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When Does Intoxication Help or Hurt My Case? The Role of Emotionality in the Use of  
Intoxication as a Discounting Cue

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## Nontechnical Summary

Despite the fact that drinking to the point of intoxication is itself a maladaptive behavior, being drunk is often used as an excuse for subsequent choices that result in harm to the self or others. For example, getting into a bar fight when drunk might be considered par for the course for some, but fighting while sober may be more indicative of a behavioral problem.

But is it always the case that drunkenness discounts subsequent behavior? In one archival analysis of real criminal sentencing decisions and a controlled lab experiment, we show that a person's drunkenness does indeed attenuate negative judgments about subsequent maladaptive behavior, but only when that behavior had an emotional cause. This happens because people believe that drunkenness increases emotional volatility, thus when the maladaptive behavior is motivated by a person's emotions, people believe a drunk person is less responsible for their actions. For crimes without an emotional motivation, drunkenness does not reduce judgments, and can sometimes increase how harshly we judge the maladaptive behaviors of others.

## Abstract

Many would contend that drinking to the point of intoxication is maladaptive. Further, almost all would agree that criminal behavior is maladaptive. Thus, one might assume that someone who commits a crime while intoxicated would be judged more harshly by others, given that such a perpetrator enacted two maladaptive behaviors. Yet, across two studies, including one analysis of archival criminal sentencing data, we demonstrate that this is often not the case. Critically, the type of crime committed influences whether intoxication mitigates versus exacerbates censure from others. For crimes predominately believed to be driven by emotion, intoxication discounts dispositional attributions and reduces perceived culpability. However, for other actions, intoxication has no effect, and can sometimes increase culpability. We conclude by discussing the important theoretical, practical, and policy implications of these findings, in addition to why a link between certain crimes and intoxication may enable abuse to the self and others.

## When Does Intoxication Help or Hurt My Case? The Role of Emotionality in the Use of Intoxication as a Discounting Cue

On January 18, 2015, Brock Turner, a student at Stanford University, was caught sexually assaulting another student, Chanel Miller, while she was unconscious. Following trial, Turner was formally found guilty on three charges, including assault with the intent to commit rape (Xu 2016). While California penal code stipulates a minimum sentence of two years for crimes of this type (Penal Code Section 220(a)(1)), Turner was sentenced to serve six months, and was released after serving only three (Grinberg and Shoichet 2016). This leniency in sentencing is not uncommon. In just one other example, David Becker assaulted two women and served no jail time (Landsbaum 2016). Recent work has even claimed the United States has a “Leniency Epidemic,” in similar cases (Tierney 2018). What do cases like these have in common? In both cases outlined above, the perpetrator was intoxicated at the time of the crime.

Leniency in sentencing is not the only way in which intoxication seems to enable greater forgiveness of perpetrators. Individuals and news outlets often also use intoxication to explicitly discount the perceived culpability of immoral, unethical, or illegal behavior. For instance, in the Brock Turner case, intoxication and drinking culture on campus were often blamed by news outlets, on social media, and even by a federal prosecutor (Cuevas 2016; Kaplan 2016). In a different case where a man killed eight people while intoxicated, the bartender who served him was charged (Paul 2017). This apparent tendency to blame a perpetrator’s behavior on intoxication seems particularly problematic considering that an estimated half to two-thirds of all violent crimes involve alcohol consumption on the part of the perpetrator (Collins and Messerschmidt 1993).

What is interesting is that federal law specifically stipulates that voluntary alcohol consumption should not factor into judgment of federal crimes because intoxication can be

considered a form of recklessness (see U.S. Sentencing Commission Guidelines Manual, 2015, Section 2, Part A, 1.4 Commentary). Likewise, it is feasible that voluntary intoxication could in some cases be seen as additional evidence of poor character. For instance, since intoxicated individuals chose to engage in the maladaptive behavior of drinking to the point of intoxication, this choice could be taken as further evidence of poor character traits. Alternatively, the centuries' old belief that "*in vino veritas*" ("in wine, there is truth") suggests that criminal acts committed while intoxicated might be more reflective of an individual's true disposition, hence rendering harsher judgments (Hirsh, Galinsky, and Zhong 2011). In fact, in contrast to the Brock Turner case, there are other cases in which the intoxication of the perpetrator has no effect, or even has the opposite effect, in criminal trials. For instance, in one popular case that made its way to the Supreme Court, James Egelhoff murdered two people with no apparent motive while heavily intoxicated, and the state of Montana barred him from even introducing his intoxication as a form of defense (McManus 1997).

