

A LONGITUDINAL EXAMINATION OF THE INFLUENCE OF SEX AND RACE ON
SENTENCING OUTCOMES IN FLORIDA'S RURAL AND URBAN COUNTIES

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ABSTRACT

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Understanding the multifaceted factors considered during sentencing is a complex process. An emerging body of literature evaluates whether the level of urbanization has impacts on sentencing outcomes across the United States. Separately, scholars studying the dynamics of sentencing have focused on the consequences of an offender's race and sex. Studies find that Black and Latinx offenders, especially young males, are more likely to receive harsher sentences compared to their white counterparts. However, relatively little is known regarding whether identified sentencing disparities based on race and sex emerge across types of counties (i.e., rural vs. urban) and whether such patterns have changed over time. Understanding the multifaceted factors that influence sentencing are important for at least three reasons. First, this type of research helps to inform recent sentencing reforms aimed at targeting inequalities within the criminal processing system. Second, prominent criminological theories suggest county-by-county variation in sentencing disparities by demographic characteristics, yet research is only beginning to examine this possibility. Third, examining longitudinal trends in sentencing constitutes a vital step in better understanding the factors that influence judicial decision making. This thesis builds on prior research by asking two specific research questions (1) do individuals from urban counties receive harsher sentences than individuals from rural counties? and (2) does an offender's race, sex, and county of residence influence sentencing severity? Trends over time will be examined as well. Toward this goal, this thesis will utilize data from the state of Florida that contain all felony conviction

sentencing events that occurred between 1994 and 2011 (N = 1,945,816). These data contain information on individual demographic characteristics, prior criminal history, and detailed information regarding the current offense. Also included in the data are the counties in which the sentencing occurred. Logistic regression will be utilized to answer these research questions. Findings from this study will have implications for theory, research, and policy.

KEY WORDS: Racial/ethnic sentencing disparities, Gender disparities, Intersectionality, Sentencing trends, Urbanization

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CHAPTER I

INTRODUCTION

For many, involvement with the criminal justice system is inevitable. At yearend 2016, there were nearly 7 million justice involved individuals in the United States (Kaeble, Glaze, Tsoutis, & Minton, 2016). Reports find there are currently over 2 million incarcerated individuals and over 4.7 million individuals on community supervision. Over the last 30 years, sentencing practices have become more punitive, sending more individuals to prison, for longer periods of time (Alexander, 2012; Cullen & Johnson, 2016; Mauer, 2004; Tonry, 2018; Sheet, 2015; Walker, Spohn, & Delone, 2012). Prior research has found the presence of racial/ethnic and gender disparities within criminal sentencing, scholarly work has suggested changes in sentencing laws have led to this disproportionality (see e.g., Franklin, 2018). Scholars examining inequalities within criminal sentencing find young, Black males are more likely to experience incarceration throughout their lifetime than any other demographic group (Alexander, 2012; Kramer & Steffensmeier, 1993; Steffensmeier, Kramer, Ulmer; 1998; Walker et al., 2012). Additionally, research has started to examine disparities within sentencing decisions across counties, finding more punitive sentencing patterns in rural counties (Kautt, 2002; Ulmer, 1997; Ulmer & Kramer, 1998). However, relatively little is known regarding whether identified racial/ethnic and gender disparities in sentencing vary across types of counties (i.e., rural vs. urban), as well as whether such patterns have changed over time. The present research aims to examine whether sentencing disparities identified across demographic characteristics and between counties are interrelated and if they have remained stable over time. Closing this gap in the literature would be beneficial as this

would allow scholars and policy makers alike to examine whether sentencing practices have become more or less punitive between counties over time focusing on the intersection of race/ethnicity and gender.

Overview of Sentencing Trends

The rise in the prison population over the last four decades has been directly impacted by changes in criminal sentencing laws that occurred in the late 1970s. Policies, such as get-tough on crime, and other sentencing reforms have become more punitive within the last 30 years (Alexander, 2012; Pfaff, 2017; Raphael & Ungvarsky, 1993; Walker et al., 2012). Prior to sentencing reforms, many states utilized indeterminate sentence structures, allowing judges to utilize discretion throughout the sentencing process (Tonry, 1998; Walker et al., 2012). Indeterminate sentencing structures are identified as a range, rather than a specific amount of time an offender will serve. However, after the late 1970s states started moving away from indeterminate sentencing practices toward determinate sanctions to limit the reach of judicial discretion. Additionally, there was a shift toward more punitive sentiment in the general public, which was likely due to fear of rising crime rates (Alexander, 2012; Walker et al., 2012). Determinate sentencing laws are predetermined sentence lengths which have led more people to be imprisoned for lengthier periods of time resulting in higher imprisonment rates (Blumstein & Beck, 1999; Clark, Austin, & Henry, 1997; Ditton & Wilson, 1999; Tonry, 2000; Zimring, 1999). While not all states have moved to determinate types of punishments, many states have incorporated mandatory minimum sentencing laws as a result of the sentencing reform act. However, while some states utilized mandatory minimums as far back as the early 1950's, it was not until the early 1980's that these types of punishment became

increasingly popular. Around 1984, mandatory minimum sentencing practices were employed by many states. With the same goal of punitive punishment and limiting discretion, mandatory minimum sentencing laws impose a minimum sentence that an individual would receive based on the type of crime committed (Cullen & Johnson, 2016; Mauer, 2004; Sheet, 2015; Stohr, Walsh, & Hemmens, 2012). Much like determinate sentencing, mandatory minimum sentencing laws have also contributed to the rise in incarceration rates (Alexander, 2018; Raphael & Ungvarsky, 1993).

An Overview of Trends in Sentencing by Race and Gender

Numerous studies have explored the consequences of an individual's race and ethnicity on sentencing decisions (Kramer & Steffensmeier, 1993; Ulmer, 2018). Scholarly work finds Black men are more likely to receive more punitive punishments, compared to their white counterparts. Additionally, Latinx men also experience harsher punishments, however to a lesser extent than Black males (Crawford et al., 1998; Franklin, 2018; Steffensmeier et al., 1993; Ulmer, 1997; Ulmer & Kramer, 1998). Compared to minorities representation within the general population, minorities appear to be disproportionately arrested, sentenced, and incarcerated (Alexander, 2012; Walker, Spohn, & Delone, 2012). For instance, while Black individuals only account for 13 percent of the general population, Black males represent 36 percent of individuals behind bars (Muller, 2012; Walker et al., 2012). Black individuals are also more likely to receive an incarcerative sentence compared to their white counterparts, and typically for longer periods of time (Kramer & Steffensmeier, 1993; Steffensmeier et al., 1993; Walker et al., 2012). Scholars have pointed to various reasons for such disparities. First, disproportionality in criminal sentencing may be due to minorities higher involvement in

more serious and violent crimes, resulting in more punitive punishments (Baumer, 2013; Frase, 2013). Second, this disproportionality may be due to overt discrimination throughout the criminal justice system that has befallen on Black and Latinx men (Ulmer, 2018; Walker et al., 2012). Third, disproportionality may be due to a combination of the two, suggesting minorities engage in higher involvement in serious crimes in addition to racial biases that emerge throughout the criminal justice system (Alexander, 2012; Baumer, 2013; Frase, 2013; Walker et al., 2012). Differential involvement in crime has been attributed to increased exposure to social problems, such as high levels of economic inequality and underemployment (Walker et al., 2012).

Some scholars have suggested the overrepresentation of justice involved minorities is due to overt discrimination throughout the criminal justice system (Tonry, 1996; Spohn, 2000; Walker et al., 2012). Overt discrimination refers to the unjust treatment of individuals based on written policies or practices, which may be based on demographic characteristics, such as, race, ethnicity, and/or gender. However, scholarly work does not find evidence that all racial disparities in sentencing are due to overt discrimination, rather inequalities are likely due to covert discrimination (Rachlinski, Johnson, Wistrich, & Guthrie, 2009; Steffensmeier et al., 1998). Covert discrimination refers to the subtle or subconscious unjust treatment of individuals (Greenwald & Krieger, 2006; Rachlinski et al., 2009; Walker et al., 2012). Covert discriminations may lead judges to use stereotypical views of defendants, which has led to a negative connotation toward the culpability of minority offenders (Rachlinski et al., 2009). When cover discrimination occurs, court actors may be unaware that racial discrimination is occurring (Greenwald & Krieger, 2006). Taken together, there is evidence that racial disparities in sentencing

occur throughout the criminal justice system, and that this may be subconscious, unfair treatment due to either explicit or implicit biases (see e.g., Franklin, 2018).

Exploring the effect of gender on sentencing decisions is essential as justice involved females are the fastest growing population. While females only encompass 7 percent of individuals behind bars, female incarceration rates have grown dramatically since the late 1970's as a result of sentencing reform (Brenna, Dieterich, Salisbury, & Voorhis, 2012; Carson & Anderson, 2016; Daly, 1992; Salisbury & Van Voorhis, 2009; Sawyer, 2018; Toman, 2017). Since the late 1970's, in many states incarcerated females have grown at a faster rate than incarcerated males (Sawyer, 2018). It is also important to understand the female experience as it likely to be very different from their male counterparts. An extant body of research that has examined whether demographic characteristics matter during criminal sentencing finds a gender effect, and female defendants, regardless of race/ethnicity were more likely to receive less harsh punishments (see e.g., Spohn, 2000; Franklin, 2018). Prior studies have found consequences of gender have disproportionately fallen on male offenders at higher rates (Albonetti, 1997; Cho & Tasca, 2018; Doerner & Demuth, 2014; Griffin & Wooldredge, 2006; Steffensmeier, Kramer, & Streifel, 1993). Many studies have found female offenders are more likely to experience leniency by judges, receiving less punitive punishments during sentencing, compared to their male counterparts (Bontrager, Barrick, & Stupi, 2013; Cho & Tasca, 2018; Rodriguez, Curry, & Lee, 2006; Spohn & Beichner, 2000; Steffensmeier & Demuth, 2006; Steffensmeier, Painter-Davis, Ulmer, 2017).

Feminist scholars have noted the importance of examining race/ethnicity and gender, as this may contribute to disproportionality in sentencing (Arnold, 1990; Bosworth, 1996;

Crenshaw, 2011; Holsinger, 2014; Richie, 2012). Understanding the influence of the intersection of race/ethnicity and sex is important as the impacts are prominent in the context of sentencing (Steffensmeier & Demuth, 2006; Steffensmeier et al., 1998; Steffensmeier, Painter-Davis, Ulmer, 2017). In addition, it is also important to examine the intersectionality of gender and race/ethnicity on sentencing as studies find Black males are more likely to receive more severe punishments (Steffensmeier et al., 1998; Ulmer, 1997; Ulmer & Kramer, 1998; Ulmer, 2018). The intersection of gender and race/ethnicity during sentencing decisions is particularly concerning as it has greatly impacted minority communities. Due to the increase of minority individuals in the incarcerated population, it is imperative to examine county level influence on sentencing, as minorities are more likely to live in and be sentenced in urbanized areas (Kautt, 2002; Lu, 2018; Schwartz & Gertseva, 2010; Ulmer, 1997; Ulmer & Kramer, 1998).

Numerous theoretical frameworks have sought to explain race/ethnicity and gender disparities; however, one of the most commonly used theoretical perspective is the focal concerns perspective (Ulmer, 2018). Steffensmeier and colleagues' (1993) focal concerns perspective proposes there are three focal concerns of punishment that are considered during sentencing. Focal concerns may be influenced by personal biases of perceived blameworthiness, protection of the community, and practical constraints (Steffensmeier et al., 1993; Kramer & Ulmer, 2009; Ulmer, 2018). The focal concerns perspective postulates disparities in sentencing are a result of the consideration of legal and extra-legal factors during punishment. Indicating, the disproportionality in sentencing is likely due to the conditional influence of race/ethnicity and gender (Steffensmeier et al., 1993; Kramer & Ulmer, 2009).

An Overview of The Impact of Location on Sentencing

An emerging body of research has recognized the prevalence of sentencing disparities that exist between counties (Myers & Talarico, 1987; Eisenstein, Flemming, & Nardulli, 1988; Flemming, Nardulli, & Eisenstein, 1992; Ulmer, 1997). Scholars have hypothesized the importance of location for at least three reasons: first, crime is not evenly distributed within communities, meaning there may be differences in sentencing goals that need to be addressed (Boggs, 1971; Conklin, 1975; Lu, 2018; Mauer & Huling, 1995; Myers & Talarico, 1986). Second, race and ethnicity are not equally distributed among types of communities (Schwartz & Gertseva, 2010). Meaning, residents in rural and urban counties may hold conflicting principles and views on informal social controls to deter and control crime (Boggs, 1971; Conklin, 1975; Lu, 2018; Myers & Talarico, 1986; Lu, 2018). Third, interactions with law enforcement may be vastly different across communities, which may be due to state laws which vary across place and time (Kautt, 2002; Lu, 2018; Ulmer, 1997; Ulmer & Kramer, 1998). Additionally, the administration of justice is likely to vary between counties in order to meet the needs of the community. The criminal justice system is likely to consider county level factors, such as jail capacity, when determining sentencing (Alexander, 2012; Walker, Spohn, & Delone, 2012). Scholarly work has identified disparities in sentencing decisions among county-by-county courts (Kautt, 2002; Ulmer, 1997; Ulmer & Kramer, 1998). Prior research has found racial/ethnic and gender disparities between counties (Myers & Talarico, 1986; Myers & Talarico, 1986; Eisenstein, Flemming, & Nardulli, 1988; Flemming, Nardulli, & Eisenstein, 1992; Ulmer, 1997); however, little is known regarding whether such patterns have changed over time (Lu, 2018). For instance, research that has examined

racial/ethnic and gender disparities in rural counties has found unwarranted sentencing inequalities have disproportionately fallen on minority males (Austin, 1981; Hagan 1977; Pope, 1976). The limited body of literature that does identify county-by-county variation could potentially be a cause for concern. If extra-legal factors, like county of residence, are consistently identified as salient predictors of sentencing severity, it may further disadvantage potential at-risk communities (Ulmer & Johnson, 2004). To put another way, the needs of the court may come at the cost of fundamental civil rights, as this may reinforce pre-existing biases of perceived criminality (Ulmer, 1997; Ulmer & Kramer, 1998). Therefore, it is important to understand the multifaceted factors considered during criminal sentencing to ensure the justice system is pursuing equal justice across location. Bringing attention to predictors of sentencing outcomes is essential to ensure the criminal justice system is not further marginalizing at-risk communities.

