A Study of Social Control in Florida: The Impact of Race and Ethnicity on the Designation of Individuals as Habitual or Career Offenders

Cynthia Caravelis Hughes
A STUDY OF SOCIAL CONTROL IN FLORIDA:
THE IMPACT OF RACE AND ETHNICITY ON THE DESIGNATION
OF INDIVIDUALS AS HABITUAL OR CAREER OFFENDERS

By

CYNTHIA CARAVELIS HUGHES

A Dissertation submitted to the
College of Criminology and Criminal Justice
in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy

Degree Awarded:
Fall Semester, 2007

Copyright © 2007
Cynthia Caravelis Hughes
All Rights Reserved
The members of the committee approve the dissertation of Cynthia Caravelis Hughes defended on September 17, 2007.

______________________________
Theodore Chiricos
Professor Directing Dissertation

______________________________
Joyce Carbonell
Outside Committee Member

______________________________
William Bales
Committee Member

Approved:

______________________________
Thomas G. Blomberg, Dean, College of Criminology and Criminal Justice

The Office of Graduate Studies has verified and approved the above named committee members.
This work is dedicated to my wonderful son, Parker, whose impending birth served as the catalyst that turned this project into more than just a great idea.
ACKNOWLEDGMENTS

I would like to extend my appreciation to a number of people who were integral to the completion of this project. Beginning with my committee members, I would like to thank my major professor, Dr. Ted Chiricos, for fostering and supporting my intellectual development over my graduate career. Your mentorship has been invaluable to both my personal and academic growth. I would also like to thank Dr. William Bales for his data expertise and support and Dr. Joyce Carbonell, whose contributions enhanced the quality of this research.

My family also deserves very special thanks. Whoever said that, “you can’t do it all” obviously never met my mother, Dr. Mary Caravelis. Mom, thanks for showing me “The Caravelis Way” and for always practicing what you preached. I now know that “I can’t” really does mean, “I don’t want to.” I’d also like to thank my father, Evan Caravelis, for instilling in me a sense of ethics and diligence. Dad, you showed me that there are no shortcuts to any worthwhile destination. Rounding out the Caravelis clan, I would like to thank my brother, Dean, simply for being brilliant. You are an inspiration without even knowing it because if you weren’t so smart, I wouldn’t try so hard. To Lorene and Oliver Parker, thank you for your faith and support – I finally made it!

The completion of this dissertation could not have been accomplished without my local support system. I would like to thank my friend Meg Shannon for always being there, regardless of her own busy schedule. Whether it was lending an ear or a glass of Cabernet, you always seemed to know exactly what I needed. Nicole and Jess, thank you both for being my friend as well as my colleague. Graduate school would have been decidedly lacking without your presence. To my friend Dr. Kristina Cragg, thanks for being “in the trenches” with me week after week. I want to also thank my work associates at the Florida Department of Law Enforcement (Mary Coffee, Russ Cross and Nate Gena) for their constant enthusiasm and for providing me with the flexibility I needed to complete this dissertation.

Finally, I would like to thank my son and my husband. Parker, you’re still several years away from being able to read this and many years away from understanding it, but
being your mother will always be my greatest accomplishment. At the end of many long days, getting to hug, kiss and play with you was the best reward possible. Patrick, you have always been my best friend – I can’t even begin to list the ways that I’m grateful to you, but fortunately, I have a lifetime to show you.
# TABLE OF CONTENTS

List of Tables ............................................................................................................ viii  
Abstract ..................................................................................................................... ix

1. INTRODUCTION .......................................................................................... 1
   
   Introduction ......................................................................................................... 1  
   The Present Research ......................................................................................... 3

2. THEORY ........................................................................................................ 5
   
   Introduction ......................................................................................................... 5  
   The Study of Social Control .............................................................................. 5  
   Blalock’s Formulation of Social Threat and Social Control.............................. 6  
   Reformulations of Blalock’s Concepts ................................................................ 9  
   Individual Threat and Social Control ............................................................... 14  
   Summary ............................................................................................................ 17

3. LITERATURE REVIEW ............................................................................... 18
   
   Introduction ......................................................................................................... 18  
   Race/Ethnicity and Sentencing Literature ......................................................... 18  
   Direct Effects – Race and Sentencing Reviews .............................................. 18  
   Direct Race and Ethnicity Effects – Individual Studies ................................... 21  
   Racial Threat by Crime Type ............................................................................ 29  
   Racial Threat as an Aggregate Context ........................................................... 31  
   Studies Using Multi-level Analysis ................................................................... 34  
   Habitual Offender Studies .................................................................................. 35  
   Summary ............................................................................................................ 38

4. DATA AND METHODOLOGY ................................................................... 39
   
   Introduction ......................................................................................................... 39  
   Research Questions ........................................................................................... 41  
   Sample ................................................................................................................... 41  
   Dependent Variables .......................................................................................... 41  
   Individual Level Predictors ............................................................................... 43  
   County Level Predictors .................................................................................... 45  
   Analytic Strategy ............................................................................................... 45

5. RESULTS ..................................................................................................... 51
   
   Introduction ......................................................................................................... 51
<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Habitual Offender Outcomes</td>
<td>52</td>
</tr>
<tr>
<td>Supplemental Habitual Offender Analysis</td>
<td>55</td>
</tr>
<tr>
<td>Career Offender Outcomes</td>
<td>57</td>
</tr>
<tr>
<td>Supplemental Career Offender Analysis</td>
<td>60</td>
</tr>
<tr>
<td>6. DISCUSSION AND CONCLUSIONS</td>
<td>72</td>
</tr>
<tr>
<td>Introduction</td>
<td>72</td>
</tr>
<tr>
<td>Findings</td>
<td>72</td>
</tr>
<tr>
<td>Comparison of Current Habitual Offender Results to Prior Studies</td>
<td>74</td>
</tr>
<tr>
<td>Discussion</td>
<td>75</td>
</tr>
<tr>
<td>Limitations of Current Research</td>
<td>81</td>
</tr>
<tr>
<td>Recommendations for Future Research</td>
<td>81</td>
</tr>
<tr>
<td>REFERENCES</td>
<td>83</td>
</tr>
<tr>
<td>BIOGRAPHICAL SKETCH</td>
<td>91</td>
</tr>
</tbody>
</table>
LIST OF TABLES

Table 1: Description and Coding of Variables Used in Analysis .......................50
Table 2: Bi-variate Correlation Matrix for Habitual Offender Sample ...............64
Table 3: Full Sample HGLM Models for Habitual Offender ............................65
Table 4: Violent, Property and Drug Estimates for Habitual Offender ...............66
Table 5: Crime Specific Summary Table with Odds Ratios.............................67
Table 6: Bi-variate Correlation Matrix for Career Offender Sample .................68
Table 7: Full Sample HGLM Models for Career Offender ...............................69
Table 8: Violent, Property and Drug Estimates for Career Offender .................70
Table 9: Black, Hispanic and White Estimates for Career Offender .................71
ABSTRACT

The United States criminal justice system has continued along a path of punitive policies and practices that began in the 1980s. These punitive measures include both the expansion of existing enhancements, such as Habitual Offender laws, as well as new initiatives, such as the Florida Career Offender Registration Act. In the State of Florida, both laws allow for the application of enhanced sentences to defendants who are designated as either “Habitual Offenders” or “Career Offenders.” The application of these laws is completely discretionary and as such, state prosecutors seek the designations for only a fraction of the defendants who qualify. Utilizing Hierarchical Generalized Linear Modeling, this study examines whether individual attributes, such as race and ethnicity, impact an individual’s likelihood of receiving either the Habitual or Career Offender designation. Additionally, the second level of analysis incorporates county level characteristics into the equation and tests whether these characteristics have either a direct or a cross level effect on the relationship between race, ethnicity and the likelihood that an individual will receive one of the designations. Situational threat is examined as a context for individual level effects in the form of both crime types and specific crime categories. The broad theoretical framework that guides the research is grounded in the social threat and social control perspective. For the Habitual Offender outcome, results indicate that both black and Hispanic defendants have significantly higher odds of being Habitualized when compared to white defendants with similar personal characteristics and legal attributes. The race and ethnicity effect on the Habitual Offender outcome is more prominent for drug offenders and in counties with a higher number of cases per judge, higher drug arrest rate and a higher violent crime rate. Results for the Career Offender sample indicate that both black and Hispanic defendants have significantly lower odds of receiving the Career Offender designation than similarly situated white defendants. Defendants who went to trial and those accused of violent offenses are the most likely to be sentenced as a Career Offender as are defendants sentenced in counties with a higher number of cases per judge and a higher percent of Hispanic residents.
The United States criminal justice system has continued along a path of punitive policies and practices that began in the 1980s. While crime rates have been steadily declining, the enactment of enhanced sentences has continued to both proliferate and intensify (Austin and Irwin, 2001; Mauer, 1999). In Florida, this phenomenon of sentencing enhancements has nearly doubled the amount of time served by Florida inmates between 1994 and 2005 (Florida Department of Corrections, 2006). These punitive measures include both the expansion of existing enhancements, such as Habitual Offender laws as well as new initiatives, such as the Florida Career Offender Registration Act.

Habitual Offender laws, which allow for the application of enhanced sentences to defendants who are designated as “Habitual Offenders,” have been one of the most popular punishment strategies since their inception in 1927 (Zimring and Hawkins, 1995). In Florida, these sentencing enhancements are categorically exempt from the sentencing guidelines that would typically be applicable. Defendants who are sentenced as Habitual Offenders are given longer prison terms, receive less gain time and are not eligible for early prison release. One very important point separates the Habitual Offender laws from other enhancements to criminal sentencing, such as “Three Strikes” and 10-20-Life. The application of the law is completely discretionary and as such, state prosecutors seek the designation of Habitual Offender for only a fraction of the defendants who qualify. As stated by Crawford, Chiricos and Kleck (1998), the “discretionary nature of habitual offender prosecution makes it particularly sensitive to waves of punitive sentiment and provides state’s attorneys with a ready vehicle for participating in the imprisonment binge” (p. 482). The putative rationale behind the discretionary nature of Habitual Offender laws is that levels of crime should decline if the most criminally active offenders are selectively incarcerated for extended periods of time. While crime rates in general have declined since 1995, this decline cannot be attributed to any particular factor and is not in proportion to the massive increases in incarceration rates and sentence length (Garland, 2001).
The Florida Habitual Offender laws have undergone multiple revisions since the 1920s. The most recent of those changes occurred in 1988 and created a new category of Habitual Offenders, Habitual Violent Felony Offenders, which was the precursor to unprecedented new legislation in the State of Florida for repeat offenders. In order to be statutorily eligible to qualify for Habitual Offender status, several criteria must be met. First, offenders must have two prior felony convictions. Additionally, the current conviction must be committed either while serving a Department of Corrections sentence or within 5 years of either their prior conviction date or the completion of a previous Department of Corrections’ sanction. The Habitual Violent Felony Offender status shares the same time frame provision of the Habitual Offender status, but the offender must have one prior violent felony conviction or the current offense is a specific violent crime.

Federal Legislation passed in the last quarter of the 20th century put forth a new model for sentencing. Under these new provisions, Sexual Offenders and Predators in participating states were mandated to “register” with local law enforcement upon release from State custody. The registration requirements included maintaining a current address on file with the Department of Highway Safety and Motor Vehicles, which was made available to the general public.

In 2002, the Florida Legislature passed the Florida Career Offender Registration Act, which applied the registration requirements created for Sexual Offenders and Predators to defendants designated as “Career Offenders.” Defendants who received the Habitual Violent Felony designation were included in this new group of Career Offenders as were defendants who were deemed Prison Releasee Reoffenders, Three Time Felony Offenders and Violent Career Criminals. The specifics of these provisions will be discussed in detail shortly.

Defendants sentenced as Career Offenders also experience a sentencing disadvantage. Not only do they receive longer prison sentences, but also they must serve 100% of the prescribed sentence. However, the social consequences for Career Offenders are particularly damaging upon their release from Florida Department of Corrections’ custody. Within 48 hours of release, the individual must report to the

---

1 The complete list of qualifying offenses is included in the methodology chapter.
sheriff’s office to register as a Career Offender and must also obtain an identification card from the Florida Department of Highway Safety and Motor Vehicles that alerts law enforcement to the Career Offender status. This registration subjects the individual to annual address verifications and mandates that the individual must update his identification card with each address change. Additionally, the individual’s picture, address and qualifying offense is accessible by the general public through the Florida Department of Law Enforcement’s website.

In traditional sentencing, the convicted offender has the ability to remain somewhat anonymous after having completed his/her term of incarceration. The defendants labeled Career Offenders lose most of their anonymity and cannot appeal for the removal of the label until 20 years of “good behavior” have passed. The criterion for good behavior is that they not be arrested for any crime during that period, including misdemeanors. Generally speaking, Career Offenders have a lifetime registration requirement. Similar to the aforementioned Habitual Offender laws, the decision to qualify defendants for the Career Offender designation must be sought by the State Attorney’s office and is discretionarily applied to a fraction of the offenders who qualify. There are both human and economic consequences that stem from these sentencing enhancements. Not only are defendants subject to longer sentences while incarcerated and increased scrutiny upon release, but the economic cost of providing prison space as well as the manpower necessary for the registering and subsequent tracking of defendants adds to an already overburdened correctional system.

The Present Research

The focus of the current study is to examine whether individual and community level attributes impact an individual’s likelihood of receiving either the Habitual or Career Offender designation. This research then encompasses two levels of analysis. The primary level of analysis focuses on individual level characteristics, including both legal and extra-legal attributes. The second level of analysis introduces county level characteristics into the equation and investigates whether these characteristics have either a direct or a cross level effect on the relationship between race, ethnicity and the likelihood that an individual will receive one of the designations. The broad theoretical framework that guides the present research is grounded in the social threat and social
control perspective, which argues that minorities on both the individual and aggregate levels may be perceived as threatening in ways that can mobilize or enhance social controls. With respect to the discretionary nature of both the Habitual Offender and Career Offender laws, theory suggests that increased prosecutorial and judicial discretion allows for the increased possibility of sentencing disparity, particularly for extra-legal characteristics such as race and ethnicity. The current study examines the direct effect of race and ethnicity on the decision to prosecute and sentence eligible defendants as either Habitual or Career Offenders, as well as the cross level interactions of race and ethnicity with potentially relevant county-level characteristics.
CHAPTER 2 - THEORY

Introduction

The theoretical link between race and the mobilization of social control has been conceptualized in a number of ways. A common thread of these diverse conceptualizations is the perception that minority populations, specifically black males, may pose a threat to the community. Theoretical perspectives informing the relationship between race and threat have been formulated on both the individual and aggregate level. Social threat theory contends that both formal and informal mechanisms of social control are mobilized in response to a real or perceived threat presented by certain groups or defendants in society. On the aggregate level, Blalock (1967) brought the threat of minority populations into focus with his seminal work on social threat. His work was complemented by subsequent theorists who examined the effect of an individual’s race on discriminatory social control. This chapter will briefly review the study of social control in general before discussing the history of social threat and how the conceptualization of both threatening groups and subsequent social control responses has changed over time and social circumstance.

The Study of Social Control

Since the turn of the 20th century, the majority of theoretical formulations explaining crime and deviance have included either micro or macro elements of social control, albeit in a different manner. The conflict perspective of criminology is one of the various theoretical perspectives that inform the study of social control. While conflict-oriented theories date back to the late 19th century, critical discourse on crime and criminality emerged en masse during the 1960s and early 1970s.

Conflict theorists view the criminal justice system as a social control apparatus used by dominant groups to maintain their position in society (Spitzer, 1975; Turk, 1969). As the sentencing branch of the system, the courts are viewed as a powerful tool for supporting those interests. Through the use of discretionary sentencing, threatening groups are controlled towards a larger goal of maintaining social order (Quinney, 1973; Akers, 1997). According to the conflict perspective, an analysis of sentencing decisions
should yield evidence of differential decisions imposed on the basis of the social position of the defendant independent of the effects of objective legal variables. Social position is generally associated with demographic variables such as gender, age, and race/ethnicity. Quinney (1970) purports that while a framework for sentencing decisions is outlined by the law, extra-legal factors can affect sentencing decisions within these boundaries. Chambliss and Seidman (1971) support this point by arguing that many extra-legal characteristics about the offender are allowed to enter in sentencing decisions.

The foregoing discussion is premised on the assumption that the power struggle between competing groups in society is an integral element of social and political life. Legal sanctions put forth through legislation and enforced by the actors in the criminal justice system indicate an official response to behaviors or defendants that are perceived as threatening by the dominant group. Blalock (1967) developed this systematically in a sociological analysis of the power imbalance and competition between dominant and minority groups in society.