We propose that an important differentiating factor between when intoxication serves to discount or enhance how perpetrators are censured is whether the crime itself could be construed as a crime of passion. Specifically, we propose that intoxication mitigates dispositional attributions when the impetus or motive for the crime is emotional, but not for crimes that are not motivated by emotion. The reason why we propose that intoxication mitigates dispositional attributions for emotional, but not non-emotional, crimes is because people believe alcohol increases emotional reactivity, and reduces the ability to regulate one's emotions, increasing the likelihood of committing a spontaneous crime of passion (Steele and Josephs 1990; Curtin et al. 2001; Curtin and Fairchild 2003; Stappenbeck and Fromme 2014). For example, Steele and Josephs (1988) found that individuals who felt anxiety felt even greater levels of anxiety when

intoxicated versus sober. Likewise, Taylor and colleagues (1979) found that people were significantly more likely to retaliate with a potentially injurious electric shock when provoked while intoxicated versus sober.

Given that people believe alcohol reduces the ability to regulate one's emotions, in instances where the apparent motive for the crime is emotional (e.g., intense sexual desire or revenge), people believe that the presence of alcohol intensifies the strength of the emotional episode and disinhibits the individual to engage in behavior beyond what they might have done if provoked while sober (Steele and Josephs 1988; Stritzke, Lang, and Patrick 1996; Hirsh et al. 2011; Gorka et al. 2013). In turn, because people believe the perpetrator is engaging in behavior that they would not have engaged in while sober, people feel justified in using intoxication as "evidence" that the behavior is not representative of who the perpetrator really is as a person (i.e., their disposition). Because people tend to allocate punishment and reward based more heavily on dispositional intent rather than consequences (Horai and Bartek 1978), the intoxicated perpetrator is thus seen as less deserving of punishment.

In contrast, when the motive for the crime is not emotional (e.g., financial or material gain, or an unknown motive), the expectancies that people have about how alcohol impacts decision making are not germane to dispositional attributions. Thus, when the apparent motive is non-emotional, intoxication does not serve as a viable excuse, meaning the behavior has to be representative of who the perpetrator is as a person (i.e., their disposition). If the behavior is indicative of the perpetrator's disposition, then it is likely they would have had the intent to commit the crime whether sober or intoxicated (Horai and Bartek 1978). In turn, intoxication ought not be used to discount dispositional attributions, nor should it be used to reduce how deserving they seem of punishment. More formally:

**H<sub>1a</sub>:** When the crime is emotional, intoxication reduces dispositional judgments about the perpetrator, reducing sentence length.

**H<sub>1b</sub>:** When the crime is not emotional, intoxication does not influence dispositional attributions or sentence length.

The interplay of these motives and subsequent judgments may not only impact judgments about individuals but could also apply more broadly to policymakers.

## **OVERVIEW OF STUDIES**

In sum, we propose that intoxication serves to discount dispositional attributions towards the perpetrator when the impetus for the crime is emotional but not when the crime is not emotional. In Study 1, we demonstrate that intoxication systematically reduces sentence length for emotional, but not non-emotional crimes, in real criminal sentencing decisions. In Study 2, we replicate the effects of Study 1 on a lay consumer audience and show that judgments about the perpetrator's character underlie this effect. By holding crime constant and varying whether the impetus for the crime was emotional or not, Study 2 also shows that crime emotionality, and not other features of the crime, is what is important in determining whether intoxication is used to discount judgments about the perpetrator's character. In both studies, we demonstrate that when the crime has an emotional element, intoxication serves to discount dispositional judgments about the actor, thereby reducing punishment.

