Assessing the Effect of Victim Characteristics on Case Outcomes

Race, Gender, Past Criminal Conduct, and Victim Type

by

Kymani Mailynn Erskine

A Thesis Presented in Partial Fulfillment
of the Requirements for the Degree
Master of Science

Approved July 2022 by the
Graduate Supervisory Committee:

Ojmarrh Mitchell, Chair
Jesenia Pizarro
Shi Yan

ARIZONA STATE UNIVERSITY

August 2022

ABSTRACT

Prior research on sentencing and case processing has primarily focused on post-conviction outcomes and the relationship between sentencing outcomes and defendant-related characteristics such as race and gender. The research on pre-conviction outcomes not only is much smaller than the sentencing literature, but also largely neglects victim characteristics, especially in samples that include non-violent offenses. Drawing on the blameworthiness attribution theoretical perspective, the current study examines how certain victim characteristics, including race, gender, and criminal history, may influence certain stages of the judicial process. Additionally, the current study tests whether cases with person victims as opposed to business as victims are handled differently. Four court decisions were examined in this study: the filing decision, the decision to transfer the case to a lower court, the decision to find a defendant guilty, and the decision to sentence a defendant to prison. While legal characteristics were the most prominent predictors in these analyses, the study found that when victims were Black or Hispanic, cases were less likely to be filed and end in a guilty adjudication.

Keywords: victims, extra-legal factors, criminal background, sentencing, charging

GRANT ACKNOWLEDGEMENT

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CHAPTER 1

INTRODUCTION

Research on sentencing outcomes have evolved through various waves,

improving in sophistication of methodology and conceptual focus in later waves. The

earliest scholarship regarding discriminatory treatment in the court was primarily

defendant-centered, with the bulk of the literature focused on race and sentence severity.

Research during the first and second 'wave' of research examined the direct effects of

race on sentencing decisions (Spohn, 2000) failing to control for legally relevant

variables including offense severity and criminal history (Blumstein et al., 1983; Hagan,

1974; Kleck, 1981). These methodological limitations resulted in many studies

concluding that no racial disadvantage existed among defendants during the sentencing

stage (Kleck, 1981). However, with the disproportionate number of minority citizen

incarcerated in the correctional system, it is hard to deny that although there may not be

overt bias in the courts, there are subtle forms of bias against minority defendants (Zatz,

1987).

In light of these findings, researchers began to utilize more rigorous methods and

began move beyond asking the question of whether race mattered to attempting to

identify the context in which race makes a difference. This resulted in sentencing

analyses examining the role of legally relevant variables (i.e. prior record, offense

seriousness, bail status), legally irrelevant variables (i.e. gender, age, employment status),

and their intersection. Studies show that when controlling for legal variables, racial

disparities in sentencing remain, leading to the conclusion that legal variables may

moderate observed disparities, but do not completely explain them (Mitchell, 2005; Spohn, 2000). For example, Brennan (2006) examination of female defendants did not find a direct effect between race and odds of incarceration, but rather an indirect effect moderated by defendant characteristics such as socio-economic status, prior criminal record, charge severity, earlier case decisions, and community ties, leaving Hispanic and Black females at a disadvantage to their White counterparts. Steffensmeier and colleagues' (1998) examination of additional offender characteristics found that Black defendants received more punitive sentences (i.e., higher odds of incarceration and longer sentences) than White defendants. In addition, younger defendants received more punitive sentences older defendants, and male defendants received more punitive sentences than female defendants. Various research findings indicate that minority individuals, specifically Hispanic and Black male defendants, receive the most severe sentences in terms of an increased odd of incarceration and incarceration length (Baumer, 2013; Mitchell, 2005; Spohn, 2000; Ulmer, 2012; Zatz, 2000).

Despite the substantial amount of scholarship examine sentencing practices, there remains a dearth of literature regarding prosecutorial discretion. Ulmer (2012) highlighted the importance of expanding research to prosecutors in light of the immense amount of discretionary powers they hold within the criminal justice system. This task has been difficult for criminologists, given the fact that pre-conviction data is held privately within the prosecutor's office. However, similar to sentencing literature, most of what is known is in regard to the defendant's race. Particularly, some have found that racial and ethnic minorities are disadvantaged at pre-conviction outcomes (Demuth,

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2003; Demuth & Steffensmeier, 2004), while others have not (Wooldredge, 2012; Spears & Spohn, 1997). Early studies failed to account for how race may interact with other extra-legal defendant characteristics, such as gender and age. Franklin (2010) addressed this gap, finding that similar to what was found in sentencing literature, young, Black males were less likely to have their case dismissed. When examining the likelihood of being fully prosecuted, Spohn, Gruhl, and Welch (1987) found that Hispanic males, followed by Black males, were most likely to be prosecuted to the full extent. Overall, the evidence points to similar disadvantages being experienced by minority male defendants in pre-conviction stages.

Knowledge on the effect of victim characteristics on case processing significantly pales in comparison to research on defendants. With the exception of Green (1964), findings are only applicable to violent felony offenses such as sexual assault, assault, homicide, and robbery. Additionally, all of these studies utilized data from metropolitan court jurisdiction including Detroit, Chicago, Los Angeles, and large jurisdictions in Texas meaning that no research exists on the use of victim characteristics in decision making in rural jurisdictions. Finally, with few exceptions, the majority of this research uses relatively small sample size, rarely exceeding 1,000 participants.

This study addresses four primary research questions. First, *does a victim's criminal history influence case outcomes?* Second, *does a victim's race influence case outcomes?* Third, *does a victim's gender influence case outcomes?* And finally, *does the victim type (business vs. person) influene case outcomes?* To answer these research questions, a sample of 4,189 felony criminal cases processed the state of Florida were

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ustilized.   All cases were processed during 2017 and were tracked from arrest to sentencing. In addition to accounting for legal characteristics and defendant characteristics, victim-related characteristics are included. The offenses in this dataset include non-violent and violent felony offenses that were committed against people and businesses.

By addressing the research questions, this study significantly contributes to the knowledge base. Most fundamentally, the American criminal justice system is supposed to achieve blind justice without regard to victim (or defendant) characteristics. This research will empirically assess this claim of blind justice for victims. Furthermore, unlike the bulk of the existing research that examines only a few pre-conviction or post-conviction outcomes, this research expands the knowledge base by examining the relationship between victim characteristics and case outcomes across four critical pre-conviction and post-conviction stages. Specifically, this study is valuable as it provides insight to which victim characteristics are associated with more punitive outcomes for defendants throughout various stages of the criminal court system, including sentencing. This knowledge helps to identify the kinds of cases in which court actors are most likely to be influences by victim characteristics, which is essential information needed to potentially counteract any bias evident among court actors.

The following study is organized into five additional chapters. Chapter Two provides a detailed description of how prosecutors exercise their discretion, as well as current research findings regarding victim characteristics, and an overview of the blameworthiness attribution theoretical perspective. Chapter Three describes the stages

cases are processed in Florida criminal courts, in addition to the data and methodological

strategies used. Results are presented in Chapter Four, while in Chapter Five, the

findings are discussed, including any limitations, suggestions for future research, and

concluding statements.

CHAPTER 2

BACKGROUND

This chapter provides background knowledge on prosecutorial discretionary

decision-making and presents a theoretical perspective that explains which factors,

including victim characteristics, influences the discretionary actions of court actors. The

chapter details how and when prosecutors exercise their discretionary powers, presents

current research findings, and introduces the current study's research questions and

hypotheses.

Prosecutorial Discretion

Over eighty years ago, Justice Robert Jackson proclaimed that "the prosecutor has

more control over life, liberty, and reputation than any other person in America" (Davis,

1969, p. 190). He further asserts that the prosecutor's involvement in multiple stages of

the criminal justice system gives them an immense amount of discretionary power in how

a case will be handled. Thus, criminologists have attempted to understand how

prosecutors exercise these discretionary powers. This process is rather challenging due to

the lack of transparency among prosecutors' offices with their internal records. Despite

these challenges, there exists a small body of research that has shed light on how

prosecutors decide on charging decisions, plea negotiations, and make sentencing

recommendations to the judge.

Traditionally, prosecutors work with the intention of maximizing convictions

while efficiently using organizational resources (Cole, 1970; Stanko, 1981). In fact, their

job success is solely evaluated by the number of successful convictions they obtain

during their tenure. Hence, prosecutors will choose to pursue cases with high odds of

conviction, while rejecting cases in which conviction is uncertain (Albonetti, 1986, 1987;

Spears & Spohn, 1997). During this process, cases travel in a 'downstream orientation'

within the courts. Based on their assessment of how jurors and judges will perceive the

defendant, the victim, and any evidence, they can decide to either pursue or drop a case.

