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Perceptions of Anti-Black Bias in the Criminal Justice System Contribute to Pro-Black (Versus White) Bias in Criminal Justice Research

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ABSTRACT

Black Americans experience more frequent guilty verdicts and harsher sentences in the criminal justice system. However, recent laboratory work often finds either trivial differences or a pro-Black bias where people provide more lenient verdicts for Black versus White defendants. Across five studies, we find a consistent pro-Black bias even after reducing social desirability concerns. Instead, the pro-Black bias results from a negative relationship between perceived anti-Black criminal justice bias and the Black suspect's verdict. The current work shows the pro-Black bias as a consequence of the newly salient perception of racial bias in the criminal justice system. Consequently, as people's perceptions of racial disparities in the criminal justice system increase, this in-lab effect may manifest in real-world criminal justice outcomes.

Despite comprising only 14% of the United States population (U.S. Census Bureau, 2023), Black individuals make up over 30% of incarcerated persons (Carson, 2023; Zeng, 2022). This disparity stems not only from policing practices (i.e., disproportions in searches and arrests; Shoub et al., 2020), but also from post-arrest outcomes. Indeed, Black versus White individuals are more likely to be found guilty (Carson, 2023; Lehmann, 2020; Spohn & Cederblom, 1991; Zeng, 2022) and receive harsher sentences for similar crimes (Burch, 2015; Kutateladze et al., 2014; Spohn, 2000, 2015; Zatz, 2000). Furthermore, Black Americans are seven times more likely to be exonerated from a faulty guilty conviction than are White Americans (National Registry of Exonerations, 2022), and Black Americans are more likely to receive the death penalty when convicted of a murder than any other race (NAACP Legal Defense & Educational Fund, 2013). It is clear from this data that Black Americans face disadvantages in the criminal justice system.

Early lab work generally aligned with this field data by finding that people were more prone to render a guilty verdict and suggest a harsher sentence for a Black compared to a White defendant (e.g., Dukes & Gaither, 2017; Gordon et al., 1988; Jones & Kaplan, 2003; Schuller et al., 2009; Singh & Sprott, 2017). Yet more recent in-lab research often fails to reflect an anti-Black bias but instead finds either trivial differences in the guilt and sentencing decisions of Black and White defendants (e.g., Glaser et al., 2015; Maeder et al., 2015; Miller et al., 2014) or a pro-Black bias (e.g., Forney & Lacy, 2022; Peter-Hagene, 2019; Salerno et al., 2023; Smalarz et al., 2023). One contributing factor may be an increase in anti-racist concerns driven by an uptick in mainstream and social media coverage of police violence toward Black individuals and consequent public protests (e.g., those led by the Black Lives Matter movement). Recent salience surrounding this may have heightened the perception that racial disparities exist in the United States (Horowitz et al., 2019; Jones & Lloyd, 2021; Pew Research Center, 2016). In the lab, this may manifest as social desirability concerns (e.g., motivations to appear nonprejudiced), an effect that may be especially pronounced in research focusing on the criminal justice system. Whereas some have suggested that social desirability concerns explain the lab-derived pro-Black (versus White) bias (Salerno et al., 2023; Smalarz et al., 2023), we suggest that focusing on individual motives ignores the macro-level effect of the larger change in social perceptions. That is, people may be individually concerned with appearing nonprejudiced, but they may also believe that something at the societal level needs redressing. Consequently, driving much of the recent pro-Black effect may be a change in people's perception of bias in the criminal

justice system. In other words, people—perhaps now more than ever—perceive there to be disparity in the treatment of Black versus other Americans by the criminal justice system and may attempt to correct for such perceived bias by (consciously or not) diminishing the guilt and associated sentences of Black relative to White defendants. In the current work, we first explore the replicability of the pro-Black effect and its robustness to reduced social desirability concerns. We then test whether perceived anti-Black bias in the criminal justice system plays a unique role in this modern lab-derived pro-Black bias.

Race, guilt, and sentencing in field data

Black individuals make up about 14% of the United States population but make up over 30% of jail and prison populations (Carson, 2023; Zeng, 2022). Black individuals were the most frequently sentenced racial or ethnic group in the U.S. in 2021 with one in eighty-one Black American adults serving a prison sentence and Black Americans comprising more than half of the prison population in twelve states (Nellis, 2021). In 2021, Black individuals were sentenced to jail 3.4 times the rate of White individuals (Zeng, 2022) and Black males aged 18–19 were imprisoned 11.6 times the rate of White counterparts (Carson, 2022). In 2022, roughly 53% of people convicted and later exonerated of a crime were Black (National Registry of Exonerations, 2022). Moreover, later-exonerated Black Americans are almost eight times more likely to be convicted of murder and rape and nineteen times more likely to be convicted of drug crimes compared to White counterparts (National Registry of Exonerations, 2022). These statistics seemingly reflect disadvantages that Black Americans experience at several levels of the criminal justice system (e.g., decisions to arrest, decisions to charge, decisions of guilt, sentencing recommendations and decisions).

Exemplifying this idea are racial disparities in sentences meted out for similar crimes committed by Black versus White defendants. For example, disparities are apparent in the harsher sentences given to Black than White first-time offenders, even when controlling for crime severity and socioeconomic status (Burch, 2015). Black defendants comprise 48% of inmates sentenced to life and "virtual life" sentences (i.e., sentences so long that the convicted will likely die in prison; Nellis, 2017). Black versus other race defendants are also more likely to receive the death penalty (NAACP Legal Defense & Educational Fund, 2013) and that outcome is exacerbated when the victim is White (Baldus et al., 1985). Perhaps more

tellingly, when convicted of a similar crime, Black and White individuals often receive systematically unequal sentences. For example, Black versus White individuals receive harsher sentences when convicted of manslaughter, robbery/carjacking, and arson (Lehmann, 2020). Here, field data indicate that anti-Black racial disparities exist in both guilt decisions and sentencing length. However, as we discuss next, recent in-lab data has failed to consistently reflect this real-world pattern.

Race, guilt, and sentencing in in-lab data

Some in-lab work on racial disparities in the criminal justice system parallels real-world statistics by finding a pro-White (versus Black) bias, such that White versus Black defendants are less often perceived as guilty and given more lenient sentences. For example, after watching either a Black or White suspect be interrogated by a White detective about a hit-and-run, White participants were more likely to perceive the Black compared to White suspect as guilty and were more likely to believe that the Black versus White suspect's incriminating statements were voluntary (Ratcliff et al., 2010). Further, when participants read about either a drug trafficking or embezzlement case involving a Black or White defendant, participants perceived the Black defendant as guilty more often regardless of the crime (Schuller et al., 2009). Similar results were found when participants read a trial transcript about a motor vehicle theft (Maeder et al., 2015, Study 2). In a separate work, after reading a vignette about an altercation involving a Black or White man who fatally shot an unarmed Black or White man, participants were more likely to sympathize and empathize with the shooter when the shooter was White (Dukes & Gaither, 2017). This effect was amplified when the shooter was White and the victim was Black. Participants commensurately provided harsher sentences to the Black versus White shooter. Comparable results were found after participants read about a Black or White defendant accused of raping a Black or White victim, such that Black defendants were punished more harshly than White defendants, especially when the victim was White (Klein & Creech, 1982).

