of offenses. Yet, decades of research suggest that extralegal factors, such as race, ethnicity, gender, age, citizenship status, and occupational prestige, affect prosecutorial and sanctioning outcomes (e.g., Bontrager et al., 2005; Johnson, 2003; 2005; Kramer & Ulmer, 2002; Kutateladze et al., 2014; Light et al., 2014; Maddan et al., 2012; Steen et al., 2005; Steffensmeier & Demuth, 2000; van Wingerden et al., 2016) and that guidelines designed to eliminate these disparities have failed to do so (e.g., Johnson, 2005; Ulmer, 1997).

Most extralegal factors affect sentencing outcomes in consistent ways, with whites, women, citizens, and older offenders receiving lighter sentences than non-whites, men, non-citizens, and young adults (e.g., Griffin & Wooldredge, 2006; Johnson, 2003; Light et al., 2014; Ulmer & Bradley, 2006). But, as we have previously noted (Kroska & Schmidt, 2018), sociodemographic attributes related to socioeconomic status (SES), including occupational prestige, are linked to sentencing outcomes in inconsistent ways, with some studies suggesting these high-prestige and high-SES attributes reduce sentence severity, others suggesting they increase it, and still others suggesting they have no effect. Furthermore, theories of sentencing decisions offer little insight into how these factors should affect sentencing outcomes. Thus, the existing empirical and theoretical work on sentencing outcomes offers little guidance for explaining how and why SES-related attributes affect sentencing decisions.

In a previous study (Kroska & Schmidt, 2018), we sought to address this gap by using affect control theory (ACT), a theory of impression-formation processes, to develop a hypothesis for this relationship. Our ACT-derived hypothesis suggested that high-prestige perpetrators would appear more potent than low-prestige perpetrators after committing a crime and that those heightened perceptions of potency would increase perceptions of danger and criminality. Thus, we predicted that occupational prestige would increase the participants' recommended sentence. We tested this hypothesis with an online vignette experiment and found support for it, showing that participants recommended a longer sentence for white-collar offenders (executive or physician) than blue- and pink-collar offenders (handyman or shop clerk).

We build on and extend that work with this study. We use the same method of theoretical derivation and arrive at the same focal hypothesis, and we test the hypothesis with the same methodology—an online vignette experiment. But, we go beyond that study in several important ways. First, and most significantly, we empirically assess rather than theoretically assume the role of offender potency as a mediator between occupational prestige and punishment, allowing us to explain *why* the offender's occupational prestige increases punitiveness. Second, we make several methodological advances: We examine multiple operationalizations of both occupational prestige and offender potency, allowing us to determine which conceptualizations best explain these processes. We also use two entirely different vignettes in two different occupational settings with offenders occupying five different occupations, allowing us to examine the generalizability of this effect on a wider range of occupations. And we test the

hypotheses on a more demographically diverse sample, allowing us to explore the generalizability of this effect on a wider range of participants. Next, we briefly review limitations in the theoretical accounts and dominant methodology in the research examining the effect of occupational prestige on judicial sentencing.

Occupational Prestige and Sentencing: Theoretical Accounts and Methodology

Theoretical Accounts

The two primary theories of judicial sentencing, the focal concerns perspective (Steffensmeier et al., 1998) and the uncertainty avoidance perspective (Albonetti, 1991), are often used to explain the role of extralegal factors in prosecutors' sanctioning recommendations and judges' decisions. Although each theory offers a somewhat different account for how these decisions are made, both propose that the concerns underlying these decisions (e.g., offender blameworthiness, minimizing risk to the community, deterring future criminality) are affected by the offender's connection to stereotypes of criminality and dangerousness, with males, African Americans, Hispanics, non-citizens, and young adults perceived as more blameworthy and/or more dangerous than their counterparts (women, whites, citizens, and youth and older people). Thus, both perspectives propose that legal decision-makers will give offenders with attributes linked to stereotypes of criminality harsher penalties, hypotheses that have been supported in multiple studies (Johnson, 2003, 2005; Light et al., 2014; Steen et al., 2005; Steffensmeier & Demuth, 2000; Ulmer & Bradley, 2006; van Wingerden et al., 2016).

Although the theories explain how many extralegal factors affect sentencing outcomes, they offer little insight into how occupational prestige will do so. Both theories rely on stereotype studies to predict which attributes will elicit the strongest perceptions of criminality and danger, but the researchers testing these theories have not—from what we can see in this literature—identified studies consistently linking SES-related attributes with those perceptions, leaving them with little basis for predicting how those attributes will affect sentencing decisions. Furthermore, the empirical work on the link between SES-related attributes and sentencing outcomes is mixed (Kroska & Schmidt, 2018), leaving analysts with no clear empirical patterns to draw on when advancing hypotheses. Thus, as we explain below, we use affect control theory to develop our hypothesis.

Methodology

Research on the effect of occupational prestige in sentencing shows mixed results, with some studies suggesting that high-prestige and high-SES attributes reduce sentence severity (e.g., Johnson & Betsinger, 2009; Maddan et al., 2012), others suggesting they increase it (e.g., Griffin & Wooldredge, 2006; Payne et al., 2011), and still others suggesting they have no effect (e.g., Blowers & Doerner, 2015; Holtfreter, 2013). These mixed findings are likely due, at least in part, to variability in the extent to which

differences between high and low status offenders are controlled across analyses. Occupational prestige is correlated with a host of factors that are likely to affect sentencing outcomes, so all of those factors must be controlled to identify the unique effect of occupational prestige on sentencing judgments. Yet, many of those factors cannot be controlled in multivariate models (e.g., quality of the defense team, social networks, offender understanding of the justice system), making it difficult to determine the unique role of occupational prestige in sentencing judgments. We address this methodological challenge by examining the question with a vignette experiment, which allows us to isolate the effect of the offender's occupational position while holding everything else constant. Next, we explain affect control theory and how we use it to develop our hypotheses.

