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DON'T DO THE CRIME IF YOU CAN'T DO A MAN'S TIME: EXAMINING SENTENCING
DISPARITIES USING OFFENDER DEMOGRAPHICS

by

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ABSTRACT

Looking back, America has seen its fair share of differences among its population, so it should not come as a shock that sentencing disparities are a serious criminal justice issue in the United States. Each year, thousands of people are sent to Federal prisons where they receive sentences for crimes they have been convicted of committing. The United States Sentencing Commission publishes these results annually. No matter the number of persons entering the prison system on the federal level, the number of female offenders often remains about the same (8555 in 2000; 9451 in 2007; and 9302 in 2008). While it is illegal to openly discriminate against a defendant and give them a sentence based on his or her demographics, the laws are written in ways where discrimination can still be allowed. The current research examines the relationship between not only gender, but also looks to education, race, age, and the crime committed to explain this gap in sentencing. **Methodology**: The data for the current research are from the United States Sentencing Commission (USSC), an annual report comprised of details for every person who entered federal prison in the given year. The current research used data from the year 2016 and includes 67,660 cases. **Findings:** Findings are supportive of previous research. Whether or not a defendant will receive a sentence is influenced by gender, age, race, education, and offense type. Sex, race, and education also affected the length of the sentence received. Unlike previous studies, age did not appear to be significant when determining the length of a sentence.

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CHAPTER ONE: INTRODUCTION

"One nation, under God. With liberty and justice for _all_." The Pledge of Allegiance- some of the most recited words written and spoken throughout American history. As children, we recited this pledge every day as the bell rang in school. It would be a rational thought to think that this pledge was reflective of a nation who did believe in justice for everyone as well as equality. It would be rational to assume that in a nation that prides itself on fairness, people would see that this fairness is carried out in everyday life, especially in the working of the criminal justice system. While it would be rational to assume such things, it is wrong. The media is plugged with criminal justice issues focusing mainly on prison population, the costs associated with sending individuals to prison, crime rates such as the leading cities for homicides and other statistics of that sort, and even individuals killed by police. Sentencing disparities, although they remain out of the public spotlight, are just as relevant to those issues that constantly remain on the TV screen. As research has shown, differences in sentences exist among not only races, but between men and women for the same and similar crimes (Doerner, 2012; Freiburger et al. 2013; Shatz, 2012; Sith, 2003; Ward et al. 2016). The question of why characteristics of offenders affect case and sentencing outcomes continues to grow and has led to an extensive amount of research. On average, men are fifteen times as likely to be arrested and imprisoned, as well as receive twenty-three month longer sentences than women do for the same crime (Starr, 2015).

Legally, gender is considered to be an irrelevant aspect in committing a crime and is therefore irrelevant in sentencing outcomes. The federal Sentencing Reform Act of 1984 was designed so that race, gender, ethnicity, and income would not affect the sentence length of a convicted defendant. With an emphasis on equality, it would be fair to assume that men and women lead equal lives and whether or not they vary would not matter in a courtroom.

However, the law is written so that there are other ways in which discrimination can occur legally. Judges and prosecutors are able to take factors such as family ties and household responsibilities into consideration when granting departures from sentencing guidelines. These household duties and family ties are more stereotypically female characteristics which result in the granting of more departures for female than male offenders. These same judges and prosecutors are also responsible in plea-bargaining decisions, which can involve negotiations over sentencing, charges, and sentencing recommendations.

As research shows, women are underrepresented in the prison population due to their easier and shorter sentences, as well as lower conviction rates, for the same crime that equivalent males commit (Shatz, 2012). When women are actually sentenced for their crimes, it is typical that women are punished less than males who are sentenced for the same crimes (Godfrey et al. 2005, Butcher, 2017). Since it is impractical to discover sentencing disparities when it comes to one gender without looking at the sentences granted to the opposite, it will be necessary to explore cases of both males and females.

While sentencing disparities are often examined in the media in regards to race and ethnicity, it is important to also look at gender. Whether or not females are let off easier due to the fact that they are seen as more motherly figures and that their ideal gender role is to care for the children of the household is still up for debate. Some may feel more sympathy for women because they are seen as weak; some may be more lenient on females because they too are female (Shatz, 2012). The disparities in sentencing are there, yet the reasonings are not understood. Among prison populations, minorities outnumber whites, and those with lower levels of education seem to take up more space in the prison walls. Offender demographics not

only play into whether or not someone receives a sentence, but they can also determine the length of the sentence.

Previous studies have focused on specific prison populations. The present study pulls from data on all defendants sentenced to federal prison in the year 2016. It contributes to the literature by examining the effects of not only the defendants' gender, but also of race, age, and education level in an attempt to discover more sentencing disparities. It compares sentence outcomes of offenders from a variety of different demographic outcomes. The study will also add to the existing literature by examining the effects offender characteristics have on sentence length.