Essentially, they control the attrition of cases in the court system. Extant literature has

identified a multitude of factors that are considered when making these decisions.

Empirical research reveals that prosecutors place most, but not all their

consideration on legal characteristics of the case. These include the seriousness of the

offense (Albonetti, 1987; Jacoby, Mellon, & Smith, 1982; Mather, 1979, Miller, 1969;

Neubauer, 1974), evidentiary strength (Albonetti, 1987; Jacoby et al., 1982; Miller, 1969;

Nagal and Hagan, 1983), and the defendant's prior criminal involvement (Mather, 1979).

These factors are especially important when making charging decisions (Frederick and

Stemen, 2012; Mather, 1979; Miller, 1969; Spohn and Holleran, 2001). For example, the

Southern California Law Review (1969) surveyed a group of Los Angeles prosecutors,

finding that three-quarters of the prosecutors put 'some' weight or 'great' weight on a

defendant's prior record when deciding whether to file charges (Mather, 1979, p.47).

Additionally, Spohn and Holleran (2001) assert that physical evidence can heavily affect

the charging decision in sexual assault cases.

There are also legally relevant factors pertaining to victims that are considered by

prosecutors. A victim's cooperation, reliability, and credibility can directly influence

how a prosecutor decided to proceed with a case. Many scholars have found that the

victim's cooperation may be greatly influence the prosecutor's charging decision, especially in sexual assault and intimate partner violence cases (O'Neal & Spohn, 2016; O'Neal et al., 2015; Spohn & Tellis, 2014). This is particularly important in these cases because, often times, the victim is the sole witness to the crime. If a victim does not wish to cooperate in the prosecution of their case, future decisions of the case are limited for the prosecutor. Furthermore, a victim must also be reliable. This includes showing up to court and all necessary hearings, especially if a case goes to trial. Finally, a prosecutor's evaluation of a victim's credibility is a critical component in pre-conviction decisions (Beichner & Spohn, 2012; Frohmann, 1997). Not only does a prosecutor have to ensure that a victim is being truthful, but they must also ensure that the jury and judge also believes the victim.

The American Bar Association has set guidelines to ensure that each case meets certain standards of admissible evidence, including providing supporting evidence of the defendant's culpability and dangerousness, and in some cases a witness, to ensure that procedural conduct is upheld during charging and plea negotiations (Spohn, 2018). However, as stated earlier, prosecutors have to discretion to consider all information they deem as relevant, even if this information does not fall into the forementioned categories.

Theoretical Perspective

Scholars have proposed several theories that attempt to explain how prosecutors and other court actors utilize their authority. One of the most prominent theories is the Blameworthiness attribution theory. The blameworthiness attribution incorporates two pertinent theoretical frameworks used to describe how extra-legal factors influence

prosecutorial and judicial decision making. Originally coined by Baumer, Messner, and Felson (2000), blameworthiness attribution utilizes the attribution theory (Heider, 1958) and the blameworthiness and culpability aspects of focal concerns theory (Steffensmeier et al., 1993, 1998). Attribution theory, which was originally developed as a psychological theory to explain motivation, states that behaviors are explained by two different forms of blame attribution: internal and external. In terms of criminal behavior, internal attribution deals with the individual's failings, while external attribution pertains to social or environmental factors out of one's control (Michel, 2015). Internal placement of blame leads to perceived culpability, and therefore more punitive sanctions within the criminal justice system. External placement of blame mediates the defendant's culpability and blameworthiness, leading to more lenient treatment in the criminal justice system.

Meanwhile, focal concerns theory states that judges make case decisions based on their assessment of the defendant's blameworthiness/culpability, their desire to protect the community from dangerous offenders, and practical concerns. Scholars note that, with some distinctions, focal concerns theory can similarly be used to explain how prosecutors make charging decisions. Specifically, practical concerns of prosecutors and judges slightly differ -- judges are primarily concerned about the social cost associated with incarceration while prosecutors are concerned with the likelihood of conviction (see Spohn, Beichner, & Davis-Frenzel, 2001). Since prosecutors and judges have limited information about each case, they develop a 'perceptual shorthand' when making charging and sentencing decisions based on stereotypes of real crimes, dangerous

offenders, and credible victims. These stereotypes are formed based on their experience

from handling past cases and societal perceptions associated with individuals of certain

sociodemographic backgrounds.

Based on these explanations, Baumer and colleagues (2000) suggest that if judges

and prosecutors perceive a crime victim to be more blameworthy, the offender will be

viewed as less culpable, resulting in less punitive treatment in the criminal justice system.

As stated earlier, these perceptions are often derived from stereotypes associated with

people possessing certain sociodemographic characteristics. Baumer and colleagues

(2000) hypothesized that younger, non-White male victims will be perceived as more

blameworthy due to the notion that this group is often involved in violent crime. Aside

from physical characteristics, judges and prosecutors will also consider the background

and character of the victim. If the victim participates in any risky behavior at the time of

the event, has a history of risky behavior, or has a history of known criminal

involvement, they will also be deemed as more blameworthy.

Prior Research

Empirical findings demonstrate that judges and prosecutors exercise their

discretion by considering both legal and extra-legal case characteristics when making

major case decisions. Legal factors such as the seriousness of the offense and a

defendant's prior record are the most powerful predictors of case outcomes; however, the

empirical evidence finds that extra-legal characteristics of defendants and victim affect

the decisions of prosecutors and judges. As previously noted, a voluminous body of

research examines the association between defendant characteristics and sentencing

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outcomes. This research generally finds that Black, and to a lesser extent Hispanic defendants, are sentences to more punitive sanctions than White defendants and female defendants receive more lenient sentences than male defendants.

In relative terms, victim characteristics have received less attention than those if defendants, but in absolute terms a sizable number of studies examine the influence of victim characteristics on decisions within the judicial system. Empirical research has highlighted several victim attributes may be considered in the legal process. This section discusses the most researched of these victim characteristics.

Victims' Lifestyle, Criminal Involvement, and Provocation

Researchers have identified various ways in which victim's behavior may contribute to case processing. These include the victim's lifestyle, whether the victim has a criminal record, and whether the victim provoked the defendant prior to the offense. Each has been found to be influential based on the type of offense. For example, the victim's lifestyle is often discussed in sexual assault and rape cases, while victim provocation is often considered in homicide and assault cases. Additionally, there are mixed findings regarding how each affects case outcomes, especially across different crimes.

The terms "ideal victim" or "genuine victim" are often used when assessing a victim's credibility in sexual assault cases. Prosecutors expect these individuals to convince juror and the judges that they are trustworthy and are indeed being honest about the events of their victimization. These individuals should therefore lead socially acceptable lifestyles (Estrich, 1987; Frohmann, 1991; LaFree, 1989; Spears and Spohn,

1996). Specifically, victims should not have a history of criminal involvement or disreputable behavior. Disreputable activities include the use of drugs of alcohol, participation in sex work, or any other activities that increases one's risk of victimization. Not only is this behavior negatively perceived if one has a history of it, but it can also have a large impact on case outcomes if the victim was participating in any of these behavior at the time of their assault.

A large portion of the research illustrates that if the victim is the sole witness to a crime (e.g. sexual assault), any evidence of disreputable behavior that may cause a judge or jury to question their credibility significantly affects early case decision of the prosecutor, even though it warrants no consideration when discussing the defendant's culpability.   Notably, prosecutors are less likely to file charges (Beichner and Spohn, 2012; Spohn et al., 2001; Spohn and Holleran, 2001; Williams, 1976) and more likely to drop cases in their entirety following initial charging (Baumer et al., 2000; O'Neal et al., 2015) if the victim partakes in risky behavior at the time of the offense. Beichner and Spohn (2012) assert that a victim's alcohol use is particularly detrimental in simple assault cases. This is likely due to the questioning of the victim's recollection of events in light of inebriation. Conviction data either indicates that victim substance use has no effect on likelihood of conviction (Kingsnorth, MacIntosh, Berdahl, Blades, & Rossi, 2001) or increases the likelihood of being convicted on a reduced charge (Baumer et al., 2000). Meanwhile, if convicted, these individuals are less likely to be incarcerated, and in the event that they are sentenced to prison, they are more likely to receive more lenient sentences (Myers, 1979; Kingsnorth, MacIntosh, & Wentworth, 1999). Particularly,

Kingsnorth and colleagues (1999) state that the defendant's prison sentence decreases by 17 months for every additional negative victim characteristic.

