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THE VICTIM-OFFENDER RELATIONSHIP: DOES IT AFFECT SENTENCING?

A Thesis

Presented to the

Department of Criminal Justice

and the

Faculty of the Graduate College

University of Nebraska

In Partial Fulfillment

of the Requirements for the Degree

Master of Arts in Criminal Justice

University of Nebraska at Omaha

by

Denise Olson

April 2002

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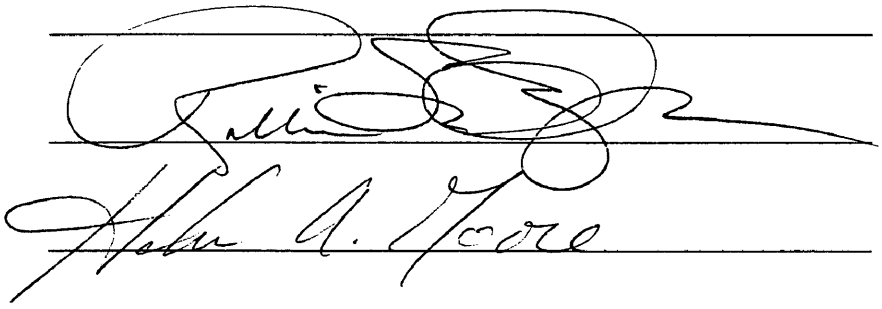
THESIS ACCEPTANCE

Acceptance for the faculty of the Graduate College, University of Nebraska, in partial fulfillment of the requirements for the Master of Arts in Criminal Justice, University of Nebraska at Omaha.

Committee



Chairperson Miriam A. DeForo

Date April, 8, 2002

THE VICTIM-OFFENDER RELATIONSHIP:

DOES IT AFFECT SENTENCING?

Denise Olson, MA

University of Nebraska, 2002

Advisor: Dr. Miriam DeLone

This study explores the victim-offender relationship and its effect on sentence severity. Data on felony offenders sentenced in 1993 in Cook County (Chicago, IL) is used to test two hypotheses on the effect of the victim-offender relationship on the decision to incarcerate and sentence length. From prior research, it is hypothesized that stranger offenders are more likely to be sentenced to prison and to receive longer prison sentences than non-strangers to the victim. The analyses performed reveal that sentence severity is not affected by the victim-offender relationship, but rather is determined by primarily legal factors. The decision to incarcerate and the sentence length seem to be equitable for stranger and non-stranger offenders. These results contradict prior research and reject both hypotheses. From these results, support is given to the proposition of Black (1989) that law is variable. It differs from case to case, it is situational, it is relative.

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CHAPTER 1

Introduction

Becoming a crime victim can be an extremely devastating event that affects millions of men, women and children in the United States each year. Throughout the last thirty years, there have been numerous changes in the rights and remedies available to victims in pursuit of a more equitable justice system (Tobolowsky, 2001). In light of these changes, including the Victim's Movement of the 1970s, which emphasized making the crime victim an integral part of the criminal justice system, (Tobolowsky, 1999) some offenders still continue to be treated differently than others. Due to these perceived disparities in treatment of offenders, it is important for researchers in the field of social science to attempt to determine what really happens in various criminal justice procedures.

The present study is an example of an in-depth look at the relationship between the victim and offender as it relates to sentencing.[1] The majority of prior research indicates that stranger offenders are often treated more harshly than non-stranger offenders. Specifically supporting this point, Miller, Rossi, and Simpson (1991) found that public opinion condones and expects harsher legal treatment of stranger offenders. This type of rationale makes it crucial to determine whether sentencing of strangers and non-strangers is equitable. Equitableness can be a determinant of fairness in society among males and females, blacks and whites, and numerous other relationships. When

[1] This manuscript is based on work supported by the National Science Foundation under Grant SBR-93321852. Principal investigator Dr. Cassia Spohn, University of Nebraska at Omaha.

examining the relationship between the victim and offender and its effect on sentencing we can determine if this equitableness is being upheld.

By controlling for the legal and extra-legal variables that may have an effect on sentencing, it is hoped that the results of this study will outline future areas of research on the topic of relationship and inequitable sentences. This discussion will begin with important observations about which offenders, strangers or non-strangers to the victim, are committing violent crimes and how these offenders are sentenced based on their relationship to the victim.

Stranger/Non-stranger Offenders

Millions of violent victimizations occur every year in the United States (Rennison, 2000). While stranger offenders are often feared; such as the man in the dark alley or the serial killer on the loose, there are serious questions about whether these strangers really commit the majority of violent crimes. According to the 1999 National Crime Victimization Survey (NCVS), (Rennison, 2000: 8) non-stranger victimizations actually outnumber stranger victimizations, comprising 54 percent of all incidents of personal victimization. If the gender of the victim is considered the possibility of non-stranger victimization becomes even more dramatic, with non-strangers committing 68 percent of all violent crimes against women. Additionally, substantial differences are also found based on the type of crime (Rennison, 2000). According to Bureau of Justice Statistics (2000: 34) non-strangers committed 70 percent of sexual assaults but only 22 percent of robberies. Likewise, the Office for Victims of Crime commented on several different surveys of sexual assault victims and found that only a small percentage of cases

involved perpetrators who were strangers; most were intimate partners (2000). If the specific category of marital status is looked at, additional differences are demonstrated by victim-offender relationship and crimes of violence. Divorced or separated female victims were more likely to experience victimization by a non-stranger (intimate), whereas those who had never married were most likely to experience victimization at the hands of a stranger (Zawitz, 1994).

Offenders that commit violent offenses can be divided into several different categories of relation to the victim. These categories can include: spouse, ex-spouse, parent, child, relative, well-known (includes data on offenders that were well-known to the victim, but exact relationship can not be determined- may include boyfriend/girlfriend), casual acquaintance, don't know relationship, and stranger (Bureau of Justice Statistics, 2000). Due to a limited amount of cases, most studies divide the offenders into strangers and non-strangers. If all of the mentioned categories were used it would be difficult to make predications based on the small sample sizes for each category. This study will use the categories of stranger and non-stranger. Although this may be considered a limitation, Kingsnorth, MacIntosh and Wentworth (1999) find no differences between dichotomous and trichotomous categories. When the effects of trichotomous coding (strangers/intimates/acquaintances) were tested, the results showed no need for change in the conclusions.

Victims Rights

Sentencing, the topic of focus in this study, often affects victims. It is an example of an area in which victims have gained new ground within the last thirty years and are

now often actively involved (Erez and Tontodonato, 1990). This involvement can consist of the use of Victim Assistance programs, Victim Impact Statements, restitution and compensation. Even though the impact of these initiatives are not directly measured in this study, the climate of increasing victims rights may have a direct impact on courtroom actions of judges. It is often the description of the harm sustained by the victim, that comes to the attention of judges through these various programs and initiatives, that makes the difference in the punishment process (Erez and Tontodonato, 1990). Through interview data, obtained at the time of the original data collection, some of this "qualitative" information is explored and will be discussed in the implications section of this study. To begin the exploration of the effect of the victim-offender relationship on sentencing, the rights afforded to victims will first be briefly discussed.

Victim Assistance Programs

Victim assistance programs, established to help victims in various aspects of court proceedings, have traditionally been housed in prosecutor's offices (Doerner and Lab, 1998: 58). Two types of programs have been identified within prosecution-based victim assistance programs: witness-oriented and victim-oriented (Jerin and Moriarty, 1998: 53). A witness-oriented program emphasizes the victim as a witness in the prosecution of cases. It primarily serves the needs of the prosecutor's office and the criminal justice system. Conversely, a victim-oriented program puts the needs of the victim first. Services are focused on helping the victim through the traumatic experience of victimization. Many programs today offer a combination of the two orientations, but the

emphasis of the program may vary depending on the specific focus for which it was designed.

Modern day prosecution-based victim assistance programs offer a wide range of services to clients (OVC, 1999). According to a National Institute of Justice (1995), the most common service consists of providing information about the legal rights of victims and about the criminal justice process (88 percent). Two other common services of assistance programs are help in applying for state victim compensation aid (59 percent), and referrals to social service agencies (51 percent). A variety of other services are also provided such as accompanying victims to interviews with prosecutors and to court proceedings, short-term emotional counseling, and updates as to the status of the case in the courts (NIJ, 1995).

According to Jerin and Moriarty (1998), personnel within the prosecutor's office typically decide upon the types of services that will be provided. As evaluations and surveys are conducted, services may be changed to adjust to the needs of victims in a specific area (NIJ, 1997).

Although there are very few studies in the area of victim assistance programs, it may be helpful in future research on the victim-offender relationship to examine the effect they have sentencing proceedings. In relation to equitable sentences and the present study, victim assistance program personnel are able to monitor the outcomes of cases and advocate for changes to policies and procedures as necessary.

Victim Impact Statements

According to Tobolowsky (1999), one of the most widely adopted victim rights in the last fifteen years is the use of Victim Impact Statements (VIS). The VIS is a means of recording victims' statements on physical, psychological, and economic effects of the crime to be submitted to judges and prosecutors prior to sentencing. The VIS may take on a formal or informal format. Every state and federal court system now have statutes that makes the VIS a mandatory part of the presentence investigation (Tobolowsky, 1999). The VIS is sometimes presented through the Pre-Sentence Investigation (PSI) report written by a probation officer. It is important to note that this procedure may result in bias on the part of the probation officer.

The main purpose of the VIS is to provide the victim with a sense of participation in the system and to make sure that the courts have all the information necessary to determine the appropriate sentence (Jerin and Moriarty, 1998). However, this opportunity for victims to be heard in court is subject to criticism and interpretation by the courts. A balancing effort is required that considers the offender's right to a fair trial and the victim's right to be heard. Over time, the right has been upheld and not found to be in violation of the Eighth Amendment (Tobolowsky, 1999). The idea of allowing the victim to be heard at sentencing is a promising right, but it is not being used as often as advocates might expect. It may not be used because victims are unaware of the opportunity, the use of it is discouraged, or victims choose not to participate (Tobolowsky, 1999). It may be important to be aware of whether or not a VIS was

present when considering equitableness of a sentence between strangers and non-strangers.

Victim Compensation and Restitution

Victim compensation and restitution are other areas in which victims have gained new rights. Following the recommendations of the President's Task Force in 1982, Congress established a Federal Crime Victims Fund. The fund primarily consisted of federal offender fines and forfeited bail bonds, as well as a special assessment of $50 from convicted federal felons and $25 from convicted federal misdemeanants (Tobolowsky, 2001). Every state now operates a victim compensation program eligible for Victims of Crime Act (VOCA) funding (Fritsch, Caeti, Tobolowsky and Taylor, 2001: 5). Some states additionally require restitution from criminal offenders. In order to determine the amount of compensation a victim will receive or the amount of restitution that will be ordered, victims are required to document losses and expenses. Assistance is often needed in this area to help specify what can be compensated by victim assistance programs (NIJ, 1997).

A major problem with victim compensation is that it is not always used by victims (Fritsch et al., 2001; Towbolowsky, 2001). Fritsch et al. (2001) surveyed police officers in Texas to determine the frequency with which officers advise victims of compensation. The study analyzed police officers' actions because they are often the initial contact before victims reach the victim assistance program. It was found that the reason many victims do not use the compensation service is because they are unaware that it exists.

Although Texas and many other states have statutes that require law enforcement agencies to provide notice to victims of their right to compensation, it was found that only 35 percent of the officers carried materials on victim compensation in their patrol cars (Fritsch et al., 2001: 20). In order to maximize the use of victim services, it is important for officers to inform victims at the earliest possible stage. Compensation and restitution are important victimization remedy concepts to understand, as judges may justify giving lessor sentences in exchange for greater compensation or restitution punishments.

The participation of the victim at various stages of the criminal justice system may have an effect on the decision to incarcerate or the sentence length, and it is important to consider these methods of participation. According to Erez and Tontodanto (1990), there are a wide range of factors involved. According to Miethe (1987), the victim-offender relationship exerts direct, conditional, and context-specific effects on the decision to incarcerate and the length of sentence. The present study will specifically examine the extra legal characteristic of the relationship between the victim and the offender, controlling for other possible contributing factors. The goal of this research is to determine the effect of victim-offender relationship on the sentencing of felony offenders in Cook County, Illinois while controlling for legal and extra legal factors that may also have an effect on the decision.

CHAPTER 2

Prior Research

Prior research in the area of sentencing looks at the relationship between victims and offenders and has produced inconsistent results. These inconsistencies are based on different stages in the criminal justice system, different types of crimes, different analytical methods of examining the relationship, and different time periods in which data was collected. The following review of the literature will further explain these differences found between stages, crimes, procedures, and time periods.

Stages of the Criminal Justice System

The relationship between the victim and the offender is important at various stages of the criminal justice process (Miethe, 1985), including whether the victim calls the police (Block, 1974; Felson, Messner, and Hoskin, 1999); the police make an arrest (Bachman, 1996; Bouffard, 2000); the prosecutor brings charges (Kingsnorth et al., 1999); what sentence results (Erez and Tontodonato, 1990; Miethe, 1985; Simon, 1996; Spohn and Spears, 1996); and whether the sentence is shorter or longer (Kingsnorth et. al, 1999; McCormick and Maric, 1998; Simon, 1996; Spohn and Spears, 1996). Some studies have more than one dimension and thus are listed in more than one criminal justice stage category. Although the present study examines the relationship between victim and offender as it relates to the decision to incarcerate and the determination of sentence length, it is important to also review the research on the earlier stages of the criminal justice system where a victim may first encounter bias.