Similar pro-White versus Black sentencing disparities have been evidenced in a meta-analysis of 14 studies that collapsed across several crime types (e.g., rape, burglary, murder; Sweeney & Haney, 1992) and when the defendant committed burglary or embezzlement (Gordon et al., 1988), larceny (Johnson et al., 2002), auto theft (Jones & Kaplan, 2003), and armed

robbery (Singh & Sprott, 2017). Previous in-lab work also indicates that participants are more likely to suggest the death penalty for a Black versus White defendant and are more likely to convict a Black versus White defendant when the maximum sentence is the death penalty (Lynch & Haney, 2009). This pro-White versus Black pattern seen across many previous in-lab studies aligns with current field data.

Yet much recent research fails to find a consistent pro-White bias in criminal justice outcomes like guilt and sentencing. Instead, many in-lab studies occurring within the past decade find minimal racial differences or even pro-Black (versus White) guilt and sentencing effects. For example, defendant race (Black or White) did not create notable differences in verdict decisions when the defendant committed robbery (Maeder et al., 2015, Study 1), when the maximum sentence for murder was life in prison (Glaser et al., 2015), or when participants were acting as part of a parole board responsible for selecting when the defendant was released after being convicted of second-degree murder (Miller et al., 2014). In similar work, participants read several crime vignettes (e.g., assault, burglary, drug possession, embezzlement, bomb threat) where the offender's race was either White, Black, Hispanic, East Asian or not provided (Forney & Lacy, 2022). Here, there was only a minimal difference in participants' sentencing of Black and White defendants for burglary, embezzlement, or a bomb threat but White versus Black offenders received a harsher sentence for assault crimes and drug possession. Other work has replicated this lab-derived pro-Black (versus White) bias, as participants pretending to serve as jury members were less likely to convict a Black than White defendant accused of murder (Peter-Hagene, 2019) or drug trafficking (Shaw et al., 2021). Moreover, a review of 28 in-lab studies focusing on the legal system indicated that those published between 2010 and 2021 contained more pro-Black effects than similar work published in the prior decade (Smalarz et al., 2023). So, whereas field data and some in-lab work indicate a pro-White (versus Black) bias in criminal justice outcomes, several recent in-lab works imply either little to no bias or a pro-Black (versus White) bias.

Mechanisms behind the field versus in-lab results

Due to increased media attention on police violence toward Black individuals and consequent protests (among perhaps other social events), people's motivations to appear nonprejudiced may be strengthening. In support of this idea, a longitudinal study indicates that people's internal motivation to respond without prejudice has increased since 2013 (Kievit et al., 2023). Thus, social desirability concerns active during in-lab criminal justice research may affect people's responses, perhaps resulting in trivial effects and/or pro-Black versus White effects (e.g., Salerno et al., 2023; Smalarz et al., 2023). Supporting this idea, after reading a vignette portraying a Black or White man accused of a crime, participants less frequently convicted the Black defendant if they determined that the study was about racial bias (i.e., were demand/hypothesis aware; Salerno et al., 2023). The authors suggest that to the degree participants perceived race as a factor measured via a suspicion probe (i.e., "*If you had to guess, what do you think the study is about?*"), they may have overcorrected toward appearing egalitarian (i.e., unbiased) which manifests as a pro-Black (versus White) bias. Indeed, if participants first established nonracist credentials by finding an unambiguously innocent Black defendant not guilty, they were more likely to convict a subsequent Black defendant whose case was more ambiguous. Here, participants (consciously or not) who have proved their nonracist bona fides may be less impacted by social desirability concerns permitting an anti-Black versus White bias to emerge.

Work focusing on race salience further suggests that the increased lab-derived pro-Black versus White bias in criminal justice research results not just from social desirability concerns about appearing non-racist in general, but from concerns that may be particularly salient in the context of criminal justice (Sommers & Ellsworth, 2000). In other words, given the locus of the increased salience on anti-Black police violence, people may be particularly likely to note the race of the suspect (either implicitly or explicitly) and be concerned about appearing prejudiced in criminal justice settings (see Estrada-Reynolds et al., 2023). Supporting this idea, being given criminal case *and* background (e.g., hobbies, family, employment, education) information versus *only* background information exacerbated the degree to which participants rated a White versus Black male defendant more negatively (i.e., more dangerous, violent, unpredictable, aggressive, dishonest; Smalarz et al., 2023). In other words, people may experience an elevated motivation to appear nonprejudiced, particularly in the racially charged context of the criminal justice system.

Although increased media coverage of anti-Black police violence and associated protests may have affected people's motivation to appear nonprejudiced, especially in the context of the criminal justice system, there may also be a heightened general societal-level

perception that prejudiced racial disparities exist across facets of the criminal justice system. Indeed, from 1997 to 2021, the percentage of Americans who believed that Black compared to White people were treated less fairly by the police increased by 21% (Jones & Lloyd, 2021). Between 2009 and 2021, there was a 13% increase in the number of people who believed that racism toward Black people is widespread in the U.S. (Jones & Lloyd, 2021). Attesting to even more recent changes in perceptions, in 2016, only 50% of White participants said that Black compared to White people were treated less fairly by the police (Pew Research Center, 2016). Yet only three years later, the percentage of White participants who held this belief increased to 64% (Horowitz et al., 2019). Similarly, between 2016 and 2019 the number of White people who believed that Black people are treated less fairly than White people in the U.S. court system increased by 18% (Horowitz et al., 2019; Pew Research Center, 2016). Further, in a recent study, participants perceived the criminal justice system (i.e., police officers, prosecutors, jurors) compared to those outside of the criminal justice system (i.e., employers, landlords, teachers) as more biased against Black people (Smalarz et al., 2023). So, in addition to a general motive to appear non-prejudiced (manifesting as social desirability concerns) contributing to recent in-lab pro-Black criminal justice findings, people may also be attempting to correct for perceived bias in the criminal justice system itself. Unfortunately, this question has so far been left empirically untested as previous work solely examined the role of social desirability (Salerno et al., 2023; Smalarz et al., 2023). We, therefore, add to this ongoing discussion in the current work by testing whether the perception that the criminal justice system is biased contributes to the lab-derived pro-Black versus White bias.

Present research

The current work aims to test the idea that contributing to the aforementioned disparities between field and lab work focusing on Black versus White criminal justice outcomes is perceptions of bias in the criminal justice system. We tested these ideas across five studies that were all approved by the Institutional Review Board. Studies 1–3 establish the replicability of the pro-Black versus White guilt and sentencing decisional bias as well as explore its robustness to reduced social desirability. Whereas the race and criminal justice focus of the study was clear in Study 1 (likely activating social desirability concerns), both race information and the focus of the study were suppressed in Studies 2 and 3, reducing social desirability concerns. Studies 4a and 4b (a primary and replication study) ultimately assess our idea that perceptions of a biased criminal justice system contribute to a pro-Black bias in a criminal justice setting.

Study 1

Study 1 sought to establish the basic lab-derived pro-Black (versus White) bias found by prior researchers. Here, participants read about a violent assault where the suspect was either a Black or White male. Participants provided their perceptions of guilt and deserved sentence.

Method

Participants ($N = 210$) were undergraduates at a southeastern university who received credit in a psychology course for completing the study. We excluded 6% of participants for not passing at least one of the two attention checks (i.e., *Click the fifth circle in the scale below. This is just to screen out random clicking.* ($1 = strongly\ disagree$, $7 = strongly\ agree$); *What were you asked to read about in this study?* ($1 = an\ assault$, $2 = mail\ fraud$, $3 = car\ theft$)), and .05% of participants for missing data, resulting in 195 usable participants (age: $M = 19.29$, $SD = 1.30$; 83% females, 16% males, 1% other; 81% White, 5% Black, 2% Asian, 1.5% Native American or Alaska Native, .5% Native Hawaiian or other Pacific Islander, 8% mixed-race, 2% other).

