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Male and Female Parole Decisions: Is Paying Your Dues or Saying You’re Sorry More Important?

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Researchers have suggested that females and males consider different factors when making legal decisions; females consider offender remorse more whereas males consider more tangible punishments, such as serving time. The current study investigates gender differences when making legal decisions. The participants (n = 596) read one of three parole scenarios (armed robbery, arson, or drug trafficking) where inmate remorse and time served were manipulated, and decided whether to grant or deny parole. The results show that the participants were less likely to grant parole to the armed robbery inmate, followed by arson and drug trafficking. Additionally, time served affected decisions more consistently than remorse shown, regardless of participant gender. Contrary to hypotheses, women rated the inmates more positively when they had served the majority of their time. The current study suggests that time served is an important predictor of decisions, and that remorse may not be enough to make people agree to reduce punishment or grant freedom.

Key words: decision-making; down payment effect; economic reparations; emotional reparations; gender; legal decisions; remorse.

How do we begin to restore all that has been damaged after a crime has been committed? Restorative justice, a popular movement in the legal system, seeks to restore the balance of justice by including the victims and perpetrators in the process. Research has shown that restoring a sense of justice after a crime leads to greater public satisfaction with the justice system (Van Camp & Wemmers, 2013) and improves the well-being of crime victims (Strang et al., 2006; Wemmers & Cyr, 2005). Though many restorative justice programs seek to increase the involvement of the victim (Mika, Achilles, Halbert, Amstutz, & Zehr, 2004), perpetrators, too, have a role.

One way in which perpetrators can restore a sense of justice is to show remorse, or provide emotional reparations, for their criminal behavior.1 Remorse can be defined as an emotional state of distress as the result of accepting personal responsibility for committing a transgression against another person (Corwin, Cramer, Griffin, & Brodsky, 2012; Zhong et al., 2014). Remorse may serve as a signal that the offender has accepted responsibility and is suffering for his or her behavior, as well as provide additional emotional healing for the victims (Bibas & Bierschbach, 2004). Lack of remorse could signal the opposite. There are many examples of cases in which remorse—or lack of it—was cited as a reason in punishment decisions. For example, following the guilty verdict in a first-degree murder case, a juror described the defendant as unremorseful after

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the verdict was read (Spinetto, 2014); a Rhode Island judge refused to reduce the sentence of a defendant who threatened a police officer with a weapon, citing false statements he made as ‘reflecting an unrepentant and wholly irresponsible attitude toward civilized society’ (emphasis added; Mulvaney, 2014). These statements illustrate the importance of remorse, or emotional reparations, in restoring justice from the perspective of decision-makers. Further, some research has found that jurors show more lenience towards those defendants who show remorse (Bornstein, Rung, & Miller, 2002; Eisenberg, Garvey, & Wells, 1998; MacLin, Downs, MacLin, & Caspers, 2009; Robinson, Smith-Lovin, & Tsoudis, 1994; Rumsey, 1976). Thus, remorse may be seen as one form of ‘payment’ toward restoring justice; those who are remorseful may be treated with more leniency by legal decision-makers.

Aside from emotional reparations, offenders have traditionally been punished with fines and imprisonment for their crimes, described as economic reparations by some researchers (e.g., O’Malley & Greenberg, 1983). These forms of punishment are implemented for various reasons: to deter the offender (and other potential transgressors) from committing future crimes or to seek justice and give offenders their ‘just deserts’ (Wenzel, Okimoto, Feather, & Platow, 2008). After being found guilty, a defendant can ‘pay’ for his or her crime by serving time in prison. The more severe the crime, the more severe the punishment is expected to be. Intense public backlash can occur when economic reparations are not proportional to the seriousness of the crime. For example, in 2013, a Montana judge sentenced a former Senior High school teacher convicted of raping a 14-year-old female student who later committed suicide to spend 30 days in jail (Tuttle, 2013). The perceived lack of punishment created a national backlash, which resulted in the judge receiving public censure from the Montana Supreme Court less than one year later (Chappell, 2014). Thus, the length of a sentence that an offender will serve, the amount of time that he or she has already served, and the amount of deprivation incurred because of the crime may all be considered economic — rather than emotional — reparations, and may also be important in restoring a sense that justice has been done.

The purpose of the present study is to examine whether emotional and economic forms of reparation, specifically time served and remorse, are considered as payment back to the community. Importantly, possible gender differences in decision-making were examined in light of some evidence that remorse may be valued more by females than males (Bornstein et al., 2002), and that males may be more sensitive than females to economic reparations in making their legal decisions (O’Malley & Greenberg, 1983). Evidence from the emotion literature also suggests potential gender differences in decision-making, as females are quicker to perceive verbal and non-verbal emotions (Demenescu, Mathiak, & Mathiak, 2014; Lambrecht, Kreifelts, & Wildgruber, 2014; Lee et al., 2013; Thompson & Voyer, 2014). Additionally, females have different motivations when making moral decisions, such as a focus on care, compared to males, who focus on justice (Gilligan, 1994; Jaffee & Hyde, 2000). Although females value this type of emotional reparation, males are hypothesized to value more concrete forms of payment towards justice, such as incarceration (O’Malley & Greenberg, 1983).