Understanding the multifaceted factors considered during sentencing are important for at least three reasons. First, this type of research helps to inform recent sentencing reforms aimed at targeting inequalities within the criminal processing system. Second, prominent criminological theories (i.e. focal concerns perspective, racial threat hypothesis, liberation hypothesis) suggest county-by-county variation in sentencing disparities by demographic characteristics, yet research has only started to examine this possibility. Third, examining longitudinal trends in sentencing constitutes a vital step in better understanding the factors that influence judicial decision making (see e.g., Spohn, 2000; Mitchell, 2005; Kramer & Ulmer, 2009; Ulmer, 2012).

1.1 The Current Study.

The present research aims to provide insight to the complexity of criminal sentencing in today's courtroom. This thesis will explore sentencing trends across time and place. While sentencing disparities have been identified across demographic characteristics, and between counties, studies to date have not examined whether these two are interrelated and if they have remained stable over time. The current study will examine this issue by using longitudinal data to examine sentencing disparities over time. This thesis will build on prior research by exploring whether sentencing practices have become more or less punitive between counties over time focusing on the intersectionality of race/ethnicity and gender.

This thesis extends prior research by asking two specific research questions: (1) do individuals from urban counties receive harsher sentences than individuals from rural counties? (1a) Has this relationship changed over time? (2) Does an offender's race, sex, and county of residence influence sentencing severity? (2a) Have these disparities remained stable over time? Toward this goal, this thesis will utilize data from the state of Florida that contain all felony conviction sentencing events that occurred between 1994 and 2011 (N = 1,945,816). These data contain information on individual demographic characteristics, prior criminal history, and detailed information regarding the current offense. Also included in these data are the counties in which the sentencing occurred. Logistic regression will be utilized to answer these research questions. Findings from this study will have implications for theory, research, and policy. To this end, Chapter 2 will discuss the theoretical framework guiding this study, as well as past empirical literature on sentencing inequalities. Chapter 3 will describe the data that will be utilized for this

thesis followed by a description of the analytic plan. Chapter 4 will contain a summary of results. Chapter 5 will include the discussion and conclusion.

CHAPTER II

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

Correctional facilities across the United States are home to 25 percent of the world's incarcerated population. Currently, there are over two million individuals behind bars in the U.S. (Bureau of Justice Statistics, 2015; Kaeble, Glaze, Tsoutis, & Minton, 2016; Pfaff, 2017; Sheet, 2015). Over the past four decades, there has been an increase in the rates of individuals sentenced to prison over community-based supervision, leading to prison overcrowding and the unmanageable number of men and women subjected to community supervision (Morris & Tonry, 1991). According to the Sentencing Project (2015) and the Bureau of Justice Statistics report (2017), in 1960, roughly over 200,000 individuals were housed in state and federal facilities, compared to almost 600,000 individuals in 1990, and over one million individuals in 2010. Recent reports have also demonstrated an increase in adult community supervision rates. For instance, in 1980 the rate of adult offenders sentenced to community supervision was just under 1,000 per 100,000 U.S. adult residents, compared to over 2,250 per 100,000 U.S. adult residents in 2000, and just under 2,000 adult residents in 2016 (BJS, 2017). Taken together, this serves as evidence of increased punitiveness over the last several decades.

Due to the spike in the prison population, scholars and policy makers alike aim to understand the multifaceted factors that influence criminal sentencing. Moreover, high incarceration rates and tighter controls in the community are potentially concerning as racial/ethnic and gender disparities have emerged within criminal sentencing (Kleck, 1981; Chiricos & Crawford, 1995; Mitchell, 2005; Morris & Tonry, 1991; Pratt, 1998; Spohn, 2000; Spohn, 2015; Steffensmeier & Demuth, 2001; Ulmer, 2012). Additionally,

racial/ethnic and gender inequalities have called for sentence reform to target dissimilarities within criminal case processing, moving toward the goal of creating uniformity in sentencing (Sawyer, 2018). Furthermore, sentencing disparities call attention to the disproportionality in sentencing between similarly situated offenders, convicted of a similar crime, who receive considerably different punishments (Crawford et al., 1998; Doerner & Demuth, 2009; Doerner & Demuth, 2010; Franklin, 2018; Kramer & Ulmer, 2009; Mitchell, 2005; Mitchell, 2018; Muller, 2012; Pratt, 1998; Spohn, 2000; Spohn, 2015; Spohn, & Delone, 2012; Steffensmeier et al., 1998; Steffensmeier & Demuth, 2000; Ulmer, 2012; Ulmer, 2019; Walker et al., 2012). Scholars have found evidence that young, Black males are typically recipients of the harshest punishments (Chiricos & Crawford, 1995; Mitchell, 2005; Pratt, 1998; Spohn, 2000; Spohn, 2015; Steffensmeier & Demuth, 2001; Ulmer, 2012). Likewise, there is evidence that Latinx offenders, specifically Latino males receive harsher sentences (Bales & Piquero, 2012; Franklin & Fearn, 2015; Mitchell, 2005; Spohn, 2000; Spohn, 2015; Steffensmeier & Demuth, 2001; Ulmer, 2012). In addition, scholarly work has identified disparities across counties, finding more punitive sentencing patterns in southern and rural counties (Bales & Piquero, 2012; Chiricos & Bales, 1991; Kautt, 2002; Kleck, 1981; Lu, 2018; Miller & Spohn, 2010; Myers & Talarico, 1986; Ulmer, 1997; Ulmer & Kramer, 1998).

Widely discussed in the academic community is the prevalence of racial, ethnic, and gender disparities in sentencing, and scholars aim to understand why this disproportionality has emerged. A growing body of research has explored the difference between warranted and unwarranted disparities. In terms of warranted disparities, this

disproportionality in sentencing refers to factors that are justifiable, or reasonably attributed to legal factors. To that end, circumstances surrounding the current offense may be considered during sentencing. Additionally, judges may consider the offender's prior criminal history; however, this factor may potentially be influenced by biases that emerge. Unlike warranted disparities, unwarranted disparities are particularly concerning as these differences are not due to legally relevant factors but may be due to biases that emerge during sentencing (Spohn, 2000; Spohn, 2015; Spohn, & Delone, 2012; Steffensmeier et al., 1993; Steffensmeier & Demuth, 2000; Ulmer, 2012; Ulmer, 2019; Walker et al., 2012). It is important to examine inequalities within criminal sentencing as produced disparities have disproportionately impacted people of color (Kautt, 2002; Lu, 2018; Schwartz & Gertseva, 2010; Ulmer, 1997; Ulmer & Kramer, 1998).

Understanding involvement with the criminal justice system is vital as repeated contact with the system has collateral consequences that go far beyond sentencing. Additionally, involvement with the criminal justice system is likely going to impact families of the offender, as well as the community in which the offender lives (Alexander, 2010; Huebner & Frost, 2018; Tonry & Melewski, 2008). Moreover, consequences of involvement with the criminal justice system have been shown to differentially impact certain populations (Aviram, 2015; Travis, Western, & Redburn, 2014). Scholars have found trends in criminalization and the growth in legal sanctions have not only led to the rise in incarceration, but also has increased the length of time behind bars (Sheet, 2015; Simon, 2007; Spohn, & Delone, 2012; Steffensmeier et al., 1993; Steffensmeier & Demuth, 2000; Walker et al, 2012).

2.1 Trends in Criminal Sentencing.

The paradigm of the 1960s to the late 1970s was tied to rehabilitation, many states relied on indeterminate structures of sentencing (Barnes & Teeters, 1959; Morris & Tonry, 1991). Additionally, prior to sentence reform, prison populations were low, as the justice system relied on community-based structures of punishment. Indeterminacy allowed prosecutors and judges to utilize discretion when determining an appropriate sentence (Morris & Tonry, 1991; Tonry, 1996; Tonry, 2018; Tonry, 2019; Walker et al., 2012). During the late 1970s, the political climate led the general public to believe crime rates were increasing (Alexander, 2012; Tonry, 2019; Walker et al., 2012). To that end, fear of crime led the public to favor punitive forms of punishment. Consequently, the paradigm of the justice system shifted from rehabilitative to crime control between the late 1970s to the early 1980s. Scholars have stated the transformation of the American's penal system has led to the era of mass incarceration, which is concerning as changes in law, policy, and practice have shown to vary across offenders (Campbell & Schoenfeld, 2013; Gottschalk, 2014; Hartley & Miller, 2010).

At the start of the 1980s, sentencing practices began to shift rapidly, moving toward determinate sentencing structures. Concern surrounding judicial reach led state courts to move toward sentencing structures that limited discretion on behalf of uniform sentencing across offenders (Blumstein & Beck, 1999; Clark, Austin, & Henry, 1997; Ditton & Wilson, 1999; Tonry, 2000; Zimring, 1999). Yet, these changes in sentencing law, practice, and policy led to a considerable growth of the carceral state, and the overuse of prison and probation (Spohn, 2000; Steffensmeier et al., 1993; Steffensmeier & Demuth, 2000; Tonry, 2018; Tonry, 2019; Walker et al., 2012). Moreover, during the

1980s, the justice system started to punish offenders convicted of drug related crimes more harshly, leading to pronounced racial disparities in sentencing (Alexander, 2012; Bales & Piquero, 2012; Chiricos & Crawford, 1995; Spohn, 2000; Steffensmeier & Demuth, 2001; Ulmer, 2012; Walker et al., 2012). In addition, the war on drugs contributed to mass incarceration through the implementation of mandatory minimum sentencing laws which set a minimum punishment for certain crimes (Alexander, 2018; Pfaff, 2017; Raphael & Ungvarsky, 1993; Tonry, 1998; Walker et al., 2012).

During the early 1990s, roughly 30 states utilized some form of mandatory minimum sentencing laws, specifically for drug related crimes (Alexander, 2012; Mackenzie, 2001; Walker et al., 2012). In addition to crime specific punishments, some forms of mandatory minimum sentencing laws were based on offender characteristics. For example, an individual's extensive criminal history could warrant a more severe punishment (i.e., habitual offender laws). States can designate individuals as a habitual offender and impose more punitive sanctions on those with more extensive criminal histories (Clark, Austin, & Henry, 1997; Ditton & Wilson, 1999). However, over the last two decades, states have started to reduce or repeal the use of mandatory minimum sentencing structures as they have not met their intended goals and have ultimately led to prison overcrowding (Alexander, 2012; Subramanian & Delaney, 2013). As a consequence of sentencing reform, an additional practice of aggressive punishment that emerged is the three-strike law. Three-strike laws ensure each punishment is more severe, until the individual has reached the limit of three and is therefore out of chances – consequently sentenced to life in prison (Clark et al., 1997; Zimring, 2000). However, due to the

disproportionality that has emerged states moved away from these forms of sentencing structures (Alexander, 2012; Subramanian & Delaney, 2013).

Scholarly work examining criminal sentencing trends in the U.S. over the last four decades has noted the impact sentence reform and get tough on crime policies have on the carceral state. These changes have not only led to the rise in the imprisoned population but have also led to imprisonment rates reaching an all-time high (Alexander, 2012; Walker et al., 2012). However, recent imprisonment rates have started to decline, by yearend of 2016 incarceration rates reached the lowest since 1997 (BJS, 2018). Scholars have contended the decline in incarceration rates is likely due to recent sentence reform incorporated to target racial/ethnic and gender disparities (Kearney & Harris, 2014; Mitchell, 2018).

2.2 The Influence of the Intersection of Race and Gender on Sentencing.

An extensive body of research has examined the consequences of an individual's race, ethnicity, and gender on sentencing (Alexander, 2012; Beckett & Sasson, 2004; Clear, Frost, Carr, Dhondt, Braga, & Warfield, 2014; Crawford et al., 1998; Franklin, 2018; Gottschalk, 2014; Hagan & Bumiller, 1983; Kramer & Ulmer, 2009; Mitchell, 2005; Mitchell, 2018; Muller, 2012; Paternoster & Brame, 2008; Spohn, 2000; Spohn, 2015; Spohn, & Delone, 2012; Steffensmeier et al., 1993; Ulmer, 2012; Ulmer & Kramer, 1998; Walker et al., 2012; Wester, Vogel, Wei, & McLain, 2006). Many scholars aim to understand the extent to which race/ethnicity and gender matter; however, most agree minority males are disproportionately affected by harsher sentences (Bales & Piquero, 2012; Chiricos & Crawford, 1995; Franklin & Fearn, 2015; Mitchell, 2005; Pratt, 1998; Spohn, & Delone, 2012; Steffensmeier et al., 1993; Ulmer, 2012; Ulmer &

Kramer, 1998). Specifically, scholarly work finds young, male Black and Latinx offenders are more likely to receive more punitive punishments (Bales & Piquero, 2012; Barnes & Kingsnorth, 1996; Demuth & Steffensmeier, 2004; Doerner & Demuth, 2009, 2010; Feldmeyer, Warren, Siennick, & Neptune, 2015; Kautt & Spohn, 2002; Kramer & Ulmer, 2009; Mitchell, 2005; Pratt, 1998; Spohn & Holleran, 2000; Steen, Engen, & Gainey, 2005; Steffensmeier et al., 1998; Steffensmeier & Demuth, 2000, 2001, 2006; Ulmer et al., 2007). In addition, not only are male, Black, and Latinx offenders more likely to receive a sentence to incarceration, they are more likely to receive lengthier prison sentences, compared to their white counterparts (Raphael & Stoll, 2009; Raphael & Stoll, 2013; Steffensmeier et al., 1993; Ulmer, 2012; Ulmer & Kramer, 1998). For example, the United States Sentencing Commission (2017) finds that Black male offenders charged with the same federal crime received nearly a 20 percent longer sentence, compared to White male offenders. Additionally, Starr (2014) finds male offenders charged with the same crime received a 63 percent longer sentence, compared to female offenders charged with the same crime.