Whether or not the victim has a criminal record serves as a representation of their moral character in much of this research. There are a variety of ways in which having a criminal record can negatively impact the odds of a case being tried to the full extent. Court actors may believe that a victim with a criminal history is undeserving of legal resources because they are also 'criminals.' Victims may also be deemed as less trustworthy due to the assumption of their criminality. While some scholars have found that defendants who assault individuals with criminal backgrounds are less likely to have charges filed against them (Beichner and Spohn, 2012), others have found that whether a victim has a criminal record has no influence on any legal outcomes (Baumer et al., 2000; Boris, 1979; Williams, 1976). Beichner and Spohn (2012) have found that prior record seems to have a more negative impact on the victim's case than any risky behavior. Furthermore, when dealing with intimate partner violence cases, O'Neal and colleagues (2015) found that twenty out of forty-seven cases in their study were rejected when the victim has a criminal record. Baumer et al. (2000) interestingly arrived at the opposite conclusion in their analyses of murder cases, highlighting that the conduct of the victim at the time of the assault was more influential than their criminal history. Myers (1979) suggests that having a criminal record impacts sentencing, as defendants in these cases are significantly less likely to be sentenced to prison as opposed to a defendant who violates someone without a criminal record.

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Victim provocation occurs when a victim does something (e.g. harass, threaten, or physically assault) that incites an offender to commit an illegal act. This concept is often discussed in homicide and physical assault cases, as prosecutors will question whether the victim was the initial aggressor. With the exception of Albonetti (1986, 1991), researchers have found that provocation negatively impacts a victim's case (Baumer et al., 2000; Beaulieu & Messner, 1999). Baumer and colleagues (2000) suggests that when victims were accused of provoking their assailant, their cases were less likely to be prosecuted. Furthermore, defendants are less likely to be indicted, and if convicted, more likely to be convicted on a reduced charge (Baumer et. al., 2000). Sentencing literature also mirrors these findings, as Beaulieu & Messner (1999) concluded that sanctions are generally less severe for defendants who are provoked by the victim.

Overall, a victim with a criminal record, especially for a violent felony offense, may be deemed as dangerous, a victim that provoked their assailant may be seen as more culpable, and a victim who partakes in disreputable activities may be deemed as less credible. A large proportion of this literature asserts that if a victim is considered dangerous, culpable, or less credible, they are less likely to have their cases tried to the full extent of the law.

Victims' Race

The bulk of literature on race and sentencing has historical focused on capital punishment. This line of research suggests that murdering White victims increases likelihood death penalty recommendation for African American defendants (Bowers, 1983; Bowers & Pierce, 1980; Jacoby and Paternoster, 1982; Kiel and Vito, 1990, 1995;

Paternoster, 1984; Sorensen & Wallace, 1995, 1999; see Free, 2002). This disparity proceeds into the sentencing stage, as scholars find that murdering a White victim significantly increases the likelihood of receiving the death penalty (Baldus et al., 1990; Ekland-Olson, 1988; Holcomb et al., 2004; Stauffer et al., 2006), especially when the defendant is African American (Bowers and Pierce, 1980).

Research on non-capital offenses illustrates a less consistent but similar pattern. That is, African American offenders who victimize White individuals are likely to receive harsher sentences while offenders who victimize African American or Hispanic individuals receive the most lenient sentences. Criminologists suggest that cases with African American victims are less likely to be prosecuted (Beaulieu and Messner, 1999), less likely result in conviction (Beaulieu and Messner, 1999), and less likely to end in a prison sentence (Green, 1964; Spohn, 1994). In the event that a defendant does receives incarcerative sentence, findings suggest that sentences are shorter compared to cases involving White crime victims (Green, 1964; Curry, 2010).

Empirical research on prosecutor discretion primarily examines the dismissal and charging decisions. The literature indicates that prosecutors are more likely to file charges if the victim is White as opposed to African American (Boris, 1979; LaFree, 1980). However, several studies have concluded that the victim's race has no direct effect on the decision to prosecute or dismiss (Baumer et al., 2000; Beichner and Spohn, 2012; Horney and Spohn, 1996; Kingsnorth et al., 1998, 2001; Rauma, 1984; Spohn and Holleran, 2001; Spohn and Spears, 1997; Spohn et al., 2001). Rather, some have identified factors that mediate the relationship between race and prosecution, such as the

victim and offender's relationship (Spohn and Holleran, 2001, Spohn, 1994), offense severity (Beichner and Spohn, 2012; Spohn and Holleran, 2001), and the victim's behavior. Specifically, Spohn and Holleran (2001) report that cases in which the victim is White, and the victim and offender were strangers are 4.5 times more likely to be prosecuted; meanwhile using a weapon while assaulting a White individual led to the highest probability of prosecution, while cases with African Americans and no weapon use were least likely to be prosecuted.

The literature on sentence severity and victims' race tends to be more salient. Criminologists have theorized that offenders who violate non-White individuals will be perceived as less blameworthy and will therefore receive milder punishment (Baumer et al., 2000; Kleck, 1981). This is likely due to the belief that a large proportion of the non-White population is actively involved in violent crime (Baumer et al., 2000), as well as the devaluation of Black crime victims (Hawkins, 1987; Myrdal, 1944). Researchers have examined the specific decision points to measure sentence severity, including conviction, whether or not a defendant is sentenced to incarceration, and incarceration length. Defendants who violated White individuals were more likely to be convicted (Beaulieu and Messner, 1999), while those who violated non-White individuals were less likely to be convicted on the most serious indictment charge (Baumer et al., 2000). Myers (1979) examined this using victim/defendant racial combinations and found that there was a marginally significant tendency for African American defendants who victimize White individuals to be convicted on more serious offenses compared to other race combinations. However, this study excluded the racial combination of White

defendants and African American victims, meaning that this finding was not in comparison to all possible racial combinations.

When considering the likelihood of incarceration, African American defendants are more likely to be sent to prison for assaulting White individuals (LaFree, 1980; Spohn, 1994). Spohn (1994) specifically observed this in sexual assault and murder cases. However, she also notes that in the overall sample, Black offender/Black victims and Black offender/White victim cases incarceration rates were nearly identical, suggesting that sentence severity is mediated by the offender's race. Curry (2010) observed that victimizing White individuals, regardless of the offender's race, led to longer sentences. However, in homicide cases, Black and Hispanic offenders who murder White individuals receive 45% and 44% longer sentences, respectively. Overall, this limited body of literature suggests that discriminatory treatment of defendants who violate White crime victims are present at the prosecutorial and judicial levels. This is especially present in homicide cases, mirroring prior research findings on the death penalty.

Victims' Gender

Generally, research on gender and criminal justice outcomes indicates that women receive preferential treatment as both offenders and victims. Scholars have pointed to gender stereotypes being the driving force behind this. Feminist criminologists have explored this from a defendant perspective and have determined that women may receive more lenient treatment because they are often the primary caregivers for their children. In

terms of being victims, the idea that women are weaker that men and require protection play a role in how their victimizers are treated.

 Defendants who violate women are more likely to be prosecuted and convicted on the most serious charge (Baumer et al., 2000; Beaulieu and Messner, 1999; Glaesar and Sacerdote, 2003). Specifically, Beaulieu and Messner (1999) finds that defendants who murder men as opposed to women are half as likely to be convicted on first degree murder charges. With the exception of Spohn (1994), there is also evidence of gender-effect disparities in sentencing outcomes (Curry, 2010; Curry, Lee & Rodriguez, 2004; Franklin & Fearn, 2008; Farrell and Swigert, 1986; Glaeser & Sacerdote, 2003; Myers, 1979, 1980). Myers (1979) observes an increased likelihood being sentenced to prison for defendants who victimize women.

Curry and colleagues (2004) failed to identify a gender-effect on the odds of incarceration but found that violating women led to an average of 4.179 years longer for those who were incarcerated. This disparity tends to be magnified when the offender is male (Curry et al., 2004; Glaeser and Sacerdote, 2003). Finally, Spohn (1994) observed no gender-effect disparities on any sentencing outcomes, including odds of incarceration and sentence length. Based on what was observed in the literature, it seems that the relationship between gender and case outcomes is more salient in defendant-centered research compared to victim-centered research.