## **STUDY 1**

In Study 1, we examined the role of crime type in the use of intoxication to mitigate censure in over 3,600 real sentencing decisions (NACJD 2004). In particular, we assessed

whether the severity of punishment (i.e., years in a sentence) differed based on whether the crime could be classified as a crime of passion and whether or not alcohol was consumed when the crime was committed. We operationalized crimes of passion in this case by whether the crime was violent (e.g., homicide, assault, and rape) or non-violent (e.g., larceny, tax evasion, possession). We do this because violent crimes are more often motivated by emotion than non-violent crimes to the point that in some countries, violence is included in the definition of crime of passion (Guan et al. 2017). A pretest ( $N = 50$ ,  $M_{age} = 37.46$ , 52% female) further confirmed that violent crimes are perceived as more likely to be driven by emotions than non-violent crimes (see online appendix for method and results;  $F(1, 49) = 166.86$ ,  $p < .001$ ). Operationalizing crimes of passion in this way also allows us to make the fewest number of assumptions about the details of each specific case because we are using an existing variable as a proxy.

### ***Method***

The Survey of Inmates in State and Federal Correction Facilities is a publicly available dataset representing survey data from a sample of 3,686 federal prisoners in 39 prisons drawn from a total population of 130,496 prisoners in 148 prisons in the United States. This freely available dataset (<https://www.icpsr.umich.edu/web/NACJD/studies/4572>) includes many variables and could be used to test a variety of hypotheses, and we encourage others to seek it out if pertinent to their own work. The final sample of prisons and prisoners were selected so that they were representative of the national prison population for sex, geographic region, and security level of the prison.

Of the 3,686 federal prisoners interviewed, 837 prisoners did not provide data on sentence length, and 197 had sentences that were non-quantifiable (e.g., a life- or indeterminate sentence). Of the remaining sample, 1,061 prisoners failed to specify the type of crime they had



committed, whether or not alcohol was consumed at the time of the crime, and the demographic information mentioned below. Due to these limitations, our final sample consisted of 1,591 prisoners.

Our primary dependent variable was length of sentence (in years); this variable was log-transformed to account for skewness (all results remain significant if the non-transformed variable is used). Our primary independent variable was whether the prisoner had or had not consumed alcohol when the crime was committed. Gender, age, number of past offenses, and race (Hispanic, White, Black, American Indian, Asian, Hawaiian, or other, dummy-coded) were included as control variables, based on prior work showing their relevance to sentence length (Steffensmeier, Ulmer, and Kramer 1998). The significance of the reported effects does not change if these covariates are excluded from the analysis.

### ***Results and Discussion***

Given the nature of the data, several different analyses might be considered. In an effort to present an analysis that is concise and focused, we discuss the results of an analysis of covariance with sentence length as the dependent variable, and alcohol (present vs. absent), type of crime (violent vs. non-violent), and their interactions as the independent variables, controlling for age, gender, race, and number of prior offenses. We also analyzed the effects of the aforementioned variables on sentence length for each type of crime separately (see Table 1 and online appendix for discussion).

The ANCOVA revealed a significant main effect of crime type, showing that violent crimes ( $M = 11.37$  years,  $SD = 10.18$ ) received longer sentences than non-violent crimes ( $M = 8.41$  years,  $SD = 7.20$ ;  $F(1, 1590) = 6.66, p = .010$ ). There was also a significant main effect of alcohol consumption, showing that sentences were generally shorter when alcohol was present in

the offender's system during the crime ( $M = 8.60$  years,  $SD = 7.07$ ) than if it was not ( $M = 9.01$  years,  $SD = 8.08$ ;  $F(1, 1590) = 3.89, p = .049$ ). More importantly, the analysis revealed our predicted interaction ( $F(1, 1590) = 7.63, p = .006$ ). For violent crimes, alcohol consumption was associated with significantly shorter sentences ( $M = 7.98$  years,  $SD = 6.29$ ) than when alcohol was not consumed ( $M = 12.40, SD = 10.9, F(1, 1578) = 7.66, p = .006$ ). For non-violent crimes, however, there was no difference in sentence length as a function of alcohol consumption ( $M_{\text{consumed}} = 8.75, SD = 7.25$  vs.  $M_{\text{not-consumed}} = 8.32, SD = 7.19, F(1, 1578) = .717, p > .30$ ). Thus, in real criminal sentencing data, even though federal law states that alcohol consumption should not factor into judgment, the crimes that are more likely to be driven by emotions (violent crimes) received shorter sentences when alcohol was consumed, whereas non-violent crimes were not differentially sentenced based on alcohol consumption.

