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An Examination of Differences in Race, Gender, and Age in Processing and Outcomes Within
the U.S. Criminal Justice System

A thesis

presented to

the faculty of the Department of Psychology

East Tennessee State University

In partial fulfillment

of the requirements for the degree

Master of Arts in Psychology

by

Teliyah Cobb

December 2022

Jill Stinson, Chair

Andrea Clements

Meredith Ginley

Keywords: Race in the justice system; racial bias; gender bias; youth in the justice system; bias
in the justice system

ABSTRACT

An Examination of Differences in Race, Gender, and Age in Processing and Outcomes Within the U.S. Criminal Justice System

by

Teliyah Cobb

Demographic factors can influence criminal justice system outcomes. We examine legal system processing in 12 U.S. states from 1976-1991. Variables included: 1) race, age, and gender; 2) violent, sexual, and drug- and alcohol-related charges; 3) level of charge; 4) charges at arrest, trial, and final disposition; 5) time-lengths between each stage; 6) dismissal, plea bargaining, and conviction; and 7) final sentencing length. Significant differences in arrest, prosecution, plea bargaining, charge severity, and final sanctioning were observed dependent on race, gender, age, and the intersectionality of these characteristics. Implications for research policy to reduce the impact of disparities are discussed.

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Chapter 1. Introduction

The U.S. criminal justice process begins when a crime is reported to law enforcement. Criminal investigators (i.e., local, state, or federal law enforcement) evaluate the purported crime and associated evidence to determine if there is a violation of the law. If the evidence merits probable cause for arrest or there is a warrant issued for the individual's arrest, law enforcement agents will arrest the individual. Once an arrest is made, the case is referred to a prosecuting attorney for evaluation. The prosecutor determines whether and which criminal charges should be filed against the alleged perpetrator of the crime. Once an arrest occurs and charges are made, the defendant must appear before a judge for an arraignment. An arraignment provides the defendant with details about their rights and the charges against them. Further, the judge usually takes the defendant's initial plea, appoints a defense attorney if needed, decides on the defendant's custody status, and sets future court dates.

After the arraignment, there is typically a process called discovery through which the defendant and the prosecutor learn of the other side's case. From here, the prosecutor can decide to offer a plea bargain or take the case to trial. Ideally, the person who makes the final call about accepting a plea bargain versus taking the case to trial is the defendant. Plea bargaining is commonly used to resolve criminal cases, allowing the defendant and the prosecution to resolve the case without going to trial. Most plea bargains consist of the defendant pleading guilty or no contest to one or more charges, while the prosecutor agrees to reduce or completely dismiss remaining charges and to accept a lesser sentence than what may be the outcome of a judge or jury trial. If the defendant decides to go to trial, they may be entitled to a preliminary hearing, depending on the type of crime. Preliminary hearings are usually provided to defendants who plead not guilty to felony charges. In this type of hearing, the prosecutor is expected to present

enough evidence for the judge to mandate that the defendant would go to trial. If the judge decides that there is not sufficient probable cause for a trial, the charges will be dismissed.

All felony and most misdemeanor cases offer the right to a trial by jury. The defendant has the right to waive a jury trial and allow the judge to solely decide the outcome of the case (i.e., also known as a “bench trial”). Generally, in a jury trial, both the prosecution and the defense present the evidence for their side, and the opposing side is given the opportunity to cross examine and challenge that evidence. The jury (or judge) is tasked with deciding upon the defendant’s guilt. If a verdict cannot be reached, the prosecution can decide to dismiss the case, attempt a plea bargain, or initiate another trial.

If the defendant is found guilty, or pleads guilty or no contest, the court must issue a sentence, which can range from fines or community service, to periods of probation, to time in a correctional institution. Federal and state laws determine the appropriate sanctioning for most crimes. Some provide specific incarceration lengths and/or fines, while others give the judge a range from which to determine a sanction based upon the circumstances of the individual case. Judicial discretion and flexibility in rendering a sanction are ideally intended to consider these varying factors (e.g., the defendant’s criminal history, victim impact statements, the nature of the crime, and mitigating versus aggravating factors), as well as allow for the differential circumstances of each individual case to influence not only the presumed appropriate sentence for the perpetrator, but also provide justice for the victim and community.

However, guilty verdicts and sentencing are not always the end of a criminal case. The defendant can file an appeal against the conviction and/or the sentence, seeking an appellate court review of the case. An appeal gives the defendant an opportunity to address errors that may have occurred in the previous investigation or trial. An appellate court does have the ability to

reverse a conviction, change a sentence, or authorize another trial if deemed appropriate. The appellate court can also dismiss a case, though this is quite rare.

Throughout this process, there are decisions dependent on individual or systematic discretion. The first interaction between law enforcement and the accused requires law enforcement officers to make an informed judgement about which laws they believe have been violated. Next, the prosecutor's choice to file charges necessitates an individualized decision regarding the number and types of charges to be filed. There are also choices to be made regarding the possibility of a plea bargain or proceeding with a trial. Here, there are additional points at which discretion plays a role – attorneys for the prosecution and the defense ultimately decide upon an acceptable plea bargain, with a range of potential charges and consequences considered, though the defendant must ultimately make a choice regarding the acceptability of the offer. The defense attorney will likely have a recommendation and may even voice this to the defendant, further influencing individual choice. Lastly, the judge and jury determine an outcome of guilty or not guilty, and the sentence or other consequences imposed rely on the decision-making of either one individual or a group of individuals. Furthermore, the individual with final say is one person – the judge.

Each of these decision points can be and are influenced by varying individual, interactional, and systemic factors, thus potentially eliciting different outcomes for each person accused of a crime. Demographic factors play a significant role in how individuals experience differential outcomes within the criminal justice system. Race, sex, and age all contribute to how attorneys, judges, jury members, and law enforcement officers make inferences about perpetrators and victims. For example, race and sex differences in arrest, plea bargaining, and sentencing outcomes are likely influenced by personal biases, both implicit and explicit, which

can be manifested during any part of the criminal justice process (Franklin, 2018; Steffenmeier et al., 1998). As a result, the defendant is vulnerable to the biases held by people in positions of power within this system. Other sources of bias or influence on the criminal justice process and outcomes include age, socioeconomic status, and any prior contacts with the law, inclusive of incarceration history. In this thesis, I intend to explore the possible influence of racial and gender disparities within different stages of the criminal justice process in order to better inform the science of these biases can have on justice-related outcomes.

Race in the US Criminal Justice System

Racial disparities within the US justice system have been extensively studied, with recent research suggesting that racial disparities are evident even from initial arrest (Kim & Kiesel, 2018). As indicated by the Bureau of Justice Statistics survey of US jail inmates in 2019, Black persons were incarcerated at three times the rate of White persons (Zeng & Minton, 2021). These rates are not only higher for Black offenders, but for Latino and Native American offenders as well. Similarly, in a meta-analysis evaluating race and arrest rates, the researchers found that racial minorities experienced a higher probability of arrest than those who are White (Franklin, 2018). Other seemingly relevant factors, including the suspect's demeanor, offense severity, presence of witnesses, quantity of evidence at the scene, the occurrence or discovery of a new criminal offense during the encounter, the suspect being under the influence of drugs or alcohol, the suspect's prior record, and requests by the victim(s) to arrest the suspect did not significantly reduce the magnitude of the relationship between the suspect's race and likelihood of arrest (Barnes & Motz, 2016; Brame et al., 2014; Piquero, 2015). Further, not only are racial minorities at an increased risk of being arrested, they are also at an increased risk for being stopped by the police (Goel et al., 2016).

Race-based disparities in police stops and arrest only explain some of the overrepresentation of racial minorities within the criminal justice system, however. Pretrial detention is linked to higher odds of incarceration after conviction, and the likelihood of experiencing pretrial detention evidences significant racial differences (Kutateladze et al., 2014; Reitler et al., 2013; Sutton, 2013). Racial minorities, particularly Black and Latino offenders, are more likely to be detained prior to trial than White offenders. Black offenders are at an especially and significantly greater risk of experiencing cumulative disadvantages (i.e., imprisonment history, inability to hire private counsel, and higher bond amounts) that can enhance their odds of pretrial detention, which has also been found to stem from greater perceived threat to the community (Wooldredge et al., 2015). Moreover, pretrial detention has been shown to predict an increased likelihood of Black offenders' being incarcerated after conviction by 26% (Sutton, 2013).

Racial minorities are also disadvantaged in their right to trial and often are pressured into plea bargains likely due to implicit and/or explicit biases that may be held by prosecutors (Dunnigan, 2017). In trial cases initiated between 2002 and 2010 in Florida's larger counties, Black defendants were more likely to proceed to trial only when the offense was serious and their prior record was extensive (Metcalf & Chiricos, 2018). This suggests that attorneys may perhaps pursue trial when there is a perceived increased likelihood of the case ending in favorable outcomes, and racial bias may factor into such decisions.

Additional research suggests that the races of the prosecutor and the defense attorney may impact sentencing outcomes. Farrell et al. (2009) found that Black versus White disparities in incarceration decisions are reduced by black representation among prosecutors, but not among judges or defense attorneys. Furthermore, Black and Latino attorney representation has been

found to mitigate Black and Latino defendants' sentence disparities (King et al., 2010). This implies that the race of the prosecuting and defense attorneys may have a stronger influence on sentencing than is true of other justice professions. Relatedly, there are significant racial disparities in plea decisions. Specifically, Black defendants are less likely to plead guilty to their charges, but more likely to receive inferior plea offers in comparison with White defendants. This potentially creates the dilemma of having to choose between a bad plea deal or an increased risk of receiving harsher penalties in court as a result of going to trial. Perhaps for this reason, racial minority defendants are more likely to accept plea bargains than White defendants for fear of harsher consequences following trial (Metcalf & Chiricos, 2018).

While the impact of race on sentencing outcomes has been extensively studied, findings are inconsistent. In general, research supports the perspective that minority offenders receive harsher sentences than similarly situated White offenders (Franklin & Henry, 2018; Mitchell, 2005; Wilmot & DeLone, 2010). There are cumulative disadvantages that put minorities (particularly Black, Latino, and Native American) offenders at greater risk of incarceration and longer sentence lengths. Contrastingly, Asian offenders tend to be stereotyped as "model minorities" in that they are viewed as being well-educated and hardworking. It was hypothesized that, for this reason, Asian offenders tend to receive more favorable outcomes at both pretrial and trial stages (Franklin & Henry, 2020). However, in a meta-analysis of studies that investigated the possible influence of race in sentencing that were published after 2010, race/ethnicity did not appear to conclusively impact sentencing outcomes. However, it did appear that race/ethnicity disparities emerged in sentencing outcomes in that Black, Latino and Native American offenders received harsher sentences than White offenders. In contrast, Asian offenders received similar or more lenient sentences (Franklin & Henry, 2020).

Gender in the US Criminal Justice System

Gender disparities in the U.S. criminal justice system have received significant attention within the empirical literature. In 2019, the Bureau of Justice Statistics reported that male incarceration rates decreased by nine percent while female incarceration rates increased by eleven percent, with males continuing to be incarcerated at higher rates than women (Zeng & Minton, 2021). Research suggests that women are given more leniency, especially during the pretrial process (Steffensmeier et al., 1993; Griffin & Wooldredge, 2006; Koons-Witt, 2002; Pinchevsky & Steiner, 2016). In general, women are more likely to be granted pretrial release (Daly, 1989), more likely to be given lower bail amounts (Kruttschnitt, 1984), less likely to be detained before trial (Johnson, 2006), and more likely to receive shorter sentences (Doerner & Demuth, 2010; Goulette et al., 2015) than men.