Calling the Police

The first place the potential for bias often surfaces is in the victim's decision to call the police. Block (1974) examines the decisions of victims on whether or not to notify police of an assault by looking at data based on self-report studies. The original study was conducted by the National Opinion Research Center in 1966. From this study the victims of 3400 reported incidents were interviewed. Of these, Block (1974: 560) reanalyzes 190 incidents of assault or battery. By performing a chi-square analysis he finds that the closer the relationship between the victim and the offender the less likely they were to notify the police (44 percent non-strangers, 66 percent strangers). Block (1974) concludes that the decision to notify the police is not automatic. Rather, the decision is based on the possible rewards to be gained and the costs to be incurred by notifying the police.

Felson et al. (1999) conducts a similar study examining the effect of the victim-offender relationship and calling the police in assaults, but finds opposite results. Data from the redesigned National Crime Victimization Survey (NCVS) are examined to determine the effect of the victim's relationship to the offender on their decision to call the police. These data were analyzed using multinomial logistic regression. Felson, et al. (1999) finds that if people report that they have been the victims of crime, their social relationship to the offender does not appear to affect whether they report the incident to the police. The researchers (1999) remind readers to interpret the results with caution, because the NCVS was the primary data-gathering tool and does not always capture all of the crimes where social relationship is important. These studies are important to the

present research because the decision to call the police may result in a non-random sample of victims who ultimately come in contact with the criminal justice system.

Arrest

Bachman (1996) sets out to determine the effect of race on police responses to the crimes of robbery and aggravated assault. In her effort she discovers that the relationship between the victim and the offender also contributes significant effects on police responses. Her research is based on information collected from the NCVS from 1987 to 1992. She analyzes three independent variables- police response time, police effort, and arrest- using a multivariate analysis to control for other effects. Through this process little difference is found in arrest, but significant differences are found in police response time and effort. In cases of robbery she finds that police will arrive more quickly and exert more effort if the situation involves strangers. In cases of aggravated assault she also finds that police arrive more quickly and exert more effort if strangers are involved. Bachman (1996) states:

> If initial police responses are related to the extra-legal factors of victim-offender relationship and race, then samples selected at later points in the adjudication process will tend to be systematically biased as well. (382)

Bouffard (2000) looks at the impact of prior relationship on the police decision to arrest in cases of sexual assault. Using an unordered Probit model he finds that a prior relationship between the victim and offender increases the probability of arrest. Bouffard (2000) points out that it is important for future research to examine the impact of investigators' gender and race, as well as the impact of varying racial composition across jurisdictions. It is also important to include additional variables that may have an effect

on the decision to arrest not included in his study. For example, the finding that prior relationship increases arrest with lack of victim cooperation suggests that some omitted factor might explain the victim's decision to pursue charges after the initial report is made (2000).

Charging Decision

If an arrest was made the case is brought before the prosecutor or grand jury where a decision is made as to whether a charge will be filed. Kingsnorth et al. (1999) analyzes sexual assault case outcomes from intake to final disposition. Using logistic regression techniques they find that there was no difference in a prosecutor's decision to charge based on prior relationship. They did, however, indicate that although stranger and non-stranger cases were equally likely to be prosecuted, the same information was not weighted equally in reaching that decision. In order to examine the effects separately, two different logistic regression analyses were performed. The findings indicate that the magnitude of the victim's injuries, incriminating remarks, the number of charges, and the victim's age can all play a role in non-stranger cases, but none of these variables attain significance in stranger cases (1999).

Sentences and Sentence Length

Prior research in the area of sentencing in stranger and non-stranger cases is directly relevant to this study. Generally, the sentencing decision consists of examining the decision to incarcerate and sentence length. These studies are reviewed to reveal patterns in the stranger and non-stranger sentencing and influence the direction of the present study.

Related to both sentencing and charging is the implementation by Congress of the Sentencing Reform Act of 1984. This Act put Federal Sentencing Guidelines into effect in 1987. According to Kempf-Leonard and Sample (2001), the premise of Congress was to make the sentencing process less discretionary and more equitable for defendants. As research has shown this is not always the case. Some states relied on sentencing guidelines dating back to the early 1980s such as Minnesota. Stolzenberg and D'Alessio (1994) conducted a study on this early implementation and found that the effect of the guidelines on sentencing disparity was minimal for the sentencing decision, but had a dramatic effect on sentence length. According to Kempf-Leonard and Sample (2001), guidelines serve as a policy tool and a guide, but they do not eliminate discretion. Although Stolzenberg and D'Alessio (1994) found strong support for the effect of the guidelines on sentencing disparity, they too commented on the need for separate studies in other states and warn to use caution when examining situations surrounding the implementation of the guidelines such as prison population size. The present study relies on data from Cook County (Chicago, IL), a state in which sentencing guidelines are not used. Overall, inconsistencies do still occur between sentences, and if not in sentencing they may be reflected earlier on in the charging process (Walker, 2001).

The literature reviewed in the area of victim-offender relationship and sentencing will be presented according to crime type beginning with domestic violence and expanding to include a wide variety of crimes. From this literature review, theoretical arguments are summarized. This theoretical discussion is used to develop a set of research hypotheses that will be used to guide the current research.

Type of Crime

The majority of research in the area of victim-offender relationship and sentencing is in the realm of violent incidents, specifically of female victims by male offenders. Females have consistently been victimized by non-strangers far more often than males have (Bachman and Saltzman, 1995; Belknap, 2001; Ogle and Jacobs, 2002). Such trends have lead to very specific feminist views on male dominance. From a theoretical perspective, MacKinnon (1989) provides comparisons and contrasts between Marxist beliefs on work and feminist beliefs on sexuality. Throughout her work she strives to show the significance of male domination and the effect it has on the states and the laws in place. In a more recent work by Gosselin (2000), the gender-role theory provides the expectation that females should be submissive and males should be in control at all times. Men are socialized that their position is to be protected at all costs, including the use of violence (Gosselin, 2000). Over time, these theories have been questioned and abandoned by most, but they still are present in the minds of some men who commit violence against women.

According to Stark (1993), the practice of noninterference by the criminal justice system has been due to ongoing support for male dominance and seems to establish a permissible level of harm against women. As stated by French, Teays, and Purdy (1998):

> Violence against women is a particularly insidious crime against humanity. It is pervasive, appearing as frequently in the houses of the rich as in those of the poor. It knows neither racial nor ethnic limitations- only cultural variations. (2)

Violence against women can be a very political subject. Everything about it reflects the power of men over women and the struggle of women to escape it. The

violence can be seen in various forms of abuse such as child abuse, harassment, rape, and battering (Stark, 1993). In an early work by Dobash and Dobash (1979), the use of physical violence by men over women is seen as a way in which women are controlled and oppressed. The authors reference the notion that there were numerous legal, political, economic and ideological supports for a man's authority over his wife. The use of physical force against her was approved and encouraged patriarchal domination (Dobash and Dobash, 1979). Smart (1995) believes that this support for male authority is emphasized by the way the laws have been created under specific historical and cultural conditions. Masculinity is prioritized and the deployment of power in many forms is "gendered". She reiterates the importance of going beyond the words of the law to identify the ways in which differences between the genders are in a common-sense sort of way sustained (Smart, 1995).

More recently, Belknap (2001) finds that there is a tendency to view male aggressiveness in the form of violence against women as "natural". This implies that there are particular behaviors and roles inherent to males and females that encourage and justify the victimization of females by males. All of these instances are ones in which the male overpowers the female. When the court chooses not to intervene, or to downplay based on the nature of the relationship it is ultimately a public cultural devaluation of the female gender (Belknap, 2001; Dobash and Dobash, 1979; MacKinnon, 1989; Pleck, 1987; Smart, 1995).

The following section looks at violence against women as it relates to domestic violence. The situation of domestic violence involves intimate partners and violence in

the home. According to Bachman and Saltzman (1995), women in intimate relationships were about six times more likely than men to experience violence, regardless of race or ethnicity. Compared to all other age groups, women ages 19 to 29 reported the most victimization by intimates. Women with a family income under $10,000 were also more likely to report victimization at the hands of intimates than those with higher incomes (Bachman and Saltzman, 1995: 3-4). Straus, Gelles and Steinmetz (1980) expand on this thought by explaining that it is the lower class, poor and powerless that are more likely to get caught and labeled for their illegal acts. The actions of the middle and upper class populations are much more likely to go unnoticed or unreported. They have more privacy in larger houses in suburban locations. If they do report illegal behaviors it is often to private physicians rather than seeking treatment in a public clinic or emergency room (Straus et al., 1980).

Domestic Violence

Domestic violence response by the criminal justice system is an area that reflects the devaluation of women. According to French et al. (1998), offender responsibility for violence against women is often diminished by blaming women for their own harm: 1) women are raped because they were in the wrong place, with the wrong people, or wearing the wrong clothes; 2) prostitutes get what they deserve because they are willing participants; 3) women are battered by intimates, because they fail to leave the home. A fourth idea may be that battering of wives and children was not just historically legal, but also expected (Gosselin, 2000; Ogle and Jacobs, 2002). According to the civil law of Rome, like many other laws throughout the world, the male head of the family had full

rights and powers over his wife and children. Women and children were viewed as property and any damage to them was to the father if unmarried or to the husband if married. Punishment of errant wives was in the best interest of the husband, whose status depended on his property (Gosselin, 2000). All of these ideas are often biased and unfair in light of the circumstances. A number of studies have explored the impact of the relationship in the realm of domestic violence in marriage (Buzawa and Buzawa, 1990; Greenfeld, 1998; Hilton, 1993; Sherman, 1984; Stalans, 1996; Zawitz, 1994), while others look at crimes of personal violence against females outside the marriage such as rape and sexual assault (Bouffard, 2000; Bradmiller and Walters, 1985; McCormick and Maric, 1998; Walsh, 1986).

Writing about the topic of domestic violence and the problem of bias in the courts Buzawa and Buzawa (1990) state:

> There exists a well-documented general bias against "relationship" cases where the offender and victim know each other and have some right to interact with the other party. The complexities of domestic relationships often negate the simplistic right/wrong dichotomy needed to convict in a criminal tribunal. Court personnel tend to believe that defendants in a relationship case may be influenced by the relationship itself. Finally, "relationship" cases may be denigrated because they do less violence to the "public" order and appear to be a personal problem there by belonging, if anywhere, in a civil court. (56-57)

These thoughts summarize the difficulties of dealing with prior relationships in the area of domestic violence.

Although the relationship between victim and offender as it relates to sentencing is the primary focus of the present study, a brief review of the literature on arrest was conducted. The review demonstrates why some offenders come before judges for

sentencing while others do not. The following studies and government report provide examples of how prior relationships related to arrest in domestic violence situations.

In the 1980s, Sherman (1984) began testing the effectiveness of police arrests in combating domestic violence. Although his study has been replicated over the years, his original conclusion was that arrest deterred future violence. Upon replication it was found that many factors could have played into this conclusion, such as follow-up time in the study, education/social status of offender, location of study, etc. Also looking at arrest, Stalans (1996) examines public opinions about arrest using a multivariate analysis of variance. She finds that the public views domestic violence as a crime, wants to protect victims, but also wants to maintain family harmony. Ultimately they would like to see arrest with counseling. More specifically, Hilton (1993) finds that although the public prefers arrest and counseling or mediation, they endorse arrest more often for stranger assaults than for domestic assaults. These studies show the potential for bias at an early stage in the criminal justice system. Strangers and non-strangers may be treated differently at the arrest stage, therefore resulting in a predetermined bias at sentencing.

Sentencing, the main focus of this study, was discussed in research by the U.S. Department of Justice (Zawitz, 1994). The research uses the category of "intimates" in a report on domestic violence. The report summarizes findings from the National Crime Victimization Survey (NCVS), the FBI's Supplemental Homicide Report, the Law Enforcement Management and Administrative Statistics survey, the Survey of Inmates in Local Jails and the Survey of Inmates in State Correctional Facilities. The findings show that spousal murderers were more likely than non-family murderers to be sentenced to

probation rather than incarceration (9 percent vs. 3 percent) and to get a lesser sentence than first-degree murder (47 percent vs. 58 percent) (Zawitz, 1994: 6). These findings may be limited based on only using the category of "intimates" and being specifically referenced to murder.

Greenfeld et al. (1998) finds that the average prison sentence for those convicted of assaulting an intimate was longer than those convicted of assaulting other victims. This finding contradicts most research on victim-offender relationship (to be discussed below), but it is important to remember that he only analyzes "intimates" (spouses, ex-spouses, boyfriends, and girlfriends). The category of "intimates" does not include other relatives, friends, acquaintances, or coworkers as the category of "prior relationship" may. By only examining the category of "intimates" the results may be missing important information on these other relationships.

Sexual Crimes

The majority of research on victim-offender relationship has been crime specific, and most often is on sexual crimes. Different states classify sexual crimes in different manners including rape and various levels of sexual assault. In the late 1970s, many "old" rape laws were slowly converted into modern day sexual assault statutes. The reform from rape to sexual assault allowed for numerous provisions. It created sex neutral statutes, made it a crime of violence instead of just a sex act, added various degrees of severity, redefined consent, lowered penalties, and created rape shield language (Winz, 2000). The creation of these new provisions has slowly brought us to

where we are today. Although sexual crimes are still classified differently, the reform lessoned confusion and increased convictions for sexual crimes in society (Winz, 2000).

