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SOCIOECONOMIC STATUS AND THE SENTENCING OF THE TRADITIONAL OFFENDER

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ABSTRACT

Conflict theory postulates that lower-class criminal defendants receive the most severe legal sanctions. The empirical literature testing the validity of this proposition, however, is equivocal. This study examined the sentencing of property, violent, and moral order offenders in a southeastern state with legally mandated sentencing guidelines. It was hypothesized that the severity of imposed legal sanction would depend on the interplay between an offender's socioeconomic status and offense type. Results from four different regression models indicate some support for this hypothesis. A significant inverse relationship was observed between socioeconomic status and length of sentence for manslaughter and the possession of narcotics. Findings also show that extralegal factors played a greater role in the sentencing of violent and moral order offenders while prior criminal record was more salient in the sanctioning of property offenders. Further offense-specific analyses are needed to shed light on the relationship between socioeconomic status and criminal sentencing.

INTRODUCTION

Scholars customarily have analyzed the functioning of the criminal justice system with a conflict paradigm that identifies "power" as the principal determinant in explaining sentencing disparities (Hills, 1971; Krisberg, 1975). Adherents of this paradigm generally take a static view of the sentencing process, emphasizing the unwavering impact of socioeconomic status (SES) on sentencing decisions (Chambliss and Seidman, 1971). More recent theorizing has questioned this static conception of SES by directing attention not

only to the interplay of SES and sentencing but also to the contextual factors that might mitigate this relationship (Benson and Walker, 1988). Wheeler, Weisburd, and Bode (1982) and Hagan and Parker (1985), for example, have argued that political scandals play a pivotal role in the sentencing decision. Others have pointed to the moral crusade against drugs as a salient contextual consideration (Peterson and Hagan, 1984).

The study reported here extended previous research on SES and sentencing in three important ways. First, it reduced the influence of random sentencing variation by examining

sentencing practices in a state with legally mandated sentencing guidelines. Traditionally, judges have been afforded a substantial amount of discretionary latitude when determining severity of sanction. Consequently, a judge's sentencing decision may differ substantially from that of his or her peers even for identical cases (Kapardis and Farrington, 1981). Examination of sentencing decisions in a state with determinate sentencing reduces the influence of random variation and enables better modelling of the sentencing decision. Second, this study examined individual offense categories, a strategy that furnishes a more comprehensive picture of what factors are relevant in the sentencing of a particular offense. For example, factors that influence sentencing decisions for burglary may not be the same as those that predict sentence severity for rape. Third, the study explored several different regression specifications for each offense category, enabling a more accurate assessment of those factors that were consistently important in determining sentence severity.

PRIOR RESEARCH

The relationship between socioeconomic status and sentencing has been a topic of long-standing interest to social scientists. In their seminal work, Chambliss and Seidman (1971) demonstrated how the criminal justice system operates in the interests of existing power groups by affording upper-class criminal defendants the opportunity to circumvent the imposition of severe sanctions. Their proposition that "the most severe sanctions will be imposed on persons in the lowest social class" (1971:475) has undergone extensive empirical testing in recent years. While some studies have found a strong inverse relationship between a defendant's socioeconomic status and sanctions, others have not.

To show the breadth of the disparate findings, a comprehensive on-line search was undertaken of four abstracting indexes covering material published from January 1975 to December 1990 to identify those sentencing

studies that specifically addressed the SES-sanction issue (see Table 1). These indexes included: *Sociological Abstracts*, *The Criminal Justice Periodical Index*, *U.S. Political Science Documents*, and *The National Criminal Justice Reference Service*. Citations from the articles finally selected for inclusion in Table 1 were used to identify any other SES-sanction articles that might have been indexed elsewhere.

An overview of the 38 sentencing studies reveals considerable variation in their basic characteristics and findings. The first column in Table 1 lists the author(s) of each study and the date of publication. An asterisk by the name of the author(s) indicates that the study found a significant inverse relationship between SES and severity of sanction. Column 2 denotes the observation periods, while column 3 lists the location of each study. Column 4 shows both the unit of analysis and the sample size used in each study. Control variables are listed in column 5. However, lack of space necessitated a partial listing of control variables for some studies. Column 6 and column 7 show the prior record variables and the SES measures, respectively. The most frequently employed prior record measure was prior convictions, while an offender's occupation was the most commonly used measure of SES. The dependent variables utilized in previous research are depicted in column 8. Several of the sentencing studies used either sentence length or a severity-of-disposition scale as their dependent variable. The remaining studies explored judicial decisions about whether to incarcerate an offender, sentence an offender to death, or carry out the death penalty against defendants already sentenced to die. The last two columns list the offense categories analyzed and the statistical methods employed.