In the current study, we investigated the role of remorse and time served on community sentiment using a common legal decision: parole hearings. We chose this context for several reasons. First, in order to test whether males value economic reparations more than females, using a parole hearing allows us to vary whether the individuals eligible for parole have either served a small or large amount of their sentence. This functions as low or high economic reparations and thus allows us to isolate the impact that economic reparations has on decisions. Second, parole scenarios are used in place of a criminal case
to control for the effects of remorse on perceptions of responsibility for the crime. As several researchers have argued, remorse can be seen not only as an indication of rehabilitation and an attempt to repair social damages, but also as a confession, or sometimes an admission of responsibility (e.g., Robinson et al., 1994). In criminal cases, deciding guilt is the primary task of the jurors. The problem arises in that defendants are more likely to be considered responsible for the crime (i.e., guilty) if they show remorse. Parole cases are ideal in that they are past the guilt phase of the trial, and are concerned with deciding whether or not the defendant should be released depending on factors revealed in their case. Thus, using a parole scenario allows us to determine how both emotional and economic reparations play a role in decision-making, as well as test for the gender differences suggested by the literature.

Remorse in the Criminal Justice System
Remorse in Exchange for Leniency
Many studies have established the positive effects that remorse has on defendant sentencing and parole decisions. For example, data collected as part of the Capital Jury Project (Eisenberg et al., 1998) examined the relationship between perceived defendant remorse and sentencing in capital trials. Jurors who participated in an actual capital trial were asked to recall whether the defendant in their case displayed any form of remorse. Those who rated the defendant as being more remorseful were more likely to give the defendant life in prison as opposed to the death penalty; however, remorse did not help the defendant if the crime was viewed as being particularly ‘vicious’ (Eisenberg et al., 1998, p. 1600).

Further evidence regarding remorse and sentencing decisions has been demonstrated using path analyses. Robinson et al. (1994) found that a defendant in a drunk-driving manslaughter case was given a lower sentence if he was perceived to be remorseful. However, the effect was indirect, as perception of remorse displayed by the defendant was shown to change how the defendant was perceived, thus resulting in a reduction in jail sentence. Additionally, Robinson et al. speculated that the reduction of sentence was related to the defendant accepting responsibility, which explains a lower jail sentence following a guilty verdict. Rumsey (1976) had previously demonstrated a similar effect. In an intoxicated manslaughter case, mock jurors who read about a defendant being ‘extremely remorseful’ gave the defendant less prison time than a defendant described as not showing any remorse. Rumsey argued that through remorse, a defendant shows some degree of suffering, and thus is granted leniency.

Although most of the focus on defendant remorse is within criminal complaints, Bornstein et al. (2002) have examined this effect in civil suits. In one of their studies, participants read a wrongful death civil suit in which a physician misdiagnosed a patient who later died as a result. The defendant either did not mention remorse, stated he was not remorseful, expressed remorse for the patient at trial only, or expressed remorse both at the time of the transgression and at trial (while never admitting fault in any scenario). Bornstein et al. found that monetary compensation for the plaintiff was lowest when the defendant did not mention remorse or when they stated they were remorseful at trial only, or expressed remorse both at the time of the patient’s death as well as at trial (while never admitting fault in any scenario). Bornstein et al. found that monetary compensation for the plaintiff was lowest when the defendant did not mention remorse or when they stated they were remorseful at trial only, or expressed remorse both at the time of the patient’s death as well as at trial (while never admitting fault in any scenario). Bornstein et al. found that monetary compensation for the plaintiff was lowest when the defendant did not mention remorse or when they stated they were remorseful at trial only, or expressed remorse both at the time of the transgression and at trial. However, these effects were qualified by an interaction of participant gender, which is explored below.

Gender Differences in Evaluating Remorse
O’Malley and Greenberg (1983) hypothesized that remorse would differentially affect females and males, as females value social
factors while males value economic payment when making judgments of justice. In an incident describing an individual damaging a parked car, participants were told that the person who caused the damage either left a note on the windshield of the car or left the scene without attempting to locate the owner. Participants were then asked to rate the amount of payment the transgressor should make to the victim (i.e., ‘very little to very much’; O’Malley & Greenberg, 1983, p. 176), whether they believed the transgressor had suffered psychologically (e.g., guilt, remorse), as well as to complete additional measures of the transgressor’s personality traits. In this first study, participants viewed the transgressor as suffering more psychologically if he or she left a note for the owner of the vehicle. More importantly, the researchers found that females who read that the transgressor left a note assigned less monetary compensation to be paid to the victim, dubbing this a ‘down payment effect’ (O’Malley & Greenberg, 1983, p. 177).

Further, in the second study in O’Malley and Greenberg (1983), females were more likely to consider the feelings of a reckless driver when fining him compared to males. In their final study, the researchers more directly manipulated remorse by describing the driver in the scenario used for the first study as having no remorse, being moderately remorseful, or being extremely remorseful. Whereas males did not assign higher or lower monetary compensation based on degree of remorse, female participants were more likely to provide lower monetary fines as remorse increased overall. As such, the authors concluded that females are more responsive to remorse, such that they accept remorse as partial payment toward restoring justice and do not feel the need to penalize the transgressor more (i.e., fines are decreased in proportion to the degree of remorse expressed). Additionally, males do not seem to respond to remorse in a similar fashion, and fine the defendant regardless of how remorseful he or she claims to be.