CHAPTER TWO: LITERATURE REVIEW

Sentencing disparities are described as "systematic differences for certain groups in judicial decisions for similar crimes" (Tam et al. 2016, page 60). While there is an immense amount of research which proves a gender gap in sentencing, discrimination is also suggested due to the substantial size of the gap (Doerner, 2012; Starr, 2014). Not only are courts biased when it comes to gender, but they also are discriminatory when it comes to race, education, and age.

Gender

One example of a modern day sentencing disparity based on gender occurred just last year. On July 14, 2017, a woman in Albuquerque, New Mexico was sentenced to prison after robbing a bank. About 4 months earlier, on March 8, 2017, a man in Norman, Oklahoma was also sentenced to prison after committing the same crime. While the amount of money stolen from the facilities is not mentioned, the difference in sentences is. Joleen Sedillo, the Albuquerque woman aged 42, was sentenced to 27 months in prison followed by a 3 year supervised released. Jesse O'Day, the Norman man aged 23, did not get off so lightly. He was sentenced to 42 months in prison followed by a 3 year supervised release- a sentence that is almost twice that of Sedillo (United States Department of Justice, 2017, and Butcher, 2017). These studies and stories, like so many others, have drawn attention to the issue of sentencing disparities for the same crimes between genders.

Females on average receive a sentence length about 22% shorter than males (Doerner, 2012). Similar trends are found throughout prior research. Under the Sentencing Reform Act of 1984, 77,236 people were sentenced as federal offenders in 2001. The sentences given to males

were longer than those sentences given to females. When looking at departures from guidelines, it was found that departures produced a difference of 70 percent between males and females (Mustard, 2001). Literature also suggests that women are given softer sentences, or seldom sentenced and are instead given probation (Freiburger & Hilinski, 2013). In a study that gathered data from 3 years, it was observed that females are 74% less likely to be incarcerated than males in similar predicaments. In cases where male and female defendants have committed similar crimes, females received an average sentence of about 50% less than males. Females were also found to have odds of incarceration 39 percent lower than males (Doerner, 2012).

Regardless of the number of people who are imprisoned each year in the United States, the numerical gap between women and men who are sentenced has been steadily increasing (Etienne, 2010). Despite the rising crime and conviction rates, the number of women imprisoned at the federal level has remained relatively the same based on data collected from the US Sentencing Commission: 8,555 in 2000; 9,451 in 2007; 9,302 in 2008; and 9,356 in 2016. With this stability, it becomes evident that the gender gap in sentencing remains in place. Lower odds of imprisonment and shorter sentence lengths are continuously found for females (Doerner, 2012). In 2008, 12.8% of the prison population was female, which was actually a decrease from 13.5% in the prior year (Etienne, 2010). While this gap has not been tied to a certain attribute, many theories circulate. It could be due to the idea of gendered crimes, the idea that a woman is needed to maintain a happy and healthy household, or even that a woman can be easily manipulated by a man, causing her to almost unwillingly participate in crimes. Whatever the reason, when looking at the mentioned statistics it is clear that an unfair sentencing rate amongst genders remains.

For reasons as to why the sentencing disparities exist between genders, one cannot be agreed upon. Chivalry, however, is a starting point. "Chivalry has long influenced American law, from Supreme Court decisions to substantive criminal law doctrines and the administration of criminal justice" (Shatz, 2012). This chivalry has inflicted strict gender roles onto society. Men are expected to be polite as well as provide attention and respect onto the women of one's class. Gender discrepancies may exist in the justice system because of this idea that the field of law and criminal justice is a "man's job." While the year is 2017, we still reside in a patriarchal society. Of female lawyers surveyed by one study, "twenty-one percent of respondents felt they weren't paid the same as their male colleagues and forty-two percent had difficulties in balancing work and family responsibilities" (Morel, 2017). In this study, dozens of pages of gender bias stories were included, "like a judge who insisted female lawyers wear skirts and panty hose and a male colleague telling one woman she didn't need to make more money because she would get married one day" (Morel, 2017). If these types of issues are occurring on the professional side of the criminal justice system, it can best be assumed that these issues are trickling down onto those being tried for crimes. Because females are underrepresented in the court system, they will also be underrepresented in the prison population; female lawyers and judges may reflect back onto their own experiences in court, so female defendants may be presented with more sympathy and are therefore let off easier than their male counterparts (Morel, 2017).

Race

Doerner's previously mentioned study found that Whites were least likely to be incarcerated, followed by Blacks, and then Hispanics, who were most likely to serve time. Opposite of the statistics of who is most likely to be sentenced, Blacks often receive the longest

sentences (50% longer than Whites), followed by Hispanics, and then by Whites. (Doerner, 2012).

