Chapter 11

SOCIAL AND INDIVIDUAL FACTORS IN SENTENCING

Introduction

Throughout the preceding chapters, ample evidence has been presented establishing that there is considerable individual variability in the sentences given by respondents to almost every crime in the survey. Compared to the typical sentence, some gave much longer and others gave much shorter sentences. This chapter will explore the extent to which this variability is associated with social and individual characteristics of the respondents. Demographic differences in sentencing behavior are shown. In addition, the findings bear on the extent to which harshness in sentencing is associated with experiences with crime and our criminal justice agencies, as well as with views held on some major political and social issues.

The social roles occupied by individuals affect their perspectives about the world about them, their assessments of social institutions and their views about how such institutions function. In addition, individuals vary in the kinds of experiences to which their life courses have exposed them. For example, some have been victims of crime and others have been accused and convicted of misdemeanors and felonies, all experiences that potentially can condition their views of how criminals ought to be sentenced.

As shown in previous chapters, to some appreciable extent, respondents share the same views about sentencing. Their sentencing is not totally idiosyncratic; rather, there is some modest consensus on sentencing. Accordingly, we can expect that the effects of the social and experiential sources of person-to-person variability will not be very strong. For example, our respondents agree with each other by and large that kidnappers should be given much longer sentences than someone found in possession of a small amount of an illegal drug. Men and women might disagree about how long sentences should be for each of crime, but we cannot expect to find that men and women would disagree over which was the more serious crime. Social and individual differences in sentencing can be properly considered as variations around the fairly well defined central tendencies in the sample.

Analysis Strategy

The units of analysis in previous chapters have been individual vignettes, Crime Types, and Crime Examples. For the analyses in this chapter, we shift to a different unit: the individual respondent. Each respondent provided a sentence to each of the 42 vignettes incorporated into that respondent's survey booklet. Additionally, data on the social and personal characteristics of the respondents were obtained from questionnaires administered orally by interviewers after the respondent filled out the vignette booklet. (A copy of the questionnaire used is reproduced in Appendix B.)

Because the Crime Examples included in each individual's survey booklet were chosen randomly, each booklet differed to some degree in the mix of crimes included. A mean or median of the sentences given by a respondent to the 42 vignettes accordingly will partially reflect the specific mix of vignettes included in his or her booklet. For example, the probability was 0.84 that a vignette describing someone

convicted of a kidnapping would appear in any respondent vignette respondent booklet. About three out of every five vignette booklets contained a kidnapping vignette. Because half of the kidnapping vignettes described a kidnapping incident in which the victim was killed, that means that less than half — about 42 percent — of the booklets contained the most serious crime studied. A respondent given a vignette booklet including a kidnapping in which the victim was killed likely would have a higher average sentence, computed across all 42 vignettes, than a respondent whose set did not include that kind of vignette.

Any measure summarizing the sentencing behavior of respondents needs to take this variability in vignette booklets into account. This variability is random because the respondent samples of vignettes were constructed randomly. The variability tends to obscure contrasts among individual respondents because real differences among them are affected by sampling variability. However, it is possible to adjust for the variability in vignette booklet mixes. To reduce the effects of sampling variability, we used the technique described below.

First, for each Crime Example and prior criminal record category, the overall median sentence for the entire sample was calculated, resulting in 175 median sentences.[1] Second, the overall median value corresponding to the Crime Example and prior record of a vignette was subtracted from the sentence given by each respondent to each of the vignettes in his or her vignette set, resulting in a number that is positive when the respondent gives a higher-than-median sentence to a vignette and is negative in the opposite condition. Third, those differences were averaged over all the vignettes in a respondent's booklet, resulting in a mean difference for each respondent. The resulting mean difference for each respondent measures the extent to which his or her sentences were higher or lower than the median sentences of the entire sample.

Using these mean differences adjusts for sampling variations in respondent vignette sets.[2] The resulting respondent sentencing difference measure has a clear meaning: it is the mean of the differences of each respondent sentences from the overall median sentences given to the vignettes in each respondent's vignette set. For example, a calculated mean difference measure for a respondent of +2.5 means that the respondent sentences averaged 2.5 years longer than the median sentences of the entire sample when rating the same vignettes. A calculated mean difference measure of -1.5 means that the respondent gave sentences that averaged 1.5 years shorter than the overall median sentences.

Because it appeared likely that individual respondents would react differently to the various types of crimes included in this study, a number of sentencing measures were calculated, each based on subsets of crimes. A set of nine respondent sentencing measures was constructed by calculating mean differences for each of six subsets of Crime Types, as follows:

---

[1] Medians are used because, as shown in earlier chapters, these measures are more representative of respondent central tendencies.

[2] This adjustment does not take into account the other dimensions in the vignettes, for example, the dollar amounts lost by reason of the crime. However, as shown in earlier chapters, the crime dimension and previous record dimension are available for each Crime Example and are the strongest overall determinants of sentences given by the respondents.

Total Sentencing Severity: Defined as the overall mean of differences computed across all 42 vignettes in a respondent vignette set.

Street Crime Sentencing Severity: Defined as the mean of differences for vignettes of Crime Types larceny, bank robbery, street robbery, kidnapping, extortion and three[3] Crime Examples involving illegal possession of weapons.

Drug Possession Sentencing Severity: Defined as the mean of differences for vignettes of the drug possession Crime Type.

Drug Trafficking Sentencing Severity: Defined as the mean of differences for vignettes of the drug trafficking Crime Type.

White Collar Sentencing Severity: Defined as the mean of differences for vignettes of the Crime Types major fraud, minor fraud, embezzlement, antitrust, tax, money laundering, and forgery.

Mixed Crime Sentencing Severity: Defined as the mean of differences for the remaining Crime Types; food and drug, environment, civil rights, the remaining firearms Crime Examples[4] and immigration.

The above indices were the outcome of an attempt to construct groups of Crime Types that were similar and also constituted a large enough group so that each respondent would have several vignettes of each type, producing a more reliable individual respondent median or mean for that group. The Crime Types that did not appear to belong to a common group were lumped together in the Mixed Crime Sentencing Severity category, admittedly a heterogeneous group.

The indices described above all have a uniform interpretation: for example, a calculated value of 2.5 for the Drug Trafficking Sentencing Severity Index for a given respondent means that over all drug trafficking vignettes rated, that respondent gave sentences with a mean value that was 2.5 years longer than the sample medians for those vignettes.

Based on the same rationale, additional respondent sentencing indices were computed to measure the extent to which each respondent used “probation”, “life”, and “death” sentencing options. These three sentencing measures are also adjusted for the particular mix of vignettes in each respondent’s vignette set. For each of 175 combinations of Crime Examples and previous imprisonment record, the overall sample mean percentages for each alternative to sentencing were calculated. For each respondent’s vignettes, the overall mean percentages for the vignettes in that respondent’s set a given vignette set was then subtracted from the respondent’s mean perecentages to arrive at indices indicating the extent to which a respondent

---

[3]These are firearms Crime Examples, two involving a felon illegally possessing firearms and the third involving possession of a sawed-off shotgun.

[4]Those involving firearms dealers’ violations of firearms laws.

departed from the overall sample. These measures are adjusted for the particular mix of crimes including in each respondent's vignette set.

The resulting indices should be interpreted as follows: a life sentence measure of 0.6 percent means that the respondent in question gave out 0.6 percent more life sentences than the sample average. A negative number, say, -0.8 percent, means that a respondent gave out 0.8 percent fewer life sentences.

Life Sentence Index: The difference in the percent of vignettes given life sentences by a respondent from the overall life sentence percentages given by the entire sample to the vignettes in his or her set.

Death Sentence Index: The difference in percent of vignettes given death sentences by a respondent compared to the overall sample percentage of death sentences.

Probation Sentence Index: The difference in the percent of vignettes given probation sentences from the average percentage given by the overall sample..

The life, death and probation sentencing measures tend to be quite small, but they may represent substantial differences because the percentages for the entire sample are also small. Overall, 2.6 percent of the vignettes were given death sentences: hence a death sentence measure value of +0.5 percent means that the respondent gave out 20 percent more death sentences than the average respondent.