Some have attempted to study explanations for these outcomes. Overall, women commit significantly less serious crimes (Steffensmeier et al., 1993) and often commit crimes alongside men (Mullins & Wright, 2003). For this reason, researchers have hypothesized that judges may deem females as less blameworthy and/or at low risk of reoffending, treating females more leniently as a result (Griffin & Wooldredge, 2006; Pinchevsky & Steiner, 2016). There is also research suggesting that caring for children explains some of the disparity in pretrial outcomes (Spohn, 1999; Spohn & Beichner, 2000). Judges may view females as caregivers and do not want to prevent them from being able to fulfill their responsibilities or disrupt traditional family dynamics (Koons-Witt, 2002). Additional research suggests that these favorable pretrial outcomes are normally significant for caregivers who provide emotional and financial support to their children regardless of their gender and are not typically seen in those who do not provide those methods of support for their children (Freiburger, 2010). In a study evaluating a sample of

drug and property offense cases, in a county in Pittsburgh, the researchers found that defendants who were living with their children were significantly less likely to be incarcerated than defendants without children, especially when the incarceration would inadvertently increase social costs. Further, defendants who paid child support were significantly at lower risk of being incarcerated than defendants without children (Freiburger, 2011).

Gender disparities exist within trial decisions and sentence lengths as well. Similar to the pretrial outcomes, females generally receive more lenient sentencing outcomes than men (Albonetti, 2012; Griffin & Wooldredge, 2006; Kramer & Ulmer, 2009). Researchers have found that female defendants are significantly less likely to be incarcerated than male defendants (Doerner & Demeuth, 2014; Spohn, 1998). Specifically, the odds of a female defendant being incarcerated have been found to be 42% lower than the odds of a male defendant (Doerner & Demuth, 2010). Female defendants are also more likely to receive shorter sentences than similarly-situated males following conviction (Jeffries et al., 2003; Koons-Witt et al., 2014). Furthermore, on average, female defendants receive prison sentences approximately seven months shorter than male defendants (Steffensmeier & Motivans, 2000). Speculative explanations for these disparities include a belief that females are at lesser risk for recidivism and are less dangerous (Doerner & Demuth, 2014; Pollock-Byne, 1990). As a result, judges may perceive females as more deserving of reduced sentences than males (Spohn, 2008).

The Intersectionality of Race, Gender, and Other Contributing Factors

Recently, research has shifted towards evaluating the intersectionality of race, gender, and other various contributing factors, and with each added factor, some individuals are at increased risk for experiencing disadvantageous outcomes across the criminal justice system.

Below, I will review the empirical findings related to the intersectionality of race and gender, race and age, and race, gender, and crime severity on criminal justice system outcomes.

Race and Gender

Racial minorities and males experience differential outcomes in both the pretrial and trial process. The interaction of these two demographic features puts some, particularly Black males, at an even greater disadvantage than is true of each demographic characteristic on its own (Freiburger & Sheeran, 2020). To illustrate, Black males are at a significant disadvantage in the plea-bargaining process because they receive plea offers that are objectively worse than is true of any other racial group and Black females, leaving Black males more likely to go to trial and at greater risk of receiving a harsher punishment (Metcalf & Chiricos, 2018). Additional research suggests that Black males are also less likely than other groups to receive sentences of probation than jail (Freiburger & Hilinski, 2013; Harrington & Spohn, 2007). Black females are given higher bond amounts and are more likely to be sentenced to prison than are White females (Goulette et al., 2015).

Similar patterns characterize trial outcomes as well. Black and Hispanic males are treated more harshly than any females of any race and White males, in that these individuals are less likely to be granted substantial assistance departures and more likely to receive sentences that are longer than those suggested by the sentence guidelines (Spohn & Brennan, 2011). Further, Black males are not only twice as likely to face charges with mandatory minimum sentences, but also are generally incarcerated at seven times the rate as White males with similar crimes (Rehavi & Starr, 2012; Starr & Rehavi, 2013). Additionally, Black males are more likely to receive sentence lengths that are greater than the statutorily-recommended minimum (Mustard, 2001). These disparities are less consistent in comparisons between females of differing racial identities. Some

suggest that White females receive more favorable outcomes than racial minority females (Crawford, 2000; Steffensmeier et al., 1998), while others have found that Black female defendants are found to receive the most lenient outcomes than any other racial minority and White females (Spohn & Beichner, 2000; Steffensmeier & Demuth, 2006). However, in more current research, Black and Latina female defendants are more likely to be given a sentence that is higher than the minimum (Warren et al., 2020). These dissimilar findings suggest that are racial disparities among outcomes for females within the criminal justice system, though additional research is needed to determine the most prevalent and consistent sources of bias.

Gender and Age

The interaction between gender and age has seldom been researched independently within the literature. Instead, most research evaluates intersectionality of race, gender, and age, as these factors in combination predict individuals' movement through the criminal justice system. However, some patterns have emerged regarding the interaction between gender and age. Young men are at a particular higher risk for experiencing more negative outcomes in both pretrial and trial phases than middle-aged or older men or females (Steffensmeier et al., 1998). Young men also exhibit higher bail amounts and receive longer sentences than older men and woman from all age groups (Doerner & Demuth, 2014; Turner & Johnson, 2006). Specifically, men older than sixty received sentences that were 17% shorter than was true of younger male defendants (Doerner & Demuth, 2010). Further, women in certain age ranges appear to experience more lenient outcomes: women younger than 21 or older than 49 were more likely to be granted bail and less likely to be held on bail than women between the ages of 21 and 29 (Pinchevsky & Steiner, 2016). This suggests that women who are younger or older than the majority of defendants within the criminal justice system are more likely to be granted leniency

with similar crimes, perhaps because judges perceive them as less able to handle the stressors of incarceration (Steffensmeier et al., 1998).

Race and Age

Ample research suggests that age is an additional factor that predicts poorer outcomes for racial minorities in both pretrial and trial outcomes. Justice-involved persons who are under twenty and over fifty years of age are the least likely to be incarcerated; however, those who are in the 21 to 29 age range are the most likely to be incarcerated (Steffensmeier et al., 1998). In particular, young Black and Hispanic males are more likely to be incarcerated than young White males who committed similar crimes (Kramer & Ulmer, 2009; Warren et al., 2012). Young Black males are at an increased risk for other disadvantaged pretrial outcomes as well. In an evaluation of felony case processing from the United States Bureau of the Census, Black males who were 19 to 29 years old had bond amounts that were approximately \$3,500 higher, and were 68% more likely to be detained prior to trial than any other suspect (Wooldredge et al., 2015). This suggests that young Black males may be more likely to experience cumulative disadvantages prior to and during their trial partially because they are unable to post bail.

Others have focused on the intersectionality of race, gender, and age on sentencing outcomes. Justice-involved members of racial minority groups are more likely to receive harsher sentencing outcomes, and especially so for young males (Doerner & Demuth, 2010; Warren et al., 2012). A recent meta-analysis revealed that 70% of studies evaluating race, age, and gender concluded that young Black males were sentenced more harshly than young White males. Similarly, 80% of studies evaluating young Latino males found that they were sentenced more harshly than their White counterparts (Franklin, 2018). Young Black males are more likely to be sentenced to jail than probation, whereas young White males are more likely to be sentenced to

probation (Freiburger & Hilinski, 2013). Overall, that the literature suggests that the cumulative nature of racial disparities in bond amounts, pretrial detention, and prison sentences not only appears to be biased against defendants who identify as racial minorities, but this effect is intensified once the defendant's age and sex are also considered (Wooldredge et al., 2015).

Criminal History and Crime Severity

A great deal of research has explored the impact of prior criminal history and justice system involvement on processing current charges. Though criminal history can influence the severity of the punishment for any racial or gender group, racial and gender bias may also influence prior involvement with the justice system. Black defendants, in particular, tend to have more extensive prior criminal records, are more likely to be detained, and receive longer sentences (Albonetti, 2012; Metcalfe & Chiricos, 2018; Welch, Gruhl & Spohn, 1984). Additionally, recent research highlights the interaction between race and severity of criminal history and its impact on sentencing outcomes. For example, justice-involved people who are Black, Latino, and Native American receive harsher treatment with low levels of prior criminal history, but relatively similar treatment with a more extensive criminal history in comparison with their White counterparts (Franklin & Henry, 2020). Gender disparities follow a similar trend. Females with little to no prior criminal history are more likely to experience leniency in sentencing outcomes, whereas females with a more extensive criminal history are treated more harshly than their male counterparts in incarceration decisions and sentencing length (Koons-Witt et al., 2014; Tillyer et al., 2015).

The nature and severity of different types of crimes predict courtroom outcomes. Moreover, the seriousness of the case seems to mitigate ambiguity about appropriate punishment, particularly with regard to applying mandatory minimum sentences, with more serious cases

evidencing more consistent sentencing lengths. In contrast, less serious cases are marked by greater ambiguity about appropriate punishment and are more subject to judicial discretion, potentially making defendants more susceptible to discrepancies in sentence length that could be subject to race and gender biases (Steen et al., 2005; Spohn & Cederblom, 1991). In one study evaluating defendants who were charged with misdemeanors and felonies in New York City, Black and Latino defendants were more likely than similarly-situated White defendants to receive more punitive combinations of criminal case processing outcomes. Further, Black and Latino defendants appeared to have fewer occurrences of lenient outcomes (i.e., case dismissal, no pretrial detention, and favorable plea deal offers) than White defendants with both misdemeanor and felony crimes. In contrast, Asian defendants received the most favorable outcomes (Kutateladze et al., 2014). Similarly, in an empirical evaluation of arrest records in New York State from 1990 to 2010, Black individuals were more likely to be arrested for serious offenses than White individuals that committed similar offenses (Kim & Kiesel, 2018).

Examinations of gender disparities in crime severity portray a different pattern. Males and females who commit less serious crimes are perceived to be of equal blame and seen as a similar threat to the community. However, once the severity of the crime increases, males appear to be treated more harshly than females with regard to both incarceration and sentence length decisions (Koons-Witt et al., 2014). This perhaps suggests that prior criminal history and crime severity create an increased risk for disadvantaged pretrial and trial outcomes for any justice-involved persons, but if there is the addition of racial and gender bias, they may intensify the likelihood that people will experience these outcomes.

Current Study

Background

The current study focuses on a national data sample containing information related to criminal justice processing from 12 different states from 1964-1990. This particular time period is significant, as it is known for the initiation of sweeping crime control laws and subsequent mass incarceration that had a particular impact on individuals who represent racial minorities in the U.S. More specifically, in 1971, the U.S. government initiated a campaign in hopes of controlling drug use and production also known as the “War on Drugs” (Kappeler & Potter, 2004). The aim of the “War on Drugs” was ostensibly to control crime rates within the U.S. and get “dangerous” drug dealers and users off of the streets. The U.S. spent billions of dollars dedicated to the war on drugs and drug-war related programs; however, drug usage and production in America did not subside. In fact, drugs were sold at increased rates, drug production within America increased due to the government’s attempts to control drugs at the border, and the quality of drugs improved overall. Unfortunately, the “War on Drugs” resulted in mass incarceration, an expansion of law enforcement power, and over-populated jails and prisons that were filled with nonviolent offenders due to mandatory minimum sentencing drug laws (Kappeler & Potter, 2004).