Affect Control Theory

Affect control theory (Heise, 1979; 2007; MacKinnon, 1994; Smith-Lovin & Heise, 1988) explains impression formation, impression management, behavior, and emotions. All ACT predictions are based on empirically derived impression formation equations that predict the way social interactions affect observers' impressions of actors, behaviors, and objects and how those impressions will, in turn, shape behavior, emotions, and identity attributions. These equations are made accessible through *Interact*, a computer program that simulates social interaction using ACT principles (Heise, 1997).

The theory begins with the premise that cognitions about all social concepts—identities, behaviors, settings, emotions—have relatively fixed affective connotations, termed “fundamental sentiments,” that vary along the three universal dimensions of meaning identified by Osgood and his colleagues in their cross-cultural research (e.g., Osgood et al., 1975): evaluation (judgments of good vs. bad), potency (judgments of powerful vs. weak), and activity (judgments of active vs. inactive) (EPA). Using the semantic differential scale, affect control theorists have collected EPA profiles, or fundamental sentiments, for thousands of social concepts in several cultures.

Affect control theory's main proposition is that individuals construct and cognitively reconstruct events to confirm the fundamental sentiments evoked by their definition of a situation; that is, they create and perceive events in ways that maintain their preexisting impressions of themselves, their interactants, and other elements of the situation. For instance, people who occupy good identities try to confirm that positive identity, in part, by directing good actions at good people, and people who occupy powerful identities try to confirm their identity, in part, by behaving in powerful ways.

Although actors are expected to seek to confirm the fundamental sentiments tied to their definition of a situation, sometimes an interaction makes some elements of a situation (e.g., actor, object) seem more or less good, potent, or active than expected by their fundamental sentiments. Those momentary impressions of event elements after an event are termed “transient impressions.” The discrepancy between the fundamental sentiments and the transient impressions are quantified in the theory with a deflection

score, with high scores indicating that the event seems unlikely or uncanny and low scores indicating that the event seems likely or highly plausible (Heise & MacKinnon, 1987). Individuals who experience deflection are expected to try to reduce it through their behavior and/or a redefinition of event elements.

Occupational Prestige Hypothesis

We propose that the impressions of an offender after the commission of a crime will affect sentencing judgments, with bad and powerful impressions increasing perceptions of criminality and, in turn, the recommended sentence. This proposition is rooted in the observation that the most obviously criminal identities in the *Interact* dictionaries are consistently rated as bad and powerful (Heise, 2007, pp. 67–68; Kroska et al., 2017a, 2017b). We exclude activity from our conceptualization of criminality, because criminal and non-criminal identities do not differ on activity in consistent ways, a pattern that holds for fundamental sentiments collected in the early 2000s (Kroska et al., 2017a: Table 1) and those collected in 2012–2014 (Kroska et al., 2017b: Table 1). Thus, we represent criminality perceptions as the sum of only evaluation and potency: actor criminality = $(-1 \times \text{transient actor evaluation}) + \text{transient actor potency}$.

We derived hypotheses for our 2018 vignette experiment (Kroska & Schmidt, 2018) by using *Interact* simulations to determine the vignette characters' relative criminality scores. We used the U.S. female sentiments collected in the early 2000s (Francis & Heise, 2006) and the female 1978 equations that are in Heise's (1997) version of *Interact*. The simulations suggested that although the high-prestige offenders (executive and physician) had higher pre-crime (i.e., fundamental) evaluation and potency ratings than the low-prestige offenders (handyman and store clerk), these gaps declined after they enacted the crimes, a change rooted in impression-formation processes that give good and powerful actors an extra evaluative and potency penalty when they direct bad actions at good objects (Heise, 2007; Smith-Lovin, 1987). Nonetheless, the high-prestige offenders retained some of their higher pre-crime potency, so after the crime, the high-prestige offenders still seemed more potent, giving them the higher criminality scores. Therefore, we hypothesized that the offender's occupational prestige would increase participants' recommended sentence.

We derived hypotheses for the current study using the same process and arrived at the same prediction, despite different offenders and one different crime word ("steal from" and "overcharge" rather than "rob" and "overcharge"). Table 1 shows the fundamental sentiments, transient impressions, and criminality scores for the five offenders featured in our two vignettes, with the two highest prestige offenders (CEO and doctor) at the top and the lowest prestige offender (receptionist) at the bottom. We used the gender-neutral version of the sentiments in the USA Combined Surveyor Dictionary (Smith-Lovin et al., 2016), which were collected in 2012–2014 from three groups: undergraduates at the University of Georgia, undergraduates at Duke University, and residents of Durham, NC.¹ We again used the 1978 *Interact* equations, which are gender-specific, so we present two columns of transient impressions: One

Table 1. Fundamental sentiments, transient impressions from *Interact* simulations, and criminality scores for vignette characters.

| Vignette Characters | Using ACT Equations Derived from Men Respondents | | | | | | Using ACT Equations Derived from Women Respondents | | | | | | | | |
|---------------------|--|------|-------|---|------|-------|--|------|-------|---|------|-------|--|------|----|
| | Fundamental sentiments | | | Transient impressions after overcharging a client | | | Transient impressions after stealing from a client | | | Transient impressions after overcharging a client | | | Transient impressions after stealing from a client | | |
| | E | P | Cr | E | P | Cr | E | P | Cr | E | P | Cr | E | P | Cr |
| CEO | .71 | 3.22 | -1.51 | 2.18 | 3.69 | -1.76 | 2.14 | 3.90 | -1.30 | 2.37 | 3.67 | -1.55 | 2.37 | 3.92 | |
| Doctor | 2.69 | 2.94 | -1.01 | 1.96 | 2.97 | -1.32 | 1.93 | 3.25 | -80 | 2.15 | 2.95 | -1.11 | 2.16 | 3.27 | |
| Accountant | 1.03 | 1.16 | -1.43 | .97 | 2.40 | -1.69 | .92 | 2.61 | -1.22 | 1.16 | 2.38 | -1.48 | 1.14 | 2.62 | |
| Nurse | 2.84 | 1.75 | -.97 | 1.34 | 2.31 | -1.29 | 1.29 | 2.58 | -.76 | 1.53 | 2.29 | -1.08 | 1.52 | 2.60 | |
| Receptionist | 1.27 | -.16 | -1.37 | .30 | 1.67 | -1.64 | .23 | 1.87 | -1.16 | .49 | 1.65 | -1.43 | .46 | 1.89 | |