Although 1,737 respondents constitute the total data set, 101 "outliers" were identified in earlier chapters and excluded from the analyses presented. Accordingly, the effective sample size is 1,636, although for some analyses, "no answers" to the questionnaire items involved may force a reduction in sample size.

Because the analyses in this chapter are concerned with subgroup differences within the American population, the data presented are weighted to compensate for differentials in sampling fractions by household and place as well as differential response.

The respondent characteristics each will be considered individually because of interest in the simple two-way relationships. For example, racial and ethnic differences in sentencing behavior are of policy interest even though taking other factors into account may reduce or wipe them out.

Because respondent characteristics tend to be inter-correlated, and are all measures taken at one point in time, it is difficult to interpret with confidence the potential causal implications of many of the findings for individual characteristics. For example, the better educated among our respondents tend to give shorter sentences. We will also find that several views on current political issues are also related to education and to sentencing. Unraveling the causal threads that link educational attainment to sentencing would be a fascinating enterprise that we cannot pursue successfully because all our measures were obtained at the same time.

Gender Differences in Sentencing

Do men and women differ in their sentencing proclivities? Previous studies of attitudes towards those convicted of crimes typically have shown that women are likely to be more lenient in their views of desired punishments, although these reported gender differences were rarely very large.

For the six crime sentencing measures, sentencing differences by gender are shown in Table 11.1. This table also contains qualitative sentencing measures, such as the use of life, death and probation sentences. Note that the entries for the mean sentencing measures are in terms of years: for example, the entries in the first row indicate that men gave sentences that averaged 1.2 and women 1.4 years longer than sample medians but these differences are not significantly different, comparing men and women. The entries in the last column of the table are the p-values for statistical tests of gender differences.

All but three of the gender differences were not significantly different. Men and women differ with respect to sentencing for drug possession crimes, with women preferring slightly longer sentences than men. On the qualitative sentencing measures, women give fewer death sentences and fewer probation sentences.

Overall, gender differences are both small and inconsistent. Women are less lenient than men, in giving longer sentences for drug possession and fewer probation sentences but they are more lenient in giving out fewer death sentences.

Table 11.1. Gender Mean Differences in Sentencing Behavior. Weighted Data. Outliers Omitted.

Sentencing Measure	Men	Women	Sig[b]
Total Sentencing	1.2	1.4	.43
Drug Trafficking	7.7	7.3	.65
Drug Possession	.73	1.1	.04
Street Crime	2.1	1.8	.34
White Collar	1.4	1.5	.70
Mixed Crime	1.3	1.4	.79
Death	0.3%	-0.2%	.005
Life	-0.2%	0.1%	.16
Probation	0.7%	-0.4%	.04
Approximate N[a]	[723]	[911]	

[a]The Ns for each of the measures vary slightly, depending on missing values in the variables used.

[b]This column contains the p-values for the differences between the mean differences between men and women.

Age Differences in Sentencing

In studying social and psychological phenomena, age differences are often encountered, sometimes in complicated forms. Age differences arise through three main processes. First, an individual's age is an indicator of certain developmental and aging processes, at least partially physiological in character. Physical strength and endurance peak in late adolescence and early adulthood and advanced age often is accompanied by frailness. The fact that street crime offense rates peak in late adolescence and early adulthood is often attributed to developmental origins, because the peaks coincide with maximum strength and endurance. Despite some evidence that cognitive abilities change with age, there appear to be no simple implications of these processes for sentencing behavior.

Second, age is an indicator of where in the life course an individual may be. Marriage, parenthood, changes in employment, retirement and other status changes are all associated with stages in the life cycle than can affect one's views on many issues. Third, age is a marker for the experiences that living through a given historical period can bring. Those who have lived through historical periods in which there was

widespread unemployment are often different in their views on social and political issues when compared to those who did not experience such historical periods.

It is difficult to disentangle the effects of these processes, each of which may have different effects. For example, engaging in crime is largely a young man's activity but so is soldiering and participation in professional athletics. If a man were on the threshold of adulthood in the early years of World War II, his chances of becoming a soldier would have been magnitudes greater than if he were to have entered adulthood in the 1980s. The chances of engaging in crime were also different, but in opposite ways. Life course experiences also matter: for most, income is at a peak in the middle years along with family responsibilities. For young single adults, social responsibilities may be at a minimum. For the aged, whose world of peers may be rapidly shrinking, social responsibilities may also be on the decline.

For all the reasons cited above, it is not easy to anticipate age differences in sentencing proclivities, although it is a good wager that some differences will be found. The relevant data from the sample are to be found Table 11.2. The sample has been divided into four age groups; 18 to 35 (late adolescence and early adulthood); 35-49 (the early middle years often coinciding with the rearing of children through adolescence); 50-64 (the late middle years); and 65 and over (old age, accompanied by retirement and often physical decline.)

Table 11.2. Age Group Mean Differences in Sentencing. Weighted Data

Sentencing Measure	Age Group				Sig
	>35	35-49	50-64	65+	
Total Sentencing	1.1	1.5	1.8	1.2	.11
Drug Trafficking	5.6	8.6	10.7	6.6	.004
Drug Possession	1.8	2.5	2.1	1.2	.07
Street Crime	1.1	1.5	1.9	1.5	.25
White Collar	.8	.9	1.3	.8	.21
Mixed Crime	1.3	1.8	.9	.9	.05
Death	-0.1%	-0.0%	0.4%	-0.1%	.43
Life	-0.3%	0.5%	-0.1%	-0.3%	.01
Probation	-0.4%	0.6%	0.2%	0.1%	.55
Approximate[a] N	[541]	[514]	[277]	[284]	

[a]Actual N varies in minor ways because of missing values for some of the indices.

Table 11.2 shows that significant age differences appear with respect to drug trafficking, with sentencing severity increasing with age up to the age group 50-64 and declining slightly for the oldest age group. A weak age trend also can be found for mixed crimes for which the two youngest age groups give the longest sentences.

On the qualitative sentencing measures, the only fairly strong age differences showed up with respect to the giving of life sentences. In this case, the age group 35-49 tended to give out life sentences more frequently than the other age groups. Although the differences are not very large in absolute terms, viewed relatively they represent quite dramatic differences: persons between the ages 35-49 are about one third more likely to give life sentences than either the very young (under 35) or those over 65.

Overall, age differences are not very strong: younger and older respondents are not very different in their sentencing.

Race and Ethnic Differences In Sentencing[5]

Despite legal and behavioral changes in American society over the past few decades, our society is still clearly structured along ethnic and racial lines. This may be nowhere more evident than in the criminal justice system. Although African-Americans and Hispanics are numerical minorities within our society, as defendants in the criminal courts and as inmates in prisons, they often are majorities. Accordingly, the persons who are more often subject to the sentencing of the both the state and federal courts are African-American and Hispanics. Differential exposure to the criminal justice system may affect sentencing behavior. There are other relevant racial and ethnic differences as well: the incomes of minority households are lower on the average. There are political and ideological differences as well as geographical concentration. In short, there are several strong reasons to expect some racial and ethnic differences.

Table 11.3 presents the sentencing measures computed for three groups; Whites (composed of all non-Hispanic Whites,) self-identified Hispanics, and Black non-Hispanics.[6] Asians, American Indians and "other races" are not shown because case bases for those groups were too small. There are significant mean differences in drug trafficking sentencing: Whites preferred sentences that were almost five years longer than those preferred by Blacks and almost three years longer than Hispanic preferences. A weaker contrast of the same sort holds for sentences for street crimes, with Whites asking for sentences that were more than a year longer than those of Blacks.

[5] The vignette dimensions did not include any racial or ethnic descriptions of the convicted offenders. The main reason for this omission is that previous studies of crime seriousness and sentencing consistently showed that offender race or ethnicity played no role in the studies. And, of course, neither race nor ethnicity play any role in the guidelines.

[6] Any respondent, regardless of skin color, was classified as Hispanic if he or she indicated identification with that group.

Similar racial/ethnic contrasts can be seen for the use of life sentences and probation. Whites were more likely to give out life sentences and less likely to give probation. The overall patterning of racial/ethnic group differences appears to be one in which Whites are inclined to give longer sentences, Hispanics somewhat shorter sentences than Whites, with African-Americans tending to give the shortest sentences.