Thirty-nine percent of the studies included in Table 1 reported a strong inverse relationship between an offender's socioeconomic status and severity of sanction. Judson et al. (1969), for example, compared differences in the rates at which blue-collar and white-collar offenders were sentenced to death for first-degree murder. They found that blue-collar defendants received the death penalty in 42

TABLE 1
EMPIRICAL STUDIES THAT EXAMINE THE SES-SANCTION HYPOTHESIS

<i>Study</i>	<i>Study Period(s)</i>	<i>Location(s)</i>	<i>Sample</i>	<i>Control Variable(s)</i>
*Bedau (1964)	1907-60	New Jersey	Adults (232)	None
*Bedau (1965)	1903-64	Oregon	Adults (92)	None
Benson and Walker (1988)	1970-80	Midwestern state	Adults (189)	Act-Related, Actor-Related and Legal Process Variables, Age, Gender, Race, Watergate
Burke and Turk (1975)	1964	Indianapolis	Adults (3,941)	Age, Case Disposition, Offense Type, Race
*Carter and Clelland (1979)	1974	Southeastern metropolitan area	Juveniles (350)	Age, Charges, Counsel, Family Structure, Gender, Race
Chiricos and Waldo (1975)	1969-73	Florida, North Carolina, South Carolina	Adults (10,488)	Urbanization, Age, Race
*Clarke and Koch (1976)	1971	Mecklenburg County, NC	Adults (798)	Bail, Age, Offense Type, Counsel, Race, Arrest Promptness, Employment
Cohen and Kluegel (1978)	1972	Denver, Memphis	Juveniles (9,700)	Offense Type, Race, Present Activity, Court Location
*Croyle (1983)	1973-77	St. Louis	Adults (587)	Age, Gender, Race, Offense Severity
*Farrell (1971)	5-Year Period	Large urban jurisdiction	Adults (108)	Offense Severity
Hagan (1975a)	6-Month Period	Medium-sized city in western Canada	Adults (1,018)	Charge Alterations, Offense Severity, Plea, Counsel, Charges, Race
Hagan (1975b)	1973	17 cities in western Canada	Adults (754)	Offense Severity, Race, Demeanor, Charges, Probation Officer's Recommendation
*Hagan et al. (1980)	1974-77	10 federal districts	Adults (6,562)	Ethnicity, Gender, Age, Employment, Plea, Bail, Charge Reduction, Charges, Offense Severity
*Hagan and Palloni (1986)	1973, 1975	New York District Court	Adults (3,077)	Offense Severity, Gender, Presence of Presentence Report, Plea, Race, Age
Hagan and Parker (1985)	1966-83	Ontario	Adults (226)	Defendant's Cooperation and Reputation, Counsel, Charge, Year
Holmes et al. (1987)	1976-77	Delaware County, PA; Pima County, AZ	Adults (684)	Age, Race, Bail, Plea, Counsel, Charges, Charge Reductions
Jacobs and Fuller (1986)	1983	County in Maryland	Adults (514)	Gender, Race, Judge, Probation Officer
*Jankovic (1978)	1969-74	Sunshine County, CA	Adults (2,250)	None
*Judson et al. (1969)	1958-66	California	Adults (238)	Motive, Job Stability, Age, Defendant/Victim Relationship, Race

Note: An asterisk (*) indicates support for the SES/sanction hypothesis.

TABLE 1
Continued

<i>Study</i>	<i>Study Period(s)</i>	<i>Location(s)</i>	<i>Sample</i>	<i>Control Variable(s)</i>
*Kruttschnitt (1980)	1972-76	Mid-sized county in northern California	Adults (1,034)	Age, Race
Lizotte (1978)	1971-72	Chicago	Adults (816)	Offense Severity, Race, Counsel, Bail
Lotz and Hewitt (1977)	1973	King County, WA	Adults (504)	Race, Gender, Marital Status, Offense Type, Bail, Probation Officer's Recommendation, Weapon
McCarthy and Smith (1986)	1982	Southeastern metropolitan area	Juveniles (186)	Days Detained, Gender, Offense Severity, Race
Miethe and Moore (1985)	1978, 1980	8 Minnesota counties	Adults (2,893)	Offense Severity, Weapon, Marital Status, Gender, Age, Race, Jurisdiction
Myers (1987)	1976-82	Georgia	Adults (15,270)	Race, Gender, Offense Type
Nagel and Hagan (1982)	1974-77	10 Federal districts	Adults (6,518)	Offense Severity, Age, Ethnicity, Gender, Charges, Employment
*Nienstedt et al. (1988)	1975-83	Maricopa County, AZ	Adults (545)	Race, Gender, Veteran, Age, Public Attorney, Residency Status
*Scarpitti and Stephenson (1971)	3-Year Period	Large eastern metropolitan county	Juveniles (1,210)	None
Terry (1967)	1958-62	Industrial midwestern community	Juveniles (246)	None
*Thomas and Cage (1977)	1966-73	Southeastern metropolitan court	Juveniles (1,522)	Offense Type
*Thornberry (1973)	1955-62	Philadelphia	Juveniles (3,475)	Offense Severity
Thornberry (1979)	1955-62	Philadelphia	Juveniles (9,601)	Offense Severity, Race
Unnever (1982)	1971	Miami	Adults (313)	Race, Offense Severity, Counsel, Bail, Charges, Gender
Weisburd et al. (1990)	1976-78	7 Federal districts	Adults (963)	Act, Actor, Legal Process, Gender, Age, Race, Judicial District
Walsh (1985)	1978-81	Metropolitan Ohio County	Adults (416)	Race, IQ, Age, Offense Severity
Wheeler et al. (1982)	1976-78	7 Federal districts	Adults (1,094)	Gender, Race, District, Offense Severity, Education, Impeccability Index, Counsel
Willick et al. (1975)	1962-64	Los Angeles County	Adults (490)	None
Wolfgang et al. (1962)	1914-58	Pennsylvania	Adults (439)	Race, Murder Type

Note: An asterisk (*) indicates support for the SES/sanction hypothesis.