Prosecutors and judges are responsible for the final say in court cases and sentencing hearings. Their decisions seem to often be influenced by gender, as well as race/ethnicity. Tina Freiburger and Carly Hilinski found these gender and racial gaps to be a result of the Black man being more likely to serve a prison sentence versus the alternative of serving probation (Freiburger & Hilinski, 2013). Two paths often occur in reference to prosecutor-initiated departure (gender to prosecutor-initiated departure (1) where prosecutors have the authority to request a motion for departure, and prosecutor-initiated departure to sentence length (2).) A departure is a sentence that is lower than the range that would normally apply. In the first case, prosecutors possess the authority to request a motion for departure. This path captures the prosecutor's decisions. In the second path, prosecutors do not have sentencing authority. All defendants across all races, ethnicities, and genders theoretically benefit from prosecutor-initiated departures because they are more likely to receive shorter sentences. Males were discovered to be less likely to receive a prosecutor-initiated departure, as were Blacks and Hispanics (Ward et al. 2016).

Longer sentences were given to those with lower levels of education, Blacks, and males. While black and white disparities occurred across all crime in a 2001 study, the biggest disparity came from drug trafficking (drug laws have been implemented throughout history in order to maintain the control of the white man's America). When it was possible for a defendant to receive no prison term, Blacks and males were less likely to benefit compared to whites and women. Blacks received sentences of 9.4 and 10.5 months longer than Whites in bank robbery and drug trafficking cases. Whites were more likely than Blacks and Hispanics to receive no

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prison time at all (Mustard, 2001). In 2013, demographics, specifically race, seemed to have a direct effect on one's sentence. It was discovered that when either a white man or women was arrested and charged with a crime, they were more likely to be sentenced to probation instead of jail time, as a Black man would. When comparing women of different races, there are mixed findings. Some research has suggested that Black women receive harsher sentences than their White counterparts (Crawford, 2000; Moulds, 1980; Steffensmeier et al., 1998). It was also found that race indirectly affected women's sentences with Black and Hispanic women being more likely than White women to receive a jail sentence (Brennan, 2006). The opposite has also been found, indicating that Black women actually receive the most preferential treatment (Bickle & Peterson, 1991; Spohn & Beichner, 2000; Steffensmeier & Demuth, 2006). Being young and Black often resulted in a longer sentence (Brennan, 2006). However, some studies have found that race and ethnicity do not have a direct effect on sentencing, but instead are linked to employment statuses and gender which do have impacts (LaFrentz, 2006).

Age

In a study where race and ethnicity did not show a statistically significant direct effect on sentencing, age did. Typically, older offenders received longer sentences than younger offenders (LaFrentz, 2006). On the contrary, the opposite has also been discovered. Defendants 60 and older received approximately half of the sentencing time than those of the youngest age group (18 to 20) while those who ranged from ages 21 to 39 were incarcerated at rates 40-50 percent higher than those 18 to 20 (Doerner, 2012). Supporting this finding, defendants 50 and older receive more lax sentences because they are less dangerous while those in their 20s and 30s receive the harshest sentences. Defendants between the ages of 18 and 20 are the exception for

these harsher sentences because it is believed that they are easier to harm and influence once in the prison system (Kramer & Ulmer, 2009).

<u>Education</u>

Data on educational effects on sentencing data is very limited and is not often the focus of a study. However, it is known that dropping out of school and lower levels of education levels are associated with criminal involvement (Rosario et al. 2016). Defendants with these lower levels of education are more likely to receive prison sentences (Mustard, 2001). Once sentenced to prison, education and professional programs assist an inmate in getting back on track. Rosario and his team found that when implementing an educational system into the prison population, inmates' behavioral problems were reduced which aided in preventing recidivism. These participants saw the educational opportunity as a positive way to occupy their time while incarcerated and believed that by continuing their education, they would be setting a good example for their children (Rosario et al. 2016).

<u>Offense Type</u>

It is important to look at the offense type when comparing sentences because not all crimes committed are connected with the same or even a similar range of punishments. The term "gendered crime" is often used to refer to a hate crime against someone of a specific gender. A rape committed by a man because he hates women can be a gendered crime. Not all sex crimes are committed by males, but, on average men do receive longer sentences than do women in regards to similar sex crimes (Embry & Lyons, 2012). However, in the case of gendered crime and sentencing, the term can also be used to describe a crime committed predominantly by one