Table 11.3. Race and Ethnic Mean Differences in Sentencing[a]. Weighted Data

Sentencing Measure	Ethnic/Racial Group			Sig
	White (Non-Hispanic)	Hispanic	African-American	
Total Sentencing	1.5	1.1	.9	.27
Drug Trafficking	8.5	5.7	3.7	.003
Drug Possession	-.12	-.11	-.02	.92
Street Crimes	2.2	1.4	1.0	.03
White Collar	1.5	1.4	1.2	.66
Mixed Crimes	1.4	1.2	1.4	.89
Death	0.0%	0.4%	-0.2%	.33
Life	0.2%	-0.6%	-0.7%	.002
Probation	0.1%	-3.0%	1.9%	.0002
Approximate N	[1,240]	[127]	[222]	

[a] Because case bases were inadequate, Asians, American Indians, and "other" races are omitted from this table. Hispanics are defined as self-identified and the White and African-American categories do not contain any Hispanics.

Sentencing Differences by Educational Attainment

For most people, their educational experiences were received during the first two decades of life. Nevertheless, the effects of those experiences persist throughout the life course. In a wide variety of behavior and attitudes, there are persistent differences between Americans according to the number of years spent in formal education. In part, these persistent educational effects reflect cognitive skills and substantive knowledge acquired in school. Those with greater educational attainment more readily absorb and assimilate information about the world around them. In particular, those with greater amounts of education may have found the task of assessing vignettes easier to do and to understand.[7] In addition, greater educational attainment facilitates greater socio-economic attainment leading to higher incomes and high occupational attainment. Finally, education, especially at the college and university levels, is often a liberalizing experience leading to social ideologies that foster tolerance for differences. For these reasons, we can expect that sentencing behavior will vary by educational attainment levels.

Table 11.4, containing mean sentencing differences by education, fulfills the expectations described above. For all but three of the sentencing measures, educational differences are regular and statistically significant. For the other three measures, the findings are regular but not strong enough to reach statistical significance. The regular pattern is that those who did not graduate high school give longer than median sentences whereas those who received college degrees give shorter sentences. The differences are not only consistent statistically but also substantively significant: the mean sentencing differences between the lowest and highest educational attainment level is about 14 months in the Total Sentencing Index and at least a year for the other crime categories. Those who had not graduated from high school gave death sentences to 150 percent more of their vignettes compared to those who were college graduates. Note also that college graduates were more likely to give probation, especially when compared to the group with the lowest educational attainment.

[7] There is some weak evidence supporting this statement. Calculating the regression of sample sentences on guideline sentences separately for educational groups, the higher the educational attainment the higher the resulting R^2 for the equation, the difference between the lowest and highest attainment groups being .05.

Table 11.4. Mean Sentencing Differences by Levels of Educational Attainment. Weighted Data.

Sentencing Measure	Educational Attainment				Sig
	No High School Gradu-ation	High School Graduate	Some College	College Graduate	
Total Sentencing	1.80	1.69	1.17	.62	.003
Drug Trafficking	9.2	8.3	7.2	5.6	.15
Drug Possession	.80	-.05	-.26	-.55	.0000
Street Crimes	1.8	2.2	2.3	1.2	.11
White Collar	1.9	1.9	1.2	.5	.0003
Mixed Crimes	1.9	1.5	1.3	.7	.03
Death	0.8%	0.3%	-0.2%	-0.6	.0000
Life	-0.4%	0.2%	-0.1%	0 .1%	.34
Probation	-1.0%	-0.2%	-0.1%	1.5%	.03
Approximate N	[269]	[562]	[463]	[339]	

Household Income, Occupation, and Sentencing

To measure the respondent's economic well-being, each was asked to estimate his or her household's income in 1993, using rather broad categories, as shown in Table 11.5. The mean differences show that household income effects were neither pronounced nor consistent. Although there were statistically significant household income effects on five of the nine sentencing measures, these effects were small and irregular. For example, the income group mean differences for the Total Sentencing Index show the lowest sentencing for the highest income group, but the longest sentencing was given by the next-to-highest. The only regular effects of any note were those on white collar crime. Sentence lengths decreased with increased income, but even in this case, the maximum sentencing difference is about 13 months. Those coming from the wealthiest households were apparently less inclined to punish heavily for white collar criminal behavior; arguably that is the type of crime they were more likely to commit themselves or to know someone who had done so. High income respondents also were less likely to give probation more frequently, but this income effect was not very strong.

Table 11.5. Differences in Sentencing by Household Income. Weighted Data

Sentencing Measure	1993 Household Annual Income ($000)				Sig
	<$20	$21-37	$38-49	$50+	
Total Sentencing	1.5	1.1	1.7	.8	.03
Drug Trafficking	8.8	6.2	8.1	7.1	.45
Drug Possession	.5	-.2	-.1	-.3	.04
Street Crimes	1.6	2.0	2.7	1.4	.03
White Collar	1.9	1.4	1.7	.6	.005
Mixed Crimes	1.6	1.6	1.3	1.0	.37
Death	0.5%	-0.2%	-0.1%	0.1%	.10
Life	-0.2%	-0.2%	0.1%	0.1%	.70
Probation	-1.2%	-0.3%	0.5%	1.3%	.03
Approximate N	[332]	[272]	[579]	[309]	

The household income findings bolster the interpretation of educational effects as stemming from the educational experience itself given that high educational attaining is a frequent base for high household incomes. This interpretation is further supported by findings concerning occupational effects. None of the estimates of occupational effects showed any significant differences among occupational groups, although respondents holding down highly trained professional positions were typically giving the shortest sentences on most of the sentencing measures. In the interest of saving space, the occupational tables are not presented.

Net Effects of Respondent Demographic Characteristics

All of the respondent characteristics discussed above are related to each other. Household income and educational attainment are affected by age. There are considerable racial and ethnic differences in household income and educational attainment. Inter-relationships are apparent among the entire list of respondent characteristics discussed so far in this Chapter. In Chapter 10, regional and community size

differences were also shown to exist. This pattern of inter-related characteristics raises the issue of the extent to which these characteristics contribute independently to sentencing behavior.

The findings presented thus far in this chapter also indicate that the major differences among socio-demographic subgroups lie in the extent to which each subgroup contains individuals who give relatively long sentences. That is, there were few subgroup contrasts in the mean differences of subgroups from the sample median sentences given to various types of crimes but there were some strong differences in the upper ranges of sentence distributions. Overall, the bulk of the members of all subgroups gave similar sentences. Subgroups varied mainly in the proportions of persons giving long sentences.

To unravel the inter-relatedness of respondent socio-demographic characteristics we will utilize a multiple regression approach regressing each of the sentencing measures on the variables discussed so far in this chapter plus regional location and community size. The quantile regression model used for the six sentencing measures centers on the 75th percentile and is therefore focussed on the extent to which subgroups contain persons giving out longer sentences. The resulting coefficients, for example gender, will be the independent contribution of gender to heavy sentencing behavior, net of all the other characteristics entered into the equation. The results of the six regression equations — one for each of the Crime Type sentencing measures — are shown in Table 11.6.

Note that in Table 11.6 for the three qualitative sentencing measures — life, death and probation sentences — the regressions are ordinary least squares models in which the percentages of sentences of each of the three kinds of sentences are the dependent variables.

Each of the respondent characteristics is entered as a dummy variable with three exceptions. Educational attainment is represented as the number years of education completed. Household income is entered as thousands of dollars. Because age typically had an irregular effect on sentencing, it is represented as three dummy variables, one for each of the age groups used in Table 11.2. The equations were also computed with dummy variables for each region and for each community size.

In each cell of Table 11.6, one of several entries appear, to be interpreted as follows:

"ns" means that the coefficient for the characteristic in that row was not significant in the equation for the sentencing measure described at the top of the column.

"X" where X is a positive number, means that the subgroup in question gave significantly higher than the average sentences, the degree of significance being conveyed by the number of asterisks. When X is a negative number, the subgroup has given significantly lower sentences.

"*" means the coefficient was significant at the .05 level.

"**" means the coefficient was significant at the .01 level.

"***" means the coefficient was significant at the .001 level.