According to the Office for Victims of Crime (OVC) (2000), it is difficult to determine the actual numbers of rapes and other types of sexual assaults that occur. Rape is the most underreported crime in America, and when it is reported it struggles with significant definitional and measurement issues (OVC, 2000). For this study the most serious level of sexual crimes in Cook County are now classified as criminal sexual assault. Prior to 1983 the same charge was classified as rape, creating an example of the confusion in the charges between states and time periods.

Before reviewing victim-offender relationship as it relates to sentencing of sexual crimes, a study conducted by Bouffard (2000) demonstrates the biases that may be present at the arrest stage. Bouffard (2000), using dichotomous categories of prior relationship and no prior relationship, finds that in the case of sexual assaults police were more likely to make an arrest if there was a prior relationship. Bouffard's theoretical expectations were based on Black's theory of the "behavior of law", but were contradicted in the end. Black (1989) argues that according to his theory of the "behavior of law", crimes committed by strangers are given more law because the other means of social control cannot restrain their behavior. Bouffard (2000) finds the opposite in that arrests of non-strangers were more prevalent than arrests of strangers. He also finds that prior relationship led to greater closure rates on cases. The conclusion of Bouffard (2000) on these findings is that non-strangers were easier to find and victims could provide suspect descriptions. He does not examine sentence length, but his findings

indicate that known offenders are easier to locate and prosecute. It is important to note that these findings are limited to pre-sentencing activities and involve the use of dichotomous variables. Since Bouffard (2000) does not examine sentencing, his conclusions do not completely refute the theory of "behavior of law". By examining sentencing, factors such as location of the offender and possible leads to finding the offender would be eliminated because they are already in custody to be sentenced.

The charging decision is also important to examine before sentencing because many cases are "case-screened" by prosecutors (Spohn and Holleran; 2001) or plea-bargained before trial (Emmelman, 1996; Vogel, 1999; Walker, 2001). The process of "case-screening" refers to the way cases are handled as they come into the prosecutor's office. Spohn and Holleran (2001) have identified horizontal and vertical prosecution. Horizontal refers to different assistant prosecutors handling cases at each stage of the process, and vertical refers to different assistant prosecutors handling specific types of crimes for the entire process. According to Nardulli, Eisenstein, and Flemming (1988), the processes of case assignment and case screening can have substantial impacts on case outcomes. It is often vertical prosecution that produces the greatest benefit to the victim because the prosecutor is specialized in dealing with the specific crime he/she is the victim of and works with them through the entire process.

Bradmiller and Walters (1985) conduct a study on sexual assault charge seriousness. Their purpose is to determine the factors that affect the seriousness of the charge including the relationship between the victim and the offender. Information from case files of sexual offenders serves as the basis for the study and is analyzed using a

multiple regression analysis. The results of the analysis show that offenders who are relatives of their victims receive less serious charges than those who are not related to their victims. A possible explanation for this pattern is that the system may attempt to keep family status intact (Bradmiller and Walters, 1985). Another possible explanation is that provided by Freud (1966). In the early 1930s, Freud introduced a way of looking at family violence that placed the victim in the blameworthy position. He believed that women in stressful situations became hysteric and therefore unbelievable. A clear message of Freud is that women who bring charges of rape or sexual molestation cannot be believed (Freud, 1966). Freeman and Strean (1981) discuss the ideas of Freud and find that when he was asked whether it would be better if both partners in a marriage were equal he answered, "That is a practical impossibility. There must be in-equality, and the superiority of the man is the lesser of two evils" (Freeman and Strean, 1981:13). Freud consistently points out that women show less of a sense of social justice than men, but never deviates from his position, " that envy and jealousy play an even greater part in the mental life of women than of men" (Freeman and Strean, 1981:13). From these excerpts, it can be assumed that Freud demonstrated a continued belief in the traditional cultural and psychological idea that women often overreact. As stated in the work of Dobash and Dobash (1979), women must convince court officials that they are worthy victims and competent enough to participate in the trial as witnesses.

Spohn and Spears (1996) look at the sentencing of offenders in sexual assault cases. Their study specifically examines the effects of race on sentencing while controlling for other victim characteristics. The data set is gathered from the Detroit

Recorder's Court from 1970 to 1984. There are 1,152 cases analyzed using logistic regression and OLS regression techniques. The results indicate that the effect of race is contingent on the relationship between the victim and the offender and by the victim's behavior at the time of the incident. Victim-offender relationship is found to interact with the other variables of race and victim behavior and has the strongest effect when the offender and the victim were black and the victim did not engage in any risk taking behavior (Spohn and Spears, 1996). These findings demonstrate the need to control for other possible circumstances in sentencing. As the authors state, "had we simply tested for the direct effect of victim/offender race, we would have missed these subtle and more interesting other interactive effects" (Sphon and Spears, 1996:678).

Walsh (1986) also conducts research in the area of victim-offender relationship and sentencing, but approaches it in a more specific manner. He looks directly for a relationship between victim recommendations at sentencing and sentence determinations by the judge through Victim Impact Statements. The data consists of 417 sexual assault cases in a metropolitan Ohio community from 1980 to 1983. Data analysis is based on chi-square and regression analysis techniques and determines that the closer the relationship between the victim and the offender the less likely the judge is to honor the sentencing recommendation of the PSI report. For example, when the offender is the father or stepfather to the victim the judge agrees with the sentencing recommendation 44.4 percent of the time; when the offender is a stranger to the victim the judge agrees with the sentencing recommendation 72.1 percent of the time (Walsh, 1986: 1132).

Miethe (1987) analyzes the effect of victim-offender relationship on sentence outcome by examining many crimes and comparing the results to specific sexual crimes. He finds that, "stereotypical imagery surrounding the victim-offender relationship in rape cases appears to be especially noteworthy" (Miethe, 1987: 576). Looking at these stereotypical conceptions during criminal processing he analyzes the impact of the victim-offender relationship on sentence outcome using data from original research on the Alaska ban on plea-bargaining (for an extensive discussion of the sample, see Rubinstein, Clarke, and White, 1980).

The data set (Miethe, 1987) uses is rich with information on numerous stages of the criminal justice system. A regression analysis is conducted to assess the aggregate and conditional effects of the victim-offender relationship on sentencing. Differing regression models are used to estimate the effect of other attributes of the offense and offender on the outcome of stranger versus non-stranger cases. The results indicate that known offenders are more likely to have their cases dismissed before trial, and are less likely than strangers to receive a prison sentence upon conviction. When looking at specific crime categories the numbers differ. Although the numbers of crime specific cases are too small to allow for separate analyses, comparisons between crime categories reveal fundamental differences. For example, 63 percent of rape charges were dismissed when the offender was known, as opposed to 29 percent of those involving strangers. Non-rape cases show far fewer differences in dismissal (51 percent and 47 percent respectively) (Miethe, 1987: 587-588).

McCormick and Maric (1998) also examine the question of whether or not the victim-offender relationship is related to sentence length in sexual assault cases. The data used in this analysis comes from clinical files of incarcerated rapists. The methods of analysis used are chi-square and specifically multiple regression for sentence length. From the results of the analysis, it is determined that the victim-offender relationship is a significant predictor of sentence length in sexual assault cases. The closer the relationship between the victim and the offender the shorter the sentence received.

Other Crimes

A specific aspect of sentencing and victimization that has not been widely explored is the impact of the relationship between the victim and offender in the more general context of criminal victimization, especially when the victim is male.[2] The limited research that has been done in the area of relationship and sentencing has produced inconsistent results. Some studies conclude that victim-offender relationship affects sentencing decisions (McCormick and Maric, 1998; Miethe, 1987; Simon, 1996) while others find that numerous variables affect sentencing in addition to the victim-offender relationship (Bouffard, 2000; Erez and Tontodonato, 1990; Kerstetter, 1990; Kingsnorth et al., 1999; Myers and LaFree, 1982). Although these studies can be generally categorized into having an effect and not having an effect, further explanation is needed.

The studies of McCormick and Maric (1998) and Miethe (1987) have already

[2] According to frequency distributions for gender, male victims comprised 63 percent of the current sample. When only specific crimes are analyzed such as sexual assault the majority of victims are female.

been discussed under sexual crimes and have demonstrated a significant connection between victim-offender relationship and sentencing. Simon (1996) conducts a study that adds additional crimes for analysis. This study may raise questions to researchers who believe that prior relationship clearly influences sentencing.

The data used to examine how the legal system treats the victim-offender relationship are interview and official record information from 273 sentenced and incarcerated violent male offenders. The analytical technique used is ordinary least squares regression. Simon's conclusion on sentencing is that offenders who victimized strangers receive significantly longer sentences than those who victimized non-strangers. However, the path to get to how sentence length was determined is not as well defined. Starting with the charging decision, offenders who victimized non-strangers are charged with more serious crimes and are also convicted of more serious crimes. From this it may be assumed that although strangers are given longer sentences, there is bias in the system before the sentencing decision is confronted. Simon explains this discrepancy by separating the different stages of the decision making process and blaming the differences on individual decision makers. She claims that although non-strangers are charged more often, they ultimately receive shorter, more lenient sentences as treatment. The impact of such cumulative disadvantage is often controlled for through the use of a hazard rate (Berk, 1983).[3]

[3] The hazard rate refers to the control for sample selection bias. The larger the hazard rate, the greater the chance that the observation will be discarded. In this study sample selection bias between incarceration and sentence length will be controlled for in the regression equation for sentence length.

Erez and Tontodonato (1990) also examine sentencing decisions on various types of crimes. Their study is slightly different in that it analyzes the effect of the VIS on sentencing decisions, but the results are still the same. Data for the study consists of 500 felony cases prosecuted in Ohio between June 1985 and January 1988. Using multivariate regression they find that the existence of a VIS and the lack of victim-offender relationship are related to the likelihood of incarceration.

Procedural Differences

Small changes to analytical procedures can make dramatic differences in the results of research. Some studies rely on bivariate data, while other studies rely on multivariate data. Bivariate data looks at the relationship between a dependent variable and one independent variable (Maxfield and Babbie, 1998). Relationships may be found, but we cannot be assured that other things besides that independent variable do not explain them. In order to determine the amount of effect of multiple variables, multivariate analysis is used (Maxfield and Babbie, 1998).

Bivariate Analysis

The following studies demonstrate that different results may be obtained by adjusting the number of independent variables analyzed. In a study relying on bivariate data, strangers appear to be held to a higher legal standard than non-strangers (Bachman and Paternoster, 1993). When Kerstetter (1990) and Kingsnorth et al. (1999) use multivariate analyses to examine the victim-offender relationship and sentencing they find varied results by adjusting the amount of variables analyzed. Myers and LaFree (1982) conduct a strictly multivariate study that finds no differences based on victim-

offender relationship. In social sciences multivariate analysis has proven to be extremely important in accounting for "other" possible causal factors. .

Bachman and Paternoster (1993) use a bivariate analysis to compare the representation of strangers and non-strangers in the criminal justice system using data from the NCVS and the National Corrections Reporting Program (NCRP). Their study is designed to further examine rape law reform, but for comparison purposes it also looks at the crimes of robbery and assault. They find that non-strangers are underrepresented in the prison population (49 percent expected proportion versus 29 percent actual proportion) and continue to receive more lenient treatment (Bachman and Paternoster, 1993: 572).

Combined Techniques

Kerstetter (1990) conducts a study on police and prosecutorial responses to sexual assaults in Chicago. He finds that strangers are more likely to be prosecuted than acquaintances when examining bivariate data, but when multivariate data is used, that includes legal factors such as identification of suspect and consent of victim, the effects of prior relationship are diminished.

Kingsnorth et al. (1999: 285) also find, when examining data on sexual assaults at the bivariate level, that there are basically no differences in the decision to prosecute between strangers and non-strangers (41 percent versus 39 percent). When these data are analyzed at the multivariate level, it is found that although stranger and non-stranger cases are equally likely to be prosecuted, the information involved in the decision is not weighted equally. This pattern seems to continue throughout the different phases of the

sentencing process. Strangers are almost twice as likely as non-strangers to go to trial, but it may be due to other factors rather than the relationship itself such as the severity of the crime, prior record, or the type of attorney. Similarly, in determining the severity of punishment, the decision ultimately rests on the seriousness of the crime. At the bivariate level strangers are given prison 81.5 percent of the time and non-strangers are given prison 50.4 percent of the time. When controlling for legal factors there is no difference (Kingsnorth et al., 1999: 284). Determination of sentence length appears to be the only situation in which prior relationship affects the decision, but once again this is after legally relevant factors are controlled. After controlling for relevant legal variables, prior relationship appears to reduce prison terms by 35 months (Kingsnorth et al., 1999: 295). This study is an example of how results must be interpreted with caution. The variables that appear to be relevant in a bivariate analysis may not be when other factors are controlled for in a multivariate analysis.

Multivariate Analysis

Myers and LaFree (1982) conduct a multivariate analysis of sexual assault prosecutions in Marion County (Indianapolis), Indiana from January 1970 to December 1976. The data is gathered from police, prosecution, court records, and interviews with victims and court personnel. They find no differences between the outcomes of stranger offenders and non-stranger offenders. Their analysis compares sexual crimes to other crimes and also controls for other measures of evidence. They do not examine length of sentence or incarceration. The present research will be a similar type of multivariate analysis expanded to include the length of incarceration.

Historical Waves of Research

Zatz (1987) offers a historical description of the stages of race and sentencing research with the discussion of four waves of research. These four waves are also useful in understanding the development of sentencing research with regards to relationship of the victim and offender. By dividing sentencing data into research waves on the impact of race on sentencing, we can begin to understand why different research in different time periods may produce inconsistent results.