gender. Gang murder is an illustration of a gendered crime. Most members of gangs are typically males; therefore, the act of criminal gang activity is often the result of male-on-male violence. When it comes to the case of murder, one example of a sentencing disparity would be the cases of Casey Anthony and Michael Jones. With the 2008 Anthony case, a young girl, Caylee, was neglected, forced chloroform, thrown in the trunk of a car, and was buried in a local Orlando park. All of the evidence in the case pointed to Casey Anthony, the victim's mother. The girl's blood was found in the trunk of her car, her laptop was found with searches about methods used in suffocation, there were testimonials of Casey's character; a woman who had a daughter too young and chose the party lifestyle instead of an at home care taker, and so on. Anthony was charged with first-degree murder but was later found not guilty (Gunderman, 2017). Instead of murder, Anthony was found guilty of two misdemeanor counts which were overturned on appeal (Gunderman, 2017). This case in particular caused a large amount of public outcry, and although it is nine years old, Casey Anthony continues to be a topic for discussion. In March of 2017, the judge was found saying that "Casey Anthony was 'more than likely' the person who used too much chloroform that killed her 2-year-old daughter (Almasy, 2017). The evidence some would say clearly pointed against her, so why did she get off? On a similar note, a seven-year-old Kansas boy's remains (who was also the victim of neglect and abuse) were discovered amongst the family's pigsty. The boy's father, Michael, was found guilty of first-degree murder and was sentenced to life in prison with the possibility of parole after twenty-five years (Crimesider Staff, 2017).

One of the most discussed violent crimes, murder, has been deemed a capital crime (or a crime that can be punishable by death). Today, the death penalty exists in 31 of 50 of the United States. The death-selection decision gave prosecutors and juries unlimited discretion in the

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outcomes of these decisions for 1299 first-degree murder cases in California during a three-year period (2003 to 2005). In the cases that involved a single deceased person what was a victim of a gang murder, the death sentence rate for the perpetrators fell under 1/10 of the overall death sentence rate (Shatz, 2012). The perpetrators who participated in rape-murder cases received a sentence to death 9 times the overall sentence rate (Shatz, 2012). Most victims of a rape-murder are female. In the California cases, those who killed women were more likely to be sentenced to death than those who killed men as seen in the gang-murder sentencing rates versus the rape-murder sentencing rates. Aside from being the victims, women also commit capital murder. However, these women were less likely to be sentenced to death than men (Shatz, 2012). Those with more lengthy criminal records are more likely to be sentenced to prison than those who have shorter records. Seventy-seven percent more likely is that a defendant will be sentenced to incarceration for committing a violent crime, the highest odds discovered in the study. Drug (37%) and white-collar crimes (23%) also showed higher odds for incarceration. Those sentenced for violent crimes and drug crimes received sentences of 48 percent and 30 percent longer than other offences, while white-collar criminals are sentenced to a length of time 34 percent shorter than others (Doerner, 2012).

How a male and female are sentenced in the cases of violent crimes such as murder can often be reflective of the victim's characteristics. Based on data collected from the North Carolina Sentencing Project, a 97.9 percent increase in a jury recommending death to a defendant was displayed when the victim was proven to be a female acquaintance of the defendant (Gillespie et. al. 2014). Similarly, the death sentence rate in California studies showed that when women were the victims of murder, the death sentence rate was strikingly seven times that when the victims were male (10.9% female victims compared to 1.5% male victims) (Shatz,

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2012). Shatz demonstrates this pattern with a few general gendered crimes, one of them being gang murders. In his study, women committed less than half the percentage of gang murders (3.3%) than they did non-gang murders (6.8%). However, murder of a woman is more likely to result in the death penalty when compared to the murder of a man, and gang murder typically tends to be a male versus male crime (Sahtz, 2012). Rape-murders deviate from the male versus male crime, and in nearly all cases was a crime in which the victim was female and the perpetrator male; this crime shows a death sentence rate of 31.7% (Shatz, 2012). If the victim was involved in an illegal activity themselves, the death penalty is 48.3 percent less likely to be recommended (Gillespie et al. 2014). Victim-offender relationship also became a factor in deciding whether or not to sentence someone to death. If the victim and defendant were acquaintances, the death sentence was 38.6 percent more likely to be recommended than if the two were strangers. If the victim was a male with a criminal record, there was a 56.4 percent decrease in the death penalty sanction compared to a non-criminal female victim (Gillespie et. al. 2014). These statistics would support the idea of gendered crimes and that the system typically tends to be harsher when a woman is killed, and the death penalty shows a disparity in sentencing linked to the gender of the victim.

On August 9, 2017, a Cruddy 650 gang member, based out of Yonkers, New York, was sentenced to prison for murdering a Florida man. About one month prior, on July 3, 2017, a man who was a part of a biker gang from Pierce, Colorado was also sentenced to prison, but for killing a Colorado woman. The Cruddy gang member was given a sentence of 25 years in prison on the count of murder (he was also charged for firearm offense and racketeering counts). The biker who murdered a woman who allegedly disrespected his gang was given 60 years in prison- a sentence twice that of murdering a man (United States Department of Justice, 2017. US News,

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2017). While the cases here are very similar, the biggest differences are the victim's gender and the sentence lengths. With news like this, it is hard not to believe that the system tends to favor defendants who choose males as their victims.