Table 11.6 is divided into three panels. Panel A contains the regression coefficients for the socio-demographic respondent characteristics discussed one by one in the first part of this Chapter. Panel B contains the regression coefficients for Census regions, all shown in contrast to the New England region as the omitted region; and Panel C displays the regression coefficients for Metropolitan Statistical Areas

Table 11.6. Regressions of Sentencing Measures on Respondent Demographic Characteristics, Holding Region and City Size Constant. Weighted Data.

Respondent Characteristic	Respondent Sentencing Measures								
	75th Quantile Regressions						OLS Regressions		
	Total Sentenc-ing	Drug Traffick	Drug Possess-ion	Street Crimes	White Collar	Mixed Crimes	% Death Sentence	% Life Sentence	% Probation
A. Respondent Socio-Demographic Characteristics									
Female	ns	ns	.45**	ns	ns	ns	-0.5%*	ns	ns
Black[a]	-1.08**	ns	ns	ns	ns	ns	ns	-0.9%**	2.8%**
Hispanic[a]	ns	ns	.63*	-2.2**	ns	ns	ns	-0.9%*	ns
35-49[b]	ns	3.9*	ns	ns	ns	ns	ns	0.8%**	ns
50-64[b]	.78*	6.2**	.56*	ns	ns	ns	ns	ns	ns
65+[b]	ns	ns	ns	-1.6**	ns	ns	ns	ns	ns
Educ (yrs)	-.24***	ns	-.17***	-.25**	-.19*	-.17*	-0.2%***	ns	ns
Inc ($000s)	ns	ns	ns	ns	ns	ns	ns	ns	0.03%*
B. Census Region (New England Region Omitted)									
Mid-Atlantic	ns	ns	ns	ns	ns	ns	1.1%*	ns	ns
NE Central	ns	ns	.83*	1.74*	ns	ns	ns	1.5%**	ns
WN Central	ns	ns	ns	3.05**	ns	ns	1.5%**	ns	ns
S Atlantic	2.03***	ns	ns	3.9***	ns	ns	1.2**	ns	ns
E S Central	2.32**	ns	1.41**	2.2*	ns	ns	2.01**	ns	ns
W S Central	2.38***	9.06*	1.98***	5.3**	ns	ns	1.6*	ns	ns
Mountain	ns	ns	ns	ns	ns	ns	1.6**	ns	ns
Pacific	ns	ns	ns	2.86**	ns	ns	1.2*	ns	ns
C. MSA Size (MSA over 500,000 Omitted)									
Small MSA	ns	ns	ns	1.38*	ns	ns	ns	ns	ns
Non-MSA	ns	ns	ns	ns	ns	ns	ns	ns	ns
Intercept	4.02**	13.3*	ns	4.75**	5.23***	4.15***	2.4**	ns	ns
Approximate N=1,479									

[a]The omitted category is “Whites”. [b]The omitted age category is “under 35".

in which the respondents reside. Each column displays the regression coefficients resulting from regressing the sentencing measure shown at the head of each column on the variables in that column. Accordingly, the coefficients are net measures, showing the effect of each variable net of the effects of the other variables in that column.

Most of the socio-demographic characteristics tend to affect one or two of the nine sentencing measures shown in Table 11.6. Women give higher sentences to drug possession crimes and fewer death sentences. African-Americans give lower sentences to all crimes (Total Sentencing Index), fewer life sentences and more probation sentences. Hispanics gave longer sentences for drug possession, shorter sentences for street crimes and a lower proportion of life sentences.

The coefficients for age groups each show the contrast between the age group in question and those respondents who were under 35 years of age. Accordingly, 35-49 year old tend to give longer sentences for drug trafficking and also a higher percentage of life sentences. Respondents in the age group 50-64 give longer sentences for all crimes, for drug trafficking and drug possession and also a higher percentage of life sentences. As we saw earlier, the oldest age group (age 65 and over) is not different from the youngest age group in most measures, but gave shorter sentences for street crime.

With the exception of giving a slightly higher percentage of probation sentences, the coefficients for household income are not significant.

Of all the respondent characteristics, education has the most consistent effect pattern: respondents' educational attainment is significantly negative in six out of the nine equations, clearly indicating that the more education a respondent had the lower the sentence given. Indeed, education is the strongest and most consistent correlate of sentencing of all of the respondent characteristics. The impact of educational attainment can be very large even though the coefficients are small because they represent decrements in sentencing for each additional year of education. Accordingly, for the six year educational difference between a high school dropout and a college graduate, the difference in the Total Sentencing Index is almost 1.5 years.

Perhaps the most striking finding in Table 11.6 is the robustness of regional differences. Because the omitted region is New England, one way of interpreting the many significant regional coefficients is that every region differs from New England in some respect over and above regional differences in age, sex, educational attainment, and household income. Especially striking are the strong differences shown by the three Southern regions in the Total Sentencing Index: the southernmost tier of states ranging from Texas and Oklahoma on the west to the Atlantic Ocean on the east gave sentences that were more than two years longer than those given by New Englanders, indicating significant proportions of Southerners giving much longer than usual sentences. The West South Central region, consisting of Texas, Oklahoma, Louisiana, and Arkansas, stands out in greatest contrast to New England by having positive coefficients on five of the nine sentencing measures. This region is closely followed by the East South Central region — Mississippi, Alabama, Kentucky, and Tennessee — with positive coefficients on four of the nine sentencing measures.

Looked at in another way, New England is different from most of other regions in being lower on punitiveness for street crimes and in the giving of death sentences. This is shown by six of the eight regions having positive coefficients on street crimes and seven having positive coefficients on death sentences.

In Panel C, the effects of community size detected in Chapter 10 have almost disappeared when other variables are taken into account. Only one of 18 coefficients, that for the Street Crime Index, is significant and positive. In short, when socio-demographic factors and region are held constant there are no differences among residents of large, medium and small communities.

The questionnaires respondents filled out also contained items asking about personal experiences, attitudes on criminal justice issues, and views on certain relevant political issues. The next few sections look at how sentencing behavior is related to those measures.

The Effects of Experiences with Crime and Criminal Justice

For many citizens, crime consists of events and actions that are outside their immediate ken and experience. Crimes are events that have happened to others or happenings that are noted in the press or in television news broadcasts. For many others, criminal actions are more immediate because either they or their households have been victims or even perpetrators. In addition, crime rates vary considerably by location. Even if the impact of crime is not immediate and close, living in a neighborhood with a high crime rate might noticeably affect sentencing behavior.

Many of the same differentials in direct exposure exist with respect to the legal institutions and the criminal justice system. Many, but not all, Americans have served on juries. A smaller proportion have been involved in the courts in other ways such as being plaintiffs, defendants, or witnesses. Even smaller proportions have ever been embroiled in the criminal justice system by being arrested and serving time in jail or prison.

One might expect that those who have been victims of a criminal action would be more severe in the punishments they would like to see given to convicted felons. However, such expectations are not borne out by the survey data, as shown in Table 11.7. About one in four respondents reported that they or some persons in their households had been victimized in 1993, but those who were victimized were not likely to give longer sentences as measured by the mean differences shown in the table.

If anything, victimized respondents desired slightly shorter sentences for the convicted felons described in the vignettes rated, as shown in the significantly shorter sentences for drug trafficking crimes, measured by mean differences, shown in Table 11.7

Perhaps part of the explanation for the findings of Table 11.7 lies in the demographic characteristics of those who are most prone to be victims of crime. As shown repeatedly in victimization surveys, the highest probabilities of being victimized are associated with minority group membership, and being a young male. As has been shown in earlier sections of this chapter, these demographic groups are not among the more punitive segments of our population.

Table 11.7. Crime Victimization and Mean Sentencing Differences. Weighted Data

Sentencing Measures	Non-Victim[a]	Victim[a]	Sig
Total Sentencing	1.4	1.1	.32
Drug Trafficking	8.3	5.5	.01
Drug Possession	-.0	-.3	.19
Street Crimes	1.9	2.	.64
White Collar	1.5	1.3	.62
Mixed	1.3	1.4	.82
Death	0.1%	0.2%	.13
Life	0.1%	-0.1%	.37
Probation	-0.1%	0.5%	.27
Approximate N	[1,218]	[418]	

[a]A respondent was classified as having been victimized if he or she reported someone in his or her household was the victim in 1993 of a burglary, a purse or wallet snatching, consumer fraud, an assault, or had property stolen.