This drug war most differentially impacted Black individuals and women, as they appear to be those most subject to bias within the criminal justice system during that time. In 2002, 32.5% of individuals arrested for drugs were Black even though Black individuals only made up 15% of the nation’s drug users (Sentencing Project, 2001). Not only were Black individuals more likely to be arrested for drug offenses, they were also more likely to spend additional time in federal prison than White individuals. It was found that 60% of Black males in federal prison

were serving time for drug offenses, with an average time of 52.4 months, while White males served an average of 36.4 months (Pastore & Maguire, 2003). Similar patterns occur among women. From 1984 to 1991, the female inmate population serving time for drug offenses jumped from 12% to 32.8% (Snell, 1994). These rates appeared to be even higher in Black females, specifically. Between 1986 and 1991, there was an 828% increase in drug charges and state incarceration for Black women, which was higher than in any other ethnic and gender group (Kappeler & Potter, 2004).

The impact of the drug war does not stop at only the judicial level. In light of mandatory minimum sentencing and strict drug law enforcement, many women became single mothers when their children's fathers were incarcerated. Due to civil forfeiture laws, individuals lost homes, cars, any funds in their bank accounts, any funds in their homes, as well as many other possessions. As a result, children also lost places to live, money to care for their needs, and their mothers and fathers to incarceration. Justice-involved individuals during the drug war era also lost voting rights and found it difficult to transition back into the community once they were done serving their sentence. Since drug war laws were enforced disproportionately, the individuals who disproportionately experienced these outcomes were racial minorities (Kappeler & Potter, 2004).

Aims and Hypotheses

The current study aims to evaluate the intersectionality of race, gender, and age on justice system processing and outcomes that have occurred during an era that was known for mass incarceration disproportionately impacting marginalized groups. Further, this study aspires to shed light on the disparities that occurred during this time period in order to better explain the same disparities that are seen within the criminal justice and correctional systems today. There

have been numerous studies evaluating racial, gender, and age disparities within trial outcomes, but few have examined pretrial and trial outcomes simultaneously. For this reason, this study intends to evaluate whether there are disparities throughout the entire criminal justice process, from initial arrest through to eventual sentencing. An overarching research aim of this study is to determine the ability of race, gender, age, and the intersection of these characteristics to predict criminal justice system processing and eventual outcomes for defendants.

- Hypothesis 1 – It is hypothesized that young males who are Black, Native American or Hispanic will evidence different pretrial experiences in processing through the criminal justice system than females, White or Asian males, and older racial minority males who committed similar crimes. This will result in differences for male defendants in length of time between each system point, changes in charges across the processing period, and whether or not charges are dismissed prior to trial or plea bargaining for similar crimes.
- Hypothesis 2 – It is hypothesized that females who are Black, Native American or Hispanic will evidence different pretrial experiences in processing through the criminal justice system than White or Asian females who have committed similar crimes. Specifically, crimes that are violent or drug-related. This will result in differences for female defendants in length of time between each system point, changes in charges across the processing period, and whether or not charges are dismissed prior to trial or plea bargaining for violent or drug-related crimes.
- Hypothesis 3 – It is hypothesized that young (aged 18-25) Black, Native American and Hispanic male defendants will be more often convicted overall and convicted through plea bargaining, in addition to being given harsher sanctions than young White defendants who have committed similar crimes.

- Hypothesis 4 – It is hypothesized that female defendants will experience less punitive sanctions from the criminal justice system than male defendants, but that Black, Hispanic and Native American female defendants will experience more punitive sanctions than their White or Asian counterparts.

Chapter 2. Methods

The current study evaluates a data sample collected by the Inter-university Consortium for Political and Social Research (ICPSR). The Offender Based Transaction Statistics (OBTS) Series is a group of studies designed to track individuals involved with the adult criminal justice system in 12 U.S. states from initial arrest through final disposition of charges. These studies provide information about various points throughout the criminal justice process including variables such as the following: arrest charges, police action, prosecutor action, level of charges, charges filed by the prosecutor, type of counsel, pretrial status, type of trial, sentence type, and sentence length. Each state collected their own data and provided it to OBTS. In this particular sample, only individuals that reached final disposition by 1990 were considered as candidates for this study. Initial charges were dated as early as the late 1970s for some within the sample.

Participants

The sample ($N = 701,405$) consisted of 596,236 males and 105,169 females. Their mean age was 28.89 years at the time of arrest ($SD = 9.04$; range: 18-90 years). The sample was rather diverse with regards to race and ethnicity: (57.2%) Caucasian, (39%) African-American, (6.6%) Hispanic, (.3%) Native American, and (.3%) Asian. The majority were from California (35.6%), while others were from New York (23.5%), Pennsylvania (13.7%), New Jersey (8.5%), Virginia (6.9%), Missouri (4%), Alabama (3.9%), Minnesota (1.7%), Nebraska (1.1%), Alaska (.5%), Vermont (.3%), and Idaho (.2%). Individuals within this sample had a mean of 1.85 charged offenses each ($SD = 2.28$; range: 1-98 charges). The majority of these charges were felonies (99.9%), with a minimal proportion misdemeanors (.1%). The average number of days that lapsed between the day of arrest and the day the police coded the charge was 6.14 days ($SD = 41.95$; range: 0-3,652 days).

The average number of charges given by the prosecutor at the prosecutor disposition stage was 1.46 ($SD = 2.64$; range: 0-98 charges). The majority of these charges were unspecified (44.7%) or felony charges (37.8%), with others receiving misdemeanor charges (.9%), other charges (2%), charges that the prosecution did not wish to pursue (10.5%), no true bill (.6%), were not prosecuted for a reason that was unknown (<.1%), or were dismissed by either the prosecutor or the grand jury (3.5%). The average number of days that lapsed between the arrest date and the date that the prosecutor and/or grand jury coded the charges was 55.9 days ($SD = 157.51$; range: 0-6,853 days).

During the trial process, individuals within this sample on average were facing 1.46 charges in court ($SD = 2.03$; range: 1-98 charges). Most were felony charges (56.6%), with others facing misdemeanor (21.2%) or other level charges (5.4%). More than half of the sample was eventually convicted (60.5%), while others were given probation (2.6%), found not guilty by reason of insanity (<.1%), acquitted (1%), dismissed (16.3%), off calendar (<.1%), guilty but mentally ill (<.1%), nolle prosequi (2.6%), or were given some other disposition (2.3%). The average number of charges settled via conviction was .79 ($SD = 1.14$; range: 0-98 offenses). The average number of days that lapsed between the arrest date and the final court date was 190.1 days ($SD = 276.03$; range: 0-9,343 days). There was an almost equal number of individuals who were tried in upper (35.4%) and lower (35.6%) courts. The average number of days that lapsed between the arrest date and the sentencing date was 182.48 days ($Mdn = 112$; $SD = 244.75$; range: 0-9,343 days), accounting also for sentencing that occurred as the result of a plea bargain.

Of those convicted, sentencing dispositions varied widely. Many were sentenced to jail and probation (16%), while others received prison (13.1%), jail (13.2%), probation (8.2%), fines only (3.4%), probation with their prison or jail sentence suspended (3.1%), jail with restitution

(.4%), probation with restitution (.4%), prison with restitution (.1%), fine with their prison or jail sentence suspended (.1%), their entire sentence suspended (.1%), fine and restitution (.1%), deferred sentence (<.1%), death (<.1%), and residential community (<.1%). There were also many who were not convicted (22.3%). Additionally, sentencing lengths ranged greatly among individuals who were convicted and received some form of incarceration time. For individuals who received a sentencing length in years, the average amount ranged from 44.77 minimum years ($SD = 177.02$; range: 0-777 years) to 51.72 maximum years ($SD = 187.21$; range: 0-777 years). Similarly, individuals in this sample received an average amount of 6.4 minimum months ($SD = 18.44$; range: 0-90) to 7.56 maximum months ($SD = 19.45$; range: 0 - 96).

Procedures

Archival data were obtained from the ICPSR online data repository and downloaded as an SPSS file. Coding schemes and definitions were similarly obtained from the ICPSR website. The data obtained were fully deidentified. The ETSU Campus IRB has determined that this project does not require IRB review. Data were coded and cleaned using SPSS version 28. Variables of interest include the following: 1) race, age, and gender; 2) violent non-sexual, sexual, non-violent property, and drug- and alcohol-related charges; 3) level of charge; 4) charges at arrest, trial, and final disposition; 5) lengths of time that lapsed between each stage in the criminal justice system; 6) dismissal, plea bargaining, and conviction; and 7) final sentencing length for those convicted. Descriptive data for charge type are provided in Table 1.

Table 1

Offense Charges, by Category

Offense Type	<i>n</i> , initial arrest charges	<i>n</i> , pled guilty w/o trial	<i>n</i> , trial charges	<i>n</i> , final disposition charges
Violent, non-sexual offenses	172,376	22,599	28,588	66,047

Table 1 (continued)

Willful homicides	6628	794	1177	3444
Homicide Manslaughter	438	112	169	346
Kidnapping	3949	649	678	764
Aggravated Assault	9316	3629	2599	2132
Simple / Other Assault	71,105	8772	10,710	26,270
Intimidation	3002	1039	1354	566
Arson, violent	30	6	1	3
Robbery	49,407	4427	5894	16,018
Weapon Offenses	28,501	3171	6006	16,504
Sexual offenses	119,070	3143	4188	9453
Sexual offenses against children	3196	560	622	2215
Sexual offenses against adults	4872	435	544	1050
Other sexual offenses	11,1002	2148	3022	6188
Non-violent property offenses	251,665	37,560	41,841	148,927
Arson, non-violent property	2100	469	384	938
Burglary	75,169	11,261	11,011	31,908
Larceny/Theft	103,935	15,756	15,814	70,762
Forgery/ Fraud/Embezzlement	34,325	5155	5326	19,521
Stolen/Damaged Property	36,136	4919	9306	25,798
Drug & alcohol offenses	189,760	20,879	23,507	117,002

Analytic Plan

I primarily utilized a series of chi-squares and linear regression analyses to investigate each of my hypotheses, as described in greater detail below. All analyses were conducted using SPSS version 28.

Hypothesis 1. To evaluate pretrial experiences across the different age, race, and gender groups, a series of chi-square were used. All analyses used four groups of offenses as the dependent variable: 1) violent, non-sexual offenses; 2) sexual offenses; 3) non-violent property offenses; and 4) drug- and alcohol-related offenses. These groups only reflected charges that were assigned at the time of arrest. Firstly, I looked at differences between each racial group among males only. Next, I evaluated differences between male and female participants by

specific racial groups (Black, Hispanic, and Native American). Lastly, age groups (10-25, 26-44, 45+) were compared by specific racial groups (Black, Hispanic, and Native American).

Additional analyses were conducted to evaluate outcomes in males only. To evaluate the length of time between the different processing points, an ANOVA was used. Racial groups were used as the independent variable with three different time-point dependent variables: 1) arrest to police charge; 2) arrest to trial; 3) arrest to final disposition. Next, a chi-square analysis was used to evaluate the impact of race on changes in charge severity. Additionally, the impact of race on dismissal of charges was also examined by a chi-square analysis.

Hypothesis 2. To evaluate pre-trial outcomes among females specifically, a series of chi-square and ANOVA analyses were used. Firstly, to look at differences in charges among different racial groups, a chi-square analysis was used. The outcome variables included: 1) violent, non-sexual offenses and 2) drug- and alcohol-related offenses. Similar to the previous hypothesis, an ANOVA was used to evaluate the length of time between different processing points. Racial groups were used as the independent variable with three different time-point outcomes: 1) arrest to police charge; 2) arrest to trial; 3) arrest to final disposition. Additionally, the impact of race on changes in charge severity and dismissal of charges were both evaluated by chi-square analyses.