The four waves identified by Zatz (1987: 71-78) are Wave I (1930s- mid 1960s), Wave II (late 1960s-1970s), Wave III (1970s -1980s), and Wave IV (1980s). The research conducted in Wave I (1930s-mid 1960s) began with very basic analytical techniques and often displays clear discrimination and biases (Zatz, 1987). There is no research reviewed in this study from Wave I.

Wave II (late 1960s-1970s) is a period that included many advances in statistical techniques. Much of the research from Wave I was questioned in Wave II as to its ability to measure what it intended to measure. The only research reviewed from that time period in this study is the work of Block (1974) on victim's decision to call the police. Block's data was originally gathered in 1966 and was analyzed through a simple chi-square analysis.

Wave III (1970s-1980s) contains data from the late 1960s-1970s. Wave III is the period in which a great deal of research was examined from the previous years and new research was generated quickly due to advances in data sources such as computers. An example of research from Wave III is that of Myers and Lafree (1982). Their data was

gathered from 1970-1976. The study relies on a multivariate analysis and is an example of the advances in analytical techniques.

The majority of research reviewed in this study falls into Wave IV. No major methodological changes emerged in Wave IV, but there were important changes in sentencing that demonstrate clear differences from previous research (Zatz, 1987). Although the analysis of Zatz (1987) was conducted on race and sentencing, these waves can offer similar insight to the research on the relationship between the victim and offender and sentencing. Currently, we are probably in an advanced stage of Wave IV. We have come to realize the power of different types of methodologies and analyze the way findings came about to make inferences about the contribution of the research.

The present study is an attempt to combine the results of research done on victim-offender relationship and sentencing by examining both the type of sentence received and the length of the sentence. By looking at both measures, it is hoped that the disparities between results of prior research will be resolved. A variety of crimes will be considered to eliminate potential bias that may be involved by only examining sexual crimes. The importance of using a multivariate analytical approach for social science research has been realized and will be used to attempt to capture the "real differences" in sentencing.

CHAPTER 3

Theory

Sentencing patterns can be examined under several different theory constructions. This review will present four theoretical arguments to explain the connection between prior relationship and sentencing: 1) Deterrence Theory; 2) Behavior of Law; 3)

Courthouse Community; and 4) Intent. Finally, an integration of these theories will offer a foundation to generate hypotheses for the current research.

Beginning as early as the 1700s, Classical Criminology proposes the theory of deterrence. Classical and contemporary forms of deterrence theory will be reviewed. One of the earliest proponents of deterrence theory is Beccaria (1963; trans. Beccaria 1770). In addition, contemporary ideas related to deterrence theory are presented by Zimring and Hawkins (1973) and others in the field from the present day including (Brown, Esbensen, and Geis, 1998; Buzawa and Buzawa, 1990; Paternoster and Brame, 1997; Proctor and Pease, 2000; Walker, 2001).

Following the exposition of deterrence theory, Black's (1989) "behavior of law" theory is discussed. Jacob (1972) and Bouffard (2000) also contribute additional comments to the work of Black (1989). Next, the theory of the "courthouse community" is given by Eisenstein, Flemming and Nardulli (1988) and further discussed as the "courtroom workgroup" by Walker (2001). Ulmer (1994) and Jacob (1972) additionally look at courtroom organization and structure as it pertains to sentencing. Finally, Kenny (1985) discusses the theory of intent by strangers versus non-strangers.

Classical Criminology and Deterrence

Dating back to the 1700s, Cesare Beccaria, in his book On Crimes and Punishment stated, "It is better to prevent crimes than to punish them" (Beccaria, 1963: 93; trans. Beccaria 1770). Beccaria argued that prevention should be the primary goal of law and could be accomplished through deterrence. The theory of deterrence maintains that through swiftness, severity and certainty of punishment, people are inhibited by the

fear of this punishment from committing criminal acts. People will often obey the law if the benefits of compliance outweigh the costs (Paternoster and Brame, 1997). This may be one explanation for variations in sentencing based on victim-offender relationship. Non-strangers may weigh the costs and benefits of crime differently than strangers and are therefore affected by deterrence to a lesser extent. They may believe that they will not be dealt with at all because it is a "private" matter or, if they are dealt with at various stages of the criminal justice system they may be treated more leniently.

Beccaria (1963; trans. Beccaria 1770) maintains that deterrence theory relies on three important assumptions. He believed that because people are rational, hedonistic, and exercise free will, crime control becomes a matter of certainty, celerity, and severity of punishment. The first assumption is that as the perceived certainty of punishment increases, the probability of offending decreases. The second assumption states that, as the punishment becomes swifter the probability of offending decreases. The third assumption, listed purposely last, states that the severity of punishment should be justifiable because it only works to a certain point and then becomes cumbersome.

According to Buzawa and Buzawa (1990), court personnel may treat known defendants more leniently because they believe that their behaviors are influenced not by rational factors, but by the emotional factors of the relationship itself. They are not perceived as being "hard cases" and these defendants are much less likely to recidivate than strangers responsible for crimes such as property damage, theft, or drug addicts unable to stop their criminal activity. Known defendants are also more likely to be

treated leniently because they do less violence to the "public" order, and the situation appears to be a personal problem, possibly belonging in civil court.

Commenting on the assumptions of Beccaria (1963; trans. Beccaria 1770), Walker (2001) states that deterrence works when offenders are aware that their actions may be punished, they perceive the punishment to be unpleasant, they believe a risk really exists of getting caught, and they are rational enough to weigh costs and benefits of their decisions. Proctor and Pease (2000) write about the idea of perception by stating that future research needs to concentrate on offenders' perceptions of punishment. In order for punishment to deter, offenders must be aware of the punishment and its effects. It can be hypothesized that judges use sentences to deter further criminal action based on these three assumptions.

In cases where there is no relationship or the victim and offender are strangers, judges impose penalties that are meant to deter offenders from repeating their actions (specific deterrence) and to deter others from committing such offenses (general deterrence) (Zimring and Hawkins, 1973). In cases where the offender and victim know one another it may be more difficult to impose a sentence that will teach a lesson to others. A judge may impose sentences on a case-by-case basis that address specific issues of the case and pay little attention to the future acts of others because crimes in which the victim and offender know one another are deemed private in nature (Buzawa and Buzawa, 1990).

Proctor and Pease (2000), in their study on the deterrent effect of parole board decisions, find that as others begin to realize the effect of something, they too may

change their behavior. For example, as inmates learn that in order to be released on parole their prison violations have to decrease, their behavior may begin to change. An example of this in sentencing would be if judges consistently handed down tough penalties to known offenders based on relationships. From this, other abusive partners may stop abusing for fear of being harshly punished.

Zimring and Hawkins (1973) analyze deterrence as it applies to criminal law. Their analysis breaks deterrence rationales into four aspects including general crime control foundation, ethical considerations of sanctions, economic implications, and political aspects. The section that most readily applies to sentencing is the ethical considerations of sanctions.

In order to make the threat of punishment real, criminal law must follow through by punishing the offenders that are apprehended (Zimring and Hawkins, 1973). When punishments such as sentences are handed down there are ethical considerations of deterrence between justice and efficiency. Justice determines if it is morally acceptable to offer this punishment for the crime. Efficiency determines if it will work. When specifically examining a sentence decision as it relates to the victim-offender relationship different ethical levels of deterrence may apply. The moral aspects of justice may be more important to non-stranger offenders as their situations may be viewed as private and less serious. The effective aspects may be more applicable to stranger offenders in which a precedent is being established to prevent others from committing such crimes.

Zimring and Hawkins (1973) make the point that deterrence has a wide variety of meanings and diverse connotations. It is important to realize that human behavior is very

complex and that there are a variety of situations that can condition the existence, extent and nature of deterrence. When studies are conducted on sentence length and severity it is important to consider the conditions that surrounded the case to know if there will be a deterrent effect.

An example of differences between crime types occurs in property crimes compared to personal crimes. Brown et al. (1998) note that differential deterrent effects have often been found regarding property crimes and personal crimes. Property crimes are often most amendable to deterrence because they are more rational and instrumental. Personal crimes can be perpetrated in private and thus require less rational decision-making and planning. In short, "differential deterrent effects across types of crime reflect the complexity of the crime phenomenon" (Brown et al., 998: 209). Moreover, individuals respond differently to risks and threats of punishment based on personalities and lifestyles regardless of the crime committed (Brown et al., 1998). A review of deterrence research indicates inconsistent results about the deterrent impact of punishment.

Crime and people are dynamic and cannot be measured with complete preciseness. Sentencing decisions are likely to vary from case to case. Decisions may differ based on offenders, victims, situations, or courtroom actors.

Behavior of Law

Black (1989; also cited in Bouffard, 2000) explains these various types of outcomes as the "behavior of law". He proposes that law is a form of formal social control. Social factors affect decision-making at all phases of the criminal justice system

and quite often result in bias. The amount of social factors present tends to vary throughout the criminal justice process. For example, when someone calls the police very little social information is available and situations are often handled identically. A police officer is dispatched to the scene. Upon arrival at the scene, social information expands greatly. The parties involved are visible and case characteristics are determined. Based on this information police must make discretionary decisions. The relationship between the victim and offender is often weighed substantially. If the police decide to arrest, the social information available continues to expand. Prosecutors look for additional social information, as do judges and juries. By the time sentencing takes place, the amount of social information available is significant and inevitably affects the outcome of the case (Black, 1989).

The influence of social information is often apparent in the amount of discretion that is used by judges. The more social influences that are present, the more discretion the judge will have in deciding the sentence. With regard to such social influences, "behavior of law" theory is best summarized by Black (1989) as follows:

> Because we live in a world with social characteristics, technically identical cases can be handled differently. Law is variable. It differs from one case to the next. It is situational. It is relative. (6)

The principle of "relational distance" proposes that the closer people are the less law enters into their affairs. Law varies directly with relational distance (Black, 1989: 10). Thus, interpreting Black's "behavior of law" in the context of victim-offender relationship implies that offenses committed by strangers will receive more law because it may be the only way to restrain this socially unacceptable behavior. Crimes involving

non-strangers will receive less law because non-strangers have other means of mediation and redress.

Social influences are present within the workings of the criminal justice system. As certain groups of individuals work together in a community, norms begin to be established. According to Jacob (1972), enforcing community norms is the principal function of the judiciary. Although this thought may be dated, it leads us to a discussion of the inner-workings of the judicial process.

Courthouse Community

Eisenstein et al. (1988) bring forward the notion of the "courthouse community". As it pertains to sentencing, the "courthouse community", is a group of individuals that work together on many cases and often become interdependent on each other. The existence of this community does not necessarily mean agreement or low conflict. The basic components are those that describe the group such as "fractured" or "conflictual" to "close-knit" and "cooperative" (Eisenstein et al, 1988: 25). These descriptions provide a reference for the way situations are typically handled and what patterns start to emerge in sentencing. When the relationship to the victim is considered it is possible that the "courtroom community" already has a well-established pattern that it will follow in the sentencing phase (Nardulli, Eisenstein and Flemming, 1988). Even earlier than Eisenstein et al. (1988), Feeley (1983) presents the idea that patterns were evolving within the court system. He recognizes that courts are complex organizations, and that informal practices and procedures are not accidents but come about out of perceived necessity. The courts ultimate powers are limited, but they are often called up to perform

"Herculean tasks" (Feeley, 1983: xiii). In order to cope with these demands, changes are made and what works may be perceived as a subculture referred to as the "courthouse community".

The "courthouse community" can vary in relevancy in differing areas of the criminal justice system, but it is generally characterized by personal interactions in work-group settings; overlapping memberships in political, civic, or religious organizations; or by some combination of each (Eisenstein et al., 1988). The more extensive the workgroup is the stronger the sense of community is. When individuals are intertwined in a workgroup they begin to define their functions and roles in a manner consistent with others in the group (Nardulli et al., 1988). Walker (2001) comments on the work of Eisenstein et al. (1988) by referring to the "courthouse community" as the "courtroom workgroup". He discusses how it creates an atmosphere in which several agencies (i.e. judges, prosecutors, defense, probation officers, etc.) interact around the shared tasks of case processing and sentencing. These types of communities can have serious political influences on court organizational relations, strategies, and effects on sentencing patterns. They often share a collective identity and a common set of local norms based on their common workplace. Despite the commonalities, certain agencies have different goals, interests, and commitments. Working within the courtroom workgroup they learn how much power they have and how certain situations are likely to be influenced by them.

Ulmer's (1994) study of the influence of courts' organizational and political contexts on case processing and sentencing, finds support for the presence and the impact of courtroom workgroups. His study finds that conviction and sentencing outcomes are

strongly shaped by power relations within the courtroom. The power relations seem to stem from the local politics and statewide legal policies. From these findings he emphasizes the importance of studying variations and similarities between courtrooms for future research.

Jacob (1972: 29) states that whether a judge behaves consistently or inconsistently, he influences the adoption of community norms and gradually they are molded into the courtroom processes. This view demonstrates that the criminal justice system is much more than a law-enforcing agency. The system is a powerful and influential group of people working together to maintain the "status quo".

Intent

Actions of criminal justice personnel may also be linked to their understanding of the form of intent present when strangers versus non-strangers commit crimes. According to Kenny (1985), intent can be distinguished in two different forms, direct and oblique. Direct intention is if something is sought as an end in itself or as a means to an end. Oblique intention is if something was neither an end nor a means but merely a foreseen consequence of everyday applications. Applying these definitions to stranger and non-stranger victimizations, one could theorize that strangers are seeking a means to an end by committing crimes, and non-strangers commit crimes as an everyday occurrence with possible consequences. For example, a man may assault another man whom he does not know on the street with the intention of stealing his money; therefore direct intent. When a man assaults his wife in their home he may not have intended to hurt her but did so when tension was high and he lashed out; therefore oblique intent.