O’Malley and Greenberg (1983) hypothesized that these gender differences exist due to differences in female and male moral reasoning, a suggestion that has found some support in the literature. In their meta-analysis, Jaffee and Hyde (2000) found evidence that females are affected by a ‘care orientation’ when making moral judgments. In other words, females are more motivated toward maintaining relationships and considering others’ needs, while males are more ‘justice-oriented’ and do not value social factors, such as remorse, to the same degree as females. Instead, males may be more likely to consider more traditional forms of justice, such as monetary compensation (A. J. Miller, Worthington, & McDaniel, 2008). Gonzales, Haugen, and Manning (1994) also found that females are more willing to accept an apology as compensation for a transgression than males. Additionally, in a recent meta-analysis, A. J. Miller et al. (2008) found evidence that females are more forgiving than males, further supporting the idea that females are more likely to consider factors such as remorse when making moral judgments, while males are more concerned with restoring justice through economic payment.

Females’ willingness to consider more social factors when deciding punishments for transgressors may be partially explained by their greater emotional acuity. Several studies have shown that females are better at identifying emotional cues (both verbal and non-verbal) than males (Demenescu et al., 2014; Lambrecht et al., 2014; Lee et al., 2013; Thompson & Voyer, 2014). Although this gender difference has not been thoroughly explored in the context of psychology and law, one study did find some evidence for gender differences and punishment (Bornstein et al., 2002).

In addition to finding that remorse provides some leniency to civil defendants (e.g., lower monetary fines), Bornstein et al. (2002) also found the effect of remorse to be dependent on participant gender. More specifically, compensation to the plaintiff was greatest
when the defendant was remorseful at the time of the patient’s death or when the defendant stated he was not remorseful, compared to when the defendant did not mention remorse or when the defendant only expressed remorse at trial. However, in this case they found that women were overall more likely to award less compensation, regardless of remorse, suggesting that women are not affected by remorse in their legal judgments. Thus, while there is some evidence for remorse affecting men and women differently, further research is needed to disentangle the impact of remorse on gender.

Although this literature establishes gender differences regarding emotion perception, how emotional and economic forms of restorative justice affect males’ and females’ willingness to forgive defendants in the criminal justice system has not been thoroughly examined. The purpose of the current study was to examine the potential role of emotional and economic reparations toward restoring justice, and to what extent these are seen as partial payments for restoring justice by male and female decision-makers. The literature summarized above does not examine how decisions change when both economic and emotional reparations are present. Thus, the current study sought to examine how the presence of both an economic (i.e., time served) and emotional (i.e., remorse) reparation might affect male and female decision-makers.

The Current Study

Due to the limited evidence of gender differences when considering remorse and punishment during criminal proceedings, the current study sought to replicate the findings of O’Malley and Greenberg (1983), as well as more carefully investigate the ‘down payment effect’ from both a female and a male perspective. Aside from using parole cases to test for the ‘down payment effect’, remorse of the inmate and time served were manipulated in the same scenario in order to test for the effect of emotional and economic reparations on decision-making with respect to gender. Thus, within the same study, it could be determined whether males and females prioritize economic or emotional factors when deciding whether or not to release an inmate from prison.

Finally, the type of crime the inmate was convicted of was varied to be either armed robbery, arson, or drug trafficking. The type of crime was varied in order to determine whether remorse is effective for various types of crimes. O’Malley and Greenberg (1983) found that females fined defendants less who showed remorse and were also more likely to fine transgressors more if they were found to be negligent (as opposed to the crime being viewed as accidental). Thus, there is some evidence to suggest that remorse can only go so far to help a defendant. The three different crimes chosen for this study yield the same criminal penalties according to federal sentencing guidelines (United States Sentencing Commission, 2014). However, they are quite different in terms of who the potential victims might be (e.g., some offenses are considered ‘victimless’ crimes). Thus, we sought to determine if remorse and time served functioned in the same way with different crimes.

Hypotheses

We hypothesized a main effect for remorse, such that inmates described as being remorseful would be more likely to be granted parole. Second, a main effect for time served was expected, where inmates who had served more of their total sentence would be more likely to be granted parole. Third, it was hypothesized that when remorse was present and when the inmate had served the majority of his sentence, parole was more likely to be granted. As remorse and time served have both been found to result in positive outcomes for an offender, it was expected that the presence of both would provide more leniency for the inmate.
For predictions central to this study, we hypothesized two interactions to support the idea that females are more likely to consider remorse in their parole recommendations, whereas males are more likely to consider time served. First, we hypothesized a gender by remorse interaction such that females would be more likely to consider remorse (emotional payment) when deciding whether or not to grant parole. Second, we expected an interaction between gender and time served, such that males would be more likely to consider the amount of years the inmate served out of his original sentence (economic payment).