Intersectionality of Victims' Gender and Race

Few studies have examined the effects of victims' race and gender interactively. Similar to works on race/ethnicity and sentence severity, criminologists have conducted

much research on capital punishment, with much less using non-capital offenses. Generally, findings on capital cases have pointed to an increased likelihood of receiving the death penalty when African American men murder White women (Holcomb et al., 2004; Williams, Demuth, & Holcomb, 2007). The term "White female victim effect" was posited to describe this phenomenon. The 'White female victim effect' states that White women are afforded special protection in society due to their privileged race, chivalrous attitudes towards their gender, their traditional familial roles, and the belief that they are rarely involved in criminal activity and therefore are not responsible for their victimization (Curry, 2010; Holcomb et al., 2004).

Although research on non-capital offense is mixed, they generally tend support this theory. Curry's (2010) analysis of sentencing in homicide cases revealed that defendants who murdered White women received incarcerative sentences 50% longer than defendants who murdered men of any race. However, he found that violation of Hispanic women resulted in longer terms of incarceration in homicide and robbery cases when compared to the entire sample. In other words, the sentencing disparity observed in cases with Hispanic female victims was more consistent across crime type. Meanwhile, there was no scenario in which victimizing African American women or men of any race led to harsher treatment. Curry (2010) coined a competing framework called the "Hispanic Female Effect" in response to his findings that murdering and robbing Hispanic women led to longer sentences. He theorizes that Hispanic women may be seen as less blameworthy because of their increased vulnerability to violence and need for protection due to the passive role they take on in their households (Curry, 2010). In light

of all the existing research, the consensus remains that victimizing African American women, or men of any race/ethnicity results in less severe sanctions.

Victim and Offender Relationship

A common point of interest in sentencing literature pertains to how the victim's and offender's relationship may affect certain outcomes. Scholars have often questioned whether cases that involve strangers rather than people who have prior relationships result in more severe treatment for the defendant. The reasoning behind the line of questioning pertains to whether court actors perceive stranger cases as more serious than non-stranger cases, especially when the offense is a sexual assault. Early findings indicate that this is indeed the case, as Black (1976) and Gottfredson and Gottfredson (1988) found that murder cases involving strangers were more likely to be pursued. Researchers also found that offenders are at a higher risk of more severe sentencing when they violate a stranger (Curry, 2010; Kingsnorth et al., 1999). According to Kingsnorth and colleagues (1999), prison sentences were 35.048 months less in non-stranger cases than stranger cases. Contradictory finds indicate that non-stranger cases are more likely to be carried forward (Baumer et al., 2000; Beichner & Spohn, 2012; Spohn et al., 2001). Beichner and Spohn (2012) specifically find that the odds of charging are higher when the victim and offender are relatives rather than strangers. A relatively small number of cases have refuted either stances, finding no significant effect on charging (Spohn and Holleran, 2001) or sentencing decisions (Curry, Lee, & Rodriguez, 2004).

Victims' Age

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Currently, the least amount of information is known about the effect of a victim's age on pre-conviction and sentencing outcomes. Findings on age are mixed, with some observing no effect of early case decisions (Baumer et al., 2000; Boris, 1979; Horney and Spohn, 1996; Spohn and Spears, 1996) while others do (Du Mont and Myhr, 2000; Kingsnorth et al., 1999; LaFree, 1989; Spohn et al., 2001; Spohn and Spears, 1997; Williams, 1976). Kingsnorth and colleagues (1999) conclude that cases involving younger victims are more likely to result in charges being filed by the prosecutor due to their ability to elicit sympathy from the jury, while LaFree (1989) cites the opposite, suggesting that older victims may be seen as more reliable witnesses in the event of a trial. When exploring charging decisions in homicide cases, Williams (1976) has found that defendants who murdered individuals over 60-years-old were more likely to be prosecuted. In contrast, conviction data seems to consistently find no age-effect disparities, regardless of offense type (Baumer et al., 2000; Horney and Spohn, 1996; Spohn and Spears, 1996).

There is very limited empirical work on sentence severity and age. With the exception of Spohn and Spears (1996), research suggests that defendants who violate older victims are likely to be incarcerated for longer terms (Chapman & Smith, 1987; Kingsnorth et al., 1999). Notably, Kingsnorth and colleagues (1999) observed that every one-year increase in the victim's age results in an additional 1.5 months in sentence length. Meanwhile, Chapman and Smith (1987) observed more lenient treatment for defendants who victimized children when they compared sentences sexual assault cases for children and adults. Overall, existing literature suggests that the victim's age seems

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to have a limited effect on case processing decisions; however, when age does come into play it is primarily in the charging decision and the length of prison sentences.

Businesses as Victims

Commercial entities are often the subject of research pertaining to White Collar Crime in the criminal justice system. In this context, businesses and corporations are usually the defendants rather than the victims. This line of research often examines the disproportionally lenient sentences that business and CEOs are subject to. Rarely have criminologists considered cases in which the businesses are considered 'victims.' This includes when businesses are burglarized or vandalized. Furthermore, no research examines whether cases are handled differently when the victim is a business rather than another individual. On one end, it can be argued that the harm suffered by a business compared to a person is incomparable and less tangible. In this context, a prosecutor and judge may be more lenient on defendants who commits a crime against a business, especially since often times it is property related. However, on the other hand, cases involving business may actually result in harsher treatment because of (1) their available resources to push a case forward and influence a prosecutor's pre-conviction decisions and (2) cases being rather straight forward for judges and prosecutors due to the absence of other factors that would normally be considered if the victim is a person. These factors include extra-legal factors that may influence a prosecutor's and judge's perception of victims such as race, gender, conduct, and socio-economic status.

Current Study

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Given the gaps in the literature, four research questions are examined in this study. As highlighted in the review of the literature, research on victims is limited. In addition, compared to what we know about victims and their influence on early case decisions, we have a limited understanding on how victim-related characteristics influence later case outcomes, such as sentencing. Furthermore, only a handful of cases have accounted for a victim's criminal history. Finally, no research exists on how cases are generally handled when the victim is a business as opposed to an individual. Therefore, the following research questions and hypotheses are presented in response.

RQ1: Does a victim's criminal background influence case outcomes?

H1: Victims with criminal records will receive less favorable outcomes within the judicial system (e.g. cases are less likely to be filed, end in a guilty adjudication, result in a prison sentence, and are more likely to be transferred)

RQ2: Does a victim's race influence case outcomes?

H2: Black or Hispanic victims will receive less favorable outcomes within the judicial system (e.g. cases are less likely to be filed, end in a guilty adjudication, result in a prison sentence, and are more likely to be transferred)

RQ3: Does a victim's gender influence case outcomes?

H3: Male victims will receive less favorable outcomes within the judicial system (e.g. cases are less likely to be filed, end in a guilty adjudication, result in a prison sentence, and are more likely to be transferred)

RQ4: Does the victim type (business vs. person) influence case outcomes?

H4: Business victims will receive more favorable outcomes within the judicial

system (e.g. cases are more likely to be filed, end in a guilty adjudication, result in

a prison sentence, and are less likely to be transferred)

CHAPTER 3

DATA AND METHODS

To address the research questions posed, this project utilized a unique data set that was generated by Florida's expansive open records laws. This chapter begins by providing an overview of felony case processing in Florida from arrest to sentencing. This overview includes descriptions of what occurs at each stage and how the Criminal Punishment Code (CPC) is used during sentencing. Then this chapter summarizes the data collection procedures including where the data was obtained and what documents were used. Finally, the independent, dependent, and control variables are outlined, followed by a discussion of the analytical strategy.

Felony Case Processing in the State of Florida

Following arrest, defendants are subject to various stages of case processing in Florida's criminal court. Since most Florida counties use a bond schedule, initial bond amounts are determined based on complaint charges. This gives defendants the ability to bond out immediately after booking. However, defendants who remain in custody are subject to an Initial Appearance in front of a judge within 24-hours of arrest and booking. During this hearing, the judge will determine bond amounts and conditions of pre-trial release, including whether to increase or reduce the initial bond amount set during booking, release the defendant on his or her own recognizance (ROR) or deny bond and remand the defendant back into custody. Various factors are taken into account including the defendants prior record, community ties, danger they may pose to a community, and whether the defendant has a history of failing to appear. After the bond hearing, an

Assistant State Attorney (ASA) is assigned to the case and must determine whether to formally file charges during the Information stage. During this process, the prosecutor can add/drop charges or reduce/increase the severity of existing charges. This decision is made with great consideration of whether there is sufficient evidence to win a case if it proceeds to trial.

The prosecutor can proceed with one of three options – they can decide to file charges against the defendant, transfer the case to a lower court, or not to file charges. For a case to be transferred to a lower court, the prosecutor must reduce the defendant's charges from a felony to a misdemeanor. Once this occurs, the case will be processed within a misdemeanor court from its remainder. If the prosecutor decides not to file charges, the case is dismissed and will no longer be processed through the criminal court system. However, if charges are formally filed against the defendant, an Arraignment date is set.