Notes: Fundamental evaluation (E) and potency (P) sentiments taken from the University of Georgia, Duke University, and Durham, NC, Community 2012–2014 data (Smith-Lovin et al., 2016). Transient impressions derived from *Interact* simulations (Heise, 1997) of a CEO, doctor, accountant, nurse, or receptionist overcharging or stealing from a client. Fundamental evaluation-potency-activity for client: 1.36, 1.12, .91, overcharge: -2.77, .62, .27, and steal from: -3.26, .41, .09. Criminality scores = (-1 x transient evaluation) + transient potency.

generated from equations derived from men respondents (left) and one generated from equations derived from women respondents (right).

As shown in the Fundamental Sentiments column, before committing the crime the high-prestige characters are generally perceived as higher in both goodness and power than the lower prestige characters. For example, the CEO is considered slightly good (.71) and extremely powerful (3.22), whereas the receptionist is considered slightly good (1.27) and neutral in potency ($-.16$).² But, as shown in the Transient Impressions columns, after overcharging or stealing from a client, the characters appear more similar on both evaluation and potency. For example, after overcharging the client, the CEO, according to men observers (the left column), appears quite bad (-1.51) and only quite powerful (2.18), while the receptionist appears slightly bad (-1.37) and neutral in potency (.30). Despite these shifts, differences remain, particularly on potency, with the higher prestige offenders continuing to appear more potent than the lower prestige offenders, giving them higher criminality scores. This pattern holds for both “overcharging” and “stealing from” the client and for both sets of equations. Thus, we expect occupational prestige to increase the recommended sentence, the same hypothesis we advanced in our initial study:

Occupational Prestige Hypothesis: Offenders’ occupational prestige will increase participants’ recommended sentence.

Explaining the Occupational Prestige Effect

The *Interact* simulations reviewed above suggest that actors in high-prestige occupations seem slightly less bad but considerably more potent than comparable low-prestige actors after committing a crime. Thus, higher potency—and probably the danger that power makes possible—appears to be the factor driving the higher recommended sentence in the high-prestige conditions. Yet, that conclusion is based only on a theoretical derivation; therefore, we evaluate that assumption by directly measuring participants’ impressions of the offender’s evaluation, potency, and activity after the crime and determining if and how those impressions mediate the effect of occupational prestige on the recommended sentence. Given the simulation results (i.e., small differences in the offender’s post-crime evaluation but large differences in his post-crime impressions of potency), we expect post-crime offender potency but not evaluation or activity to mediate this effect. We operationalize potency with both an explicit, denotative composite measure and a two-item connotative measure:

Potency Mediation Hypothesis: Post-crime impressions of offender potency (measured both connotatively and denotatively) will mediate the positive effect of occupational prestige on recommended sentencing.

Although we do not expect post-crime offender evaluation or post-crime offender activity to function as mediators, we do evaluate that expectation in our analyses.

Study Design

We examine these hypotheses using several methodological features that go beyond other experimental tests of occupational prestige on sentencing (Kroska & Schmidt, 2018; Loeffler & Lawson, 2002). First, our vignettes feature five occupations and two workplaces: A health care setting with a doctor, nurse, or receptionist offender and a business setting with a CEO, accountant, or receptionist offender. The structure of the two vignettes (health care and business) is the same except for a few setting-specific details, so we merge the results across the two vignettes, allowing us to examine the effect of cross-disciplinary occupations in a single analysis.

Second, we explore multiple ways of operationalizing occupational prestige, allowing us to determine which approach best explains variation in recommended sentencing. The approaches include a dichotomy that contrasts the two high-prestige occupations (doctor and CEO) with all the others, two types of ordinal ranking, and Freeland and Hoey's (2018) deference scores, which are derived from ACT impression-formation equations and reflect the likelihood that occupants of an occupation will be the recipients of deference.

Third, we explore two operationalizations of the offender's post-crime potency. Following the convention in ACT research, we measure offender evaluation, potency, and activity with semantic differential scales, but we also measure potency in a second way—with a composite measure of explicit and denotative indicators of power (e.g., the ability to keep people from getting what they want or need). To distinguish between these two measures, we refer to the connotative measure as "potency" and the denotative measure as "power," but when referencing the larger concept they both measure, we use the term "potency." The dual measures allow us to assess the robustness of our mediation hypothesis to different operationalizations of potency while also allowing us to determine which conceptualization provides the most explained variance.

Finally, we use a larger and more demographically diverse sample drawn from three groups: (1) undergraduate, graduate, and professional students in a large public university in the South; (2) students in a community college in the South; and (3) Amazon's Mechanical Turk workers. Our sample has considerable diversity in age, with a range of 18–75 years and an average of 30 years ($SD = 11.9$). It is also diverse in race and ethnicity, with 6% African American, 4% American Indian, 10% Asian, Hawaiian, or Pacific Islander, 7% Hispanic, 4% mixed or international, and 69% white. The sample is diverse on education but, on average, quite educated, with .5% with less than a high school degree, 15% with a high school degree or GED, 32% with some college, 11% with an associate degree, 30% with a BA/BS, and 12% with a graduate or professional degree. We see this high education as beneficial, given that educated individuals are likely to have greater commonality with the culture at large regarding occupational prestige and criminal seriousness (Rossi & Berk, 1985) and are more likely than others to ultimately serve as prosecutors or judges.