**Method**

**Participants**

After excluding non-United-States citizens \((n = 18)\) and those who did not report gender \((n = 2)\), our sample consisted of 596 participants (339 females) recruited from Amazon’s Mechanical Turk (MTurk). The participants ranged in age from 18 to 72 years \((M = 36.35, SD = 11.72)\) and were compensated US$0.25 for completing the study. The sample was 76.3% Caucasian, 10.9% African American, 5.7% Asian American, 6.5% Latino/Latina, and 0.5% Native American.

**Materials and Procedure**

The participants made a parole decision for one of three crime scenarios (arson, armed robbery, or drug trafficking). They were assigned to 1 of 12 possible surveys, where the inmate in each crime varied in his expression of remorse (absent or present) and his length of incarceration (short or long). Length of incarceration was manipulated such that the inmate in the short incarceration condition had served 25% of his sentence (4 out of 16 years), and the inmate in the long condition had served 75% of his sentence (12 out of 16 years). Thus, the present study was a 3 \((\text{Crime Type: arson, armed robbery, or drug trafficking})\) × 2 \((\text{Remorse: present or absent})\) × 2 \((\text{Time Served: short or long})\) design. The length of incarceration and remorse or lack of remorse were mentioned twice in each vignette.

After consenting to participate, participants were told the following:

Parole board members typically consist of members from the community. They are responsible for reviewing the facts of a criminal case and determining whether or not to grant or deny parole. Imagine that you are a parole board member deciding whether to release an inmate on parole. You will read about one case. Read the inmate information and then answer the questions following the case.

They were then presented with one case and were asked to make a parole decision. The cases used in the present study were derived from the cases used by Gobeil (2006). In each case, the inmate was described as a 34-year-old male serving a 16-year sentence for either having committed arson, armed robbery, or drug trafficking (see Appendix 1 for the details of the vignettes). As previously mentioned, each crime has equivalent sentencing guidelines. After reading the details of the inmate’s case, participants were asked to either grant or deny parole for the inmate (the primary dependent variable). Next, participants answered eight questions about their perceptions of the inmate (see below for details) with the order randomized across participants. Afterwards, participants completed a brief demographic survey and were thanked and compensated for their participation.

**Perceptions of the Inmate Ratings**

Participants rated the inmate on a series of eight questions. They were asked to rate their overall impression of the inmate, as well as his honesty, likeability, trustworthiness, and credibility. They were also asked how scared they were of the inmate (reverse scored), their
perception of the likelihood he would commit a crime in the future, and how believable the inmate’s claim was that he had experienced a conversion which had changed his behavior in a positive way. All responses were on 5-point Likert-type scales, where higher numbers indicated more positive attitudes towards the inmate. The responses for the arson, armed robbery, and drug trafficking cases were highly interrelated (α = .91, α = .88, and α = .85, respectively). Thus, an overall impression score of the inmate was obtained by summing the scores, creating a possible range of 5 to 40. The mean impression score was 25.27 (SD = 5.84) for the inmate convicted of arson, 22.71 (SD = 5.38) for armed robbery, and 28.11 (SD = 4.61) for drug trafficking.

Results
Because there were three different types of cases, it was necessary to begin by determining whether or not the data could be collapsed across cases. A chi-square analysis comparing case type (arson, armed robbery, and drug trafficking) and parole decision was conducted. The results indicate a significant difference between the three case types and participants’ decisions to grant or deny parole, χ²(2) = 66.92, p < .001. An analysis of binomial proportions with a Bonferroni correction showed that parole decisions were significantly different between each of the cases (all ps ≤ .003). Participants were significantly more likely to grant parole to the inmate in the arson case (63.5%) compared to the inmate in the armed robbery case (49.0%), and were more likely to grant parole in the drug trafficking case (87.2%) compared to the arson and armed robbery cases. As such, case type was added as a variable to the model for each analysis.

Parole Decisions
A logistic regression with Remorse, Time Served, Gender, Case Type, and the hypothesized two-way interactions predicting Parole was examined.

The model was found to be significant, χ²(7) = 133.08, p < .001. As expected, Case Type was a significant predictor of parole decisions (p < .001). The armed robbery and arson inmates were less likely to be granted parole compared to the drug trafficking inmate, respectively (β = −2.17, SE = .27, Wald = 64.84, p < .001; β = −1.54, SE = .27, Wald = 32.01, p < .001). Gender did not significantly predict parole decisions (p = .36). However, Remorse significantly predicted Parole (β = 0.55, SE = .26, Wald = 4.28, p = .04), such that when the inmate indicated he was remorseful, participants were more likely to grant parole (71.9%) compared to when he did not express remorse (61.4%). Additionally, Time Served significantly predicted Parole (β = 1.48, SE = .27, Wald = 29.47, p < .001), such that inmates who had served a longer sentence were more likely to be granted parole (80.3%) than those who had served a shorter sentence (55.1%). The Gender by Time Served and Gender by Remorse interactions were not significant (p = .32 and .50, respectively). Contrary to hypotheses, females were no more likely than males to consider the inmate’s remorse when making their parole decisions, and males were no more likely than females to consider the time already served by the inmate.