Integration of Theory

Miethe (1987) discusses "crime scripts" in which perceptions of typical situations, such as ones where the victim and offender are acquainted, result in similar outcomes. These "crime scripts" provide the basis for integrating the four theories previously discussed. They are ideas that form from impressions related to the scenario involved with the crime and the path these cases typically take in the criminal justice system. These impressions can involve how the incident occurred, where it occurred, who was involved, and the probability of conviction. By examining the "crime script", different actors within the criminal justice system come to treat certain cases in a rather predictable fashion. The multiple images that surround a prior victim-offender relationship translate into certain outcomes. Deterrence theory, behavior of law, courthouse community and intent are all theories that are involved in the formation of the "crime script". Over time, as these theories are relied upon in the sentencing of offenders, patterns that are formed can be called "crime scripts".

Concluding the section on theory, one is left with the thought that there are many possible explanations for sentencing rationales. Ultimately, people and crime are dynamic and there is no exact explanation for the reason certain types of sentences and specific lengths of sentences are given. Sentences may be given to deter, they may be the result of a collection of social facts, they may be a well-established pattern, or some combination of these factors. Regardless of the rationale, it is always important to consider the situation under which the sentence is decided.

Hypotheses

The preceding sections discuss prior research and theory in the area of victim-offender relationship as it relates to sentencing. Prior research reveals that differences are found based on stages of the criminal justice system, types of crime, procedural methods used in research, and time frames in which research was conducted. The majority of the prior research involving victim-offender relationship involves female victims and male offenders and is often centered on areas of sexual crimes and domestic violence. When a variety of crimes are looked at, some studies conclude that victim-offender relationship affects sentencing decisions (Bradmiller and Walters, 1985; Erez and Tontodonato, 1990; McCormick and Maric, 1998; Miethe, 1987; Simon, 1996) while others find that numerous variables affect sentencing in addition to the victim-offender relationship (Bouffard, 2000; Kerstetter, 1990; Kingsnorth et al., 1999; Myers and LaFree, 1982). These conflicting results indicate that findings are often based on numerous factors. The present study will analyze the sentencing stage for violent crimes in Cook County, (Chicago, Illinois) based on data collected in 1993 using bivariate and multivariate analysis techniques. Applying the prior research to the present study, the following two hypotheses are devised:

H1: Stranger offenders are more likely to be incarcerated than non-stranger offenders, when controlling for relevant legal factors.

H2: Stranger offenders are incarcerated for longer periods of time than non-stranger offenders, when controlling for relevant legal factors.

CHAPTER 4

Research Design and Methodology

Data

This study will examine the extra legal characteristic of the relationship between the victim and the offender, controlling for other possible contributing factors. The goal of this research is to determine the effect of victim-offender relationship on the sentencing of felony offenders in Cook County while controlling for legal and extralegal factors that may also affect the decision.

The focus of this study will be on the impact of the victim-offender relationship among a sample of convicted male offenders[4] on sentence severity. The data set represents a sample of felony offenders convicted in 1993 in Cook County (Chicago, Illinois). Data collectors read court files for each case in the sample and recorded offender and case information on an optical-scan form. From this information, a printout was generated listing the charges filed, the disposition of each charge, and the offender's background and prior criminal record. The primary publication from this data involved race and sentencing (Spohn and DeLone, 2000); however, additional articles have assessed the relationship between unemployment and sentencing (Nobling, Spohn, and DeLone, 1998), and race of the judge and sentencing (Spears, 1999). Cook County was chosen to represent a jurisdiction with a large minority population and a higher than

[4] Because there were so few females (N=38), they were eliminated from the analysis.

average crime rate. Cook County does not have formal sentencing guidelines in place, but rather uses a determinate sentencing structure[5].

A subsample of the original 2983 offenders from the original study was selected for analysis, based on male offenders and the presence of information identifying the relationship between the victim and offender. The data set includes a variety of legal case characteristics as well as extralegal offender and victim characteristics. After eliminating problem cases with missing data, approximately 600 cases remain to be analyzed[6]. In an attempt to identify any possible patterns in the large amount of missing cases for victim-offender relationship, that might create a concern over bias in the subsample selected for this study, a new variable was created to filter out all of the user missing or system missing variables. From this procedure it was determined that there are approximately 2400 missing cases with many of these cases being "non-victim" types of crimes such as drug offenses, property crimes, burglary, and vehicle theft. Drug cases are significantly more likely than any of the other crimes to have missing victim-offender relationship information, and property cases are significantly more likely to have missing relationship information than violent cases. This breakdown is similar to the makeup of the original sample with 83 percent of the cases being "non-victim" types of crimes. The types of crimes that most likely do have a victim-offender relationship present such as murder, robbery, and sex offenses comprise only 9 percent of the missing cases, while

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[5] Determinate sentencing specifically classifies offenses and limits discretion by judges. Certain serious offenses are not eligible for probation of any alternatives to incarceration. In addition, the judge cannot impose a sentence that exceeds the maximum term of imprisonment unless specific aggravating circumstances are present.

[6] Cases were eliminated with information missing on victim-offender relationship and other relevant variables.

they make up nearly 17 percent of the cases in the original sample. This seems to indicate that bias is not present, in that approximately half of the "victim" type crimes did have a victim-offender relationship present and were able to be used in the present analysis. Upon further exploration of these "victim" types of crimes, there seems to be no bias present in terms of gender differences or devaluation of female victims. Male victims are significantly more likely to have missing victim-offender relationship information than female victims, regardless of the type of crime. This leads one to believe that the missing data on victim-offender relationship for "victim" type crimes may be due to recorder errors or to non-recording when the victim-offender relationship was truly unknown.

In addition to quantitative data analysis, interview data will be examined. It will be a content analysis of existing interviews done with Cook County public defenders, state attorneys and judges at the time of original data collection (interviews done by the original Principal Investigators, Dr. Cassia Spohn and Dr. Miriam DeLone). The interviews are important to this analysis for a number of reasons. According to Walker (2001), the "courtroom work group" can heavily influence the decisions of individual officials. By examining interview data from officials in the criminal justice system at the time of data collection within the Cook County "courtroom work group" it may be possible to identify the way certain cases, such as stranger versus non-stranger, fit into the "crime scripts" both then and now. The work of Feeley (1983) also explains that focusing on the shortcomings of certain practices within the courts may lead to distortion. It is always important to appreciate the large caseloads that are often handled by the

courts and remember that these professionals are put in place to achieve justice (Feeley, 1983).

Dependent and Independent Variables

The concept of sentence disparity will be analyzed by exploring the impact of the victim and offender relationship on the decision to incarcerate (0= probation and 1= prison) and the sentence length of the incarceration decision (months). The first dependant variable, the decision to incarcerate, is a dichotomous measure: whether an offender was sentenced to prison, or no prison. No prison includes sentences of probation. The second dependant variable, sentence length, is an interval measure of the number of months the offender was sentenced to prison. According to Kingsnorth et al. (1999), using two measures of punishment is important because there are "real differences" between these decisions. By using two measures of punishment it is easier to compare results to past research that may have used one, the other, or both as indicators of disparity.

The key independent variable included in this analysis is the relationship between the victim and the offender. This relationship will be coded as a dummy variable, with relationship to victim coded as stranger=1 or non-stranger= 0. The category of non-stranger could be divided into numerous categories[7], but that will not be done for this study because the new numbers would prove to be too small to accurately predict effects. Kingsnorth et al. (1999) found that the use of trichotomous coding (strangers/

[7] The actual categories used in the original study were stranger, acquaintance, friend, romantic, relative, and unknown.

intimates/acquaintances) versus dichotomous coding (stranger/non-stranger) did not change the results. Cases in which the victim-offender relationship was unknown were excluded from the analysis.

Control Variables

Several different control variables will be used. The codes and frequencies for all of the variables used are displayed in Table 1. The legal case factors that will be controlled for are most seriousness conviction charge, the class of most serious conviction charge, prior felony convictions, offender use of weapon and representation by public or private attorney.

Seriousness of the offense will be measured in three ways: the most serious conviction charge, the class of the most serious conviction charge, and the number of prior felony convictions. Most serious conviction charge is a categorical variable divided into violent, property, and other. The category of "other" includes arson, kidnapping, weapon possession and weapon use[8], possession of narcotics, and other property, sexual offenses and felonies. For these charges dummy variables are used with most serious violent as the reference category. It is important to note that in earlier pieces (Nobiling et al., 1998; Spohn and DeLone, 2000) from this data set the sexual crime of rape is referred to as "rape". Chicago, IL was under a modern sexual assault statute at the time of data collection. Therefore, it will be referred to as sexual assault in this study. The class of the most serious conviction charge is a categorical variable, and the felonies are classified as Class X, Class 1, Class 2, Class 3, and Class 4, with Class X being the most serious

[8] Separate from actual weapon charge.

and Class 4 being the least. For these classes dummy variables are used with Class X as the reference category. Seriousness of the offense is found to be significant by (McCormick and Maric, 1998; Miethe, 1987) and will therefore be controlled for. Use of a weapon is found to affect decisions in sexual assault charges by (Bradmiller and Walters, 1985; Miethe, 1987; Spohn and Holleran, 2001) and will also be controlled for.

The prior record variable is measured by the number of prior felony convictions. For the purposes of this study, prior record was recorded based on the exact number. In the analysis, those numbers proved to be too small and were therefore recoded into no prior felony convictions versus one or more felony convictions. The other variables included in this study measured using a yes/no response are use of weapon and for type of representation (public or private attorney).

Extralegal descriptors will include offender race, offender age, offender employment status and gender of victim. The variable of injury to victim is too difficult to measure due to missing cases.[9] Race is found to be a strong predictor in sentencing (Bachman, 1996; Bradmiller and Walters, 1985; Spohn and Spears, 1996; Zatz, 1987)[10]. It will be controlled for and measured as black, white or Hispanic[11] with white as the reference category. Age is found to be relevant by Kingsnorth et al. (1999). Employment status is necessary to control for as it was found to be relevant by (Chiricos

[9] When the injury to victim variable was used the sample size decreased significantly, but the model had a better fit (R squared= .259 without injury and R squared= .211 with injury).
[10] Race and ethnicity are distinct concepts, but it was impossible to separate the data into distinct measures because the arrest forms used by the police in Cook County define race as white, black, and Hispanic in mutually exclusive terms.
[11] All other categories were too small to include in the analysis.

and Bales, 1992; Nobiling et al., 1998). Age will be measured in years, and employment status will be measured as yes or no[12].

Control variables are necessary to exclude rival causal factors in sentencing. As stated in the original study (Spohn and DeLone, 2000), legal variables are strong predictors of the decision to incarcerate or not. The legal variable of prior record may appear to have a larger effect on sentencing decisions than a non-legal variable such as relationship to victim, but do the numbers change when prior record is controlled for?

Based on prior research, it is believed that the offenders who know their victims will receive longer sentences than those who do not know their victims in a bivariate analysis. When a multivariate analysis is conducted, it is believed that this relationship will become weaker and possibly non-existent.

Analytical Methods

Descriptive Statistics

In order to obtain a complete understanding of the data, the analysis will begin with descriptive statistics such as codes and frequencies. Table 1 will provide codes and frequencies for the dependant and independent variables. An important aspect of the description of a variable is the shape of its distribution. The shape of the distribution determines the frequency of values from different ranges of the variable (Statistica, 2001). Frequency distributions help in fully understanding the dependant variables (Roncek, 2000).

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[12] No (employed) also includes students.

Bivariate Correlation Matrix

From these descriptions a bivariate analysis will be conducted to assess how powerful of an explanation the correlation matrix provides (See Table 2). To determine the significance of the variables in the matrix, a t-test for significance is examined. From the correlation matrix we are also able to diagnose multicollinearity (Statistica, 2001). In order to control for other possible causal factors it is important to incorporate control variables into the equation. To examine this relationship, controlling for other causal factors, a multivariate analysis will be conducted.

Multivariate Regression

Two different analytical procedures are necessary for examining the data through multiple regression. Logistic regression will be used to analyze the incarceration decision (in or out of prison) because it is the appropriate method for analyzing dichotomous variables. Ordinary least squares (OLS) will be used to analyze prison length because it is the appropriate method for analyzing interval variables (Lewis-Beck, 1980).

Logistic regression estimates the predicted values for the dependent variable. The predicted values will never be less than or equal to 0, or greater than or equal to 1, regardless of the values of the independent variables. Logistic regression linearizes the model via the logit transformation to allow for use in an ordinary linear regression equation (Berkson, 1944).

Ordinary least squares regression is a common way of estimating the values of independent variables in an equation by minimizing the sum of the squared deviation of

the observations from the predictions (Berry and Feldman, 1985: 12). Adjusted R^2 takes into account the number of independent variables measured. In order to interpret the direction of the relationship between variables b coefficients are examined (Pearson, 1969). The results are again computed as R^2 for the entire model. As more variation is explained by the dependant variable the value begins to approach one. The closer the value is to one the more variation that is explained.