At Arraignment, the defendant must enter a formal plea of "guilty" "not guilty" or "no contest." Often times, the defendant's attorney will recommend that their client enters a "not guilty" plea so that they can have more time to learn the facts of the case. Between the time of arraignment and the official trial start date, the defense attorney and the prosecutor may attempt to come to some sort of plea agreement. It is then up to the defendant to decide whether they would like to accept the plea or have their case proceed to trial. The majority of cases end in a plea agreement. In fact, according to Johnson and colleagues (2014), 95% of all convictions are a result of a guilty plea.

Cases that proceed to trial can either be held in front of a judge and jury, or solely in front of a judge. Defendant's will either receive a verdict of "guilty" or "not guilty." If the defendant is found not guilty at Disposition, the case is formally dismissed. However, if the defendant is found guilty, a sentencing hearing is held. As stated earlier, the judge will use the Criminal Punishment Code (CPC) to determine appropriate sentencing for the defendant. This may include any combination of fines, probation, incarceration, community control or community service.

Florida Sentencing Guidelines: Criminal Punishment Code (CPC)

The state of Florida currently operates under the Criminal Punishment Code (CPC) to guide sentencing in criminal cases. According to the Florida Department of Corrections and The Office of the State Courts Administrator (2019), the core principle of the CPC is to ensure fairness, proportionality, and uniformity for sentencing in criminal cases. This sentencing scheme uses a points system to represent the seriousness of offenses, the defendant's criminal history, the defendant's legal status (such as being on probation) and enhancements (such as victim injury/death and use of a weapon). A worksheet is used to calculate a 'total score' for defendants, which is intended to guide judges in determining the 'lowest permissible sentence' the individual may receive. The total scores can fall into one of three following penalty ranges: 0 to 22, 23 to 44, and greater than 44. Prison is the lowest permissible sentence for defendants who score more than 44 total points, while defendants who score less than 44 total points (specifically between 22 and 44 points) can receive a 'non-prison sentence', which may include a discretionary prison sentence, a jail sentence, probation, or community control.

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Total points are also used to guide the recommended term of incarceration. Using a specific formula, the recommended sentence in months is calculated by subtracting 28 points from the total points, then reducing this number by 25%. For example, if a defendant receives 60 total points, the recommended sentence is 24 months based on this formula.

Although judges try to abide by the Criminal Punishment Code (CPC) in their sentencing decisions, there are several mitigating circumstances that may lead to sentence departure. Florida code authorizes the use of alternative sentences or shorter than recommended incarcerative sentences if the defendant accepts a plea bargain, is a youthful offender, played a relatively minor role in the offense (e.g., an accomplice), or is unable to appreciate the true criminal nature of their conduct due to mental impairment. Departures can also be made if there is evidence of victim provocation prior to the offense.

Data Source and Collection

Source of Data

The study data is from the National Institute of Justice (NIJ) funded project "Understanding Prosecutorial Discretion in Florida Criminal Courts." Led by principal investigator Dr. Ojmarrh Mitchell, court documents pertaining to felony case processing including the Probable Cause Affidavit, Felony Information, Case History, Victim Information, Plea Form, Scoresheet, Judgement and Sentencing were used to aid in data collection. Florida "Sunshine" Laws require governmental agencies to provide public access to court records. Each county uploads copies of these documents onto their Clerk

of the Court websites. In addition to case details, information about the defendant and sometimes the victim, is included on these documents. Victim information (such as the name, home address, age, date of birth, gender, and relationship to offender) is primarily found in the Probable Cause Affidavit or the Victim Information Sheet.

Sampling and Data Collection

Using the Clerk of the Court websites, all felony cases filed in 2017 from 65-counties (20 jurisdictions) in the state of Florida were assigned a random number. Within each county, 5% of cases with the largest assigned numbers were selected for this study. These cases include both non-violent and violent felony offenses, except for murder cases which were excluded due to the lengthy case processing. This random sampling technique maximizes the likelihood that the sample is representative of each county and therefore representative of the felony cases processed in the state of Florida during 2017. After this initial process, there were a total of 11,851 cases selected for the sample.

Coding

Numerous steps were taken to ensure high inter-rater reliability between coders when inputting case information. Before beginning data collection, coders were assigned 50 practice cases. These cases were compared, and any discrepancies were discussed among team members and the principal investigator to reach an agreement. In addition, weekly research team meetings were held to review and discuss any unique or problematic cases. Finally, the principal investigator conducted random audits of cases during the coding phase to ensure consistency and accuracy among coders.

After initial collection of case characteristics, defendant characteristics, and major case outcomes, an additional step was taken to collect any available information pertaining to the victim(s) in each case. This included the victim's name, race/ethnicity, gender, age, date of birth, and relationship to the offender (if applicable). It was also noted if the victim was a business or an individual. This information was collected for the first two victims listed if the offense involved multiple victims. Any identifying information collected from court documents was then used to determine whether the victim has a criminal record through the Florida Department of Corrections (FDOC) website. This database details whether the individual is in custody, was previously in custody, or is under state supervision (i.e. probation). Once this was determined, a binary variable was created to identify victims with criminal records. During this process, it was determined that some counties redact victim information from court documents prior to uploading copies to their Clerk of the Court website. The initial 11,851 cases were reduced to 8,713 cases. This number was further reduced to 4,189 cases due to listwise deletion.

Dependent Variable

Multiple decisions points are assessed in this data set. For the purpose of this study, four decision points will serve as dependent variables.

Felony filing decision. The first outcome is the felony filing decision at information. This decision was represented using a binary variable, in which 0= not filed, 1=filed).

Transferred as misdemeanor to lower court. The second outcome is whether the case was transferred to a lower-level court as a result of the charges being reduced from a felony to a misdemeanor. Cases that were not transferred are coded as 0, while cases that were transferred are coded as 1.

Adjudication decision. The third outcome is whether the defendant in the case received a guilty adjudication. This variable is also binary, with 0=not adjudicated guilty and 1=adjudicated guilty.

Prison Sentence. Finally, the last outcome examined will pertain the whether the defendant was sentenced to prison. Like the other dependent variables, this variable is binary (0=not sentenced to prison, 1=sentenced to prison).

Independent Variables

Victim Race/Ethnicity. The victim's race/ethnicity is operationalized using a categorical variable. These include categories for White victims, Black victims, Hispanic victims, and victims in which the race is unknown. Cases involving victims of other races/ethnicities (e.g. American Indian, Asian) were excluded from this study because this group made up less than 1% of the total number of cases. It should be noted the "race" observations for business victims fall into the unknown category. White victims serve as the referent.

Victim Gender. The victim's gender is operationalized using a categorical variable. These include categories for male victims, female victims, and victims in which the gender is unknown. Similar to victim race/ethnicity, the gender of businesses falls into the unknown category.

Criminal Record. The victim's criminal record is also represented using a binary variable (0=no criminal record, 1=has a criminal record).

Type of Victim. Finally, a binary variable is used to indicate whether the victim is a business (0) or a person (1). Approximately 25% of the victims in this sample are businesses such as convenience stores, gas stations, and construction businesses.

Control Variables

Case Characteristics. The first control variable is a binary variable indicating whether the defendant has a *private attorney*. Defendants with public defenders or court appoints attorneys are coded as 0, while defendants with private attorneys are coded as 1. Whether the defendant was *detained pre-trial* will also serve as a control, in which cases are coded as 0 if the defendant was released during pre-trial, and 1 if the defendant remained in custody during the pre-trial process. A *multiple-victim* variable will also serve a control variable. This will indicate whether the case involved more than one victim. Cases with one victim are coded as 0, while cases with 2 or more victims are coded as 1. The *most serious type of offense at complaint* is operationalized using a categorical variable. The categories include violent, property, drugs, and other. The other category generally encompasses driving violations (ex. DUI, driving with a suspended license). Violent offenses serve as the referent. An additional measure of case seriousness is included, using the *total points at offense variable*. This is operationalized using a continuous variable. Finally, the *defendants prior criminal record* is also represented with a continuous variable ranging from 0 to 16. Individuals with a score of 0 have no criminal history while individuals with a score of 16 have a rather extensive

criminal history. All convictions prior to 2017 were included in this figure. In total, there are six control variables related to case characteristics-- two of which represent offense seriousness.