----- Insert Table 1 About Here -----

## **STUDY 2**

While Study 1 demonstrates the effect of alcohol consumption on real criminal sentencing decisions, there are two main limitations in using archival data. First, we could not assess whether judgments about the perpetrator's dispositional intent underlies the effect, or whether the effects found were legal phenomena that do not generalize to lay consumer judgments. Second, the type of crime was different across conditions. Thus, we could not directly test whether it was the emotionality, specifically, or something else that differs between violent and non-violent crimes that was driving the effect. We address these limitation in Study 2 by holding crime constant, and varying whether the crime had an emotional element. In

particular, participants in all cases read that the actor had stolen from his workplace while intoxicated or sober. However, in half of cases, the actor had had a heated argument with his boss earlier in the day. We expect that when the crime has a plausible emotional element (e.g., occurring after an argument with one's boss), observers will think the crime is more likely a spontaneous crime of passion driven by emotion rather than a pre-meditated crime, and intoxication will attenuate dispositional attributions, and hence censure.

### ***Method***

Mechanical Turk Participants ( $N = 296$ ,  $M_{age} = 38.57$ , 44.1% female, 1.4% non-binary) were randomly assigned to a condition in a 2 (crime: emotional vs. not) x 2 (intoxication: sober vs. intoxicated) between-subjects design. In all cases, participants read that Mark, a Chief Financial Officer, embezzled one million dollars from his company. Participants in the emotional crime condition read that earlier in the day, Mark and the CEO had had a heated argument. In the non-emotional crime condition, participants read that Mark had spent his day doing his job as usual. In both cases, later that night, Mark returned to the office and set up an invisible transfer to transfer one million dollars from the company over the next few weeks. To manipulate intoxication, in half of cases, participants read that Mark was incredibly drunk at the time of the alleged crime. In the other half, he was described as completely sober.

We then assessed the extent to which participants thought the crime was a spontaneous crime of passion (“;”1 = premeditated – 7 = spontaneous). As a measure of judgments about Mark's dispositional intent, participants responded to “Because Mark was completely sober/incredibly drunk, he didn't really mean to commit the crime,” (1 = strongly disagree – 7 = strongly agree). Finally, as a measure of downstream judgment, we examined participants' likelihood of recommending Mark for a post-sentence workforce reintegration program wherein

Mark would have the opportunity to work in a bakery to help him get reintegrated after serving time (1 = not at all likely – 7 = extremely likely). Finally, we measured crime severity for use as a covariate in this study because how severe a crime seems should also influence beliefs about whether an actor can be rehabilitated. Results hold whether severity is included or not, but to account for any differences in presumed severity, we report results controlling for severity. We also measured sentence length in this study. These results are consistent with what we found in Study 1, and are reported in the online appendix

### ***Results and Discussion***

A two-way ANCOVA on crime spontaneity revealed a significant main effect of intoxication such that participants thought crimes were more spontaneous when Mark was intoxicated ( $M = 3.94, SD = 1.71$ ) than when he was sober ( $M = 2.75, SD = 1.95; F(1, 290) = 28.33, p < .001$ ). Importantly, we also found a main effect of crime emotionality such that the crime was considered more spontaneous when there was an emotional component ( $M = 3.99, SD = 1.83$ ) than when there was not ( $M = 2.75, SD = 1.95; F(1, 290) = 39.53, p < .001$ ). We also found a significant emotionality x crime type interaction ( $F(1, 290) = 5.24, p = .023$ ). This interaction indicates that the difference in crime spontaneity conditional on intoxication was greater when the crime was not emotional ( $M_{sober} = 1.96$  vs.  $M_{intoxicated} = 3.54; F(1, 290) = 29.79, p < .001$ ), than when it was an emotional crime of passion ( $M_{sober} = 3.63$  vs.  $M_{intoxicated} = 4.35; F(1, 290) = 4.58, p = .033$ ). Most central to our theorizing, even the most spontaneous unemotional crime ( $M_{unemotional-intoxicated} = 3.54$ ) was rated as less spontaneous than the least spontaneous emotional crime ( $M_{emotional-sober} = 3.63$ ). Thus, even though the actual crime was identical in all cases, when the crime was plausibly motivated by emotion, participants were more likely to infer that the crime was a spontaneous crime of passion.