All of the findings from the regression equations must adhere to the following assumptions: 1) Relationship Linearity 2) No relevant independent variables have been excluded 3) No irrelevant independent variables have been included 4) Measurement accuracy 5) Mean value of the error term is zero 6) Homoskedasticity 7) No Autocorrelation 8) Independent variables are uncorrelated with the error term 9) Normality 10) No perfect multicollinearity (Lewis-Beck, 1980; Roncek, 2000). If any of the assumptions are violated the beta value will not be the correct estimate of the effect of the independent variable on the dependant variable (Lewis-Beck, 1980; Roncek, 2000). After reviewing the data and previous tests run on this data set, appropriate tests will be run for regression assumption violations. Multicollinearity will be measured by the variance inflation factor (VIF). If the VIF is four or greater the standard error of b is more than two times what it would have been with no collinearity at all. Results will be presented in table form with the appropriate tests for statistical significance. The impact of sample selection bias will be controlled for in this analysis through the inclusion of a hazard rate in the sentence length equation. This allows a control for the impact of the incarceration decision on sentence length (Berk, 1983).

Limitations

One of the limitations of this study is external validity. The results found cannot be applied to all courtrooms or individual judges. It is an evaluation of Cook County and therefore does not represent all counties or areas of the United States. For example, as mentioned earlier, Cook County has a large minority population, not common to all areas. The information obtained is useful, however, for future studies that examine similar patterns in different locations.

A second limitation is that the data are collected on offenders convicted of felonies, thereby representing a biased sample of offenders. As the literature has indicated numerous biases throughout the criminal justice system result in a filtering-like process. Not all offenders are convicted of felonies and sentenced to prison. By only examining convicted felony offenders numerous other offenders are missed, therefore limiting the interpretive value of the results. The results say something about the offenders that are incarcerated for felony offenses. It is important to remember that these results relate to sentencing and should not be interpreted to include all stages of the criminal justice system.

A third limitation, as mentioned earlier, involves the coding of the data. The category of non-stranger could have been divided into numerous levels such as spouse, friend, casual acquaintance, work-related friend, neighbor, etc. That was not done for this study because the numbers proved to be too small to accurately predict effects. Although it would give a more precise indication of the effects of the victim-offender relationship on sentencing, Kingsnorth et al. (1999) found that the use of trichotomous

coding (strangers/ intimates/acquaintances) versus dichotomous coding (stranger/non-stranger) did not change the results.

A fourth limitation in this study, that also relates to coding, is that one cannot control for coding errors by researchers or system personnel who collected the original information. Although the coding may be adequate to make conclusions, it is important to keep in mind that this portion was unable to be altered because the variables were designed for the original study on race and sentencing.

CHAPTER 5

Results

Descriptive Data

The outcomes of cases and the characteristics of offenders are displayed in Table 1. The frequency distributions in Table 1 indicate that the majority (75.6 percent) of offenders are sentenced to prison and the average prison sentence is 84 months. A large percent of the offenders do not know their victims (85.3 percent). Most offenders are black males (70.8 percent) and the average offender age is 27. Most victims were also male (63 percent). The majority of offenders are unemployed (59.9 percent). Property crime was the largest most serious conviction charge category (53.6 percent), Class 2 was the most common serious conviction charge class (44.5 percent), and most offenders did not use a weapon in the offense (69.1 percent). The majority of offenders have a prior felony conviction (64 percent) and often rely on Public counsel for representation (90.6 percent).

Bivariate Analysis

The results of the bivariate analysis are presented in Table 2. The variable we are most concerned about, victim-offender relationship, is not significant in relation to either dependent variable. This may signify that there is no significant difference between the sentencing of offenders given the case characteristic of victim-offender relationship. However, multivariate analyses will be run to determine if this remains true when controlling for other variables. The variables that are significant predictors of sentencing outcomes tend to resemble the findings of prior research such as race of offender and unemployment (Nobiling et al., 1998; Spohn and DeLone, 2000). These results show that black offenders are more likely to be sentenced to prison than whites, but no significant effect was found for race and sentence length. The most serious crimes committed receive longer sentences than less serious crimes, and those offenders with a prior felony were more likely to be sentenced to prison. When a weapon was used in the offense, the offender was more likely to be sentenced to prison and to receive a longer sentence. Collinearity is present in the dummy variables, however the estimation strategy for the multivariate analyses (eliminating the reference category) will eliminate this concern. This type of collinearity can be expected when variables are very similar in measure.

Logistic Regression

The results of the logistic regression analysis are presented in Table 3. It is found that victim-offender relationship has no effect on the decision to incarcerate the male convicted felons in Cook County. This finding signifies that there is no difference in the

decision to incarcerate between stranger and non-stranger offenders, and hypothesis one is rejected.

The results in Table 3 reveal that legal variables are strong predictors of the decision to incarcerate. Significant differences are found between Class 2, Class 3, and Class 4 when compared to the Class X reference category. Lower class offenses were less likely to be sentenced to prison. Class 1 was not found to be significantly different compared to Class X, possibly reflecting the similarities in seriousness level of these two classes of offenses. In addition, the likelihood of incarceration was also affected by the offender's prior criminal record. Offenders with prior felony convictions were significantly more likely to be sentenced to prison.

The only extralegal variable found to be significant was whether the offender was employed. Unemployed offenders were more likely to be sentenced to prison than employed offenders.

Ordinary Least Squares

The results of the ordinary least squares analysis are presented in Table 4. Findings indicate that the victim-offender relationship does not have a significant effect on the length of the prison sentence. This finding reveals that stranger and non-stranger offenders receive equitable lengths of prison sentences, rejecting hypothesis two.

Consistent with the results for the decision to incarcerate, the length of prison sentence is primarily determined by legal variables. Significant differences are found between Class 1, Class 2, Class 3 and Class 4 when compared to the Class X reference category. That is, less serious offenses receive shorter prison sentences, determined in

months. The most serious conviction charge was also found to be significant when comparing property offenses to violent offenses. Offenders that committed property offenses received significantly shorter sentences than those who committed violent offenses.

Differing from the logistic regression analysis performed on the decision to incarcerate, unemployment and prior felony conviction were not significant at the .05 level for the sentence length decision. However, they were still moderately significant at .06 and .08 respectively, possibly indicating that with additional variables or more cases in the analysis they too would be significant.

Demographic types of variables such as offender race, offender age, and victim gender were not found to be significant. In addition, other case types variables such as type of attorney and offender use of weapon were also not found to be significant. Multicollinearity was measured by examining the VIF. If the VIF is four or greater the standard error of b is more than two times what it would have been with no collinearity at all. No multicollinearity was found when examining the VIF in the multiple regression analysis. All of these findings reinforce the idea that sentencing in Cook County seems to be equitable.

CHAPTER 6

Discussion

The results of this study reveal that the relationship between victim and offender does not affect sentencing decisions in Cook County for the cases examined. Both of the original hypotheses are rejected. These results indicate that there is no support for the

suspicion of differences between the decision to incarcerate and the length of sentence imposed for strangers and non-strangers, when the offender is male and the type of offense includes a wide range of violent and property offenses.

These findings are not consistent with prior research that focuses on a more narrow range of offenses (Erez and Tontodonato, 1900; McCormick and Maric, 1998; Miethe, 1997; Simon, 1996; Walsh, 1986; Zawitz, 1994). It is important to recognize however the differences between this study and those conducted in the past. The work of Zawitz (1994) specifically looks at acts of domestic violence between intimates. The works of Walsh (1986) and McCormick and Maric (1998) examine the crime of sexual assault. These types of studies are crime specific and often deal with more specific types of "intimate" relationships. It is difficult to duplicate those circumstances in the present study, which involves a wide range of crimes and a wide range of victim-offender relationships. However, when controlling for the gender of the victim, no significant differences emerged in either measure of sentence severity. This finding can be assumed to support the idea that sentences in Cook County are not biased by the gender of the victim, but are rather neutral and equitable in this sense.

The studies of Miethe (1987) and Erez and Tontodonato (1990) look at additional classifications of crimes such as property crimes, as the present study does, and find that the victim-offender relationship does affect sentencing. The primary reason why the present study seems to differ as compared to the work of Miethe (1987) is the extensiveness of his study. The sample size is larger with fewer missing cases; more "relationship type" variables are examined such as marital status, type of crime, and

strength of evidence; and more filter variables for bias are used such as released pending disposition, charges dropped before arraignment, and charges dropped before trial. In the present study, the number of cases proved to be too small to perform such an elaborate analysis of the data.

This study also differs from the work of Erez and Tontodonato (1990) in that the primary purpose for their study was to determine the impact of the Victim Impact Statement (VIS) on sentencing decisions. They found that offenders who knew their victims were more likely to be sentenced to prison, but this finding is contingent upon the presence of the VIS. The relationship between the victim and offender by itself did not affect sentencing in the bivariate analysis. The primary purpose of the data set used in this study was for research on racial discrimination in the justice system. The location of Cook County (Chicago, IL) was originally chosen to represent a jurisdiction with large minority population, having little to do with the purpose of the present study. Since the primary purpose of the original data set collection was not to examine the relationship between the victim and offender, there is more room for the findings to differ from the majority of prior research.

Findings that are less crime specific are found to be significant predictors of both the incarceration decision and the length of sentence. According to Kingsnorth et al. (1999), it is important to use two measures of punishment because there are "real differences" between these decisions. The legal variables that determined the class of the most serious crime were found to be statistically significant in both analyses. This seems to make logical sense in that offenders who commit more serious crimes are more likely

to be sentenced to prison and more likely to receive a longer sentence that those who committed less serious crimes. A differentiation was found between the type of crime committed in the OLS analysis but not in the logistic regression analysis. This finding indicates that there was little difference between types of crime when deciding whether or not to sentence an offender to prison, but differences emerged when the length of sentence was determined. Offenders that committed violent offenses were more likely to receive a longer sentence than those who committed property offenses.

There is only one significant finding amongst the other control variables in the study. This finding is that unemployed offenders are more likely to be sentenced to prison than their employed counterparts. This finding differs slightly from the study on unemployment and sentencing (Nobiling et al., 1998). Their findings for the Cook County location were that there was no difference in the decision to incarcerate, but sentences were longer for those offenders that were unemployed. The main difference between this study and the previous study by Nobiling et al. (1998) is most likely the size of the sample used (N=2,533). By increasing the size of the sample, there is a great deal more information available on the employment status of the offenders. The present study is limited to offenders with a present victim-offender relationship as well as employment information (N=515)[13]. When specifically looking at the relationship between unemployment and sentence length (as found significant in Nobiling et al., 1998) an additional 143 cases are missing. In the present study unemployment is found to be significant when looking for variables that maximize the effect of victim-offender

[13] There were also 71 missing cases for the unemployment variable.

relationship on the sentencing decision. This is consistent the work of Box and Hale (1982) and Chiricos and Bales (1991). According to Box and Hale (1982), the increases in the use of imprisonment are not a direct response to crime, but rather an "ideologically motivated" response to the perceived threat of crime posed by the growing population of economically marginalized persons. In other words, unemployment levels have an effect on the rate and severity of imprisonment over and above the changes in the amount of crime. Chiricos and Bales (1991) conclude that prisons do more than punish criminals. It appears that they warehouse surplus labor and control "social dynamite". It is difficult to make these types of conclusions with the small number of cases in the present study, but they are certainly well received ideas. Overall, it is still crucial to understand that the sentencing of offenders in Cook County appears to be equitable when examining the victim-offender relationship.

It is important to mention that race was not found to be significant in this study. It is found to be significant at the bivariate level, but when other variables were controlled for it is insignificant at the multivariate level. The majority of prior research has found that race is a significant predictor of sentencing outcomes (Chiricos and Bales, 1991; Chiricos and Crawford, 1995; Spohn and DeLone, 2000; Spohn and Spears, 1996). Once again, the differences in the outcomes of these studies are most likely related to the purpose of collecting the data set. When the data set was collected, race was of primary consideration in what variables would be measured. In addition, these studies indicated interactive effects between race and other variables. In other words, in separate analyses,

race was found to produce significant differences when combined with the effect of other variables. This type of interactive analysis was not performed in the present study.

Although injury to the victim was not measured in the regression analysis of this study, the effect of injury was measured in a preliminary analysis and indicated no difference between the sentencing of strangers and non-strangers. Injury to the victim is found to be a significant predictor of sentencing decisions in the work of Simon (1996), but her work is specifically on crimes of violence. Injury to the victim may have less of an impact on the wide variety of crimes included in the present analysis.

Equitableness can be measured in a wide variety of ways. Sentencing appears to be equitable toward victims in Cook County based on the variables measured and controlled for in this study. The ideal circumstances for measuring the effect of the victim-offender relationship on sentencing would be to collect data specifically for this purpose. This may require restructuring the data collection instrument to obtain more specific information for detecting bias in the decisions as related to the victim-offender relationship.

Overall, the results of this study indicate that in the sample available there is no difference in sentencing based on victim-offender relationship in Cook County (Chicago, IL). The explanations for why this may be are crucial. The circumstances surrounding the data set used in this study are not ideal for measuring the impact of the victim-offender relationship on sentencing. According to the adjusted R^2, only 25 percent of the variance is explained in the OLS analysis. Therefore, future research should consider restructuring the data collection process to seek out more intricate details relating to

relationships, resulting in fewer missing cases and more explained variance. It would also be informative to conduct comparison studies between different types of crimes. It is important to look at a wide variety of crimes, but it is also important to gather enough cases to be able to do comparative studies based on the type and nature of the crimes committed.