Defendant Characteristics. Defendant characteristics including race/ethnicity, gender, and age serve as control variables. *Race/ethnicity* of the defendant is operationalized using a categorical variable, which include Black, White, and Hispanic. White defendants serve as the reference group. The *defendant's gender* is operationalized using a dichotomous variable, in which Male=0 and Female=1. Finally, the *defendants age* at filing is operationalized using a continuous variable measured in years.

Victim and Offender Relationship. In line with prior research (see Baumer et al., 2000; Beichner & Spohn, 2012; Spohn et al., 2001), victim-offender relationship is also controlled in these analyses. Prior literature has indicated that the victim's relationship with the offender may influence prosecutors' and judges' perception of the seriousness of the crime, and the harm done to the victim. This categorical variable specifies whether the victim and offender are partners or ex-partners, non-partner relatives (such as parents, children, cousin etc.), friends or ex-friends, or have no prior relationship (stranger). Additionally, we identify cases in which the victim-offender relationship is unknown, involves law enforcement, involves a business, or falls into an 'other' category (for cases that don't fit into any of the previously mentioned categories).

Circuit. Consistent with previous studies that conducted multi-site data collection, a variable accounting for differences among jurisdictions is included. While

previous studies used counties (see Curry, 2010; Curry et al., 2004), it was determined

that circuits would be a more meaningful measure. Therefore, a circuit variable will be

included to represent the twenty judicial circuits established by the state of Florida. Each

circuit can encompass anywhere from one to six counties.

Analytic Strategy

The data were processed and analyzed using Stata IC 16 statistical software.

Before running any estimations, descriptive statistics for each variable were be

calculated. These include the frequency, standard deviation, minimum observations, and

maximum observations (when applicable). To address missing values, listwise deletion

was used. This ensure that only cases with observations for each variable were included.

Next, due to the dichotomous nature of the dependent variables of interest, estimations

were conducted using multivariate logistic regressions. For these analyses, the decision to

use the entire sample consisting of business and individual victims was made to ensure

that all models were parsimonious. Additionally, when the victims were separated by

'type', the result of the analyses remained the same. Furthermore, the decision to run

these models using the entire sample rather than a conditional model was made for

various reasons. First, the goal of this study is to examine how victim characteristics at

the beginning of a case influences outcomes at both the beginning and end of a case.

Second, while conditional models have been utilized in prior studies, since the

cumulative disadvantage of victims was not the focus of this study, it was determined that

using conditional models was not appropriate. The results of the analyses are presented

in odds ratios. Finally, post-estimation analyses were conducted in the form of the

Hosmer-Lemeshow goodness of fit test and a Variance Inflation Factor (VIF) test.

CHAPTER 4

RESULTS

Descriptive Statistics

Descriptive statistics of the sample are presented in Table 1. A subsample was created for this study to ensure that all cases used had observations for each variable. Therefore, the final sample size was 4,189. Overall, 58% of the cases in this sample were filed, 11% were transferred, 58% resulted in the defendant being adjudicated guilty, and 16% of the cases ended with the defendant being sentenced to prison.

Majority of the cases had individuals as victims as opposed to businesses. Of these victims, majority of the cases had victims with unknown races, followed by White (16%), Black (6%) and Hispanic (2%). It should be noted that in the instances that businesses were victims, the race was coded as unknown. Therefore, the large portion of unknown victim races can be due both to the inclusion of businesses, as well as some victim races being unknown. White victims serve as the reference category in the later logistic models.

Male and female victims were similarly represented in this sample, with both making up about 30% of the sample, with the remaining being unknown. Thirteen percent of the cases in the sample involved multiple victims, while 12% of the victims in the cases had a criminal record. Similar to victim race, majority of the cases had unknown victim/offender relationships (49%). However, after accounting for this, the most common relationships present in the sample were cases involving partners or ex-partners and strangers.

Approximately 50% of the cases involved White defendants. Additionally, a quarter of the defendants were women. The average age of the defendants was 33.85 (SD=11.59), with the youngest defendant being 15 years old and the oldest being about 81 years old. The average number of prior convictions that defendants had was just above 1, while the maximum number of prior convictions in the sample was 16. Hence, majority of the defendants in this sample had a relatively limited criminal history.

A little less that 20% of defendants had private attorneys, and 41% were detained during pre-trial. When examining the offenses committed in these cases, most cases (56%) had a property crime listed as the most serious offense at the time of complaint. This was followed by violent offenses (37%), other offenses (5%) and lastly drug-related offenses (2%). Additionally, the average total offense points at complaint was 40.49. Finally, the distribution of cases by circuit indicates that most cases were processed in circuit 13. For the purposes of the analyses, however, circuit 1 serves as the referent.

Table 1. Descriptive Statistics (N = 4,189)

Variables	Freq.	Mean/Prop	SD	Min.	Max.
Filed		.58			
Transferred		.11			
Guilty		.58			
Prison		.16			
Victim Type: Person		.72			
Victim Race/Ethnicity					
White (R)	686	.16			
Black	234	.06			
Hispanic	69	.02			
Unknown	3200	.76			
Victim Gender					
Male (R)	1368	.33			
Female	1444	.34			
Unknown	1377	.33			
Victim Criminal Record		.12			
Victim/Offender Relationship					
Stranger (R)	456	.11			
Acquaintance	349	.08			
Law Enforcement Officer	197	.05			
Non-Partner Relative	299	.07			
Other	181	.04			
Partner or Ex-Partner	673	.16			
Unknown	2034	.49			
Multiple Victims		.13			
Defendant Race/Ethnicity					
White (R)	2261	.54			
Black	1445	.34			
Hispanic	483	.12			
Female Defendant		.25			
Defendant Age		33.85	11.59	15.44	81.41
Defendant Prior Convictions		1.11	1.99	.00	16.00
Private Attorney		.18			
Detained Pretrial		.41			

Most Serious Type of Offense at Complaint					
Violent (R)	1569	.37			
Drugs	64	.02			
Other	211	.05			
Property	2345	.56			
Total Offense Points at Complaint		40.49	32.55	.00	300.00
Circuits					
Circuit 1 (R)	316	.08			
Circuit 2	139	.03			
Circuit 3	32	.01			
Circuit 4	320	.08			
Circuit 5	244	.06			
Circuit 6	254	.06			
Circuit 7	348	.08			
Circuit 8	163	.04			
Circuit 9	402	.10			
Circuit 10	255	.06			
Circuit12	116	.03			
Circuit 13	437	.10			
Circuit 14	172	.04			
Circuit 15	331	.08			
Circuit 18	269	.06			
Circuit 19	155	.04			
Circuit 20	236	.06			

Table 2. Logistic Regression: Filing Decision, Transfer, Guilty Adjudication & Sentence (N=4,189)

Variables	Filed	Transferred	Guilty	Prison
Victim Type: Person	0.556**	1.081	0.571*	0.956
	(0.126)	(0.363)	(0.130)	(0.307)
Victim Race/Ethnicity				
Black	0.577**	1.288	0.576**	0.931
	(0.103)	(0.287)	(0.103)	(0.235)
Hispanic	0.559*	1.353	0.584	0.846
	(0.165)	(0.487)	(0.172)	(0.372)
Unknown	1.009	0.937	1.022	0.884
	(0.115)	(0.154)	(0.116)	(0.139)
Victim Gender				
Female	1.086	0.975	1.100	1.021
	(0.100)	(0.132)	(0.101)	(0.128)
Unknown	0.927	0.993	0.951	0.953
	(0.189)	(0.298)	(0.194)	(0.279)
Victim Criminal Record	1.110	0.890	1.142	0.746
	(0.130)	(0.157)	(0.133)	(0.123)
Victim/Offender Relationship				
Acquaintance	0.846	0.950	0.845	0.643*
	(0.137)	(0.246)	(0.136)	(0.132)
Law Enforcement Officer	2.045**	0.882	2.015**	1.100
	(0.480)	(0.302)	(0.473)	(0.337)
Non-Partner Relative	0.525***	1.069	0.507***	0.301***
	(0.091)	(0.278)	(0.088)	(0.081)
Other	0.730	0.905	0.676*	0.550*
	(0.143)	(0.281)	(0.133)	(0.154)
Partner or Ex-Partner	0.333***	1.338	0.324***	0.175***
	(0.052)	(0.309)	(0.051)	(0.043)
Unknown	0.831	1.082	0.807	0.761
	(0.116)	(0.239)	(0.112)	(0.129)
Defendant Race/Ethnicity				
Black	0.762***	0.939	0.758***	0.975
	(0.063)	(0.114)	(0.062)	(0.108)
Hispanic	0.709**	1.076	0.708**	0.888