Racial/Ethnic Disparities in Sentencing

Sentencing policies of the tough on crime era led to an overwhelming and unmanageable number of individuals confined behind bars. By yearend 2016, minorities accounted for more than 60 percent of individuals behind bars (Carson, 2018). By the yearend 2016, Black individuals accounted for more than 33 percent of individuals behind bars, however Black individuals only accounted for 13 percent of the general population (Mauer, 2016; The Sentencing Project, 2017; The United State Census

Bureau, 2017). Rates of imprisonment indicate 2,415 per 100,000 Black men receive are sentence to incarceration (Carson, 2018)

Some scholars have theorized racial disproportionality in imprisonment rates is due to differential treatment as a result of biases that emerge throughout the criminal justice system (Baumer, 2013; Frase, 2013; Sevigny, 2009). In contrast, researchers have suggested this disproportionality is due to differential involvement in crime (Baumer, 2013; Frase, 2013). More specifically, racial disparities are a result of Black and Latinx offender's greater involvement in serious crimes, specifically violent crime. Differential involvement in crime may be caused by exposure to socio economic disadvantages (i.e., poverty, underemployment and education) (Laub, Sampson, Sweeten, 2017; Newburn, 2016). However, studies have found that not all disproportionality in sentencing was accounted for by higher involvement in crime, rather this was the cause of sentence reform (Fischman & Schanzenbach, 2012; Harris, Steffensmeier, Ulmer, Painter-Davis, 2009; Kramer & Ulmer, 2009; Ulmer, Painter-Davis, & Tinik, 2014; Shermer & Johnson, 2010). Accordingly, several studies have been conducted to determine why such disparities have emerged (Bales & Piquero, 2012; Chiricos & Crawford, 1995; Franklin & Fearn, 2015; Franklin, 2018; Mitchell, 2005; Pratt, 1998; Spohn, 2000; Spohn, 2015; Steffensmeier & Demuth, 2001; Ulmer, 2012). While mixed findings have emerged, there is evidence that race is an influential determinate of sentencing (Chiricos & Crawford, 1995; Hagan, 1974; Hagan & Bumiller, 1983; Spohn, 2000; Sellin, 1935; Zatz, 1987; Walker et al., 2012). Taken together, there is evidence that Black individuals are disproportionately sentenced to incarceration, for lengthier stays, compared to their white counterparts even when legal factors are taken into consideration (Bales & Piquero, 2012;

Chiricos & Crawford, 1995; Franklin & Fearn, 2015; Mitchell, 2005; Pratt, 1998; Spohn, 2000; Spohn, 2015; Steffensmeier & Demuth, 2001; Ulmer, 2012).

Recent years have also seen a growth in Latinx justice involved individuals. By yearend 2016, Latinx individuals accounted for more than 23 percent of individuals behind bars, however Latinx individuals only accounted for 18 percent of the general population (The Sentencing Project, 2017; The United State Census Bureau, 2017). It is important to note the growth of Latinx justice involved individuals as recent reports indicate a two percent increase in the incarceration of Latinx individuals between 2015 and 2016 (BJS, 2018). Rates of imprisonment indicate 1,092 per 100,000 Latino men receive a sentence to incarceration (Carson, 2018) Much like Black offenders, Latinx offenders also experience harsher sanctioning, however to a lesser extent than Black individuals (Hagan & Bumiller, 1983; Spohn, 2000; West & Sabol, 2009; Walker et al., 2012). There is evidence that Latinx individuals are more likely to receive a sentence to incarceration compared to white individuals, but less likely than Black offenders.

Gender Disparities in Sentencing

Over the last three decades, there has been a rapid increase in the number of women in prison (Brenna, Dieterich, Salisbury, & Voorhis, 2012; Carson & Anderson, 2016; Daly, 1992; Salisbury & Van Voorhis, 2009; Toman, 2017; Widom, 1989). In fact, the female population is the fastest growing justice involved population (Sheet, 2015; Carson, & Sobel, 2015). While females account for less than ten percent of individuals behind bars, it is important to note the growth that has occurred since the late 1970s. For instance, in 1980 there were approximately 26,378 incarcerated females in state and federal facilities in the U.S., and 213,722 individuals in 2016 (The Sentencing Project,

2018). This means that the incarcerated female population has increased by 700 percent since 1980. Scholars have hypothesized this growth is directly due to changes in sentence reform and drug laws that occurred during the mass incarceration era (Brenna, Dieterich, Salisbury, & Voorhis, 2012; Carson & Anderson, 2016; Daly, 1992; Salisbury & Van Voorhis, 2009; Sawyer, 2018; Toman, 2017). Researchers examining gender disparities within criminal sentencing find inequalities have disproportionately fallen on male offenders. More specifically, female offenders are less likely to receive a sentence to incarceration. Additionally, when females receive a sentence to prison, it is typically for a shorter time period (Albonetti, 1997; Cho & Tasca, 2018; Doerner & Demuth, 2014; Griffin & Wooldredge, 2006; Steffensmeier, Kramer, & Streifel, 1993).

The Influence of the Intersection of Race/Ethnicity and Gender on Sentencing

Patterns

According to feminist scholars, it is essential to explore the intersection of race/ethnicity and gender as they likely contribute to inequalities in sentencing (Arnold, 1990; Bosworth, 1996; Crenshaw, 2011; Holsinger, 2014; Richie, 2012). For instance, scholars that have examined the influence of race/ethnicity and gender on sentencing find Black males are more likely to experience harsher punishments. More specifically, one in nine men can expect to experience prison at some point in their lifetime, however people of color are more likely to serve time behind bars. One in three Black men can expect to be involved with the justice system at some point in their life, compared to one in six Latino males, and one in seventeen white males (The Sentencing Project, 2017). Likewise, gender disparities have emerged. The lifetime likelihood of imprisonment indicate 1 in 56 women offenders are likely to experience incarceration during their

lifetime (The Sentencing Project, 2017). In like manner, disparities within gender emerged. Reports indicate that 1 in 18 Black women will experience incarceration during their lifetime, compared to 1 in 45 Latina women, and 1 in 111 white women (The Sentencing Project, 2017; Carson 2018; Walker et al., 2012). Additionally, reports indicate young, Black males between the ages 18-19 are 11 times more likely to receive a sentence of imprisonment (BJS, 2018). Overall, there is evidence that disproportionality is influenced by race/ethnicity and gender (Bales & Piquero, 2012; Cochran & Mears, 2015; Kramer & Mauer, 1990; Mitchell, 2005; Spohn & Holleran, 2000; Steffensmeier et al., 1993; Watten, Chiricos, & Bales, 2012).

2.3 The Influence of Geography on Sentencing Patterns.

A growing body of research examining trends in criminal sentencing has established variation in sentencing practices between counties (Myers & Talarico, 1986; Myers & Talarico, 1986; Eisenstein, Flemming, & Nardulli, 1988; Flemming, Nardulli, & Eisenstein, 1992; Ulmer, 1997). For instance, studies that have examined sentencing practices across states find southern states are more likely to utilize more punitive punishment, compared to northern states (Bales & Piquero, 2012; Chiricos & Crawford, 1995; Kleck, 1981; Mitchell, 2005; Myers & Talarico, 1986; Myers & Talarico, 1986; Williams, 2013). In addition, research has identified racial and ethnic disproportionality in sentencing among county-by-county courts (Kautt, 2002; Ulmer, 1997; Ulmer & Kramer, 1998; Ulmer, 2019). According to the Vera Institute of Justice (2015), punitive sanctions have declined in many urban counties. Additionally, scholarly work has found more punitive sentencing patterns in rural counties, compared to urban counties (Kautt, 2002; Ulmer, 1997; Ulmer & Kramer, 1998). In the late 1970s, urban counties were

utilizing punitive forms of punishment, specifically incarceration, then shifted toward community-based supervision (VERA, 2017). As a result, there has been a decline in the number of individuals in large metro urban counties sentenced to incarceration over the last twenty years. In the year 2000, approximately 225 per 100,000 individuals received a sentence to incarceration, compared to 200 per 100,000 individuals in 2013 (VERA, 2017). In contrast, rural counties have increasingly utilized more punitive structures of sentencing over time (Riley, Kang-Brown, Mulligan, Valsalam, Chakraborty, & Henrichson, 2017). Subsequently, there has been an increase in the number of individuals in rural counties sentenced to incarceration over the last twenty years. In 2000, approximately 225 per 100,000 individuals received a sentence to incarceration compared to 325 per 100,000 individuals in 2013 (VERA, 2017). By the yearend of 2013, rural counties residents only accounted for 15 percent of the U.S. population, yet encompassed 20 percent of the nation's total jail population (Riley et al., 2017). According to the Vera Institute of Justice (2017), despite lower crime rates, rural county courts sentenced more individuals to incarceration.

Numerous studies examining the consequences of an offender's race, ethnicity, and gender and location of case processing have established disproportionality in sentencing (Bales & Piquero, 2012; Cochran & Mears, 2015; Eisenstein, Flemming, & Nardulli, 1988; Kramer & Steffensmeier, 1993; Mauer, 1990; Mitchell, 2005; Myers & Talarico, 1986; Myers & Talarico, 1986; Spohn & Holleran, 2000; Steffensmeier et al., 1998; Ulmer, 1997; Watten, Chiricos, & Bales, 2012). Accordingly, scholarly work has started to examine the interaction between the type of county a case is processed, and the effect of an offender's race, ethnicity, and gender on sentencing outcomes. Scholarship finds

southern states are likely to utilize more punitive punishments overall and are more likely to sentence Black individuals more harshly, compared to their white counterparts (Bales & Piquero, 2012; Chiricos & Blaes, 1991; Chiricos & Crawford, 1995; Kleck's 1981; Mitchell, 2005; Myers & Talarico, 1986; Myers & Talarico, 1986). However, this is not to say that Black offenders are not sentenced more harshly in northern states. In fact, studies have found Black offenders are sentenced more punitively in northern communities, but to a lesser extent than southern states (Chiricos & Crawford, 1995; Franklin & Fearn, 2015; Hartley, Miller, & Spohn, 2010; Kleck's 1981; Mitchell, 2005). Overall, there is evidence to suggest race may be more influential on sentencing decisions in rural counties.

2.4 Theoretical Framework

Scholarly work has utilized several theoretical frameworks to understand racial/ethnic and gender disparities (Kramer & Steffensmeier, 1993; Steffensmeier, Kramer, & Streifel, 1993; Steffensmeier, Kramer, & Ulmer, 1993; Zatz, 1987). Researchers have looked to theories such as the focal concerns perspective and the racial threat hypothesis to understand why minorities have been consistently sentenced more harshly (Blalock, 1967; Bobo & Hutching, 1996; Feldmeyer & Ulmer, 2011; Steffensmeier, 1993; Walker et al., 2012). Additionally, scholars have drawn on feminist theories, such as the chivalry and the "Evil Woman" hypotheses to understand why females, regardless of race and ethnicity are awarded leniency, compared to male offenders (Nagel, 1969; Pollak, 1950; Visser, 1983).

The Focal Concerns Perspective

Many theoretical frameworks have tried to shed light on sentencing disparities, however perhaps the most commonly used is Steffensmeier and colleagues' (1998) focal concerns perspective (Albonetti, 1991; Spohn, 2002; Steffensmeier, Kramer, & Streifel, 1993; Ulmer & Johnson, 2004). Focal concerns perspective posits judges consider three focal concerns when administering justice. First, judges consider perceived blameworthiness of the offender. That is, judges aim to assess the offender culpability when determining the appropriate sentence. Judges will consider factors such as criminal history and severity of the offense when assessing guilt. Second, judges consider protection of the community prior to administering punishment. Judges are likely to impose a more punitive punishment if the offender may put the community at risk. Third, judges consider practical constraints when determining an appropriate sentence. Practical constraints considered range from factors such as the local jail capacity, to the economic cost related to the incarceration of the offender over the duration of the sentence.

Scholars have argued judges utilize a perceptual shorthand to address the three focal concerns and to assess an offender's risk of dangerousness or recidivism (Bridges & Steen, 1998; Rodriguez, Curry, & Lee, 2006). This perceptual shorthand may lead judges to utilize stereotypical perceptions during sentencing. Due to high number of cases docketed, judges may rely on stereotypical views of an offender due to time constraints, causing judges to come to decisions based on limited information (Spohn, 2002; Steen et al., 2005; Steffensmeier & Demuth, 2006; Steffensmeier, Kramer, Streifel, 1993; Steffensmeier, Kramer, & Ulmer, 1998; Ulmer & Johnson, 2004). Scholarly work has argued this perceptual shorthand may have led to a negative connotation toward minority

offenders, causing judges to view minority offenders as more blameworthy and dangerous than their white counterparts (Spohn, 2002; Steffensmeier, Kramer, Streifel, 1993; Steffensmeier, Kramer, & Ulmer, 1993; Ulmer & Johnson, 2004; Walker et al., 2012). Judges may impose more stern punishment on individuals that are perceived to be more likely to recidivate, more deviant, and more dangerous (Kramer & Steffensmeier, 1993; Spohn, 2002; Steffensmeier, Kramer, Streifel, 1993; Steffensmeier, Kramer, & Ulmer, 1993; Ulmer & Johnson, 2004; Walker et al., 2012).

Judges may rely on gendered stereotypes that view women as less blameworthy and dangerousness (Glaze & Maruschak, 2008; Kruttschnitt, 1984; Steffensmeier et al., 1993). For instance, female offenders are more commonly mothers and the primary caregivers to their children (Carson, & Sobel, 2015; Chesney-Lind & Pasko, 2013; Daly, 1987; Daly 1989; Glaze & Maruschak, 2008; Kruttschnitt, 2010; Steffensmeier et al., 1993; Spohn, 1999; Ulmer, 1997; Ulmer & Kramer, 1996; Ulmer, 1997; Ulmer & Kramer, 1996). Therefore, judges are likely to award leniency to mothers because they have a perceived lower risk of reoffending due to their motherly roles (Bickle & Peterson, 1991; Daly, 1987; Glaze & Maruschak, 2008; Kruttschnitt, 1984; Kruttschnitt & Green, 1984; Steffensmeier et al., 1993; Ulmer & Kramer, 1996). Furthermore, justice involved women have high rates of past victimization (Hanlon, O'Grady, Bennett-Sears, & Callaman, 2005). Scholars have theorized female defendants are awarded leniency since offending may occur as the result of past victimization (Belknap, 2007; Belknap & Holsinger, 2006; Cernkovich, Lanctot, & Giordano, 2008; Huebner et al., 2010; Kaufman & Widom, 1999; Makarios, 2007; Salisbury & Van Voorhis, 2009; Wright et al., 2007). Therefore, judges may view female offenders as less deserving of a prison sentence

(Embry & Lyons, 2012; Mustard, 2001; Rodriguez et al., 2006; Steffensmeier et al., 1993).

Female offenders have high rates of mental health issues that propel women into deviant behavior (Chesney-Lind, 1997; Covington, 1998; Daly, 1992; Hanlon, O'Grady, Bennett-Sears, & Callaman, 2005; Hanlon, O'Grady, Bennett-Sears, & Callaman, 2005; Richie, 1996; Salisbury & Van Voorhis, 2009). Reports indicate more than 60 percent of incarcerated women indicate a history of mental health issues (BJS, 2017). Accordingly, judges may consider the influence of mental health issues on female criminality. This may make women appear as less culpable of their crime. In sum, the focal concerns perspective lends insight to both racial/ethnic and gender disparities in sentencing.

Changes in sentencing practices are likely going to vary over time due to prison overcrowding and the increase in the number of incarcerated minority individuals (Carson, 2014). Judges may favor community-based sanctions due to the increase in the number of individuals sentenced for drug related crimes, who judges may view as less culpable (Cho & Tasca, 2018; Daly, 1987; Spohn & Cederblom, 1991). Second, judges may be less likely to use prison as punishment since there has been a rise in the number of individuals incarcerated for non-violent offenses, who are less likely to put the community at risk (Carson, 2014; Rodriguez, Curry & Lee, 2006; Steffensmeier, 1993; Steffensmeier et al., 1998). Third, judges are likely to consider practical constraints of the criminal justice system, such as the unmanageable number of justice involved men and women that has occurred over the last several decades, and judges are less likely to utilize prison as punishment when prisons are overcrowded (Steffensmeier et al., 1998; Tonry, 1999).