In addition to the circumstances surrounding the study are the circumstances surrounding the judges in the actual sentencing process. From interviews collected with judges at the original time of data collection, we know that in many cases their hands are tied due to determinate sentencing in Cook County. This may play into whether an offender is eligible to be sentenced to prison regardless of any other factors such as victim-offender relationship. The interviews also revealed that legal variables are considered first, consistent with the findings of this research. Although this study found no differences in sentencing decisions based on the victim-offender relationship, it does support the earlier cited contention that it is important to examine sentencing decisions separately. Differences found in the decision to incarcerate may not be present in the determination of sentence length, such as the unemployment in the present study.

CHAPTER 7

Conclusion

The results of this study contribute to the limited amount of research on the victim-offender relationship and sentencing. The uniqueness of this study is the reliance on a wide variety of crimes. Although the data set was not "perfect" for this research, it expanded on the idea that studies relying on crime specific data versus numerous crimes

produce different results. Future research would improve upon the data collection procedures to better fit the purpose of the study and reiterate the need to look at various types of crimes when examining the victim-offender relationship and sentencing.

Early on in this study ideas were presented on the devaluation of women in regard to sentencing patterns. It seems that as women become the victims of crime their lower status in society is reflected in the more lenient sentences that are given to their offenders when harm is inflicted upon them. In the present study, this pattern does not appear. Regardless of the gender of the victim, sentencing patterns seem to be equitable. Even when the missing cases (those without a victim-offender relationship) were examined, no negative bias toward female victims was discovered.

Revisiting the original theoretical issues proposed in the early part of the study, the following assumptions are made in regard to deterrence, behavior of law, courthouse community, and intent. It was originally proposed that offenders who know their victims may not be deterred by harsher sentences because their acts were "private" in nature and less likely to be affected by sentence severity (Buzawa and Buzawa, 1990; Paternoster and Brame, 1997). This theory does not hold true in the present study. It seems that in the present study, judges hand down sentences primarily based on the legal factors in the case, intending to deter offenders from future offenses regardless of the victim-offender relationship.

The theory of "behavior of law" introduced the notion that law is variable. It can be applied differently according to the social influences available in the case (Black, 1989). In the present study we have learned that there is no difference between the

sentencing of strangers and non-strangers. According to the "behavior of law" theory, these cases may have been decided on numerous social categories other than the victim-offender relationship. In order to better address this theory a new study would need to be tailored specifically to the social aspects of the cases being sent to the sentencing phase of the criminal justice system.

The "courthouse community" theory, as presented by Eisenstein et al. (1988), is the idea that actors in the criminal justice system fall into well-established patterns and practices. According to Jacob (1972), judges may make consistent or inconsistent decisions, reflecting on the actions of others in the group. In the present study, it appears that judges consistently sentence offenders primarily on the legal factors involved in the case. Victim-offender relationship does not seem to affect their decisions.

The theory of "intent", presented by Kenny (1985), also does not appear to affect the actions of judges in Cook County. There is no difference between the sentencing of strangers and non-strangers, therefore reflecting that if and when intention by the offender is considered it is based on actions and not on the relation to the victim.

Limitations

There are limitations to this study that need to be addressed and dealt with if possible in future research. External validity is a problem in that results of this study cannot be applied to all areas of the United States. This scenario is common to location specific research. No one area of the country is the same or has identical justice systems. The best way to fix this limitation is to conduct a multi-jurisdictional study that captures a variety of different geographical areas and sentencing styles.

It is also problematic that this study only examines offenders that were convicted of felonies. Many types of crimes are rarely charged as felonies, and many cases drop out of the criminal justice system before they ever reach the sentencing stage. This limits the generalizability of the findings from one study to another. In order to examine bias that may be appearing at earlier stages in the criminal justice system, it may be helpful to conduct a multi-stage study as well as a multi-jurisdictional study.

The data in this study are not coded to best define the victim-offender relationship. The original study done by Spohn and DeLone (2000) uses the categories of stranger, acquaintance, friend, romantic, relative, and unknown. These specific types of categories could not be used for this study because the numbers in each category proved to be too small to accurately predict effects. In future research, an attempt will be made to accumulate large enough numbers to study specific categories of the victim-offender relationship.

Finally, there are most likely coding errors present in the data set from system personnel who failed to record it on the original case file forms and from research personnel who failed to code the information when it was recorded in the case file. Missing cases and system errors in the data often reflect problems with the original data collection and are always present in secondary data analysis. Although the coding may be adequate to make general conclusions, it is important to keep in mind that this portion was unable to be altered because the variables were designed for the original study on race and sentencing. Future research should use primary data collection procedures that can be verified and altered if missing data becomes a concern.

Future Research

Future research in the area of victim-offender relationship and sentencing would have the following improvements. The data used would be primary data collected specifically for the purpose of determining bias in the sentencing stage based on the victim-offender relationship. More than one jurisdiction would be used to allow for better comparisons between things such as community size, demographics, crime rate, and sentencing policies (sentencing guidelines/ determinate sentencing). More specific data would be gathered on the victim-offender relationship. This would include more specific data on the nature of the relationship as well as additional variables that would help determine possible bias at earlier stages in the criminal justice system such as calling the police, arrest, and prosecution. Extreme bias can be the result of many cases never reaching the felony level of the sentencing stage. For example, many domestic violence type cases are never dealt with the at the felony level. They are filtered out through the system by either not being reported, no arrest taking place, no official charges being filed, or other social service agencies handling the cases (Hilton, 1993; Stalans, 1996). A greater degree of variability in the handling of the victim-offender relationship in the criminal justice system may be found by examining earlier proceedings or other places in which cases might "fall out". These earlier stages, as well as the sentencing stage, can all additionally be impacted by the notion of the courthouse community (Eisenstein et al., 1988).

Other types of data to include in future research would be more information on things such as marital status (Bureau of Justice Statistics, 2000), injury to victim (Simon,

1996), evidence presented at trial (Myers and LaFree, 1982), and a number of other possible deterrents such as number of children, etc. (Beccaria, 1963; trans. Beccaria 1770). An attempt would also be made to include females as offenders in the analysis. Ultimately, the larger the number of variables that operationalize key theoretical issues pertaining to the victim-offender relationship the better the study will be.

The final results of this study reject both hypotheses one and two, determining that sentencing practices in Cook County (Chicago, IL) seem to be equitable with regard to victim-offender relationship in the sentencing of male offenders. This study does not find a difference between the sentencing of strangers and non-strangers, but it is always important to remember that people and crime are dynamic and there is no exact explanation for the reason certain types of sentences and specific lengths of sentences are given.

REFERENCES

Bachman, Ronet
1996 Victim's Perceptions of Initial Police Responses to Robbery and Aggravated Assault: Does Race Matter? Journal of Quantitative Criminology 12 (4): 363-390.

Bachman, Ronet and Raymond Paternoster
1993 A Contemporary Look at the Effects of Rape Law Reform: How Far Have We Come? The Journal of Criminal Law and Criminology 84 (3): 554-574.

Bachman, Ronet and Linda E. Saltzman
1995 Violence Against Women: Estimates from the Redesigned Survey August 1995. Washington D.C.: U.S. Department of Justice. Available on-line at http://www.ojp.usdoj.gov/bjs/pub/ascii/femvied.txt

Berry, William D. and Stanley Feldman
1985 Multiple Regression in Practice. Beverly Hills, CA: Sage Publications.

Beccaria, Cesare
1963 On Crimes and Punishment. Indianapolis, IN: Bobbs-Merrill. Trans. of An Essay on Crimes and Punishments. Cesare Beccaria. London: Newbury, 1770.

Belknap, Joanne
2001 The Invisible Woman: Gender, Crime and Justice. Belmont, CA: Wadsworth.

Berk, Richard A.
1983 An Introduction to Sample Selection Bias in Sociological Data. American Sociological Review 48 (3): 386-398.

Berkson, Joseph
1944 Application to the Logistic Function to Bio-Assay. Journal of the American Statistical Association 39 (227): 357-365.

Black, Donald
1989 Sociological Justice. New York, NY: Oxford University Press.

Block, Richard
1974 Why Notify the Police: The Victim's Decision to Notify the Police of an Assault. Criminology 11 (4): 555-569.

Bouffard, Jeffrey A.
2000 Predicting Type of Sexual Assault Case Closure from Victim, Suspect, and Case Characteristics. Journal of Criminal Justice 28: 527-542.

Box, Steven and Chris Hale
1982 Economic Crisis and the Rising Population in England and Wales. Crime and Social Justice 17: 20-35.

Bradmiller, Linda L. and William S. Walters
1985 Seriousness of Sexual Assault Charges. Criminal Justice and Behavior 12 (4): 463-484.

Brown, Stephen E., Finn-Aage Esbensen, Gilbert Geis
1998 Criminology: Explaining Crime and Its Context. Cincinnati, OH: Anderson Publishing Co.

Bureau of Justice Statistics
2000 Criminal Victimization in the United States, 1995. Washington D.C.: U.S. Department of Justice. Available on-line at http://www.ojp.usdoj.gov/bjs/abstract/cvus95htm.

Buzawa, Eve S. and Carl G. Buzawa
1990 Domestic Violence: The Criminal Justice Response. Newbury Park, CA: Sage Publications.

Chiricos, Theodore G. and William D. Bales
1991 Unemployment and Punishment: An Empirical Assessment. Criminology 29 (4): 701-724.

Chiricos, Theodore G. and Charles Crawford
1995 Race and Imprisonment: A Contextual Assessment of the Evidence. In Darnell Hawkins (Ed.) Ethnicity, Race and Crime. Albany, NY: State University of New York Press.

Dobash, R. Emerson and Russell Dobash
1979 Violence Against Wives: A Case Against Patriarchy. New York, NY: The Free Press.

Doerner, William G. and Steven P. Lab
1998 Victimology. Cincinnati, OH: Anderson Publishing Co.

Emmelman, Debra S.
1996 Trial by Plea-Bargaining: Case Settlement as a Product of Recursive Decision-Making. Law and Society Review 30 (2): 335-361.

Eisenstein, James, Roy B. Flemming, and Peter F. Nardulli
1988 Contours of Justice: Communities and Their Courts. Boston, MA: Little Brown.

Erez, Edna and Pamela Tontodonato
1990 The Effect of Victim Participation on Sentencing Outcome. Criminology 28 (3): 451-470.

Feeley, Malcolm M.
1983 Court Reform on Trial: Why Simple Solutions Fail. New York, NY: Basic Books, Inc.

Felson, Richard B., Steven F. Messner, and Anthony Hoskin
1999 The Victim-Offender Relationship and Calling the Police in Assaults. Criminology 37 (4): 931-947.

Freeman, Lucy and Herbert S. Strean
1981 Freud and Women. New York, NY: Frederick Ungar Publishing Co.

French, Stanley G., Wanda Teays, and Laura M. Purdy
1998 Violence Against Women. Ithaca, NY: Cornell University Press.

Freud, Sigmund
1966 The Complete Introductory Lectures of Psychoanalysis. New York, NY: Norton.

Fritsch, Eric J. Tory J. Caeti, Peggy M. Tobolowsky, and Robert W. Taylor
2001 Police Referrals of Crime Victims to Compensation Sources: An Empirical Analysis of Attitudinal and Structural Impediments. Currently submitted for review in Police Quarterly.

Gosselin, Denise Kindschi
2000 Heavy Hands: An Introduction to the Crimes of Domestic Violence. Upper Saddle River, NJ: Prentice Hall.

Greenfeld, Michael R., Diane Craven, Patsy A. Klaus, Craig A. Perkins, Cheryl Ringel, Greg Worchol, and Cathy Maston
1998 Violence by Intimates: Analysis of Data on Crimes by Current of Former Spouses, Boyfriends or Girlfriends. Office of Justice Programs: Washington D.C.: U.S. Department of Justice.

Hilton, N. Zoe
1993 Police Intervention and public Opinion. In Legal Responses to Wife Assault. Ed. Hilton. Newbury Park, CA: Sage.

Hoover, Kenneth R.
1980 The Elements of Social Scientific Thinking. New York, NY: St. Martins Press.

Hughes-Miller, Michelle, Sandi K. Mielsen, Brittawni L. Olson, Jennifer West
1998 Needs Assessment- Rural Nebraska: An Assessment of Victim Needs in Hastings and Grand Island. Prepared for the Nebraska Crime Commission.

Jacob, Herbert
1972 Justice in America. Boston, MA: Little, Brown and Company.

Jerin, Robert A. and Laura J. Moriarty
1998 Victims of Crime. Chicago, IL: Nelson-Hall Publishers.

Kempf-Leonard, Kimberly and Lisa L. Sample
2001 Have Federal Sentencing Guidelines Reduced Severity? An Examination of One Circuit. Journal of Quantitative Criminology 17 (2): 111-144.

Kenny, Anthony
1985 The Ivory Tower. New York, NY: Basil Blackwell, Inc.

Kerstetter, Wayne A.
1990 Gateway to Justice: Police and Prosecutorial Response to Sexual Assaults Against Women. The Journal of Criminal Law and Criminology 81(2): 267-313.

Kingsnorth, Rodney F., Randall C. MacIntosh and Jennifer Wentworth
1999 Sexual Assault: The Role of Prior Relationships and Victim Characteristics in Case Processing. Justice Quarterly 16 (2): 275-299.

Lewis-Beck, Michael S.
1980 Applied Regression: An Introduction. Newbury Park, CA: Sage Publications.

MacKinnon, Catharine A.
1989 Toward a Feminist Theory of the State. Cambridge, MA: Harvard University Press.

Maxfield, Michael G. and Earl Babbie
1998 Research Methods for Criminal Justice and Criminology. Belmont, CA: Wadsworth.

McCormick, Jennifer and Alexandra Maric
1998 Relationship to Victim Predicts Sentence Length in Sexual Assault Cases. Journal Of Interpersonal Violence 13 (3): 413-420.