Methods

Sample

We collected data from three groups in the fall of 2017: (1) students at a large public university in the South (59%), (2) students at a community college in the South (2%), and (3) Amazon Mechanical Turk workers who were living in the U.S. (39%). University student participation was incentivized with the opportunity to be included in a lottery drawing for one of nine \$25 Amazon gift cards. Community college student participation was incentivized with class credit or extra credit, and Mturk workers were paid one dollar for their participation. Research suggests that crowd-sourced samples such as those collected from Mturk workers provide high-quality data (Coppock, 2019; Shank, 2016; Weinberg et al., 2014) and that experimental findings using crowd-sourced samples are similar to findings drawn from nationally representative samples (Coppock, 2019).

Experimental Design

We use a vignette experiment with two $3 \times 2 \times 2$ designs that vary the offender's occupation (high-prestige, medium-prestige, or low-prestige) and gender (man or woman) and the word used to describe the crime ("overcharge" or "steal from" a client). One vignette features a healthcare setting and the other features financial services. The financial services vignette describes a CEO, accountant, or receptionist offender who works at a financial planning and investments firm, while the health care vignette describes a doctor, nurse, or receptionist offender working at a senior retirement community. The vignettes specify the age (35) and race (white) of the offender, and the offenders' names (Emily and Todd) are two of the most common names given to white boys and girls born between 1974 and 1979 (Bertrand & Mullainathan, 2004), which is close to the time the vignette character would have been born. Each participant was randomly assigned to only one vignette. The vignettes were presented to participants as pre-sentencing case summary reports and read as follows, with the manipulated text in bold:

Financial Services Vignette

Emily Smith/Todd Smith is a thirty-five-year-old white **female/male receptionist/accountant/CEO** who has worked at a small private financial planning and investments firm for the last 12 years. The firm works with clients to develop financial plans for their future, including estate planning, retirement planning, insurance dealings, and portfolio investing. **Emily/Todd** is well liked by clients of the firm, and is also one of the longest tenured and most trusted workers at the facility, even being given access to all of the organization's billing systems. **Emily/Todd** is also seen by many clients and those in **her/his** company as someone who is meticulous and careful in **her/his** work, so **she/he** knows that **her/his** work will only be checked if a major issue arises and that neither the firm nor **her/his** clients are likely to question **her/his** work, because clients usually have

many investments, and the firm processes too many transactions to check on prices of all investments and services sold. For the last 8 years **Emily/Todd** has been able to **steal from/overcharge** clients by providing inflated costs on investments and by adding extra fees for services to clients' accounts. **Emily/Todd** has been able to personally profit about \$100,000 over an eight-year period. As a consequence, clients suffer financial losses, though each loses no more than \$200 dollars. The firm does not suffer as a direct result of **Emily's/Todd's** actions as increases in fees cover the losses.

Health Care Vignette

Emily Smith/Todd Smith is a 35-year-old white **female/male receptionist/nurse/doctor** who has worked at a small private senior retirement community for the last 12 years. The retirement community offers both independent and assisted living accommodations for residents and also makes available medical services to residents. **Emily/Todd** is well liked by residents in the community, and is also one of the longest tenured and most trusted workers at the facility, even being given access to all of the organization's billing systems. **Emily/Todd** is also seen by many in the retirement community as an advocate for residents, and many residents have entrusted **her/him** with access to their private health care and financial information. **Emily/Todd** knows that **her/his** work will only be checked if a major issue arises and that neither residents nor insurers are likely to question **her/his** work, because residents receive a lot of medical paperwork, and insurers process too many claims to check if all the claims are legitimate. For the last 8 years **Emily/Todd** has been able to **steal from/overcharge** residents and insurers by adding extra fees and services to residents' bills and by charging these false claims to insurers. **Emily/Todd** has been able to personally profit about \$100,000 over an 8-year period. As a consequence, residents suffer financial losses, though each loses no more than \$200. Insurance companies lose money from false claims, but yearly premium increases cover those losses.

We use dummy variables to control for all of the manipulated variables, except occupation, which we explain next. Given the structural and language similarity of the two vignettes, we merge the data from the two vignettes and control for the vignette industry (health care vs. financial), an approach that allows us to examine occupations in different industries (both medical and business) in the same analysis. Only the receptionist offender is in both vignettes, so the industry control functions as a control for the effect of industry among participants in the receptionist conditions. [Table 2](#) shows the mean values for these and the other variables in the analysis.

Offender's occupational prestige is operationalized in four ways: (1) a high-prestige dummy: CEO and doctor (= 1) versus other; (2) a three-category ranking: receptionist (both financial and health care) = 0; accountant and nurse = 1; and CEO and doctor = 2; (3) an alternative three-category ranking: nurse and receptionist = 0; accountant = 1; and CEO and doctor = 2; and (4) deference scores drawn from [Freeland and Hoey's \(2018\)](#) analyses, where high values indicate the receipt of high deference: CEO = 7.57; doctor = 9.38; accountant = 5.36; nurse = 8.77; receptionist = 5.24.

Table 2. Descriptive statistics for variables in analyses ($N = 1,179$).

| | Mean | SD | Min | Max |
|---|-------|------|------|------|
| Dependent variable | | | | |
| Recommended prison sentence | 4.43 | 4.23 | 0 | 25 |
| Independent variables | | | | |
| Offender's occupational prestige | | | | |
| High prestige (CEO and doctor vs. other) | .33 | | 0 | 1 |
| Three-category ranking (receptionist = 0) | .99 | .81 | 0 | 2 |
| Three-category ranking (receptionist and nurse = 0) | .83 | .90 | 0 | 2 |
| Deference scores ^a | 6.94 | 1.75 | 5.24 | 9.38 |
| Post-crime impressions of offender | | | | |
| Offender evaluation | -1.99 | 1.84 | -4.3 | 4.3 |
| Offender potency | .85 | 1.53 | -4.3 | 4.3 |
| Offender power (4-item index) | 6.18 | 1.68 | 0 | 10 |
| Offender activity | .54 | 1.16 | -4.3 | 4.3 |
| Conditions | | | | |
| Crime words | | | | |
| Overcharge | .51 | | 0 | 1 |
| Steal from (omitted) | .49 | | 0 | 1 |
| Offender gender | | | | |
| Woman | .50 | | 0 | 1 |
| Man (omitted) | .50 | | 0 | 1 |
| Industry | | | | |
| Health care | .51 | | 0 | 1 |
| Financial services (omitted) | .49 | | 0 | 1 |
| Participant attributes | | | | |
| Gender | | | | |
| Female | .57 | | 0 | 1 |
| Gender non-conforming | .00 | | 0 | 1 |
| Male (omitted) | .43 | | 0 | 1 |
| Sample | | | | |
| Community college in the South | .02 | | 0 | 1 |
| Public university in the South | .59 | | 0 | 1 |
| Mturk (omitted) | .39 | | 0 | 1 |

^aOccupational deference scores taken from [Freeland and Hoey \(2018\)](#).