After obtaining informed consent, between-subjects participants were told they would read and answer questions about a news story. Participants were randomly assigned to read about a violent assault where either a Black or White male was charged (see Supplemental Materials for full text). The only differences between the two vignettes were the race and the provided name of the suspect. The race of the suspect was provided explicitly (i.e., "… a 40-year-old Black/White male violently attacked the victim…") and by using a racially stereotypical name (i.e., *Jamal Washington* for the Black suspect and *Brad Miller* for the White suspect; March et al., 2021; U.S. Census Bureau, 2010). After participants read the vignette, they provided the degree to which they believed the suspect was guilty of assault ($1 = strongly\ disagree$, $10 = strongly\ agree$), and the punishment deserved ($1 = no\ punishment$, $10 = maximum\ punishment\ allowed\ by\ law$). As in previous research (Salerno et al., 2023), to probe for suspicion at the end of the study, participants were asked to provide the perceived hypothesis

of the study via an open-ended response (i.e., "*What do you think is the hypothesis of this study?*").

Results

As in all studies, we first standardized ratings by computing a z-score for guilt and punishment separately. Standardized guilt and punishment decisions were highly correlated for the Black ($r = .76$) and the White ($r = .74$) suspects. Because of this, in all studies we also averaged the standardized guilt and punishment variables to create one Verdict score (all effects remain when variables are kept separate). Results indicated that participants rendered harsher Verdicts for the White ($M = 0.52$, $SE = .08$) than the Black ($M = -.51$, $SE = .08$) suspect, $d = 1.08$.

Discussion

Study 1 provides evidence for the lab-derived pro-Black (versus White) bias consistently found in recent work on race and the criminal justice system. Specifically, participants provided a harsher verdict for the White versus Black suspect (i.e., perceived the White versus Black suspect to be more guilty and provided a harsher sentence).

Importantly, based on the suspicion probe answers, almost all our participants correctly suspected that the current study was about race, stereotypes, biases, the names of the suspects, or the criminal justice system. Meaning, it is possible that the pro-Black (versus White) bias was due to social desirability encouraging participants to appear unbiased (Salerno et al., 2023; Smalarz et al., 2023). Accordingly, in the following two studies, we tested the replicability of the Study 1 pro-Black (versus White) bias when social desirability (i.e., hypothesis awareness) is minimized.

Study 2

Study 2 tested whether the pro-Black effect from Study 1 was due to social desirability concerns resulting from hypothesis-aware participants. Rather than providing only one vignette of interest, participants in Study 2 were provided both Black and White assault vignettes embedded within 17 filler (also crime-related) vignettes. Participants were also asked questions after each filler vignette, which decreased the salience of the critical vignettes.

Method

Participants ($N = 204$) were undergraduates at a southeastern university who received credit in a psychology course for completing the study. We excluded 6% of participants for not passing the attention check (i.e., *Click the fifth circle in the scale below. This is just to screen out random clicking.* ($1 = strongly\ disagree$, $7 = strongly\ agree$)) and 18% of participants for not passing the manipulation check for the assault vignettes of interest. The manipulation check asked participants to provide the race of each suspect from all vignettes ($1 = American\ Indian\ or\ Alaska\ Native$, $2 = Asian$, $3 = Black\ or\ African\ American$, $4 = Native\ Hawaiian\ or\ Other\ Pacific\ Islander$, $5 = White$) at the end of the study. In total, we had 154 usable participants (age: $M = 19.52$, $SD = 1.62$; 81% females, 19% males; 96.8% White, 2.6% mixed-race, .6% other).

Like in Study 1, participants received informed consent and then were told they would read several news stories. They were further told we were interested in their memory for each story and their perceptions of the companies/people in the stories. Participants were asked to read 19 crime vignettes, of which two were the assault vignettes of interest. These two assault vignettes were both about violent assaults, and in one the suspect was White and in the other the suspect was Black. In contrast to Study 1, the race of the suspect was only implied by the suspect's racially stereotypical name (i.e., *Brad Schmitz* for the White suspect and *Jamal Washington* for the Black suspect). The White suspect's last name was changed from Miller to Schmitz to give the suspect a more popular stereotypical White name based on the percentage of self-identifying "White" people in the United States with each last name (i.e., from 85.8% to 97.2%; U.S. Census Bureau, 2010). Although details of the crimes were nearly identical across assault vignettes, the context of each assault vignette differed so that participants did not read the same assault crime twice. Specifically, the crime details were kept the same from Study 1 to 2 for the Black suspect. However, to create some trivial distinction between the Black and White vignettes (so that participants would not become suspicious from reading the same story twice), the crime location and distance from the suspect's home and crime were slightly altered for the White suspect; all relevant details are paralleled in the White and Black vignettes (see Supplemental Materials for full text). As in Study 1, after participants read each vignette, they provided the degree to which they believed the suspect was guilty of assault ($1 = strongly\ disagree$, $7 = strongly\ agree$), and the punishment deserved ($1 = no\ punishment$, $9 = maximum\ punishment\ allowed\ by\ law$). Once again, we z-score standardized and then averaged each rating to form a Verdict score due to guilt and sentencing being highly correlated (Black: $r = .88$; White: $r = .87$).

The order of the Black versus White assault vignette was random between participants. Before, between, and after the assault vignettes were 17 total filler vignettes that were also crime-related but were not about a violent assault (i.e., mail fraud, dangerous operation of a motor vehicle, threat with intent, false advertisement, vandalism, defamation, professionally cheating, animal endangerment, dangerous operation of an aircraft). The assault vignettes always appeared after at least three filler stories and there were at least three filler stories in between each assault vignette. The race of the suspect in the filler vignettes was only implied by the suspect's racially stereotypical name in hopes of making the assault vignettes less salient. After each of the filler vignettes, participants were asked about perceptions of guilt and sentencing of the individual or company, along with a question to test their memory of each story.

As in Study 1, to account for social desirability in ratings, at the end of the study, participants were asked to provide the perceived hypothesis of the study. To determine whether social desirability impacted this effect, two raters coded participants' responses to the perceived hypothesis question and liberally marked anyone who mentioned race, stereotypes, or the names of the suspects in their response ($N = 24$) as hypothesis aware with 100% agreement. We conducted analyses with and without these participants.

Results

Results showed that participants rendered harsher Verdicts for the White ($M = 0.10$, $SD = 0.93$) than Black ($M = -0.10$, $SD = 1.00$) suspect, $d = 0.23$. The pro-Black versus White bias remained after excluding hypothesis-aware participants, $d = 0.21$.

Discussion

Study 2 replicates Study 1's lab-derived pro-Black versus White bias, as participants provided a harsher Verdict for the White compared to the Black suspect (i.e., less likely to agree the Black suspect was guilty and provided him a more lenient sentence compared to the White suspect) who committed a homogeneous crime. Contrary to previous work (Salerno et al., 2023; Smalarz et al., 2023), this effect held even under conditions of reduced social desirability concerns. Importantly, as opposed to the many participants in Study 1 who guessed the study was about race, only 16% of participants mentioned race, stereotypes, biases, the names of the suspects, or the criminal justice system in their guess of Study 2's purpose, and

the effect remained relatively unchanged when those participants were excluded.