TABLE 1
Continued

<i>Prior Record Measure(s)</i>	<i>SES Indicator(s)</i>	<i>Dependent Variable(s)</i>	<i>Offense Categories</i>	<i>Statistical Method(s)</i>
None	Occupation	Executed/Committed/Other	First-degree murder	Frequencies
None	Occupation	Executed/Committed/Other	First-degree murder	Frequencies
Arrests	SES Index	Incarceration/No Incarceration, Sentence Length	White-collar crimes	Logit, Regression
Incarcerations Court Contacts, Police Contacts	Occupation Social Worker's Assessment of Class	Sentence Severity Scale Sentence Severity Scale	Traditional Crimes Traditional, Status crimes	Log-Linear Correlation, Regression
Arrests, Convictions, Juvenile Incarcerations	SES Index	Sentence Length	13 Offense categories	Correlation, Regression
Arrests	Census Tract Median Income	Incarceration/No Incarceration	3 Offense categories	Crosstabs, GSK
Offense Record Convictions	Parental Income Census Tract Median Income	Sentence Severity Scale Sentence Severity Scale	Traditional, Status crimes Drug, Sex offenses	Log-Linear Regression
Offense Record Arrests	SES Index	Sentence Severity Scale	Homosexual offenses	Chi-Square, Cramer's V
Convictions	Occupation	Sentence Severity Scale	Felonies	Correlation, Path Analysis
Convictions	Occupation	Sentence Severity Scale	Felonies	Correlation, Path Analysis
Convictions	Education	Sentence Severity Scale	White-collar, Traditional crimes	Regression
Convictions	Education	Incarceration/No Incarceration, Sentence Length	White-collar, Traditional crimes	Probit, Regression
Convictions	Occupation	Sentence Severity Scale	Securities violations	Path Analysis
Convictions	Employment	Sentence Severity Scale	Robbery, Burglary	Path Analysis
DWI Convictions	Income Index, Employment	Sentence Severity Scale	DWI	Regression
None	Occupation, Education, SES Index	Sentence Severity Scale, Likelihood of Incarceration	Felonies, Misdemeanors	Correlation
Convictions, Incarcerations	Occupation	Life/Death Sentence	First-degree murder	Partial Correlation
Years on Probation	Income, Employment	Sentence Severity Scale	Felonies, Misdemeanors	Regression
Arrests	Occupation	Sentence Length	Felonies	Correlation, Path Analysis
Prior Record	Occupation	Incarceration/No Incarceration	Felonies	Chi-Square, Gamma, Path Analysis
Adjudications	Median Income of Postal District	Sentence Severity Scale	Delinquency	Path Analysis

TABLE 1
Continued

<i>Prior Record Measure(s)</i>	<i>SES Indicator(s)</i>	<i>Dependent Variable(s)</i>	<i>Offense Categories</i>	<i>Statistical Method(s)</i>
Criminal History Scale	Education, Employment	Incarceration/No Incarceration, Sentence Length	Felonies	Regression
Arrests, Incarcerations	County Income Standard Deviation	Incarceration/No Incarceration, Split Sentence Severity, Sentence Length	White-collar, Traditional crimes	Weighted Least Squares, Regression
Convictions	Education	Incarceration/No Incarceration, Sentence Severity Scale, Sentence Length	White-collar, Traditional crimes	Regression
None	Education	Type of Sentence: Prison, Mixed, Probation	DWI	Logit, Tobit
None	Family Income, Occupation, Education	Sentence Severity Scale	Delinquency	Frequencies
Number of Offenses	Parental Occupation	Incarceration/No Incarceration	Felonies, Misdemeanors, Delinquency	Frequencies, Kendall's Tau B
Court Contacts	Parental Occupation	Sentence Severity Scale	Felonies, Misdemeanors, Status crimes	Correlation, Crater's V
Prior Offenses	Census Tract Median Income	Incarceration/No Incarceration	Felonies, Misdemeanors	Frequencies
Prior Offenses	Census Tract Median Income	Sentence Severity Scale	Felonies, Misdemeanors, Delinquency	Log-Linear
Convictions	Employment, Occupation	Incarceration/No Incarceration	Drug offenses	Logit
Arrests, Convictions	SES Index, Occupation	Incarceration/No Incarceration, Length of Imprisonment	White-collar crimes	Logit, Regression
Prior Record Index	SFS Index	Sentence Severity Scale	Sexual assault, Nonsex offenses	Partial Correlation, Eta2
Arrests, Convictions	Occupation	Incarceration/No Incarceration, Sentence Length	White-collar crimes	Logit, Regression
Convictions	Occupation	Sentence Severity Scale	Homosexual offenses	Frequencies
None	Occupation	Executed/Not Executed	Felony and non-felony murder	Frequencies, Chi-Square, Yule's Q

percent of the cases, in contrast to a 5-percent rate for white-collar offenders. Similarly, Bedau (1964; 1965) found that occupational status was related strongly to whether an offender was executed. A study by Farrell (1971) showed SES discrimination in the sentencing of homosexual sex offenders. Farrell's findings were supported by the research of Croyle (1983). In an analysis of 587 drug and sex offenders, Croyle found a significant negative association between SES and severity of sentencing disposition. This pattern was maintained even when controls for age, race, and offense severity were introduced into the analysis.