Perception of the Inmate
A univariate analysis of variance (ANOVA) was conducted to determine if Remorse, Time Served, Gender, or Case Type affected the overall rating of the inmate. The overall model was significant, F(7, 588) = 22.73, p < .001, η² = .21. The main effects of Remorse and Time Served were significant; remorseful inmates were viewed more positively (M = 25.92, SD = 5.42) than unre-
were viewed more positively \((M = 26.68, SD = 5.58)\) than those who served a shorter sentence \((M = 24.31, SD = 5.62)\), \(F(1, 588) = 20.98, p < .001, \eta^2 = .03\). However, Gender did not reach conventional levels of significance \((p = .06)\). Overall perception of the inmate did not differ between male and female participants \((\text{males: } M = 25.22, SD = 5.72; \text{females: } M = 25.60, SD = 5.73)\). Case Type also significantly predicted overall perceptions of the inmate, \(F(2, 588) = 56.05, p < .001, \eta^2 = .16\). Inmates were perceived most negatively for armed robbery \((M = 22.71, SD = 5.38)\), followed by arson \((M = 25.27, SD = 5.84)\) and drug trafficking \((M = 28.11, SD = 4.61)\).

Additionally, the main effect of Time Served was qualified by a significant Time Served by Gender interaction, \(F(1, 588) = 7.63, p = .006, \eta^2 = .01\), although in the opposite direction of our hypotheses. Female participants rated inmates more positively when they had served the majority of their sentence \((M = 27.24, SD = 7.29)\) compared to male participants \((M = 25.27, SD = 7.65; p = .02)\). The Remorse by Gender interaction was not significant \((p = .84)\); females were no more likely than males to be affected by the defendant’s remorse.

**Post Hoc Analysis**

As Gender did not significantly affect parole decisions, exploratory analyses were conducted to determine the roles of Remorse and Time Served on parole decisions, excluding Gender from the analysis. A logistic regression with Remorse, Time Served, and Case Type predicting parole decisions was performed. The overall model was significant, \(X^2(4) = 128.93, p < .001\). Again, Time Served significantly predicted parole decisions \((\beta = 1.31, SE = .20, Wald = 41.32, p < .001)\) such that participants were more likely to grant parole to the inmate who had served the majority of his sentence compared to the inmate who had served a shorter amount of his sentence. Additionally, Remorse significantly predicted parole decisions \((\beta = 0.66, SE = .20, Wald = 11.25, p = .001)\); participants were more likely to grant parole to the remorseful inmate compared to the inmate who was not remorseful.

When examining the effects of Remorse and Time Served on parole decisions for each type of case, Time Served consistently predicted parole decisions in all three cases: arson \((\beta = 1.65, SE = .35, Wald = 22.87, p < .001)\), armed robbery \((\beta = 1.13, SE = .30, Wald = 13.94, p < .001)\), and drug trafficking \((\beta = 1.00, SE = .45, Wald = 4.89, p = .03)\). Participants were more likely to grant parole in each case when the inmate had served a longer portion of his sentence (see Table 1). However, Remorse, unlike Time Served, was not a significant predictor in each case type; Remorse significantly predicted parole decisions for arson \((\beta = 0.67, SE = .33, Wald = 4.09, p = .04)\) and drug trafficking \((\beta = 1.24, SE = .47, Wald = 6.95, p = .008)\), but not for armed robbery \((\beta = 0.39, SE = .30, Wald = 1.72, p = .19)\). Participants were more likely to grant parole to remorseful inmates in the arson and drug trafficking cases compared to unremorseful inmates (see Table 2).

### Table 1. Frequency of granting parole based on sentence served and case type.

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Denied</th>
<th>Granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arson</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Short</td>
<td>53 (53.00%)</td>
<td>47 (47.00%)</td>
</tr>
<tr>
<td>Long</td>
<td>16 (17.98%)</td>
<td>73 (82.02%)</td>
</tr>
<tr>
<td>Armed robbery</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Short</td>
<td>68 (62.96%)</td>
<td>40 (37.04%)</td>
</tr>
<tr>
<td>Long</td>
<td>32 (36.36%)</td>
<td>56 (63.64%)</td>
</tr>
<tr>
<td>Drug trafficking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Short</td>
<td>19 (18.27%)</td>
<td>85 (81.73%)</td>
</tr>
<tr>
<td>Long</td>
<td>8 (7.48%)</td>
<td>99 (92.52%)</td>
</tr>
</tbody>
</table>

**Discussion and Future Directions**

This study sought to examine the roles of different forms of ‘payment’ towards the restoration of justice. Past studies have proposed...
that females and males value different types of payment provided by the perpetrator of a crime. For example, O’Malley and Greenberg (1983) suggested that females are more receptive to remorse and more lenient toward remorseful perpetrators, while males are more receptive to tangible forms of payment, such as serving a prison sentence. Using parole scenarios, remorse and time served were examined together to tease apart this potential interaction between gender and ‘payments’ made toward restoring justice.

Our results paint a complex picture of the effect of remorse and time served on legal decisions. When examined together, the presence of both more time served and remorse benefited the inmate in all three cases. However, the fact that the interaction of gender and remorse failed to influence parole decisions in all three scenarios, while time served consistently influenced leniency toward the perpetrator, leads us to conclude that time served (a tangible form of payment) is valued more when making decisions, and that this is true for both males and females.