**Blalock’s Formulation of Social Threat and Social Control**

In his work, *Towards a Theory of Minority Group Relations*, Blalock (1967) presented a comprehensive theoretical framework discussing macro-level factors that may affect a social control response. Referred to as the “power threat hypothesis,” Blalock’s analysis explored the association between the presence and growth of minority groups and various social control mechanisms. Blalock hypothesized that minority groups may be perceived as threatening by dominant groups and that specifically, growth in minority group populations may amplify this threat.

Blalock (1967) outlined three different manifestations of minority group threat: status, economic, and power or political threat. Status threat is described as the acquisition of social position, rank or status. Minorities are viewed as a hindrance to the dominant groups’ acquisition of status goals by competing for the resources necessary to obtain these objectives (Blalock, 1967). According to Blalock, status threat is the only one of the three categories of threat that is neither related to the exact size of the minority population nor positively related to social control. Instead, it is the social rank of the minority population in relation to the social position of the dominant group that determines the level of perceived status threat.
The dominant group generally responds to status threat through discrimination, avoidance and displaced aggression. Discrimination is most likely to be used as a social control measure when the minority group status is low since interacting with low status minorities may result in a loss of status for members of the dominant group (Blalock, 1967, p.70). Similarly, dominant group members may avoid interacting or socializing with minority group members since such interaction may be viewed as encumbering their pursuit of a higher status. Avoidance is most common when dominant group members are cognizant of the social arrangements both between and within social groups, have a high level of status consciousness, or when the gap between the social position of the dominant group and minority group is sizeable. Finally, displaced aggression is the use of violence as a means of alleviating social frustration on a person or group that is a substitute target for the direct source of frustration, which may not be known (Blalock, 1967, p.42).

Minorities may be perceived as presenting an economic threat by competing with the dominant group for economic resources. Blalock (1967) stated that the social control techniques used to respond to economic threat are dependent on various factors, including the way in which resources are distributed across competing groups; the manner of reward distribution; the number of competitors vying for the same reward; and the value of the reward for both the individual and the group. Based on this logic, Blalock (1967) asserted that a positive nonlinear relationship should exist between the intensity of economic threat and the discriminatory social control response. When the minority presence is small, it poses little economic competition and the dominant group is not very motivated to mobilize control efforts. The social control response will rise in turn with increasing economic threat until the minority group comprises a certain level (i.e. a sizeable minority approaching a majority), at which point the positive relationship is hypothesized to stabilize or level off.

Power threat refers to the possession of political influence by minority groups. Blalock conceptualized “power” as the combination of the ownership of resources and the ability to mobilize those resources for the group’s benefit. The four factors outlined as influencing the power struggle are: minority group resources; minority group mobilization; dominant group resources; and dominant group mobilization (Blalock,
Blalock described the relationship between power threat and discriminatory social control as curvilinear. When minorities are not perceived as threatening to the political hegemony of the dominant group, little discriminatory response is necessary; however, as their “power” increases, the dominant group must intensify their social control response to maintain their position. Some common discriminatory social control practices engaged in response to power threat include the restriction of minority political rights, symbolic forms of segregation, and ritualistic forms of violence.

A complex set of interacting circumstances determine whether the threat is perceived as being status, economic, or political. Those circumstances include social conditions and the size and composition of both the dominant and minority groups (Blalock, 1967). Blalock (1967) argued that while multiple types of threat may be present, a single threat type will emerge as the dominant factor, particularly during periods of economic or political instability. The social control response of the dominant group is conditioned by the specific type of threat perceived. Dominant group members respond to this threat by deploying discriminatory social control measures to maintain their dominance in the social order.

Blalock’s theory utilized both macro and micro level processes in his explanation of the discriminatory social control measures employed by dominant group actors that result in racial inequality. He acknowledged the inherent complexities in attempting an integrated model noting:

One of the most challenging problems that continually arise in almost all substantive fields within the social sciences is that of just how one translates back and forth between the macro level, where groups are the units of analysis, and the micro level where the focus is on individuals. The problems are both conceptual and empirical: there are questions of definition, aggregation, and the practical limitations…of gathering data on both levels (1967, p.21).

In formulating a causal theory to explain the intricate relationship between racial threat and social control, Blalock focused his explanation on the macro level processes, specifically using a threat measure of percent nonwhite and proceeded to incorporate individual level processes that may influence the use of social control mechanisms. This causal process was distilled into four interrelated propositions. The first proposition stated that exposure to a large population of minority group members was a “forcing”
variable, which was threatening to individual members of the dominant group (Blalock, 1967, p.28). Blalock argued in the second proposition that the threat posed by the minority population interacts with different personality traits within the individual to produce varying levels of motivation to discriminate. In the third proposition, it is stated that similarly motivated members of the dominant group will interact with each other in a manner which fosters discriminatory actions. In the fourth and final proposition, Blalock asserts that, “discriminatory behavior, when aggregated in some way, leads to lowered (aggregate) minority levels” (1967, p.28). The diverse social control measures available to the dominant group suggest several conceptualizations of the process through which minority populations are decreased in number. One possibility is through the use of coercive controls, such as arrest or incarceration. In this causal process, the levels of minority presence and the fluctuations in those levels are the key determinants of social control.

Blalock’s formulation of the minority threat hypothesis expanded the study of social control beyond a single dimension analysis and introduced the importance of examining complex race relations using a multi-level approach. His influence as a pioneer in the social threat and social control literature is evidenced by the broad expansion of his theory to other groups and other types of threat by subsequent theorists. Recent theorists have transformed the study of social threat and social control to include other types of threat and additional techniques of control.

Reformulations of Blalock’s Concepts

In his work Deviance and Identity, Lofland (1969) expanded Blalock’s initial conceptualization of social threat. His focus was not merely on the presence of a threatening group, but also included the level and distribution of that threat. Broadly speaking, Lofland stated that the concept of deviance is created when conflict exists between social groups. He hypothesized that the application of deviant labels occurs when dominant group members feel threatened by and are afraid of another segment of society. He listed several important factors in identifying groups that may be perceived as threatening. These variables include: the size of the population; the level of organization; the relative amount of power of the minority group; the relative amount of power and organization of the threatened group. Lofland felt that in order to identify the
level and distribution of threat as well as the subsequent social control response, these aggregate characteristics must be examined.

In *Social Threat and Social Control*, Liska (1992) examined the “impact of social threat on the pattern and shape of deviance and crime control institutions, organizations, programs, and policies” (1992:1). He described institutional controls as initiatives authorized by a unit of the government aimed at either directly or indirectly reducing crime. These formal government controls are a specification of Blalock’s more general social control. Additionally, Liska introduced a new threat type, criminal threat, to describe the perceived danger posed by minorities. Liska discussed the various social control mechanisms that are used in response to specific threat groups including fatal, coercive and beneficent controls.

**Fatal controls as a mechanism of social control.** Fatal or lethal controls can come in the form of both formal and informal social controls. The use of the death penalty is an example of a formal fatal control while vigilantism would be considered an informal social control. Lynching and police use of deadly force are typically the focus of studies exploring the relationship between racial threat and fatal controls.

Tolnay and Beck (1992) examined fatal forms of social control in their research investigating whether the social threat hypothesis was a plausible explanation of lynching as a social control tool in the Deep South between 1900 and 1930. During that time period, in excess of 3,000 blacks were lynched with more than half of those occurring in the Deep South. With regard to status threat, they discussed how race was synonymous with social status since the prevailing belief at that time was that whites were considered superior to blacks in a myriad of characteristics and as such were considered to be of a higher social status. Particularly for lower class whites, the maintenance of the caste line was important for the preservation of what little social status they had. For example, numerous cases were cited of blacks being lynched simply for being disrespectful to whites. Tolnay and Beck (1992) also noted that blacks posed a real power threat due to the fact that whites were the numerical minority in various parts of the region. They stated that it is plausible to argue that some members of this region used lynching as a mechanism to dissuade blacks from exercising their political rights, but that overall,
findings were inconclusive in regards to whether the power threat hypothesis explained the use of lynching.

Ayers (1984) argued that lynching might have been more feasibly used in response to economic threat rather than as a response to political threat since other control measures such as disenfranchisement and Jim Crow laws were utilized to limit the political involvement of blacks. Additionally, economic competition skyrocketed for poor Southern whites since blacks were technically considered free to pursue economic advancement during this period and were willing to do so for lower wages (Tolnay and Beck, 1992). The economic competition between poor whites and blacks was manipulated by white elites who enjoyed increased profits when wages were driven down, but who simultaneously feared that a partnership might form between the two economically inferior groups in order to demand greater compensation. In other words, poor whites might have used lynching in response to a direct economic threat posed by blacks whereas white elites utilized lynching as a primary tool of social control to maintain the caste system.

Tolnay and Beck (1992) were hesitant in concluding whether enough evidence existed to support the social threat hypothesis for various reasons. One of the primary reasons they cited was the difficulty in isolating the specific type of threat that lynching was employed in response to. The overlap between status, power and political threat has made the empirical assessment of a social control response to a single threat type difficult. Additionally, they stated that further research is necessary to examine the mediating effect that non-lethal controls may have in determining the level of fatal social control used in response to racial threat.

Several studies have been conducted examining the use of deadly force by the police as a fatal control in response to racial threat. Generally speaking, these studies have found that after controlling for relevant variables, percent minority is causally related to police use of deadly force (Chamlin, 1989; Sorenson, Marquart and Brock, 1993; Jacobs and O’Brien, 1998). Liska and Yu (1992) investigated a slightly different hypothesis and theorized that the relationship between fatal controls and racial threat is the result of a perceived association between minorities and threatening acts instead of perceiving minorities as a threat in and of themselves. Their results showed that after
controlling for relevant variables including crime rates, police homicides rose significantly as the percent of nonwhites increased.

**Coercive controls as a mechanism of social control.** Liska defined coercive controls as social controls used to “physically constrain peoples’ behavior” (Liska, 1992: 21). Coercive controls can include arrest, imprisonment and nonlethal police intervention. Chamlin and Liska (1992) investigated the relationship between racial composition of neighborhoods and police response in the form of arrest rates. Arrest is a powerful social control tool considering that it is the necessary first point of entry into the criminal justice system. Once an individual is arrested, their personal information becomes a permanent record in the system regardless of whether they are actually prosecuted and/or convicted of a crime. Contrary to the findings that they anticipated, results demonstrated that the nonwhite arrest rate declined as the percent of nonwhites in the population increased. One suggestion given for this finding is that in nonwhite neighborhoods, crime is mainly restricted to intraracial offending. Chamlin and Liska discovered an important interaction between race and “crime threat.” Results showed that elevated crime rates increased both the arrest of whites and nonwhites, but the positive effect of crime rates was more prominent for nonwhite defendants. They argue that as a result, it is the cumulative threat of race and crime rates that result in a significant increase of social control for minorities.

Police use of non-lethal force is considered another type of coercive control. Holmes (2000) investigated civil rights complaints involving excessive use of force against minorities as a social control response to populations considered threatening. Results indicated that after controlling for variables including region, city population and crime, the percent black was positively related to charges of police brutality. An additional finding was that in the southwest region of the country where Hispanics are a sizeable minority, percent Hispanic was also positively related to police brutality. Smith and Holmes (2003) replicated this study and upon finding the same results, they concluded that minority group presence increases law enforcement’s perception of minority threat and in turn amplifies their use of coercive controls in response to the perceived threat.
A third type of coercive control is the allocation of police expenditures and resources. Several studies have established a positive relationship between racial composition and both law enforcement expenditures and deployment (Greenberg, Kessler, and Loftin, 1983; Jackson, 1989; Chamlin, 1990). Jackson (1992) stated that law enforcement serve the role of regulating minority groups and that funding for various departments should vary by the level of the socially threatening population in their charge. In regards to racial threat, Sever (2001) examined police deployment in cities with a population of at least 25,000 between 1980 and 1990. Results showed a positive significant relationship between percent black and police deployment.

Incarceration is possibly one of the most important forms of coercive control. The “imprisonment binge” of the previous two decades and its disproportionate effect on the minority population has been well-documented (Irwin and Austin, 1994). One explanation is that the increase in incarceration rates and subsequent correctional expenditures has been motivated by a response to racial threat. Numerous studies have found a significant and positive relationship in this regard (Myers, 2000; Beckett and Western, 2001; Bridges, Crutchfield and Simpson, 1987). In their study of incarceration rates from 1971 to 1991, Greenberg and West (2001) found that percent black was positively and significantly associated with increased incarceration rates in state prisons. They also found that states with higher welfare expenditures tended to have lower incarceration rates, leading them to believe that beneficent controls were used in place of coercive controls.

**Beneficent controls as a mechanism of social control.** Beneficent controls are described as those that appear to aid the threatening population, but in reality serve as a behavioral constraint (Liska, 1992). Beneficent controls generally come in the form of welfare to assuage economically threatening groups or in the use of asylums as a method of rehabilitation. Foucault (1965) has shown that mental asylums were used as early as the 17th century to control individuals. Szasz (1970) suggested that the mental health system is a more effective tool of social control than the criminal justice system due to the fact that it is not constrained by the rule of law.

Arvanites (1992) also explored the relationship between threatening groups and institutionalization. He stated that social control operations function independent of one
another and as a result, as one type of control declines, the frequency with which others types are used should increase. He argued that the deinstitutionalization movement was an example of this type of shift, pointing to evidence which suggests that mentally ill individuals have been arrested at a higher rate since deinstitutionalization.

In one of the most comprehensive analyses of this issue, Piven and Cloward (1993) investigated the relationship between threatening populations and beneficent controls in their work, Regulating the Poor: The Functions of Public Welfare. They conducted a historical analysis examining periods of increased relief and surmised that the increase in the use of beneficent controls can be understood as a response to insurgent movements granted in the name of preserving economic and political order. They argued that periods of increased civil disorder served as a catalyst for an outpouring of relief that was quickly diminished or removed once social order was restored. For example, the extensive urban rioting, which preceded the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965 increased the level of political threat presented by the minority population and contributed to the use of beneficent controls, in the form of “Great Society” programs.

Blalock provided the framework for analyzing the effects of aggregate threat measures and the subsequent mobilization of social control at the macro or social level. Liska and others discussed above expanded Blalock’s conceptualizations to include other types of threat and social control responses. While aggregate levels of social threat are an integral part of the race and social control discourse, it is only one dimension in the complex relationship. On the micro level, other theorists have examined the effect an individual’s race or ethnicity may have on social control outcomes.

**Individual Threat and Social Control**

While Blalock made the assertion that micro processes are an integral part of the social threat and social control relationship, he does not grant individual level discrimination much attention in his work. This gap has been filled by recent theorists who, through their research on the effect of race and ethnicity on sentencing outcomes, shed light on social control responses to individual members of threatening groups.

Individual level theoretical formulations of social control typically focus on the association between an individual’s minority status and presumed negative attributes.
Albonetti (1991) examined the discretionary nature of judicial decision making in her theory of bounded rationality. She argued that judges attempt to make rational decisions even when presented with incomplete information and uncertainty, particularly concerning potential future criminality. Judicial decision-makers form patterned responses on the basis of prejudices, stereotypes and past experience (Clegg and Dunkerley, 1980). As a result, these stereotypes and prejudices are used as rationalizations to justify the sentence imposed on a defendant. The problem that arises for minority defendants is that they are often the target of negative stereotypes and attributes and consequently receive harsher sentences than whites.

A similar theoretical framework outlined by Steffensmeier, Ulmer, and Kramer (1998) argued that three focal concerns are present in judicial decision making. These three elements include practical constraints, protection of the community and blameworthiness. The focal concern of practical constraints encompasses both organizational and individual elements. Organizational concerns include the maintenance of the courtroom workgroup and caseload, while individual concerns focus on offender related characteristics such as the offender’s health and ability to serve out a correctional sentence. Another primary concern in the development of sentencing decisions is the focal concern of protection of the community, which centers on the concepts of deterrence and incapacitation of offenders. Blameworthiness focuses on the level of injury to the victim and addresses an individual’s culpability. Offense seriousness and prior record are also considered as part of blameworthiness and have frequently been cited as important dimensions in sentencing decisions.

The interplay of these three focal concerns is complex, particularly since the judge is often making decisions with incomplete information. This information gap creates a “perceptual shorthand” that allows personal attributes of the offender, such as race, to influence judicial decision-making. In interviews with judges, Steffensmeier and associates (1998) reported that judges frequently characterize minority defendants as more dangerous and culpable than other groups of defendants. Spohn and Beichner (2000) also theorized that judges rely on stereotypes of minority defendants to complement the incomplete information used to assess blameworthiness. They
specifically discussed the willingness of judges to define minority defendants as predatory offenders who engage in recidivistic behavior.