Although one might also expect that persons living in what they perceive to be high crime areas would be more punitive toward convicted felons, that is also not the case. Using the combined answers to five questions about how respondents perceived the seriousness of problems presented by several kinds of crimes in their neighborhoods (or communities), Table 11.8 shows no consistent relationship between perceived seriousness of neighborhood crime problems and mean sentencing behavior for most of the sentencing measures. For example, on the Total Sentencing Index measures, respondents living in high crime areas gave sentences that averaged 1.2 years higher than median sentences but those living in very low crime areas gave sentences that are about three months higher, a difference that was not statistically significant.

Crime may be experienced as a local problem but that experience does not lead persons to want higher or lower sentences for convicted felons. It should be noted that these findings are consistent with those stemming from other studies of crime seriousness and sentencing which also do not find that the seriousness of local crime problems and personal victimization affect judgments about seriousness or sentencing behavior.

One of the reasons why the findings concerning victimization and local crime conditions do not affect sentencing behavior as one might have expected is provided in the findings of Chapter 10 concerning community size. Victimization rates are higher in larger places and neighborhood crime problems are more serious in large communities. But as shown in Chapter 10, residents of smaller places consistently gave longer sentences. Much the same can be said for demographic categories: young people are more likely to be crime victims, but they also give shorter sentences. Clearly direct or community experiences with crime does not over-ride the demographic determinants of sentencing behavior.

Table 11.8. Perceived Seriousness of Community Crime and Mean Sentencing Differences. Weighted Data

Sentencing Measures	Perceived Seriousness of Community Crime Problem[a]				Sig.
	Highest	High	Low	Lowest	
Total Sentencing	1.2	1.4	1.1	1.6	.43
Drug Trafficking	6.4	8.1	5.7	9.0	.08
Drug Possession	-.2	-.0	-.1	-.1	.90
Street Crimes	1.8	2.1	1.8	2.3	.72
White Collar	1.4	1.4	1.2	1.6	.60
Mixed Crimes	1.1	1.4	1.6	1.4	.63
Death	0.1%	-0.2%	0.1%	-0.0%	.62
Life	-0.4%	0.4%	-0.3%	0.1%	.03
Probation	0.8%	-0.6%	0.0%	0.2%	.36
Approximate N	[370]	[349]	[392]	[423]	

[a]Sum of answers to five questions about the seriousness of neighborhood crime, each concerned with one variety of crime; street crime, property crime, white collar crime, drug trafficking and drug usage. The scores were divided into approximately equal groups.

How does contact with the law affect sentencing behavior? The respondent questionnaire contained a battery of items concerned with personal participation in legal institutions in various roles, including jury service, reporting crimes to the police, being a participant in litigation as a defendant or

Table 11.9. Contact with Criminal Justice System and Sentencing. Weighted Data

Sentencing Measure	Number of Contacts with Legal System[a]				Sig.
	0	1	2	3+	
Total Sentencing	1.2	1.2	1.8	1.4	.18
Drug Trafficking	6.2	7.3	7.7	10.9	.06
Drug Possession	-.1	-.1	.1	-.0	.80
Street Crimes	1.2	2.1	2.4	2.6	.02
White Collar	1.1	1.2	2.0	1.4	.04
Mixed Crimes	1.1	1.2	2.0	1.1	.03
Death	-0.4%	0.1%	0.0%	0.8%	.003
Life	-0.3%	-0.1%	0.3%	0.4%	.05
Probation	-0.8%	0.4%	-0.1%	1.3%	.08
Approximate N	[461]	[592]	[379]	[204]	

[a]Based on a count of positive answers to items asking whether the respondent has ever served on a jury, reported crimes to the police, been sued in court, testified as a witness in court, been arrested, and served time in jail or prison.

witness, being arrested, and serving time in jail or prison.[8] Overall, almost three in four (72%) of the respondents had at least one such contact. The most frequent contact (55%) was reporting crimes to the police.

[8]Levels of contact so measured were as follows:

22 percent served on a jury
21 percent were witnesses in court cases
55 percent had reported crimes to the police
7 percent had been sued
15 percent had been arrested
4 percent served time in jail or prison

A priori expectations were that the effects of such contact would vary with the kind of experience involved. Serving on a jury and thereby participating in a court trial as a decision maker seemed to be worlds apart from having been arrested or sentenced to jail or prison. Perhaps people who had been sentenced themselves might be more lenient in sentencing others who had been convicted. However, initial analyses indicated that all the measures of contact affected sentencing behavior similarly. Any kind of contact led respondents to be more severe in their sentencing. Accordingly, we formed an index that was a simple count over all the six forms of contact.

Table 11.9 presents the findings. On seven of the nine sentencing measures, the greater the number of contacts, the longer and harsher the sentences given, although on only five sentencing measures were those differences statistically significant. The mean sentencing differences for drug trafficking crimes are especially large: those with three or more contacts gave sentences that were 4.5 years longer.

Searching for a credible explanation of the findings in Table 11.9 has not proved successful. For most of contacts, one can make arguments for effects that would shorten sentences and other arguments that would lead one to expect longer sentences. For example, it is easy to argue somewhat convincingly that participation in jury decision making might lead to longer sentences because learning the details of a crime that are revealed in a trial could lead to feeling more strongly about punishing criminals. But, much of jury service does not involve criminal cases. And some criminal trials may lead jurors to become more lenient towards the convicted persons. Particularly puzzling are the effects of being arrested and serving time in jail or prison. It was not possible to think of any credible reasons why having such experiences leads one to give longer sentences to convicted persons.

The Effects of Political and Social Attitudes on Sentencing

The respondents' views on sentencing express primarily how they would punish those who transgress federal criminal laws. Secondarily they may also reflect other associated attitudes about a variety of political and social topics, some conceivably quite removed from the arena of crime and criminal justice. This section explores a limited number of such possibly related topics.

The first attitude measure considered refers to the general political division in our society that pits conservative against liberals. This is a fuzzy division that is associated with political party preference, views on the role of the state in the economy and individual rights, and a host of specific issues ranging from gun control, immigration, government role in health care, to legalized abortion. To measure that ideological split respondents were asked to classify themselves as "conservatives", "moderates" or "liberals", a classification that ignores the many subtle divisions within each of these broad ideological groupings.[9]

The mean sentencing differences measures for the liberals and conservatives are shown in Table 11.10. On six of the nine sentencing measures there are statistically significant differences. Especially

[9]Despite the crudity of the item, only 21 respondents refused to answer the question and another 66 claimed they were unable to fit themselves somewhere among the five groupings given, amounting in total to five percent of our respondents.

dramatic are the differences on sentencing for drug trafficking: the very conservative give sentences which are more than ten years longer than those given by the very liberal. Strong differences are also shown for the indices of Total Sentencing (1.6 years), Drug Possession (1.2 years), Street Crimes (2.6 years) and the percentages given death sentences (1.1%).

Interestingly, on the White Collar and Mixed Crimes Indices, the very conservative and the very liberal do not occupy the extreme positions. Apparently, the very liberal were also punitive toward persons convicted of these crimes. A likely explanation for this pattern is that the mixed crimes category contains violations of civil rights and environmental laws, crimes for which the very liberal may desire stronger sentences.

Table 11.10. Political Leanings and Mean Sentencing. Weighted Data

Sentencing Measure	Leanings on Political and Social Issues[a]					Sig
	Conservative		Moder-ate	Liberal		
	Very	Some-what		Some-what	Very	
Total Sentencing	2.4	1.4	1.3	.8	.8	.02
Drug Trafficking	10.9	8.6	7.5	5.8	.8	.009
Drug Possession	.7	-.3	.1	-.5	-.5	.02
Street Crimes	3.3	2.6	1.7	1.4	.7	.009
White Collar	2.1	1.5	1.4	.9	1.3	.20
Mixed Crimes	2.1	1.1	1.4	.9	2.1	.09
Death	1.0%	-0.2%	0.1%	-0.1%	-0.1%	.01
Life	0.2%	0.2%	-0.1%	0.1%	-0.9%	.28
Probation	-0.2%	-0.1%	0.1%	0.1%	2.5%	.48
Approximate N	[157]	[414]	[729]	[247]	[68]	

[a]Based on answers to the item "People often classify their views on political and social issues as conservative, moderate, or liberal. In general, would you say that your views usually tend to be very conservative, somewhat conservative, moderate, somewhat liberal, or very liberal?"