Hypothesis 3. To evaluate differences in conviction outcomes in males, a series of chi-square and linear regression analyses were used. Each of these analyses looked at four different groups of outcomes: 1) violent, non-sexual offenses; 2) sexual offenses; 3) non-violent property offenses; and 4) drug- and alcohol-related offenses. These groups reflected charges given at the time of arrest. Firstly, the occurrence of conviction within White, Black, Hispanic, and Native American participants were evaluated through a chi-square analysis. Next, the occurrence of plea

bargaining within the same racial groups were also examined by a chi-square analysis. Lastly, a linear regression analysis was used to compare lengths of final sentence within these same racial groups.

Hypothesis 4. To evaluate sentencing outcomes in females, a series of linear regression analyses were used. Both of these analyses looked at three different groups of outcomes: 1) violent, non-sexual offenses; 2) non-violent property offenses; and 3) drug- and alcohol-related offenses. These groups reflect charges given at the time of arrest. Two linear regressions were used to evaluate the impact of gender on sentence length as well as the impact of race on sentencing length among females.

Chapter 3. Results

Data describing crime type at time of arrest across race and gender were available for 175,258 cases. Group differences were significant ($\chi^2 = 13,741.87, p < .001$). Results indicated there were more males arrested than females, with property crimes the most prevalent in both populations. Further, results showed that there were a greater number of Black (51.5%) and Hispanic (28.1%) individuals within the sample than any other racial group. Similar patterns emerged within males, as the sample consisted of 50.8% Black males and 28.8% Hispanic males. This pattern was true also for females, with over half the female sample consisting of Black (56.1%) and Hispanic (28.1%) females (see Table 2). In order to examine crime type at arrest by race and age, data were available for 175,262 cases, with the overall model being significant ($\chi^2 = 13,741.47, p < .001$). The majority of the sample consisted of young (aged 10-25) individuals ($n = 89,690$), a large proportion of whom were Black ($n = 40,275$; 26.6% of the overall sample). Within the youngest age group, the majority of young Black individuals had a violent crime charge, while the majority of Hispanic individuals had drug- and alcohol-related charges. Further, the majority of young White, Asian, and Native American individuals had property crime charges. Similar patterns were noted in the middle (26-44) and the older (45+) age groups. The only significant difference within the older group was that older Native American individuals had more often been charged with a violent crime than in any other group; however, the numbers were significantly lower in this group than all other groups overall (see Table 3).

Table 2

Chi-Square Analysis Evaluating Race and Gender Within Crime Type at Arrest

Race		Total		Females		Males	
		<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
White	Violent non-sexual	8,749	5%	774	3.5%	7,975	5.2%

Table 2 (continued)

	Sexual	1,323	0.8%	34	0.2%	1,289	0.8%
	Non-violent property	19,324	11%	2,537	11.5%	16,787	11%
	Drug and alcohol	4,850	2.8%	920	4.2%	3,930	2.6%
Total		34,246	19.5%	4,265	19.3%	29,981	19.6%
Black							
	Violent non-sexual	34,432	19.6%	4,343	19.7%	30,089	19.6%
	Sexual	1,731	1%	19	0.1%	1,712	1.1%
	Non-violent property	26,542	15.1%	3,400	15.4%	23,142	15.1%
	Drug and alcohol	27,528	15.7%	4,621	21%	22,907	15%
Total		90,233	51.5%	12,383	56.1%	77,850	50.8%
Native American							
	Violent non-sexual	15	0%	0	0%	15	0%
	Sexual	0	0%	0	0%	0	0%
	Non-violent property	22	0%	4	0%	18	0%
	Drug and alcohol	1	0%	0	0%	1	0%
Total		38	0%	4	0%	34	0%
Asian							
	Violent non-sexual	327	0.2%	29	0.1%	298	0.2%
	Sexual	51	0%	2	0%	49	0%
	Non-violent property	787	0.4%	180	0.8%	607	0.4%
	Drug and alcohol	358	0.2%	46	0.2%	312	0.2%
Total		1,523	0.9%	257	1.2%	1,266	0.8%
Hispanic							
	Violent non-sexual	14,091	8%	1,092	5%	12,999	8.5%
	Sexual	640	.4%	4	0%	636	.4%
	Non-violent property	13,751	7.8%	1,098	5%	12,653	8.3%
	Drug and alcohol	20,736	11.8%	2,951	13.4%	17,785	11.6%
Total		49,218	28.1%	5,145	23.3%	44,073	28.8%

Table 3*Chi-Square Analysis Evaluating Race and Age Within Crime Type at Arrest*

		Total		10 - 25		26 - 44		45+	
Race		<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
White									
	Violent non-sexual	8,749	15.2%	4,219	7.3%	3,919	6.8%	611	1.1%
	Sexual	1,323	35.3%	481	12.8%	638	17%	204	5.4%
	Non-violent property	19,324	32%	11,224	18.6%	7,212	11.9%	888	1.5%
	Drug and alcohol	4,850	9.1%	1,946	3.6%	2,717	5.1%	187	0.3%
Total		34,246	19.5%	17,870	10.2%	14,486	8.3%	1,890	1.1%
Black									
	Violent non-sexual	34,432	59.8%	19,501	33.8%	13,362	23.2%	1,569	2.7%
	Sexual	1,731	46.2%	722	19.3%	880	23.5%	129	3.4%
	Non-violent property	26,543	43.9%	13,111	21.7%	12,583	20.8%	849	1.4%
	Drug and alcohol	27,528	51.5%	13,208	24.7%	13,450	25.2%	870	1.6%
Total		90,234	51.5%	40,275	26.6%	40,275	23%	3,417	1.9%

Table 3 (continued)

Native American	Violent non-sexual	15	0%	4	0%	9	0%	2	0%
	Sexual	0	0%	0	0%	0	0%	0	0%
	Non-violent property	22	0%	8	0%	13	0%	1	0%
	Drug and alcohol	1	0%	1	0%	0	0%	0	0%
	Total	38	0%	13	0%	22	0%	3	0%
Asian	Violent non-sexual	327	0.6%	184	0.3%	123	0.2%	20	0%
	Sexual	51	1.4%	16	0.4%	25	0.7%	10	0.3%
	Non-violent property	787	1.3%	429	0.7%	299	0.5%	59	0.1%
	Drug and alcohol	358	0.7%	126	0.2%	216	0.4%	16	0%
	Total	1,523	0.9%	755	0.4%	663	0.4%	105	0.1%
Hispanic	Violent non-sexual	14,092	24.5%	7,955	13.8%	5,484	9.5%	653	1.1%
	Sexual	640	17.1%	249	6.6%	313	8.4%	78	2.1%
	Non-violent property	13,752	22.8%	7,596	12.6%	5,781	9.6%	375	0.6%
	Drug and alcohol	20,737	38.8%	8,710	16.3%	11,064	20.7%	963	1.8%
	Total	49,221	28.1%	24,510	14%	22,642	12.9%	2,069	1.2%

ANOVA was used to evaluate differences in length of time that had elapsed between different time points within the pretrial processing stage. With regard to the relationship between race and time elapsed between initial arrest and prosecution disposition, Levene's test indicated unequal variances ($F = 22.150, p < .001$); therefore, results should be interpreted with this in mind. An adjusted ANOVA was calculated via the Brown-Forsythe statistic due to unequal numbers within the racial groups and results indicated that the overall model was significant, $F(3, 1,145.221) = 16.204, p < .001$. Results from the Tukey HSD analysis revealed that White males had significantly more time elapsed between initial arrest and prosecution disposition than Asian ($p < .001$) and Hispanic males ($p < .001$). Additionally, it was found that Black males had significantly more time elapsed between the same time points than Asian ($p < .001$) and Hispanic males ($p < .001$). Lastly, Hispanic males had significantly more time elapsed between each time point than Asian males ($p = .001$). A second ANOVA examined the relationship between race and time lapsed between initial arrest and final court disposition. Again, Levene's test indicated unequal variances ($F = 26.877, p < .001$); therefore, the results of this ANOVA should also be

interpreted with this in mind. An adjusted ANOVA was calculated using the Brown-Forsythe statistic, with a resulting overall model that was significant, $F(4, 5,480.292) = 102.106, p < .001$. White males had significantly more time elapsed between initial arrest and final court disposition than Asian ($p < .001$), Hispanic ($p < .001$), and Black males ($p < .001$). Additionally, Black males had significantly more time elapsed between the same time points than Asian ($p < .001$) and Hispanic males ($p < .001$); see Table 4. Due to missing data, we were unable to determine the relationship between race and time elapsed between initial arrest and police disposition.

Table 4

One-Way ANOVA Evaluating Race and Length Between Prosecution and Final Court Disposition in Males

			<i>Mean Difference</i>	<i>SE</i>	<i>p</i>	<i>95% CI</i> <i>Lower</i> <i>Upper</i>		
Prosecution								
	White	Black	13.17	10.19	.568	-13.02	39.37	
		Asian	111.85***	20.27	<.001	59.77	163.94	
		Hispanic	42.23***	11.05	<.001	13.83	70.63	
	Black	White	-13.17	10.19	.568	-39.37	13.02	
		Asian	98.68***	18.42	<.001	51.36	146.01	
		Hispanic	29.06***	7.103	<.001	10.81	47.31	
	Asian	White	-111.85***	20.28	<.001	-163.94	-59.77	
		Black	-98.68***	18.42	<.001	-146.01	-51.36	
		Hispanic	-69.62***	18.90	.001	-118.20	-21.05	
	Hispanic	White	-42.23***	11.05	<.001	-70.63	-13.83	
		Black	-29.06***	7.10	<.001	-47.31	-10.81	
		Asian	69.62***	18.90	.001	21.05	118.20	
	Final Court							
		White	Black	20.71***	2.17	<.001	14.79	26.62
Native American			54.96	53.27	.841	-90.36	200.27	
Asian			63.86***	9.47	<.001	38.02	89.70	
Hispanic			39.48***	2.40	<.001	32.93	46.03	

Table 4 (continued)

Black	White	-20.71***	2.17	<.001	-26.62	-14.79
	Native American	34.25	53.25	.968	-111.02	179.52
	Asian	43.15***	9.38	<.001	17.57	68.73
	Hispanic	18.78***	1.99	<.001	-24.20	13.35
Native American	White	-54.96	53.27	.841	-200.27	90.36
	Black	-34.25	53.25	.968	-179.52	111.02
	Asian	8.90	54.05	1.00	-138.53	156.33
	Hispanic	-15.47	53.26	.998	-160.77	129.82
Asian	White	-63.86***	9.47	<.001	-89.70	-38.02
	Black	-43.15***	9.38	<.001	-68.73	-17.57
	Native American	-8.90	54.05	1.00	-156.33	138.53
	Hispanic	-24.38	9.44	.073	-50.11	1.36
Hispanic	White	-39.48***	2.40	<.001	-46.03	-32.93
	Black	-18.78***	1.99	<.001	13.35	24.20
	Native American	15.47	53.26	.998	-129.82	160.77
	Asian	24.38	9.44	.073	-1.36	50.11

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Time elapsed between differing processing points was evaluated in the female population using ANOVA as well. Levene's test analyses indicated unequal variances ($F = 10.884$, $p < .001$). For this reason, results of this ANOVA should be interpreted with this in mind. An adjusted ANOVA was calculated via the Brown-Forsythe statistic due to unequal numbers in racial groups, and results indicated that the overall model was significant, $F(4, 1,702.380) = 14.969$, $p < .001$. Results from the Tukey HSD analysis revealed that White females had significantly more time elapsed between initial arrest and final disposition than Hispanic females ($p < .001$). Additionally, Black females had significantly more time elapsed between the same time points than Hispanic females ($p < .001$); see Table 5. Due to missing data, the relationships between race and the time elapsed between initial arrest and police disposition, as well as initial arrest and court disposition were unable to be determined.