Racial Threat Hypothesis

Focal concerns theory is a general theory utilized to examine sentencing trends, but several theories shed light on racial disparities in sentencing more specifically (Blalock, 1967; Bobo & Hutching, 1996; Feldmeyer & Ulmer, 2011, Walker et al., 2012).

Blalock's (1967) racial threat hypothesis postulates as the portion of minority members in a population increases, the majority—white individuals—may perceive a threat to their current position in power and utilize formal social controls to secure their current status (Blalock, 1967; Bobo & Hutching, 1996; Feldmeyer & Ulmer, 2011, Walker et al., 2012).

To put another way, as the number of minorities increase in the population, they are likely to achieve power, status, economic security, as well as political influence – all of which makes minorities competitive and threaten the power the current majority holds (Blalock, 1967; Bobo & Hutching, 1996; Feldmeyer & Ulmer, 2011, Walker et al., 2012). According to the racial threat model, as a response to the perceived threat toward status, white individuals will utilize their status to criminalize certain behaviors (Alexander, 2012; Eitle, D'Alessio, & Stolzenberg, 2002; Kent & Jacobs, 2005; Kent & Jacobs, 2005; Walker et al., 2012).

The racial threat model distinguishes two different types of social controls (i.e., the economic threat and the political threat). With regard to the economic threat, as minorities are competing in the job market, and the perceived threat has increased, formal social controls are utilized to exclude minorities from participating in the labor market (Blalock, 1967; Walker et al., 2012). For instance, the criminal justice system may be utilized to criminalize certain behaviors that are anticipated to be unique to minorities, which has been seen through the war on drugs, as well as through the Arizona

immigration law (i.e., policy that states officers may utilize reasonable suspicion to question an individual's immigration status) (Alexander, 2012; Walker et al., 2012). Additionally, marginalizing the minority community through their criminal histories, such as the use of checking the box, which refers to the question on job applications regarding whether the applicant has ever been convicted of a crime, has been shown to serve as a barrier for minority individuals to obtain employment (Alexander, 2012; Pager, 2003; Walker et al., 2012).

In terms of the political threat, a rise in the minority population may cause concern for the political power, intensifying the use of formal social controls to protect the political status of whites. For instance, policies such as Voter ID Laws and the use of felony disenfranchisement has ensured the protection of white political power (Alexander et al., 2012; Petersilia, 2003; Walker et al., 2012). These policies appear to be facially neutral but have shown to disproportionately affect minorities (Alexander, 2012; Walker et al., 2012). However, there appears to be a threshold effect that occurs once minorities have attained sufficient political influence and are able to alter policies in place that disproportionately marginalize minorities. According to the threshold effect, once the minority group is large enough, there is less of a perceived threat and minority support increases (see e.g., Feldmeyer & Ulmer, 2011; Walker et al., 2012). In sum, racial threat hypothesis suggests the rise in the minority population may lead to increased racial hostility and tight social controls to secure and maintain status and power. As a response, the legal system is utilized to criminalize behaviors of minorities, which may have potentially led to sentencing disparities.

Over the last several decades there has been an increase in the number of minority individuals in urban counties (Feldmeyer & Ulmer, 2011; The United State Census Bureau, 2017; Walker et al., 2012). As noted by the racial threat hypothesis, a rise in the minority population is met by a rise in racial tension (Blalock, 1967; Bobo & Hutching, 1996; Feldmeyer & Ulmer, 2011, Walker et al., 2012). Therefore, it is expected for sentencing practices to vary over time as the number of minority individuals has increased over the last several years (Blalock, 1967; The United State Census Bureau, 2017; Walker et al., 2012).

The Chivalry and the “Evil Woman” hypotheses

The chivalry and the evil woman hypotheses are theories of gendered sentencing trends. More specifically, these perspectives explain general sentencing patterns for female offenders (Albonetti, 1997; Cho & Tasca, 2018; Daly, 1987; Spohn & Cederblom, 1991; Visher, 1983). The chivalry hypothesis posits the criminal justice system (i.e., police, prosecutors, and judges), which is predominately male, holds chivalrous and paternalistic views toward female defendants. This perspective suggests it is because of this chivalrous attitude that female offenders experience lenient treatment throughout the criminal justice system (Krohn, Curry, & Nelson-Kilger, 1983; Nagel, 1969; Nagel & Weitzman, 1971; Pollak, 1950). According to the chivalry hypothesis, female defendants need protection from the criminal justice system as they may be viewed as weaker, both physically and mentally than male offenders. This paternalistic approach may lead to more lenient sentencing outcomes. Additionally, through this paternalistic approach prosecutors and judges are likely to consider female offenders’ parental status, as the justice system aims to keep families together. To that end, female defendants are more

likely to be the primary caregiver to their families and judges may be more inclined to keep families intact, sentencing mothers to community-based supervision (Krohn, Curry, & Nelson-Kilger, 1983; Glaze & Maruschak, 2008; Kruttschnitt, 1984; Steffensmeier et al., 1993).

Traditionally, political power has been distributed disparately among sexes with positions of power typically associated with men (Acker, 2006; Nagel, 2015; Reynolds, 1999; Yoder & Kahn, 1992). However, over the last several years there has been an increase in the number of women in positions of power (Acker, 2006; Reynolds, 1999; Thornton, 2010). Scholars have argued this change in the political climate is a result of gender equality and changes in policy and social reform (Hartsock, 1990; Reynolds, 1999; Thornton, 2010). Consequently, studies have shown that increasing women's participation in positions of power reduces the presence of patriarchal attitudes toward women. In fact, studies have found women tend to hold higher expectations of women and are likely to punish other women more harshly (Acker, 2006; Nagel, 2015; Reynolds, 1999; Winter & Barenbaum, 1985). Therefore, it is expected for gender disparities to become less widespread over time, due to the increase in the number of women in positions of power

Unlike the chivalry hypothesis, the evil woman hypothesis postulates female offenders are likely to receive harsher treatment by the criminal justice system as these individuals violated traditional gender expectations in addition to breaking the law (Chesney-Lind, 1984; Bernstein, 1977; Bowker, 1987; Erez, 1992; Daly, 1989; Rasche, 1975). This gendered perspective posits female criminality defies gender appropriate behavior, therefore warrants harsh treatment by the criminal justice system (Nagel &

Hagan, 1983; Rasche, 1975). Women are expected to behave in subservient and gentle ways. The evil woman hypothesis states when women act violently, for example, not only are they breaking the law, they are also breaking traditional gender norms. To reestablish societal expectations, women who engage in criminality are punished more harshly (Chesney-Lind, 1984; Erez, 1992). Therefore, female offenders are treated more severely when they engage in offenses that are traditionally committed by male offenders (Nagel & Hagan, 1983; Rasche, 1975).

Over the last several years scholars and policy makers alike have aimed to understand the nexus of race, gender, and punishment, challenging the masculinist nature of the political and social climate (Chesney-Lind, 2006). Drawing on the evil woman hypothesis, it is expected for less variation in sentencing outcomes between men and women to occur over time (Chesney-Lind, 1984; Chesney-Lind, 2006; Bernstein, 1977; Bowker, 1987; Erez, 1992; Daly, 1989; Rasche, 1975). Based on today's political climate, it appears that gender norms have not disappeared and are inherent in current times (Alexander, 2012; Burgess-Proctor, 2006; Chesney-Lind, 2006; Potter, 2015; Riche, 2012). The criminal justice system remains a masculine institution that is reflected by the male bias, therefore, punishment of women is still largely derived from gender role deviations (Alexander, 2012; Chesney-Lind, 2006; Haley, 2016; Jones, 2016; Richie, 2012).

The Influence of Geography on Sentencing Patterns

Scholars have acknowledged the importance of examining location on criminal sentencing as racial/ethnic and gender disparities have emerged between counties. As a result of immense differences between rural and urban communities, criminal activity and

sentencing decisions are likely to differ between the two types of communities (Britt, 2000; Kautt, 2002; Peterson & Hagan, 1984; Ulmer, 1997; Schwartz & Gertseva, 2010; Ulmer & Kramer, 1998). Additionally, the process of the justice system is likely to differ between counties to meet the constraints of the prosecutor's office, judge's bench, and the defense bar, in addition to the limitations of the local jail capacity (Britt, 2000; Eisenstein et al., 1988; Flemming et al., 1992; Steffensmeier et al., 1993; Ulmer, 1997; Walker et al., 2012).

Scholars that have examined disparities within sentencing by counties find rural county courts are more likely to utilize more punitive sanctions, which may be influenced by residents of the community (Kautt, 2002; Ulmer, 1997; Ulmer & Kramer, 1998). For instance, in rural communities, residents tend to hold similar principles, therefore hold comparable views toward informal social controls to deter and control crime (Boggs, 1971; Conklin, 1975; Lu, 2018; Myers & Talarico, 1986; Lu, 2018). Moreover, there appears to be less conformity in urban communities with high population densities, leading to weak social cohesion between residence calling for the need of formal social controls to deter and control crime. Additionally, scholars have found the need for formal social controls to target crime are usually higher in urban counties (Boggs, 1971; Conklin, 1975; Lu, 2018; Myers & Talarico, 1986).

Scholarship has acknowledged the role urbanization has had on rural-urban sentencing disparities. This emerging body of research finds disproportionality in sentencing between rural and urban counties, indicating incarcerative sentences have not been uniformly distributed and have disproportionately fallen on the urban poor (Britt, 2000; Mauer, 2004). However, there appear to be mixed results when assessing the

influence urbanization has on sentencing for minority offenders. Some studies find urbanization to reduce the likelihood of differential treatment of minority offenders (Austin, 1981; Hagan 1977; Pope, 1976). Scholars have noted this may be due to rural counties utilizing more punitive sanctions during sentencing, resulting in disadvantage for Black offenders (Austin, 1981; Hagan 1977; Lu, 2018; Myers & Talarico, 1986; Pope, 1976). Taken together, there is evidence that social demographic factors may be more influential in rural counties (Myers and Talarico, 1986; Mauer, 2004).

Sentencing patterns between urban and rural counties are likely to change over time as a result of the increase in the number of minority individuals in urban counties and the growth in number of white individuals in rural counties over the last several decades (Blalock, 1967; Frey, 1979; Giles & Hertz, 1994). A potential cause of this is due to white flight, which refers to the migrations of white individuals from urban to rural counties as a result of neighborhood diversity, changing the county composition (Defina & Hannon, 2009; Jacobs, 2018; Liu, 2001). Scholars have argued white flight is likely the result of the perceived threat to economic status and political power. To that end, Whites are likely to move to rural counties to protect their status and political power (Giles & Hertz, 1994; Lichter, Parisi, & Taquino, 2018). Thus, it is possible that as the racial composition of counties changes over time, changes in sentencing patterns may occur as a means to protect political and economic status of the majority. Additionally, studies find direct effects of urbanization on sentencing outcomes (Kramer & Steffensmeier, 1993; Meyers & Talarico, 1987; Steffensmeier, Kramer, & Streifel, 1993; Steffensmeier et al., 1998). More specifically, large urban counties are less likely to utilize punitive punishment over time as the racial composition of counties may have changed over the

last several years. Indicating as the level of urbanization increases the need for formal social controls decrease in urban counties. Furthermore, there is evidence to support variations in case processing between counties over time. Therefore, it is likely that punitive punishments will narrow over time in urban counties (Britt, 2000).

The limited body of research that has identified county-by-county disparities is concerning as little is known whether produced disparities across various counties are based on race and sex, as well as whether sentencing practices have changed over time (Lu, 2018; Myers & Talarico, 1986). Therefore, including geographical location when assessing sentencing disparities would be beneficial, as prior literature has noted the concerns for fair and unbiased treatment when sentencing decision differ depending on county type the case is processed (Spohn, 2000; Steffensmeier & Demuth, 2000; Ulmer & Johnson, 2004; Zatz, 2000).

Synopsis of Theoretical Frameworks

In sum, scholarly work draws on several theoretical frameworks to understand racial/ethnic and gender inequalities in sentencing. Examined together, these frameworks provide theoretical insight into the judicial decision-making process. Focal concerns theory and the racial threat hypothesis assist in explaining racial/ethnic variations in sentencing. Toward understanding severe punishment experienced by minority offenders, focal concerns theory provides insight as to why Black males, followed by Latino males, are more likely to receive an incarcerative sentence. The racial threat hypothesis is able to provide insight on the saturation of minority populations in urban counties, suggesting minority group members may be in position of power in urbanized counties compared to more rural counties. Scholarly work argues the chivalry and the evil woman hypotheses

work well together in explaining gendered inequalities (Crew, 1991; Nagel & Hagan, 1982). In order to explore leniency experienced by female offenders, the chivalry hypothesis provides insight as to why female offenders are more likely to receive community-based sanctions. For instance, when female offenders commit crimes as a result of past victimization, court actors will take a paternalistic approach toward sentencing. The evil woman hypothesis is able to provide insight as to why some women receive more harsh punishments. For instance, when female offenders commit crimes generally committed by males, the criminal justice system will respond accordingly to reaffirm traditional gender roles (Crew, 1991).

2.5 This Study: Research Questions and Hypotheses

Sentencing theories, such as focal concern theory and racial threat hypothesis, provide insight towards the understanding of racial/ethnic disparities in sentencing. Gender specific theories, such as the chivalry and the evil woman hypotheses provide insight as to why female offenders are awarded leniency during sentencing. Additionally, geography may influence sentencing as the interdependent working relations between courtroom actors is likely to differ between counties. While it has been long established that racial/ethnic and gender disparities emerge in criminal sentencing, studies to date have not examined whether racial/ethnic and gender inequalities between counties are interrelated and if they have remained stable over time.

Against this backdrop, this thesis will focus on two specific research questions: (1) do individuals from urban counties receive harsher sentences than individuals from rural counties? Prior literature suggests that those who reside in rural counties will face harsher punishments. (1a): Has this relationship changed over time? It is expected for prison

sentences to have narrowed in urban counties and remain stable in rural counties over time. (2): Does an offender's race, sex, and county of residence influence sentencing severity? An offender's race, sex, and county of residence will influence sentencing severity, such that, minority males sentenced in rural counties will be more likely to receive a sentence to incarceration. (2a): Have these disparities remained stable over time? It is expected for racial/ethnic and gender disparities to have narrowed in urban counties and remain stable in rural counties over time.