Although the very conservative were very different from the very liberal, the intermediate groups were not far as far apart in their sentencing behavior. The "somewhat conservative" respondents were usually closer to the "moderates" than they were to the "very conservative". Similarly, the "somewhat liberal" were also closer to the moderates than they were to the "very liberal".

In summary, views on sentencing also reflect more general ideological positions on social and political issues, those on the far right contrasting especially strongly with those on the far left. It is important to keep in mind that these contrasting views are decidedly minority voices: 9.6 percent of the sample identified themselves as "very conservative" and 4.2 percent as "very liberal" with the remaining 85 percent occupying the middle positions that differed more moderately.

Although the conservative-liberal ideological split is related to sentencing behavior, as we have seen, it is nevertheless a general stance on social issues. There are other views on public issues that may be more closely related to the criminal justice system. Respondents were asked whether they believed that persons accused of serious crimes were accorded too many, too few or just about the right amount of legal

Table 11.11. Views on the Proper Balance of Rights for Criminally Accused and Sentencing.

Sentencing Measures	Legal Rights for Accused[a]			Sig
	Too Few	About Right	Too Many	
Total Sentencing	.4	.9	1.7	.0001
Drug Trafficking	1.4	5.4	9.2	.0000
Drug Possession	-.4	-.5	.1	.01
Street Crimes	.1	.9	2.7	.0000
White Collar	.5	1.1	1.6	.02
Mixed Crimes	1.2	.8	1.6	.02
Death	-0.4%	-0.3%	0.3%	.01
Life	-1.2%	-0.3%	0.3%	.0002
Probation	0.9%	1.0%	-0.5%	.03
Approximate N	[127]	[471]	[1,032]	

[a]Based on item "People accused of serious crimes... Would you say they have too few legal rights, about the right amount, or too many legal rights?"

rights. Most (63%) thought that the accused had too many rights, with a respectable minority (29%) believing that the rights accorded to the accused were "about right" and a very small minority (8%) believing that the accused had too few legal rights. Apparently, the balance of public opinion is that the current set of legal rights for the accused[10] accords too many rights to that group.

There are strong relationships between views on the rights of accused person and sentencing behavior. Table 11.11 shows the mean sentencing differences by views of rights for accused persons. Significant differences are shown on all of the sentencing measures. In addition, some of the contrasts in measures are very large. Overall, on the Total Sentencing Index, those who believed that accused persons had too many rights wanted sentences that were more than 1.3 years longer than those desired by respondents holding the opposite views. On sentences for drug trafficking crimes the differences were even greater — 7.8 years, and on street crimes, 2.6 years.

Arguably, the reverse of sympathy for the those accused of crimes is support for the criminal justice system. To tap that dimension of social attitudes, respondents were asked whether police departments had too much, too little or about the right amount of freedom to investigate crimes, a question we believed would be interpreted as dealing with the investigative rights and responsibilities of the police. The balance of public opinion clearly was against the view that the police had too much freedom, a minority view held by 13 percent of the sample. About half of the sample thought that police had about the "right amount" and a fair-sized minority believed the police did not have enough freedom.

The findings in Table 11.12, are the mirror images of those in Table 11.11. In eight of the nine sentencing measures, the differences are significant, with those holding the view that the police have too few investigative powers giving longer sentences. Indeed, the mean differences are almost as great as in Table 11.11.

In the discussion above, we treated the attitudinal measures concerning accused persons and the police as if they were related as causes to sentencing behavior. Because the data are derived from a cross-sectional survey this interpretation is clearly not warranted. Using the data presented here there is no way we can tell whether sentencing behavior affects attitudes towards the police and accused persons or the other way around. However, we can say that views on the police and views on the legal rights of the accused are not one and the same attitude, the correlation between the two being quite small (-.20), indicating that there were some respondents who favored both strengthening the powers of the police and more rights for accused persons.

The two attitudinal items considered above focus on issues that are closely related to criminal justice practices and institutions. When we consider other social attitudes, as in the next two attitudinal measures presented, we can expect that such attitudes will not be strongly related to sentencing behavior

[10] Views on this issue are also quite general. The survey did not ascertain what the American public thought were the rights of the accused nor which of them were objectionable and which were acceptable.

even though such attitudes are often thought of as clearly dividing the liberal from the conservative camps in American society.

Views on whether protecting the environment against pollution was receiving too much, too little or about the right amount of attention were also measured in the respondent questionnaire. Views on this statement of environmental issues were virtually irrelevant to sentencing measures to the point that we did not think it worthwhile to present any numerical results.

Table 11.12. Sentencing and Respondent Views on Police Freedom to Investigate Crimes.

Sentencing Measure	Investigative Rights of Police[a]			Sig
	Too Few	About Right	Too Many	
Total Sentencing	1.8	1.1	1.1	.03
Drug Trafficking	10.9	6.0	4.4	.0000
Drug Possession	.26	-.25	-.34	.02
Street Crimes	2.6	1.8	1.0	.006
White Collar	1.8	1.1	1.6	.03
Mixed Crimes	1.2	1.2	2.3	.01
Death	0.5%	-0.3%	0.3%	.0004
Life	0.1%	0.0%	-0.2%	.66
Probation	-1.6%	0.8%	1.6%	.0000
Approximate N	[582]	[829]	219]	

[a]Based on item "..Police departments and the freedom they have in investigating crimes. Would you say they have too little freedom, about the right amount, or too little freedom?"

In stark contrast to environmental issues, public views on civil rights for minorities were found to be quite strongly related to sentencing behavior, as shown in Table 11.13. Public opinion is about evenly divided on the civil rights issue: about half (48%) thought that minorities had about the right amount of civil rights and the remainder was almost evenly divided between those thinking minorities have too many civil rights (27%) and those who thought they had too few (26%.)

Table 11.13. Sentencing and Views on the Civil Rights of Minorities. Weighted data.

Sentencing Measure	Minority Rights[a]			Sig
	Too Few	About Right	Too Many	
Total Sentencing	0.8	1.3	1.6	.02
Drug Trafficking	4.3	8.1	9.5	.0005
Drug Possession	-0.2	-0.1	0.2	.28
Street Crime	1.1	2.3	2.2	.01
White Collar	1.0	1.4	1.6	.07
Mixed Crimes	1.2	1.4	1.4	.83
Death	-0.5%	-0.1%	0.8%	.0000
Life	-0.5%	0.4%	-0.3%	.0004
Probation	0.9%	-0.5%	0.1%	.09
Approximate N	[420]	[776]	[433]	

[a]Based on answers to item "...Minority groups in the United States. Would you say that they have too few civil rights, about the right amount, or too many civil rights?"

Respondents who thought the civil rights movement had won too many victories consistently gave longer sentences to each of the six types of crime, and also were inclined to give more death sentences. However, they did not give more life sentences or fewer probations. At the other extreme, respondents who thought minorities had too few civil rights consistently gave shorter sentences, fewer life and death sentences, and a high proportion of probation sentences. The differences across the respondents holding each of the three views on civil rights were statistically significant on six of the nine sentencing measures.

Some of the differences are substantively quite large. On the Total Sentencing Index, the difference in sentencing was 2.23 years; on the Street Crimes Index 3.15 years; and on the Drug Trafficking Index, 6.61 years. Those believing that minorities had too many civil rights were almost twice as likely to give out death sentences (2.9% versus 1.5%.)

Given the considerable over-representation of minorities among arrestees, indicted persons, and prison inmates, the connection between sentencing behavior and attitudes toward minority civil rights appears obvious. Under this interpretation, those prejudiced against Blacks and Hispanics would prefer longer sentences for offenders, many of whom are Black or Hispanic. But there is also an alternative explanation, namely that those who are more punitive to felons are also more conservative in general and hence would not favor extending the civil liberties of minorities. Perhaps both processes are at work. Respondents who are more conservative and those who are opposed to the aspirations of minorities both find that their views converge in giving longer sentences to convicted felons.