Table 5*One-Way ANOVA Using Race and Length Between Final Court Disposition in Females*

		Mean Difference	SE	p	95% CI Lower Upper	
Final Court						
Final Court	White					
	Black	1.36	6.20	.999	-15.55	18.27
	Native American	119.79	159.62	.944	-315.66	555.23
	Asian	46.50	22.23	.224	-14.14	107.14
	Hispanic	32.95***	7.22	<.001	13.26	52.64
	Black					
	White	-1.36	6.20	.999	-18.27	15.55
	Native American	118.43	159.62	.947	-316.87	553.72
	Asian	45.14	21.83	.234	-14.42	104.69
	Hispanic	31.59***	5.88	<.001	15.55	47.62
	Native American					
	White	-119.79	159.62	.944	-555.23	315.66
	Black	-118.43	159.62	.947	-553.72	316.87
	Asian	-73.29	160.99	.991	-512.46	365.88
	Hispanic	-86.84	159.61	.983	-522.25	348.57
	Asian					
	White	-46.50	22.23	.224	-107.14	14.14
	Black	-45.14	21.83	.234	-104.69	14.42
	Native American	73.29	160.99	.991	-365.88	512.46
	Hispanic	-13.55	22.14	.973	-73.95	46.85
	Hispanic					
	White	-32.95***	7.22	<.001	-52.64	-13.26
	Black	-31.59***	5.88	<.001	-47.62	-15.55
	Native American	86.84	159.61	.983	-348.57	522.25
	Asian	13.55	22.14	.973	-46.85	73.95

* p < 0.05, ** p < 0.01, *** p < 0.001

A series of Pearson chi-square analyses were used to determine how race and gender may differ during court stages of criminal justice processing. With regard to the relationship between final plea and gender, data were available for 621,835 cases with the overall model significant ($\chi^2 = 223.516$, $p < .001$). The majority of the sample entered a plea bargain during their final plea ($n = 468,746$), consisting of 75.4% of the overall sample. Of those who did not enter a plea bargain, the majority of these pled guilty (male $n = 98,678$; female $n = 13,461$); see Table 6. Due to missing data, analyses evaluating final pleas within the different racial groups could not be

reliably conducted. Another chi-square analysis was intended to identify the relationship between charge level and gender between different time points. As a result of missing data, the relationship between court charge level and gender was the only relationship that could be evaluated. Data were available for 178,009 cases, with the overall model significant ($\chi^2 = 2,085.416, p < .001$). The majority of the sample received felony level charges at court disposition ($n = 84,559$) with over half consisting of males ($n = 74,860$). Within males, more felony level charges were assigned to Black ($n = 38,010$) and Hispanic ($n = 22,407$) males. Similar patterns occurred in both the misdemeanor and other level categories. This was also true of the female sample, with the majority consisting of Black females receiving felony level charges at court disposition ($n = 5,225$); see Table 7.

Table 6

Chi-Square Analysis Evaluating Final Plea Within Gender

Final Plea	Total		Males		Females	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Not guilty	49,380	7.9%	41,393	6.7%	7,987	1.3%
Guilty	98,678	15.9%	85,217	13.7%	13,461	2.2%
Nolo contendere	1,960	0.3%	1,651	0.3%	309	0%
Other	3,071	0.5%	2,504	0.4%	567	0.1%
Plea Bargain	468,746	75.4%	398,343	64.1%	70,403	11.3%

Table 7

Chi-Square Analysis Evaluating Court-level Charge Level Within Gender

	Felony		Misdemeanor		Other	
	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
Males						
White	13,513	8.7%	15,456	9.9%	5,030	3.2%
Black	38,010	24.4%	27,946	17.9%	10,436	6.7%

Table 7 (continued)

	Native American	35	0%	1	0%	5	0%
	Asian	895	0.6%	370	0.2%	0	0%
	Hispanic	22,407	14.4%	14,713	9.4%	6,902	4.4%
Total		74,860	48.1%	58,486	37.6%	22,373	14.4%
Females							
	White	1,685	7.6%	2,193	9.8%	670	3%
	Black	5,225	23.4%	5,006	22.5%	1,960	8.8%
	Native American	4	0%	0	0%	3	0%
	Asian	177	0.8%	91	0.4%	0	0%
	Hispanic	2,608	11.7%	1,769	7.9%	899	4%
Total		9,699	43.5%	9,059	40.6%	3,532	15.8%

In order to evaluate how trial decisions impact various groups, another series of Pearson chi-square analysis was used. First, the model for race, gender, and court disposition for 178,029 cases was significant ($\chi^2 = 44.062.015, p < .001$). The majority of the sample (63.1%) was convicted ($n = 112,320$). Within males, nearly half of the sample (49.1%) were Black males who received some form of conviction ($n = 46,452$). Additionally, among males, 28.3% of the population consisted of Hispanic males ($n = 44,022$) who received some form of conviction ($n = 27,463$). Among females, a similar pattern emerged, with 54.7% of the sample consisting of Black females ($n = 12,191$). Further, a majority of the female sample were convicted, particularly if they were Black ($n = 7,237$) or Hispanic ($n = 3,271$) females; see Table 8. An additional analysis examined the relationship between gender, race, and sentence type. For males, data were available for 155,734 cases, with the overall model being significant ($\chi^2 = 96,005.966, p < .001$). Results indicated that 36.7% did not receive a sentence ($n = 57,199$). As previously noted, nearly half of the sample consisted of Black males ($n = 88,584$). Of those who received a sentence, Black males were more likely to be sentenced to prison ($n = 11,998$) or jail ($n = 20,574$) than any other racial group. In contrast, White males were more likely to be sentenced to probation or

given fines than any other racial group (see Table 9). Analyses of females were similar in that many did not receiving any sentence (38.1%). Over half of those convicted were Black females ($n = 12,191$), with majority of those convicted receiving a jail sentence ($n = 3,321$). Black and Hispanic females were more likely to be sentenced to prison and jail than any other racial group, while White than any other group (see Table 10).

Table 8*Chi-Square Analysis Evaluating Court Disposition in Gender and Race*

		White		Black		Native American		Asian		Hispanic	
Males		<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
	Convicted	23,621	15.2%	46,452	29.8%	32	0%	955	0.6%	27,463	17.6%
	Probation	0	0%	0	0%	9	0%	2	0%	0	0%
	Acquitted	221	0.1%	698	0.4%	1	0%	7	0%	255	0.2%
	Dismissed	9,784	6.3%	28,765	18.5%	0	0%	174	0%	16,132	10.4%
	Noile prosequi	0	0%	0	0%	0	0%	61	0%	0	0%
	Other	373	0.2%	477	0.3%	0	0%	78	0.1%	172	0.1%
	Disposition unknown	0	0%	0	0%	0	0%	1	0%	0	0%
	Disposition unknown; sentence imposed	0	0%	0	0%	0	0%	1	0%	0	0%
Total		33,999	21.8%	76,392	49.1%	42	0%	1,279	0.8%	44,022	28.3%
Females											
	Convicted	3,073	13.8%	7,237	32.5%	5	0%	211	0.9%	3,271	14.7%
	Probation	0	0%	0	0%	2	0%	0	0%	0	0%
	Acquitted	15	0.1%	59	0.3%	0	0%	3	0%	19	0.1%
	Dismissed	1,425	6.4%	4,841	21.7%	0	0%	31	0.1%	1,982	8.9%
	Noile prosequi	0	0%	0	0%	0	0%	6	0%	0	0%
	Other	35	0.2%	54	0.2%	0	0%	20	0.1%	4	0%
	Disposition unknown	0	0%	0	0%	0	0%	1	0%	0	0%

Table 8 (continued)

	Disposition unknown; sentence imposed	0	0%	0	0%	0	0%	1	0%	0	0%
Total		4,548	20.4%	12,191	54.7%	7	0%	273	1.2%	5,276	23.7%

Table 9

Chi-Square Analysis Evaluating Sentence Type in Males Across Race

	Total <i>N</i> = 155,734 $\chi^2 = 96,005.97$ <i>p</i> < .001		White <i>N</i> = 38,547 21.7%		Black <i>N</i> = 88,584 49.8%		Native American <i>N</i> = 49 0%		Asian <i>N</i> = 1,553 0.9%		Hispanic <i>N</i> = 49,301 27.7%	
Death	1	0%	0	0%	0	0%	0	0%	1	0%	0	0%
Prison (with or without fine)	22,549	14.5%	3,083	2%	11,998	7.7%	3	0%	185	0.1%	7,280	4.7%
Prison and restitution	4	0%	0	0%	0	0%	0	0%	4	0%	0	0%
Jail (with or without fine)	40,863	26.2%	8,215	5.3%	20,574	13.2%	15	0%	98	0.1%	11,961	7.7%
Jail and restitution	1	0%	0	0%	0	0%	1	0%	0	0%	0	0%
Probation with prison or jail sentence suspended	23	0%	0	0%	0	0%	9	0%	14	0%	0	0%
Probation (with or without fine)	13,695	8.8%	5,551	3.6%	5,158	3.3%	4	0%	136	0.1%	2,846	1.8%

Table 9 (continued)

Probation and restitution	5	0%	0	0%	0	0%	1	0%	4	0%	0	0%
Fine with prison or jail sentence suspended	1	0%	0	0%	0	0%	1	0%	0	0%	0	0%
Fine only	4,010	2.6%	2,868	1.8%	798	0.5%	4	0%	21	0%	319	0.2%
Other	16,891	10.8%	3,902	2.5%	7,921	5.1%	0	0%	13	0%	5,055	3.2%
Entire sentence suspended	1	0%	0	0%	0	0%	1	0%	0	0%	0	0%
Prison and probation	3	0%	0	0%	0	0%	0	0%	3	0%	0	0%
Jail and probation	480	0.3%	0	0%	0	0%	1	0%	479	0.3%	0	0%
Non-incarceration determined	8	0%	2	0%	3	0%	1	0%	0	0%	2	0%
Not convicted	57,199	36.7%	10,378	6.7%	29,940	19.2%	1	0%	321	0.2%	16,559	10.6%

Table 10*Chi-Square Analysis Evaluating Sentence Type in Females Across Race*

	Total <i>N</i> = 22,295 $\chi^2 = 2653.35$ <i>p</i> < .001		White <i>N</i> = 4,548 20.7%		Black <i>N</i> = 12,191 54.7%		Native American <i>N</i> = 7 0%		Asian <i>N</i> = 273 1.2%		Hispanic <i>N</i> = 5,276 23.7%	
Prison (with or without fine)	1943	8.7%	197	0.9%	1,030	4.6%	0	0%	22	0.1%	694	3.1%
Jail (with or without fine)	5,848	26.2%	900	4%	3,321	14.9%	0	0%	25	0.1%	1,602	7.2%
Probation with prison or jail sentence suspended	4	0%	0	0%	0	0%	2	0%	2	0%	0	0%
Probation (with or without fine)	2,427	10.9%	966	4.3%	1,104	5%	0	0%	38	0%	319	1.4%
Probation and restitution	3	0%	0	0%	0	0%	0	0%	3	0%	0	0%
Fine only	527	2.4%	333	1.5%	135	0.6%	5	0%	10	0%	44	0.2%
Other	2,941	13.2%	677	3%	1,647	7.4%	0	0%	5	0%	612	2.7%
Prison and probation	1	0%	0	0%	0	0%	0	0%	1	0%	0	0%
Jail and probation	104	0.5%	0	0%	0	0%	0	0%	104	0.5%	0	0%
Unknown sentence	2	0%	0	0%	0	0%	0	0%	2	0%	0	0%

Table 10 (continued)

Not convicted	8,495	38.1%	1,475	6.6%	4,954	22.2%	0	0%	61	0.3%	2,005	9%
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A series of logistic regressions were used to determine the relationship between race, gender, and sentence length across the four different types of crimes. The five racial groups were condensed into two groups, based on previous literature: (0) White and Asian and (1) Black, Native American, and Hispanic. The first set of logistic regressions used male participants only. The model examining violent crime charges was statistically significant, ($\chi^2(5) = 320.413, p < .001$), explaining 0.5% of the variance in receiving a violent charge at time of arrest (*Cox & Snell* $R^2 = .005$) and correctly predicting 0.8% of cases (*Nagelkerke* $R^2 = .008$). Black, Native American, and Hispanic males were 1.14 times more likely to be charged with a violent offense at arrest than White or Asian males ($OR = 1.138$). Additionally, males with lengthier minimum sentences in months were 1.04 times more likely to have a violent charge ($OR = 1.037$), and males with lengthier maximum sentences in months were 1.02 times more likely to have a violent charge ($OR = 1.023$). In contrast, results indicated that males with lengthier minimum sentences in years were less likely to have a violent charge ($OR = .995$).