CHAPTER III

METHODOLOGY AND ANALYTICAL PLAN

Current Study

Extant research has predominantly focused on the consequences of a defendant's race/ethnicity and gender on sentencing outcomes across the United States. Numerous theoretical and empirical advancements have been made in understanding disparities identified across demographic characteristics and county-by-county courts. Despite an extensive body of empirical research devoted to examining sentencing trends and inequalities, considerable knowledge gaps remain. A particularly salient gap concerns the lack of understanding regarding the interaction of demographic characteristics and type of county the sentencing event occurred on punishment outcomes. Another weakness of the extant research on sentencing trends is the lack of understanding of how these patterns have evolved over time. This thesis will build on prior research by examining sentencing trends across various types of counties. The primary aim of this study is to gain a richer understanding of how demographic and county characteristics have affected sentencing outcomes over time. Using a large longitudinal dataset, this study will examine whether sentencing trends have become more or less punitive over time. The current work will include measures on both county level information and individual demographic characteristics. In addition, sentencing trends over time will be examined as well. Closing this gap in the literature has direct implications for practice and is essential for developing effective sentencing reform.

3.1 Data

Data for the current study are official records from the state of Florida's Sentencing Guidelines database. The Florida Sentencing Guideline database incorporates data from the Florida Department of Law Enforcement (FDLE) and the Department of Corrections (FDOC). Included in these data are all sentencing events for the state of Florida that occurred between 1994 and 2011 ($N = 1,945,816$)¹. Data for the current work will include all felony convictions that were processed through state courts within the 16-year period. This thesis will focus primarily on county-by-county sentencing trends; the sample will consist of all sentencing events that contain information on all key dependent variables, as well as all theoretically relevant covariates, resulting in a reduced sample size ($n = 1,877,761$). The Florida Sentencing Guidelines data provides key variables about the individual, as well as theoretically relevant variables identified by prior research. These data provide demographic information about the individual, all the current sentence information, prior record, county of sentence, and the sentencing outcome (i.e., prison or community-based sanction). These data also include detailed measures that prosecutors and judges may consider during sentencing such as whether the defendant is a designated habitual offender, severity of harm to the victim, and whether the offender is eligible for a prison sentence (see e.g., Bales & Piquero, 2012; Cochran & Mears, 2015; Kramer & Steffensmeier, 1993; Mauer, 1990; Mitchell, 2005; Spohn & Holleran, 2000; Steffensmeier et al., 1998). A detailed description of the dependent, independent, and all control variables follows below.

¹ 1994 and 2011 are half years only.

3.2 Dependent Variables

This thesis will employ one outcome measure to assess both research questions. The dependent variable is a dichotomous measure that captures sentencing outcomes. Individuals are coded as “1” if they received a sentence to incarceration. Individuals who did not receive a sentence to prison, meaning they received a community-based sanction, are coded as “0” (i.e., no prison). The focus of this thesis is on sentencing outcomes as this is a critical point in the criminal justice system. Furthermore, prior research typically looks at prison/no prison sentencing decisions (Bales & Piquero, 2012; Chiricos & Crawford, 1995; Franklin & Fearn, 2015; Mitchell, 2005; Pratt, 1998; Spohn, & Delone, 2012; Steffensmeier et al., 1993; Ulmer, 2012; Ulmer & Kramer, 1998). Sentence length is another important decision point to look at, however, this outcome goes beyond the scope of the current study. Directions for future research will be discussed in the final chapter.

3.3 Independent Variables and Controls

The independent variables that will be examined in this thesis are separated by research question. For the first research question, the key independent variable is a dichotomous measure that captures the type of county (i.e., urban or rural) the sentencing event occurred in. Sentencing events that occurred in an urban county are coded as “1” and cases processed in a rural county are coded as “0”. County indicators are based on the rural-urban continuum that ranges from 1 to 9, which includes three metro and six nonmetro categories and are based on the U.S. Department of Agriculture Economic Research Service Rural-Urban Continuum Codes (Parker, 2016). The rural-urban continuum codes are classifications of counties based on the size of population. Urban

areas receive classification by the size of population of their metro area. Rural areas receive classification by the degree of urbanization and adjacency to a metro area. Urban areas are those that have values from 1 to 3 (1 = counties in metro areas of 1 million population or more, 2 = counties in metro areas of 250,000 to 1 million population, and 3 = counties in metro areas of fewer than 250,000 population). Rural counties are those with values from 4 to 9 on the continuum (4 = urban population of 20,000 or more, adjacent to a metro area, 5 = urban population of 20,000 or more, not adjacent to a metro area, 6 = urban population of 2,500 to 19,999, adjacent to a metro area, 7 = urban population of 2,500 to 19,999, not adjacent to a metro area, 8 = completely rural or less than 2,500 urban population, adjacent to a metro area, and 9 = completely rural or less than 2,500 urban population, not adjacent to a metro area).

The aim of the second research question is to explore whether the offender's race/ethnicity, sex, and type of county the sentencing event occurred influence severity of punishment. The independent variables of primary interest are defendant's race/ethnicity, gender, and county type. Accordingly, this thesis will include a dichotomous indicator of sex (0 = female, 1 = male), and a series of dichotomous measures of race and ethnicity, White (reference), Black, Latinx, and a binary rural-urban measure described in detail above (0 = rural, 1 = urban).

In addition to demographic information, the current work will also include a host of control variables that account for legally relevant case characteristics (Steffensmeier & Demuth, 2000, Steffensmeier & Demuth, 2001; Warren et al., 2012). Age will be included as a continuous measure. However, all cases under the age of 17 and over the age of 60 will be removed from the analyses as they are substantial outliers, resulting in a

reduced sample size ($n = 1,852,462$). In addition, a measure of primary offense will be included, which will be comprised of five dichotomous indicators of violent offense, sex offense, property offense, drug offense, or other primary offense. Property offense will serve as the reference category. The current work will also include dichotomous indicators of case characteristics such as, the severity of harm to the victim (whether the victim was slightly, moderately, or severely injured, or whether the victim was deceased) and whether the case went to trial or was pled out. The current study will employ a comprehensive score capturing case seriousness, which is the overall number of sentencing guidelines points designated to a certain case. This measure will include primary offense points, in addition to any offense seriousness points, enhancement points, and prior record points. Low scores indicate lower levels of crime seriousness, while high scores indicate increased levels of seriousness. Scholarly work that examines sentencing trends often include a score to prison measure, which is a state designated indicator that identified individuals who are eligible for a prison sentence. So, per the Florida sentencing guidelines score, individuals that are above the threshold, who have a score over 44 points, are eligible for a prison sentence. However, judges can and do deviate from this guideline. Further, those who are not eligible for a prison can receive a prison sentence, and those who are eligible for a prison sentence can receive a community sanction at the judge's discretion. This thesis will also employ dichotomous indicators of macro, county-level information regarding the heterogeneity of the population (i.e., percent of Black, White, Latinx individuals in the general population and the percent of female headed households). Since the overarching goal of this study is to assess

sentencing trends over time, this thesis will include 16 dichotomous measures capturing the year each sentencing event occurred.

3.4 Analytic Plan

The proposed analyses will proceed in three stages. First, the current study will examine univariate statistics. Descriptive statistics will be utilized to examine the frequency, mean, and standard deviations of the study variables that will be included in the models. Second, due to non-normal distribution of study variables, this paper will utilize spearman rho bivariate correlation matrix to assess relationships among study variables (Long & Freese, 2014). Spearman rho bivariate correlation will be used to assess the strength and direction of the relationship between variables. Third, due to the dichotomous nature of the research questions, a series of logistic regression models will be included.

Logistic regression will be used to examine research question one. Model 1 will examine the influence of county type on sentencing outcomes, while controlling for other known correlates of sentencing. Predicted probabilities will be examined to assess the change in the probability of receiving a prison sentence for each study variable. Model 2 will include a two-way interaction term between type of county and year the sentencing event occurred, examining whether this relationship has changed over time.

For the second research question, two separate main models will be presented to examine trends for urban and rural counties (Mize, 2019). Model 1 will include a two-way interaction term between race/ethnicity and sex, examining the influence a defendant's demographic characteristics have on sentencing outcomes in rural counties,

while controlling for other known correlates of sentencing. Model 2 will include these interactions for urban counties.

To examine how these trends evolve over time, a three-way interaction term will be included, via split urban and rural models, the effect of race/ethnicity, sex, and year the sentencing event occurred on sentencing outcomes by county type. Model 1 will examine the interaction between race/ethnicity, sex, and sentencing year on likelihood a receiving a prison sentence for rural counties. Model 2 will include these interactions for urban counties.

CHAPTER IV

RESULTS

This chapter will present results and findings from the current study that examines sentencing trends. Descriptive statistics for the sample are included in table 1. Across the 1,852,462 sentenced individuals, 22 percent received a prison sentence. Approximately 49 percent of the sample is White, 41 percent is Black, and 10 percent is Latinx. Table 1 shows 81 percent of all defendants are male. Roughly 94 percent of cases were processed in urban county courts. The average age of the sample is 32. The most common primary offense type for the sample is a drug offense. Among the sample, the average sentencing guideline score is approximately 4. Per the Florida sentencing guidelines score, roughly 30 percent of sentenced individuals are above the threshold that mandates a prison sentence. Only two percent of cases went to trial and 98 percent of individuals took a plea deal. In cases that involved a victim, roughly 95 percent of victims did not incur an injury, those that did experience an injury had slight to moderate injuries. In terms of the community heterogeneity, the average percent of White across all counties is 59 percent, the average percent Black is 15 percent, and the average percent Latinx is 20 percent. The demographic statistics for the full sample are consistent with national estimates of the offender population (Carson & Anderson, 2016).

Table 1

Descriptive Statistics (n = 1,852,462)

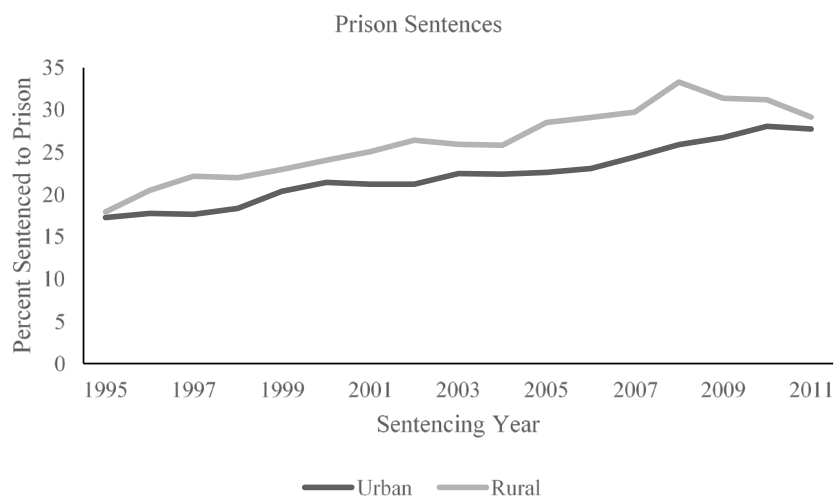
	Mean	S.D.	Min.	Max.
<i>Dependent Variables</i>				
Prison Sentence	0.22	0.42	0	1
<i>Independent Variables</i>				
White	0.49	0.50	0	1
Black	0.41	0.49	0	1
Latinx	0.10	0.30	0	1
Male	0.81	0.39	0	1
Urban Jurisdiction	0.94	0.23	0	1
<i>Year Sentencing Event Occurred</i>				
1995	0.05	0.21	0	1
1996	0.05	0.23	0	1
1997	0.06	0.24	0	1
1998	0.06	0.24	0	1
1999	0.06	0.24	0	1
2000	0.06	0.24	0	1
2001	0.06	0.24	0	1
2002	0.06	0.24	0	1
2003	0.06	0.24	0	1
2004	0.06	0.24	0	1
2005	0.06	0.24	0	1
2006	0.07	0.25	0	1
2007	0.07	0.26	0	1
2008	0.07	0.25	0	1
2009	0.06	0.24	0	1
2010	0.06	0.23	0	1
2011	0.02	0.15	0	1
<i>Control Variables</i>				
Age	31.62	9.98	17	60
<i>Primary Offense</i>				
Violent	0.19	0.39	0	1
Property	0.33	0.48	0	1
Drug	0.35	0.48	0	1
Sex	0.02	0.13	0	1
Other	0.11	0.32	0	1
Sentencing Guidelines Score	3.92	1.98	1	10
Eligible for Prison Sentence	0.29	0.45	0	1
Trial vs. Plea	0.02	0.12	0	1
<i>Injury Level</i>				
No Injury to Victim	0.95	0.22	0	1
Victim Slightly Injured	0.03	0.17	0	1
Victim Moderately Injured	0.01	0.11	0	1
Victim Severely Injured	0.01	0.07	0	1
Victim Died	0.00	0.06	0	1
Heterogeneity of Population				

(continued)

Percent White	59.37	19.27	15	90
Percent Black	15.34	7.51	3	56
Percent Latinx	20.56	16.54	2	65
Female Headed Households	13.28	2.81	4	22

Bivariate Rural and Urban Differences in Sentencing Outcomes

Turning to figure 1, panels A and B provide a visual representation of sentencing outcomes for rural and urban counties during the study period. Panel A in figure 1 depicts the percent of individuals sentenced to prison in Florida's rural (gray line) and urban counties (black line), panel B illustrates the percent of individuals sentenced to community-based supervision in rural (gray line) and urban (black line) counties. The x-axis depicts the sentencing year and the y-axis represents the percent of individuals that received a prison sentence in panel A and a community sentence in panel B. Upon inspection of figure 1, several trends emerge. First, both rural and urban counties have increased in punitiveness over time. Meaning, Florida courts are utilizing more prison over community-based punishments. Since 1995, the percent sentenced to prison has increased from 18 to 29 in rural counties and from 17 to 27 in urban counties. Second, rural counties have higher percentages of prison sentences across time. Third, community sentences are being used less over time. Since 1995, the percent sentenced to community sentences has decreased from 82 to 71 in rural counties and from 82 to 72 in urban counties. Fourth, urban counties have higher percentages of community control sentences across time. The bivariate findings support prior theory, which suggest individuals in rural counties are more likely to receive harsher sentencing practices (Kautt, 2002; Ulmer, 1997; Ulmer & Kramer, 1998). Furthermore, these results lend support to prior theory that finds punitive sanctions are more likely to decline in many urban areas over time (Kautt, 2002; Ulmer & Kramer, 1998; VERA, 2015; VERA, 2017).

