

Chapter 10

REGIONAL AND COMMUNITY SIZE DIFFERENCES IN SENTENCING**Introduction**

The contiguous United States span an entire continent East to West and a range of climates from the tropical in Florida to the mid-continental temperature ranges found in Montana or Minnesota. Some portions of the country, such as New England and the Mid-Atlantic states, were settled territories in colonial days whereas states such as Idaho and Nevada came into the Union only about a century ago. A brutal civil war left the country with scars that are still visible in persistent differences in regional social and political cultures, although they are declining in significance. There are also differences that arise out of the varying regional economic bases and demographic composition. The waves of immigration left behind varied demographic mixes as newcomers settled in different regions. The current waves of new immigrants are also concentrated geographically.

Countering the regional heterogeneity arising out of climatic, economic, and demographic forces are the homogenizing tendencies stemming from public schools, colleges and universities, the mass media, and internal migration. Although the public school systems vary from place to place, there is a strong tendency to uniformity in curriculum, to a large degree imposed by national college admissions standards. Television, radio, a national press, and national magazines reach into every corner of the nation.

In addition, Americans migrate frequently across county, state, and regional borders. One in five American households changes addresses every year. In the last half century migration streams running from East to West and North to South have made California into the most populous state and Florida into one of the largest. The South and Southwest have been transformed into urbanized places aided by shifts in regional industrial bases. The early childhood origins of the population of many of our regions are heterogeneous. Countering these larger migration streams are smaller ones that bring diversity to the demographic mixes in the North East and North Central regions.

Tastes of all sorts are widely disseminated through an efficient consumer goods marketing system which sells much the same variety of foods, clothing, cars, and even housing everywhere in the country. Still, there are regional differences: hominy grits are hard to find in New England and Indian pudding is virtually unknown in Alabama.

Superimposed upon regional differences are community size contrasts. The United States changed from predominantly rural to predominantly urban six decades ago, with the majority of the people in our population currently living in urban places. Day-to-day living patterns vary by size of place. Crime rates are highest in our major central cities and lowest in small towns and rural areas but so are also income, and educational attainment. Often age compositions differ as well.

Whether the forces pushing for national homogeneity successfully overcome regional heterogeneity is problematic for a wide variety of attitudes and behavior. With respect to regional and community size differences in sentencing preferences, there are no strong predictions that are clearly indicated.

Analysis Strategy

In order to show the extent to which regional and community size differences affect sentences for Crime Types, vignettes are used as the units of analysis in this Chapter. An alternative strategy would have been to shift to individual respondents as units of analysis but that approach would have made it impossible to deal with Crime Types and Crime Examples.¹

Regional Differences in Sentencing

It is not always easy to predict whether the forces of homogenization will over-balance those fostering heterogeneity or vice versa. This is certainly the case with respect to regional differences in sentencing. The observation that crime rates vary by region might lead one to expect that where crime rates are highest, harsher punishments might be seen as desirable. An alternative prediction might be based on imprisonment rates leading one to expect that in states such as California, Florida and Texas which have very high incarceration rates would have populations favoring longer sentences. Still other considerations would also lead one to expect either large regional and community size differences or the contrary.

On balance, the expectations were for weak regional patterning. In fact, the regional differences in sentencing were much larger than anticipated. Table 10.1 presents regional measures of desired sentencing for each of the nine major Census Regions, with the regions listed in descending rank order of median and mean sentences.² The greatest contrast is shown between New Englanders and those living in the West South Central Region. New Englanders gave shorter sentences — median= 3 and mean= 6.6 — and were less likely to give life imprisonment (1.4%) and death sentences (0.6%), whereas those living in the West South Central gave a median sentence of five years, and a mean sentence of 11, and gave out life imprisonment and death sentences more frequently (2.2% and 2.7%): the difference in medians is two years, the difference in mean sentences is 4.4 years. The West South Central states residents are joined by the East South Central in being on the more punitive side. On the side of leniency, New England is joined by the Mid-Atlantic states. The rest of the country, including the South Atlantic, the East and West North Central, Mountain, and Pacific states lie between the two ends.