More specifically, we found that inmates who had served the majority of their sentence were more likely to be granted parole in each type of case. However, remorse showed less consistency; remorseful inmates in the arson and drug trafficking cases were granted parole more often than unremorseful inmates, while remorse had no effect in the armed robbery case. This might suggest that being remorseful is only helpful in repairing justice to an extent and depends on the type of crime committed. In the current study, the crime scenarios vary regarding whether an individual was harmed (i.e., armed robbery) versus whether there was less direct harm towards the crime victim (i.e., arson and drug trafficking). Previous research has found that perpetrators of crimes against persons are punished more severely than property crimes (Walker & Woody, 2011). The current study also found support for this; participants were more likely to grant parole in the drug trafficking case, followed by the arson case, and finally the armed robbery case. Additionally, perceptions of the inmate follow the same pattern as parole decisions, with participants having more positive views of the drug trafficking inmate, followed by the arson and armed robbery inmates. Although serving time in prison may help in crimes against persons and property, remorse may have a limited effect when the crime directly harms an individual.

Moreover, the current study challenges the idea that women are ‘biased’ by their emotions and often make decisions based on their ‘hearts’ rather than their ‘heads’. Individuals typically endorse this gender stereotype, where men report having more emotional control but less emotional understanding than women (Shields & Warner, 2008). As it is believed that remorse is valued more by women than men, it was expected that women would be more lenient towards the remorseful offender due to emotional versus tangible efforts of restoring justice. However, we did not find support for this argument. Although there is evidence to suggest that women do perceive and express emotions differently than men, their understanding and application of emotions are not consistently different (Shields, 2013). Thus, women were no more likely than men to grant or deny parole based on whether the offender displayed remorse for his crimes in the current study. Further, there is some evidence to suggest that females were more likely to consider the amount of time the inmate

<table>
<thead>
<tr>
<th>Case Type</th>
<th>Denied</th>
<th>Granted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arson</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No remorse</td>
<td>36 (45.00%)</td>
<td>44 (55.00%)</td>
</tr>
<tr>
<td>Remorse</td>
<td>33 (30.28%)</td>
<td>76 (69.72%)</td>
</tr>
<tr>
<td>Armed robbery</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No remorse</td>
<td>49 (55.06%)</td>
<td>40 (44.94%)</td>
</tr>
<tr>
<td>Remorse</td>
<td>51 (47.66%)</td>
<td>56 (52.34%)</td>
</tr>
<tr>
<td>Drug trafficking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No remorse</td>
<td>20 (19.42%)</td>
<td>83 (80.58%)</td>
</tr>
<tr>
<td>Remorse</td>
<td>7 (6.48%)</td>
<td>101 (93.52%)</td>
</tr>
</tbody>
</table>
served when reading the parole scenario. Contrary to our hypotheses, females were more likely than males to rate the inmate more positively if he had served the majority of his sentence. Although this interaction did not affect parole decisions, it is interesting to note that time served affected female participants’ perceptions of the inmate, but not remorse.

Learning from the current study, several factors could be measured in the future to help tease apart the differential effects of remorse, time served, and gender on legal decisions. For example, the inmates in each case either served 4 or 12 years out of their 16-year sentence. Although the crimes were matched based on USSC guidelines, the perceived severity of each crime may be different (e.g., perhaps drug trafficking is perceived as less severe than armed robbery). As such, participants may feel that the original sentence given to the inmate should be greater, depending on the perceived seriousness or heinousness of the crime. In the future, researchers may benefit from asking participants whether they believed the sentence was fair or whether justice was served to determine whether remorse would then play a role in their decisions.

In addition to measuring whether participants believed the sentence to be fair, researchers would benefit from examining different types of reparations that could be provided during the course of trial and incarceration to serve as payment toward restoring justice. Further research is needed to determine what other factors beyond displaying remorse or serving a sentence could be considered payment for the victim as well as the community. For example, one might examine how a defendant or inmate suffers as a result of his arrest, conviction, and time served. Researchers might also tease apart the economic forms of suffering on the defendant or inmate’s behalf — that is, whether or not they suffer economic deprivation due to incarceration or fines/charges incurred at the time of the trial.

Finally, the current study examined parole decisions, whereas the majority of this research has been conducted using juror scenarios. The purpose of this study was to determine how the presence of both remorse and time served affected male and female decision-makers. Thus, using a parole scenario allowed us to investigate remorse without being concerned about culpability. Researchers more interested in parole decisions have previously used both parole board members (Lindsey & Miller, 2011) and individuals who are not parole board members (M. K. Miller, Lindsey, & Kaufman, 2014) as participants. Future research should attempt to include actual parole board members to extend this work and determine whether the general community and parole board members differ in their decisions. Furthermore, there is still a lack of research in jury and juror research regarding gender and the different types of reparations to be paid. Both the verdict and sentence should be more closely examined in a trial setting to determine if there truly are gender differences regarding remorse and other more tangible forms of reparations.

