

United States Sentencing Commission  
One Columbus Circle, NE  
Suite 2-500  
Washington, DC 20002-8002

March 14, 1997

**MEMORANDUM**

**FROM:** Richard P. Conaboy  
Chairman

**SUBJECT:** Public Opinion on Sentencing Federal Crimes

The Sentencing Commission is pleased to release this national sample survey of public opinions on sentences for federal crimes. Pursuant to our enabling statute, the Commission continues to assess the sentencing guidelines to reflect, to the extent practicable, advancement in the knowledge of human behavior as it relates to the criminal justice process.

The attached research study addresses the Commission's obligation to "develop means of measuring the degree to which the sentencing, penal, and correctional practices are effective in meeting the purposes of sentencing," including the purpose of providing "just punishment for the offense" (28 U.S.C. §991(b)(2)). Two of the seven factors the statute directs the Commission to consider in developing guideline offense categories are the community view of the gravity of the offense and the public concern generated by the offense. This study will prove helpful in our efforts to improve the guideline system.

The Commission contracted with Dr. Peter H. Rossi of the University of Massachusetts, Amherst, and Dr. Richard A. Berk of the University of California at Los Angeles to prepare a general report summarizing the survey data. We thank them for their contributions in improving the federal sentencing system. While the Commission accepted their final report as fulfilling the terms of the contract, the report is the work product of these independent contractors and does not necessarily reflect the views of the U.S. Sentencing Commission.

Attachment

A National Sample Survey

# **Public Opinion on Sentencing Federal Crimes**



Completed under contracts with:  
Peter H. Rossi, University of Massachusetts at Amherst  
Richard A. Berk, University of California at Los Angeles  
and  
Response Analysis Corporation

**UNITED STATES SENTENCING COMMISSION**  
**October 1995**

## **ACKNOWLEDGMENTS**

Many persons contributed to the study reported in this monograph. Members of the staff of the U. S. Sentencing Commission participated in making many of the critical decisions on the design of the study, especially Ms. Phyllis Newton. Dr. Linda Drazga Maxfield served as contract manager. We are especially indebted to Dr. Linda Drazga Maxfield, Mrs. Christine Kitchens, and Ms. Ronnie M. Scotkin, for mapping guidelines sentences on to the variables used in this study.

The sample design and data collection for this study was carried out by the Response Analysis Corporation of Princeton, New Jersey: Staff members, Dr. Lynne Firester and Dr. Andrew Kulley, managed those tasks with great skill and devotion.

At the University of California at Los Angeles, Alec Campbell served as research assistant, producing many of the tables and graphs that are the foundation of Chapters 5 through 9.

Americans' willingness to answer questions posed by strangers make surveys like this one possible. More than 1,700 patiently answered our questions in sessions lasting almost an hour each. Our interviewers thanked each person interviewed, a gesture that is not enough. We hope that this report and the knowledge derived from their patient attention to our questions adds to their rewards for cooperation.

We are grateful for all the help we received and are certain that these efforts have measurably improved the quality of this monograph. Whatever faults this report may have arise out of our inability to take maximum advantage of this help.

## TABLE OF CONTENTS

<b>ACKNOWLEDGMENTS</b>	.....
<b>EXECUTIVE SUMMARY</b>	.....
Methodology: Chapter 2	.....
Overall Sentencing Patterns: Chapter 3	.....
Guidelines and Respondent Sentences Compared: Chapter 4	.....
Factors Influencing Sentencing: Chapter 5-9	.....
Regional and Community Size Differences: Chapter 10	.....
Social and Individual Factors in Sentencing: Chapter 11	.....
<b>Chapter 1 PUBLIC OPINION AND SENTENCING</b>	.....
Introduction	.....
Why Study the American Public's Views on Sentencing?	.....
Existing Empirical Studies of Public Opinion on Sentencing and Closely Related Topics	
Global Assessments of Sentencing Severity in the Courts	.....
Studies of Crime Seriousness	.....
Studies of the Public's Sentencing Preferences	.....
Some Conclusions Concerning Previous Research	.....
Objectives of the Research Project	.....
Limitations of the Research	.....
Plan of This Report	.....
<b>Chapter 2 STUDY METHODOLOGY</b>	.....
Introduction	.....
Instrument Design	.....
Sampling and Data Collection	.....
Data Analysis	.....
<b>Chapter 3 FITTING PUNISHMENTS TO CRIMES</b>	.....
Introduction	.....
Overall Sentencing Patterns	.....
Crime Types	.....
Holding Crime Constant	.....
Some Sentencing Variations by Criminal Characteristics	.....
Joint Effects of Gender, Family Status and Previous Record	.....
Crime Examples	.....
Summary	.....
<b>Chapter 4 GUIDELINE AND SAMPLE SENTENCES COMPARED</b>	.....
Introduction	.....
Calculating Guideline Sentences	.....
Analysis Strategy	.....
Distributions of Guidelines and Respondent Sentences Given to Vignettes	.....
Vignette Level Regression Analysis	.....
Taking Response Sets Into Account	.....
Sample-Guidelines Rank Order Correspondences for Individual Respondents	.....
Sentences for Crime Types	.....
Crime Examples	.....