Recall, we suggested earlier that peoples' motives to "correct" for perceived bias may be relatively more salient when criminal justice is a clear focus of research. In Study 2, the critical assault vignettes were embedded within other crime-related vignettes. Focusing on the criminal justice system may have activated a more global drive for egalitarianism (Smalarz et al., 2023) or may have either implicitly or explicitly made race more salient (Sommers & Ellsworth, 2000), creating some degree of social desirability even under relatively degraded conditions. Notably, this is counter to what our suspicion probe suggests; however, we cannot completely rule out the possibility that participants were less likely to provide their true thoughts about the study. As mentioned earlier, due to the between-subjects design, the Black and White suspect's assault crimes also differed on small details. Therefore, in Study 3 we returned to the between-subjects design of Study 1 and embedded only one assault vignette within several non-crime related stories.

Study 3

Study 3 sought to further minimize the influence of socially egalitarian motives activated by the awareness that the focus of the research was criminal justice. In Study 3, participants read four non-crime-related opinion pieces and were asked to provide their opinion regarding the issue in each story before reading one assault vignette. We expected (and the awareness checks confirm that) this minimized participants' concerns that the study was about race and also the criminal justice system.

Method

Participants ($N = 145$) were undergraduates at a southeastern university who received credit in a psychology course for completing the study. We excluded 10% of participants for not passing the attention check (i.e., *Click the fifth circle in the scale below. This is just to screen out random clicking.* (1 = *strongly disagree*, 7 = *strongly agree*)) and 9% participants for not passing the manipulation check which asked them to provide the race of the suspect in the assault vignette (1 = *Black or African American*, 2 = *White*) at the end of the study, resulting in 117 usable participants (age: $M = 19.75$, $SD = 2.44$; 74% females, 23% males, 3% other; 80% White, 7% Black, 4% Asian, 1% Native American or Alaska Native, 6% mixed-race, 2% other).

After obtaining informed consent, participants were told that they would read several short stories and that we were interested in their memories and opinions about the stories and the subjects within each story. To decrease people's suspicions about the purpose of the study, participants first read four non-crime-related vignettes from a larger pool of possibilities (i.e., recycling, deepfakes, do not resuscitate laws, movie spoiling, cybervetting, social media, gene editing, and shopping at small businesses). After each of the filler vignettes, participants reported their opinions about the provided topic (e.g., the degree to which they believe blogs with spoilers should contain warning labels; whether they agree that deepfakes are dangerous), along with a question to test their memory of each story (see Supplemental Materials for full text of vignettes and questions). Between-subjects participants were then randomly assigned to read one of two critical vignettes, one of which had a Black suspect ($N = 55$) and the other of which had a White suspect ($N = 62$). These vignettes were the same as the ones used in Study 1 and for the Black suspect's vignette in Study 2, with the race of the suspect implied only by the suspect's name (i.e., *Brad Schmitz* for the White suspect and *Jamal Washington* for the Black suspect). Participants were asked the same questions after each vignette as in Studies 1 and 2, using the same scales as in Study 2 (i.e., 7-point scale for guilt, 9-point scale for punishment). We again z-score standardized and then averaged each rating to form a Verdict score due to guilt and sentencing being highly correlated (Black: $r = .80$; White: $r = .80$).

As in Study 2, to code hypothesis awareness, participants were asked to provide the perceived hypothesis of the study and two raters coded participants' responses, marking anyone who mentioned race, stereotype, biases, the names of the suspects, or criminal justice in their response ($N = 8$) with 100% agreement. We conducted analyses with and without these participants.

Results

Replicating the pro-Black (versus White) bias found in Studies 1 and 2, participants rendered harsher Verdicts for the White ($M = 0.34$, $SE = .11$) compared to the Black suspect ($M = -0.39$, $SE = .12$), $d = 0.77$. After excluding the eight hypothesis-aware participants, the pro-Black versus White bias remained, $d = 0.82$.

Discussion

Studies 1–3 consistently indicated a lab-derived pro-Black (versus White) bias where participants rendered a more lenient verdict for a Black versus White suspect accused of a violent assault. Studies 2 and 3 evidence that diminishing the influence of social desirability by both minimizing hypothesis awareness and the focus on criminal justice minimally alters this effect, as the pro-Black versus White bias remained even after mixing the assault vignettes among different types of filler vignettes and after excluding participants who guessed any part of the study's focus. Given that we have minimized social desirability and criminal justice salience (as attested to by the minimal suspicions), it appears that there must be a broader, less intra-individual pressure shaping participants' responses. As stated earlier, we suspect that participants are correcting for perceptions of a racially biased criminal justice system. Study 4a and 4b test this idea.

Study 4a and 4b

We previously reviewed the idea that due to recently salient media coverage of disparate police violence toward Black individuals and the consequent public protests, people may perceive an increase in anti-Black biases across facets of the criminal justice system. We suspect that people's strengthened perception of the criminal justice system as racially biased may be driving them to correct for such bias, consciously or not. If so, this may manifest as pro-Black (versus White) decisions regarding suspect guilt and sentencing decisions.

Method

Study 4a. Participants ($N = 158$) were recruited from Prolific, a research platform that screens and verifies participants to minimize automated responses, and received $7.00 for participating in the 45-minute study. We excluded 9% of participants for not passing the manipulation check, which asked the race of the suspect in each vignette (1 = *American Indian or Alaska Native*, 2 = *Asian*, 3 = *Black or African American*, 4 = *Native Hawaiian or Other Pacific Islander*, 5 = *White*) at the end of the study, and 9% participants for missing data, resulting in 139 total usable participants (age: $M = 34.93$, $SD = 7.97$; 33% females, 53% males, 1% non-binary, 13% missing; 42% White, 34% Black, 3% Asian, 5% mixed-race, 3% other, 13% missing).

After obtaining informed consent, within-subject participants were told that they would read news stories and answer questions about the stories. Participants were asked to read the same violent assault vignettes used in Study 2, meaning one violent assault where the suspect was Black and one where the suspect was

White, and race was only implied by the suspect's name. After reading each assault vignette, participants were asked about guilt perceptions and sentencing harshness, using the same scales as in Studies 2 and 3.

Participants were then asked about their perceptions of bias in the criminal justice system in general. Specifically, participants were asked to report the amount of evidence needed to (1) charge and (2) find guilty a Black and White person, respectively (1 = *not very much evidence*, 10 = *a lot of evidence*).

Study 4b. Participants (N = 238) were undergraduates from a southeastern university who participated in the study for credit in a psychology course. We excluded 12% of participants for not passing the manipulation check which asked the race of the suspect in each vignette (1 = *American Indian or Alaska Native*, 2 = *Asian*, 3 = *Black or African American*, 4 = *Native Hawaiian or Other Pacific Islander*, 5 = *White*) at the end of the study, resulting in 209 total usable participants (age: M = 19.35, SD = 1.31; 79% females, 20% males, 1% other; 73% White, 10% Black, 8% Asian, .5% Native American or Alaska Native, .5% Native Hawaiian or other Pacific Islander, 7% mixed-race, 1% other). As in Study 4a, within-subjects participants read both assault vignettes and provided their guilt and sentencing decisions, using the same scales as in Study 2 and 3, and perceived evidence disparities in the criminal justice system.