Dependent Variable

Recommended prison sentence was measured by asking participants what sentence they would recommend if Emily/Todd were to be punished with a prison sentence and only a prison sentence. Responses were arranged on a slider scale with "No prison" on the left and "25" on the right, and the title above the slider scale was "Prison Sentence in

Table 3. Mean Post-crime Impressions of Offender Evaluation, Potency, Criminality, and Power by Occupation ($N = 1,179$).

| | Post-crime impressions of offender | | | |
|--------------|------------------------------------|---------|-------------------|-------|
| | Evaluation | Potency | Criminality Score | Power |
| CEO | -2.20 | 1.44 | 3.64 | 6.71 |
| Doctor | -2.17 | 1.01 | 3.18 | 6.88 |
| Accountant | -1.84 | .82 | 2.67 | 5.71 |
| Nurse | -1.89 | .97 | 2.86 | 6.53 |
| Receptionist | -1.93 | .43 | 2.36 | 5.61 |

Notes. Criminality scores = $(-1 \times \text{post-crime evaluation}) + \text{post-crime potency}$.

Years.” The slider had tick marks at five-year intervals, and the specific year corresponding to the slider location was displayed on the right. A joint test for skewness and kurtosis shows that the variable is not normally distributed (chi square = 374.45, $p < .001$). The variable is also both left-censored and right-censored, because participants may have wished to give the offender no punishment (left-censored), while others may have wished to give the offender more than 25 years in prison (right-censored). Given the distribution and the censoring, we used Tobit with both left- and right-censoring for analyses, with recommended sentence as the dependent variable.

Post-Crime Impressions of the Offender

Offender's post-crime evaluation, potency, and activity were measured by asking participants to rate Emily/Todd (the character in the vignette) on semantic differential scales. Evaluation is the average of two scales, one anchored with bad versus good and the other with awful versus nice. The scales included nine radio buttons, with the middle button labeled “neutral” (coded as 0) and the buttons on each side labeled “slightly” (coded as $-1/+1$), “quite” (coded as $-2/+2$), “extremely” (coded as $-3/+3$), and “infinitely” (coded as $-4.3/+4.3$). Potency is the average of two scales, anchored with powerless versus powerful and little versus big. Activity is the average of three scales, anchored with slow versus fast, quiet versus noisy, and inactive versus active.

Table 3 displays the offender's average post-crime evaluation and potency by occupation, with the corresponding criminality scores, ordered in the same way as Table 1. Note the strong similarity to the values and ordering of the *Interact*-generated transient impressions and corresponding criminality scores displayed in Table 1. Only the nurse and accountant are in a different rank order for criminality scores.

Offender's post-crime power was measured with a four-item composite measure, loosely modeled after Rogalin and colleagues' (2007) occupational power measure. Each item was placed above 101-point semantic differential slider scale: (1) “In your opinion, how much direct control over the lives of others does Todd/Emily have?” and a

scale anchored with “No control at all” and “Total control”; (2) “How much power do you think Emily/Todd has to keep people from getting what they want or need?” and a scale anchored with “No power at all” and “A great amount of power”; (3) “How likely do you think it is for Todd/Emily to be able to carry out his/her own will by overcoming the resistance of others?” and a scale anchored with “Extremely unlikely” and “Extremely likely”; and (4) “How much authority do you think Todd/Emily has to enforce decisions against powerful individuals and organizations?” and a scale anchored with “No authority whatsoever” and “A great amount of authority.” The alpha reliability is .70. Factor analyses show that the items all load on a single dimension, so we used the summed average of the items and divided by 10. [Table 3](#) displays the mean post-crime power by occupation.

Participant Attributes

All models control for participant gender (gender non-conforming, woman, and man [omitted]) and sample (community college, public university, Mturk [omitted]).

Results

Analysis Plan

Our analysis has three parts. We begin by testing our occupational prestige hypothesis by using Tobit regression to determine if occupational prestige increases recommended sentences ([Table 4](#)). In that same analysis, we also assess the different operationalizations of occupational prestige to determine which best explains recommended sentencing. Next, we use OLS regression to determine if perceptions of the offender’s post-crime evaluation, potency, and activity are related to occupational prestige ([Table 5](#)), a preliminary analysis needed to test our mediation hypotheses. Finally, we assess the mediation hypotheses by using Tobit analyses to determine if the offender’s post-crime evaluation, potency, and/or activity reduce the effect of the offender’s occupational prestige on the recommended sentence ([Table 6](#)). All of the models we present control for participant gender and sample, but to save space those coefficients are not displayed in the tables. We also do not display the condition coefficients in [Table 4](#). Full models are available on request.

Occupational Prestige Hypothesis

[Table 4](#) displays coefficients from Tobit regressions of the recommended sentence on the various operationalizations of offender occupation, with conditions, participant gender, and sample controlled. 62 cases are left-censored and 7 are right-censored in this and all Tobit models. Model 1 shows the coefficients for offender occupation, coded dichotomously and ordered by coefficient size, an analysis that reveals the patterns in the data. As shown, the CEO is given the longest sentence, the receptionist is given the shortest, and the CEO’s sentence is the only one that is significantly longer than the receptionist’s.