Panel A. Prison Sentence


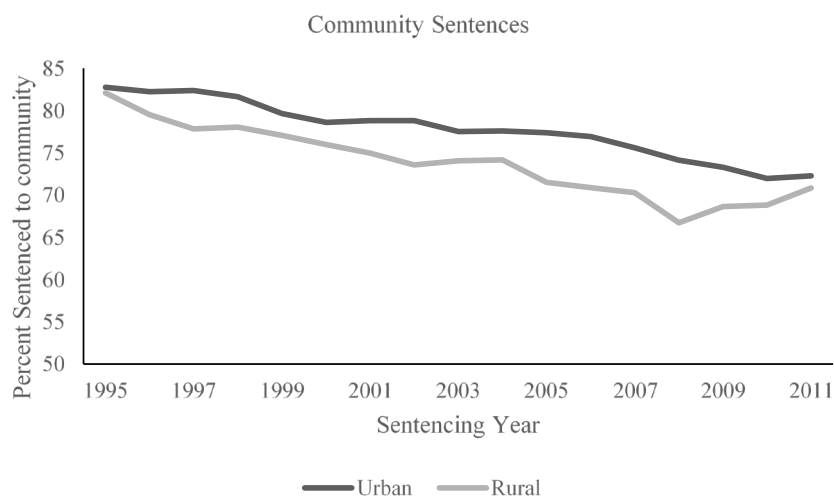
Panel B. Community Sentences


Figure 1. Bivariate Trends in Sentencing Outcomes by County Type

Rural and Urban Differences in the Likelihood of Incarceration

The first aim of this thesis is to examine whether individuals in rural counties receive harsher sentences, compared to those sentenced in urban counties. Additionally, this thesis aims to examine how these patterns have evolved overtime. To further explore these differences, the analyses examine a series of logistic regression models that

examine the main effect of county type on the probability of receiving an incarcerative sentence. Model 1 in table 2 examines the effect county type has on sentencing outcomes while controlling for other known correlates of sentencing. Model 2 in table 2 examines the interaction between county type and sentencing year on sentencing outcomes to explore if there has been a change over time.

Table 2

Logistic Regression of County Type on Prison Sentence (n = 1,852,462)

	Model 1			Model 2		
	b	SE	OR	b	SE	OR
<i>Interaction</i>						
Urban x Sentencing year	-	-	-	-0.020***	0.00	0.980
Urban	-0.194***	0.01	0.823	40.437***	3.80	3.64e+17
<i>Demographics</i>						
Black	0.336***	0.00	1.400	0.291***	0.00	1.338
Latinx	0.090***	0.01	1.094	0.085***	0.01	1.089
Male	0.563***	0.01	1.755	0.547***	0.01	1.727
Sentencing year	0.059***	0.00	1.061	0.080***	0.00	1.083
<i>Controls</i>						
Age	0.010***	0.00	1.010	0.10***	0.00	1.010
Primary Offense						
Violent	-0.180***	0.01	0.835	-0.196***	0.01	0.822
Drug	-0.161***	0.01	0.852	-0.025***	0.01	0.976
Sex	-0.291***	0.01	0.748	-0.251***	0.01	0.778
Other	-0.062***	0.01	0.940	0.021*	0.01	1.021
Sentencing Guidelines						
Score	0.132***	0.00	1.141	0.132***	0.00	1.141
Eligible for Prison						
Sentence	2.511***	0.01	12.318	2.602***	0.01	13.495
Trial vs. Plea	1.654***	0.02	5.226	1.619***	0.02	5.049
Injury Level						
Victim Slightly	-0.295***	0.01	0.744	-0.192***	0.01	0.826
Injured						
Victim Moderately						
Injured	-0.356***	0.02	0.701	-0.189***	0.02	0.828
Victim Severely						
Injured	0.206***	0.02	1.229	0.275***	0.02	1.317

(continued)

Victim Died	0.866***	0.03	2.378	0.983***	0.04	2.671
Heterogeneity of Population						
Percent Black	-0.010***	0.00	0.990	-0.009***	0.00	0.991
Percent Latinx	-0.030***	0.00	0.971	-0.030***	0.00	0.970
Female headed household	0.074***	0.00	1.077	0.073***	0.00	1.075
Constant	-			-		
	122.451***	0.95		163.331***	3.68	0.000
Log Pseudolikelihood	-694433.14			-686380.83		

*Notes: White, property offense, no injury, percent white county, serve as reference variables; SE = standard error; *** $p < .0001$, ** $p < .01$, * $p < .05$.*

Turning to Model 1 in table 2, several critical findings emerge. First, county type is related to the likelihood of receiving a sentence to incarceration. Individuals sentenced in urban counties, as opposed to rural counties, are less likely to receive an incarcerative sentence ($b = -0.194$, O.R. = 0.823). Second, significant effects emerge for race/ethnicity and sex. Black ($b = 0.336$, O.R. = 1.400), Latinx ($b = 0.090$, O.R. = 1.094), and male ($b = 0.563$, O.R. = 1.755) offenders are significantly more likely to receive a sentence to incarceration compared to their White and female counterparts. Furthermore, sentencing practices have become more punitive overtime ($b = 0.059$, O.R. = 1.061). Additionally, several other predictor variables emerge as significant. Older offenders have higher odds of receiving a prison sentence than younger individuals ($b = 0.010$, O.R. = 1.010). Compared to individuals with a property primary offense, violent ($b = -0.180$, O.R. = 0.835), drug offenses ($b = -0.161$, O.R. = 0.852), sex offenses ($b = -0.291$, O.R. = 0.748), and other offenses ($b = -0.062$, O.R. = 1.141) are significantly less likely to receive a sentence to incarceration. Individuals above the threshold who are eligible for prison have higher odds of receiving a sentence to incarceration, compared to those who are not eligible ($b = 2.511$, O.R. = 12.318). Defendants who took a plea deal had higher odds of receiving a sentence to incarceration than those who went to trial ($b = 1.654$, O.R. =

5.226). Severity of injury incurred by the victim is significantly associated with sentencing outcome. Compared to offenses where there are no injuries, offenses with slight ($b = -0.295$, O.R. 0.744) or moderate ($b = -0.356$, O.R. 0.701) injuries to the victim had lower odds of incarceration. In comparison, cases where the victim was subjected to severe injuries ($b = 0.206$, O.R. 1.229) or when the victim died ($b = 0.866$, O.R. 2.378), defendant have higher odds of receiving a prison sentence. In regard to the heterogeneity of the community, as the percent of Black ($b = -0.010$, O.R. = 0.990) and Latinx ($b = -0.030$, O.R. = 0.971) individuals in the county increases, offenders have lower odds of receiving a prison sentence. However, as the percent of female headed households increases, offenders are more likely to receive a sentence to incarceration ($b = 0.074$, O.R. = 1.077).

To further explore these differences, estimated predicted probabilities of a prison sentence are provided in appendix A for each significant control variable, a few of which are highlighted here. The predicted probability of a prison sentence for individuals sentenced in rural counties (0.246) is higher than for those sentenced in urban counties (0.223). Appendix A also shows minorities, specifically Black individuals (0.245), followed by Latinx individuals (0.216) have a higher probability of receiving a prison sentence, compared to White individuals (0.206). However, the magnitude of the race/ethnicity effect is rather small. Moreover, males have a higher probability of receiving a prison sentence compared to females (0.234 vs 0.172). Likewise, individuals sentenced in later years have a higher probability of receiving a prison sentence. The predicted probability of prison sentence is 0.172 for individuals sentenced in 1995,

compared to 0.204 for individuals sentenced in 2000, 0.238 for individuals sentenced in 2005, and 0.275 for those sentenced in 2010.

Sentencing Patterns Over Time

Next, model 2 in table 2 provides a two-way interaction term to further assess whether the effect of sentencing year differs between urban and rural counties. Findings show a significant interaction between county type and sentencing year ($b = -0.020$, O.R. = 980), which supports prior theory that sentencing practices have become more punitive in rural counties and have narrowed in urban counties overtime (Kautt, 2002; VERA, 2015; VERA, 2017).

To easy interpretation of the interaction terms, figure 2 provides a visual representation of the interaction between county type and sentencing year for rural (gray line) and urban (black line) counties. The x-axis depicts sentencing year and the y-axis represents the predicted probability of a prison sentence. Visual inspection of panel A shows that for both county types sentencing practices have become more punitive over the last several years. The predicted probability for sentencing year is significant, indicating sentencing practices have become more punitive over time for both rural and urban counties. However, rural counties have a higher predicted probability compared to urban counties. For instance, someone sentenced in a rural county in 1995 had 0.189 predicted probability of a prison sentence, in an urban county in 1995 the predicted probability is 0.171. In 2002 the predict probability for rural counties increased to 0.252 and 0.215 for urban counties. In 2011 the predicted probability for rural counties increased to 0.347, and in urban counties the predicted probability increased to 0.279. Visual examination shows while sentencing practice have become more punitive for both

county types, rural counties have a steeper increase in harsher sentencing practices.

Additionally, a test of second difference was assess to examine whether the differences in sentencing year are equal. Results show the effect of +1 sentencing year is significant for both rural and urban counties.

Panel A. Prison Sentence

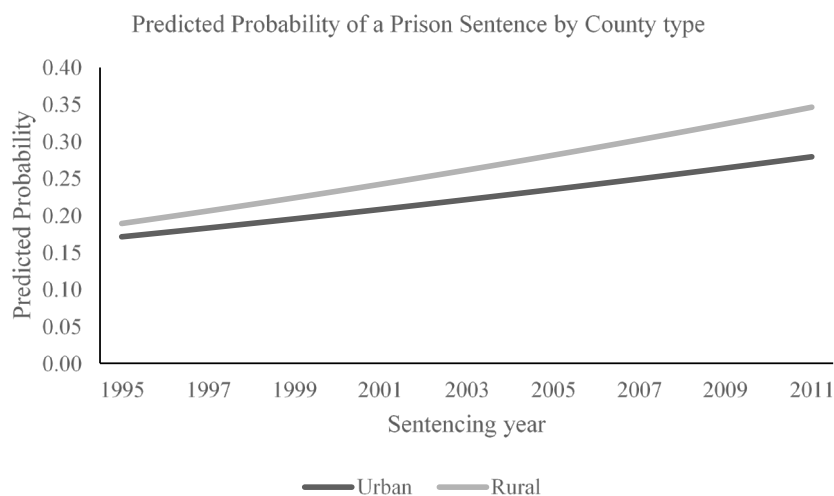


Figure 2. Predicted Probability of a Prison Sentence by County type. Note: Difference for each year is statistically significant.

Racial/Ethnic and Sex Differences in the Likelihood of Incarceration by County Type

The second aim of this thesis is to assess the effect race, ethnicity, and sex have on sentencing decisions. To explore the second research question, the analyses turn to a series of logistic regression models that examine, via split urban and rural models, the effect of race/ethnicity and sex on sentencing outcomes across county type. Model 1 in table 3 examines the interaction of sex and race/ethnicity on receiving a prison sentence

in rural counties. Model 2, examines these interactions in urban counties. For each interaction model, a test of equality of marginal effects was assessed (Mize, 2019).

Results from table 3 reveal significant interaction effects. First, model 1 reveals the interaction between race/ethnicity and sex is a significant predictor of a prison sentence in rural counties. Second, model 2 shows the interaction effect of race/ethnicity and sex is a significant predictor of an incarcerative sentence for urban counties.

Table 3

Logistic Regression of the Influence of an Offender's Race, Ethnicity, and Sex on Prison Sentences.

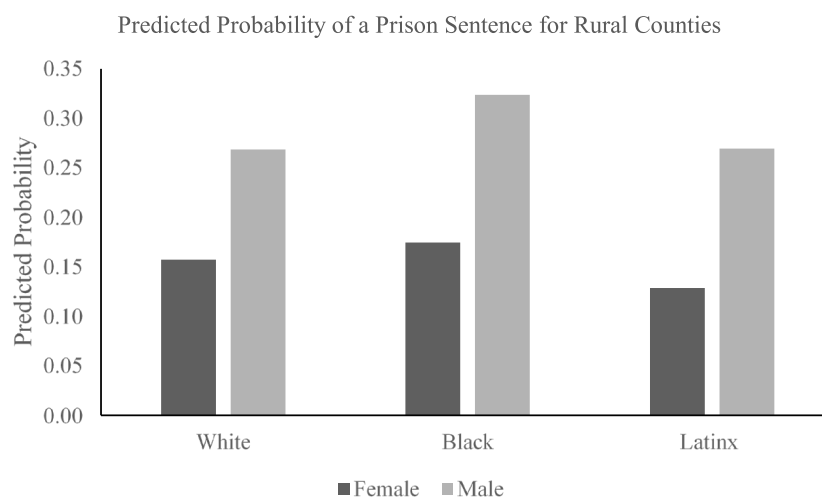
	Model 1 Rural Counties (n = 108,400)			Model 2 Urban Counties (n = 1,744,602)		
	b	SE	OR	b	SE	OR
<i>Interactions</i>						
Male x Black	0.215***	0.05	1.240	0.215***	0.01	1.239
Male x Latinx	0.305*	0.12	1.356	0.311***	0.03	1.365
<i>Demographics</i>						
Black	0.161***	0.05	1.175	0.112***	0.01	1.118
Latinx	-0.297*	0.13	0.743	-0.184***	0.03	0.832
Male	0.345***	0.03	1.412	0.448***	0.01	1.564
<i>Controls</i>						
Age	0.004***	0.00	1.004	0.011***	0.00	1.011
Sentencing year	0.075***	0.00	1.078	0.059***	0.00	1.061
Primary Offense						
Violent	-0.083**	0.03	0.921	-0.205***	0.01	0.814
Drug	0.014	0.03	1.015	-0.035***	0.01	0.966
Sex	0.019	0.05	1.019	-0.278***	0.01	0.758
Other	0.159***	0.03	1.173	0.010***	0.01	1.010
Sentencing Guidelines						
Score	0.076***	0.01	1.079	0.136***	0.00	1.146
Eligible for Prison						
Sentence	2.373***	0.02	10.726	2.627***	0.01	13.826
Trial vs. Plea	1.820***	0.08	6.171	1.615***	0.02	5.027
Injury Level						
Victim Slightly Injured	-0.045*	0.04	0.956	-0.199***	0.01	0.819
Victim Moderately Injured	-0.189***	0.06	0.828	-0.182***	0.02	0.834

(continued)

Victim Severely Injured	0.111*	0.09	1.118	0.291***	0.03	1.337
Victim Died	0.514***	0.12	1.673	1.028***	0.04	2.795
Heterogeneity of Population						
Percent Black	0.013***	0.00	1.013	-0.019***	0.00	0.981
Percent Latinx	-0.004***	0.00	0.996	-0.036***	0.00	0.964
Female headed household	-0.018***	0.00	0.982	0.125***	0.00	1.133
Constant	-			-		
	152.582***	3.62		123.433***	1.00	
Log Pseudolikelihood	-46746.586			-638165.4		

*Notes: White, property offense, no injury, percent white county, serve as reference variables; SE = standard error; *** $p < .0001$, ** $p < .01$, * $p < .05$.*

To aid with the interpretation of the interaction terms, figure 3 provides a visual representation of the significant estimated predicted probabilities of a prison sentence for White males and females, Black males and females, and Latinx males and females. Panel A in figure 1 illustrates the estimated predicted probabilities for individuals sentenced to prison in Florida's rural counties, panel B shows this for urban counties. The x-axis depicts the race/ethnicity and sex interaction and the y-axis represents the predicted probability of a prison sentence. Several trends emerge in figure 1. First, males, regardless of race/ethnicity had higher predicted probabilities of a prison sentence than females and this finding is relatively similar between rural and urban counties. Second, it appears Black males and females, compared to other race/ethnicity combinations have a higher predicted probability of a prison sentence and appear to be relatively similar between rural and urban counties. Third, individuals sentenced in rural counties had a higher probability of receiving an incarcerative sentence overall.