Kalvin and Zeisel’s (1966) liberation hypothesis explored another element of decision making in a sentencing process replete with uncertain information. The liberation hypothesis states that racial disparity in sentencing decreases as the seriousness of the case increases. In their study of jury behavior, it was argued that the jury considered their own beliefs and values in cases where the evidence implicating the defendant was either contradictory or weak. In a variation of the liberation hypothesis, Unnever and Hembroff (1987) examined the degree to which a defendant’s race or ethnicity influenced sentencing outcomes depending on the level of dispositional certainty or uncertainty present in the case (1987: 57). They measured the degree of uncertainty by including a number of attributes about the case such as seriousness of the offense, prior record and number of charges presented. Unnever and Hembroff (1987) hypothesized that sentences would have increased certainty when the attributes of the case consistently pointed to either incarceration or probation. In testing their hypothesis on drug offenders convicted in Miami, results showed that as the degree of uncertainty increased in the case, the effect of race on the sentencing outcome also increased in turn.

In their test of the liberation hypothesis using a sample of defendants convicted of violent felonies in Detroit, Spohn and Cederblom (1991) found support for the hypothesis in regards to the decision to incarcerate. The authors argued that in cases where the charges are less serious and the appropriate sentence is less obvious, judges are “liberated from the constraints imposed by law, by other members of the courtroom workgroup, and by public opinion, and are free to take into account extra-legal considerations such as race” (Spohn and Cederblom, 1991: 323). In other words, as crime seriousness increases, judicial discretion in sentencing decisions decreases.

Steffensmeier and Demuth (2000, 2001) most notably expanded the minority threat issue to include Hispanics in a series of sentencing studies. They highlighted several possible explanations for increased judicial discrimination of Hispanic populations. The first of these explanations focused on the stereotypes associated with Hispanic populations, which include an association with drug trafficking and drug-related violence thus increasing the perception of threat. Additionally, the authors argued that
Hispanics are less able than other groups to resist discrimination and that the historical context of Hispanic Americans might emphasize the belief that Hispanics are dissimilar to other racial or ethnic groups.

Summary

Grounded in the conflict perspective, the theoretical formulations of the race and social control relationship conceptualized social control responses as coercive constraints. These responses have been mobilized in reaction to perceived threatening populations. Blalock (1967) and other threat theorists discussed the implications of minority status on social control, outlining aggregate level effects. Blalock presented an argument for how racial composition may trigger discriminatory responses to a perceived status, economic or power threat. According to racial threat theories, minorities should be subject to a greater degree of social control than other groups.

Later theorists complemented the aggregate approach to social threat and control by offering a micro level explanation concerning the impact of an offender’s race or ethnicity on social control responses. These individual level formulations focused on a common theme of attribution by examining the negative traits and qualities often ascribed to members of minority populations. Generally speaking, minority group members were perceived to be more culpable, dangerous and threatening than white offenders under the lens of social control agencies. Finally, the effect of race on social control measures may be influenced by situational factors such as crime rates on the aggregate level and crime type on the individual level.
CHAPTER 3 - LITERATURE REVIEW

Introduction

The study of racial disparity has historically been among the most prominent issues examined within the discipline of criminology and criminal justice. As a result, there is an expansive body of literature that examines the relationship between race, ethnicity and various social control responses and how that relationship may change in differing situational contexts or circumstances. While acknowledging that racial disparity can exist at all stages of the criminal justice process, the focus of this literature review will be on the formal social control response of sentencing within the criminal justice system to the presence of racial and ethnic threat on both the individual and aggregate levels. Specifically, studies examining the impact of these threatening populations on judicial sentencing outcomes will be included in this review.

Several other parameters were set to determine whether a study was appropriate for inclusion in this review. In terms of methodology, the study must use multivariate regression or a similar statistical technique as the method of analysis. The review was also limited to studies that examined sentencing outcomes of adult populations. Finally, the study needed to examine either the direct or contextual effect of racial/ethnic threat in the analysis.

Race/Ethnicity and Sentencing Literature

The first sentencing studies published focused on the issue of racial disparity (Sellin, 1928; Johnson, 1941) and with the well-documented lack of consensus in the area, this subject continues to maintain prominence in the research literature. With regard to the direct effect of race and ethnicity on sentencing outcomes, theoretical considerations discussed earlier anticipate a minority disadvantage in sentencing decisions. Several major reviews of the literature have been conducted in order to better synthesize the findings and they are described here first.

Direct Effects – Race and Sentencing Reviews

Zatz (1987) conducted a review of the literature on racial disparity in sentencing and used the historical context in which the studies were conducted to differentiate various research approaches and findings. She discussed four waves of research that
were defined not only by their level of methodological sophistication, but also by the social and political climates that provided a backdrop for the research. According to Zatz, Wave I spanned from the 1930s to the mid-1960s, Waves II and III encompassed the 1960s and 1970s, and Wave IV covered the late 1970s and the 1980s.

The studies conducted in Wave I reported overt discrimination against minorities; however, later reexamination of much of this data concluded that the majority of discriminatory findings were the result of poor research design and methodology. Research included in Wave II began in the late 1960s. The studies published during this wave had increased methodological sophistication. Findings reported either an absence of or a small amount of direct racial disparity in sentencing outcomes. Researchers accounted for this apparent lack of racial disparity by pointing to either the success of the civil rights movement or the inclusion of previously omitted legally relevant variables, such as prior record and crime seriousness (Zatz, 1987). Wave III, which used data in the aftermath of the civil rights movement, contradicted the findings presented in Wave II by indicating that in some social contexts, both overt and more subtle racial biases did occur to some extent. Testing only for direct effects of racial disparity possibly masked the presence of racial bias. Zatz (1987) discussed the likelihood that race may interact with other variables to yield either indirect or interactive race effects. Finally, Wave IV data included analyses conducted in the late 1970s and 1980s. Several of the studies included in this wave examined the effect of race on sentencing outcomes in the wake of sentencing guidelines. Wave IV data no longer showed overt forms of bias; however, subtle expressions of racial disparity still existed against minority defendants. In her conclusions, Zatz (1987) cautioned that practices resulting in disparity have not ceased to exist, but have instead evolved in form to remain acceptable to modern society.

Another review of the race and sentencing literature was conducted by Chiricos and Crawford (1995). Their analysis of the literature included 38 studies published from 1975 to 1991. The authors separated sentencing outcomes into two groups: the incarceration decision and the sentence length decision. Additionally, Chiricos and Crawford (1995) considered whether various social contexts in which sentencing outcomes occurred may condition the race effect. Their examination of the research showed that once legally relevant variables such as prior record and offense type were
controlled, race was significant in 41% of the relationships examined for the decision to incarcerate and 15% of the relationships showed that race was a significant factor in increased sentence length. In their investigation of social contexts, odds of incarceration for black defendants were greater than white defendants in the South, in areas of increased unemployment and in communities where blacks represented a larger percentage of the overall population. The authors concluded that the context in which sentencing decisions are made is an integral component in the investigation of race effects.

Pratt (1998) conducted a more recent meta-analysis of the race and sentencing literature published between 1974 and 1996. Given the contradictory findings prevalent in this subject area, the purpose of the study was to evaluate whether race was a significant predictor of sentencing outcomes. The study focused on forty-seven relationships from separate studies and grouped each regression coefficient value into a separate category for race, prior record and offense severity to allow for significance tests of effect size. Pratt reported that offense severity was the single most important factor in sentencing outcomes while no significant relationship was reported between race and sentence length.

Pratt did find, however, that the way race was operationalized in each study did have an effect on the likelihood of finding a statistically significant race effect. When grouping the various studies by their method of racial operationalization (black/white, white/nonwhite, and “other” measure of race), results indicated that the white/nonwhite scheme resulted in an increased probability of finding a significant effect of race on sentence length. This indicates that certain methods of racial classification may possibly obscure the true effect of race on sentencing outcomes.

In the most recent review of the literature, Spohn (2000) found similar results to those reported by Chiricos and Crawford (1995) in her research focusing on 32 state-level studies from the 1980s and 1990s. She also separated sentencing outcomes into the decision to incarcerate and the sentence length decision. Studies included in her analysis generally examined separate offense types and many of them tested interactive models. Results showed that blacks had a higher probability of incarceration than whites in 55% of the relationships, while 23% of the relationships found that blacks received longer prison sentences than whites. Only 10 of the 32 studies included in the review examined
Hispanics as an ethnic minority separate from blacks. Her findings also demonstrated that 42% of the relationships found that Hispanics were disadvantaged in relation to whites in the decision to incarcerate, but only 7% of the relationships demonstrated that they received significantly longer prison sentences than whites. Spohn concluded that based on the cumulative findings of the studies and relationships reviewed, race and ethnicity continue to be an important factor in sentencing outcomes.

These literature syntheses of the race/ethnicity and sentencing relationship highlight the difficulties in summarizing such a complex and conflicting body of research. Additionally, with the exception of Spohn’s (2000) review of the literature, the effect of Hispanic ethnicity was not examined separately from the black race effect in the previous literature reviews. The potential effects of this omission will be discussed in greater detail below.

The great variety of existing race and sentencing research affords the opportunity to apply an exacting set of criteria in selecting the most relevant studies that provide a solid foundation upon which the current research builds. As such, only articles that closely aligned with this study were chosen for the following discussion. Specifically, research studies must examine either the direct or contextual effect of racial/ethnic threat on sentencing outcomes for adult populations charged with a felonious offense using multivariate regression or a similar statistical tool as a method of analysis. Only individual studies published since 1990 were considered for inclusion because studies published earlier have been well represented in the comprehensive reviews discussed previously. Additionally, whenever a given category is said to be higher or more harshly sanctioned, it is always implied that the stated difference is significant. The specific findings of relevant studies examining the presence of racial and ethnic bias in sentencing outcomes on the individual level are discussed in chronological order below.

Direct Race and Ethnicity Effects – Individual Studies

At the time of the 2000 Census, Hispanics comprised approximately 13 percent of the U.S. population and are projected to soon be the largest minority group in the United States (U.S. Bureau of Census, 2000). Until recently, the vast majority of studies in the substantial body of literature covering race and sentencing dichotomized race/ethnicity into white and nonwhite or white and black. This dichotomization assumed that (1) all
minority groups receive equal treatment in relation to whites; and (2) that all minority
groups share certain defining characteristics (Zatz, 1984).

While some scholars proposed that such ignorance of ethnic differences was the
result of bias (Hawkins, 1994), the primary reason for the exclusion was based on lack of
available data (Demuth and Steffensmeier, 2004). Most sentencing studies relied on
official data collected by the state. Traditionally, Hispanics have been absorbed either
into the black or white categories. Additionally, small sample sizes have also plagued
this research even in instances where the appropriate data were available (Demuth and
Steffensmeier, 2004). As previously discussed, there are many important theoretical and
methodological reasons for disaggregating Hispanic ethnicity into its own variable. In
the following discussion of individual studies, findings for both race and ethnicity are
presented separately when available.

Albonetti (1991) conducted a study of 2,198 felony cases prosecuted in
Washington D.C. in 1974. Her research examined race effects on the likelihood of
conviction and sentence length, while controlling for both legal and extra-legal variables
such as crime type, prior record, and offense severity. Results showed that while there
was no statistically significant difference in the likelihood of conviction, black offenders
received longer sentences than white offenders.

Gorton and Boies (1991) used Pennsylvania as the setting for their study
examining the impact of sentencing guidelines on racial sentencing disparity. The
researchers analyzed the sentence lengths received by black defendants over three
different sentencing phases. The first comparison point was prior to the implementation
of sentencing guidelines in 1977. They then examined sentences granted in 1983, the
year that the guidelines took effect and, finally again in 1992 and 1993. They reported
that black defendants received significantly longer sentences during the first two periods
of measurement, 1977 and 1983. Interestingly, findings showed that race was no longer a
significant factor during 1992 and black defendants actually received sentences averaging
1.5 weeks shorter than those given to white defendants in 1993.

Ulmer and Kramer (1996) examined the effect of sentencing guidelines on racial
sentencing disparity in three Pennsylvania counties. Their data included 39,476 cases
collected from 1985 to 1991. After controlling for legally relevant variables, the authors
reported that black defendants were more likely than white defendants to be incarcerated and additionally received harsher sentences once incarcerated.

Holmes and colleagues (1996) analyzed the effect of race and ethnicity on sentence severity in two Texas counties. Their data included a random sample of felony indictments adjudicated from 1987 to 1989. Results indicated that while black and white defendants received sentences of similar length, Hispanic defendants received significantly harsher sentences than whites after controlling for relevant legal and extra-legal characteristics.

Albonetti examined 14,189 drug offenders sentenced from 1991 to 1992 in federal courts where Tobit modeling was applied to examine the race and ethnicity effects on the length of imprisonment (Albonetti, 1997). Similar to the findings presented in her earlier research, this study showed that both Hispanic and black defendants received harsher sentences than white defendants.

Felony offenders convicted in Kansas City and Chicago during 1993, were the focus of the study conducted by Nobling, Spohn and Delone (1998) examining the effects of race and unemployment on sentencing outcomes. Results showed that white defendants were significantly less likely than both black and Hispanic defendants to be incarcerated in Chicago, while the same relationship was not found in Kansas City. In both cities, all groups were found to receive similar sentence lengths.

Engen and Steen (2000) examined the effect of race on sentencing outcomes using drug offense sentencing data collected from Washington State in 1992. The authors reported that black and white defendants had similar odds of incarceration; however, Hispanic defendants were significantly more likely than white defendants to be incarcerated. The odds of receiving a longer sentence length were also increased for Hispanic defendants when compared with white defendants.

Chicago and Kansas City were selected along with Miami as the research sites for a study conducted by Spohn and Beichner (2000) examining the effect of race and ethnicity on the decision to incarcerate. Results indicate that both black and Hispanic defendants had an increased likelihood of incarceration in Chicago while black defendants also experienced increased odds of incarceration in Miami.
Mustard (2001) investigated the effect of race and ethnicity on sentence length using U.S. Federal Courts data for 77,236 cases. He included a control for sentencing district along with other legal and extra-legal factors. Results demonstrated that Hispanic and black defendants received significantly longer sentence lengths than their white counterparts. Federal sentencing data was also used by Everett and Wojtkiewicz (2002) and included all defendants sentenced from 1991 to 1993. Hispanic, black and Native American defendants received significantly longer sentences than similarly situated white defendants while Asian defendants did not experience a similar sentencing disadvantage.

Drug offenders were the focus of research conducted by Kautt (2002) in her investigation of the effects of race and ethnicity on length of sentence for federal drug trafficking cases. While black and white offenders received similar sentence lengths, Hispanic offenders received longer prison sentences than whites.

Sentencing outcomes for Hispanic, black and Asian violent and sex offenders were compared in the study of 65 large U.S. counties conducted by Maxwell, Robinson and Post (2003). The authors reported that black defendants experienced neither increased odds of incarceration nor longer prison terms compared to white defendants. Hispanic defendants had an increased likelihood of incarceration compared to their white counterparts, but received shorter sentences once incarcerated. Asian defendants also received shorter prison sentences than whites.

Demuth and Steffensmeier (2004) researched the relationship between race/ethnicity and sentencing in their study, which used data from the State Court Processing Statistics gathered for the years 1990, 1992, 1994 and 1996. The authors found that black and Hispanic defendants, who are similarly situated, both receive harsher sentences than comparable white defendants. The following sections investigate possible situational interactions supported by theory that may affect race/ethnicity and sentencing relationship.

**Age, Race and Ethnicity.** While age itself is generally not the primary focus in sentencing research, it is frequently included as a control variable when examining race effects primarily because of the attention “young, black males” have received both in the research literature and in the media (Barak, 1994). The following studies examine the interaction of age and race/ethnicity in the sentencing literature.
Steffensmeier, Ulmer and Kramer (1998) conducted a study examining the interactive effects of race, gender and age on sentencing outcomes. They utilized a sample of 130,000 cases collected from 1989 to 1992 in Pennsylvania. Results showed that all three variables had significant effects for defendants on both the incarceration decision and sentence length. Compared to white defendants, black defendants were almost twice as likely to be incarcerated and received an average prison sentence that was two months longer than the sentence imposed on the white defendant. When focusing on the interactive effects of race and age, black defendants ages 21-29 had a higher likelihood of incarceration than all other age groups and subsequently were given a longer sentence length than those defendants who were either older or younger. These young minority offenders were also sentenced the harshest when compared to other racial and age group combinations. The authors concluded that age is the most predictive determinant of both sentencing outcomes for males resulting in younger offenders being given the harshest sentences.

In subsequent studies, Steffensmeier and Demuth (2000; 2001) argue that model misspecification was the reason for inconsistent prior findings of a direct effect of age on sentencing outcomes. They reported that a nonlinear relationship exists between age and sentencing outcomes and as such, the odds of a defendant being incarcerated increased until the age of 30 when the likelihood of incarceration began decreasing as age progressed. The relationship between sentence length and age shared the same curvilinear relationship. With proper model specification, they found that young, minority defendants were sentenced more harshly than other similarly situated individuals.