¹ In Chapter 11 we will use respondents as basic units of analysis and determine the extent to which overall regional and community size patterns can be explained by variations in demographic compositions.

² Sentence measures are weighted and outliers are omitted. Probation is coded as 0 years, life sentences as 70 years and death sentences as 100 years.

Table 10.1. Regional Differences in Overall Sentencing: Weighted Data. Outliers Removed.
Arranged in Order of Decreasing Median Sentences with Ties broken by Means.

Region ^a	Median	Mean	Inter-Quartile Range	% Probation	% Life	% Death	N
West South Central	5	11	1-10	11.3	2.2	2.3	7,537
East South Central	4	11	1-10	14.6	2.2	2.7	3,868
East North Central	4	9.7	.92-10	13.4	1.6	2.3	12,407
South Atlantic	4	9.4	.83-10	14.6	1.6	1.9	11,486
West North Central	4	9.2	.92-10	14.6	1.5	2.3	5,416
Mountain	3	9.1	.5-10	16.2	1.6	2.6	2,713
Pacific	3	8.9	.92-10	12.5	1.8	1.9	9,826
Mid-Atlantic	3	7.7	.5-7	15.4	1.3	1.7	9,296
New England	3	6.6	.75-6	14.2	1.4	0.6	4,641

^a Regions are defined, as in the US Census, as follows:

New England: Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire and Vermont.

Mid-Atlantic: New York, Pennsylvania and New Jersey

South Atlantic: Delaware, Maryland, West Virginia, the District of Columbia, Virginia, North Carolina, South Carolina, Georgia and Florida.

East South Central: Kentucky, Tennessee, Alabama and Mississippi.

West South Central: Texas, Oklahoma, Arkansas, and Louisiana.

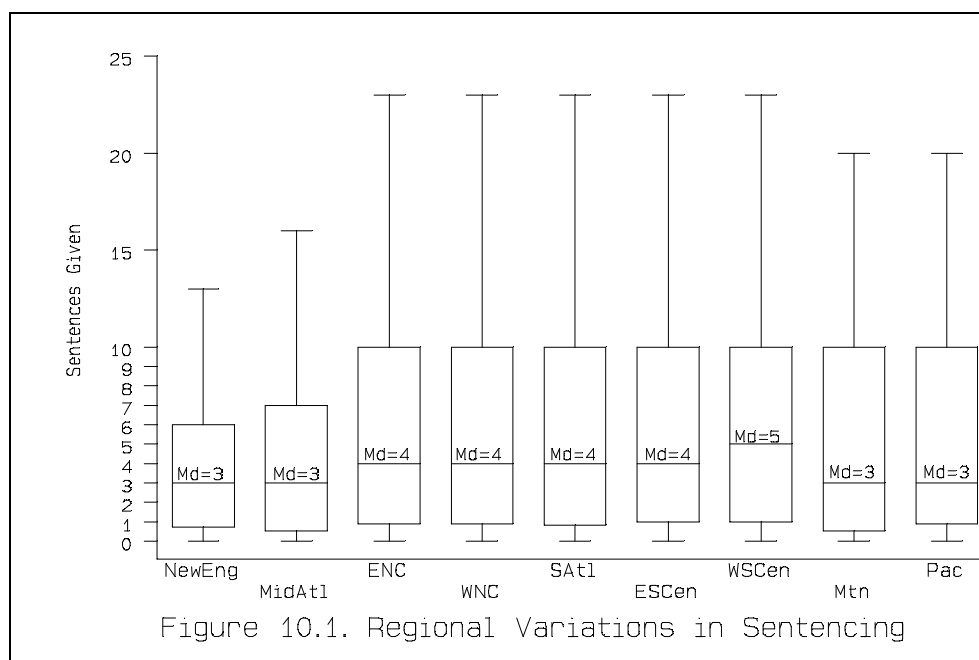
East North Central: Ohio, Indiana, Illinois, Michigan and Wisconsin.