Panel A. Rural Counties


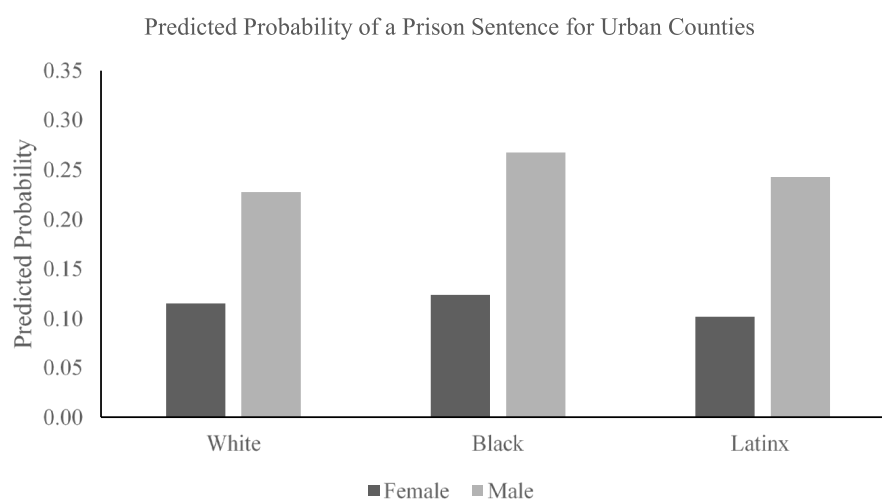
Panel B. Urban Counties


Figure 3. Predicted Probability of a Prison Sentence by County Type.

Shown in table 4, the test of equality of marginal effects depicts that sentencing practices do differ across race/ethnicity and sex for rural counties. Results reveal the predicted probability of a prison sentence for female offenders is highest for Black females (0.175), followed by White females (0.157), and then Latina women (0.128). In regard to male offenders, the predicted probability is highest for Black males (0.324),

followed by Latino males (0.269), and then white males (0.268). Predicted probabilities indicate that black offenders, regardless of sex, have a higher probability of receiving a prison sentence in rural counties. Results show the difference between men and women is only significant for Whites. Meaning, only white women get treated significantly different from male counterparts. Black and Latina women do not get afforded the same leniency. Moreover, the effect of sex differs between White and Black and White and Latinx offenders, but not between Black and Latinx offenders.

Table 4

Predicted probability of a prison sentence by race/ethnicity and sex in rural counties and test of marginal effects. (n = 108,400)

	Female	Male	Sex Gap	Contrasts
<i>a</i> : White	0.157	0.268	-0.458***	<i>b, c</i>
<i>b</i> : Black	0.175	0.324	-0.130	<i>a</i>
<i>c</i> : Latinx	0.128	0.269	-0.230	<i>a</i>

Table 5 estimates the predicted probability and marginal effects of a prison sentence in urban counties, the test of equality of marginal effects depicts that sentencing practices differ by race/ethnicity and sex for urban counties. Results show the predicted probability of a prison sentence for female offenders is highest for Black females (0.124), followed by White females (0.115), and then Latina women (0.102). Results show women have relatively similar predicted probabilities of incarceration in rural and urban counties. For male offenders, the predicted probability is highest for Black males (0.267), followed by Latino males (0.243), and then white males (0.227). Minority males have a higher predicted probability of a prison sentence than white males in both rural and urban counties. Results reveal the difference between males and females is significant for

White, Black, and Latinx offenders in urban counties. The largest difference is between White males and females (0.227 vs. 0.115), followed by Latinx males and females (0.243 vs. 0.102), then by Black males and females (0.267 vs. 0.124). Results show that all women get treated significantly different from male counterparts. Moreover, the effect of sex significantly varies between White and Latinx individuals, but not for White and Black and Black and Latinx offender.

Table 5

Probability of prison sentence by race/ethnicity and sex in urban counties

(n = 1,744,062).

	Female	Male	Sex Gap	Contrasts
<i>a</i> : White	0.115	0.227	-0.295***	<i>c</i>
<i>b</i> : Black	0.124	0.267	-0.233***	-
<i>c</i> : Latinx	0.102	0.269	-0.251***	<i>a</i>

Results from tables 4 and 5 show there are sentencing discrepancies that are based on race/ethnicity, sex, and county type. Additionally, there are inconsistencies in the probability of receiving a prison sentences between rural and urban counties. Results indicate all women are afforded leniency during sentencing in urban counties. In comparison, only white women are treated significantly different from white males, the difference between Black males and females and Latinx males and females is not statistically significant. Findings reveal the effect of sex changes based on country type. For rural counties, the effect of sex differs between White and Black and White and Latinx offender, in urban counties the effect only differs for White and Latinx offenders.

Trends In Sentencing Outcomes by Racial/Ethnic and Sex by County Type

Overtime

Next, to examine how sentencing practices have changed over time, the analyses explore the effect of race/ethnicity and sex on sentencing outcomes over time. The analyses turn to a series of logistic regression models on a split sample. Model 1 in table 6 examines a three-way interaction between race/ethnicity, sex, and sentencing year in rural counties. Model 2 includes these interactions for urban counties. Results from model 1 reveal significant interaction effects. Model 2 reveals the three-way interaction is significant for urban counties as well.

Table 6

Logistic Regression of the Influence of an Offender's Race/Ethnicity and Sex on Prison Sentences.

	Model 1 Rural Counties (n = 108,400)			Model 2 Urban Counties (n = 1,744,602)		
	b	SE	OR	b	SE	OR
<i>Interactions</i>						
Male x Black	-54.278***	22.03	2.67e-24	-1.618	6.12	0.198
Male x Latinx	-6.954	58.81	0.000	-34.029**	12.92	1.67e-15
Black x Year	-0.023*	0.01	0.977	-0.027***	0.00	0.973
Latinx x Year	-0.019	0.03	0.981	-0.052***	0.01	0.950
Male x Year	-0.026***	0.01	0.974	-0.009***	0.00	0.991
Black x Male x Year	0.027**	0.01	1.028	0.001	0.00	1.000
Latinx x Male x Year	0.004	0.03	1.004	0.017*	0.01	1.017
<i>Demographics</i>						
Black	47.006*	20.52	2.60e+20	53.343***	5.71	3.99e+23
Latinx	37.745	0.13	2.47e+16	103.619***	12.42	1.00e+45
Male	52.966***	0.03	1.01e+23	18.545***	4.09	1.13e+08
<i>Controls</i>						
Age	0.003***	0.00	1.004	0.011***	0.00	1.010

(continued)

Sentencing year	0.097***	0.00	1.102	0.082***	0.00	1.085
Primary Offense						
Violent	-0.146***	0.03	0.864	-0.183***	0.01	0.833
Drug	-0.107***	0.02	0.898	-0.177***	0.01	0.838
Sex	-0.003	0.05	0.997	-0.310***	0.01	0.734
Other	-0.021*	0.03	0.980	-0.062***	0.01	0.940
Sentencing Guidelines Score	0.076***	0.01	1.078	0.136***	0.00	1.145
Eligible for Prison Sentence	2.293***	0.02	9.905	2.539***	0.01	12.665
Trial vs. Plea	1.857***	0.08	6.402	1.651***	0.02	5.214
Injury Level						
Victim						
Slightly Injured	-0.026*	0.04	0.918	-0.308***	0.01	0.735
Victim						
Moderately Injured	-0.189***	0.06	0.727	-0.351***	0.02	0.704
Victim						
Severely Injured	0.111*	0.09	1.072	0.222***	0.02	1.249
Victim Died	0.514***	0.11	1.735	0.910***	0.04	2.485
Heterogeneity of Population						
Percent Black	0.013***	0.00	1.013	-0.020***	0.00	0.980
Percent Latinx	-0.003***	0.00	0.997	-0.036***	0.00	0.964
Female headed household	-0.019***	0.00	0.981	0.128***	0.00	1.136
Constant	-			-		
Log Pseudolikelihood	196.651***	12.25		167.814***	3.77	
	-4717.036			-645192.2		

Notes: White, property offense, no injury, percent white county, serve as reference variables; SE = standard error; ***p<.0001, **p<.01, *p<.05.

Next, a test of equality of marginal effect was assessed for rural and urban counties. First differences in the effect of race/ethnicity for men and women was calculated in order to examine the possibly interactive effect of race/ethnicity, sex, and year sentencing event occurred (Mize, 2019). The test of equality of marginal effects depicts that sentencing practices do differ across race/ethnicity, sex, and sentencing year. Then, a test of second difference was assessed to examine whether the differences are equal. For rural

counties, the second difference test reveals the effect of sentencing year between males and females is not significantly different for White and Latinx individuals, but is significant for Black individuals ($p < .01$). In comparison, the test of equality of marginal effects for urban counties discovered that the effect a prison sentence do differ by race/ethnicity, sex, and plus one sentencing year. Results of the second difference test show sentencing year is significant for all sex and race/ethnicity combinations (p value for all is $< .001$).

To aid with the interpretation of the interaction terms, figure 4 illustrates the estimated predicted probabilities of a prison sentence for White males and females, Black males and females, and Latinx males and females by sentencing year. Panel A in figure 4 illustrates the estimated predicted probabilities for the interaction between race/ethnicity, sex, and sentencing year for rural counties, panel B includes the three-way interaction for urban counties. The x-axis depicts sentencing year and the y-axis represents the predicted probability of receiving a prison sentence.

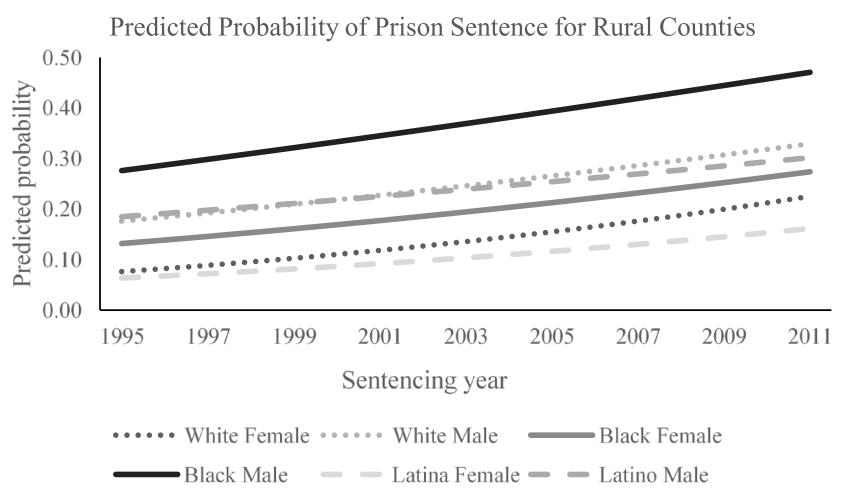
Visual examination of panel A in figure 4 illustrates Black males have the highest predicted probability of receiving a prison sentence. Furthermore, Black males have a steeper increase in the predicted probability of a prison sentence, followed by Latino and White males, then black women, white women, and Latina women. More specifically, an increase in the predicted probability for one sentencing year for white women goes from 0.150 to 0.160 and for white men the predicted probability goes from 0.250 to 0.259. Likewise, the predicted probabilities increase for minority individuals, for black women the predicted probability goes from 0.196 to 0.205 and for black men the predicted probability goes from 0.367 to 0.379. The predicted probability for Latina women the

predicted probability increases from 0.116 to 0.123 and for Latino men, the predicted probability increases from 0.244 to 0.252.

Visual examination of panel B illustrates Black males have the highest predicted probability of receiving a prison sentence. Furthermore, Black males have a steeper increase in the predicted probability of a prison sentence, followed by Latino and White males, then black women, white women, and Latina women. For example, an increase in the predicted probability for one sentencing year for white women increased the predicted probability from 0.114 to 0.120 and for white men the predicted probability goes from 0.215 to 0.223. The predicted probability of sentencing year also increases for Black women (0.126 vs. 0.131), black men (0.289 vs. 0.295), Latina women (0.096 to 0.098), and Latino men (0.220 vs. 0.224).

Visual examination of the panels shows several important trends. First, both rural and urban counties have increased in the use of prison as punishment over time. Second, individuals in rural counties have a steeper increase in receiving a prison sentence over time. Third, males, regardless of race/ethnicity had higher predicted probabilities of a prison sentence over time. This finding is relatively similar between rural and urban counties.

Panel A. Rural Counties



Panel B. Urban Counties

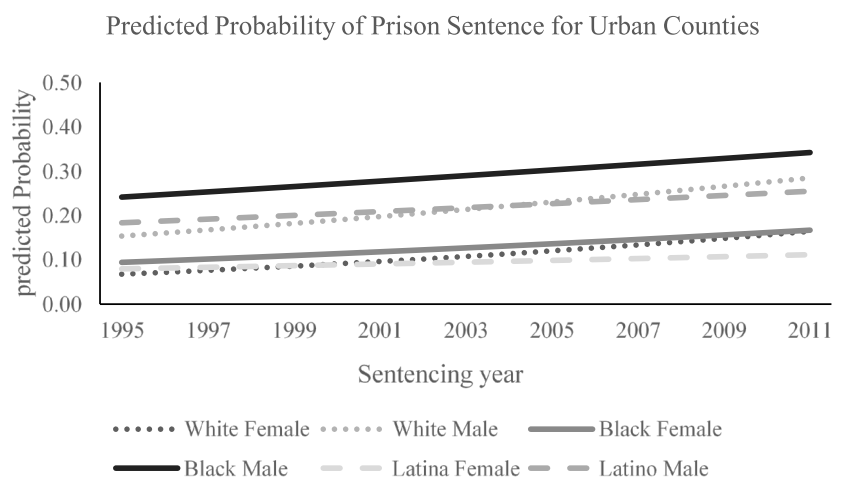


Figure 4. Predicted Probability of a Prison Sentence by Race/Ethnicity, Sex, & Sentencing Year.