For sexual offense charges, the overall model was statistically significant, ($\chi^2(5) = 531.709, p < .001$), explaining 0.9% of the variance in receiving a sexual charge (*Cox & Snell* $R^2 = .009$) and correctly predicting 5.1% of cases (*Nagelkerke* $R^2 = .051$). Black, Native American, and Hispanic males were less likely to receive a sexual offense charge at arrest than White and Asian males ($OR = .236$). Males with lengthier minimum sentences in months were 1.05 times more likely to be given a sexual charge ($OR = 1.053$), and males with lengthier maximum sentences in years were 1.01 times more likely to have a sexual offense charge ($OR = 1.005$). Further, males with lengthier minimum sentences in years ($OR = .996$) and maximum sentences in months ($OR = .937$) were less likely to receive sexual offense charges at arrest.

The overall model describing property crime charges was statistically significant, ($\chi^2 (5) = 3,322.169, p < .001$), explaining 5.4% of the variance in receiving a property crime charge at arrest (*Cox & Snell* $R^2 = .054$) and correctly predicting 7.5% of cases (*Nagelkerke* $R^2 = .075$). Black, Native American, and Hispanic males were less likely to receive a property crime charge at arrest than White and Asian males ($OR = .321$). Males with lengthier minimum sentences in years were 1.01 times more likely to be receive a property crime charge ($OR = 1.012$), and males with lengthier maximum sentences in months were 1.06 times more likely to have a property crime charge ($OR = 1.058$). Further, males with longer minimum sentences in months ($OR = .940$) and maximum sentences in years ($OR = .989$) were less likely to receive property crime charges at arrest.

Lastly, the overall model examining drug- and alcohol-related crimes was statistically significant, ($\chi^2 (5) = 3,147.983, p < .001$), explaining 5.1% of the variance in receiving a drug charge at arrest (*Cox & Snell* $R^2 = .051$) and correctly predicting 6.8% of cases (*Nagelkerke* $R^2 = .068$). Black, Native American, and Hispanic males were 3.78 times more likely to receive a drug and alcohol charge at arrest than White and Asian males ($OR = 3.783$). Males with longer minimum sentences in months were 1.01 times more likely to receive a drug or alcohol charge ($OR = 1.014$). Additionally, males with longer maximum sentences in years were 1.01 times more likely to have a drug or alcohol charge ($OR = 1.009$). Further, males with longer minimum sentences in years ($OR = .997$) and maximum sentences in months ($OR = .927$) were less likely to receive drug and alcohol charges at arrest; see Table 11.

Table 11

Logistic Regression Analyses Evaluating Crime Type at Arrest in Males in Different Racial Groups

		<i>b</i>	<i>SE</i>	Wald	<i>p</i>	Odds Ratio	<i>95% CI</i> <i>Lower</i> <i>Upper</i>	
Violent	Constant	-1.189***	.024	2,373.30	<.001	.304	---	---
	Race Groups (1)	.129***	.026	24.94	<.001	1.138	1.082	1.197
	Minimum months	.036***	.005	53.40	<.001	1.037	1.027	1.047
	Minimum years	-.005***	.001	90.27	<.001	.995	.994	.996
	Maximum months	.023*	.009	7.23	.007	1.023	1.006	1.041
	Maximum years	-.001	.001	3.02	.082	.999	.997	1.00
Sexual	Constant	-2.905***	.049	3,569.01	<.001	.055	---	---
	Race Groups (1)	-1.442***	.061	563.34	<.001	.236	.210	.266
	Minimum months	.052***	.015	11.98	<.001	1.053	1.023	1.085
	Minimum years	-.004**	.002	8.07	.004	.996	.992	.999
	Maximum months	-.065**	.025	6.53	.011	.937	.892	.985
	Maximum years	.005*	.003	4.09	.043	1.005	1.00	1.01
Property	Constant	.195***	.021	86.39	<.001	1.216	---	---
	Race Groups (1)	-1.135***	.023	2,487.46	<.001	.321	.307	.336
	Minimum months	-.061***	.005	132.77	<.001	.940	.931	.950
	Minimum years	.012***	.001	321.40	<.001	1.012	1.010	1.013
	Maximum months	.056***	.008	49.10	<.001	1.058	1.041	1.074
	Maximum years	-.011***	.001	157.57	<.001	.989	.987	.991
Drug & Alcohol	Constant	-1.541***	.026	3,381.64	<.001	.214	---	---
	Race Groups (1)	1.331***	.027	2,348.25	<.001	3.783	3.585	3.992
	Minimum months	0.14**	.005	9.15	.002	1.014	1.005	1.024
	Minimum years	-.003***	.000	31.41	<.001	.997	.996	.998
	Maximum months	-.076***	.009	74.21	<.001	.927	.911	.943
	Maximum years	.009***	.001	105.63	<.001	1.009	1.007	1.011

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

For females, the overall model examining violent crime charges was not statistically significant, ($\chi^2 (5) = 8.07, p = .153$), though some individual predictors within the model did reach significance (see Table 12). The overall model examining property crime charges in females was statistically significant, ($\chi^2 (5) = 701.145, p < .001$), explaining 9% of the variance

in receiving a property charge at arrest (*Cox & Snell* $R^2 = .090$) and correctly predicting 13.6% of cases (*Nagelkerke* $R^2 = .136$). Black, Native American, and Hispanic females were less likely to receive a property crime charge at arrest than White and Asian females ($OR = .270$). Females with lengthier minimum sentences in years were 1.73 times more likely to be have a property crime charge ($OR = 1.727$), though females with lengthier maximum sentences in years were less likely to receive property charges at arrest ($OR = .574$). Finally the overall model examining females who were charged with drug- and alcohol-related crimes was statistically significant, ($\chi^2(5) = 414.340, p < .001$), explaining 5.4% of the variance in receiving a drug- or alcohol-related charge at arrest (*Cox & Snell* $R^2 = .054$) and correctly predicting 7.4% of cases (*Nagelkerke* $R^2 = .074$). Black, Native American, and Hispanic females were 3.33 times more likely to receive a drug- or alcohol-related charges at arrest than White and Asian females ($OR = 3.326$). Females with longer minimum sentences in months were 1.12 times more likely to have a drug and alcohol charge ($OR = 1.116$), and those with longer maximum sentences in years were 1.02 times more likely to have a drug and alcohol charge ($OR = 1.020$). Further, females with longer minimum sentences in years ($OR = .987$) and maximum sentences in months ($OR = .834$) were less likely to receive drug and alcohol charges at arrest; see Table 12.

Table 12

Logistic Regression Analyses Evaluating Sentence Lengths in Females in Different Racial Groups

	<i>b</i>	<i>SE</i>	Wald	<i>p</i>	Odds Ratio	95% <i>CI</i>	
						<i>Lower</i>	<i>Upper</i>
Violent							
Constant	-1.729***	.089	375.15	<.001	.177	---	---
Race Groups (1)	.012	.094	.015	.902	1.012	.842	1.215
Minimum months	-.054*	.025	4.74	.030	.948	.903	.995
Minimum years	.005*	.002	4.387	.036	1.005	1.00	1.01
Maximum months	.054*	.028	3.75	.053	1.055	.999	1.115

Table 12 (continued)

Property	Maximum years	-.005	.003	3.30	.069	.995	.989	1.00
	Constant	.143*	.068	4.42	.035	1.154	---	---
	Race Groups (1)	-1.309***	.072	327.63	<.001	.270	.234	.311
	Minimum months	.025	.025	.980	.322	1.026	.976	1.078
	Minimum years	.547***	.042	169.68	<.001	1.73	1.591	1.875
	Maximum months	.067	.040	2.79	.095	1.069	.988	1.157
	Maximum years	-.556***	.043	170.08	<.001	.574	.528	.624
Drug & Alcohol	Constant	-.596***	.067	78.17	<.001	.551	---	---
	Race Groups (1)	1.202***	.071	288.59	<.001	3.326	2.896	3.821
	Minimum months	.110***	.019	33.37	<.001	1.116	1.075	1.158
	Minimum years	-.013***	.002	45.72	<.001	.987	.983	.991
	Maximum months	-.181***	.030	37.14	<.001	.834	.787	.884
	Maximum years	.020***	.003	44.59	<.001	1.020	1.014	1.026

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

In final series of logistic regressions, the relationship between only gender and sentence length was evaluated. The overall model describing violent offense charges was statistically significant, ($\chi^2 (5) = 1,145.099, p < .001$), explaining 0.8% of the variance in receiving a violent charge at arrest (*Cox & Snell* $R^2 = .008$) and correctly predicting 1.3% of cases (*Nagelkerke* $R^2 = .013$). Females were less likely to receive a violent charge at arrest than males ($OR = .495$). Those with longer maximum sentences in years equally as likely to have a violent charge ($OR = 1.001$), while those with longer minimum sentences in years were less likely to have a violent charge ($OR = .999$). The overall model describing property crime charges was statistically significant, ($\chi^2 (5) = 3,070.685, p < .001$), explaining 2.3% of the variance in receiving a property charge at arrest (*Cox & Snell* $R^2 = .023$) and correctly predicting 3.1% of cases (*Nagelkerke* $R^2 = .031$). Females were 1.18 times more likely to receive a property crime charge at arrest than males ($OR = 1.183$). Those with longer minimum sentences in years were 1.01 times more likely to be have a property crime charge ($OR = 1.009$), and those with longer maximum sentences in months were 1.05 times more likely to be have a property crime charge ($OR = 1.046$). Further,

females with longer maximum sentences in years ($OR = .988$) and minimum sentences in months ($OR = .984$) were less likely to receive property crime charges at arrest. Lastly, the overall model examining drug- and alcohol-related charges was statistically significant, ($\chi^2 (5) = 3,340.758, p < .001$), explaining 2.5% of the variance in receiving a drug charge at arrest ($Cox \& Snell R^2 = .025$) and correctly predicting 3.4% of cases ($Nagelkerke R^2 = .034$). Females were 1.52 times more likely to receive a drug and alcohol charge at arrest than males ($OR = 1.524$). Individuals with longer minimum sentences in months were 1.02 times more likely to be given a drug and alcohol charge ($OR = 1.023$), and those with longer maximum sentences in years were 1.01 times more likely to have a drug charge ($OR = 1.008$). Further, females with longer minimum sentences in years ($OR = .996$) and maximum sentences in months ($OR = .936$) were less likely to receive drug charges at arrest; see Table 13.