Focal Concerns Perspective

The reasoning behind sentencing disparities, whether they exist between people of opposite gender, races, education levels, or age, may never be uncovered. However, the focal concerns perspective may help shed light on the issue. The focal concerns perspective was developed by Steffensmeir (1993) and attempts to explain why certain demographics such as race, ethnicity, gender, and age may hinder sentencing decisions. According to this theory, three factors are weighed when a judge makes his or her decision regarding the sentence of a defendant: blameworthiness, community protection, and practical constraints and consequences. Under blameworthiness, one should be sentenced based on their culpability, or responsibility for fault, and the injury caused to their victim. Criminal history and record are often factored into this. Community protection allows the judge to decide if the defendant is violent enough to possibly harm the community and plays into prevention of additional crimes. Under the third factor, practical constraints and consequences, judges make decisions based off the impact the decision will have on the system, the victim's family, and the community. Often, limited time and information do not allow a judge to fully understand and evaluate a defendant, causing them to make decisions based on racial, ethnic, and gendered stereotypes that reflect the defendant's character.

This theory relates to the present study because the research suggests that women receive shorter sentences than men do for the same crimes. Research suggests that the gap in sentencing

between genders may be due to chivalry, which can cause assumptions and stereotypes to be attached to a defendant by a judge not given adequate time to assess the case. The gap may also exist due to the belief that the criminal justice and law fields are seen as "male" fields, because women are seen as bearers of life, or because women are more likely to be seen as a man's sidekick and easily manipulated. The focal concerns perspective supports this study and will be useful in comparing and contrasting sentences for female and male committed crimes.

<u>Hypotheses</u>

Based on previous research and the focal concerns perspective, I hypothesize that females are more likely to receive shorter, less harsh sentences than males who commit similar crimes. I also hypothesize that White individuals, individuals of higher education, and younger individuals are more likely to receive less harsh sentences.

CHAPTER THREE: METHODOLOGY

<u>Sample</u>

The present study uses data from 2016 collected by the United States Sentencing Commission obtained online from *http://www.ussc.gov/research/datafiles/commission-datafiles#NaN*. This dataset consists of original sentences of offenders who have been convicted and sentenced under the guidelines of the federal court system. All convicted federal offenders from each of the 94 United States districts are included in this data set. These data include information on sentence type, sentence length, offense type, and criminal history. Extra-legal variables are also reported such as offender race, education, gender, age, and location. Several groups were eliminated from the dataset for the analysis resulting in 67,660 cases. First, noncitizens are often sentenced differently than citizens so noncitizens were deleted. Second, offenders under the age of 18 years were excluded due to their juvenile status. Finally, cases with missing data were also thrown out. These data are suitable for the current study because they contain very detailed information about the offender and sentencing at the federal level.

<u>Dependent Variables</u>

Sentencing results are first due to the decision to incarcerate an offender, and then the sentence lengths are decided. The primary dependent variable is the length of the sentence. The variable "Did the defendant receive a sentence?" is measured with 1 being yes and 0 being no. The sentence length is determined using months; once a sentence reaches over 39 years it is considered a life sentence.

Independent Variables

Independent variables can be described as demographic variables related to the offender: gender, age, race, and education. Gender is coded 1 if the offender is female and 0 if the offender is male. Race/ethnicity is coded as four variables: White (1), Black (2), Hispanic (3), and other (6). Age is a continuous variable and is measured at the time of sentencing ranging from 18 to 100, but age is recoded as a series of dummy variables 18-20 (1), 21-29 (2), 30-39 (3), 40-49 (4), 50-59 (5), and 60 and over (6). Education is coded as less than high school (1), high school graduate (2), some college (5), and college graduate (6). The primary offense of the person sentenced is also an independent variable and is necessary in comparing sentences (See Table 1). In order to compare sentence lengths with the type of offense committed, the offense type is also controlled for and coded as four dummy variables; murder, manslaughter, sexual abuse, assault, and robbery are coded as "violent" (1), trafficking and possession are coded as "drug offenses" (2), bribery, fraud, tax offenses, and laundering are coded as "white-collar" (3), and all other offenses are coded as "other" (4).