Miethe and Moore (1985) assessed the impact of a new Minnesota determinate sentencing law on reducing sentencing disparities. They noted a significant inverse relationship between employment status and severity of sanction for the preguideline period. After the implementation of sentencing guidelines, however, that discrimination was no longer evident. Sentencing disparities related to socioeconomic differences also have been reported for juvenile offenders (Scarpitti and Stephenson, 1971; Thornberry, 1973; Thomas and Cage, 1977; Carter and Clelland, 1979) and federal offenders (Nagel and Hagan, 1982; Hagan and Palloni, 1986).¹

Although these studies reported a strong inverse relationship between SES and sentence severity, agreement on the saliency of SES in sentencing is far from unanimous. Studies by Burke and Turk (1975), Hagan (1975a; 1975b), and Unnever (1982) found no evidence of SES discrimination in sentencing. Other more recent studies by Holmes, Daudistel, and Farrell (1987), Myers (1987), and Benson and Walker (1988) also have cast doubt on the validity of the Chambliss and Seidman conflict proposition. The inconclusiveness of the empirical literature, coupled with their own nonsupportive findings, prompted Chiricos and Waldo (1975) to conclude that the Chambliss-Seidman conflict proposition "will have to be abandoned, or at least modified" (1975:768).

Although the results of the sentencing studies listed in Table 1 are inconclusive regarding the validity of the Chambliss-Seidman proposition, this article argues that these

disparate findings can be explained to a large degree by the methodological weaknesses of previous research (Hagan, 1974; Hagan and Bumiller, 1983; Klepper, Nagin, and Tierney, 1983). Specifically, previous research on SES and sentencing has been limited in three respects. The first shortcoming relates to the operational definition of SES used in prior research. As Tittle and Meier (1990) noted, socioeconomic status has several interpretations. The orthodox Marxist position conceives of a capitalist society as polarized into two distinct groups: capitalists, who own the means of production and purchase labor, and workers, who do not own the means of production and consequently are forced to sell their labor for wages. Many studies that have examined the relationship between SES and sentencing have relied on such a two-class model of society (Carter and Clelland, 1979; Hagan and Palloni, 1986). However, several scholars have maintained that such a simplistic conception of society does not reflect present-day class divisions accurately (Klockars, 1980; Walsh, 1985). As Walsh aptly argued:

The lumping together of all individuals who occupy underprivileged social positions (with respect to their relationships to the means of production) into a homogeneous "lower-class" against which the "elite" and their agents of control are said to discriminate may be a serious misinterpretation of American class perceptions. (1985:63-64)

Studies that conceptualize SES in categorical terms also are faced with the subjective decision of where to divide the social classes. The separation point is especially salient because the relationship between SES and other variables depends largely on where the division is made (Teevan, 1985). Moreover, valuable information is lost when a variable is dichotomized (Cohen, 1983). Although researchers do not appear to be overly concerned about the use of dichotomous or other categorical measures of SES, it seems obvious that consistent results are unlikely when such measures are employed.

Realizing the difficulties associated with categorical measures, many scholars have

opted for more graduated measures of SES, such as occupation (Wheeler et al., 1982; Weisburd, Waring, and Wheeler, 1990). Although they are an improvement over categorical measures, single-dimension continuous measures lack the necessary precision to represent an individual's status accurately in a pluralistic society. Consequently, this study used an eclectic continuous measure of SES based on the offender's income, education, and occupation (Chiricos and Waldo, 1975).

Another explanation for the inconsistent findings reported in the literature involves inadequate control for sample selection bias. The criminal justice system is often likened to a leaky sieve because at each stage of the judicial process a decision is made whether to continue prosecution of a case. It is quite possible that offenders whose cases are dismissed early in the judicial process are systematically different from those offenders who reach the final sentencing stage. Generalizations based on offenders sentenced to prison are problematic because the exclusion of observations may bias parameter estimates (Heckman, 1979; Berk, 1983). Because several prior studies failed to include a correction for sample selection bias (Nagel and Hagan, 1982; Miethe and Moore, 1985; Walsh, 1985), there is a strong possibility that sampling bias may have adulterated their results.

A third explanation for the incongruous findings reported in the literature concerns the general failure of previous research to disaggregate by offense type. Combining different offense types in a single analysis is pervasive in the literature (Lotz and Hewitt, 1977; Wheeler et al., 1982; Weisburd et al., 1990), but some maintain that such a practice masks sentencing differences within specific offense categories (McCarthy and Lindquist, 1985). As Chiricos and Waldo argued:

... when the crime is most serious and the threat to established interests most clear, there may be less margin for tolerance and sanctions may be relatively consistently applied—for all status groups. However, when the offense poses less of a generic threat, the sanction imposed may be more responsive to the symbolic threat generated by the defendant—thereby allowing for greater variance in sentencing by SES. (1975:768)

Although Chiricos and Waldo did not specify exactly what crimes pose the most serious threat to established interests, many Marxist scholars maintain that property offenses pose the most immediate danger to the state since the ownership of property is a requisite of capitalism. Jacobs (1978), for example, has maintained that property offenses, especially in contexts in which economic inequality is pronounced, pose a more serious threat to monied interests than violent offenses. Consequently, he has argued that property offenders will be sanctioned more severely than violent offenders. In a similar vein, Carter and Clelland (1979) contended that violations of moral order (*mala prohibita*) crimes pose a less endemic threat to established interests than do property offenses. Carter and Clelland explicated the Marxist position as follows:

Yet, as we do, one could well infer from a Marxian perspective that juveniles who commit acts against property will be treated alike regardless of class position because acts against property must be uniformly suppressed in a capitalist society since the *sine qua non* of capitalism is the private ownership of property. (1979:100)

Because crimes may differ in the degree of danger they pose to the established social order, there is reason to suspect that the saliency of an offender's SES on sentencing dispositions may vary within nonproperty offense categories. Recent research has suggested that this might be the case. For example, Farrell and Swigert (1986) reported evidence of differential treatment in the sentencing of violent offenders, while others have noted SES discrimination in the sentencing of DWI offenders (Nienstedt, Zatz, and Epperlein, 1988), drug offenders (Rhodes, 1991), and juvenile status offenders (Carter and Clelland, 1979). If crimes differ in the degree of danger they pose to the established social order, then the failure of many previous studies to disaggregate by offense type may have suppressed the impact of SES on sentencing decisions.