West North Central: Minnesota, Iowa, Missouri, Kansas, Nebraska, South Dakota and North Dakota.

Mountain: New Mexico, Arizona, Colorado, Utah, Nebraska, Wyoming, Idaho and Montana.

Pacific: California, Oregon and Washington.

In Figure 10.1, the “box and whisker” plot of regional differences is shown. Note that the shapes of the box plots for New England and the Mid-Atlantic are very similar contrasting with all the other plots, showing considerably less dispersion in those regions. This finding indicates that the high medians and means of the other regions are likely the effects of a minority of persons who give very long sentences.



The regional differences shown above are quite robust and cannot be explained away by differences in the demographic compositions among the nine regions, as will be investigated in greater detail in the next Chapter. These appear to be regional characteristics for which no easy (and credible) explanations come to mind.

These regional differences, despite their dramatic character, do not account for much of the total sentencing variation.³ In short, there is considerable variation within regional populations that is much greater than the variation across regions.

The regional differences hold up within Crime Types, as shown in Table 10.2, where the mean sentences for each of the 20 Crime Types are shown. Note that the Crime Types are arrayed from top to bottom in order of decreasing overall average sentences for all Crime Types and the regions are ordered from left to right in order of decreasing mean sentences. With some exceptions, the mean sentences for Crime Types decrease along each row from left to right indicating that the regional differences persist when we take into account Crime Types. Regional differences for individual Crime Types are often very large: for example, the mean sentence for food and drug offenses is 11 years higher in the East South Central region than in New England and the mean sentence for drug possession in West South Central higher by two years than in New England.

³Less than one percent of the total variation in sentencing can be accounted for by regional differences. Regressing the sentences given to vignettes on the regions, each represented by a dummy variable, produces an R^2 of .01.

Table 10.2. Regional Differences in Mean Sentences For Crime Types. Weighted Data. (Ranked left to right and top to bottom in order of decreasing average sentences.)

Crime Type	West South Central	East South Central	East North Central	South Atlantic	West North Central	Mountain	Pacific	Mid-Atlantic	New England
Kidnapping	42.5	49.3	47.2	48.5	47.0	46.5	47.1	47.4	32.0
Food & Drug	27.4	28.4	21.5	19.1	20.6	23.7	17.4	18.8	17.2
Drug Trafficking	21.7	21.2	18.8	17.9	18.4	19.7	16.9	15.3	12.1
Street Robbery	12.0	13.1	12.3	10.6	10.4	7.8	11.6	9.2	10.5
Bank Robbery	13.3	14.0	11.3	11.8	12.0	11.8	11.1	9.0	7.9
Extortion	15.9	9.7	8.9	11.3	10.9	7.4	9.0	6.7	6.7
Forgery	7.0	7.5	7.1	7.4	5.6	5.5	6.2	5.4	5.2
Major Fraud	8.6	7.4	6.6	6.9	7.2	5.7	6.4	5.4	6.4
Money Laundering	6.9	5.6	5.3	6.0	5.8	3.7	4.8	3.8	4.2
Larceny	6.9	4.7	6.0	5.4	4.2	5.0	4.5	4.2	3.5
Antitrust	5.3	3.9	5.6	5.2	4.5	2.9	4.9	3.2	3.7
Firearms	6.9	4.9	6.2	5.9	5.8	4.0	4.1	4.3	3.5
Embezzlement	5.7	6.3	5.0	5.7	4.0	3.9	4.7	3.6	3.7
Tax	6.5	5.7	5.1	4.7	4.4	5.2	4.5	3.0	2.9
Immigration	5.6	5.5	4.9	5.2	4.3	3.8	4.1	3.9	4.5
Minor Fraud	5.5	6.6	4.4	5.1	4.2	3.2	4.5	3.4	2.8
Environment	4.5	4.8	3.8	3.7	3.0	3.8	3.4	2.7	2.6
Civil Rights	3.8	4.9	4.3	3.7	2.7	2.3	3.2	2.6	3.3
Bribery	3.9	3.2	3.1	3.5	3.0	2.0	2.9	2.4	2.4
Drug Possession	3.0	2.6	2.6	2.4	1.8	1.5	1.5	1.6	1.1

Community Size Differences in Sentencing

The predictions that could be made about the existence of differences among residents of communities of different sizes are also contradictory. On the one hand, the mass media and mass marketing reach almost every corner of the country, leading to expectations that differences in sentencing

would be small. On the other hand, living conditions in small towns and rural areas are quite different from those encountered in our great metropolitan areas, leading to very different expectations.