CHAPTER V

CONCLUSION AND DISCUSSION

Racial/ethnic and sex disparities in punishment have been widely discussed in prior sentencing literature (Bales & Piquero, 2012; Franklin & Fearn, 2015; Mitchell, 2005; Spohn, 2000; Spohn, 2015; Steffensmeier & Demuth, 2001; Ulmer, 2012). This body of research has evolved to examine the relationship between geographical locations and sentencing outcomes, finding an association between location and punishment. Scholarship have identified differences in sentencing practices by county type (Myers & Talarico, 1986; Eisenstein, Flemming, & Nardulli, 1988; Flemming, Nardulli, & Eisenstein, 1992; Ulmer, 1997). Further, prior research has identified harsher sentencing practices in rural counties, compared to urban counties (Myers & Talarico, 1986; Flemming, Nardulli, & Eisenstein, 1992; VERA, 2017). Moreover, research has found increased punitiveness over the last several years in rural counties (Ulmer, 1997; VERA, 2015; VERA, 2017). In comparison, scholarly work has found punitive sanctions have declined in many urban counties (Kautt, 2002; Ulmer, 1997; Ulmer & Kramer, 1998; VERA, 2015; VERA, 2017). However, to date little is known regarding how the interaction between these factors has evolved over time. The goal of this thesis was to bridge the literature between place (urban v. rural) and people (gender, race/ethnicity) and to examine trends over time. This thesis added to the body of sentencing literature by examining two specific research questions centered on the variation in sentencing decisions, by sex, race/ethnicity, and county type over the last several years.

In terms of the first research question, the goal was to determine whether individuals from urban counties received harsher sentences than individuals from rural counties and

to assess whether this relationship changed over time. To that end, results showed individuals in rural counties received harsher sentences, and revealed evidence of overall increased punitiveness for both urban and rural counties over the last several years. In response to the second research question, the goal was to determine whether racial/ethnic and sex disparities emerged in the decision to incarcerate between county type, and to assess whether this relationship changed over time. Results revealed differences in sentencing outcomes by race/ethnicity and sex between rural and urban counties. Specifically, Black males experienced the most severe punishment in both rural and urban counties. Further, in both rural and urban counties, Black males consistently received the most punitive form of punishment over time. Three main findings emerged.

First, results showed evidence of more punitive sentences in rural counties generally and over time. This finding was expected in light of focal concerns perspective. It is likely that judges in rural counties have a more punitive belief system. Further, it is possible that rural counties may have fewer community sanctions available which caused judges to rely on a prison sentence more frequently. Likewise, since urban counties have many more offenders, it is likely that judges had to rely on different punishment options because of limited resources. Evidence of increased punitiveness over time was expected based on white flight. Perhaps rural counties have become more diverse over time, which caused judges to utilize formal sanctions more frequently.

Second, there was evidence of more punitive sentences for Black males across rural and urban counties over time. This finding was expected based on the focal concerns perspective. So, it is possible that judges in both rural and urban counties rely on

stereotypical views toward minority offenders, which caused judges to utilize incarcerative sentences more often.

Third, analyses revealed more lenient sentences for females across rural and urban counties over time. This finding was expected in light of the chivalry hypothesis. However, for rural counties, the only difference was between White men and women. In urban counties, the difference is important for all female offenders. It is possible that implicit biases leveled against minority offenders impact both men and women in rural counties. So, it is likely that someone's race/ethnicity outweighs a person's sex in rural counties, but in urban counties an offender's sex outweighs their race/ethnicity. Further, it is conceivable that court actors in urban counties hold paternalistic views toward female offenders, which caused judges to afford female offenders leniency. In terms of rural counties, it is possible that covert discrimination was occurring, which resulted in the subtle unjust treatment of minority offenders.

Implications for Theory and Research

The findings of this thesis have several implications for theory and research on racial/ethnic, sex, and geographical disparities in sentencing. There are several theoretically important considerations for future research. This thesis examined the effect of race/ethnicity, sex, and county type on sentencing outcomes generally and over time, but more research is needed that examines the influence of geography on sentencing decisions. While the current work explored the association between county type on prison sentences, smaller geographical units, such as the county tract wherein the offenders' residence is located, might provide more nuanced information, like changes to the racial composition of neighborhoods, the influence of socio economic characteristics of

neighborhoods, and the influence of an offenders address on sentencing decisions. In addition, other characteristics at the county or tract-level should be explored as well. This thesis held the racial composition of counties constant, but future research should examine how change in a county's racial/ethnic composition affects sentencing outcomes and how these patterns have changed over time.

Further, scholarly work has pointed to the benefit of examining demographic characteristics of judges, as it is plausible this may affect sentencing decisions (Anderson & Spohn, 2010; Johnson, 2006; Kim, Spohn, & Hedberg. 2015; Spohn & Fornango, 2009; Steffensmeier & Britt, 2001; Walker et al., 2012). Characteristics such as race/ethnicity, sex, years of experience, and political affiliation have been associated with sentencing decisions (Anderson & Spohn, 2010; Johnson, 2006; Lim, Silveira, Snyder. 2016; Steffensmeier & Britt, 2001; Walker et al., 2012). It may be possible that all judges in rural areas, regardless of race/ethnicity, favor tighter social controls. It may also be possible that in rural counties there are simply more White, male, or politically conservative judges. Examining characteristics of courtroom actors may further assist in the understanding of whether there is interracial or intraracial racial biases that emerge during sentencing. Scholarly work can build on the findings of this thesis by further disentangling the relationship between judges' characteristics and sentencing outcomes.

Likewise, it is important to understand prosecutorial discretion and the effects on sentencing decisions. Prosecutors are depicted as the gatekeepers of the criminal legal system (Neubauer, 1973; Walker 1993). Prosecutors decide whether to prosecute an offender and what to charge. Therefore, further research may benefit from examining data on indictment charges and characteristics of guilty pleas (Bushway, Johnson, &

Slocum, 2007; Bushway & Piehl, 2007; Kutateladze et al., 2014; Ulmer, 2018; Wooldredge et al., 2015). Including this information would better assist in the examination of cumulative disadvantage across the justice system experienced by minorities. Examining data on initial filing or indictment charges would assist in the exploration of racial/ethnic differences related to charge reductions and guilty pleas (Ulmer, 2018; 2019). It is expected that minority defendants are going to rely on taking a plea deal more frequently as a result of having fewer resources readily available to them (Edkins, 2011; Humphrey & Fogarty, 1987; Kutateladze, Andiloro, & Johnson, 2016; Scott & Stuntz, 1992). Scholarship should examine prosecutorial decision making to ensure discriminatory practices are not occurring at this stage of criminal processing.

Findings of this study are limited to the decision to incarcerate, and this study does not examine the length of sentence received. Future research should examine differences in sentence length to further disentangle the relationship between extra-legal factors and sentencing severity. It is expected that minority offenders are going to receive longer prison sentences, compared to their white counterparts. Further, it is likely that male offenders, compared to female offenders, are going to receive longer prison sentences. Likewise, individuals sentenced in rural areas can expect to receive lengthier prison sentences. Moreover, it would be beneficial to examine the type of community-based supervision an offender received, as it is important to explore variation in the severity of punishment. Female offenders, compared to male offenders, are more likely to receive community-based punishments. Similarly, individuals sentenced in urban counties are more likely to receive a community-based punishment.

Finally, Florida is a sentencing guidelines state. Therefore, future research may benefit by examining sentencing practices of states without such stipulations or comparing across states. However, as the sample is reflective of the national offender population, it is expected for results to mirror those of the current work (Lehmann, 2018).

Implications for Policy

This thesis has several implications for policy. First, results revealed a heavy reliance on prison sentences, especially in rural counties. Prison sentences are given to protect the community. However, relying too heavily on prison sentences has unintended consequences for prisons (i.e., overcrowding) and for the community (i.e., high recidivism rates). So counties, especially rural ones, may want to expand their community-based sanction availability. Further, it is possible that there are community-based sanctions that work better. For example, research has found individuals sentenced to probation had a lower risk for recidivism relative to similarly situated offenders sentenced to incarceration (Caudy, Tillyer, & Tillyer, 2018; Nagin, Cullen, & Johnson, 2009; Villettaz, Gillieron, & Killias, 2015).

Second, as widely discussed in the academic community, results of the current work found the prevalence of racial/ethnic and sex differences in punishment between rural and urban counties. This thesis suggest that policy makers should implement measures that limit the extent to which extra-legal factors are associated with sentencing outcomes (Lehmann, 2018). For example, improving sentencing guidelines can assist judges and prosecutors when making a decision to incarcerate, which in turn may assist in limiting racial/ethnic and gender differences in sentencing. However, sentencing policies also have the potential to disproportionately affect minority offenders, such as mandatory

minimums sentencing guidelines (Bushway & Frost, 2013; Bushway, Johnson, & Slocum, 2007; Bushway & Piehl, 2007; Kutateladze et al., 2014; Ulmer, 2018; Wooldredge et al., 2015). This thesis suggest revising current sentencing structures that are able to mediate the effects of race and ethnicity on sentencing (Ulmer, 2018; Ulmer, Painter-Davis, & Tinik, 2016).

Lastly, sentencing practices differ between rural and urban counties. Therefore, policy makers should implement measures that limit the extent to which place is associated with sentencing outcomes. For example, if rural counties are relying on prison sentences more frequently as a result of having fewer community sanctions available, then it may be beneficial to find additional resources for these areas to utilize. Further, it may be beneficial to implement measures to limit the extent extra-legal factors influence sentencing outcomes, especially for rural counties.

Conclusion

This thesis added to the sentencing literature on racial/ethnic, gender, and geographical differences in the decision to incarcerate, using data provided by the Florida Department of Law Enforcement (FDLE) and the Department of Corrections (FDOC). Extra-legal demographic factors remain a critical consideration during sentencing. Given the evidence that sanctions have become increasingly punitive over the last several years, further consideration on the consequences of an offenders' race/ethnicity and sex is needed, specifically to assess how these factors influence sentencing severity. Further research should continue to examine the multifaceted factors that are considered during sentencing.

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APPENDIX

Appendix A. Predicted Probabilities of a Prison Sentence for Key Controls.

County Case Processed	Rural	Urban			
	0.246	0.223			
Race/Ethnicity	White	Black	Latinx		
	0.206	0.246	0.216		
Sex	Female	Male			
	0.172	0.234			
Sentencing Year	1995	2000	2005	2010	
	0.172	0.178	0.184	0.191	
Age	17	32	60		
	0.208	0.209	0.210		
Primary Offense	Violent	Property	Drug	Sex	Other
	0.216	0.237	0.219	0.204	0.230
Sentencing Guideline Score	1	4	10		
	0.170	0.215	0.324		
Eligible for Prison	No	Yes			
	0.092	0.514			
Trial vs. Plea	Trial	Plea			
	0.092	0.514			
Injury Level to Victim	No injury	Slight	Moderate	Severe	Died
	0.226	0.193	0.187	0.251	0.339
Percent of White County	15	59	90		
	0.508	0.237	0.483		
Percent of Black County	13	15	56		
	0.239	0.225	0.181		
Percent of Latinx County	2	20	64		
	0.294	0.228	0.102		
Percent of Female Headed Household	4	13	22		
	0.154	0.223	0.307		

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- 2019 Alvarado, M. M., & Toman, E.L., Butler, H. D. (2019, March). Exploring the Time-Varying Effects of Common Predictors of Misconduct. Paper accepted for presentation at the annual meeting of the Academy of Criminal Justice Sciences, Baltimore, MD.
- 2018 **Alvarado, M. M.**, Severson, R., & Toman, E.L. (2018, November). Exploring Mental Health Service Utilization: Insight for a Nationally Representative State Prison Sample. Paper accepted for presentation at the annual meeting of the American Society of Criminology, Atlanta, GA.
- 2017 Viglione, J., **Alvarado, M. M.**, Caudy, S., Ray, J., & Walter, R. (2017, November). Barriers to Reentry: A Comparison of Individual Perceptions and Social Service Availability and Utilizations. In M. S. Caudy (Chair), *Elucidating the Mechanisms of Reentry*. Symposium accepted for presentation at the annual meeting of the American Society of Criminology, Philadelphia, PA.

Alvarado, M. M., Viglione, J., Blasko., B. L., & Hatch, E. (2017, November). Examination of how inmates perceive, understand, and negotiate formal and informal aspects of the jail environment. Poster accepted for presentation at the annual meeting of the American Society of Criminology, Philadelphia, PA.

Viglione, J., **Alvarado, M. M.**, & Hatch, E. (2017, January). Examination of how inmates perceive, understand, and negotiate formal and informal aspects of the jail environment. Invitation to present for the department of criminal justice and criminology at the University of Texas at San Antonio, San Antonio Tx.

RESEARCH TRAINING

2018

Interviewer. *Measuring the effects of correctional officer stress and the well-being of the officer and the prison workplace and developing a practice index of officer stress for use by correctional agencies.* PI: John Hepburn; Co-PI/Texas Site Coordinator: Melinda Tasca; Co-PI/Texas Site Co-Coordinator: H. Daniel Butler. Funded by the National Institute of Justice (Award No. 2014-IJ-CX-0026). \$666,268.

2017

Research Assistant, Sam Houston State University

Project: “The Texas Jail Study” with funding from Internal Research Grants from the Office of the Associate Dean of Research, College of Criminal Justice and Criminology at Sam Houston State University, PI: Brandy Blasko, Ph.D.

2016-2017

Research Assistant, University of Texas at San Antonio

Project: “Elucidating the Mechanisms of Reentry” with funding from the Grants for Research Advancement and Transformation. PI: Michael S. Caudy, Ph.D., Co-PIs: James V. Ray, Ph.D. Jill Viglione, Ph.D. & Rebecca J. Walter, Ph.D.

Project: “The Texas Jail Study” with funding Internal Research Grants from the Office of the Associate Dean of Research, College of Criminal Justice at Sam Houston State University and the college of Criminal Justice University of Texas at San Antonio, PI: Brandy Blasko, Ph.D. Co-PI: Jill Viglione, Ph.D.

TEACHING EXPERIENCE

2017-2019

Teaching Assistant, Sam Houston State University

Undergraduate

Introduction to Corrections

Criminology

Victimology

Correctional systems and practices

SERVICE

Sam Houston State University

2018-2019 Vice-President, Criminal Justice Graduate Student Organization, Sam Houston State University

2017-2018 Fundraising committee, Criminal Justice Graduate Student Organization, Sam Houston State University

HONORS AND AWARDS

2018-2019 John Lee McMaster Scholarship

2018-2019 Graduate Fellowship, Sam Houston State University

2017-2018 Graduate Fellowship, Sam Houston State University

2016-2017 Dean Scholarship, The University of Texas at San Antonio

PROFESSIONAL MEMBERSHIPS

American Society of Criminology

Division on Corrections and Sentencing