In light of these considerations, the present

study examined the impact of SES on sentencing outcomes for 12 specific offense categories in the state of Florida.² Controls were included for prior record, gender, age, race, and county urbanization. Further, a two-stage estimation procedure was used to correct partially for selection bias. It was hypothesized that extralegal factors play a greater role in the sentencing of nonproperty crimes.

DATA

The sample consisted of 2,760 offenders selected randomly from the admissions population of all adjudicated offenders committed to the custody of the Florida Department of Corrections during fiscal year 1985. The twelve offense categories examined were grouped into property, violent, and moral order offenses. Property crimes included burglary, forgery, fraud, larceny, unarmed robbery, and dealing in stolen property. Violent offenses were aggravated assault, aggravated battery, manslaughter, and sexual battery, while moral order crimes were represented by possession of narcotics and sexual offenses. However, before the analysis is described, a brief overview of Florida's determinate sentencing system is warranted since all offenders in the study were sentenced under legally mandated sentencing guidelines.

Sentencing Guidelines

During the late 1960s and early 1970s, Americans began to question the criminal justice system's ability to rehabilitate incarcerated offenders. Some studies found that, in general, rehabilitation programs had minimal effects on reducing recidivism (Martinson, 1974; Lipton, Martinson, and Wilks, 1975). In concert with reports asserting the failure of rehabilitation, Frankel (1972) demonstrated that indeterminate sentencing systems were inconsistent in the imposition of punitive sanctions. Further, repressive state control was highly probable within such sentencing systems (American Friends Service Committee, 1971). Because the benefits of rehabilitation seemed to be seldom realized

and the potential for abuse was substantial, many people called for a return to the classical or "just deserts" position on punishment. This viewpoint was expounded in several works that caught the public's attention, and it led to increased political pressure to initiate reform (Rawls, 1971; Morris, 1974; von Hirsch, 1976).

Sentencing reform eventually was manifested in the establishment of determinate sentencing systems throughout the United States. In Florida, for example, sentencing guidelines were implemented on 1 October 1983 in an effort to "eliminate unwarranted variation in the sentencing process by reducing the subjectivity in interpreting specific offense-related and offender-related criteria and in defining their relative importance in the sentencing decision" (Florida Sentencing Guidelines Commission, 1983:4). In addition to mitigating random variation in sentencing decisions, Florida's guidelines attempt to eradicate systematic variation related to race, gender, and social class. These guidelines provide judges with a sentencing range based on the severity of the conviction offense, the length and nature of the offender's criminal history, the degree of injury sustained by the victim, and the offender's legal status at the time the offense was committed. Deviations from the guidelines are permitted only for aggravating or mitigating circumstances, which must be described in writing by the sentencing judge. Legally mandated guidelines are considered more effective than voluntary approaches in achieving judicial compliance (Tonry, 1987).

Variables

An offender's prior criminal record was measured through five variables: number of prior misdemeanor probation sentences, number of prior felony probation sentences, number of prior felony sentences less than one year, number of prior felony sentences one year and over, and number of prior prison commitments. Because preliminary analysis revealed excessive multicollinearity among these variables, factor analysis was used to