In their study of 6,638 offenders spanning the jurisdictions of Kansas City, Chicago and Miami, Spohn and Holleran (2000) reported a direct effect of age on the decision to incarcerate. Results indicated that defendants ages 21-29 were more likely than similarly situated defendants ages 17-20 to be incarcerated. In their analysis of the interaction of race, age and gender, results also indicated that young, minority male defendants were most disadvantaged at the sentencing phase.

**Legally Relevant Variables, Race and Ethnicity.** The effect of extra-legal influences of characteristics such as race and ethnicity cannot be effectively isolated
without accounting for legal effects on sentencing outcomes. Early sentencing research was criticized for failing to control for highly predictive legally relevant variables (Hagan, 1974; Kleck, 1981). The vast majority of studies conducted since the early 1980s have incorporated measures of variables important to the legal process. While variables such as offense seriousness and prior record are found in the vast majority of recent sentencing research, additional legally relevant variables such as mode of disposition, pre-trial processes and departures from sentencing guidelines are also integral in examining the effects of any extra-legal variables, such as race and ethnicity. The following studies integrate these variables as either control or interactive variables in examining the effect of race and ethnicity on sentencing outcomes.

Crew (1991) conducted a study of felony convictions in Kentucky during 1980 for his research examining the effect of race on sentence length. Crew compared the treatment of black offenders to similarly situated white offenders at several stages of the legal process. While Crew reported that black offenders did not receive significantly longer sentences than their white counterparts, results showed that the race effect was mainly indirect through pre-trial processes such as pre-trial release and charge severity. For example, Crew found that black offenders were more likely to be subject to pre-trial detention than white offenders accused of similar crimes. Additionally, he argued that offenders released prior to trial were convicted of less serious offenses than the offenders who had been detained. Furthermore, Crew reported that black defendants were more likely than similarly situated whites to be brought to trial and that defendants convicted at trial received a longer sentence than those defendants who did not go to trial.

Research conducted by Kramer and Steffensmeier (1993) analyzed guidelines sentencing data from Pennsylvania for 61,294 cases during 1985 to 1987. The aim of their research was to examine the effect of race on sentencing outcomes while controlling for legally relevant variables such as offense severity and prior record using precise and detailed measures of these variables. While prior record is controlled for in virtually all sentencing studies, Pennsylvania sentencing guidelines data provided information regarding the defendant’s prior record in a standardized format that allowed for cross-racial and cross-jurisdictional comparisons. While offense severity and prior record are the largest predictors of judicial sentencing decisions, the authors reported that black
defendants are 8% more likely than white defendants to be incarcerated net of other factors. Results show that race does not have a similar direct effect on the proscribed sentence length.

Kramer and Ulmer (1996) examined Pennsylvania sentencing data for more than 41,000 cases from 1985 to 1987 and 1989 to 1991. Their research focused on the degree to which guidelines sentencing departures were due to various extra-legal factors, including race, and legally relevant variables such as mode of conviction operationalized as whether the defendant submitted a guilty plea or was convicted at trial. Results demonstrated that defendants, regardless of race, who pled guilty were 26% more likely than defendants who were convicted at trial to receive a dispositional departure from the proscribed sentencing guidelines in favor of the defendant. However, the odds of black defendants getting sent to state prison were 1.7 times those of white defendants.

One of the most utilized legally relevant variables is a defendant’s prior criminal record. Race and ethnicity has consistently been found to interact with prior criminal record in the sentencing literature. A study conducted in Pennsylvania found that race had an increased effect on the incarceration decision among offenders with a serious prior criminal record (Ulmer, 1997). In this study, Ulmer (1997) examined sentences given under the Pennsylvania sentencing guidelines. His analysis of sentencing outcomes revealed that blacks had a higher likelihood of receiving a harsher sentence than whites; however, those defendants who pled guilty received a more lenient sentence than the defendants who went to trial. Black defendants and those defendants who went to trial had increased odds of incarceration and decreased odds of receiving a dispositional departure than either white defendants or defendants who plea-bargained. Results showed that race interacted with mode of disposition in the sense that the trial penalty was greater for blacks than for whites.

Albonetti’s (1997) study examined the effects of race, ethnicity and legally relevant variables on sentence severity using data from 1991 and 1992. Her results indicated that with regard to legally relevant variables, whites received a sentencing advantage over blacks and Hispanics when the judge elected to deviate from the sentencing guidelines in exchange for assisting the prosecution in another case. She also
reported that pleading guilty resulted in a similar reduction of sentence for all three race/ethnic groups.

Spohn and Spears (2000) analyzed sentencing given to drug offenders in three different jurisdictions, Kansas City, Chicago and Miami, during 1993. They found in their study of Miami drug offenders that black defendants with a prior felony conviction faced a higher likelihood of incarceration than similarly situated white defendants, while race did not have a significant effect for defendants without a prior felony conviction.

Engen and Gainey (2000) analyzed Washington State sentencing data from 1989 to 1992. The study compared the use of a guidelines based presumptive sentence as a measure of offense history with the more traditional indicators of prior record or offense seriousness. The effect of race on sentence length was estimated using regression techniques in two separate models; one controlling for the presumptive sentence and the other controlling for the traditional measures. Results show that in the model controlling for the presumptive sentence, black and white defendants received similar sentence lengths while in the model controlling for prior record and offense seriousness, black defendants were given longer terms of incarceration than white defendants. These results suggest that presumptive sentencing, whose purpose was to structure judicial decision-making, appear to minimize sentencing disparity when traditional measures of prior record and offense seriousness are employed in sentencing decisions.

Johnson (2003) analyzed data collected from the Pennsylvania Commission on Sentencing for the years 1996 to 1998 to examine extra-legal effects, such as race and ethnicity, on the decision to depart from sentencing guidelines. This relationship was further examined in conjunction with four separate modes of conviction: negotiated pleas, non-negotiated pleas, jury trials, and bench trials. Johnson concluded that Hispanic and black defendants had an increased likelihood of receiving an upward departure from sentencing guidelines, or longer sentences, compared to white defendants. He stated that that black defendants’ odds of receiving a downward departure from sentencing guidelines was 25% less than whites, while the odds for Hispanic defendants receiving a downward departure was 56% less than whites. He also notes that the strength of this departure is mediated by the mode of conviction. All defendants benefited from a downward departure from sentencing guidelines when the mode of conviction was trial
versus convicted through a non-negotiated plea, however, blacks and Hispanics comprise a larger proportion of defendants who go to trial.

**Racial Threat by Crime Type**

One of the most commonly used measures of offense severity is crime type. Studies support the theoretical assertion that the interaction between race and offense type may have an effect on sentencing results. Considering that drug and violent crimes often are perceived as having a racial and/or ethnic association (Wilson, 1992; Sampson and Laub, 1993; Steffensmeier and Demuth, 2001), harsher sentences may result for these groups as a result of the perceived heightened threat associated with blacks and Hispanics as compared to whites accused of the same crimes. On the other hand, the “liberation hypothesis” suggests minorities may receive harsher sentences for less serious crimes than for other offenses.

Spohn and Cederblom (1991) conducted a study testing the “liberation hypothesis,” which argues that race effects will be greater for less serious offenses. The assertion is that greater judicial discretion may exist for less serious offenses and thus more opportunity exists for extra-legal factors to be consequential. Their results show that blacks have a significantly higher likelihood of incarceration for assault, a relatively minor offense, but not for the more serious crimes of rape, murder, and robbery.

Another study that examined the interaction of race and crime types was that conducted by D’Alessio and Stolzenberg (1993). Contrary to Spohn and Cederblom (1991), their study of Florida offenders found that blacks experienced a sentencing disadvantage only for the crime type of sexual battery and actually received shorter sentences than whites for the robbery and burglary offense groups.

In their 2000 study, Steffensmeier and Demuth examined the interaction of race/ethnicity with either drug or non-drug offenses on both the decision to incarcerate and sentence length. They examined four racial and ethnic categories: whites, blacks, white Hispanics, and black Hispanics. They found that regardless of offense type, blacks and both groups of Hispanics had a higher likelihood of incarceration than white offenders. Additionally, results show that black Hispanics convicted of a drug offense received the longest sentence of the minority groups.
In a subsequent study, Steffensmeier and Demuth (2001) analyzed the race and ethnicity effect on both the incarceration decision and length of sentence for ten separate offense categories. The offense types examined included: aggravated assault, sexual assault, misdemeanor assault, robbery, burglary, weapons charges, drug charges, theft, fraud, and miscellaneous offenses. The authors found that relative to white defendants, Hispanics had a higher likelihood of incarceration than whites for all offense types with the exception of sexual assault. Similarly, blacks had increased odds of incarceration for all offense types excluding fraud, miscellaneous offenses, and sexual assault. Hispanics received longer sentences than whites for each crime type excluding sexual assault, misdemeanors, and fraud while blacks received longer sentences for all crime types with the exception of misdemeanor assault, sexual assault, weapons charges and fraud.

Spohn and Spears (2000) analyzed sentencing of drug offenders in three different jurisdictions, Kansas City, Chicago and Miami, during 1993. Results demonstrated that black drug offenders were allocated longer sentences than similarly situated white offenders in Kansas City, but no significant variations were found for either Miami or Chicago. The authors also reported that Hispanics were more likely than white offenders to be incarcerated in Miami, but both groups were incarcerated at similar rates in Chicago and Kansas City. When comparing Hispanic drug offenders to black drug offenders, Spohn and Spears (2000) found that Hispanics received significantly longer sentences than blacks in Miami and Chicago.

Individuals accused of drug crimes were also the focus of Albonetti’s (1997) study that examined the effects of race, ethnicity and legally relevant variables on sentence severity using data from 1991 and 1992. Her results indicated that both Hispanic and black drug offenders received longer prison sentences than white drug offenders. Hispanics and blacks were also treated more harshly than similarly situated whites when convicted of drug possession as opposed to drug trafficking.

In their study of violent and sex offenders, Maxwell, Robinson and Post (2003) found significant interactions between offense type and racial/ethnic group. White defendants had significantly higher odds of incarceration than black defendants for murder, while Hispanic defendants had the highest odds of incarceration for assault. Hispanic and Asian defendants had the highest likelihood of incarceration for robbery;
however, Hispanics, Asians and blacks all received longer prison sentence lengths than whites for robbery convictions.

In their study of the relationship between race/ethnicity and sentencing that used data from the State Court Processing Statistics gathered for the years 1990, 1992, 1994 and 1996, Demuth and Steffensmeier (2004) also examined the race and ethnicity effect for various crime types. Results demonstrated that race effects were the greatest in the sentencing of property offenders while ethnicity effects were the largest in the sentencing of drug offenders. Overall, the findings reported in these studies suggest that situational factors such as crime types may amplify the effect of race and ethnicity on sentencing outcomes.

**Racial Threat as an Aggregate Context**

Recent contributions to the race and sentencing literature have expanded the analyses beyond the inquiry of whether an individual’s ethnicity or race matters, to include a study of the social contexts in which race may impact sentencing outcomes (Spohn, 2000). Studies that examine contextual effects on sentencing decisions generally use one of two techniques of analysis. The two approaches differ by whether researchers view social context as having either a direct or an interactive effect on sentencing decisions (Britt, 2000). Researchers who focus on the direct effect of social context on sentencing decisions, examine the influence of a variety of community political, economic and sociodemographic variables on individual sentencing decisions. The second technique of analysis, which focuses on the interactive effect of social context operate under the premise that different court jurisdictions may be characterized by varying political, economic, and sociodemographic principles, which may in turn condition the effects of race and ethnicity on sentencing outcomes (Ulmer and Kramer, 1996; Dixon, 1995; Eisenstein et al. 1988). The studies presented below use the interactive effects model to examine racial threat as an aggregate context and explore the effects of racial/ethnic composition of place and rates of crime on the relationship between race and sentencing outcomes.

**Racial and ethnic composition of place.** There are a limited number of studies that examine whether the racial and ethnic composition of communities conditions the relationship between an offender’s race or ethnicity and sentencing outcomes. Blalock’s
original formulation of the minority-threat hypothesis suggests that it is not purely the presence of threatening groups that most affects the initiation of social control, but rather the growth of such threatening populations. Similarly, Steffensmeier and Demuth (2000) state that, “writings on prejudice and intergroup hostility [suggest] that large population shifts in urban localities may contribute to hostility and discrimination by the dominant group towards a rapidly growing minority group (p. 708).” As such, the new presence of a small minority group may seem more threatening to a traditionally white community than an established large minority presence in a racially diverse area.

Myers (1987) analyzed sentencing data from the Georgia Department of Corrections from 1976 to 1982 with a total sample size of 15,270 offenders convicted of violent or property felonies. The research focused on whether economic inequality increased the severity of individual sentences. General findings indicated that inequality cultivated disproportionately harsher sentences for more socially disadvantaged and “dangerous” offenders. The interesting exception to this finding is that white offenders rather than similarly situated black offenders were at a disadvantage in counties with large black populations and high racial inequality. She surmised that, “in urban counties, a sizeable black population implies the presence of a relatively powerful black middle or upper-middle class sensitive to and less willing to tolerate differential treatment by race” (Myers, 1987, p. 761).

Bridges and Crutchfield (1988) examined how the relative social, economic, and legal characteristics of states and regions may influence racial disparity of sentencing. They collected data from 48 states as of December of 1982 that included measures of arrest rates, racial disparity in sentencing, and legal policies, laws, and social characteristics. Their findings relevant to ethnic composition of communities showed that blacks have a higher likelihood of imprisonment than whites in states where blacks comprise a small percentage of the total population. Conversely, their findings show that black and white imprisonment rates are more likely to be equal in states where blacks represent a large percentage of the total population. In other words, when the black population is large, black imprisonment rates are decreased and white imprisonment rates are increased. Similarly, Myers and Talarico (1987) found that imprisonment was used more often for both black and white defendants in counties where blacks comprised a
sizeable minority (25%-49%); however white defendants were more likely to be incarcerated than black defendants in predominately black counties.

**Rates of crime.** Another important community context that may condition the relationship between race/ethnicity and sentencing outcomes is the crime level present in the communities where the individual offender is sentenced. Theoretically, one might anticipate that minority defendants may be viewed as more threatening when higher rates of crime are present. The following studies analyze this relationship.

Bridges, Crutchfield and Simpson (1987) collected and analyzed data from Washington State in 1980, which included characteristics such as crime patterns and the demographic composition of all counties. They also analyzed data on the ethnicity and race of offenders sentenced to incarceration in the State of Washington between 1980 and 1982. The authors found that violent crime and arrest rates had a limited influence on aggregate imprisonment rates and were statistically significant only for the nonwhite arrest rate. Their findings showed that nonwhites are punished more harshly than whites in counties with a high arrest rate for nonwhites accused of serious crimes. The authors suggest that one possible explanation for this finding is that nonwhites may have a higher likelihood of imprisonment due to their being perceived as disproportionately contributing to rates of violent and serious crimes.

In their study of 16,798 Georgia felons convicted from 1976 to 1982, Myers and Talarico (1986) researched whether racial differences in sentencing outcomes were mediated by both the characteristics of the individual offender and the characteristics of the community in which the conviction and sentencing took place. With regard to rates of imprisonment, results showed that as each county’s crime rates increased, so did the imprisonment risk for both black and white defendants; however, that risk of imprisonment for black defendants increased twice as much as that of their white counterparts. Interestingly, sentence length increased significantly more for white defendants than for black defendants as crime rates rose.

Britt (2000) utilized data from Pennsylvania sentencing guidelines collected from 1991 to 1994 to research the relationship between social context and racial disparities in sentencing. His data for all 67 Pennsylvania counties included measures of 128,916 incarceration decisions and 76,120 sentence length decisions. Britt included measures of
both the level and change of violent crime rates as well as index crime rates in his analysis. Results demonstrated that for the decision to incarcerate, neither crime rate affected the relationship between defendant’s race and the odds of incarceration. In contrast, counties with higher levels of violent crime did result in harsher punishment for black defendants.

**Studies Using Multi-Level Analyses**

The limitation in focusing on either the direct or interactive effects of social contexts as independent variables is that the research often fails to isolate how the offenders’ race may interact with social context variables to result in racial disparities in sentencing. In order to successfully investigate the interactive effects, multi-level analysis examining the race and sentencing relationship at both the individual and community level is essential. The following studies apply the multi-level analysis necessary to test for such an interaction.

In his 2000 study, Chester Britt applied Hierarchical Linear Modeling to examine both the direct effects of race on sentencing outcomes and the cross level interaction between social context, race and sentencing outcomes. His research, which centered on Pennsylvania felony offenses between 1991 and 1994, showed that blacks were more likely than whites to be sentenced to prison. Those blacks that were sent to prison, however, received shorter sentence terms than similarly situated white offenders. In the contextual analysis, Britt found that the effect of race on either the decision to incarcerate or sentence length was not conditioned by the proportion of blacks in the population. Violent crime rates were also not found to significantly alter the effect of race on sentencing outcomes.