	(0.081)	(0.180)	(0.081)	(0.152)
Female Defendant	0.829*	0.884	0.849*	0.485***
	(0.068)	(0.107)	(0.069)	(0.067)
Defendant Age	0.998	1.012	1.000	0.993
	(0.017)	(0.024)	(0.017)	(0.026)
Defendant Age 2	1.000	1.000	1.000	1.000
	(0.000)	(0.000)	(0.000)	(0.000)
Defendant Prior Convictions	1.135***	0.888***	1.133***	1.292***
	(0.024)	(0.030)	(0.024)	(0.029)
Private Attorney	1.176	0.643**	1.171	1.238
	(0.108)	(0.096)	(0.107)	(0.161)
Detained Pretrial	2.132***	0.833	2.125***	3.532***
	(0.161)	(0.093)	(0.160)	(0.364)
Most Serious Type of Offense at Complaint				
Drugs	2.277**	0.759	2.321**	1.049
	(0.702)	(0.322)	(0.716)	(0.446)
Other	0.992	1.431	0.991	1.491
	(0.163)	(0.292)	(0.163)	(0.353)
Property	1.765***	0.647**	1.770***	1.320*
	(0.165)	(0.092)	(0.165)	(0.170)
Total Offense Points at Complaint	1.007***	0.993***	1.007***	1.016***
	(0.001)	(0.002)	(0.001)	(0.002)
Multiple Victims	1.444***	0.912	1.443***	1.019
	(0.156)	(0.154)	(0.155)	(0.134)
Circuits				
Circuit 2	1.060	2.648**	1.074	2.801***
	(0.248)	(0.805)	(0.251)	(0.818)
Circuit 3	0.565	0.333	0.575	1.616
	(0.233)	(0.348)	(0.237)	(0.864)
Circuit 4	0.414***	3.294***	0.423***	1.418
	(0.075)	(0.837)	(0.077)	(0.343)
Circuit 5	0.496***	0.510	0.503***	1.241
	(0.096)	(0.191)	(0.097)	(0.326)
Circuit 6	0.646*	0.863	0.644*	1.644*
	(0.123)	(0.278)	(0.123)	(0.416)
Circuit 7	0.622**	1.469	0.627*	1.364
	(0.113)	(0.399)	(0.114)	(0.338)
Circuit 8	0.373***	0.810	0.380***	1.733

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	(0.081)	(0.298)	(0.082)	(0.516)
Circuit 9	0.523***	1.032	0.511***	0.703
	(0.090)	(0.290)	(0.088)	(0.179)
Circuit 10	0.962	1.574	0.958	1.467
	(0.197)	(0.464)	(0.196)	(0.394)
Circuit 12	1.039	0.953	0.739	0.659
	(0.265)	(0.392)	(0.182)	(0.258)
Circuit 13	0.626**	1.503	0.634**	1.012
	(0.107)	(0.392)	(0.108)	(0.243)
Circuit 14	0.607*	2.420**	0.621*	1.610
	(0.132)	(0.715)	(0.134)	(0.466)
Circuit 15	0.679*	1.973*	0.671*	1.029
	(0.132)	(0.551)	(0.130)	(0.280)
Circuit 18	0.956	1.026	0.970	0.886
	(0.184)	(0.312)	(0.187)	(0.238)
Circuit 19	0.662	1.002	0.673	1.710
	(0.147)	(0.361)	(0.150)	(0.509)
Circuit 20	0.487***	0.588	0.476***	1.022
	(0.096)	(0.216)	(0.093)	(0.283)
Constant	2.360	0.123**	2.242	0.066***
	(1.077)	(0.082)	(1.022)	(0.043)
Observations	4,189	4,189	4,189	4,189
Pseudo R-squared	0.132	0.0669	0.131	0.211
LR Chi-square	749.20	197.19	746.34	776.44

Note: Standard errors in parenthesis; Results presented as odds ratios

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

Table 2 presents the results of four logistic regression models predicting outcomes at each of the previously discussed case stages. The following sections will highlight significant variables and their relationship to the outcome of interest. The results of the circuit variable will not be discussed in these sections but are available for reference on Table 2.

Multi-variate Logistic Regression: Filing Decision

The results of this analysis indicate that the odds of a case with an individual as victim as opposed to businesses, are 44.4 % (p<0.01) less likely to have charges filed against them. However, in cases that involve people, there is evidence that both the victim's race and their relationship with the offender are significant predictors of the filing decision. Victimizing minorities, specifically Black or Hispanic individuals, decreased the odds of a case being filed compared to if the victim was White. Specifically, victimizing Black individuals decreased the odds of a case being filed by 42.3% (p<0.01), while the odds deceased by 44.1% (p<0.05) for Hispanic victims. Additionally, if the victim and offender were relatives or partners as opposed to strangers, the odds of a case being filed also decreased. Conversely, if the victim is a law enforcement officer, the odds of a case being filed increased by approximately 104% (p<0.01).

When the defendant in the case was Black or Hispanic, the odds of a case being filed decreased by 23.8% (p<0.001) and 29.1% (p<0.01), respectively. Furthermore, as expected, female defendants were less likely to have their cases filed compared to male defendants. In terms of having a criminal history, every additional prior conviction

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increased the odds of a case being filed. Additionally, being detained pre-trial proved to be a disadvantage for defendants, as their cases were more likely to be filed.

Interestingly, when the most serious offense at complaint was drug-related or property-related, the odds of the case being filed increased compared to when the offense was violent. This could be due to prosecutors requiring more extensive evidence (such as victim injury) to feel confident in moving forward with a case involving a violent offense. However, since no measure exists to account for evidentiary strength, this cannot be determined in this analysis. Every additional point in the total offense points measure increased the odds of a case being filed, while a case involving multiple victims also increased the odds of a case being filed. As previous research indicated, a witness to a crime is an important consideration for prosecutors to move forward with a case. Therefore, having multiple victims present is beneficial for a prosecutor's case if a case was to proceed to trial.

Multi-variate Logistic Regression: Transfer to Lower Court

All independent variables of interest were found to be non-statistically significant predictors of whether a case was transferred to a lower court. Rather, legal factors were significant predictors of whether a case was transferred, including the defendant's criminal record and the offense seriousness at complaint. Every additional prior conviction that a defendant had decreased the odds of a case being transferred by 11.2% ($p<0.001$). Measures of offense seriousness also followed a similar trend. Every 1-point increase in the total offense points decreased the odds of a case being transferred by 0.7% ($p<0.001$), while defendants who committed property crimes were less likely to have

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their cases transferred compared to their counterparts who committed violent offenses.

An unexpected finding in this model was the relationship between a defendant having a private attorney and getting their case transferred. Based on the results, having a private attorney actually decreased the odds of a case being transferred by 35.7% (p<0.01), indicating that hiring an attorney did not afford defendants any advantages in getting their felony charges decreased to misdemeanors.

Multi-variate Logistic Regression: Guilty Adjudication

Similar to the analysis examining the filing decision, two out of the four independent variables were significant -- the victim type and victim's race. In fact, the predictors that were significant in this model were identical to that of the filing decision model, with one exception. Victimizing a person decreased the odds of the defendant being found guilty. Furthermore, victimizing a Black individual, compared to a White individual, also decreased the odds of receiving a guilty adjudication by 42.4% (p<0.01). The remaining significant control variables included the victim-offender relationship, defendant's race/ethnicity, defendant's prior convictions, whether the defendant was detained during pre-trial, the most serious offense at complaint, the total amount of offense points, and whether the case involved multiple victims.

Compared to instances in which the victim and offender were strangers, the odds of a defendant being found guilty decreased if they were (ex) partners, related to the victim, or had a relationship that fell into the "other" category. Meanwhile, the odds increased if the victim was a law enforcement officer. Unexpectedly, it was found that Black and Hispanic offenders were less likely to found guilty when compared to White

defendants. This finding directly contradicts what much of the extant literature has concluded. This was previously observed in the filing decision model.

All remaining significant predictors are legal characteristics of the case. Every additional prior conviction that a defendant had on their record resulted in a 13.3% (p<0.001) increase in the odds of being found guilty. Furthermore, if the defendant was detained prior to their trial, the odds of the case ending in a guilty adjudication increased by 112.5% (p<0.001). Measure of offense seriousness reveal that, as expected, the odds being found guilty increased as the total offense points at complaint increased. In addition, compared to committing a violent offense, committing a drug-related offense or a property crime increased the odds of being adjudicated guilty by 132.1% (P<0.01) and 77% (p<0.001), respectively. Finally, if the case involved multiple victims, defendants were more likely to be found guilty.