Analytic Strategy

In this study, regressions will be run in order to demonstrate the ways in which race, age, education, gender, and offense type can affect a sentencing decision or sentence length. A binary logistic regression analysis will be used to model differences in sentencing outcomes because the dependent variable (Did the defendant receive a sentence?) is dichotomous and the independent variables are continuous. An ordinary squares regression will be used for sentence length because both the dependent and independent variables are continuous. In order to examine sentencing decisions based off of the offense type, a binary logistic regression will be run. The effects of this study's independent variables (sex, age, race, and education) have on sentence

length will be shown using a regression. Another regression will be run in order to assess the

effects of offense type on sentence length.

CHAPTER FOUR: FINDINGS

Sample characteristics for the 67,742 persons sentenced to federal prison in the year 2016 are shown in Table 1. Roughly 90% of the sample received a sentence. 31.6% of the sample were incarcerated for some type of drug offense and a plurality of the sample, about 35%, were between the ages of 30 and 39. Additionally, 86% of the sample were identified as male. Furthermore, more than half of the sample, 53.3% , were Hispanic and 46.7% of the sample had obtained less than a high school education.

Table 1 – Descriptive statistics (N=67742, 6255 missing cases)

Variables	Mean	SD	N
Offense Type	2.9966	.91476	67742
Violent	3.5%	-	2357
Drug	31.6%	-	21387
White-Collar	26.8%	-	18127
Other	38.2%	-	25871
Age	3.1813	1.15268	67661
18-20	3.4%	-	2314
21-29	27.2%	-	18418
30-39	34.8%	-	23528
40-49	20.9%	-	14140
50-59	9.8%	-	6608
60+	3.9%	-	2653
Receive a Sentence	.9	.305	67742
Yes	89.6%	-	60708
No	10.4%	-	7034
Sex	-	-	67605
Female	13.8%	-	9356
Male	86.0%	-	58249
Race	-	-	66932
White	22.3%	-	14943
Black	20.4%	-	13638
Hispanic	53.3%	-	35675
Other	4.0%	-	2676
Education	2.59	1.716	61562
Less than High School	46.7%	-	28755
High School	29.29%	-	18435

Variables	Mean	SD	N
Some College	17.2%	-	10581
College Graduate	6.2%	-	3791
Offense Type	-	-	67742
Murder (1)	.1%	-	85
Manslaughter (1)	.1%	-	57
Kidnapping (1)	.1%	-	39
Sexual Abuse (1)	.9%	-	620
Assault (1)	1.2%	-	808
Robbery (1)	1%	-	702
Arson (1)	.1%	-	46
Drugs- Trafficking/ Manufacturing (2)	28.4%	-	19232
Drugs- Communication Facilities (2)	.4%	-	271
Drugs- Possession (2)	2.8%	-	1884
Firearms (3)	10.8%	-	7305
Burglary/ Breaking & Entering (3)	.0%	-	23
Auto Theft (3)	.1%	-	45
Larceny (3)	1.5%	-	1034
Fraud (3)	9.6%	-	6517
Embezzlement (3)	.5%	-	321
Forgery/Counterfeiting (3)	.7%	-	450
Bribery (3)	.3%	-	197
Tax Offenses (3)	.8%	-	523
Money Laundering (3)	1.1%	-	724
Racketeering/ Extortion (3)	1.3%	-	914
Gambling/ Lottery (3)	.1%	-	74
Civil Rights Offenses (4)	.1%	-	43
Immigration (4)	29.6%	-	20051
Prison Offenses (4)	.7%	-	475
Administration of Justice (4)	1.5%	-	1041
Environmental, Game, Fish, & Wildlife Offenses (4)	.2%	-	156
National Defense Offenses (4)	.1%	-	100
Antitrust Violations (4)	.0%	-	21
Food & Drug Offenses (4)	.2%	-	114
Traffic Violations/ Other (4)	2.6%	-	1746
Child Pornography (4)	2.9%	-	1937
Obscenity (4)	.0%	-	26
Prostitution (4)	.2%	-	161

Offenses containing a (1) are recoded as "violent" offenses, (2) are recoded as "drug" offenses, (3) are recoded as "white-collar" offenses, and (4) are recoded as "other".

Findings for the logistic regression examining sentencing outcomes based on gender, age, race, and education of the offender are shown in Table 2. The model was significant with a Chi-square of 5156.782. The Cox and Snell R Square value was .081 and the Nagelkerke R Square value was .179. These results show that all variables (age, education, race, and sex) affect whether or not a defendant will receive a sentence. The odds of age influencing sentencing decisions, compared to those 18-20, increased by a factor of 1.681 for those ages 20-29, increased by a factor of 1.964 for those ages 30-39, and increased by a factor of 1.666 for those aged 40-49. The odds of age influencing sentencing decisions decreased by a factor of .675 for those aged 60 and older. All age groups are significant except those aged 50-59 (P=.350). The odds of education influencing sentencing decisions when compared to those with a High School degree increased by a factor of 1.768 for those with an education level of less than high school, decreased by a factor of .655 for those with some college education, and decreased by a factor of .506 for those who were college graduates. Being a female decreased the odds of being sentenced by a factor of .257 when compared to being a male. The odds of race influencing sentencing decisions increased by a factor of 1.291 for Blacks, increased by a factor of 2.339 for Hispanics, and decreased by a factor of .809 for those who were categorized as "other" when compared to Whites.