Table 4. Coefficients from Tobit regressions of recommended sentence on offender’s occupational prestige (N = 1,179).

| Models | Recommended Sentence | | | | |
|---|----------------------|-----------------|-----------------|-----------------|-----------------|
| | 1 | 2 | 3 | 4 | 5 |
| Offender’s occupation | | | | | |
| CEO (0 = receptionist) | .933* (.452) | | | | |
| Doctor (0 = receptionist) | .621 (.439) | | | | |
| Accountant (0 = receptionist) | .273 (.440) | | | | |
| Nurse (0 = receptionist) | .042 (.445) | | | | |
| Offender’s occupational prestige | | | | | |
| High prestige (CEO and doctor vs. other) | | .694* (.273) | | | |
| Three-category ranking (receptionist = 0) | | | .387* (.157) | | |
| Three-category ranking (receptionist and nurse = 0) | | | | .367* (.145) | |
| Deference scores | | | | | .166† (.086) |
| Pseudo R ² | .0057 | .0057 | .0056 | .0056 | .0052 |
| BIC | 6674.081 | 6653.386 | 6653.837 | 6653.436 | 6656.134 |

Notes: Standard errors in parentheses; † $p < .10$; * $p < .05$; ** $p < .01$; *** $p < .001$. All models control for the conditions, participant gender, and sample. 62 cases are left-censored; 7 are right-censored.

Models 2 through 4 present dummy and ranking operationalizations of prestige, and Model 5 presents the deference score operationalization. Consistent with our occupational prestige hypothesis, all four models (Model 2 through Model 5) show that occupational prestige increases the recommended sentence, although the deference score operationalization only reaches marginal significance. The operationalization in Model 2, which contrasts the two high-prestige offenders (CEO and doctor) with all the others, produces the lowest BIC and the most explained variance. Therefore, we use that operationalization in the rest of the analyses.

Mediation Hypothesis

Table 5 shows coefficients from OLS regressions of each potential mediator on occupational prestige, with conditions, participant gender, and sample controlled. As shown, the offender’s occupational prestige is related to three of the four potential mediators (post-crime impressions of the offender’s evaluation, potency, and power), indicating that those three could function as mediators. But, the post-crime impression

Table 5. Coefficients from OLS regressions of post-crime impressions of offender (evaluation, potency, power, and activity) on offender’s occupational prestige ($N = 1,179$).

| Post-Crime Impression of Offenders | | | | |
|---|------------------|-------------------|-------------------|----------------|
| | Evaluation | Potency | Power | Activity |
| Model | 1 | 2 | 3 | 4 |
| High occupational prestige (CEO and doctor vs. other) | -.280* (.113) | .550*** (.094) | .906*** (.098) | .071 (.072) |
| Conditions | | | | |
| Overcharge (0 = steal from) | -.043 (.106) | .204* (.088) | .104 (.092) | .052 (.068) |
| Woman offender (0 = man offender) | .303** (.106) | -.047 (.088) | -.048 (.092) | .009 (.068) |
| Health care (0 = financial service) | -.109 (.106) | -.061 (.088) | .509*** (.092) | .070 (.068) |
| R^2 | .039 | .036 | .120 | .003 |
| Adjusted R^2 | .033 | .030 | .114 | -.004 |

Notes. Standard errors in parentheses; † $p < .10$; * $p < .05$; ** $p < .01$; *** $p < .001$. All models also control for participant gender and sample.

of offender activity is not significant, so we drop it from further consideration as a mediator.

Table 6 presents coefficients from Tobit regressions of recommended sentence on occupational prestige with mediators, conditions, participant gender, and sample controlled. Model 1 is a replication of Model 2 from Table 4 and will serve as a base of comparison for the other models. Models 2, 3, and 4 show the effect of occupational prestige with a single mediator controlled, and the column to the right of Model 4 shows the percentage change in the occupational prestige coefficient for each of those three models. Consistent with expectations, Model 2 shows that the post-crime impression of the offender’s evaluation does not reach significance ($p = .071$) and creates a negligible amount of change (4.9%) in the occupational prestige coefficient (from $b = .694$ to $b = .660$). Thus, post-crime impressions of the offender’s evaluation do not appear to explain the higher sentence given to high-prestige offenders.

Consistent with the potency mediation hypothesis, Models 3 and 4 suggest that both potency and power function as mediators. In both models, the potency/power coefficient is significant and the occupational prestige coefficient declines in size (15.7% for potency and 64.1% for power). In fact, the occupational prestige term drops to non-significance in Model 4, suggesting that power fully mediates the effect of occupational prestige. This model also has the lowest BIC score of all the models in Table 6. We cannot conduct a Sobel test with Tobit to determine the significance of the mediation, but we did use Sobel tests from an OLS regression to explore the significance of the

Table 6. Coefficients from Tobit regressions of recommended sentence on offender's occupational prestige and mediators (N = 1,179).

| Model | Recommended sentence | | | | | | | |
|---|----------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| High occupational prestige (CEO and doctor vs. other) | .694* (.273) | .660* (.273) | .585* (.276) | .249 (.278) | .226 (.279) | .521† (.277) | .544* (.274) | .265 (.278) |
| Post-crime impressions of offender | | | | | | | | |
| Evaluation | | -.128† (.071) | | | | | | |
| Potency | | | .201* (.085) | | .072 (.087) | | | |
| Power (4-item index) | | | | .494*** (.081) | .476*** (.083) | | | |
| Evaluation x potency | | | | | | | .201*** (.041) | |
| Conditions | | | | | | | | |
| Overcharge (0 = steal from) | -.693*** (.257) | -.699*** (.256) | -.733*** (.257) | -.737*** (.253) | -.750*** (.253) | -.748*** (.256) | -.796*** (.254) | -.796*** (.252) |
| Woman offender (0 man offender) | -.838*** (.256) | -.799*** (.257) | -.829*** (.256) | -.817*** (.252) | -.814*** (.252) | -.778*** (.256) | -.769*** (.253) | -.773*** (.251) |
| Health care (0 = financial services) | .098 (.256) | .084 (.256) | .112 (.255) | -.149 (.255) | -.135 (.256) | .095 (.255) | .040 (.253) | -.146 (.254) |
| Pseudo R ² | .0057 | .0061 | .0065 | .0113 | .0114 | .0073 | .0109 | .0140 |
| BIC | 6653.386 | 6657.197 | 6654.882 | 6623.318 | 6629.691 | 6656.714 | 6639.642 | 6626.122 |

Notes: Standard errors in parentheses; † p < .10; * p < .05; *** p < .01; **** p < .001. All models control for participant gender and sample. 62 cases are left-censored; 7 are right-censored.

mediation, and those results show that both mediation effects are significant ($p = .023$ for potency; $p < .001$ for power).