Combining Prior Record and Crime Examples .....	
Agreement Over Crime Dimensions .....	
Summary and Conclusion .....	

Chapter 5 **CRIME DIMENSION EFFECTS ON SENTENCING: METHODS OF ANALYSIS ...**

Introduction .....	
Major Substantive Issues .....	
Data Analysis Techniques .....	
Overview of Findings of Chapter 6 through 9 .....	

Chapter 6 **DIMENSION EFFECTS ON SENTENCING: DRUG TRAFFICKING, STREET CRIMES AND DRUG POSSESSION .....**

Trafficking in Illegal Drugs .....	
Robbery .....	
Kidnaping .....	
Carjacking .....	
Robbery of a Convenience Store .....	
Extortion and Blackmail .....	
Drug Possession .....	
Summary .....	

Chapter 7 **CRIME DIMENSION EFFECTS ON SENTENCING: FRAUD MONEY LAUNDERING, EMBEZZLEMENT, TAX VIOLATIONS, ANTITRUST AND FORGERY .....**

Fraud .....	
Money Laundering .....	
Promoting Illegal Tax Shelters .....	
Tax Cheating .....	
Embezzlement .....	
Antitrust .....	
Forgery and Counterfeiting .....	

Chapter 8 **DIMENSION EFFECTS ON SENTENCING: DRUG PACKAGE TAMPERING, LARCENY, BRIBERY, DRUG MARKETING AND WEAPONS VIOLATIONS .....**

Package Tampering .....	
Larceny .....	
Bribery .....	
Pharmaceutical Drug Regulations .....	
Illegal Sale of Firearms .....	
Illegal Firearm Possession .....	

Chapter 9 **DIMENSION EFFECTS ON SENTENCING: IMMIGRATION, ENVIRONMENTAL CRIMES, AND CIVIL RIGHTS** .....

Immigration .....

Environmental Crimes - Air Pollution .....

Environmental Crime - Water Pollution Violations .....

Environmental Crime - Illegal Logging on Federal Land .....

Environmental Crimes - Endangered Species Violations .....

Civil Rights Crimes - Police Use of Unnecessary Force .....

Civil Rights Crimes - "Hate" Crimes .....

Chapter 10 **REGIONAL AND COMMUNITY SIZE DIFFERENCES IN SENTENCING** .....

Introduction .....

Analysis Strategy .....

Regional Differences in Sentencing .....

Summary .....

Chapter 11 **SOCIAL AND INDIVIDUAL FACTORS IN SENTENCING** .....

Introduction .....

Analysis Strategy .....

Gender Differences in Sentencing .....

Age Differences in Sentencing .....

Race and Ethnic Differences In Sentencing .....

Sentencing Differences by Educational Attainment .....

Household Income, Occupation, and Sentencing .....

Net Effects of Respondent Demographic Characteristics .....

The Effects of Experiences with Crime and Criminal Justice .....

The Effects of Political and Social Attitudes on Sentencing .....

Independent Effects of Demographic, Experiential, and Attitudinal Factors .....

Summary .....

APPENDIX A **DIMENSIONS AND LEVELS** .....

APPENDIX B **QUESTIONNAIRE USED IN STUDY** .....

APPENDIX C **"STANDARD" VIGNETTES USED IN STUDY** .....

APPENDIX D **REGRESSION TABLES FOR ANALYSES** .....