Table 2- Demographic Effects on Receiving a Sentence

Variables	B (S.E)	Odds Ratio
Age		
21-29	.519 (.095)*	1.684
30-39	.675 (.095)*	1.972
40-49	.511 (.096)*	1.679
50-59	.093 (.099)	1.109
60 and Over	-.393 (.105)*	.685
Race		
Black	.255 (.040)*	1.334
Hispanic	.850 (.041)*	2.423
Other	-.212 (.061)*	.812
Education		
Less than High School	.570 (.043)*	1.757
Some College	-.423 (.038)*	.656
College Graduate	-.682 (.050)*	.503
Sex		
Female	-1.358 (.033)*	.257
Constant	1.821	-
Chi Square	5160.782	-

*p < .001; *Excludes ages 18-20, Whites, High School Graduates, and Males.*

Table 3 shows findings for the logistic regression examining sentencing outcomes based on offense type. The model was significant with a Chi-square of 5947.188. The Cox and Snell R Square value was .092 and the Nagelkerke R Square value was .205. The results show that offense type affects whether or not a defendant will receive a sentence. The odds of violent offenses influencing sentencing deisions increased by a factor of 2.822, drug offenses increased by a factor of 2.254, and white collar offenses decreased by a factor of .815 compared to other offenses. The odds of age influencing sentencing decisions increased by a factor of 1.737 for those ages 20-29, increased by a factor of 2.057 for those ages 30-39, and increased by a factor of 1.809 for those ages 40-49 compared to individuals 18-20 years old. Those age 50-59 (p=.027) and those ages 60 and older (p=.051) were not significant. If a defendant had less than a high school education, sentencing decisions increased by a factor of 1.837 compared to those with a high school degree or equivalent. Having some college education decreased by a factor of .685

and being a college graduate decreased by a fcator of .615 compared to having a high school diploma. Being a female decreased by a factor of .251 compared to being a male. The odds of race influencing sentencing decisions increased by a factor of 1.391 for Blacks, increased by a factor of 2.327 for Hispanics, and decreased by a factor of .744 for those categorized as other compared to Whites.

Table 3- Offense Type on Sentencing Decisions

Variable	B (S.E.)	Odds Ratio
Offense Type		
Violent Offenses	1.037 (.104)*	2.822
Drug Offenses	.813 (.046)*	2.254
White Collar Offenses	-.204 (.040)	.815
Age		
21-29	.552 (.096)*	1.737
30-39	.721 (.095)*	2.057
40-49	.593 (.097)*	1.809
50-59	.222 (.100)	1.248
60 and Older	-.207 (.106)	.813
Race		
Black	.330 (.041)*	1.391
Hispanic	.845 (.043)*	2.327
Other	-.295 (.062)*	.744
Education		
Less than High School	.608 (.044)*	1.837
Some College	-.378 (.039)*	.685
College Graduate	-.486 (.051)*	.615
Sex		
Female	-1.382 (.033)*	.251
Constant	1.541	-
Chi Square	5947.188	-

*p < .001; *Excludes Other Offenses, ages 18-20, Whites, High School Graduates, and Males.*

The findings in Table 4 show the impact of sex, age, race, and education on the length of sentence that the offender recieves; it is important to note that offense type did not affect the variables. When looking seperateley at the independent variables, education and sex were both significant (.000); therefore, they did have an effect on the offender's sentence length. However, age does not appear to be significant for those 60 and over (p=.173) and race does not appear to

be significant for Black's (p=.197), so age and race did not have a significant effect on the length of sentence assigned to an offender.

Table 4- Demographic Factors and Sentence Length

Source	SS	Df	MS	Sig.
Regression	24282911.93	12	2023575.994	.000*
Residual	343225759.6	54560	6290.795	-
Total	367508671.5	54572	-	-

Variables	B	Std. Error	Beta	Sig.
Age				
21-29	10.401	2.097	.056	.000*
30-39	14.529	2.073	.085	.000*
40-49	16.590	2.128	.083	.000*
50-59	12.885	2.301	.046	.000*
60 and Over	3.814	2.798	.008	.173
Education				
Less than High School	-13.635	.851	-.083	.000*
Some College	-4.081	1.068	-.018	.000*
College Graduate	-14.943	1.685	-.040	.000*
Race				
Black	1.397	1.076	.007	.197
Hispanic	-33.920	.983	-.206	.000*
Other	-17.090	1.940	-.039	.000*
Sex				
Female	-22.943	1.096	-.088	.000*
Constant	69.664	-	-	-
R Square	.066	-	-	-
Adjusted R Square	.066	-	-	-

*p < .001; *Excludes ages 18-20, High School Graduates, Whites, and Males.*

The findings in Table 5 show the impact of offense type on the length of sentence that the offender recieves. The offense types are significant (.000); therefore, offense type does have an effect on the offender's sentence length.