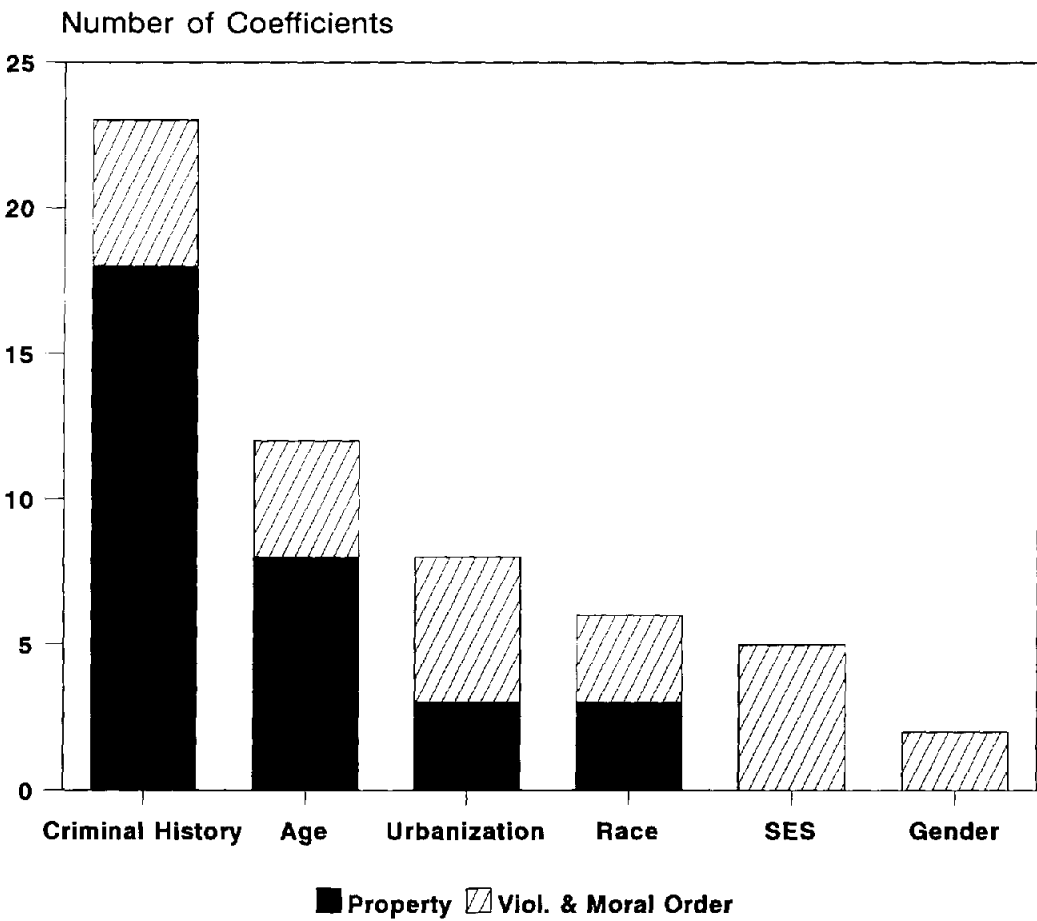


Figure 1. Significant regression coefficients (36 equations, $P < .05$).

amalgamate them into a criminal history index (PRIORS).³ Previous research has shown that composite measures of prior record have a stronger impact on incarceration than single-dimension indicators such as prior arrests, prior convictions, or prior incarcerations (Nelson, 1989).

Extralegal factors such as age (AGE), gender (GENDER), race (RACE), and county urbanization (URBAN) also were included in the analysis. These factors have been shown to be important in determining severity of sanction (Myers and Talarico, 1987). An offender's gender was coded as 0 = female and 1 = male, while his or her race was defined as 0 = white and 1 = Black. Due to data limitations, Hispanic offenders were included

in the white race category. To measure the urban/rural character of an offender's sentencing county, all 67 Florida counties were ranked individually in terms of population density, total population employed in non-agricultural labor, and total dollar value of all sales conducted within the county (Chiricos and Waldo, 1975). The lower the average score of these three rankings, the more urbanized the county.

Based on Chiricos and Waldo (1975) and Benson and Walker (1988), SES was operationalized as an indicator of relative position among defendants. An offender's SES score represented a simple arithmetic mean of his or her three standardized scores for income, education, and occupation (U.S. Bureau of

the Census, 1963; Nam and Powers, 1968; 1983). Offenders without a score reported for any one individual component of the SES index were assigned the average of the remaining components as their SES scores, while defendants without scores reported on any two individual components were assigned the score for the remaining component.

The dependent variable, prison sentence length, was coded in months. Life sentences or prison sentences greater than 600 months were recoded to 600 months to attenuate the skewness of the distribution and to quantify an individual's average life span more accurately. The recoding of these sentences to 600 months represents a realistic life sentence without parole since the average age of an offender in Florida's prison system is 29 years and the average life expectancy of an individual in Florida is 74 years (Florida Department of Health and Rehabilitative Services, 1985).

ANALYSIS

The impact of an offender's SES on sentence length was assessed with ordinary least-squares (OLS) regression. If these regression coefficients are to be efficient and unbiased estimates of true population parameters, however, the problem of sample selection bias must be addressed. Logit regression was used to create a hazard rate variable (HAZRATE) from the entire population of offenders admitted either to prison or to community supervision during the period under observation (Keil and Vito, 1989; Erez and Tontodonato, 1990). This hazard rate variable attenuated bias by controlling for offenders who received a noninstitutional sanction (Heckman, 1979; Berk, 1983). Additionally, the hazard rate variable acted as a control for offense severity in the absence of a more direct measure (Myers, 1987). See Model 1 of Table 2.

In addition to the correction for sample selection bias, several regression diagnostic procedures were used to detect skewed distributions, aberrant observations, and heteroskedasticity. The assumption of normally

distributed residuals was assessed by inspecting the histograms for each regression equation. Because many of the offense categories had residual distributions that were either kurtotic or skewed, a natural log of the dependent variable was taken. See Model 2 of Table 2. Besides this natural log transformation, a sensitivity analysis also was conducted for each offense category. All outliers more than three standard deviations from the mean were excluded from the analysis. See Model 3 of Table 2. To discern whether heteroskedasticity was present, a modified Glejser test was conducted for each equation (Goldfeld and Quandt, 1972). The results of this test revealed the presence of heteroskedasticity in the burglary, fraud, unarmed robbery, and possession of narcotics crime categories. The recommended solution for heteroskedasticity is a weighted least squares (WLS) procedure in which the number of heteroskedastic variables and the pattern of their residuals are used to create a weight (Hanushek and Jackson, 1977). The results of the WLS procedure are presented in Model 4 of Table 2.