Results

As Study 4b replicated Study 4a's results and there was a trivial Study interaction in the analyses, we combined the datasets into an integrative data analysis (N = 348). As in all previous studies, we z-score standardized and then averaged each guilt and sentencing rating to form a Verdict score due to guilt and sentencing being highly correlated (Black: r = .81; White: r = .81).

Replicating Studies 1–3, participants rendered harsher Verdicts for the White (M = 0.07, SD = .96) compared to the Black (M = −0.07, SD = .94) suspect, d = 0.16.

As expected, perceived evidence needed to charge and evidence needed to find guilty was highly correlated for both Black and White defendants (Black defendant r = .93; White defendant r = .82). We combined the reverse coded evidence to charge and to find guilty variables to create a z-score standardized Criminal Justice Bias variable for each of the Black and White defendants, respectively. Higher values indicate more Criminal Justice Bias (i.e., the

perception that less evidence is needed to charge and find guilty). Also as expected, participants perceived greater Criminal Justice Bias toward Black (M = 0.59, SD = 0.93) than White (M = −0.59, SD = 0.67) individuals, d = 1.97.

In our critical test of whether one's perception of Criminal Justice Bias is related to their Verdict, in separate analyses for the Black and White suspects we assessed the relationship between the suspect-specific Verdict and the race-matched Criminal Justice Bias (i.e., the Black suspect Verdict and perceptions of the amount of evidence needed to both charge and find guilty a Black assault suspect, and likewise for the White suspect). As expected, greater anti-Black Criminal Justice Bias (indicating a perception that less evidence is needed to charge and find guilty) was related to more lenient (less harsh) Verdicts for the Black suspect, r = −.18 (see Figure 1). In other words, the more participants perceived the criminal justice system to be racially biased against Black individuals, the less they perceived the Black suspect to be guilty and the lower sentence they recommended. Tellingly, perceived anti-White Criminal Justice Bias was negligibly related to the Verdict for the White suspect, r = .05.[1]

Discussion

Once again, we found a pro-Black (versus White) bias, where participants, from both university and community samples, provided the Black (versus White) suspect with a more lenient verdict (i.e., perceived as less guilty and suggested a more lenient sentence). Participants also perceived more general criminal justice bias (i.e., less evidence needed to charge and find guilty) toward Black versus White defendants. Critically, as perceived criminal justice bias increased, the Black suspect's verdict became more lenient. This relationship was trivial for the White suspect. These findings suggest that people may perceive more racial bias in the criminal justice system and in turn, they may (implicitly or explicitly) correct for this perceived injustice by providing more lenient verdicts for Black versus White suspects, completely reversing the pro-White bias found in early lab work (e.g., Dukes & Gaither, 2017; Gordon et al., 1988; Jones & Kaplan, 2003; Schuller et al., 2009; Singh & Sprott, 2017). Although some may interpret a correlation coefficient of r = 0.18 as indicating only a small relationship between perceived criminal justice bias and Black verdicts, this relationship must be contextualized within the auspice of its real-world implications. Consider that in 2022 alone, there were roughly 384,600 Black individuals sentenced to prison (Carson,
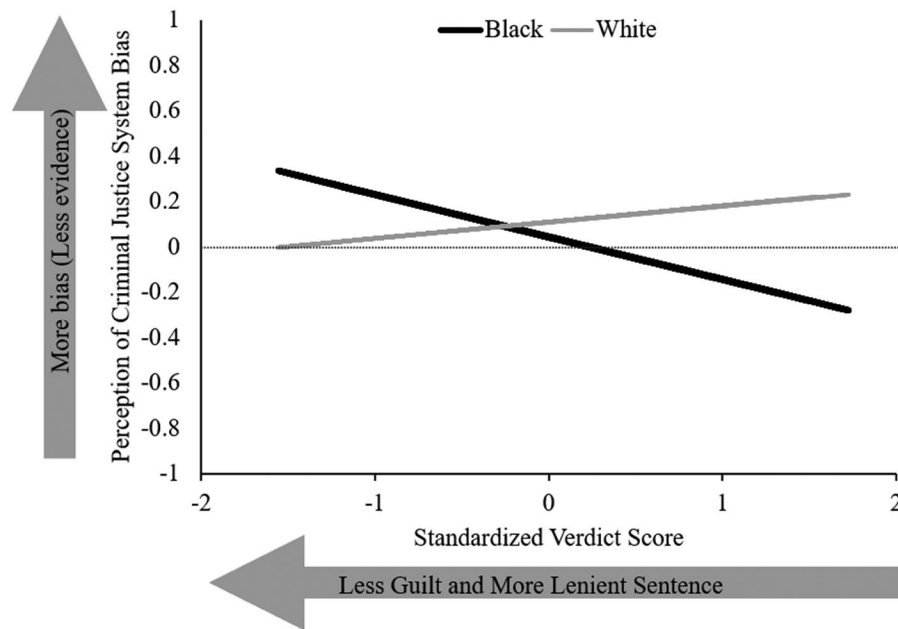
Figure 1. Relationship between Black and White Suspect's verdict scores and perceived criminal justice bias.

2023). The impact of even a small effect manifested on such a large population of events could have large societal consequences (e.g., Greenwald et al., 2015).

General discussion

Across five studies, we found a consistent pro-Black versus White bias, such that Black versus White violent assault suspects were provided more lenient verdicts (i.e., perceived as less likely to be guilty and were given more lenient sentences). Recent work has found the lab-derived pro-Black bias focus on social desirability to be the sole reason for this effect, which may be particularly active in a criminal justice-focused research setting (Salerno et al., 2023; Smalarz et al., 2023). However, Studies 2 and 3 revealed that although reducing social desirability weakened the pro-Black effect (as the effect sizes decreased from Study 1 to Study 2 and 3), relatively diminished social desirability did not extinguish this effect. The pro-Black effects remained even when excluding those who guessed the study was about race or stereotypes, after diminishing the focus on criminal justice, and regardless of whether we utilized a within- or between-subjects design. Critically, in Studies 4a and 4b we found that perceptions of how White and Black individuals are treated by the criminal justice system are differentially related to the Black versus White suspect's verdict. As perceived criminal justice bias against Black defendants increased, verdicts for the Black suspect became more lenient. Perceived criminal justice bias against White defendants was only negligibly related to the

White suspect's verdict. The totality of these studies suggests that perceived criminal justice bias is an important contributor to the lab-derived pro-Black (versus White) bias.

Discrepancies between laboratory findings and field data

The heightened media coverage of police violence toward Black individuals and accompanying protest movements may have increased perceptions of racial disparities in the criminal justice system. This newly salient perceived bias may (implicitly or explicitly) affect people's perceptions of the outcomes of that same criminal justice system. In other words, people may be more skeptical of the criminal justice system and its' decisions when the defendant is Black (Shaw et al., 2021). Indeed, more Americans are perceiving policing and the criminal justice system to be more racially biased than ever before (Horowitz et al., 2019; Jones & Lloyd, 2021; Pew Research Center, 2016). To correct this perceived bias, when put in the position to do so, people provide more lenient outcomes for Black versus White suspects. Indirectly supporting this view, recent lab-work showed that after reading vignettes about a White or Black defendant, participants perceived the criminal justice system (e.g., police officers, criminal prosecutors, FBI agents, informants, and jurors in criminal trials) as biased against Black defendants (Smalarz et al., 2023) and less credible when the defendant was Black versus White (Shaw et al., 2021). Moreover, the degree

to which participants perceive Black versus White exonerees more favorably is mediated by perceiving that Black versus White exonerees are treated more unfairly in the legal system (Faison et al., 2023). The current work broadens and informs this line of work by directly indicating that perceptions of the racial biases in the criminal justice system, specifically perceived racial disparities in the amount of evidence needed to charge and convict a Black versus White man, is related to the lab-derived pro-Black bias.