In brief, our study provides evidence clarifying several misnomers that occur in psychology and law research. First, although women may have better emotional acuity, their evaluations of emotions (such as remorse) may not impair their logic as much as popular stereotypes would lead us to believe. As gender differences regarding remorse and time served are rarely examined in the literature together, the myth of these stereotypes persists. Thus, it is crucial that we continue to examine these differences more thoroughly in order to separate popular beliefs from scientific evidence. Second, remorse is overstressed in its importance on leniency in juror decision-making; however, it is rarely compared against other types of reparation, such as time served. Keeping this in mind, it is important to research all types of reparations to be paid toward the restoration of justice together in order to truly determine their significance in legal decision-making. As long as the criminal justice
system continues to seek to punish and restore order after the chaos created by a criminal offense, so must researchers continue to thoroughly examine those debts to be paid.

Notes
1. Reparation is defined as a type of payment made towards the victim or society. This definition is distinguished from previous definitions where something tangible is actually provided to the victim of a transgression. Here, we refer to reparation in a more symbolic sense, where offenders provide emotional healing for the victim or pay for their transgression through loss of freedom (incarceration).

2. Although we had directional hypotheses, two-tailed $p$-values are given.

References


Appendix 1. Parole Vignettes

In each vignette, the manipulations are highlighted in bold and the variations denoted with brackets.

Armed Robbery Vignette

This is the case of a 34-year-old male who has served [4/12] years of a 16 year sentence for armed robbery. Victim impact statements indicate the store clerks were threatened and still experience trauma-related symptoms. The motive for the robberies appears to have been financial — he has no job skills, was unemployed, and was using drugs with friends on a daily basis. Most of his friends have been involved with the courts, although he has had no contact with them since his most recent incarceration.

In his current sentence he initially had several incidents (fighting, contraband), but after 6 months he had made a marked improvement. At admission he had been recommended for academic upgrading, Cognitive Living Skills, Anger Management and Substance Abuse programming. After 40 months he has attained a Grade 10 level and completed the programs. Reports on file are reasonably positive regarding his participation and performance. He believes difficulty in finding employment and hanging out with friends were key factors in his crimes. He is [very/not] remorseful for his previous criminal history [and/but] wants to turn around his life. He has continued support from his mother and an older brother. His brother is married, works as a mason, and has offered the offender accommodation. Both feel the offender has matured and that he is trying to set realistic goals. They also feel he needs structure upon release. He has maintained contact with his family who he feels will be an important support upon his release.

Reports on file indicate he is a moderate risk to reoffend (SIR-R1). He has residency confirmed at a transitional living community, and they are supportive of him to take maintenance programs upon release. His family will provide support given that he will be living close by. Eventually he hopes to work with his brother and learn a trade as a mason. He expects his parole officer will require him to take maintenance programs upon release. He has had regular contact with the transitional living community, and they are supportive of residency.

Arson Vignette

This is the case of a 34-year-old man who has served [4/12] years of a 16 year sentence for arson.

Victim impact statements indicate the employees feared for their lives during the fire, and several still experience trauma-related symptoms. The motive for the fire appears to have been revenge — he started the fire after having an argument with the business owner. He has no job skills, was unemployed, and was using drugs with friends on a daily basis. Most of his friends have been

Additional Information

a) Risk assessment. His SIR-R1 score was −4 meaning that 50% of offenders will reoffend within 3 years of release. This is not an estimate of violent recidivism.

b) Mental health information. No formal diagnosis has been provided. Some psychological reports have suggested he would likely meet the criteria for antisocial personality disorder given the antisocial history and attitudes, plus substance abuse and impulsivity.

c) Victim information. The victim impact information indicates that during the robberies the offender was verbally abusive and threatening. In fact he indicated that if they identified him that he would seek them out and harm them. All victims report trauma-related symptoms in terms of fear, sleep problems, and anxiety. The offender now realizes he was out of control and that the current sentence stopped him before he did serious harm to someone when committing a crime.

d) Program information. Reports on file indicate he has actively participated in education as well as anger management and cognitive skills programs. He completes homework assignments and interacts well with others. He reports that he has gained a great deal from his involvement in the program. He missed one class due to illness, but sought out the assignment from the program officer. In fact, he has made considerable progress, attaining a Grade 10, which should assist in employment and completing all programs on his correctional plan. He has maintained contact with his family who he feels will be an important support upon his release.

e) Release plan. He realizes that in order to make a better life he must sever his antisocial ties and become self-sufficient. He is [extremely/not] sorry that he committed the armed robbery [and/but] knows that he needs to avoid criminal behavior to be successful. His academic upgrading will help with employment and living at a halfway house will provide the structure he needs initially upon release. His family will provide support given that he will be living close by. Eventually he hopes to work with his brother and learn a trade as a mason. He expects his parole officer will require him to take maintenance programs upon release. He has had regular contact with the transitional living community, and they are supportive of residency.

f) Time served. He was sentenced to 16 years in prison and has served [4/12] years of the sentence.
involved with the courts, although he has had no contact with them since his most recent incarceration.

In his current sentence he initially had several incidents (fighting, contraband), but after 6 months he had made a marked improvement. At admission he had been recommended for academic upgrading, Cognitive Living Skills, Anger Management and Substance Abuse programming. After 40 months he has attained a Grade 10 level and completed the programs. Reports on file are reasonably positive regarding his participation and performance. He believes difficulty in finding employment and hanging out with friends were key factors in his crimes. He is [very/not] remorseful for his previous criminal history [and/but] wants to turn around his life. He has continued support from his mother and an older brother. His brother is married, works as a mason, and has offered the offender accommodation. Both feel the offender has matured and that he is trying to set realistic goals. They also feel he needs structure upon release in order to succeed.