Menard, Scott W.
1995 Applied Logistic Regression Analysis. Thousand Oaks, CA: Sage Publications.

Miethe, Terance D.
1987 Stereotypical Conceptions and Criminal Processing: The Case of the Victim-Offender Relationship. Justice Quarterly 4 (4): 571-591.

Miller, Joann L., Peter H. Rossi, and Joe E. Simpson
1991 Felony Punishments: A Factorial Survey of Perceived Justice in Criminal Sentencing. The Journal of Criminal Law and Criminology 82 (2): 396-415.

Myers, Martha A. and Gary D. LaFree
1982 Sexual Assault and Its Prosecution: A Comparison with Other Crimes. The Journal of Criminal Law and Criminology 73 (3): 1282-1301.

Nardulli, Peter F., James Eisenstein, and Roy B. Flemming
1988 The Tenor of Justice. Chicago, IL: University of Illinois Press.

National Institute of Justice
1997 Serving Crime Victims and Witnesses Series: NIJ Issues and Practices. Washington D.C.: U.S. Department of Justice. Available on-line at http://www.ncjrs.org.

National Institute of Justice
1995 Victim Assistance Programs: Whom They Service, What They Offer. Washington D.C.: U.S. Department of Justice. Available on-line at http://www.ncjrs.org.

Nobiling, Tracy, Cassia Spohn, and Miriam DeLone
1998 A Tale of Two Counties: Unemployment and Sentence Severity. Justice Quarterly 15 (3): 459-485.

Office for Victims of Crime

2000 Sexual Assault. In Kilpatrick, Dean G., Anna Whalley and Christine Edmunds (eds.), National Victim Assistance Academy. Washington D.C.: U.S. Department of Justice. Available on-line at http://www.ojp.usdoj.gov/ovc/infores/agg2000.

1999 Attorney General Guidelines for Victim and Witness Assistance. Washington D.C.: U.S. Department of Justice. Available on-line at http://www.ojp.usdoj.gov/ovc/assist/nvaa2000.

Ogle, Robbin S. and Susan Jacobs

2002 Self-Defense and Battered Women Who Kill: A New Framework. Forthcoming from Greenwood in 2002.

Paternoster, Raymond, Robert Brame

1997 Do fair procedures matter? The effect of procedural justice on spouse assault. Law & Society Review 31 (1): 163-205.

Pearson, Karl

1969 The Grammar of Science. Gloucester, MS: Peter Smith.

Pleck, Elizabeth

1987 Domestic Tyranny: The Making of Social Policy Against Family Violence from Colonial Times to the Present. New York, NY: Oxford University Press.

Proctor, Jon L. and Michael Pease

2000 Parole as Institutional Control: A Test of Specific Deterrence and Offender Misconduct." Prison Journal 80 (1): 39-56.

Rennison, Callie M.

2000 Criminal Victimization 1999: Changes 1998-1999 with trends 1993-1999. Washington D.C.: U.S. Department of Justice. Available on-line at http://www.ojp.usdoj.gov/bjs/pubalp2.htm#Criminal Victimization.

Roncek, Dennis.

November 2000 Lecture of Multivariate Regression. University of Nebraska at Omaha.

Rubinstein, Michael, Clarke H. Stevens, and Teresa White

1980 Alaska Bans Plea Bargaining. Washington D.C.: U.S. Department of Justice.

Sherman, Lawrence W. and Richard A. Berk
1984 The Specific Deterrent Effects of Arrest for Domestic Assault." American Sociological Review 49 (2): 261-272.

Simon, Leonore M.J.
1996 Legal Treatment of the Victim-Offender Relationship in Crimes of Violence. Journal of Interpersonal Violence 11 (1): 94-107.

Smart, Carol
1995 Law, Crime, and Sexuality: Essays in Feminism. Thousand Oaks, CA: Sage Publications.

Spears, Jeffrey W.
1999 Diversity in the Courtroom: A comparison of the Sentencing Decisions of Black and White Judges. Unpublished Doctoral Dissertation. University of Nebraska at Omaha.

Spohn, Cassia and Miram DeLone
2000 When Does Race Matter? An Analysis of the Conditions Under Which Race Affects Sentencing Severity. Sociology of Crime, Law and Deviance 2: 3-37.

Spohn, Cassia and David Holleran
2001 Prosecuting Sexual Assault: A Comparison of Charging Decisions in Sexual Assault Cases Involving Strangers, Acquaintances, and Intimate Partners. Justice Quarterly 18 (3): 651-685.

Spohn, Cassia and Jeffrey Spears
1996 The Effect of Offender and Victim Characteristics on Sexual Assault Case Processing Decisions. Justice Quarterly 13 (4): 649-679.

Stalans, Loretta J.
1996 Family Harmony or Individual Protection? American Behavioral Scientist 39 (4): 433-450.

Stark, Evan
1993 Mandatory Arrest of Batterers. American Behavioral Scientist 36 (5): 651-681.

Statistica. Electronic Textbook
2001 StatSoft, Inc. October 24, 2001. Available on-line at: http://www.statsoftinc.com.

Stolzenberg, Lisa and Stewart J. D'Alessio
1994 Sentencing and Unwarranted Disparity: An Empirical Assessment of the Long-Term Impact of Sentencing Guidelines in Minnesota. Criminology 32 (2): 301-310.

Straus, Murray A., Richared J. Gelles and Suzanne K. Steinmetz
1980 Behind Closed Doors: Violence in the American Family. Garden City, NY: Anchor Press.

Tobolowsky, Peggy M.
2001 Crime Victim Rights and Remedies. Durham, NC: Carolina Academic Press.

Tobolowsky, Peggy M.
1999 Victim Participation in the Criminal Justice Process: Fifteen Years After the President's Task Force on Victims of Crime. New England Journal on Criminal and Civil Confinement 25 (1): 21-105.

Ulmer, Jeffery T.
1994 Trial Judges in a Rural Court Community. Journal of Contemporary Ethnography 23 (1): 79-109.

Vogel, Mary E.
1994 The Social Origins of Plea-Bargaining: Conflict and the in the Process of State Formation 1830-1860. Law and Society Review 33 (1): 161-247.

Walker, Samuel
2001 Sense and Nonsense about Crime and Drugs: A Policy Guide. Belmont, CA: Wadsworth.

Walsh, Anthony
1986 Placebo Justice: Victim Recommendations and Offender Sentences in Sexual Assault Cases. The Journal of Criminal Law and Criminology 77 (4): 1126-1141.

Winz, Kathyrn
March 2000 Lecture on Rape Law Reform. University of Wisconsin-Platteville.

Zawitz, Marianne W.
1994 Violence Between Intimates. Office of Justice Programs: Washington D.C.: U.S. Department of Justice.

Zatz, Marjorie S.
1987 The Changing Forms of Racial/Ethnic Biases in Sentencing. Journal of Research in Crime and Delinquency 24 (1): 69-92.

Zimring, Franklin E. and Gordon J. Hawkins
1973 Deterrence. Chicago, IL: The University of Chicago Press.

APPENDIX A

Table 1. Codes and Frequencies for Dependent and Independent Variables

Variable	Code	N	%
Dependent Variables			
Sentenced to Prison *N=586*	1=yes	443	75.6
	0=no	143	24.4
Prison Sentence (Months) *N=443*	Mean	83.94	
Independent Variables			
Victim-Offender Relationship	1=stranger	500	85.3
	0=non-stranger	86	14.7
Offender's Race			
Black	1=yes	415	70.8
	0=no	171	29.2
White	1=yes	85	14.5
	0=no	501	85.5
Hispanic	1=yes	83	14.2
	0=no	503	85.8
Offender's Age	Mean	26.79	
Offender Unemployed[1]	1=yes	351	59.9
	0=no	164	28.0
Most Serious Conviction Charge			
Violent	1=violent	229	39.1
	0=all else	357	60.9
Property	1=property	314	53.6
	0=all else	241	41.1
Other	1=other	43	7.3
	0=all else	512	87.4
Class of Most Serious Conviction Charge			
Class X	1=yes	128	21.8
	0=no	458	78.2
Class 1	1=yes	106	18.1
	0=no	480	81.9
Class 2	1=yes	261	44.5
	0=no	325	55.5
Class 3	1=yes	73	12.5
	0=no	513	87.5
Class 4	1=yes	18	3.1
	0=no	568	96.9
Prior Felony Conviction	1=yes	375	64.0
	0=no	211	36.0
Private Attorney	1=yes	51	8.7
	0=no	531	90.6
Offender Used Weapon	1=yes	161	27.5
	0=no	405	69.1
Victim Male	1=yes	369	63.0
	0=no	213	36.3

[1] 0=no, includes employed and students.

Table 2. Bivariate Correlation Matrix

	Prison	Sentence Length	V-O Relationship	Race-Black	Race-White	Race-Hispanic	Offender Age	Unemployed	Most Serious Violent	Most Serious Property
V-O Relationship	-.022	-.041								
Race-Black	.134**	.043	.116**							
Race-White	-.116**	-.091	-.090*	-.642**						
Race-Hispanic	-.054	.039	-.053	-.633**	-.167**					
Offender Age	-.015	-.028	-.180**	.055	.006	-.067				
Unemployed	.211**	.081	.115**	.106*	-.077	-.044	.039			
Most Serious Violent	.154**	.350**	-.152**	.091*	-.082*	-.024	-.008	.038		
Most Serious Property	-.092*	-.300**	.324**	-.044	.045	.008	-.064	.034	-.850**	
Most Serious Other	-.045	.002	-.322**	-.045	.028	.015	.098	-.121**	-.216**	-.331**
Class X	.262**	.491**	-.108**	.085*	-.089*	-.013	-.118**	.026	.550**	-.439**
Class 1	.123**	-.059	-.006	-.010	.008	.013	.014	.099*	-.177**	.130**
Class 2	-.162**	-.280**	.255**	.009	-.028	.010	-.013	.004	-.260**	.323**
Class 3	-.183**	-.157**	-.223**	-.065	.079	-.005	.135**	-.096*	-.048	-.089*
Class 4	-.083*	-.100*	-.038	-.082*	.123**	-.016	.032	-.107*	-.082*	-.086*
Prior Felony	.368**	-.167**	.091*	.144**	-.034	-.154**	.151**	.183**	-.150**	.143**
Type of Attorney	-.148**	.081	-.027	-.190**	.152**	.082*	.063	-.059	.089*	-.131**
Weapon Used	.144**	.352**	-.045	.082	-.082	-.026	-.086*	.016	.571**	-.555**
Victim Male	-.044	-.007	.216**	-.065	.048	.045	-.040	-.046	-.021	.134**

*$p \leq .05$ **$p \leq .01$

Table 2. (continued)

	Most Serious Other	Class X	Class 1	Class 2	Class 3	Class 4	Prior Felony	Type of Attorney	Weapon Used	Victim- Male
Class X	-.062									
Class 1	.031	-.248**								
Class 2	-.219**	-.474**	-.421**							
Class 3	.206**	-.199**	-.177**	-.338**						
Class 4	.289**	-.094*	-.084*	-.160**	-.067					
Prior Felony	-.028	-.111**	.011	.107**	-.040	.010				
Type of Attorney	.078	-.061	-.003	-.070	.140**	.085*	-.161**			
Weapon Used	.086*	.532**	-.084*	-.382**	.045	-.070	-.125**	.075		
Victim Male	-.167**	-.030	-.080	.128**	-.035	-.050	.065	.032	.073	

*$p \leq .05$ **$p \leq .01$

Table 3. The Effect of Victim-Offender Relationship on the Decision to Sentence the Offender to Prison

	b	SE
V-O Relationship	-.573	.446
Offender's Race (White is reference category)		
Black	.340	.345
Hispanic	.585	.438
Offender Age	-.006	.015
Offender Unemployed	.576*	.264
Most Serious Conviction Charge (Violent is reference category)		
Property	-.444	.366
Other	-.676	.523
Class of Most Serious Conviction Charge (Class X is reference category)		
Class 1	-.959	.660
Class 2	-2.428**	.608
Class 3	-2.829**	.644
Class 4	-2.700**	.846
Prior Felony Conviction	2.268**	.278
Type of Attorney	-.396	.419
Weapon Used	.232	.402
Victim Male	-.186	.284
N of Cases	586	
	X^2	df
-2 Log Likelihood	407.971	15
Goodness of Fit	157.875	15

*$p \leq .05$ **$p \leq .01$

Table 4. The Effect of Victim-Offender Relationship on the Length of the Prison Sentence

	b	Beta	T
V-O Relationship	3.77	.029	.494
Offender's Race (White is reference category)			
Black	.381	.004	.053
Hispanic	14.170	.110	1.1617
Offender Age	.476	.081	1.648
Unemployed	10.543	.100	1.929
Most Serious Conviction Charge (Violent is reference category)			
Property	-14.111	-.153	-2.203*
Other	-7.253	-.041	-.752
Class of Most Serious Conviction Charge (Class X is reference category)			
Class 1	-24.618	-.225	-3.164*
Class 2	-46.837	-.507	-5.246**
Class 3	-64.696	-.416	-5.395**
Class 4	-72.092	-.251	-4.285**
Prior Felony Conviction	15.218	.143	1.763
Type of Attorney	-5.620	-.031	-.614
Weapon Used	8.709	.084	1.336
Victim Male	-9.511	-.100	-1.941
Hazard Rate	18.089	.069	.749
N of Cases	586		
R^2	.259		

*$p \leq .05$ **$p \leq .01$