Although our findings are limited to a laboratory setting where participants are making verdict decisions alone rather than in a group setting like juries, previous work finds a pro-Black (versus White) bias when participants deliberate in a group setting (Shaw et al., 2021). Thus, it is possible that this lab-derived pro-Black versus White bias may ultimately bleed into the real criminal justice system. However, based on the current field data (e.g., Carson, 2023; NAACP Legal Defense & Educational Fund, 2013; National Registry of Exonerations, 2022; Zatz, 2000), Black individuals are still disadvantaged in the real criminal justice system.

With the ultimate goal being no racial bias in the criminal justice system, a myriad of factors in criminal justice settings may need to be addressed. For example, Black versus White defendants are unequally affected by jury diversity and the quality of counsel representation. Specifically, in real criminal trials all-White versus racially diverse juries were more likely to convict Black versus White defendants and the effect was largely eliminated when the jury had at least one Black juror (Anwar et al., 2012). However, juries tend to lack racial diversity (Equal Justice Initiative, 2021), possibly counteracting the lab-derived pro-Black (versus White) bias we find in the current work. Similarly, Black Americans are more likely to have a court-appointed (i.e., perhaps lower quality) counsel than White Americans (Harlow, 2000), and Black defendants receive a harsher sentence when represented by a public defender versus a private attorney (Hartley et al., 2010), providing another impediment to the translation of the lab-derived pro-Black (versus White) bias to the criminal justice system.

Regardless, we show that a consistent effect, such as the pro-White (versus Black) bias replicated in previous lab work (e.g., Dukes & Gaither, 2017; Gordon et al., 1988; Jones & Kaplan, 2003; Schuller et al., 2009; Singh & Sprott, 2017), can be completely reversed by personal attitude changes, such as an increased perception that the criminal justice system is racially biased. This lends support to the possibility that people may positively shift their attitudes toward Black individuals. Past research indicates people tend to perceive Black individuals, explicitly and implicitly, as physically dangerous and associate Black individuals with criminality (March, 2023; March et al., 2021; Wilson et al., 2017). If people are perceiving the criminal justice system as racially biased, it is possible that people will reevaluate their associations of Black individuals and perceive their Black-criminal association as inaccurate. Meaning, to the degree that one associates the criminal justice system with racial bias, the Black-criminal association decreases. We elaborate below how future research can explore this interesting possibility.

Limitations and future directions

Previous research suggests that race becomes salient in certain contexts; one such context is likely to be the criminal justice system (Estrada-Reynolds et al., 2023; Smalarz et al., 2023; Sommers & Ellsworth, 2000). Although we attempted to minimize people's awareness that the focus of the current studies was race-related (and seemingly succeeded in doing so), race may still become implicitly or explicitly salient due to our vignettes of interest being crime related. Consequently, we cannot completely dismiss the idea that racial salience existed during our studies.

Further, small changes were made between studies. For example, Study 1 and 3 were between-subject designs, and Study 2 and Study 4a and 4b were within-subjects designs. Thus, the Black and White suspect vignettes in Study 2 and Study 4a and 4b differed on small details, such as crime location and distances from the crime and the suspect's home, to ensure participants did not read the same story twice with only the suspect's name differing. Although the consistency of the effect across studies implies these trivial details were irrelevant, it is possible that these slight variations between the Black and White suspects' vignettes in Study 2 and Study 4a and 4b may have altered participants' responses. We suspect that these slight variations, in addition to the way the assault vignettes were sometimes without filler vignettes (Study 1 and Study 4a and b) or embedded within filler vignettes that were either crime-related (Study 2) or crime-unrelated (Study 3), may be part of the reason for the varying effect sizes across the studies.

Moreover, although our findings consistently indicated a lab-derived pro-Black bias, participants in

our studies are not demographically matched to the typical jury. Across all our studies, apart from Study 4a, participants were primarily White undergraduates. Even though juries lack racial diversity (Equal Justice Initiative, 2021), jury members tend to be middle-aged (Anwar et al., 2014; Collins et al., 2023). College students tend to be more liberal than the general U.S. population (Hartig et al., 2023), and therefore may have perceived more criminal justice bias toward Black individuals than people on a typical jury. (e.g., Alper et al., 2024; Cooley et al., 2019). Future research can continue exploring the generalizability of this question by collecting data from a more diverse sample.

Although Study 2 and 3 tried to minimize social desirability effects, it is possible that participants could not accurately report their thoughts about the studies' focus (see Barret et al., 2023). As jury decisions are explicitly measured, we kept with this same type of measure. However, to minimize social desirability concerns even more, future research may want to measure attitudes toward Black versus White suspects implicitly to see if the explicit lab-derived pro-Black (versus White) bias is replicated implicitly. Further, social desirability may have impacted perceived criminal justice bias. Meaning, it is possible that the socially desirable answer is to say there are racial disparities in evidence needed to charge and find a Black versus White defendant guilty of assault, such that Black defendants need less evidence. We cannot rule out the possibility that social desirability played a role in the current measurement of criminal justice bias. To address this limitation, future research may want to measure people's implicit associations between the criminal justice system and racial bias to see if this perception of criminal justice bias, we find explicitly is also found implicitly.

Additionally, Studies 4a and 4b indicate that as perceived criminal justice bias toward Black people increases, the Black suspect's verdict becomes more lenient. The current studies do not test the causal nature of this relationship. Future research may be able to manipulate people's perception of racial bias present in the criminal justice system and measure its impact on both Black and White verdicts. Lastly, as stated previously, although we find a consistent lab-derived pro-Black versus White bias, this bias may not be seen in the criminal justice system due to several factors outside of the scope of this work (e.g., lack of jury diversity, representation disparities). Future work should explore the possible reasons why this pro-Black versus White bias has yet to bleed into the criminal justice system.

Conclusion

Although field data indicates Black Americans are uniquely disadvantaged in the criminal justice system (e.g., Carson, 2023; NAACP Legal Defense & Educational Fund, 2013; National Registry of Exonerations, 2022; Zatz, 2000), recent laboratory work has shown an increase in small to trivial racial differences in verdict decisions (i.e., guilt and sentencing decisions) for Black versus White suspects and pro-Black versus White biases. Across five studies we find a consistent lab-derived pro-Black versus White bias which was not fully explained by social desirability. Rather, we found an increase in perceived criminal justice bias was related to more lenient verdicts for the Black but trivially related to the White suspect.