Another study that used Hierarchical Linear Modeling was conducted by Ulmer and Johnson (2004) and focused on data gathered from Pennsylvania between 1997 and 1999. Their findings differed from Britt’s in that they found that Blacks and Hispanics were both more like to be incarcerated and also, once incarcerated, received lengthier sentences than similarly situated whites. In the cross level analysis, results showed that the percentage of blacks in the population significantly increased the effect of race on sentence length for blacks while the percentage of Hispanics in the population similarly conditioned the effect of Hispanic race on prison term. In other words, Hispanics
received longer sentences in areas with a higher percentage of Hispanics in the population than their counterparts in low Hispanic population communities.

In their 2005 study, Bontrager, Chiricos and Bales use Hierarchical Generalized Linear Modeling to examine the effects of Hispanic ethnicity and race on the withholding of adjudication. Their study used data gathered from the Florida Department of Corrections and included 91,477 males sentenced to probation between 1999 and 2002. Their results showed that when controlling for relevant individual and community level variables, blacks and Hispanics were significantly less likely than whites to have the sentencing benefit of adjudication withheld. When examining various crime types, drug offenders were also less likely to have adjudication withheld. In the cross level analysis, concentrated disadvantage, a measure of “underclass” presence had a significant effect on the sentencing outcome for both Hispanic and black defendants.

**Habitual Offender Studies**

There are two known studies that directly measured the effect of race and ethnicity on habitual offender sentencing. The first, which assessed the effect of race on the decision to designate defendants as Habitual Offenders, was an unpublished study conducted by the Economic Demographic Research Division (EDR, 1992) of the Joint Legislative Management Committee in the Florida Legislature. Their data included defendants who were under the Florida Department of Corrections custody or supervision as of December 31, 1991, and whose offenses qualified them for consideration as Habitual Offenders. A total of 25,806 offenders were statutorily eligible and included in the sample. Black defendants comprised 67% of this sample, while 32% were white and 1% were classified as another race. Of the eligible defendants, 4,783 (19%) were sentenced as Habitual Offenders.

The EDR used logistic regression to estimate the net effect of race on the odds that the Habitual Offender designation would be applied to eligible defendants. Prior record and crime seriousness were included among other legal and demographic control variables in the estimating equations. The results demonstrated that black defendants had significantly increased odds of receiving the Habitual Offender designation in 18 of Florida’s 20 judicial circuits. The odds ratio reported for race varied from 1.6 to 4.9 across judicial circuits. In other words, depending on the circuit of prosecution, blacks
were between two-thirds and five times more likely to receive the Habitual Offender designation.

The study also examined how the effect of race would vary across different levels of offense seriousness, ranging on a scale of least serious offense (1) to most serious offense (10) as defined by Guideline seriousness levels. The results showed that at all levels of offense seriousness, blacks were still more likely to receive the Habitual Offender designation. An interesting finding was that significant variability existed across the different offense seriousness levels. At the highest level of offense seriousness, blacks were 1.5 times more likely to receive the designation while that value increased to 2.7 at the lowest level of offense seriousness. These results demonstrate that the race effect is greater for less serious offenses and decreases as offense severity increases. In short, racial disparity is more pronounced when the primary offense is considered to be a less serious offense. These findings support Kalven and Zeisell’s (1966) Liberation Hypothesis, which purports that blacks will receive harsher sentences than whites only for less serious offenses.

It is important to note that at the time the research was conducted for the EDR report, Habitual Violent Offenders were grouped together with Habitual Offenders in a single category. In the current study, receiving a designation of Habitual Violent Offender qualifies the defendant for Career Offender status, thus subjecting the individual to more punitive measures.

Crawford, Chiricos and Kleck (1998) conducted research, which built on the EDR report, examining the effect of race on the prosecution and sentencing of eligible defendants as Habitual Offenders. Their data were collected from the Florida Department of Corrections and included 9,690 male offenders sentenced to prison during fiscal year 1992-1993 who were statutorily eligible for the Habitual Offender designation. Eligibility was determined by examining the defendant’s current and prior offenses and included those defendants with either two prior felony convictions or one prior violent felony conviction over the previous five years. Of this sample, 69% of those eligible for a Habitual Offender designation were black. Of the 9,690 offenders eligible for Habitual Offender status, 1,924 (19.8%) received the designation.
Crawford and associates used logistic regression as the tool for their analyses. The control variables included in the study ranged from various measures of offender characteristics to sentencing county characteristics. Consistent with prior research in the race and sentencing literature, prior record and crime seriousness were significant variables that were positively correlated with receiving a Habitual Offender designation. However, initial findings showed that, after controlling for prior record, crime seriousness and other significant predictors, black defendants were 63% more likely than nonblacks to receive the Habitual Offender status.

The Crawford et al. study also examined crime type as a context, which may influence the relationship between race and Habitual Offender status. Violent crimes and crimes involving weapons showed the smallest difference in rates of Habitualization between blacks and whites and the race effects for these crime types were not significant. Eligible black defendants charged with property crimes however, were 2.3 times more likely than nonblacks to receive Habitual Offender status. The effect of race was even more pronounced with drug crimes where black defendants were 3.6 more likely than their eligible nonblack counterparts to be sentenced as Habitual Offenders. In fact, of the 448 drug offenders who received Habitual Offender status, 419 (94%) were black.

When examining the effect of county level characteristics and their effect on the relationship between race and Habitualization, the authors included variables measuring the percentage of residents who were black, drug arrest rates, violent crime rates and racial income inequality. Results demonstrated the presence of race effects in most contexts for the category of drug crimes; however, the odds ratio for the variable “black” was significant when racial income inequality and percent black were low.

Based on the above findings, the authors surmised that, “race matters most when inequality is low” (Crawford et. al, 1998, p.501). While this study incorporated county level variables in the analysis, the generalizations made were based on a dichotomous hi/low context. By using hierarchical generalized linear modeling, the current research will more accurately assess the relationship between the individual and contextual level variables.
Summary

A review of the literature revealed important findings and key variables that, combined with a theoretical focus, will serve as the foundation for the current study. As evidenced by a review of the literature over the last two decades, increased methodological sophistication reveals that while 15 of 22 studies found a significant effect of race and ethnicity on sentencing outcomes, the field is still far from reaching a consensus on the issue. Even with the consistent operationalization of the variables used to measure race and sentencing outcomes, findings are mixed. Results do suggest however, that race plays more of a role in the decision to incarcerate than in determining subsequent sentence lengths for offenders. On the individual level, results put forth in the literature provide a basis for hypothesizing that blacks and Hispanics may be expected to experience a sentencing disadvantage when compared to similarly situated white offenders, particularly for less serious offenses.

The race effect may also be conditioned by extra-legal factors such as age, in addition to important legally relevant variables, which have been consistently demonstrated as necessary control variables needed to accurately model the relationship between race/ethnicity and sentencing outcomes. Research has found that young minority offenders are sentenced to prison more frequently and more harshly than either white offenders or offenders of a more advanced age. This situational factor suggests that the interaction between extra-legal variables may enhance or amplify the race/ethnicity and sentencing relationship. With regard to legally relevant variables, offenders who pled guilty were treated more leniently than those whose mode of disposition was trial. In fact, even when no direct race effects have been found, findings support the assertion that defendants who went to trial fared worse than similarly situated offenders who accepted a plea deal. This is particularly important considering that black and Hispanic defendants were less likely to enter a guilty plea than white defendants and introduces the possibility that prosecutorial discretion may influence this decision. That is, if prosecutors are less likely to offer a plea deal to minority defendants, black and Hispanic defendants may suffer a sentencing disadvantage as a result, regardless of the other case characteristics. Prior record and offense seriousness, consistently supported in research findings as the two most relevant factors in sentence length decisions, were also
found to impact the relationship between race/ethnicity and sentencing outcomes. Defendants with higher prior record points and those accused of more serious offenses were more likely to be incarcerated and serve longer sentences net of other factors.

Another situational factor discussed in the literature that was theorized to exacerbate the race/ethnicity and sentencing outcomes relationship is crime type. A review of the literature revealed that support for the liberation hypothesis is mixed. In regards to drug offenses, there is strong support for the argument that the courts treated black and Hispanic drug offenders more harshly than similarly situated white drug offenders, but the same does not necessarily hold true for offenders convicted of other crime types. This suggests that a strong association still exists between minorities and drug offenses.

A handful of studies extended the analysis of the race/ethnicity and sentencing outcomes relationship beyond the individual level to examine possible macro-level contextual effects that may condition the relationship. While the results for the contextual analyses offered limited support for how the racial and ethnic composition of place and aggregate crime rates interact with race and ethnicity to affect sentencing, additional research utilizing multi-level techniques is necessary before appropriate conclusions can be drawn.
CHAPTER 4 - DATA AND METHODOLOGY

Introduction

The infrastructure of a good research design incorporates both theory and prior literature in the development of research questions and subsequent analysis. The current study utilizes various formulations of social threat and social control on both the individual and aggregate levels as the theoretical framework from which to begin and will also build upon integral research in the race and sentencing literature. Broadly speaking, this analysis examines the formal social control of the criminal justice system on racial and ethnic minorities and how this involvement is influenced by situational factors, which may be perceived as threatening.

Theory suggests that racial and ethnic minorities will be treated more harshly than their non-minority counterparts. Additionally, certain crime types with racial and ethnic associations may provoke a more serious response than other crime types. The core ideas of social threat and social control center on macro processes; however, Blalock (1967) asserts the need for the inclusion of micro level measures in order to examine the mechanisms through which social threat translates into social control. County level situational factors are incorporated into this inquiry for this purpose. As previously stated, variables selected for inclusion in this study were supported by prior research literature.

The current study makes several noteworthy contributions to the race and sentencing literature. To date, no studies have been conducted on the Career Offender designation, which is described in detail below. This designation is exclusive to Florida and as such, much of the ensuing analysis with regard to this unique dependent variable will be exploratory in nature. The second dependent variable, the designation of Habitual Offender (also described below), has been the focus of inquiry in several prior studies. Some of these analyses have incorporated contextual factors; however, none have done so using Hierarchical Generalized Linear Modeling (HGLM) as the method of analysis. HGLM is a marked improvement in accurately assessing county level situational factors and the effects they may have, both directly and indirectly on the relationship of race and ethnicity on social control.
**Research Questions**

The Habitual Offender and Career Offender designation is only sought for and applied to a fraction of the offenders who qualify for such designation. Broadly speaking, this study examines the relationship between race, ethnicity, and the designation as either a Career or Habitual Offender. Specifically this study will address the following research questions:

1. Is there an effect of race and ethnicity on Habitual or Career Offender designations?
2. Is there a direct effect of county level characteristics on Habitual or Career Offender designations?
3. Is there a cross level interaction of race and ethnicity with county level variables that impacts the Habitual or Career Offender designations?

**Sample**

The data for this research project involve two types of sentencing data in Florida collected by the same source, the Florida Department of Corrections. The first is admissions data for all felony offenders sentenced to the Florida Department of Corrections’ control. This data includes personal characteristics of each offender as well as information regarding each offender’s criminal history. The second type of data involves sentencing guidelines information, which is compiled in the form of sentencing guidelines score sheets.

In this study, Florida Department of Corrections data is utilized for 37,947 adult males sentenced to prison between the years of 2002 and 2004. Defendants included in this sample are statutorily eligible at the time of sentencing for one of the sentencing outcomes of interest: Habitual Offender or Career Offender, as outlined below. For the Career Offender sub-sample, 13,704 offenders were eligible while 24,243 were eligible in the Habitual Offender sub-sample. Criteria for eligibility are discussed in detail below. Sentencing guidelines score sheet data were collected for the defendants who qualified for the sample. Table 1 provides a description of the variables included in the analysis and is included at the end of the chapter.

**Dependent Variables**

Two dependent variables are analyzed in this study: (1) whether an eligible offender received a Career offender designation and (2) whether an eligible offender received a Habitual Offender designation. In order to qualify as a Career Offender, an
individual must receive one of four designations at the time of sentencing: Prison Releasee Reoffender, Habitual Violent Felony Offender, Three Time Violent Felony Offender, or Violent Career Criminal.

Prison Releasee Reoffenders may be designated as such if the offender commits a specific violent crime\(^2\) within 3 years of a prior release from prison. Offenders may qualify for a designation of Habitual Violent Felony Offender if they are convicted of a specific violent crime\(^3\) either while under the Department of Corrections’ control (either incarceration or probation) or within 5 years of either their prior conviction date or of being previously released from a Department of Corrections’ sanction. The Three Time Violent Felony Offender designation may be received if the offender is convicted of a specific violent crime\(^4\) and has previously been convicted of two such prior violent felonies either while serving a Department of Corrections sentence or within 5 years of either their most recent prior conviction date or of their most recent prior Department of Corrections’ sanction. In order to receive the designation of Violent Career Criminal, the offender must meet the following criteria: convicted of a forcible felony; has previously been convicted of at least three forcible felonies or other crimes involving violence or firearms; has been previously incarcerated in prison; and has not remained “crime free” for at least five years.

Receiving one of the aforementioned provisions automatically qualifies an offender as a Career Offender; however as previously stated, prosecutors only seek one of the above designations for a small portion of offenders who are statutorily eligible. The

---

\(^2\) The qualifying offenses for the Prison Releasee Reoffender designation are: treason; murder; manslaughter; sexual battery; carjacking; home invasion/robbery; robbery; arson; kidnapping; aggravated assault with a deadly weapon; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; armed burglary; burglary of a dwelling or occupied structure; any felony that involves the use or threat of physical force or violence against an individual.

\(^3\) The qualifying offenses for the Habitual Violent Felony Offender designation are: arson; sexual battery; robbery; kidnapping; aggravated child abuse; aggravated abuse of an elderly person/disabled adult; aggravated assault with a deadly weapon; murder; manslaughter; manslaughter of an elderly/disabled adult; aggravated assault of a child; unlawful throwing, placing, or discharging of a destructive device or bomb; armed burglary; aggravated battery; aggravated stalking.

\(^4\) The qualifying offenses for the Three Time Felony Offender designation are: Arson; sexual battery; robbery; kidnapping; aggravated child abuse; aggravated abuse of an elderly person/disabled adult; aggravated assault with a deadly weapon; murder; manslaughter; aggravated manslaughter of an elderly person/disabled adult; aggravated manslaughter of a child; unlawful throwing, placing, or discharging of a destructive device or bomb; armed burglary; aggravated battery; aggravated stalking; home invasion/robbery; carjacking; or comparable offense to those listed above.
dependent variable of Career Offender is a dichotomous measure operationalized as either receiving the Career Offender designation (=1) or not. The consequences of being adjudicated as a Career Offender are two fold and affect the defendant both at the time of sentencing and upon their release. Career Offenders are given longer sentences, receive less gain time and must serve 100% of the sentence granted. After the completion of their sanctions, individuals must report to the sheriff’s office within 48 hours of their release to register as Career Offenders and must also obtain an identification card from the Florida Department of Highway Safety and Motor Vehicles that alerts law enforcement to their Career Offender status. This lifetime registration includes annual address verifications by law enforcement and mandates that Career Offenders must update their identification cards with each address change. The Career Offender’s residential address is also made available to the general public. Among those who are eligible, Hispanic offenders are most likely to receive the Career Offender designation (19%), followed by blacks (15%) and whites (13%).

The second dependent variable included in this study is whether an eligible offender received a Habitual Offender designation. In order to be statutorily eligible to qualify for Habitual Offender status, several criteria must be met. First, offenders must have two prior felony convictions. Additionally, the current conviction must be committed either while serving a Department of Corrections sentence or within 5 years of either their prior conviction date or of a previous Department of Corrections’ sanction. This dependent variable is defined as either receiving the Habitual Offender designation (=1) or not. Habitual Offenders must serve 100% of an already longer sentence and receive less gain time as well. On the whole, 15% of the offenders eligible for the Habitual Offender designation received it. The most likely to receive the designation among those who are eligible were Hispanic offenders (27%), followed by blacks (17%) and then by whites (10%).

**Individual Level Predictors**

The primary variables of interest in this study are race and Hispanic ethnicity as identified by the Department of Corrections’ admission data. The variable black is a binary measure indicating whether the defendant is non-Hispanic black (yes=1) or non-black. Hispanic is a binary measure, which identifies whether the defendant is Hispanic
Surnames were checked against the list of Hispanic surnames provided by the U.S. Census for offenders who were not identified as Hispanic by the Florida Department of Corrections. The reference group for race and ethnicity are non-Hispanic whites.