A two-way ANCOVA on dispositional attributions revealed a significant main effect of intoxication such that participants believed Mark's behavior was less indicative of his disposition when he was intoxicated ( $M = 2.36, SD = 1.43$ ) than when he was sober ( $M = 1.61, SD = 1.17; F(1, 288) = 21.03, p < .001$ ). Importantly, this main effect was qualified by a significant crime type x intoxication interaction ( $F(1, 288) = 4.45, p = .036$ ). When the crime was not emotional, participants believed Mark's behavior was equally indicative of his character whether he was intoxicated ( $M = 2.12, SD = 1.32$ ) or sober ( $M = 1.69, SD = 1.26; F(1, 288) = 3.20, p = .075$ ). In contrast, when Mark had gotten into a fight with his boss earlier in the day, and therefore it was reasonable to believe there was an emotional component to his actions, participants indicated greater agreement that his behavior said less about his character when he committed the crime while intoxicated ( $M = 2.60, SD = 1.51$ ) than while sober ( $M = 1.52, SD = 1.07; F(1, 288) = 21.93, p < .001$ ). Thus, even though the crime committed was the same in all cases, Mark's intoxication was used to discount judgments about his character when there was an emotional component to the crime, but not when there was no such emotional component.

With respect to willingness to recommend Mark for a job force reintegration program, the ANCOVA revealed a main effect of intoxication such that participants were more willing to make a recommendation for Mark if he had embezzled the funds while intoxicated ( $M = 5.18, SD = 1.57$ ) than sober ( $M = 4.77, SD = 1.78; F(1, 286) = 4.44, p = .036$ ). The omnibus interaction on job force reintegration was non-significant ( $p = .382$ ). However, given that our contrasts were planned a-priori, it is appropriate to conduct them despite the non-significant omnibus (Hsu 1996, see also Hancock 1997). Our planned contrasts supported the notion that emotionality increases the tendency to use of intoxication as a discounting cue. When Mark had gotten into a fight with his boss earlier in the day, participants were more likely to recommend him for the job

force reintegration program if he had committed the crime while intoxicated ( $M = 5.15$ ,  $SD = 1.46$ ), than if he had been sober ( $M = 4.57$ ,  $SD = 1.81$ ;  $F(1, 286) = 4.39$ ,  $p = .037$ ). In contrast, when Mark had not gotten into a fight with his boss, participants were equally likely to recommend him for the job force reintegration program whether he embezzled the funds while intoxicated ( $M = 5.20$ ,  $SD = 1.68$ ) or sober ( $M = 4.96$ ,  $SD = 1.75$ ;  $F(1, 286) = .78$ ,  $p = .377$ ). Thus, beyond criminal sentencing decisions, lay consumers also use intoxication to influence their judgments about perpetrators committing emotional crimes. An intoxicated perpetrator committing an emotional crime was judged less harshly and was seen as more deserving of rehabilitation programming.

## **GENERAL DISCUSSION**

Across two studies including one archival data analysis of real criminal sentencing decisions, we demonstrate that intoxication serves to discount crimes with an emotional component (i.e., crimes that could be considered crimes of passion) more than other crimes. By introducing emotionality as a novel moderator of when intoxication discounts character judgments, we help shed light onto how information about past maladaptive consumption – such as intoxication – is used by others to infer traits about the individual. In actions with an emotional component, intoxication is used to discount judgments about the person's character more than actions without an emotional component. This difference in the use of intoxication as a discounting cue has downstream consequences on outcomes consequential for perpetrators, policymakers, and consumers alike: by discounting character judgments for emotion-laden crimes, intoxication can also reduce sentence length (Study 1) and increase consumers' willingness to recommend a job force reintegration program (Study 2).