Muti-variate Logistic Regression: Prison Sentence

Numerous defendant-related and case-related variables were significant predictors for whether a defendant received a prison sentence. Yet, all victim characteristics of interest were not statistically significant. Notably, the victim's race, gender, criminal history, and whether the victims was an individual had no effect on this outcome. The only victim-related characteristic that was influential in this analysis was the victim/offender relationship. Compared to cases that involved strangers, cases that involved victim and offenders that were acquaintances, relative, or (ex) partners were less likely to end in an incarcerative sentence.

In terms of gender, female defendants were also less likely to be sentenced to prison compared to their male counterparts, suggesting that gender stereotypes may play a role in sentencing. Measures of offense serious were similar to results of other models: compared to violent crimes, committing property crimes increased the odds of prison while an increase in total offense points also resulted in an increase in the odds of being sentenced to prison. Finally, a defendant's prior convictions and being detained during pre-trial were arguably the most significant predictors in the model. Every additional prior conviction increased the odds of a defendant receiving a prison sentence by 29.2% ($p<0.001$), while being detained during pre-trial increased the odds of being sentenced to prison by 253.2% ($p<0.001$), respectively.

Post-Estimation Tests

The Hosmer-Lemeshow goodness of fit test was used to check for specification errors for each model. The results indicate that all models are sufficient, and do not suffer from specification errors. Next, a variance inflation factor (VIF) was conducted on all variables. The variance inflation factor was greater than 4 (11.15), meaning that multicollinearity is high among the variables used in the analysis. High collinearity exists between the 'filed' and 'guilty' variables. This is because virtually all cases that were filed ended in a guilty adjudication. However, after further examination of the standard errors of these variables, it was determined that this would not be an issue.

CHAPTER 5

DISCUSSION & CONCLUSION

The current study assesses the effect of victim related characteristics on major

pre-conviction and post-conviction outcomes of both violent and non-violent offenses.

Overall, hypotheses two and four were partially supported by the results. Victim

characteristics were influential in predicting outcome at arguably the two most important

stages of criminal case processing. Compared to White victims, cases involving Black or

Hispanic victims were less likely to be filed and end in a guilty adjudication. This

confirms what many scholars have concluded in prior works (see Baumer et al., 2000;

LaFree, 1980; Spohn, 1994) and also lends support to the blameworthiness attribution

theory. The societal perception of an ideal victim plays a role in the differential treatment

of minorities. Rather than being seen as victims, minorities are usually seen as offenders.

As stated by Baumer and colleagues (2000), there is a belief that a large proportion of the

non-White population is actively involved in violent crime. Therefore, court actors may

be less likely to pursue a case and offer the same protections that are afforded to White

individuals. Essentially, because of the perception that non-White victims are involved in

crime, the blame shifts from the defendant to the victim because prosecutor, judges, and

jurors believe that a victim's illegal activities are the cause of their own victimization.

Furthermore, there was evidence that defendants received more lenient treatment

at these stages when the victim was a person as opposed to a business. There are a

multitude of explanations for this finding. However, the most apparent one is the absence

of other characteristics for a prosecutor or judge to consider, compared to if the victim is

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a person. No stereotype of a "real victim" or a "genuine victim" exists for businesses in the same way that it is present when the victim is a person. An additional explanation for this finding is that, specifically when it comes to filing a case, a business has the resources to not only to pressure a prosecutor to pursue a case, but also to invest their own resources in seeing a case through the process.

In line with previous findings, a victim's criminal history was not a consideration for prosecutors or judges at any stage of cases (see Baumer et al., 2000; Boris, 1979; Williams, 1976). As suggested by Baumer and colleagues (2000), the victim's behavior at the time of the offense may be more impactful than their prior criminal involvement. I was unable to control for this in my analysis, so this cannot be determined. In addition, the victim's gender was also not statistically significant at any of the four stages. These findings aligned with much of the victim-centered research but contradicted some of the findings for defendant-centered research.

Finally, the victim/offender relationship seemed to influence the most stages of all victim-related characteristics. Almost consistently, cases that involved non-partner relatives or partner/ex-partner were less likely to be carried forward, less likely to end in a guilty adjudication, and less likely to result in a prison sentence. It is apparent that, similar to earlier studies, prosecutors tended to allocate most of their resources to pursuing 'stranger' cases. Similar to what was discussed for victim stereotypes, cases may be seen as more serious if the victim and offender are unacquainted (e.g. stranger randomly attacks a victim). An alternative explanation may be that victims are more

likely to ask prosecutors to drop cases or ask for more lenient sentencing when they are well acquainted with the offender.

The findings of this study mirror those of the existing literature. There are indeed instances in which court actors rely on extra-legal factors in making their decisions, especially in relation to the victim. While the criminal justice system emphasizes justice for all, the results of this study and the existing literature provide evidence that victim characteristics affect case outcomes. Specifically, cases with individuals as victim, Black victims, Hispanic victims, and victims who were relatives or romantic partners, were less likely to be filed by prosecutors. In turn, these effects lead to reduced likelihoods of conviction. Comparatively, cases with business as victims were more likely to be filed and be adjudicated guilty. Otherwise restated, this research provides evidence that not all victims receive equal justice; rather those occupying disadvantaged positions (e.g., victims who are disadvantaged minorities) often do not receive the justice they seek. This finding is important and potentially problematic as it suggests that many victims' experiences with the judicial system may produce or exacerbate negative perceptions of the justice system. In turn, this may reduce the chances that these victims will decide to report crime in the future.

One policy implication of these findings is that interventions may be needed to combat the biases evident among court actors. While most conversations about implicit bias training have revolved around police, these findings suggest that court actors are influenced by victim characteristics including race and ethnicity. Thus, one potentially beneficial policy change would be to require yearly implicit bias training for prosecutors,

judges, and defense attorneys. This policy change is logical as implicit bias is likely to occur not only as arrest, but also in subsequent stages of the criminal justice system.

Limitations

While this study addresses various gaps and limitations present in preceding studies, there are limitations within this study that must be discussed. The most prominent limitation in this study was missing victim information – notably victim's race and relationship to the offender. Due to our reliance on probable cause affidavits and victim information sheets, when applicable, we could only obtain information that was collected by law enforcement and court officials. Similar to other studies that have relied on administrative data, there was a tendency for both victims and defendants to be identified with the incorrect race or for law enforcement officers to leave this information blank. The inclusion of the victim's age would have been a beneficial variable to include. Although many studies find no relationship between the victim's age and case outcomes, including this variable would have aided in providing a more complete victim profile. However, as referenced in the previous chapter, this was not possible due to missing data. An additional limitation in this study was the inability to control for some variables that were influential in other studies. These include the evidentiary strength of the case, and whether the victim provoked the offender.

Future research

Scholars should continue to explore how victims may influence the journey of cases within the criminal justice system. The findings of this study show that there is work to be done and much more to understand about how prosecutors and judges make

decisions. Future research should continue to address the influence of victim characteristics on case processing and sentencing, while accounting for the victim characteristics that I was unable to. Notably, accounting for the evidentiary strength of a case could help the field in understanding whether strong evidence truly mediates any consideration of extra-legal variables. Furthermore, including an interactive analysis the victim and the offender's race and gender would provide more understand of how these characteristics interact. As discussed in the literature, there is a long history of research showing that Black men victimizing White women received the harshest treatment within the criminal justice system – notably when it comes to the death penalty. Addressing this relationship using a dataset as such, that includes both violent and non-violent offenses would better inform the field how this disparity may or may not translate to other contexts. While there are a small number of studies that have attempted to do this, more research is needed.

Finally, although the current study finds no statistically significant relationship between a victim's criminal record and the four case outcomes, an interactive approach could shed more light on this. For example, testing the interactive effect of the victim's race and/or gender and whether they have a criminal record could address whether a criminal record only comes into play with certain victims. For example, future studies can test whether a criminal record is only considered if the victim is a minority compared to if the victim is White.

The criminal justice system affects the lives of millions of citizens a year. People may find themselves on either side of the system: a victim or a defendant. Ideally,

decision made by prosecutors, jurors, and judges should be based on facts of the case. However, as previous research has highlighted, a defendant's characteristics may influence one's decision. A concern that scholars have emphasized was whether a victim's characteristics also plays a role. All victims should be afforded the same protections and services of the criminal justice system, regardless of their background. Therefore, this research is important for not only policy implications, but also for understanding the reality of how the criminal justice system operates.

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