Table 13

Logistic Regression Analyses Evaluating Sentence Lengths in Gender

		<i>b</i>	<i>SE</i>	Wald	<i>P</i>	Odds Ratio	95% <i>CI</i>	
							<i>Lower</i>	<i>Upper</i>
Violent	Constant	-1.116***	.007	23.244.09	<.001	.327	---	---
	Sex (1)	-.702***	.024	845.61	<.001	.495	.472	.519
	Minimum months	-.004	.002	3.10	.078	.996	.992	1.00
	Minimum years	-.001**	.000	7.79	.005	.999	.999	1.00
	Maximum months	-.003	.002	2.55	.110	.997	.993	1.001
	Maximum years	.001	.000	32.28	<.001	1.001	1.001	1.002
Property	Constant	-.485***	.007	5.517.64	<.001	.616	---	---
	Sex (1)	.168***	.017	93.85	<.001	1.183	1.143	1.224
	Minimum months	-.016***	.002	67.40	<.001	.984	.980	.988
	Minimum years	..009***	.001	174.36	<.001	1.009	1.007	1.010
	Maximum months	..045***	.002	712.72	<.001	1.046	1.042	1.049
	Maximum years	-.012***	.001	335.819	<.001	.988	.987	.990
Drug & Alcohol	Constant	-.663***	.007	9,493.64	<.001	.515	---	---
	Sex (1)	.422***	.017	580.97	<.001	1.524	1.473	1.577
	Minimum months	.023***	.002	87.46	<.001	1.023	1.018	1.028

Table 13 (continued)

Minimum years	-.004***	.000	177.286	<.001	.996	.996	.997
Maximum months	-.066***	.002	904.83	<.001	.936	.932	.940
Maximum years	.008***	.000	1,211.92	<.001	1.008	1.008	1.009

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Our final analysis examined conviction status and crime type at arrest by race and gender. For males, data were available for 148,106 cases, with the overall model significant ($\chi^2 = 5,501.544$, $p < .001$). Of males who were convicted, almost half were Black males, with the majority of them convicted of drug and alcohol crimes ($n = 16,389$). Similarly, Hispanic males were more likely to be convicted of drug and alcohol crimes than any other crime ($n = 12,240$). In contrast, White, Asian, and Native American males were more likely to be convicted of property crimes than any other crime. A similar pattern emerged in females as well; Black ($n = 3,372$) and Hispanic ($n = 2,046$) females were more likely to be convicted of drug- and alcohol-related crimes, while White, Asian, and Native American females were more likely to be convicted of a property crime (see Table 14).

Table 14

Chi-Square Analyses Evaluating Conviction Status in Gender

		Males				Females			
		Convicted		Not Convicted		Convicted		Not Convicted	
		<i>n</i>	%	<i>n</i>	%	<i>n</i>	%	<i>n</i>	%
White	Violent non-sexual	4,471	4.8%	3,318	6%	349	2.7%	397	4.8%
	Sexual	851	0.9%	413	0.7%	22	0.2%	12	0.3%
	Non-violent property	11,515	12.4%	4,983	9%	1,733	13.3%	750	9.1%
	Drug and alcohol	3,012	3.3%	882	1.6%	654	5%	249	3%
Total		19,849	21.4%	9,596	17.3%	2,758	21.2%	1,408	17%
Black	Violent non-sexual	14,067	15.2%	14,490	26.1%	1642	12.6%	2,471	29.9%
	Sexual	670	0.7%	947	1.7%	10	0.1%	9	0.1%

Table 14 (continued)

	Non-violent property	14,351	15.5%	7,816	14.1%	2,062	15.8%	1,195	14.5%
	Drug and alcohol	16,389	17.7%	6,164	11.1%	3,372	25.9%	1,187	14.4%
Total		45,477	49.1%	29,417	53%	7,086	54.3%	4,862	58.9%
Native American									
	Violent non-sexual	6	0%	1	0%	0	0%	0	0%
	Sexual	0	0%	0	0%	0	0%	0	0%
	Non-violent property	13	0%	0	0%	3	0%	0	0%
	Drug and alcohol	0	0%	0	0%	0	0%	0	0%
Total		19	0%	1	0%	3	0%	0	0%
Asian									
	Violent non-sexual	191	0.2%	58	0.1%	18	0.1%	4	0%
	Sexual	27	0%	15	0%	2	0%	0	0%
	Non-violent property	423	0.5%	104	0.2%	137	1.1%	32	0.4%
	Drug and alcohol	194	0.2%	79	0.1%	25	0.2%	18	0.2%
Total		835	0.9%	256	0.5%	182	1.4%	54	0.7%
Hispanic									
	Violent non-sexual	5,896	6.4%	6,504	11.7%	371	2.8%	652	7.9%
	Sexual	281	0.3%	324	0.6%	3	0%	0	0%
	Non-violent property	7,853	8.5%	4,292	7.7%	590	4.5%	420	5.1%
	Drug and alcohol	12,420	13.4%	5,086	9.2%	2,046	15.7%	863	10.4%
Total		26,450	28.6%	16,206	29.2%	3,010	23.1%	1,953	23.4%

Chapter 4. Discussion

In all, results from the current study indicate that how individuals are processed by the criminal justice system varies depending on group identity characteristics. Black individuals experienced worse outcomes than any other racial group. Specifically, 51.5% of the current sample consisted of Black individuals, while Black individuals only made up about 9% to 11% of the overall U.S. population in 1970 to 1990 (Gibson & Jung, 2002; Sentencing Project, 2001). This suggests that Black individuals were incarcerated at significantly higher rates, which has been evident in previous literature as well (Franklin, 2018; Goel et al., 2016; Zeng & Minton, 2021). Further, Black individuals were also more likely to have a violent offense charge than any other offense, with an almost even split between males (19.6%) and females (19.7%). Additionally, young Black individuals comprised the majority of the sample (26.6%) and were the only group to be significantly more likely to be charged with a violent offense. This suggests that being both young and Black increase the risk of being charged with a serious offense at the time of arrest (Kim & Kiesel, 2018; Kramer & Ulmer, 2009; Warren et al., 2012). Similar patterns emerged for trial outcomes. Nearly half of those convicted were Black individuals who were charged with drug/alcohol offenses at the time of arrest. Further, Black individuals were more likely to be sentenced to prison or jail as opposed to White individuals, who were more likely to be sentenced to fines or probation. These findings suggest that not only are Black individuals being arrested at increased rates, but are more likely to be charged with a serious offense and more likely to be given a harsher punishment as a result of that offense (Kutateladze et al., 2014).

Findings also indicate that being Black and male presented greater risk than any other race and gender combination, which also aligns with previous research (Freiburger & Sheeran,

2020). Black males were more likely to be charged with a violent crime at arrest, more likely to receive a felony level charge, and more likely to be convicted than any other race and gender combination. Additionally, of Black males who were charged with a violent offense, they were more likely to have a higher minimum and maximum sentence than any other group charged with a violent offense, which was also consistent with previous research (Rehavi & Starr, 2012; Starr & Rehavi, 2013).

Though Black males appeared to experience the worst outcomes, Black females received similar, if not in some cases worse, treatment. Here, Black females were more likely to be charged with drug/alcohol offenses as opposed to their White counterparts, who were more likely to be charged with a property crime. This finding was consistent with previous findings that racially minorized women, particularly Black women, were more likely to receive a drug charge during this time period than any other racial group (Kappeler & Potter, 2004).

Lastly, Black males were less likely to be charged with sexual and property crimes, and Black females were less likely to be charged with a property crime. This was interesting in that these types of crimes are often subject to mandatory sentencing practices and thus demonstrate less ambiguity in sentencing. Unfortunately, due to the amount of missing data, several of my analyses evaluating race and gender were unsuccessful in highlighting other differences that may exist during the pretrial and trial process.

Other racial minority groups appeared to experience negative outcomes as well. Hispanic individuals were at increased risk in several areas. Firstly, Hispanic individuals comprised 28.1%, of the overall sample with 28.8% being male and 23.3% being female, though Hispanic individuals comprised only 5% to 7% of the overall U.S. population in 1970 to 1990 (Gibson & Jung, 2002). Of those, 11.8% were charged with a drug/alcohol charge at arrest, which is the

most frequent offense category for Hispanic individuals in this sample. Additionally, Hispanic individuals were more likely to have a felony level charge in court, to be convicted at court disposition, and to be sentenced to prison or jail. This suggests that Hispanic individuals are more likely to experience negative outcomes similar to those experienced by Black individuals in this sample, which echoes previous empirical findings (Wooldredge et al., 2015; Zeng & Minton, 2021).

Further, being Hispanic and male also yielded negative outcomes. Hispanic males who were charged with a violent offense were more likely to have higher mandatory minimum and maximum sentences than White and Asian males. This suggests that Hispanic individuals, particularly Hispanic males, are more likely to be arrested at higher rates, to be charged with and convicted of more serious offenses, and to receive harsher punishments as a result of that offense. This was somewhat expected, based upon earlier research (Spohn & Brennan, 2011).

These disparities were also indicated in other racial groups as well. Of note, the Native American and Asian participant sample sizes were low compared to other groups; therefore, analyses for these groups yielded few results. Nevertheless, Native American and Asian individuals were also more likely to have a felony level charge in court and more likely to be convicted at court disposition. Interestingly, Native American men appeared to experience negative outcomes at a significantly higher rate, sentenced more harshly than White males. For sentence type and race, Native American men who were charged with a violent offense were more likely to have a higher mandatory minimum and maximum sentence, which was similar to Hispanic males. These findings were mostly consistent with previous research in that racial minorities appear to experience more negative outcomes throughout the criminal process than White individuals, though Asian individuals in this sample also experienced a higher degree of

negative outcomes, which was in contrast to the larger literature (Franklin & Henry, 2018; Kim & Kiesel, 2018; Metcalfe & Chiricos, 2018; Mitchell, 2005; Wilmot & DeLone, 2010).

Next, with regard to solely gender and various outcomes, it appeared that males were more likely to experience negative outcomes than females. Firstly, men were arrested at significantly higher rates than females in the current sample, as is consistent with previous literature (Zeng & Minton, 2021). Unfortunately, due to the smaller female population in the current study and the amount of missing data, several of my analyses were uninterpretable. Many of the conclusions based on gender focus on types of crimes. First, males and females were equally likely to be charged with a violent crime. Additionally, females with longer minimum sentences in years were less likely to have a violent charge. This was unexpected; however, this could be due to the restricted sentence lengths that are often assigned to more serious offenses. It also may be the result of missing data and/or low numbers of females. Of note, my overall model for females with violent charges was not significant.