These findings are the first, to our knowledge, to examine how information about the emotionality of the crime influences how others judge intoxicated people. While past work in psychology has examined the effect of intoxication on emotion regulation within the individual (Gorka et al. 2013; Steele and Josephs 1988, 1990) and perceptions of the actor (Subra and Bègue 2014), and research in the criminal literature has extensively explored intoxication as a partial defense for all crimes (Marlowe, Lambert, and Thompson 2005), to our knowledge, no research has linked intoxication as a mitigating factor in judgements of emotion-linked crimes, specifically, and little has looked at how intoxication might be used to discount judgments about the actor by observers (both expert judges and lay people). By exploring how intoxication is differentially used as a discounting cue, we shed light on why intoxication seems to reduce judgment severity for some behaviors but not others.

These findings have important implications for consumer researchers, policy makers, and consumers themselves. This research has implications for researchers and policy makers because it highlights how intoxication is differentially used in consequential judgments about perpetrators despite regulation to the contrary. Policy makers might think about creating stronger guidelines around the use of intoxication as a partial defense, and on how to educate the general public about the effects of intoxication on person perception and judgment. Likewise, past research has suggested sometimes consumers themselves actively become intoxicated before committing crimes (Marlowe et al. 2005) often in service of benefitting from beliefs that intoxication will reduce perceived culpability for their actions (Subra and Bègue 2014). Our research suggests that this perception is not always accurate, and this practice ought to sometimes backfire, particularly when the crime cannot convincingly be perceived as having an emotional impetus. Educating

consumers on the dangers of intoxication both for their health and also for how others perceive them is a worthy endeavor.

### ***Moving Forward on Addiction and Maladaptive Consumption***

Our findings present interesting opportunities for future research when considered in tandem with the other excellent work on addiction and maladaptive consumption in this issue (see Jain and Reimann for an overview). For instance, many papers in this special issue focus on how emotions can help or hinder maladaptive consumption. In our work, we show that people often use intoxication to discount subsequent maladaptive behaviors because consumers believe that intoxication increases emotional volatility, facilitating emotion-driven maladaptive behavior. In a similar vein, Chang, Jain and Reimann find that focusing on the discrepancy between one's current standing and perfectionistic high standards drives maladaptive consumption because of the sense of shame it creates. Likewise, Vogel and Pechmann find that expression of negative emotions (such as anxiety) on support forums can lead to non-abstinence of substances. Rifkin and Berger find that feelings of specialness can lead to clutter. Kulow, Kramer and Bentley find that luck and feelings of risk-sharing can increase risky behavior, and van Esch and Cui find that pride can moderate the effect of promiscuity on behavior. Finally, two papers in this issue highlight the role of brain systems responsible for emotion regulation in the decision to engage in maladaptive behavior (Clithero, Karmarkar and Hsu; Turel and Bechara). Taken together, this work suggests that emotions are strong antecedents to and drivers of maladaptive consumption. Future research may wish to further examine when and why emotions impact consumers' decisions to engage in maladaptive behaviors.

Our findings also highlight many opportunities for future research in other domains. For instance, we focused on establishing the effect of emotional versus unemotional crimes on the



use of intoxication as a discounting cue. However, future research might wish to explore when intoxication does not discount emotional crimes or where judgments by lay people differ from those of judges. An additional study sheds some light on potential directions for future research. In particular, we ran a study in which we varied whether the consequences of the emotional crime were ambiguously or unambiguously negative. For instance, murder has unambiguously negative consequences, whereas urinating on a friend's carpet has more ambiguously negative consequences. Since criminal judgments rely on both dispositional intent and consequences (Horai and Bartek 1978), we explored whether the ambiguity of consequences served as a boundary condition of the effect of intoxication on discounting emotional crimes. In cases where the crime has unambiguously negative consequences (e.g., murder), we expected that intoxication would no longer serve to discount judgments about the perpetrator. Indeed, we found that when the emotional crime had unambiguously negative consequences, participants did not use intoxication to discount dispositional judgments about the perpetrator, and the participants indicated the perpetrator deserved a longer sentence if they were intoxicated at the time of the crime (vs. sober; see online appendix). While the results of this study are very interesting, they are outside of the scope of the current paper and deserve more space for exploration. Further exploration on when and why intoxication might discount emotional crimes, and where lay people and expert judges might diverge, are worthwhile pursuits for future research. Likewise, future research might seek to explore what factors could influence when intoxication might enhance judgment severity rather than discount it. For instance, if intoxication is seen as an additional piece of evidence of premeditation (e.g., in cases where the perpetrator knowingly became intoxicated to "build up courage" to commit a crime; Marlowe et al. 2005), perhaps it might serve to enhance rather than discount judgment severity.