Prior record and crime seriousness have been shown in the sentencing literature to be the most important predictors of sentence severity. This study includes several such variables. Prior record is operationalized as the number of sentencing guidelines points allocated to an individual based on his prior criminal record. Florida’s sentencing guidelines system allocates points for all current offenses, as well as all offenses that resulted in a prior conviction. Points ranging from 4 to 116 are assigned to the primary offense based on the specific guideline level while additional points could be accrued on the basis of circumstantial factors such as victim injury, domestic violence, threats to law enforcement personnel and the use of select firearms. Offenses other than the primary offense in the current sentencing event receive lower point assignments from a similar scoring system to that described above. Prior conviction points are assigned for both felonies and misdemeanors committed as either a juvenile or adult in state, federal, military or foreign courts. If an individual has not been convicted of any offenses for at least 10 years prior to the current offense, no points are allocated for those prior offenses.

Prior prison commitments is a continuous variable that reflects the number of prison commitments an individual has prior to his latest incarceration. The variable crime seriousness measures the number of sentencing guidelines points related to the current offense ranging from 0.2 for misdemeanors to 29 for felonies that are scored at guideline level 10, which is the highest level in Florida.

Additional control variables included in this analysis are age, trial, drug primary offense, and violent primary offense. Age is a continuous variable, which reflects the offender’s age at the time of sentencing. Trial is a binary measure that identifies whether an individual was convicted at trial (yes=1) or through a different mode of disposition, such as a plea bargain. Crime type is controlled by creating the dummy variables drug primary and violent primary, which indicate whether the primary current offense is classified as either drug related or violence related, respectively. Property related crimes

While a fourth ethnic category, Black-Hispanics, would provide a more comprehensive racial and ethnic landscape, there were not enough members of the group (n=373) to be included in the analysis.
were the reference category for this group. The category of “other” was eliminated from the analysis due to the lack of cohesiveness of the remaining crime types.

**County Level Predictors**

Based on prior race and sentencing research and the social threat/social control literature, the sentencing of racial and ethnic minorities does not occur in isolation. Using Census data, the following county level variables are added to this study in order to establish a county level context in which sentencing decisions may be made: drug arrest rate, violent crime rate, percent black, percent Hispanic, and number of cases per judge. The rationale for each is described below.

Blalock (1967) asserted that decreased homogeneity in a community leads to greater minority threat. Racial and ethnic composition of place is used as an indicator to examine whether the racial and ethnic composition of communities conditions the relationship between an offender’s race or ethnicity and sentencing outcomes. Two neighborhood composition variables, percent black and percent Hispanic, are added as measures of minority presence. Percent black and percent Hispanic are operationalized as the proportion of a county’s population that is either black or Hispanic, respectively. Similarly, drug arrest rates and violent crime rates are added as county level variables due to the fact that prior literature has established these types of crimes as “minority problems” that may influence sentencing severity for Hispanic and black defendants (Steffensmeier and Demuth, 2001; Sampson and Laub, 1993).

Judicial caseload has been associated with relevant court community attributes, including sentencing severity and organizational efficiency (Eisenstein et al., 1988; Engen and Steen, 2000). Additionally, judicial caseload is considered to be predictive of sentencing outcomes (Ulmer and Johnson, 2004). Thus, the number of cases per judge is added as a county level control variable.

**Analytic Strategy**

It is a commonly held belief that individual behavior is determined partly by the context within which individuals are found (Raudenbush and Bryk, 2002). From this perspective, individuals are described as being “nested” in social contexts. Contextual analysis is appropriate and warranted when the researcher aspires to describe the effect of social characteristics on individual outcomes (Tate, 1998).
When analyzing multilevel or nested data, Hierarchical Linear Modeling (HLM) is more appropriate than traditional regression techniques commonly used in the social sciences for several reasons. Traditional regression techniques typically only compute the direct effect of the independent variables on the dependent variable. HLM enables the researcher to also examine the cross level effects that second level factors may have on individual level variables. Additionally, using regression techniques for the purpose of multi-level analyses risks the violation of two regression assumptions, homoscedasticity and the independence of error terms, which may distort the results (Raudenbush and Bryk, 2002). Each case in a regression model must represent an independent observation. In this multi-level analysis where offenders are nested within counties, this assumption is violated because many of these characteristics are shared by individuals in the second level analysis. Violation of these assumptions may result in biased estimates of the standard error and correlated error terms. HLM corrects these errors by incorporating a unique effect into the statistical model for each county level equation (Raudenbush and Bryk, 2002).

In this study, I am interested in both the direct effects as well as the possible cross level effects that county level factors may have on the individual level relationship between race, ethnicity, and Career Offender or Habitual Offender status. Raudenbush and Bryk (2002) propose a model building approach in which the researcher begins with simple model formulations before progressively incorporating more complex versions of the model into the analysis.

Prior to estimating the fully conditional model, the sample must be evaluated to insure the most appropriate techniques are employed. In the current study, the dependent variables, Career Offender and Habitual Offender, are dichotomous and thus, Hierarchical Generalized Linear Modeling (HGLM) is used. HGLM is used with dichotomous outcomes to prevent the violation of assumptions (Raudenbush and Bryk, 2002). For example, binary outcome data violates the assumption of linearity due to the fact that the variance of the errors terms is not normally distributed across every value of the dependent variable. The following is the basic equation for the HGLM model:

Logit (Career/Habitual Offender) = \beta_{0j} + \beta_{ij} (X_{ij} - X_{1}) + \ldots + \beta_{kj} (X_{kij} - X_{k})  

(1)

where
Equation (1) corresponds to the individual level model approximating the log odds of Career or Habitual Offender status for individual $i$ in county $j$. $\beta_{ij}$ is the effect of individual characteristics on the odds of receiving either the Career or Habitual Offender designation. Equations (2) through (4) are the county level, or contextual level, of analysis. In equation (2), the individual level intercept is the dependent variable and the outcome is interpreted as the odds of an offender receiving either the Career or Habitual Offender designation across all Florida counties. The term $u_{oj}$ represents the error term, which captures or represents for variations not explained by the model.

In specifying the unconditional model, a random effects ANOVA is run. The purpose of the random effects ANOVA is to explore the existing variability in the outcome prior to formulating an explanatory model by introducing independent variables. The researcher needs to establish that sufficient variation exists across second level units in the dependent variables in order to move forward with further modeling. The random effects ANOVA also provides information concerning the reliability of the estimated sample mean and its proximity to the mean of the true population. The level 1 or individual level ANOVA model is as follows:

$$Y_{ij} = \beta_{0j} + r_{ij}$$

In this model, the intercept, $\beta_{0j}$, is the mean score of the dependent variables and the single predictor in the equation. The error term, $r_{ij}$, represents a unique effect associated with person $i$. The level 2 or county-level ANOVA model is as follows:

$$\beta_{0j} = \gamma_{00} + u_{0j}$$

In the county level model, $\gamma_{00}$ is the mean of county means. The county level unique effect is represented by $u_{0j}$. Combining the two previous models yields a single equation formulation, which is as follows:

$$Y_{ij} = \gamma_{00} + u_{0j} + r_{ij}$$

In the single equation formulation, $Y_{ij}$ is the sum of the group mean, the group effect, and the person effect.
The next step in formulating an analysis after sufficient variation of the dependent variable has been established is estimating the Random Coefficients Model. In the Random Coefficients model, one or more individual level slopes are added to the model specification. Both the individual level intercept and the individual level slope(s) vary randomly. Conceptually, each county is modeled with a regression equation that includes both an intercept and a slope. This step estimates both the direct effect of level 1, or individual level factors, on the dependent variable and the degree to which that effect varies across counties. The level 1 or individual level Random Coefficients model is as follows:

\[ Y_{ij} = \beta_{0j} + \beta_{1j}(X_{1ij} - \bar{X}_1) + \ldots + \beta_{kj}(X_{kij} - \bar{X}_k) + r_{ij} \]

In this model, the parameters are \( \beta_{0j} \), which is the intercept and \( \beta_{1j} \), which is the independent variable 1-dependent variable slope. The error term, \( r \), represents a unique effect associated with person \( i \). The level 2 or county level Random Coefficients model is as follows:

\[ \beta_{0j} = \gamma_{00} + u_{0j} \]
\[ \beta_{1j} = \gamma_{10} + u_{1j} \]
\[ \beta_{kj} = \gamma_{k0} + u_{kj} \]

In the county level model, \( \gamma_{00} \) is the mean of county means dependent variable score. The average independent variable 1-dependent variable slope, \( \beta_{1j} \), across counties is \( \gamma_{10} \). The county level random effect for the intercept is represented by \( u_{0j} \) and the county level random effect associated with the slope is \( u_{1j} \). This step of the analysis determines whether sufficient variation exists in the individual level model to warrant further modeling and the inclusion of county level variables.

The final stage of analysis estimates the fully conditional model, including county level predictors that may have an effect on the individual level relationship between race, ethnicity, and either of the dependent variables. The level 1 or individual level model for the final fully conditional model is as follows:

\[ Y_{ij} = \beta_{0j} + \beta_{1j}(X_{1ij} - \bar{X}_1) + \ldots + \beta_{kj}(X_{kij} - \bar{X}_k) + r_{ij} \] (1)

where

\[ \beta_{0j} = \gamma_{00} + \gamma_{01}W_1 + \ldots + \gamma_{0m}W_m + u_{0j} \] (2)
\[ \beta_{ij} = \gamma_{i0} + \gamma_{i1}W_1 + \ldots + \gamma_{im}W_m + u_{ij} \]  
\[ \beta_{kj} = \gamma_{k0} + \gamma_{k1}W_1 + \ldots + \gamma_{km}W_m + u_{kj} \]  

In equation (2), the county level model, \( \gamma_{00} \) is the mean of county means dependent variable score. In other words, this is the direct effect of the county level predictors on the individual level equation. Equations (3) and (4) represent the indirect, or contextual effects, of the county level predictors on the individual level slope equations. As outlined in the model building approach, non-significant individual and county level predictors are excluded from the final model.

The final step of the analysis utilizes the “simple effects” method for describing cross level interactions developed by Tate (2004). In models where interactions are present, the simple effects are taken in order to isolate the effect of one of the independent variables on the dependent variable for any given value of the other independent variable. Tate (2004) argues that the researcher risks overlooking important cross level interactions when following the traditional HLM technique of interpreting only the level one coefficient in models that contain two or more complex levels in the models. By including a simple effects description of cross level interactions, I will demonstrate how the effect of race and ethnicity changes across the variations of the second level variables.

The simple effects analysis begins by formulating a single equation that incorporates the level two parameters into the individual level equation. The general form of this single formulation is as follows:

\[ Y_{ij} = \gamma_{i0}X_{ij} + \gamma_{i2}X_{2ij} + \gamma_{10}X_{1ij} + \gamma_{20}X_{2ij} + \gamma_{11}W_{1j}X_{2ij} + \gamma_{21}W_{2j}X_{2ij} + u_0 + u_2 \]

The simple effects equation of the variation of the individual level variable (X) as a function of the second level variable (Y) is accomplished by collecting the terms and factoring them out of the final equation. The upper and lower confidence intervals for the point estimate are then computed using the standard error and critical values (Tate, 2004). Finally, the confidence bands are compared to the null value of one.
### Table 1: Description and Coding of Variables Used in Analysis

<table>
<thead>
<tr>
<th>Dependent Variable</th>
<th>Coding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Habitual Offender</td>
<td>0 = designation not applied</td>
</tr>
<tr>
<td></td>
<td>1 = designation applied</td>
</tr>
<tr>
<td>Career Offender</td>
<td>0 = designation not applied</td>
</tr>
<tr>
<td></td>
<td>1 = designation applied</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Independent (Level 1) Variables</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Black</td>
<td>0 = non-black</td>
</tr>
<tr>
<td></td>
<td>1 = black</td>
</tr>
<tr>
<td>Hispanic</td>
<td>0 = non-Hispanic</td>
</tr>
<tr>
<td></td>
<td>1 = Hispanic</td>
</tr>
<tr>
<td>Age at Sentencing</td>
<td>age in years of offender at admission</td>
</tr>
<tr>
<td>Prior Record Points (ln)</td>
<td>total sentencing guidelines prior record points</td>
</tr>
<tr>
<td>Prior Prison Commitments</td>
<td>Number of prior prison commitments</td>
</tr>
<tr>
<td>Trial</td>
<td>0 = non-trial</td>
</tr>
<tr>
<td></td>
<td>1 = trial</td>
</tr>
<tr>
<td>Crime Seriousness Points</td>
<td>total sentencing guidelines crime seriousness points</td>
</tr>
<tr>
<td>Violent Primary Offense</td>
<td>0 = no</td>
</tr>
<tr>
<td></td>
<td>1 = yes</td>
</tr>
<tr>
<td>Property Primary Offense</td>
<td>0 = no</td>
</tr>
<tr>
<td></td>
<td>1 = yes</td>
</tr>
<tr>
<td>Drug Primary Offense</td>
<td>0 = no</td>
</tr>
<tr>
<td></td>
<td>1 = yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contextual (Level 2) Variables</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Drug Arrest Rate</td>
<td>County drug arrest rate per 1,000</td>
</tr>
<tr>
<td>Violent Crime Arrest Rate</td>
<td>County violent crime arrest rate per 1,000</td>
</tr>
<tr>
<td>Property Crime Arrest Rate</td>
<td>County property crime arrest rate per 1,000</td>
</tr>
<tr>
<td>Percent Black (ln)</td>
<td>County percent black population</td>
</tr>
<tr>
<td>Percent Hispanic (ln)</td>
<td>County percent Hispanic population</td>
</tr>
<tr>
<td>Judicial Caseload</td>
<td>Number of cases per judge</td>
</tr>
</tbody>
</table>
CHAPTER 5 – RESULTS

Introduction

The purpose of this chapter is to present the results of the data analyses as outlined in the methodology chapter. These results are organized into two sections with one section designated for each dependent variable, Habitual Offender and Career Offender, respectively. Results for both dependent variables utilize HGLM to assess the impact of race and ethnicity on the likelihood than an offender will receive one of the enhanced designations. Furthermore, results will also highlight how individual level predictors and aggregate level measures affect this relationship.

Each analysis presented below begins with the basic HGLM model and if warranted, increases in complexity to include aggregate level measures as level two predictors. For the full sample estimates, results are shown for all individual level predictors and contextual analysis is conducted only when significant variation exists in the effect of race and ethnicity across particular county level variables. Based on the results of the full sample HGLM model, supplemental analyses specific to each dependant variable were also conducted to offer a more comprehensive analysis. For the Habitual Offender sample, situational factors are measured by general crime type categories as well as specific offense categories. The HGLM model for these analyses was limited to the level one analysis. For the Career Offender sample, supplemental analyses were conducted to further explore how individual level predictors vary by general crime type categories as well as by race and ethnicity.

Normality diagnostic tests were conducted on all of the variables, both level one and two, included in the analyses. Several variables were highly skewed and kurtotic. Of the individual level predictors, crime seriousness points were transformed to their natural log to compensate for the abnormal distribution. Of the county level predictors, percent black and percent Hispanic were also transformed to their natural log to correct the skewness and kurtosis. All tables are included at the end of the chapter.

---

6 HGLM requires both sufficient variability across counties and a large sample size to progress to the contextual analyses. These requirements were not met for the sub samples included in the study.
Habitual Offender Outcomes

**Full Sample Estimates.** Utilizing the model building approach, full sample estimates are generated for the 24,243 offenders who were eligible for the Habitual Offender designation in Florida between 2002 and 2004. Table 2 provides the bi-variate correlations for all variables included in the Habitual Offender analysis, as well as the means and standard deviation for each. As discussed in the preceding chapter, the three progressive models included in the model building approach are the unconditional model, the conditional level 1 model and the fully conditional level 2 model. For the conditional level 1 model, all variables are included in the analysis; however, before progressing with the contextual analysis, only significant county level predictors are included in the fully conditional level 2 model.

**Unconditional Model.** The purpose of estimating the unconditional model is to establish the presence of substantial variation of the Habitual Offender designation across the second level units, which in this study are Florida’s 67 counties. The results of the unconditional model are displayed in Panel A of Table 3. The variance component in the estimated equation is significant, which signals that the variability of the outcome is sufficient to support further modeling.

**Conditional Level One Model.** The second step of the model building approach is estimating the conditional level one model. This stage of analysis illustrates the impact of individual level variables on the likelihood than an offender would be sentenced as a Habitual Offender. Results for the Conditional Level One Model are shown in Panel B of Table 3 and include the coefficient, standard error, *t* ratio, odds ratio and significance level for the direct effect of individual level predictors. The odds ratios associated with the dichotomous predictors in the model describe how more or less likely members of the reference group (reference group = 1) are to receive the Habitual Offender designation. The interpretation of an odds ratio associated with a continuous variable is the increase or decrease in the odds of being Habitualized for each one unit change in the measure. Additionally, the variance component, chi-square, reliability estimate and significance level are included for the random effect of the model.