In Models 5 through 8, we explore additional models with multiple potential mediators. Model 5 shows that only power remains significant when both potency and power are controlled, again suggesting that the denotative and explicit measure of potency more fully captures the potency impressions relevant to sentencing recommendations. Model 6 shows that when evaluation and potency are jointly controlled, both coefficients increase in size and significance, suggesting that these variables suppress each other. In addition, the occupational prestige coefficient ($b = .521$, $p = .060$) declines below its size in Models 2 (with only evaluation controlled) and 3 (with only potency controlled), suggesting that evaluation and potency jointly mediate the effect of occupational prestige on recommended sentencing, a pattern consistent with the potency mediation hypothesis but inconsistent with our expectations for evaluation.

Model 7, which adds an evaluation \times potency interaction term, shows that participants recommend a lower sentence for high evaluation-low potency offenders than any other type of offender. The addition of the interaction term increases (rather than decreases) the size and significance of prestige term ($b = .544$, $p = .047$), although the term is still smaller than the prestige term in Model 1 ($b = .694$, $p = .011$). The term is also smaller than the term in Model 2 ($b = .660$), which controls for only evaluation, and slightly smaller than the term in Model 3 ($b = .585$), which controls for only potency. Together these patterns suggest that post-crime impressions of evaluation and potency jointly mediate occupational prestige but that potency plays a bigger role in this mediation process.

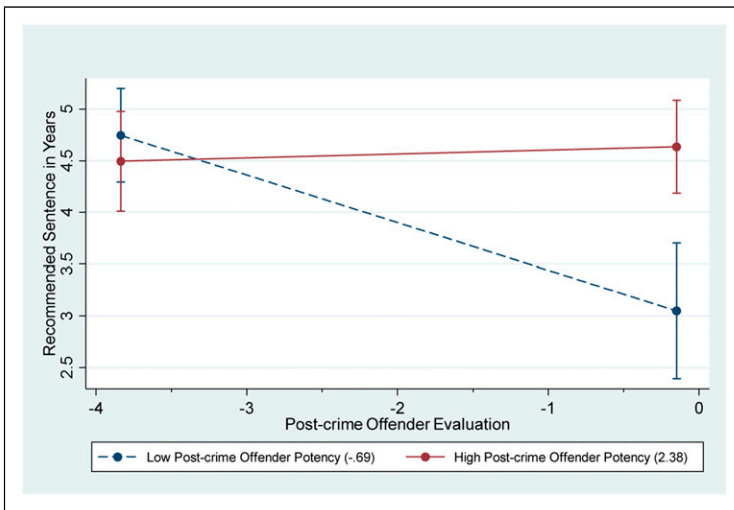


Figure 1. Recommended sentence by post-crime offender evaluation and potency.

Model 8 adds post-crime impressions of power to the Model 7 equation, and now the occupational prestige term becomes non-significant ($b = .265, p = .342$) and similar in size to the term in Model 4, suggesting power is the primary mediator of occupational prestige on sentencing judgments. But, evaluation, potency, and their interaction are significant and, as shown in the other models, play a small mediational role. [Figure 1](#) plots the Model 8 interaction effect, displaying the predicted recommended sentence for offender evaluation and potency ratings that are 1 *SD* below and above the mean, with 95% confidence intervals around the predicted values. Similar to the Model 7 interaction, the plot shows that the recommended sentence for offenders who are viewed as both weak and neutral in evaluation is significantly lower than the recommended sentence for the other offenders. As shown in [Table 3](#) criminality scores, the offenders whom participants rated as lowest in potency and highest in evaluation after committing the crime were the receptionist, the accountant, and the nurse, suggesting these offenders would receive a lower sentence than the others. But, this interaction effect suggests our simple additive formula for determining criminality ($(-1 \times \text{transient evaluation}) + \text{transient potency}$) may be missing an interactive effect between transient evaluation and potency in the perception of criminality. Future studies could explore revising the criminality score formula to include this interactive effect.

Discussion and Conclusion

Despite the goal of equality in sentencing, studies consistently suggest that extralegal factors, including offender race, age, gender, and occupational prestige, affect sentencing outcomes. But, unlike other extra legal factors, occupational prestige operates in inconsistent ways across studies, sometimes increasing and sometimes decreasing sentences, and the principal theories of criminal sentencing, focal concerns ([Steffensmeier et al., 1998](#)) and uncertainty avoidance ([Albonetti, 1986, 1991](#)), offer little theoretical guidance to illuminate these patterns.

We sought to address this gap by using ACT and its computer simulation program, *Interact*, to derive predictions for how offender impressions should affect sentencing outcomes, building on our earlier work ([Kroska & Schmidt, 2018](#)). Drawing on ACT simulations, we predicted that occupational prestige would increase punitiveness and that it would do so through post-crime impressions of offender potency. Using an online vignette experiment, we found, as predicted, that occupational prestige increased the recommended sentence and that this effect was driven largely by post-crime impressions of offender potency. After committing a crime, the high-prestige offenders appeared more potent than their lower prestige counterparts, and it was that difference that mediated the effect of prestige on sentencing. The effect was partially mediated when potency was measured with a semantic differential and fully mediated when it was measured with a set of explicit, denotative items.