Note

1. Verdict scores for the Black and White suspect were correlated at $r = .70$. Consequently, when testing for the presence of a unique relationship between perceived Black/White Criminal Justice Bias and the Black versus White Verdict scores, it is necessary to account for the shared variance of Verdict scores. Although debate remains, it has recently been shown that one can statistically control for the correlated repeated observations by conducting a residualized change analysis (Castro-Schilo & Grimm, 2018). Here, one correlated variable (i.e., Verdict to Black or White suspects) serves as the dependent variable and the other as a covariate along with the predictors of interest (in this case, Black/White Criminal Justice Bias). Therefore, in two separate models, we assessed (1) the White suspect's Verdict as predicted by Criminal Justice Bias toward Black/White people and the Black suspect's Verdict, and (2) the Black suspect's Verdict as predicted by Criminal Justice Bias toward Black/White people and the White suspect's Verdict. This confirmed and supplemented results from the main text by showing that: (a) perceived Criminal Justice Bias toward Black people was strongly negatively related to the Black suspect's verdict, $B = -.111$, $\eta_p^2 = .024$; (b) perceived Criminal Justice Bias toward White people was minimally positively related to the Black suspect's verdict, $B = .106$, $\eta_p^2 = .012$; (c) perceived Criminal Justice Bias toward Black people was trivially positively related to the White suspect's verdict, $B = .016$, $\eta_p^2 = .0005$; and (d) perceived Criminal Justice Bias toward White people was trivially negatively related to the White suspect's verdict, $B = -.033$, $\eta_p^2 = .0011$.

Disclosure statement

References

Alper, B. A., Silver, L., & Mohamed, B. (2024, April 2). *Views on discrimination in our society.* Pew Research Center. https://www.pewresearch.org/2024/04/02/views-on-discrimination-in-our-society/

Anwar, S., Bayer, P., & Hjalmarsson, R. (2014). The role of age in jury selection and trial outcomes. *The Journal of Law and Economics*, *57*(4), 1001–1030. https://doi.org/10.1086/675257

Anwar, S., Bayer, P., & Hjalmarsson, R. (2012). The impact of jury race in criminal trials. *The Quarterly Journal of Economics*, *127*(2), 1017–1055. https://doi.org/10.1093/qje/qjs014

Baldus, D. C., Woodworth, G. G., & Pulaski, C. A.Jr (1985). Monitoring and evaluating contemporary death penalty systems: lessons from Georgia. *University of California at Davis Law Review*, *18*, 1375–1407.

Barret, D. W., Neuberg, S. L., & Luce, C. (2023). Suspicion about suspicion probes: Ways forward. *Perspectives on Psychological Science*, 1–23. https://doi.org/10.1177/17456916231195855

Burch, T. (2015). Skin color and the criminal justice system: Beyond Black-White disparities in sentencing. *Journal of Empirical Legal Studies*, *12*(3), 395–420. https://doi.org/10.1111/jels.12077

Carson, E. A. (2023, November). *Prisoners in 2022 – Statistical tables.* Bureau of Justice Statistics. https://bjs.ojp.gov/document/p22st.pdf

Carson, E. A. (2022, December). *Prisoners in 2021 – Statistical tables.* Bureau of Justice Statistics. https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/p21st.pdf

Castro-Schilo, L., & Grimm, K. J. (2018). Using residualized change versus difference scores for longitudinal research. *Journal of Social and Personal Relationships*, *35*(1), 32–58. https://doi.org/10.1177/0265407517718387

Collins, P. A., Gialopsos, B. M., Tanaka, B. (2023,June 30). *Statewide juror summons demographic survey project: An analysis of selected county data 2023 Final Report.* https://www.courts.wa.gov/subsite/mjc/docs/Statewide%20Juror%20Summons%20Demographic%20Survey%20Project%202023.pdf

Cooley, E., Brown-Iannuzzi, J., & Cottrell, D. (2019). Liberals perceive more racism than conservatives when police shoot Black men–But, reading about White privilege increases perceived racism, and shifts attributions of guilt, regardless of political orientation. *Journal of Experimental Social Psychology*, *85*, 103885. https://doi.org/10.1016/j.jesp.2019.103885

Dukes, K. N., & Gaither, S. E. (2017). Black racial stereotypes and victim blaming: Implications for media coverage and criminal proceedings in cases of police violence against racial and ethnic minorities. *Journal of Social Issues*, *73*(4), 789–807. https://doi.org/10.1111/josi.12248

Equal Justice Initiative (2021). *Race and the jury: Illegal discrimination in jury selection.* https://eji.org/report/race-and-the-jury/

Estrada-Reynolds, V., Freng, S., Schweitzer, K., & Leki, E. L. (2023). Is all prejudice created equal? The role of modern and aversive racism in mock juror decisions. *Psychiatry, Psychology, and Law: An Interdisciplinary Journal of the Australian and New Zealand Association of Psychiatry, Psychology and Law*, *30*(5), 579–599. https://doi.org/10.1080/13218719.2022.2073283

Faison, L., Smalarz, L., Madon, S., & Clow, K. A. (2023). The stigma of wrongful conviction differs for White and Black exonerees. *Law and Human Behavior*, *47*(1), 137–152. https://doi.org/10.1037/lhb0000522

Forney, M. A., & Lacy, J. W. (2022). The effect of offender race/ethnicity on public opinion of appropriate criminal sentences. *Legal and Criminological Psychology*, *27*(2), 283–296. https://doi.org/10.1111/lcrp.12210

Glaser, J., Martin, K. D., & Kahn, K. B. (2015). Possibility of death sentence has divergent effects on verdicts for Black and White defendants. *Law and Human Behavior*, *39*(6), 539–546. https://doi.org/10.1037/lhb0000146

Gordon, R. A., Bindrim, T. A., McNicholas, M. L., & Walden, T. L. (1988). Perceptions of blue-collar and white-collar crime: The effect of defendant race on simulated juror decisions. *The Journal of Social Psychology*, *128*(2), 191–197. https://doi.org/10.1080/00224545.1988.9711362

Greenwald, A. G., Banaji, M. R., & Nosek, B. A. (2015). Statistically small effects of the implicit association test can have societally large effect. *Journal of Personality and Social Psychology*, *108*(4), 553–561. https://doi.org/10.1037/pspa0000016

Harlow, C. W. (2000, November). *Defense Counsel in Criminal Cases.* Bureau of Justice Statistics. https://bjs.ojp.gov/content/pub/pdf/dccc.pdf

Hartig, H., Daniller, A., Keeter, S., & Van Green, T. (2023, July 12). *Voter turnout, 2018-2022.* Pew Research Center. https://www.pewresearch.org/politics/2023/07/12/voter-turnout-2018-2022/

Hartley, R. D., Miller, H. V., & Spohn, C. (2010). Do you get what you pay for? Type of counsel and its effect on criminal court outcomes. *Journal of Criminal Justice*, *38*(5), 1063–1070. https://doi.org/10.1016/j.jcrimjus.2010.07.009

Horowitz, J. M., Brown, A., & Cox, K. (2019, April 9). *Race in American 2019.* Pew Research Center. https://www.pewresearch.org/social-trends/2019/04/09/race-in-america-2019/

Johnson, J. D., Simmons, C. H., Jordav, A., Maclean, L., Taddei, J., Thomas, D., Dovidio, J. F., & Reed, W. (2002). Rodney King and O. J. revisited: The impact of race and defendant empathy induction on judicial decisions. *Journal of Applied Social Psychology*, *32*(6), 1208–1223. https://doi.org/10.1111/j.1559-1816.2002.tb01432.x

Jones, C. S., & Kaplan, M. F. (2003). The effects of racially stereotypical crimes on juror decision-making and information-processing strategies. *Basic and Applied Social Psychology*, *25*(1), 1–13. https://doi.org/10.1207/S15324834BASP2501_1

Jones, J. M., Lloyd, C. (2021, July 23). *Larger majority says racism against Black people widespread.* Gallup. https://news.gallup.com/poll/352544/larger-majority-says-racism-against-black-people-widespread.aspx