Beginning with the control variables, for each additional prior prison commitment, defendants experience a 10% increase in the odds of receiving the
designation. Prior record and crime seriousness are both also significant and positively related to the Habitual Offender outcome. The two crime specific measures included in the analysis, violent primary and drug primary, are both significant and negatively associated with the outcome variable. Additionally, age is also significant and positively associated with being sentenced as a Habitual Offender.

Generally speaking, defendants whose primary offense is a violent crime have 32% lower odds of Habitualization than defendants whose primary offense is a property crime. This result is in contrast to the two prior Habitual Offender studies, but is likely due to the recent availability of pursuing the more punitive Career Offender designation. Defendants whose primary crime is a drug offense have odds of receiving the Habitual Offender designation that are 36% lower than offenders who have a primary property offense. This suggests that drug offenders as a group are not the focus of Habitual Offender prosecution. Race and ethnicity specific crime type results are shown in detail later in the chapter.

As anticipated, both primary independent variables of interest, race and ethnicity, had a significant effect on the Habitual Offender outcome. Black defendants have odds of receiving Habitual Offender sentencing that are 15% higher than white defendants. Similarly, Hispanic defendants have 14% higher odds of Habitualization than white defendants.

The reliability estimate for the Conditional Level 1 model is 69%. The Chi-square statistic is 7370.825 and the variance component is significant. As a result, the null hypothesis is rejected and the presence of significant variability indicates that further modeling is warranted.

**Fully Conditional Level Two Model.** The third step in the model building approach is to estimate the fully conditional model including county level, or level two predictors. These county level variables are introduced as predictors of the level one intercepts and slopes. The intercept equation provides an estimate of the direct effect of county level factors on the average odds of receiving the Habitual Offender designation for all Florida’s 67 counties. The cross level estimates and slope equations illustrate how

---

7 The reliability estimate is the average proportion of observed variability that is true. Additionally, the reliability estimate demonstrates the average reliability across all counties.
the effect of race and ethnicity on the outcome varies as a function of the county level predictors. Each county level measure, including judicial caseload, drug arrest rate, violent crime rate, percent Hispanic and percent black, is entered into the intercept equation, the Hispanic slope equation and the black slope equation as a possible predictor. Only significant county level predictors are kept in the final fully conditional model, the results of which are shown in Panel C of Table 3.

Results show that three different county level predictors impact the average odds of receiving the Habitual Offender designation (intercept equation). Judicial caseload has a positive and significant effect on the outcome as does the drug arrest rate and the violent crime rate. In other words, counties with a higher judicial caseload as well as counties with higher drug and violent crime rates are associated with an increased likelihood of an individual being Habitualized. On the other hand, counties with a higher percent of Hispanic occupants are associated with a decreased likelihood that an individual will be sentenced as a Habitual Offender.

The effect of being Hispanic on the odds of receiving the Habitual Offender designation also varies by a county level measure. Hispanics have decreased odds of being Habitualized in counties that have a higher number of cases per judge. There are two different county level factors that condition the effect of being black on the outcome. Black defendants are more likely to be sentenced as Habitual Offenders in counties with higher violent crime rates. On the other hand, black defendants have a decreased likelihood of being designated as Habitual Offender in counties with higher drug rates.

**Simple Effects.** Aggregate level measures interpreted within the context of an HGLM model indicate the general direction of the cross level interaction. Although the aggregate measures are centered to “maximize the usefulness of the individual parameters, they still indicate the simple effect of the independent variables at only one value of the other independent variables” (Tate, 2004, p. 72). Due to the possibility that the simple effect may vary according to the levels of the other variables, the simple effects are taken in order to isolate the effect of one of the independent variables on the dependent variable for any given value of the other independent variables.
In the final stage of the full sample analysis, the simple effects description will determine whether the effect of race fluctuates by aggregate level measures\(^8\). The black simple effects equation is:

\[
E_{Black}(Drug Rate) = 0.145 + (-0.001*Drug Rate) + (0.001*Violent Crime Rate) + 0.047
\]

When the model is computed, results indicate that the simple effects results are not sufficient to graph\(^9\). In other words, while black defendants have a decreased likelihood of receiving the designation in counties with higher drug arrest rates, the effect of race on Habitual Offender did not vary substantially across each unit of drug arrest rate. The next series of models will further investigate the effect of race and ethnicity on the likelihood of receiving the Habitual Offender designation and how this likelihood changes by different crime categories as well as 10 specific crime types.

**Supplemental Habitual Offender Analysis**

**Violent, Property and Drug Sample Estimates.** As discussed in relation to the prior research literature and in relation to theory, crime types are considered an important element of the race, ethnicity and social control relationship. Estimates are generated from a sub sample of each of the three general crime types; violent, property and drug related offenses. Results shown in Table 4 report how the effect of race and ethnicity on the likelihood of an individual being sentenced as a Habitual Offender may change by each general crime category. The same set of individual level predictors included in the full sample models is included in each of the three sub sample estimates. These are: age, prior record points, prior prison commitments, trial, crime seriousness points, black and Hispanic. While all individual level variables were included in each analysis, results are presented in Table 4 only for black and Hispanic, which are the primary variables of interest in the study.

With regard to drug crimes, Table 4 shows that the odds of Habitualization are 2.0 times higher for Hispanics than whites while blacks have odds that are 2.4 times higher than whites. Results involving race and Hispanic ethnicity for violent crimes and property crimes are not significant. A more thorough investigation of specific crime

---

\(^8\) Simple effects can only be computed when more than one county level variable is significant in the slope equation.

\(^9\) SPSS would not compute the simple effects graph due to a lack of variability across the different levels of Drug Rate.
types will provide a more detailed explanation as to how the relationship between race, ethnicity and social control is impacted by types of crime.

**Assault, Battery, Drug Possession, Drug Sale, Drug Trafficking, Motor Vehicle Theft, Murder, Robbery, Sex Crimes and Stolen Property Estimates.** Models are estimated for sub samples of the following crime types: assault, battery, drug possession, drug sale, drug trafficking, motor vehicle theft, murder, robbery, sex crimes and stolen property. The purpose of examining these crime specific estimates is to determine how the influence of race and ethnicity on the Habitual Offender outcome varies for different criminal offense characteristics. The level one predictors included in the different crime type estimates are consistent across all 11 sub samples (age, prior record points, prior prison commitments, trial, crime seriousness points, black, Hispanic). By using the same level one predictors for each crime type estimate, results for race and ethnicity can be compared across sub samples without violating any assumptions. In order to simplify the results, Table 5 includes the number of defendants who were eligible for the Habitual Offender designation for each crime type, the number of eligible defendants who actually received the designation for each crime type and the odds ratio for black and Hispanic for each crime type. Results are not displayed for the other level one predictors included in the equation.

When examining the various crime types, significant disparity exists in the odds of receiving Habitual Offender sentencing for both black and Hispanic defendants. Beginning with the drug related crimes, the biggest difference in the odds between Hispanic and white defendants is for drug possession with Hispanics having odds of receiving the Habitual Offender designation that are 2.9 times higher than whites accused of the same crime. Blacks were not significantly more likely than whites to receive the designation for drug possession. For the drug sales, both Hispanics and blacks had significantly higher odds than whites of being sentenced as a Habitual Offender. Hispanic defendants had odds that were 1.6 times higher than whites to receive the designation while blacks had odds that were 2.0 times higher than whites for drug sale. Hispanics and blacks are similarly disadvantaged compared to whites when it involves drug trafficking, with Hispanics having odds of Habitualization that are 2.4 times higher and blacks have odds of being designation a Habitual Offender that are 2.3 times higher.
Results for the non-drug crimes show that Hispanics have odds of receiving the Habitual Offender designation are 95% higher than whites for battery. In this crime type, blacks are not similarly disadvantaged since (compared to whites) black is not significant. For robbery, blacks have 31% higher odds of Habitualization than whites. Finally, Hispanics have odds of receiving the Habitual Offender designation that are 72% higher than whites for motor vehicle theft. As shown in Table 5, race and ethnicity are not significant for the other crime type categories.

**Career Offender Outcomes**

**Full Sample Estimates.** Full samples estimates are generated for the 13,704 offenders who are eligible for the Career Offender designation in Florida between 2002 and 2004. Table 6 includes the bi-variate correlations for all variables included in the Career Offender analysis, as well as the means and standard deviation for each. These estimates are produced using the model building approach, which includes the unconditional model, the conditional level one model and the fully conditional level one model. All variables are included in the conditional level one analysis; however, only significant county level predictors are included in the fully conditional level one model before progressing with the contextual analysis.

**Unconditional Model.** The unconditional model is analyzed to insure the presence of substantial variation of the Career Offender designation across the second level units, or all of Florida’s 67 counties. The results of the unconditional model are displayed in Panel A of Table 7. The variance component in the estimated equation is significant, which indicates that the variability of the Career Offender outcome is sufficient to move forward with further modeling.

**Conditional Level One Model.** Estimating the conditional level one model is the second step of the model building approach. The conditional level one model demonstrates the impact of individual level predictors on the likelihood than an offender would be designated as a Career Offender. Results for the conditional level one model are shown in Panel B of Table 7. Values are shown for the coefficient, standard error, t ratio, odds ratio and level of significance for the direct effect of individual level predictors. The odds ratios associated with the dichotomous predictors in the model describe how more or less likely members of the reference group (reference group = 0)
are to receive the Career Offender designation. In contrast, the interpretation of an odds ratio coupled with a continuous variable is the increase or decrease in the odds of being sentenced as a Career Offender for each one unit change in the measure. Also, the variance component, chi-square, reliability estimate and significance level are displayed for the random effect of the model.

Two crime specific measures are included in the analysis, violent primary and drug primary. Violent primary is significant and positively associated with the Career Offender outcome. As anticipated, defendants whose primary offense is a violent crime have odds of being sentenced as Career Offenders that are 2.0 times higher than defendants whose primary offense is a property crime. Drug primary is significant, but negatively associated with the Career Offender outcome. Defendants’ whose primary crime is a drug offense have odds of being designated as Career Offenders that are 80% lower than offenders who have a primary property offense.

For each additional prior prison commitment, defendants experience a 21% increase in the odds of being sentenced as Career Offenders. It is important to note that this increase is twice the size of the effect of prior prison commitments on the likelihood of a defendant being Habitualized. Both prior record and crime seriousness points are significant and positively associated with an individual being sentenced as a Career Offender.

Of the primary variables of interest, both race and ethnicity have a significant effect on the Career Offender outcome, but not in the anticipated direction. Black offenders have odds that are 16% lower than white offenders to receive the Career Offender designation. Similarly, Hispanic offenders have odds that are 18% lower than white offenders to be designated as Career Offenders. One other extra-legal characteristic, age is significant and negatively associated with receiving that designation. In other words, as an individual increases in age, he is less likely to be sentenced as a Career Offender.

Of the legally relevant predictors, the odds of receiving the Career Offender designation are 4.5 times higher for offenders who went to trial than offenders who did not go to trial. Whether an offender went to trial has the greatest impact of any variable on the likelihood that an individual would be designated as a Career Offender. A
sensitivity analysis was conducted comparing defendants who were convicted by trial to defendants who were not convicted by trial. Findings show that both groups had similar results with regard to all variables included in the analysis. The primary variables of interest, black and Hispanic remained negatively associated with the outcome variable in both groups of the sensitivity analysis.

The reliability estimate for the Conditional Level 1 model is 64%\(^{10}\). The Chi-square statistic is 2291.757 and the variance component is significant. These results indicate that the null hypothesis is rejected and the presence of significant variability demonstrates that further modeling is warranted.

**Fully Conditional Level 2 Model.** Estimating the fully conditional model is the third step in the model building approach. This process involves incorporating county level, or level two variables, into the equation as predictors of the level one intercepts and slopes. As previously mentioned, the intercept equations provide an estimate of the direct effect of county level factors on the average odds of receiving the Career Offender designation for all Florida’s 67 counties. The cross level estimates and slope equations show how the effect of race and ethnicity on the Career Offender outcome varies as a function of the significant county level predictors. As before, each county level measure, including number of cases, drug arrest rate, violent crime rate, percent Hispanic and percent black, is entered into the intercept equation, the Hispanic slope equation and the black slope equation as possible predictors. Only significant county level predictors are kept in the final fully conditional model. Results for the fully conditional model are shown in Panel C of Table 7.

Results show that two county level variables, judicial caseload and percent Hispanic, impact the average odds of being designated as a Career Offender (intercept equation). Counties with a higher number of cases per judge are associated with an increased likelihood that an individual will be sentenced as a Career Offender. Likewise, counties with a higher percent of Hispanics in their population are associated with an increased likelihood that an individual will be adjudicated as a Career Offender.

\(^{10}\) The reliability estimate is the average proportion of observed variability that is true. Additionally, the reliability estimate demonstrates the average reliability across all counties.
The effect of being Hispanic on the odds of being designated a Career Offender also varies by two county level predictors. Hispanics have decreased odds of being sentenced as a Career Offender in counties that have a higher percent of black residents. Conversely, Hispanics have an increased likelihood of being designated as a Career Offender in counties that have higher violent crime rates. For the black slope model, a single county level predictor impacts the odds of an individual receiving the Career Offender designation. Counties that have violent crime rates are associated with an increased likelihood of black defendants being adjudicated as Career Offenders.

**Simple Effects.** Simple effects are again estimated to determine whether the aggregate level variables may vary according to the levels of the other variables since aggregate level measures interpreted within the context of an HGLM model only indicate the general direction of the cross level interaction. In this final stage of the model building approach, one simple effects description was chosen for analysis\(^\text{11}\). The Hispanic simple effects equation is:

\[ E_{\text{Hispanic}}(\text{Percent Black}) = -0.060 + (0.008\times\text{Percent Hispanic}) + 0.011 \]

As with the simple effects associated with the Habitual Offender outcome, when the models were computed, results indicate that the simple effects results are not sufficient to graph\(^\text{12}\). In other words, while black defendants have a decreased likelihood of receiving the designation in counties with higher levels of percent Hispanic, the effect of race on Career Offender did not vary substantially across each unit of percent Hispanic. Similarly, the effect of ethnicity on Career Offender did not have a significant impact across each unit of percent black even though, generally speaking, Hispanic defendants have a decreased likelihood of being designated as Career Offenders in counties with higher levels of percent black.

**Supplemental Career Offender Analysis**

**Violent, Property and Drug Sample Estimates.** Estimates are generated from a sub sample of each of the three general crime types; violent, property and drug related offenses. Results shown in Table 8 report how the effect of race and ethnicity on the

---

\(^{11}\) Simple effects can only be computed when more than one county level variable is significant in the slope equation.

\(^{12}\) SPSS would not compute the simple effects graph due to a lack of variability across the different levels of each aggregate level variable.
likelihood of an individual being adjudicated as a Career Offender may change by each primary crime category. Each of the three sub samples is estimated using the same set of individual level predictors. The individual level predictors are as follows: age, prior record points, prior prison commitments, trial, crime seriousness points, black and Hispanic. While all individual level variables were included in each analysis, results are only presented for the primary variables of interest in the study, which are black and Hispanic.

Results show that Hispanic and black are not significant predictors in the property crimes and drug crimes sub samples. However, both Hispanics and blacks have a decreased likelihood of receiving the Career Offender designation compared to whites for the violent crimes category. As a group, Hispanics have odds that are 25% lower than whites to be sentenced as Career Offenders for violent crimes. Similarly, blacks have odds that are 14% lower than whites to be designated as Career Offenders for the violent crime category.

**Black, Hispanic and White Sample Estimates.** Based upon the full sample HGLM Career Offender analysis, the results for the race and ethnicity variables signal the need for further exploratory analysis for several reasons. Since the primary variables of interest, black and Hispanic, were negatively associated with the outcome in the full sample estimates, examining race and ethnicity as separate sub groups will investigate whether appreciable differences exist between them. Additionally, since this is the first study examining the Career Offender status, the analyses are exploratory in nature and warrant a thorough investigation. On that account, estimates were generated for a sub sample of each of the three groups: black, Hispanic and white offenders. Results shown in Table 9 report how the basic HGLM model differs for each of the three groups.

For the black sub sample of eligible offenders, results shown in Table 9, Panel A, age is significant and negatively associated with defendants being sentenced as Career Offenders. Black defendants whose primary offense is a violent crime have odds of receiving the designation that are roughly two times greater than black defendants whose primary offense is a property crime. Black defendants whose primary offense is a drug crime experience odds of being designated as a Career Offender that are 80% lower than black defendants whose primary crime is a property crime.
Among the other variables, black defendants who went to trial have odds of being adjudicated as a Career Offender that are 4.53 times higher than blacks that did not go to trial. For each additional prior prison commitment, black defendants experienced a 23% increase in the odds of receiving the designation. Crime seriousness and prior record are both also significant and positively related to being sentenced as Career Offenders.