The findings concerning community size are shown in Table 10.3. The dataset allows us to distinguish among community sizes in rather gross form. The largest community size category is Metropolitan Statistical Areas (MSAs) with over 500,000 population in 1990. MSAs are sets of

Table 10.3. Community Size Differences in Sentencing. Weighted Data.

Size of Metropolitan Statistical Area	Median	Mean	Inter-Quartile Range	% Probation	% Life	% Death	N
Large: 500,000 + over	3	8.5	.83-10	14.4	1.4	2.1	27563
Small: 50,000 up to 500,000	4	9.4	.92-10	13.0	1.7	2.0	24422
Not in a Metropolitan Statistical Area	4	10.0	.83-10	14.4	2.1	2.2	15301

contiguous urbanized counties surrounding and including a central city of over 50,000 population with a total inclusive population of more than 500,000. MSAs can be very large and cover an extensive area: for example, the Chicago MSA extends into Indiana on the South and up into Wisconsin on the North and, at places, is several counties wide East to West.

The second community size tier consist of small MSAs with inclusive populations between 50,000 and 100,000. The third consists of all counties that are not included in MSAs, typically rural counties with small cities and towns.

Respondents living in the smallest places show preferences for longer sentences, a median of four years and a mean of 10.0 years. In contrast, in the large MSAs, the median desired sentence is three and the mean 8.5 years. The residents of small MSAs have measures that lie in between, a median of four and a mean sentence of 9.4 years.

These community size differences are not large, but they are robust. They were identified within each of the nine regions.⁴ In addition, they hold up within Crime Types, as shown in Table 10.4.

⁴Table not shown.

Table 10.4. Community Size Sentencing Differences in Means for Crime Types

Crime Type	Community Size		
	Large MSA	Medium MSA	Non-MSA
Kidnapping	45.3	45.7	47.9
Food & Drug	19.1	22.3	22.5
Drug Trafficking	16.3	18.5	20.4
Street Robbery	10.0	11.9	11.2
Bank Robbery	10.4	11.9	12.1
Extortion	8.8	10.3	11.1
Forgery	5.6	6.7	7.7
Major Fraud	6.1	7.0	7.3
Money Laundering	4.5	5.8	5.6
Larceny	4.4	5.6	5.9
Anti-Trust	4.1	5.1	5.0
Firearms	5.2	5.5	5.3
Embezzlement	4.3	5.0	5.3
Tax	4.1	5.0	5.1
Immigration	4.5	4.7	5.1
Minor Fraud	4.0	4.8	4.7
Environment	3.4	3.6	3.7
Civil Rights	3.5	3.2	3.7
Bribery	2.6	3.5	3.0
Drug Possession	1.8	2.3	2.3

The mean sentences of residents of the largest MSAs are smaller than those in smaller places in 19 out of the 20 Crime Types and residents of non-MSA places registered the longest mean sentences in 15 of the 20 Crime Types. In short, the main differences by size of place are between the residents of the largest places and all others.

Summary

There are two main findings in this chapter:

First, there are strong regional differences, anchored by New England at one extreme, whose residents are the most lenient toward convicted offenders and, at the other extreme, by the two South Central regions containing respondents who gave considerably longer sentences. The regional differences hold up for most Crime Types.

Second, there are somewhat weaker community size differences. Respondents living in the smallest communities were inclined to be harsher in their sentencing than those living in larger size places. However, the community size differences were not large and will be shown in the next chapter to be much smaller when differences in demographic compositions are taken into account.