FINDINGS

Table 2 reports the significant unstandardized regression coefficients for the four regression models. It is clear from this table that the importance of SES differed across offense categories. Results show a strong negative relationship between an offender's SES and severity of sanction for manslaughter. This relationship is statistically significant for two of the three equations estimated and is consistent with theoretical expectations. Although manslaughter is a legally conferred label, different motivational factors and contextual circumstances differentiate homicides (Daly and Wilson, 1988). First, manslaughter tends to be intraracial (Riedel, Zahn, and Mock, 1985) and intraclass (Zahn and Sagi, 1987; Hewitt, 1988). Second, the victim often instigates the crime (Wolfgang, 1966). Third, the offense pervades all social classes (Wolfgang, 1966). For these reasons, one would

TABLE 2
UNSTANDARDIZED REGRESSION RESULTS

Offense Category	MODEL 1 Partial Correction For Sample Bias			MODEL 2 Natural Log of Dependent Variable			MODEL 3 Sensitivity Analysis			MODEL 4 Weighted Least Squares		
	Variable	B	Sig T	Variable	B	Sig T	Variable	B	Sig T	Variable	B	Sig T
Property Offenses Burglary	HAZRATE	126.08	.002	AGE	0.02	.000	AGE	1.18	.000	WHAZRATE	-61.52	.025
	AGE	2.62	.000	PRIORS	0.11	.000	PRIORS	4.37	.000	WPRIORS	5.69	.008
	RACE	-22.73	.016									
	PRIORS	13.00	.000	PRIORS	0.26	.000	PRIORS	12.44	.000		N/A	.34
Forgery Fraud	PRIORS	12.76	.002	PRIORS	0.33	.000	HAZRATE	180.28	.032	WPRIORS	8.85	.011
				URBAN	0.02	.049	PRIORS	8.78	.000			.31
Larceny							URBAN	0.67	.003			
	AGE	0.42	.021	PRIORS	0.08	.011	PRIORS	2.72	.007		N/A	.07
				URBAN	0.01	.030	AGE	0.24	.020			
Robbery, unarmed	HAZRATE	498.86	.000	AGE	0.01	.046	HAZRATE	-73.59	.001			.24
	AGE	7.71	.000	PRIORS	0.25	.000	PRIORS	19.25	.000	WPRIORS	13.86	.001
	RACE	-83.28	.000	AGE	0.02	.015						
Stolen property	PRIORS	12.85	.000	PRIORS	0.30	.000	HAZRATE	-78.26	.001		N/A	.27
							PRIORS	14.18	.000			
Violent Offenses Aggravated assault Aggravated battery							RACE	16.20	.002			
	P > .05			HAZRATE	2.62	.038	HAZRATE	82.60	.020		N/A	.08
	P > .05			P > .05			HAZRATE	-47.18	.027		N/A	.06
Manslaughter	SES	-0.51	.039	HAZRATE	2.44	.006	GENDER	15.66	.019		N/A	.09
				AGE	0.02	.027	SES	-0.56	.018			.016
Sexual battery	HAZRATE	-768.02	.028	HAZRATE	-4.91	.010	HAZRATE	-768.02	.028		N/A	.20
	PRIORS	89.46	.000	PRIORS	0.48	.000	PRIORS	89.46	.000			
	RACE	132.79	.022	RACE	0.69	.027	RACE	132.79	.022			
Moral order offenses Narcotics possession	AGE	1.97	.000	PRIORS	0.16	.004	SES	-0.27	.004	WURBAN	0.37	.012
				URBAN	0.01	.004	PRIORS	5.56	.009	WSES	-0.27	.008
				SES	0.01	.019	URBAN	0.30	.043	WAGE	1.60	.003
Sexual offenses	P > .05			AGE	0.01	.045	HAZRATE	131.88	.016		N/A	.16
				HAZRATE	2.40	.022	GENDER	-86.18	.002			.001
				URBAN	-0.02	.033	URBAN	-1.23	.006			

Note: Nonsignificant coefficient estimates and related information are available on request from the authors.

expect more variation by SES in the sentencing of offenders convicted for manslaughter.

Socioeconomic status also was relevant in the sentencing of moral order offenders. As an offender's SES decreased, sentence length increased for possession of narcotics. Although this finding is consistent with theoretical expectations, one might argue that drug offenders should be sentenced similarly because of the instrumental crime associated with drug use. However, unlike their wealthy counterparts, lower-class offenders often support their habits through income-generating crime (Collins, Hubbard, and Rachal, 1985). As a result, they are often sanctioned more severely for their drug use because it is associated with property crime.

A strong relationship also was noted between county urbanization and the sentencing of moral order offenders. Like the research of Myers and Talarico (1986), this study found that drug offenders sentenced in rural counties received stiffer sanctions than those sentenced in more urban settings. In contrast, sexual offenses, which include crimes such as incest and sodomy, were treated with greater leniency in rural counties.

Contrary to expectations, there was little evidence of an SES effect for aggravated assault, aggravated battery, sexual battery, or sexual offenses. The data indicate, however, that Black offenders sentenced for sexual battery (forcible rape) received longer prison terms than white defendants. An offender's socioeconomic status also did not impact sentence length for any of the property offenses. Gender and county urbanization also played less of a role in the sentencing of property offenses.

The most apparent difference in the sentencing of violent, moral order, and property offenders concerned the impact of prior criminal history. Overall, prior criminal history was significant for more than 85 percent of the equations calculated for property crimes, as opposed to 26 percent for violent and moral order offenses. (See figure 1). This difference is rather striking and supports the research of Nelson (1989), who found that an offender's prior criminal record was more

closely related to incarceration for crimes that involved the theft of property.