Next, regarding drug/alcohol charges, current findings supported my hypotheses and aligned with previous research in that Black, Hispanic, and Native American females were more likely to be charged with drug and alcohol offenses than White and Asian females (Spohn & Brennan, 2011; Warren et al., 2020). Further, females were 1.52 times more likely to receive a drug/alcohol charge than males. Additionally, females with longer minimum sentences in months and maximum sentences in years were more likely to receive a drug/alcohol charge at arrest. These findings do align with previous research in that it appears that females were treated more harshly than males with regard to drug/alcohol offenses. The majority of women who are incarcerated are more likely to be serving a sentence for a drug-related offense than any other offense, and this continues to be true even today (Beck et al., 1991; Carson, 2021; Mauer et al.,

1999). Contrarily, in both females and males, it appeared that these individuals did not receive a harsher punishment in comparison to other offenses, which is different from findings portrayed in the criminal justice literature.

Similar to males, White and Asian females were more likely to be charged with a property offense. Additionally, females with property crime charges received lengthier minimum sentences in years. This was surprising, though it aligns with research demonstrating that young (21-29) White females are more likely to receive harsh trial outcomes than White females in other age groups (Freiburger & Hilinski, 2010); the majority of the current White female sample consists of this age group. Lastly, for property offenses, females were more likely be charged with a property crime charge at arrest than males and received lengthier sentences than males with property crime charges. This was slightly different from what we anticipated; however, the research in this area was limited and inconsistent, and the dataset was characterized by a significant amount of missing data.

Finally, as was previously mentioned, many sexual crimes have mandatory minimum sentences. For this reason, it seems that there may be less ambiguity within these types of crimes in that it appears that males and females were given similar punishments. Further, females evidenced similar sentencing lengths as did males, which was a surprise because it was similar to the findings in our male population, which contrasted with the broader literature.

The current study also indicates that some groups appeared to experience better outcomes, particularly better than outcomes experienced by Black individuals. Firstly, White, Asian, and Native American individuals were more likely to be charged with property offenses at arrest and ultimately convicted of property offenses. This finding was somewhat unexpected in that it suggests that some ethnic minorities (i.e., Native American individuals) were more likely

to receive a lower-level offense charge. However, this is the only outcome that yielded more positive outcomes for these two groups. The rest of the positive outcomes appeared to favor White individuals. Findings from the current study indicate that being White heightens the likelihood of experiencing positive outcomes during the criminal process. Not only are these individuals more likely to be convicted of a lower-level offense (i.e., property crimes), they are also more likely to have a misdemeanor level offense in court and have a longer time elapsed between initial arrest and prosecution, as well as initial arrest and final court disposition than any other racial group. The findings regarding elapsed time should be interpreted with caution due to the overall model having unequal variances. Nevertheless, previous research has indicated that White individuals are less likely to enter a plea bargain, more likely to go to trial, and more likely to obtain their own lawyer (Kim & Kiesel, 2018; Wooldredge et al., 2015). Perhaps then, White defendants in the current sample were more likely to have greater time elapsed between time periods because they were more likely to be able to afford a lawyer, more likely to have a lawyer who could spend time preparing a case, and more likely to take their cases to trial versus entering a plea bargain (Metcalf & Chiricos, 2018). Additionally, White individuals are more likely to be sentenced to probation or fines than any other racial group. This suggests that being White puts individuals at an increased advantage for experiencing positive outcomes during initial arrest and perhaps, having access to better resources (e.g., lawyers) may add an additional advantage that could yield better outcomes, such as being sentenced to probation and fines. Of note, White individuals were more likely to be convicted of crimes that were more subject to mandatory minimum sentences and less subject to ambiguity. This suggests that when other types of biases are present (e.g., judge/jury discretion), White individuals are more likely to

experience positive outcomes; however, when the discretion is left to the law, White individuals are sentenced similarly to ethnic minorities.

Lastly, there were several unexpected findings that emerged. Firstly, the majority of those who went to trial were not convicted. This suggests that perhaps many individuals were found not guilty, or their cases were dropped. Unfortunately, the data were not coded in a way to allow further analysis of these groups. Next, when examining how different racial groups processed through the criminal justice system, Asian individuals were more likely to receive disadvantaged outcomes, particularly in court. For example, both Asian males and females were more likely to be sentenced to jail and probation than White individuals. This was unexpected, as previous research suggested that Asian individuals may experience more positive outcomes, or outcomes similar to those of White individuals, due to being viewed as the “model minority” (Franklin & Henry, 2020). Similarly, Native American males were more likely to receive jail while Native American females were more likely to get fines and probation. This finding suggests that Native American women may experience better outcomes at trial, which is different from what previous findings indicate. As noted, however, the sample size was low for both the Native American and Asian groups, which may have influenced current findings and may not be fully generalizable to larger groups.

Additionally, interesting patterns emerged with regard to different crime types. For example, those with violent crime charges had shorter minimum sentences in years. This was unexpected in that violent offenses are often associated with higher mandatory minimum sentences. Further, drug/alcohol charges at arrest were associated with lower sentence lengths for both males and females, and females received similar sentence lengths as males. This was

surprising considering that others empirically identified lengthier sentences for this type of crime during this time period.

Implications/Future Directions

Ample research suggests that the policies enacted as a result of the U.S. “War on Drugs” contributed to mass incarceration (particularly of racialized minorities), an increase in police power, and harsh consequences for crime that disproportionately affected some groups. Related to these efforts, Black Americans were particularly impacted and soon became overrepresented within the criminal justice system. The current study provides evidence of the impact of the intersectionality of race, age, and gender bias on the ways in which individuals process through the pretrial and trial stages of the U.S. criminal justice system. Particularly, the current study suggests that Black and Hispanic individuals are the most likely to experience negative outcomes (e.g., more likely to receive a violent charge at arrest, more likely to have a felony level charge at court disposition, more likely to be convicted, more likely to be sentenced to prison or jail). Further efforts to be “tough” on crime, like the Violent Crime Control and Law Enforcement Act of 1994 (with provisions for the Federal Assault Weapons Ban, three strikes laws, and mandatory drug testing) have only increased these effects, still seen today. This suggests a need for change in legal policy and practices. I provide a few suggested strategic changes below.

First, policies enacted to be “tough on crime” and resolve the addiction crisis have created problems of mass incarceration of marginalized groups and inequitably impact individuals based on race, age, gender, and socioeconomic status; such policies should be reconsidered. The stated goal of these policies was to create a safer community and aid those with substance misuse issues. If this is still an important goal, different policies might yield the intended results. For example, there has been recent literature highlighting the benefit of

switching from a punitive model to a rehabilitative model. A rehabilitative model yields more positive results in those with substance misuse problems, is more cost-effective, and is less systematically harmful (Chandler et al., 2009; Marlowe, 2011). In using a rehabilitative model, we can provide resources that have been found to be the most effective for individuals who struggle with substance misuse issues and foster an environment in which these individuals can effectively reintegrate into society. Though there is plentiful research suggesting that rehabilitation is a better-fitting model for treatment of substance misuse, the U.S. continues to use a model that has been shown to disproportionately impact certain groups and create a system that has been shown to yield negative outcomes particularly for racially minoritized individuals.

Additionally, if the stated goal is to aid those with substance misuse issues, further research should be conducted to better understand effective treatment for substance misuse. Not only can we find a substance misuse treatment that is ethical and effective, but we can also begin to understand how biases at each time point can impact outcomes. For this reason, it would be advantageous for the government to invest in a standard method for collecting these data points and allow researchers access to accurate information that can replicate our current findings and identify points of potential intervention. In this, we will be able to better create policies that help individuals get the kind of help that they need and better aid law professionals (e.g., judges, lawyers, law enforcement) in identifying their own biases and learning to work through them.

Secondly, findings reveal patterns of bias in how we view and treat justice-involved youth. Though the majority of crimes are committed by youthful (adolescence to young adulthood) offenders (Hirschi & Gottfredson, 1983; Moffitt, 1993), outcomes for these individuals in the justice system are based on factors other than age (e.g., race and gender). For example, in the current study, it appeared that being young, Black, and male put individuals at an

increased risk for negative pretrial outcomes. Outcomes in one stage influence outcomes in subsequent stages. Further research in this area can better inform training for professionals who work in law and policy. By identifying biases that exist and disproportionately impact young, Black, males in the justice system, we can more easily recognize and mitigate the effect of race, age, and gender on criminal processing outcomes. Of note, I found that sexual and property offenses were the offense categories least influenced by these forms of bias. Many sexual and property crimes are subject to strict sentencing rules that limit judicial discretion. Perhaps decreasing ambiguity at various stages of the legal process will mitigate implicit and explicit biases and foster a fairer process.

Lastly, it is important to highlight the impact of socioeconomic and other systematic inequalities on policing, prosecution, access to legal representation, access to options other than incarceration (e.g., posting bail), and other resources. This requires an active effort to identify how biases impact those with lower SES, to develop empirically-based policies, and to invest in more equitable access to better resources. We must use science to create a system that is fair, just, and works to aid all people instead of disproportionately punishing marginalized groups.

Limitations and Conclusions

The current study has several limitations. First, I used secondary data, leaving me little control over the variables that were collected and how they were coded. For example, sentence lengths were calculated by the minimum and maximum length of the sentences that they received. As was previously stated, time served is often subject to bias; therefore, calculating a median time point between the maximum and minimum sentences would not have reflected the actual time that individuals served and thus, would not reflect the biases that could contribute to those decisions. For this reason, I had to use the data as coded, and as a result, I was only able to

make inferences about the sentence lengths that were provided and did not have the actual time served. Secondly, it was not possible to collect follow-up data from the researchers nor the participants themselves. Further, as a result of the significant amount of missing data, there were numerous cases that had to be deleted due to pertinent information being missing (i.e., race, age, and/or gender of the participant).

Finally, though the sample was quite diverse, there were still some populations substantially underrepresented. For example, there were very few Asian or Native American individuals within this sample, potentially skewing findings for these groups. Additionally, the dataset did not account for bi- or multi-racial individuals; therefore, we were unable to evaluate these individuals' experiences throughout the criminal process.

In conclusion, the current study highlights several ways in which racial, gender, and age differences contribute to disparate treatment within the criminal justice system at various points through the criminal process. Our evaluation of a longitudinal, time-limited dataset from 12 U.S. states suggests that this issue is a nation-wide problem that has disproportionately put racialized minorities, and those of intersecting marginalized identities, at risk for harsher legal system consequences for decades. Though our conclusions do not provide causal explanations, and the data reflect a time period preceding current justice system trends, my study contributes to the extensive body of research suggesting that policies developed in response to the "War on Drugs" resulted in legal practices that disproportionately impacted certain groups. The patterns detected in the current study are the same patterns that we see in today's justice system. The current findings demonstrate the ways in which individual and systematic biases influence how individuals go through the criminal justice process in the U.S. Additionally, it can shed light on injustices that ethnic minorities and those with marginalized, intersecting identities face within

the U.S. criminal justice system in hopes of identifying and eliminating these biases moving forward.

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VITA

TELIYAH COBB

Education: M.A. Psychology, East Tennessee State University,
Johnson City, Tennessee, 2022
B.S. Psychology, East Tennessee State University,
Johnson City, Tennessee, 2020

Professional Experience: Student Clinician, Alternative Community Corrections Program;
Johnson City, Tennessee, 2022
Student Clinician, ETSU Behavioral Health and Wellness Clinic;
Johnson City, Tennessee, 2022
Graduate Assistant, East Tennessee State University, Department
of Psychology, 2020-2022
Student Research Assistant, East Tennessee State University,
Department of Psychology, 2017-2020

Honors and Awards: Johnia Hope Berry Scholarship, East Tennessee State University,
2018
Tiller Family Scholarship, East Tennessee State University, 2018
James S. Perry First Year Award, East Tennessee State University,
2017