Reports on file indicate he is a moderate risk to reoffend (SIR-R1). He has residency confirmed at a transitional living community within 30 minutes of his brother’s home. Overall, current programming reports are reasonably positive.

The department of corrections is recommending day parole release and the transitional living community is supportive.

**Additional Information**

a) **Risk assessment.** His SIR-R1 score was −4 meaning that 50% of offenders will reoffend within 3 years of release. This is not an estimate of violent recidivism.

b) **Mental health information.** No formal diagnosis has been provided. Some psychological reports have suggested he would likely meet the criteria for antisocial personality disorder given the antisocial history and attitudes, plus substance abuse and impulsivity.

c) **Victim information.** The victim impact information indicates that when the fire was started there were several employees that were in the building and needed to be rescued. All victims report trauma-related symptoms in terms of fear, sleep problems, and anxiety. The offender now realizes he was out of control and that the current sentence stopped him before he did serious harm to someone when committing a crime.

d) **Program information.** Reports on file indicate he has actively participated in education as well as anger management and cognitive skills programs. He completes homework assignments and interacts well with others. He reports that he has gained a great deal from his involvement in the program. He missed one class due to illness, but sought out the assignment from the program officer. In fact, he has made considerable progress, attaining a Grade 10, which should assist in employment and completing all programs on his correctional plan. He has maintained contact with his family who he feels will be an important support upon his release.

e) **Release plan.** He realizes that in order to make a better life he must sever his antisocial ties and become self-sufficient. He is [extremely/not] sorry that he committed arson [and/but] knows that he needs to avoid criminal behavior to be successful. His academic upgrading will help with employment and living at a halfway house will provide the structure he needs initially upon release. His family will provide support given that he will be living close by. Eventually he hopes to work with his brother and learn a trade as a mason. He expects his parole officer will require him to take maintenance programs upon release. He has had regular contact with the transitional living community, and they are supportive of residency.

f) **Time served.** He was sentenced to 16 years in prison and has served [4/12] years of the sentence.

**Drug Trafficking Vignette**

This is the case of a 34-year-old male who has served [4/12] years of a 16 year sentence for possession of narcotics for the purpose of trafficking. Police information indicates he was arrested during an undercover operation where he was found to be transporting drugs. He pleaded guilty and cooperated with police. The motive for the trafficking appears to have been financial — he has no job skills, was unemployed, and was using drugs with friends on a daily basis. Most of his friends have been involved with the courts, although he has had no contact with them since his most recent incarceration.

In his current sentence he initially had several incidents (fighting, contraband), but after 6 months he had made a marked improvement. At admission he had been recommended for academic upgrading, Cognitive Living Skills, Anger Management and Substance Abuse programming. After 40 months he has attained a Grade 10 level and completed the programs. Reports on file are reasonably positive regarding his participation and performance. He believes difficulty in finding employment and hanging out with friends were key
factors in his crimes. He is [very/not] remorseful for his previous criminal history [and/but] wants to turn around his life. He has continued support from his mother and an older brother. His brother is married, works as a mason, and has offered the offender accommodation. Both feel the offender has matured and that he is trying to set realistic goals. They also feel he needs structure upon release in order to succeed.

Reports on file indicate he is a moderate risk to reoffend (SIR-R1). He has residency confirmed at a transitional living community within 30 minutes of his brother’s home. Overall, current programming reports are reasonably positive.

The department of corrections is recommending day parole release and the transitional living community is supportive.

**Additional Information**

a) **Risk assessment.** His SIR-R1 score was −4 meaning that 50% of offenders will reoffend within 3 years of release. This is not an estimate of violent recidivism.

b) **Mental health information.** No formal diagnosis has been provided. Some psychological reports have suggested he would likely meet the criteria for antisocial personality disorder given the antisocial history and attitudes, plus substance abuse and impulsivity.

c) **Victim information.** There is no victim information.

d) **Program information.** Reports on file indicate he has actively participated in the substance abuse program. He completes homework assignments and interacts well with others. He reports that he has gained a great deal from his involvement in the program. He missed one class due to illness, but sought out the assignment from the program officer. In fact, he has made considerable progress, attaining a Grade 10, which should assist in employment and completing all programs on his correctional plan. He has maintained contact with his family who he feels will be an important support upon his release.

e) **Release plan.** He realizes that in order to make a better life he must sever his antisocial ties and become self-sufficient. He is [extremely/not] sorry that he was trafficking drugs [and/but] knows that he needs to avoid criminal behavior to be successful. His academic upgrading will help with employment and living at a halfway house will provide the structure he needs initially upon release. His family will provide support given that he will be living close by. Eventually he hopes to work with his brother and learn a trade as a mason. He expects his parole officer will require him to take maintenance programs upon release. He has had regular contact with the transitional living community, and they are supportive of residency.

f) **Time served.** He was sentenced to 16 years in prison and has served [4/12] years of the sentence.