Finally, we focused on the intoxication of the perpetrator because intoxication is in itself the result of maladaptive, voluntary behavior that could, in theory, serve to enhance the severity of subsequent dispositional judgments. However, future research might wish to explore whether and why intoxication might be unique in producing these effects or whether it is merely a proxy for other cues that consumers might use when making judgments. For example, other things – such as the stress that arises from living in a global pandemic or the stress arising from addiction (Raghubir, Menon and Ling, this issue; Zimmermann, this issue) – might also be seen by consumers as decreasing the ability to regulate emotions. If intoxication is used as a discounting cue for emotional crimes because of its perceived role in reducing the ability to engage in emotion regulation, then any prior behavior that is perceived to reduce emotion regulation might also discount dispositional judgments and increase leniency in sentencing decisions. This possibility would have even further implications for law makers because it would suggest that any factor that could mitigate the ability to regulate emotions might be used in defense of a perpetrator's character. Understanding when and why consumers integrate information about past maladaptive consumption or situational characteristics into judgments about current behavior is a fruitful avenue for future research with important policy implications.

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**Table 1.** Analysis by crime type of sentence length (in years, log transformed) as a function of alcohol consumption, gender, age, number of past offenses, and race.

Variables	Violent 1	Violent 2	Violent 3	Property	Financial	Drug	Public
Alcohol Present	<b>-.234**</b> (.118)	-.206 (1.200)	<b>-12.04***</b> (3.335)	.094 (.165)	-.038 (.143)	-.004 (.062)	.098 (.104)
Gender	.292** (.126)	.638 (.534)	- -	.496*** (.115)	.479*** (.133)	.396*** (.054)	.248 (.153)
Age	.028*** (.005)	.045 (.034)	.007 (.022)	.007 (.005)	.009 (.006)	.017*** (.002)	.020*** (.005)
Past Offenses	-.016* (.009)	-.002 (.146)	.558** (.166)	.022* (.012)	.004 (.011)	-.003 (.004)	.009* (.005)
Race (Hispanic)	.226 (.165)	1.345 (1.247)	-.179 (.678)	-.085 (.156)	.177 (.146)	.037 (.064)	.091 (.117)
Race (White)	.536** (.210)	1.631 (1.140)	- -	.138 (.263)	.290 (.267)	.055 (.098)	.019 (.184)
Race (Black)	.699*** (.217)	.859 (.722)	.701 (.542)	.237 (.287)	.567* (.289)	.402*** (.106)	.186 (.197)
Race (American Indian)	.417** (.199)	2.018 (1.191)	-.550 (.781)	.506 (.326)	-.046 (.281)	.037 (.150)	-.201 (.258)
Race (Asian)	-.154 (.780)	- -	- -	.050 (.369)	1.437*** (.526)	-.401* (.238)	-.671 (.545)
Race (Hawaiian)	.929** (.405)	- -	- -	-.205 (.462)	.890* (.537)	.782** (.379)	.172 (.741)
R-squared	0.247	0.668	0.716	0.128	0.152	0.197	0.106
Constant	.346 (.298)	-1.797 (2.320)	-.619 (1.085)	.487 (.366)	.629 (.397)	.942*** (.142)	.497* (.298)
Observations	250	13	14	184	164	691	274
N Alcohol Present	63	2	2	30	45	142	70

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

*Note.* Robust standard errors in parentheses. Each column represents the analysis from a different type of crime. The number of observations reported in each column represents the number of such crimes in the dataset. Missing data indicates that there was no variance on that variable for that type of crime, or in the case of the race variables no one of that race. Race is dummy-coded; “Other Race” served as the reference level.