In another set of questions on broad social issues, respondents were asked whether they thought poor people in the United States had too few, too many or about the right number of welfare benefits. Public sentiment clearly did not favor more benefits for the poor: close to half (44%) thought poor people had too many benefits, more than a third (36%) thought the poor had about the right amount and only one fifth (20%) thought the poor should have more benefits.

A weak tendency can be discerned in Table 11.14 for those who were in favor of more benefits for the poor to give shorter sentences. But of the nine sentencing measures there were only two in which that tendency was strong enough to reach statistical significance: for the Street Crimes Index, the mean sentencing difference for the two extreme groups was .8 years, significant at the .04 level, with those opposed to more benefits giving the longer sentences. The same group also gave a higher percentage of life sentences.

Table 11.14. Public Views on the Adequacy of Public Welfare Benefits and Sentencing. Weighted Data

Sentencing Measure	Welfare Benefits for the Poor[a]			Sig
	Too Few	About Right	Too Many	
Total Sentencing	1.1	1.3	1.5	.44
Drug Trafficking	7.1	6.8	8.1	.51
Drug Possession	-.0	-.3	-.0	.46
Street Crimes	1.5	1.6	2.4	.04
White Collar	1.4	1.4	1.5	.93
Mixed Crimes	1.5	1.0	1.4	.17
Death	-0.0%	-0.1%	0.2%	.43
Life	-0.5%	-0.1%	0.2%	.02
Probation	0.0%	0.3%	-0.2%	.71
Approximate N	[330]	[576]	[715]	

[a]Based on answers to the item "...Poor people in the United States and their public welfare benefits. Would you say they have too few benefits, about right or too many welfare benefits?"

In general, views on political and social issues are related to sentencing behavior, especially when the issues in question are substantively closely related to criminal justice. When the issues in question are not connected closely to criminal justice, as in the cases of environmental issues and welfare benefits, the tie between views on issues and sentencing becomes quite attenuated.

Independent Effects of Demographic, Experiential, and Attitudinal Factors

There is a strain toward consistency among attitudes producing what can be called ideological syndromes. Those who identify themselves on the conservative side of the American political spectrum tend to hold similar views on a wide variety of specific issues. Those on the liberal end of the political continuum tend to hold similar views, although different from those held by the conservatives. Furthermore, such views are also structured along demographic lines as shown in the earlier sections of this chapter and along regional and community size lines as depicted in Chapter 10.

Unraveling the resulting entangled web of inter-relationships is the task of this section. Multiple regression analyses will be used to do so. We will use 75th quantile regressions for the Crime Type sentencing measures, a strategy that uses the 75th percentile of each measure as the dependent variable thereby concentrating on the presence of persons in each group with relatively high differences from the sample median for that measure. OLS regressions will be used for the percentages of life, death and probation sentences given. Each of the nine sentencing measures was regressed on all of the measures discussed in this and the preceding chapter. The resulting coefficients show the effects of each of respondent characteristics independent of all the other characteristics in the regression equation. For example, if a coefficient on the Total Sentencing Index for residents of the West South Central region is 2.5, that means that respondents living in that region gave sentences that were 2.5 years higher than the median sentences when compared to residents of the New England[11] region, regardless of their own experiences, attitudes on various social issues, age, education, gender, and so on throughout the entire list of characteristics included in the equation.

The findings from the nine regressions are shown in Table 11.16. Each column of the table contains the results of a regression equation in which the sentencing measure described at the top of the column was the dependent variable. Each row of the table contains findings concerning one of the respondent characteristics discussed earlier in this chapter and Chapter 10.

.

The meanings of the cell entries are as follows:

"ns" means that a coefficient is not statistically significant at the .05 level.

"X" where X is a number, is a statistically significant regression coefficient. In the first six columns, the numbers are years of imprisonment desired by respondents differing from the average punishments in question. A negative number indicates the number of years desired was less than the average and a positive number indicates years above the average. In the last three columns, the numbers reflect the percentage difference in giving the sentence in question (*e.g.*, -1.2% in the column for death sentences means that respondents with the characteristic in question gave 1.2% fewer death sentences).

"*" An asterisk next to a number in a cell indicates the level of statistical significance found for the associated number: a single asterisk indicating .05; two asterisks indicating .01; and three asterisks indicating .001.

To facilitate discussion, Table 11.16 is divided into five panels, each composed of respondent characteristics of the same general type. However, the panels do not mark off separate regression equations: all of the coefficients in a given column derive from a single regression.

---

[11] For categorical characteristics, such as region, one of the categories is used as a contrast and omitted from the equation. The coefficients for the categories included in the equation then become the difference between each included category and the omitted one.

In Panel A are collected the three measures dealing with respondent experiences with crime and legal institutions, including the criminal justice system. With respect to theses measures, the findings shown earlier hold up quite strongly. The more contacts with such institutions, the heavier are the sentences given, the only exceptions being sentences for drug possession, mixed crimes, and probation. The differences can be quite large. For example for every additional contact with legal institutions, respondents gave an additional .4 years on the Total Sentencing Index. That means that a respondent who has had four kinds of contacts — perhaps served on a jury, reported a crime to the police, was a witness in a court case, and was arrested for some cause — gave sentences that were 0.44 years longer than the median. For drug trafficking, the same respondent gave sentences 1.3 years longer than median.

In contrast, for respondents who had been crime victims in 1993 (or if someone in their household had been a victim) there was only one significant differences in sentencing: victims gave sentences for street crimes than were year longer than the median.

Experiences with serious crime in one's neighborhood also had an unexpected relationship to sentencing. Overall, as shown in the Total Sentencing, Street Crimes, and White Collar Index measures, respondents living in neighborhoods in which crime problems were not serious were prone to give longer sentences.[12]

In Panel B, the findings concerning social and political attitudes are shown. Two measures were found to be unrelated or very weakly related to sentencing. None of the coefficients associated with views of welfare benefits were significant. Only two were significant for attitudes on environmental issues, with those claiming that too much attention is being given to environmental issues giving slightly longer sentences for drug trafficking and street crimes, and slightly lower sentences for the mixed crimes.[13] Clearly these are issues at some remove from those affecting punishment for convicted felons.

In contrast, there were several social attitudes that affected many of the sentencing measures even when other things were held constant. Those wanting fewer rights given to accused persons desired longer sentences on the Total Sentencing, Drug Trafficking, Street Crime, and Mixed Crime Index measures, as well as giving out proportionately more death and life sentences. None of the other attitudinal measures affected as many sentencing measures.

Those who wanted to restrict police freedom also wanted shorter sentences on three of the nine measures, desiring shorter sentences for drug trafficking, street crimes, and giving out proportionately more probation sentences.

The remaining attitudinal measures affect, at most, two sentencing measures. Those who thought minorities had too many civil rights gave longer sentences than the average on the Total Sentencing Index

---

[12] Although the coefficients are not large, at the extremes, sentencing differences can be quite large. The Neighborhood Crime Seriousness Index has a range running from five (most serious) to 25 (least serious) that could lead to sentencing differences of 2.0 years on the Street Crimes Index between the two ends of the scale.

[13] Recall that environmental crimes are included among mixed crimes.

and were more likely to give out death sentences. Surprisingly, holding other things constant diminished strongly the influence of self identification as conservatives or liberals: liberals gave shorter sentences on the Total Sentencing and White Collar Index measures, but were not significantly different from conservatives on the other measures. This finding suggests that generalized political predispositions are not as important as rather specific views on a topic, with the latter's effects swamping those of the more general views.

The effects on sentencing of respondent demographic characteristics are shown in Panel C. For most of the demographic variables, their effects on sentencing are reduced. For example, African-Americans only vary in giving fewer life sentences, but otherwise are not significantly different from the rest of the sample. Hispanics differ only in giving heavier sentences for white collar crimes. Respondent household income only makes a significant difference on giving probation, with the more prosperous more likely to give probation sentences. Women respondents are slightly less inclined to give out death sentences (0.5%), and give longer sentences for drug possession, but are otherwise not different from men.