Another finding that warrants attention is the influence of an offender's age on sentence length. Older offenders were consistently more likely to receive severe sanctions for property offenses. This linear relationship between age and sentence length was due primarily to the fact that age was correlated highly with prior record. Older offenders were more likely to have a serious prior criminal history. This strong positive association between age and prior record, however, was not constant for all defendants. There were substantial differences in the length and nature of criminal histories, especially among older offenders. Researchers scrutinizing the age-sanction relationship should be aware of prior record differences among older offenders and tailor their methodologies accordingly.

Table 2 also reports the largest R^2 for each offense category. All 21 of the regression equations for property offenses were statistically significant: burglary ($R^2 = .09$), forgery ($R^2 = .34$), fraud ($R^2 = .31$), larceny ($R^2 = .07$), unarmed robbery ($R^2 = .24$), and dealing in stolen property ($R^2 = .27$). In contrast, only 15 of the 19 equations for violent and moral order offenses were statistically significant: aggravated assault ($R^2 = .08$), aggravated battery ($R^2 = .06$), manslaughter ($R^2 = .09$), sexual battery ($R^2 = .20$), possession of narcotics ($R^2 = .18$), and sexual offenses ($R^2 = .16$). Again, these findings indicate that more variation can be accounted for in the sentencing of property offenders than in that of either violent or moral order defendants.

DISCUSSION

In this analysis we examined sentencing dispositions for 12 offense categories in the state of Florida using four different regression models while controlling for SES, age, gender, race, county urbanization, and prior criminal record. The findings support the proposition that the severity of imposed legal sanction is not predicated solely on legal factors but instead depends on the interaction

between offender and offense. The finding that SES and other extralegal factors played a greater role in the sentencing of nonproperty offenders is intriguing since many studies that were conducted in states with determinate sentencing reported little evidence of sentencing discrimination (Knapp, 1982; Kramer and Lubitz, 1985; Miethe and Moore, 1985; Zatz and Hagan, 1985).⁴ Several possible answers are suggested for our divergent findings.

One explanation, as discussed previously, relates to the methodological shortcomings of previous research. Because they neglected to use composite measures of SES (Unnever, 1982; Weisburd et al., 1990), aggregated offense categories (Miethe and Moore, 1985; Benson and Walker, 1988), and failed to include a correction for sampling bias (Jacobs and Fuller, 1986; Holmes et al., 1987), the findings of previous sentencing studies are somewhat suspect. Further, we found that our results changed when corrections for skewed distributions, aberrant observations, and heteroskedasticity were included in the regression analysis. When the hazard rate equation was estimated, for example, SES did not appear to affect the sentencing of drug offenders. However, estimation of the corrected regression equations revealed a substantial and consistent negative relationship between SES and severity of sanction for the possession of narcotics. Correction for heteroskedasticity also eliminated other puzzling findings. Two of the hazard rate equations for property offenses, for example, showed that age and race were the only significant predictors for burglary and unarmed robbery. Once we corrected for heteroskedasticity, however, only prior criminal record achieved statistical significance.

Organizational pressures also may provide some explanation for our findings (Peterson and Hagan, 1984). Prison overcrowding, caused partially by determinate sentencing, has become a major concern of the criminal justice system in Florida. The continually expanding prison population, coupled with an unwillingness to expend capital on increased prison construction, creates a quandary for the criminal justice system (Greenberg and

Humphries, 1980). We premise that the increased discrimination observed in the sentencing of nonproperty offenders may serve a functional purpose because it contributes to an overall reduction in prison population levels. With inmate populations reduced, offenders who severely threaten established interests can continue to be sanctioned severely with minimal strain on the functioning of the criminal justice system. However, while such a thesis seems plausible, we are unable to assess exactly whether prison overcrowding is an important contextual consideration because no overcrowding variable was included in the analysis.

CONCLUSION

Sentencing research has yet to furnish a clear understanding of the relationship between SES and punishment. Some studies have found that SES has little or no impact on sentence severity, while others have reported evidence of a strong negative association. Although conflict theory treats the meaning of SES as static and unchanging, our results show that the impact of SES on sentencing dispositions is not constant but varies according to criminal offense. We also found little evidence that sentencing guidelines reduce disparity, especially in the sentencing of nonproperty offenders. Firm conclusions regarding the exact nature of the relationship between SES and severity of criminal sanction, however, must await further offense-specific research.

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NOTES

1. Juvenile and white-collar sentencing studies are included in Table 1 to furnish a comprehensive review of the SES-sanction literature.

2. Hopkins (1977) and Reasons (1977) argued that

only "within-class" SES distinctions can be made among offenders sentenced to prison for traditional crimes. Because of these commentaries, scholarly attention has focused on the sentencing of white-collar offenders (Benson and Walker, 1988; Weisburd et al., 1990). The examination of white-collar offenders is considered more advantageous for understanding the SES-sanction relationship because of increased SES variation among sentenced white-collar defendants. However, we question whether the examination of white-collar defendants provides an adequate assessment of the relationship between SES and sentencing since most people do not have the opportunity to commit these types of crimes. At issue here is the distinction between censored and truncated samples. As Berk (1983:391) noted:

When the selection process eliminates observations solely for the endogenous variable, one commonly speaks of censoring. When observations are missing in the exogenous variables as well, one commonly speaks of truncation. When a sample is truncated, as is the case when white-collar offenders are analyzed, estimation procedures, even if they include a control for censoring, will still yield biased and inconsistent estimates of structural parameters.

3. Variable means, standard deviations, correlation matrices, and factor scores for all offense categories are available on request from the authors.

4. See Rhodes (1991) for an important exception.

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