We also explored the mediational role of post-crime impressions of the offender's evaluation and activity. The offender's activity did not function as a mediator, but

contrary to our expectations, post-crime impressions of the offender's evaluation did play a mediational role when in the model with potency. When both are controlled, evaluation reduced and potency increased the recommended sentence, and together they reduced the size and significance of the occupational prestige term in both the main effects model (Model 6) and the interaction model (Model 7). The interaction effect between post-crime offender evaluation and potency suggested a largely dichotomous pattern, with lower sentences for offenders viewed as both weak and neutral in evaluation and higher sentences for offenders viewed as potent and/or bad.

We also explored the explanatory power of different operationalizations of occupational prestige and found that a dichotomous operationalization—one that compared the two highest prestige positions (CEO and doctor) to all others—explained the most variance. Given the importance of potency as a mediator of prestige, this result is not surprising. As shown in Table 1, the two high-prestige occupations have similarly high levels of potency (both before and after the commission of the crime), while the others have similarly low levels.

Empirical Implications

Occupational prestige is tied to socioeconomic factors that benefit offenders in the justice system (e.g., ability to afford better legal representation, better understanding of legal processes, social networks tied to the justice system), making it difficult to fully isolate the unique effect of occupational prestige on sentencing judgments when analyzing sentencing data. Occupational prestige is also correlated with offense type, with high-prestige offenders committing white-collar crimes at a higher rate than low-prestige offenders, further complicating the task of isolating the unique effect of occupational prestige. It is possible, therefore, that the negative associations between occupational prestige and sentencing outcomes in previous studies were spurious associations created by these correlated and uncontrolled factors, a possibility that seems even more plausible in light of our findings. Thus, we see vignette experiments like ours as a valuable tool for illuminating these judgements, given their ability to isolate the unique effects of offender and case attributes.

Our study participants were not judges or prosecutors, so our findings are not directly indicative of judicial decision-making. But, we do see our results as indicative of how person perception shapes punishment decisions among educated people, findings that may have implications for judicial sentencing. With that issue in mind, we replicated Model 1 of Table 6 on the 141 participants in our analysis sample who had a graduate or professional degree and found the same pattern, with occupational prestige increasing the recommended sentence ($b = 2.210, se = .869, p = .012$). These results suggest this effect may be generalizable to individuals who share the high education of judges and prosecutors.

Occupational Prestige and Post-crime Potency

Individuals in high-prestige occupations, such as doctors and CEOs, generally appear nicer and more potent than those in low-prestige occupations, giving them a lower criminality score. After committing a white-collar crime (overcharging or stealing from a client), however, that evaluative difference declines, with the high-prestige actors appearing just as bad as but still more potent than their low-prestige counterparts, thereby increasing their criminality score beyond that of their low-prestige counterparts. High prestige offenders may retain the appearance of potency after committing a crime because they retain access to structural positions that often enable them to commit crimes through legitimized systems, making large-scale victimization possible (Benson & Simpson, 2009; Prechel & Morris, 2010). Their power may also be rooted in their clients' dependence on and implicit trust in them. Many, especially those working in medicine, finance, and law, have clients (and potential victims) who trust them and depend on them for their professional expertise on matters the clients often know little about, so the violation of that trust may make the offender appear especially powerful vis-à-vis the victim.

Post-Crime Potency and Recommended Sentence

Our finding that perceptions of offender potency increase recommended sentences is consistent with the focal ideas in sentencing theories. Both the focal concerns perspective and the uncertainty avoidance perspective predict that judges will give harsher sentences to offenders they perceive as especially blameworthy, dangerous, likely to recidivate, and threatening to the community (Albonetti, 1991; Steffensmeier & Demuth, 2006; Steffensmeier et al., 1998), and those perceptions are likely correlated with perceptions of potency. Perceptions of offender potency may also be correlated with a view of the offender as knowledgeable, in control, and aware of the consequences of his or her actions, perceptions that increase attributions of responsibility (Hamilton, 1978, 1986). Our findings suggest support for these ideas and suggest the value of future work examining the relationship between offender potency and other criminal perceptions predictive of sentencing.

Limitations and Future Research

Our study includes limitations that can guide future investigations. First, although we used five different occupations in our vignettes, the evaluation and potency range for those occupations did not extend to negatively evaluated occupational identities (e.g., hitman, prostitute) or weak occupational identities (e.g., busboy, maid, temporary worker). Future studies could provide a more complete test of these hypotheses by sampling the full range of EPA space when selecting occupational identities for inclusion in vignettes. Second, we examined only two types of crimes, and the two were fairly similar in affective meaning. Therefore, future studies could also test these

hypotheses using crimes that are more negative and/or more potent, including violent crimes and those with wide-scale victimization, such as toxic dumping and air pollution, to determine if offender prestige plays out in the same way with these more serious types of offenses. Third, researchers could also examine the role of trust in these processes. It may be, as we speculated above, that the violation of trust plays a role in the high-prestige offenders' steep decline in evaluation and retention of potency after committing a crime. Finally, future studies could also vary offender characteristics that are shown to affect criminal perceptions and sentencing outcomes for street crimes, such as race, age, and gender.

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Supplemental Material

Supplemental material for this article is available online.

Notes

1. We also ran these simulations with the gender-neutral versions of the sentiments collected from Amazon Mechanical Turkers in 2015 (Smith-Lovin et al., 2019) and from University of Georgia students in 2012–2014 (Robinson et al., 2016). The results are highly similar and can be found in the [Supplemental Online Appendix](#).
2. The values can be interpreted as follows: -4.3 is the worst/most impotent/most inert that anything can be; -3.0 is extremely bad/powerless/quiet; -2.0 is quite bad/powerless/quiet; -1.0 is slightly bad/powerless/quiet; 0.0 is neutral, neither bad nor good/powerless nor powerful/quiet nor active; 1.0 is slightly good/powerful/active; 2.0 is quite good/powerful/active; 3.0 is extremely good/powerful/active; 4.3 is the best/most potent/most active that anything can be.

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