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Table 5- Violent and Nonviolent Crimes and Sentence Length

Source	SS	Df	MS	Sig.
Regression	35800353.65	15	2386690.243	.000*
Residual	331708317.9	54557	6080.032	-
Total	367508671.5	54572	-	-

Variables	B	Std. Error	Beta	Sig.
Offense Type				
Violent Offenses	52.079	1.919	.121	.000*
Drug Offenses	32.694	.850	.187	.000*
White Collar Offenses	13.789	1.005	.073	.000*
Age				
21-29	12.287	2.062	.066	.000*
30-39	17.979	2.040	.105	.000*
40-49	20.434	2.095	.102	.000*
50-59	16.959	2.265	.060	.001*
60 and Over	9.261	2.754	.020	.000*
Education				
Less than High School	-9.171	.846	-.056	.000*
Some College	-3.531	1.050	-.016	.001*
College	-9.929	1.669	-.026	.000*
Race				
Black	-.954	1.071	-.005	.373
Hispanic	-28.228	1.000	-.171	.000*
Other	-24.479	1.946	-.056	.000*
Sex				
Female	-25.888	1.082	-.099	.000*
Constant	45644	-	-	-
R Square	.097	-	-	-
Adjusted R Square	.097	-	-	-

*p < .001; *Excludes Other Offenses, ages 18-20, High School Graduates, Whites, and Males.*

CHAPTER FIVE: DISCUSSION AND CONCLUSION

This study examined the relationship between sentencing decisions, sentence length, type of offense, and offender demographics found in the newly sentenced federal prison population in the year 2016. In recent years, research has shown that there is a gap that exists between male and female inmates, as well as offenders of different ages, races, and educational backgrounds, but the reason for the gap is unclear. While the federal prison population continues to increase, the number of females being incarcerated seems to remain stagnant. This shows that our criminal justice system is not as fair as it is made out to be. Disparities that exist between sexes also draw attention to disparities that exist based on differences in offender demographics. While a relationship between these demographics and sentencing decisions has somewhat been established, most of the research in this area has not looked at all of the demographics affecting sentencing decisions. Using the focal concerns perspective, this study also expands on previous research by comparing violent and nonviolent crimes, as well as comparing sentencing lengths based off of offender demographics.

The findings of the current research reestablish the continued importance of race, gender, and education when looking at prison sentences and are consistent with the focal concerns perspective. Since limited data exists on education and sentencing, this study contributes to literature because the findings suggest that the less educated an offender is, the more likely they are to receive a prison sentence. It was found that minorities were more likely to serve time in federal prison than Whites, and between Blacks and Hispanics, Hispanics were more likely to receive a prison sentence. This study supported prior research in suggesting that females were

less likely to receive a prison sentence (13.8%) compared to males (86.0%) (Table 1). Age was not significant in having an effect on sentencing.

A number of limitations are worth noting in this study. First, although the sample was very large, it is not generalizable to all of the prison population, rather just the incoming federal prison population for the year 2016. Despite this limitation, the findings from the USSC in the year 2016 are comparable to other national studies of sentencing disparities (Doerner, 2012 Morel, 2017, Mustard, 2001, Shatz 2012). Second, this data does not include victim characteristics or statistics. As literature suggests, sentencing outcomes can sometimes vary based off of the relationship between the offender and victim, the age of the victim, and the sex of the victim. Thirdly, these results are only those of citizen defendants. Cases of noncitizen and citizen defendants differ tremendously, making it more difficult to compare the two. A final limitation to this study includes the absence of the legal counsel received by the offenders; sentencing outcomes can vary based on the counsel an offender gets and this information is not provided by the dataset.

There are major strengths to consider in this study despite these limitations. First, this study utilizes a large sample at the federal level, which helps to assess sentencing effects based on a large number of individuals with a variety of backgrounds. This sample allowed for some important legal control variables to be accounted for and compared. Secondly, these findings are consistent with previous studies which demonstrate the importance of examining race, gender, age and education level when comparing sentencing decisions and sentencing lengths. Overall, the findings of this analysis suggest that there are disparities in sentencing based on offender demographic characteristics. Future research may provide a more detailed explanation in regards to this topic.

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