Kievit, D. L., LaCosse, J., Mallinas, S. R., March, D. S., Kunstman, J. W., Zabel, K. L., Olson, M. A., & Plant, E. A. (2023). Changes in nonprejudiced motivations track shifts in the U.S. sociopolitical climate. *Group Processes & Intergroup Relations*, *26*(5), 934–952. https://doi.org/10.1177/13684302221089768

Klein, K., & Creech, B. (1982). Race, rape, and bias: Distortion of prior odds and meaning changes. *Basic and Applied Social Psychology*, 3(1), 21–33. https://doi.org/10.1207/s15324834basp0301_2

Kutateladze, B. L., Andiloro, N. R., Johnson, B. D., & Spohn, C. C. (2014). Cumulative disadvantage: Examining racial and ethnic disparity in prosecution and sentencing. *Criminology*, 52(3), 514–551. https://doi.org/10.1111/1745-9125.12047

Lehmann, P. S. (2020). Race, ethnicity, crime type, and the sentencing of violent felony offenders. *Crime & Delinquency*, 66(6–7), 770–805. https://doi.org/10.1177/0011128720902699

Lynch, M., & Haney, C. (2009). Capital jury deliberation: Effects on death sentencing, comprehension, and discrimination. *Law and Human Behavior*, 33(6), 481–496. https://doi.org/10.1007/s10979-008-9168-2

Maeder, E. M., Yamamoto, S., & McManus, L. A. (2015). Race salience in Canada: Testing multiple manipulations and target races. *Psychology, Public Policy, and Law*, 21(4), 442–451. https://doi.org/10.1037/law0000057

March, D. S. (2023). Perceiving a danger within: Black Americans associate Black men with physical threat. *Social Psychological and Personality Science*, 14(8), 942–951. https://doi.org/10.1177/19485506221142970

March, D. S., Gaertner, L., & Olson, M. A. (2021). Danger or dislike: Distinguishing threat from valence as sources of automatic anti-Black bias. *Journal of Personality and Social Psychology*, 121(5), 984–1004. https://doi.org/10.1037/pspa0000288

Miller, M. K., Lindsey, S. C., & Kaufman, J. A. (2014). The religious conversion and race of a prisoner: Mock parole board members' decisions, perceptions, and emotions. *Legal and Criminological Psychology*, 19(1), 104–130. https://doi.org/10.1111/j.2044-8333.2012.02063.x

NAACP Legal Defense and Educational Fund (2013). *Death row USA*.

National Registry of Exonerations (2022). *Race and wrongful convictions in the United States 2022*. https://www.law.umich.edu/special/exoneration/Documents/Race%20Report%20Preview.pdf

Nellis, A. (2021, October 13). The color of justice: Racial and ethnic disparity in state prisons. The Sentencing Project. https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparityin-state-prisons/

Nellis, A. (2017, May 3). *Still life: America's increasing use of life and long-term sentences*. The Sentencing Project. https://www.sentencingproject.org/reports/still-life-americaos-increasing-use-of-life-and-long-term-sentences/

Peter-Hagene, L. (2019). Jurors' cognitive depletion and performance during jury deliberation as a function of jury diversity and defendant race. *Law and Human Behavior*, 43(3), 232–249. https://doi.org/10.1037/lhb0000332

Pew Research Center (2016, June 27). *On the view of race and inequality, Blacks and Whites are worlds apart*. https://www.pewresearch.org/social-trends/2016/06/27/on-views-of-race-and-inequality-blacks-and-whites-are-worlds-apart/

Ratcliff, J. J., Lassiter, G. D., Jager, V. M., Lindberg, M. J., Elek, J. K., & Hasinski, A. E. (2010). The hidden consequences of racial salience in videotaped interrogations and confessions. *Psychology, Public Policy, and Law*, 16(2), 200–218. https://doi.org/10.1037/a0018482

Salerno, J. M., Kulak, K., Smalarz, L., Eerdmans, R. E., Lawrence, M. L., & Dao, T. (2023). The role of social desirability and establishing nonracist credentials on mock juror decisions about Black defendants. *Law and Human Behavior*, 47(1), 100–118. https://doi.org/10.1037/lhb0000496

Schuller, R. A., Kazoleas, V., & Kawakami, K. (2009). The impact of prejudice screening procedures on racial bias in the courtroom. *Law and Human Behavior*, 33(4), 320–328. https://doi.org/10.1007/s10979-008-9153-9

Shaw, E. V., Lynch, M., Laguna, S., & Frenda, S. J. (2021). Race, witness credibility, and jury deliberation in a simulated drug trafficking trial. *Law and Human Behavior*, 45(3), 215–228. https://doi.org/10.1037/lhb0000449

Shoub, K., Epp, D. A., Baumgartner, F. R., Christiani, L., & Roach, K. (2020). Race, place, and context: The persistence of race effects in traffic stop outcomes in the face of situational, demographic, and political controls. *The Journal of Race, Ethnicity, and Politics*, 5(3), 481–508. https://doi.org/10.1017/rep.2020.8

Singh, A.-M., & Sprott, J. B. (2017). Race matters: Public views on sentencing. *Canadian Journal of Criminology and Criminal Justice*, 59(3), 285–312. https://doi.org/10.3138/cjccj.2016.E26

Smalarz, L., Eerdmans, R. E., Lawrence, M. L., Kulak, K., & Salerno, J. M. (2023). Counterintuitive race effects in legal and nonlegal contexts. *Law and Human Behavior*, 47(1), 119–136. https://doi.org/10.1037/lhb0000515

Sommers, S. R., & Ellsworth, P. C. (2000). Race in the courtroom: Perceptions of guilt and dispositional attributions. *Personality and Social Psychology Bulletin*, 26(11), 1367–1379. https://doi.org/10.1177/0146167200263005

Spohn, C. C. (2000). Thirty years of sentencing reform: The quest for a racially neutral sentencing process. *Criminal Justice*, 3, 427–501.

Spohn, C. (2015). Race, crime, and punishment in the twentieth and twenty-first centuries. *Crime and Justice*, 44(1), 49–97. https://doi.org/10.1086/681550

Spohn, C., & Cederblom, J. (1991). Race and disparities in sentencing: A test of the liberation hypothesis. *Justice Quarterly*, 8(3), 305–327. https://doi.org/10.1080/07418829100091071

Sweeney, L. T., & Haney, C. (1992). The influence of race on sentencing: A meta-analytic review of experimental studies. *Behavioral Sciences & the Law*, 10(2), 179–195. https://doi.org/10.1002/bsl.2370100204

U.S. Census Bureau. (2023). *United States quick facts*. https://www.census.gov/quickfacts/fact/table/US/IPE120221

U.S. Census Bureau. (2010). *Surnames Occurring 100 or more times* [Data set]. U.S. Department of Commerce. https://www.census.gov/topics/population/genealogy/data/2010_surnames.html

Wilson, P. J., Hugenberg, K., & Rule, O. N. (2017). Racial bias in judgements of physical size and formidability from size to threat. *Journal of Personality and Social Psychology*, 113(1), 59–80. https://doi.org/10.1037/pspi0000092

Zatz, M. S. (2000). The convergence of race, ethnicity, gender, and class on court decision making: Looking toward the 21st century. *Criminal Justice*, 3, 503–552.

Zeng, Z. (2022, December). *Jail inmates in 2021 – Statistical tables*. Bureau of Justice Statistics. https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/ji21st.pdf