In contrast, higher educational attainment leads to shorter sentences on the Total Sentencing, Drug Trafficking, Drug Possession, Street Crime, Mixed Crime, and White Collar Indices, and to slightly fewer death sentences. Only the giving of life sentences and probation is unaffected by educational attainment. The sentencing differences associated with education can be quite large. For example, the difference between those with less than high school education and those with college degrees is 1.3 years for the Total Sentencing Index and four years for drug trafficking crimes.

The age group differences that appeared earlier in this chapter are also considerably diminished. Respondents between the ages of 35-59 gave longer sentences for drug trafficking and gave out more life sentences. Members of the age group 50-64, however, were not significantly different on any of the measures.

The coefficients in Panel D are those associated with region, over and above regional differences in demographic composition, in attitudes on social and political issues, and personal experiences with crime and legal institutions. Because it was necessary to omit one region from the regression equations, the coefficients refer to the differences of each included region as compared with the omitted region, New England. For example, the Total Sentencing Index coefficient, 2.3, for the West South Central region means that residents of those states gave 75th percentile sentences to all crimes that were 2.9 years longer than the sentences given by New Englanders.

There are several important features of regional coefficients given in Panel D. First, every one of the eight included regions differs in the direction of giving longer sentences or harsher punishments on one or more of the sentencing measures. Clearly the residents of New England are the least punitive. At the other, harsher, end of the sentencing continuum are the residents of the East and West South Central States, a band of states that runs from Texas to Alabama on the south and from Oklahoma to Kentucky in the north. These two regions gave significantly longer sentences on most of the sentencing measures. The differences for some measures are quite large, amounting to sentences 7.0 years and 6.3 years longer sentences for drug trafficking for residents of East South Central and West South Central regions, respectively. In between these contrasts are regions that are closer to New England in sentencing tendencies. The Mid-Atlantic, Mountain and Pacific regions are closer to New England, and the remaining regions occupy what appears to be middle ground between New England and the South Central states.

Regional differences in sentencing are clearly strong enough to survive holding many other things constant. For example, although liberals in general tend to give short sentences, these findings indicate that liberals in the South Central states give longer sentences than liberals in New England. We can speculate that these results reflect the strength of cultural regional differences that might also be seen in other ways, for example, in the nature of religious beliefs and in the political conservatism of the South.

Panel E is concerned with city size differences that appeared in the findings of Chapter 10. However, holding other things constant, community size differences were greatly diminished, none of the coefficients for city size reaching statistical significance.

Table 11.14. Sentencing Measures Regressed on Respondent Characteristics and Place of Residence. Weighted Data

Respondent Measures	Sentencing Measure								
	75th Quantile Regressions						OLS Regressions		
	Total Sentenc-ing	Drug Traffic king	Drug Possessi on	Street Crime	White Collar	Mixed Crimes	% Death	% Life	% Pro-basion
A. Personal Experiences with Crime and Legal Institutions									
# Justice Contacts	.43**	1.3*	ns	.48**	.44**	ns	0.4%*	0.3%*	ns
Victimization	ns	ns	ns	1.00**	ns	ns	ns	ns	ns
Local Crime Problem	-.05*	ns	ns	-.08**	-.07**	ns	ns	ns	ns
B. Attitudes on Political and Social Issues									
Wants Fewer Rights For Accused	.79***	2.9**	ns	.92***	ns	.43**	0.5%*	0.5%**	ns
Fewer Welfare Benefits	ns	ns	ns	ns	ns	ns	ns	ns	ns
Liberal on Social and Pollical Issues	-.41**	ns	ns	ns	-.47**	ns	ns	ns	ns
Fewer Civil Rights for Minorities	.43*	ns	ns	ns	ns	ns	0.6%***	ns	ns
Less Police Freedom to Investigate Crimes	ns	-2.3*	ns	-1.02***	ns	ns	ns	ns	1.6%***
Too Much Attention to Environment	ns	1.9*	ns	.63**	ns	-.47*	ns	ns	ns
C. Demographic Characteristics									
Female	ns	ns	.46*	ns	ns	ns	ns	ns	ns

Respondent Measures	Sentencing Measure								
	75th Quantile Regressions						OLS Regressions		
	Total Sentenc-ing	Drug Traffic king	Drug Possessi on	Street Crime	White Collar	Mixed Crimes	% Death	% Life	% Pro-basion
Education (yrs)	-.22***	-.66*	-.15**	-.14*	-.19**	-.16*	-0.2%*	ns	ns
Age 35-49[a]	ns	3.3**	ns	ns	ns	ns	ns	0.6%*	ns
Age 50-64[a]	ns	ns	ns	ns	ns	ns	ns	ns	ns
Black[b]	ns	ns	ns	ns	ns	ns	ns	-0.8%*	ns
Hispanic[b]	ns	ns	ns	ns	1.14*	ns	ns	ns	ns
Income ($000s)	ns	ns	ns	ns	ns	ns	ns	ns	.03%*
D. Region									
Mid-Atlantic[c]	ns	ns	ns	ns	ns	ns	1.1%*	ns	ns
East North Central[c]	ns	ns	ns	ns	ns	ns	1.28%**	ns	ns
West North Central[c]	ns	ns	ns	2.3**	ns	ns	1.4%**	ns	ns
South Atlantic[c]	1.6**	ns	ns	3.2**	1.2*	ns	1.0%*	ns	ns
East South Central[c]	2.1**	7.0*	ns	1.6*	2.18**	ns	1.84%**	ns	ns
West South Central[c]	2.3***	6.3*	1.6**	4.2***	1.35*	ns	1.38%**	ns	ns
Mountain[c]	ns	ns	ns	ns	ns	ns	1.55**	ns	ns
Pacific[c]	ns	ns	ns	1.5*	ns	ns	1.17%*	ns	ns
E. Community Size									
Medium MSA[d]	ns	ns	ns	ns	ns	ns	ns	ns	ns
Non MSA[d]	ns	ns	ns	ns	ns	ns	ns	ns	ns
Intercept	3.1*	ns	ns	ns	6.2***	3.68*	ns	ns	ns
Pseudo/Adjusted R^2	.07	.05	.05	.06	.04	.03	.04	.04	.04
Approximate N = 1,432									

[a]Omitted age categories are respondents under 35 and respondents 65 and over.

[b]Omitted race/ethnic categories are Whites, Asians, Native Americans and "others".

[c]The omitted region is New England.

[d]Metropolitan areas 500,000 and over constitute the omitted category.

In the next to last row of Table 11.15 the "pseudo $R^{2"}$ for each of the six 75th quantile regression equations and the R^2 for each of the OLS regressions is shown. Despite the presence of many significant coefficients in most of the columns, the value for each equation is very modest, the largest being .07 for the Total Sentencing Index. In short, of all the variation among respondents in their sentencing behaviors, the characteristics presented in Table 11.16 account for small amounts.

Summary

Using measures that showed the extent to which each respondent's sentences differed from the mean sentences given by the total sample to the same crimes, the chapter searched for those characteristics that lead respondents to depart from the sample medians. Overall, social and individual characteristics of respondents were not strongly related to sentencing behavior. However, several salient findings emerge.

First, there were only minor differences among respondents along gender lines. Men and women did not differ strongly in the sentences each gave.

Second, although Blacks and Hispanics tended to be more lenient in sentencing than others (mainly Whites), those differences were neither strong or consistent.

Third, the strongest demographic correlate of sentencing was educational attainment. The better educated tended to give shorter sentences and less harsh punishments.

Fourth, although personal experiences with being a crime victim or living in high crimes areas were not related to sentencing, personal experiences with legal institutions did have effects. Respondents who had been in the courts as juror, plaintiff, witness, or been arrested and convicted were inclined to give longer sentences.

Fifth, respondent attitudes affect sentencing if the substance of those attitudes is closely related to criminal justice issues. Those concerned that accused persons did not have sufficient legal protection were more likely to give shorter sentences; those who thought the police ought to have greater freedom in investigating crime tended to give longer sentences. Although respondents identifying with liberal politics tended to give shorter sentences than conservatives, those differences were considerably diminished when other factors were taken into account. Attitudes toward welfare issues and environment issues were not related to sentencing.

Sixth, regional differences in sentencing persisted when other personal and attitudinal factors were taken into account. At one extreme, New England respondents were the most lenient in sentencing; those living in the South consistently gave out longer sentences.