For the Hispanic sub sample, results are shown in Table 9, Panel B. Of the extra-legal characteristics, age is significant and negatively associated with being designated as a Career Offender. Of the primary offense categories, Hispanic defendants whose primary offense is a violent crime have odds of being adjudicated as a Career Offender that are 1.39 times higher adjudicated than Hispanic defendants whose primary offense is a property crime. Hispanic defendants whose primary offense is a drug crime have odds that are 69% lower than Hispanic defendants whose primary crime is a property crime to receive the designation. Hispanic defendants whose case went to trial have 3.62 times higher odds of being sentenced as Career Offenders than Hispanic defendants whose case did not go to trial. Prior prison commitment is not significant for Hispanic defendants. Finally, crime seriousness and prior record are both also significant and positively related to being adjudicated as Career Offenders.

Results are displayed in Table 9, Panel C for the white sub sample of eligible defendants. Age is significant and also negatively associated with receiving the Career Offender designation. White defendants who have a violent crime as their primary offense are 2.06 times more likely to be sentenced as Career Offenders than white defendants whose primary offense is a property crime. White defendants who have a drug charge as their primary offense have odds of receiving the designation that are 79% lower than white defendants whose primary crime is a property crime. Of the legally relevant variables, white defendants who went to trial have odds that are 5.57 times more likely than white defendants who did not go to trial to be sentenced as Career Offenders. White offenders experience a 33% increase in the odds of receiving designation for each additional prior prison commitment. Finally, crime seriousness as well as prior record is significant and positively related to being adjudicated as a Career Offender.

When the three sub samples are compared, several important differences are found. The number of prior prison commitments remains significant for both white and
black defendants, but does not remain significant for Hispanic defendants. While trial continues to be the variable that has the greatest impact on the outcome, it appears that whites are the most disadvantaged when they go to trial, followed by blacks and Hispanics, respectively. Whites also have the largest odds ratio for crime seriousness and violent primary crimes. The possible implications of these findings will be discussed in the following chapter.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Habitual Offender (1)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black (2)</td>
<td></td>
<td>.041**</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hispanic (3)</td>
<td>.078**</td>
<td>.365**</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Age (4)</td>
<td>.079**</td>
<td>-.051**</td>
<td>0.000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior Record (5)</td>
<td>.150**</td>
<td>.080**</td>
<td>.031**</td>
<td>.209**</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior Prison (6)</td>
<td>.114**</td>
<td>.174**</td>
<td>-.102**</td>
<td>-.392**</td>
<td>.418**</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trial (7)</td>
<td>.019**</td>
<td>.046**</td>
<td>-.012</td>
<td>0.012</td>
<td>.068**</td>
<td>.020**</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crime Seriousness - ln (8)</td>
<td>.034**</td>
<td>-.025**</td>
<td>.060**</td>
<td>-.179**</td>
<td>-.076**</td>
<td>-.213**</td>
<td>.141**</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violent Primary (9)</td>
<td>-.004</td>
<td>-.027**</td>
<td>.018**</td>
<td>-.048**</td>
<td>0.002</td>
<td>-.095**</td>
<td>.141**</td>
<td>.375**</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Primary (10)</td>
<td>.046**</td>
<td>-.228**</td>
<td>.041**</td>
<td>.078**</td>
<td>.057**</td>
<td>.089**</td>
<td>-.070**</td>
<td>-.315**</td>
<td>-.521**</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drug Primary (11)</td>
<td>-.045**</td>
<td>.267**</td>
<td>-.060**</td>
<td>-.035**</td>
<td>-.062**</td>
<td>.001</td>
<td>-.066**</td>
<td>-.042**</td>
<td>-.445**</td>
<td>-.533**</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drug Arrest Rate (12)</td>
<td>.222**</td>
<td>.091**</td>
<td>.184**</td>
<td>.012</td>
<td>-.013**</td>
<td>-.007</td>
<td>-.019**</td>
<td>.035**</td>
<td>0.006</td>
<td>-.009</td>
<td>.003</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violent Crime Rate (13)</td>
<td>.150**</td>
<td>.107**</td>
<td>.159**</td>
<td>-.007</td>
<td>.101**</td>
<td>-.015**</td>
<td>-.030**</td>
<td>.047**</td>
<td>.032**</td>
<td>-.020**</td>
<td>-.010</td>
<td>.644**</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent Black - ln (14)</td>
<td>.166**</td>
<td>.193**</td>
<td>.053**</td>
<td>0.007</td>
<td>.066**</td>
<td>.018**</td>
<td>.018**</td>
<td>0.001</td>
<td>0.003</td>
<td>-.012</td>
<td>0.009</td>
<td>.427**</td>
<td>.433**</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent Hispanic - ln (15)</td>
<td>.271**</td>
<td>.026**</td>
<td>.319**</td>
<td>.006</td>
<td>.202**</td>
<td>-.028**</td>
<td>-.008</td>
<td>.091**</td>
<td>.055**</td>
<td>-.014**</td>
<td>-.039**</td>
<td>.655**</td>
<td>.565**</td>
<td>.271**</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Judicial Caseload (16)</td>
<td>-.092**</td>
<td>-.007</td>
<td>-.013</td>
<td>-.007</td>
<td>-.045**</td>
<td>-.033**</td>
<td>-.046**</td>
<td>-.008</td>
<td>.021**</td>
<td>.015**</td>
<td>-.036**</td>
<td>.070**</td>
<td>.311**</td>
<td>.042**</td>
<td>-.042**</td>
<td></td>
</tr>
</tbody>
</table>

| Mean                           | 0.13 | 0.58 | 0.09 | 33.68 | 24.16 | 1.69 | 0.04 | 53.73 | 0.31 | 0.38 | 0.31 | 681.66 | 615.34 | 14.06 | 8.53 | 338.07 |
| Standard Deviation             | 0.338 | 0.494 | 0.285 | 9.363 | 24.727 | 1.780 | 0.190 | 60.935 | 0.461 | 0.486 | 0.463 | 278.370 | 246.338 | 9.896 | 9.972 | 60.158 |

*Significant at the 0.05 level (2-tailed).
**Significant at the 0.01 level (2-tailed).
Table 3: Full Sample HGLM Models for Habitual Offender

**Panel A. Unconditional Model of Habitual Offender**

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>Estimate</th>
<th>Standard Error</th>
<th>t Ratio</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FIXED EFFECTS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intercept</td>
<td>-3.069</td>
<td>0.156</td>
<td>-19.73</td>
<td>0.465***</td>
</tr>
<tr>
<td><strong>RANDOM EFFECT</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intercept</td>
<td>1.091</td>
<td>8090.157</td>
<td>0</td>
<td>0.692</td>
</tr>
</tbody>
</table>

**Panel B. Level 1 Model of Habitual Offender**

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>Estimate</th>
<th>Standard Error</th>
<th>t Ratio</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FIXED EFFECTS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intercept</td>
<td>-3.002</td>
<td>0.184</td>
<td>-16.310</td>
<td>0.049***</td>
</tr>
<tr>
<td>Age at Sentencing</td>
<td>0.011</td>
<td>0.004</td>
<td>2.621</td>
<td>1.012**</td>
</tr>
<tr>
<td>Prior Record</td>
<td>0.385</td>
<td>0.08</td>
<td>4.783</td>
<td>1.470***</td>
</tr>
<tr>
<td>Violent Primary</td>
<td>-0.386</td>
<td>0.113</td>
<td>-3.414</td>
<td>0.680***</td>
</tr>
<tr>
<td>Drug Primary</td>
<td>-0.454</td>
<td>-0.081</td>
<td>-5.627</td>
<td>0.635***</td>
</tr>
<tr>
<td>Trial</td>
<td>0.079</td>
<td>0.269</td>
<td>0.293</td>
<td>1.082</td>
</tr>
<tr>
<td>Prior Prison Commitment</td>
<td>0.094</td>
<td>0.031</td>
<td>3.081</td>
<td>1.100**</td>
</tr>
<tr>
<td>Hispanic</td>
<td>0.131</td>
<td>0.049</td>
<td>2.636</td>
<td>1.140**</td>
</tr>
<tr>
<td>Black</td>
<td>0.139</td>
<td>0.067</td>
<td>2.078</td>
<td>1.149**</td>
</tr>
<tr>
<td>Crime Seriousness (ln)</td>
<td>0.311</td>
<td>0.112</td>
<td>2.780</td>
<td>1.364**</td>
</tr>
<tr>
<td><strong>RANDOM EFFECT</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intercept</td>
<td>1.091</td>
<td>7370.825</td>
<td>0</td>
<td>0.69</td>
</tr>
</tbody>
</table>

**Fixed Effects**

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>Estimate</th>
<th>Standard Error</th>
<th>t Ratio</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judicial Caseload</td>
<td>0.034</td>
<td>0.009</td>
<td>3.542</td>
<td>1.034***</td>
</tr>
<tr>
<td>Drug arrest rate</td>
<td>0.001</td>
<td>0.001</td>
<td>1.902</td>
<td>1.001*</td>
</tr>
<tr>
<td>Percent Hispanic (ln)</td>
<td>-0.020</td>
<td>0.008</td>
<td>-2.454</td>
<td>0.980**</td>
</tr>
<tr>
<td>Violent crime rate</td>
<td>0.001</td>
<td>0.001</td>
<td>2.701</td>
<td>1.001*</td>
</tr>
</tbody>
</table>

**Model for Hispanic**

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>Estimate</th>
<th>Standard Error</th>
<th>t Ratio</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judicial Caseload</td>
<td>-0.009</td>
<td>0.003</td>
<td>-2.916</td>
<td>0.991**</td>
</tr>
</tbody>
</table>

**Model for Black**

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>Estimate</th>
<th>Standard Error</th>
<th>t Ratio</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drug rate</td>
<td>-0.001</td>
<td>0.001</td>
<td>-4.485</td>
<td>0.999***</td>
</tr>
<tr>
<td>Violent crime rate</td>
<td>0.001</td>
<td>0.001</td>
<td>2.341</td>
<td>1.001**</td>
</tr>
</tbody>
</table>

**Random Effect**

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>Variance</th>
<th>Chi-Square</th>
<th>p-Value</th>
<th>Reliability Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intercept</td>
<td>0.948</td>
<td>486.764</td>
<td>0.000</td>
<td>0.659</td>
</tr>
<tr>
<td>Hispanic slope model</td>
<td>0.029</td>
<td>17.037</td>
<td>&gt;.500</td>
<td>0.043</td>
</tr>
<tr>
<td>Black slope model</td>
<td>0.07</td>
<td>50.486</td>
<td>0.173</td>
<td>0.206</td>
</tr>
</tbody>
</table>

*p<0.10   **p<0.05   ***p<0.001
Table 4: Violent, Property and Drug Estimates for Habitual Offender

### Violent Crimes Primary

<table>
<thead>
<tr>
<th>FIXED EFFECT</th>
<th>COEFFICIENT</th>
<th>se</th>
<th>t Ratio</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>0.078</td>
<td>0.136</td>
<td>0.576</td>
<td>1.081</td>
</tr>
<tr>
<td>Black</td>
<td>0.140</td>
<td>0.093</td>
<td>1.504</td>
<td>1.150</td>
</tr>
</tbody>
</table>

n=7,403

### Property Crimes Primary

<table>
<thead>
<tr>
<th>FIXED EFFECT</th>
<th>COEFFICIENT</th>
<th>se</th>
<th>t Ratio</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>0.044</td>
<td>0.111</td>
<td>0.400</td>
<td>1.045</td>
</tr>
<tr>
<td>Black</td>
<td>-0.005</td>
<td>0.001</td>
<td>-0.072</td>
<td>0.995</td>
</tr>
</tbody>
</table>

n=9,299

### Drug Crimes Primary

<table>
<thead>
<tr>
<th>FIXED EFFECT</th>
<th>COEFFICIENT</th>
<th>se</th>
<th>t Ratio</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>0.722</td>
<td>0.219</td>
<td>3.291</td>
<td>2.059**</td>
</tr>
<tr>
<td>Black</td>
<td>0.882</td>
<td>0.167</td>
<td>5.277</td>
<td>2.417***</td>
</tr>
</tbody>
</table>

n= 7,541

**p<0.05    ***p<0.001
### Table 5. Crime Specific Summary Table with Odds Ratios

<table>
<thead>
<tr>
<th>Offense</th>
<th>Eligible (N)</th>
<th>Habitual (N)</th>
<th>Hispanic Odds Ratio</th>
<th>Black Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assault</td>
<td>643</td>
<td>63</td>
<td>0.582</td>
<td>1.547</td>
</tr>
<tr>
<td>Battery</td>
<td>682</td>
<td>112</td>
<td>1.946**</td>
<td>1.051</td>
</tr>
<tr>
<td>Drug Possession</td>
<td>1248</td>
<td>51</td>
<td>2.942***</td>
<td>1.185</td>
</tr>
<tr>
<td>Drug Sale</td>
<td>5470</td>
<td>698</td>
<td>1.635*</td>
<td>2.003**</td>
</tr>
<tr>
<td>Drug Trafficking</td>
<td>823</td>
<td>82</td>
<td>2.437**</td>
<td>2.316***</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>1084</td>
<td>167</td>
<td>1.716**</td>
<td>1.061</td>
</tr>
<tr>
<td>Murder</td>
<td>342</td>
<td>48</td>
<td>1.083</td>
<td>0.949</td>
</tr>
<tr>
<td>Robbery</td>
<td>1640</td>
<td>301</td>
<td>1.118</td>
<td>1.314**</td>
</tr>
<tr>
<td>Sex Crimes</td>
<td>708</td>
<td>65</td>
<td>1.107</td>
<td>1.168</td>
</tr>
<tr>
<td>Stolen Property</td>
<td>2378</td>
<td>297</td>
<td>0.730</td>
<td>0.849</td>
</tr>
</tbody>
</table>

*p<0.10  **p<0.05  ***p<0.01
Table 6: Bi-variate Correlation Matrix for Career Offender Sample

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Career Offender (1)</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black (2)</td>
<td>0.002</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hispanic (3)</td>
<td>.041**</td>
<td>.395**</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Age (4)</td>
<td>-.089**</td>
<td>-.013</td>
<td>-.029**</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior Record (5)</td>
<td>.125**</td>
<td>.074**</td>
<td>0.009</td>
<td>.202**</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prior Prison (6)</td>
<td>.020*</td>
<td>.187**</td>
<td>-.137**</td>
<td>.418**</td>
<td>.331**</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trial (7)</td>
<td>.229**</td>
<td>.059**</td>
<td>-.020*</td>
<td>-.002</td>
<td>.057**</td>
<td>0.004</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crime Seriousness -ln (8)</td>
<td>.241**</td>
<td>-.080**</td>
<td>-.074**</td>
<td>-.189**</td>
<td>-.100**</td>
<td>-.233**</td>
<td>.145**</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violent Primary (9)</td>
<td>.229**</td>
<td>-.038**</td>
<td>0.015</td>
<td>-.102**</td>
<td>-.103**</td>
<td>-.188**</td>
<td>.126**</td>
<td>.415**</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Primary (10)</td>
<td>-.055**</td>
<td>-.164**</td>
<td>-.047**</td>
<td>.064**</td>
<td>.071**</td>
<td>-.107**</td>
<td>-.073**</td>
<td>-.222**</td>
<td>-.594**</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drug Primary (11)</td>
<td>-.198**</td>
<td>-.222**</td>
<td>-.069**</td>
<td>.045**</td>
<td>.039**</td>
<td>-.096**</td>
<td>-.062**</td>
<td>-.226**</td>
<td>-.481**</td>
<td>-.420**</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drug Arrest Rate (12)</td>
<td>.102**</td>
<td>.084**</td>
<td>.193**</td>
<td>0.007</td>
<td>.089**</td>
<td>-.023**</td>
<td>-.028**</td>
<td>-.032**</td>
<td>-0.009</td>
<td>0.016</td>
<td>-.008</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violent Crime Rate (13)</td>
<td>.078**</td>
<td>.092**</td>
<td>.163**</td>
<td>-.003</td>
<td>.069**</td>
<td>-.051**</td>
<td>-.044**</td>
<td>.056**</td>
<td>.029**</td>
<td>0.008</td>
<td>-.042**</td>
<td>.662**</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent Black - ln (14)</td>
<td>.044**</td>
<td>.195**</td>
<td>.052**</td>
<td>0.006</td>
<td>.050**</td>
<td>-.003</td>
<td>0.010</td>
<td>-.001</td>
<td>-.013</td>
<td>-.005</td>
<td>.020*</td>
<td>.415**</td>
<td>.416**</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent Hispanic - ln (15)</td>
<td>.168**</td>
<td>.024**</td>
<td>.314**</td>
<td>-.011</td>
<td>.172**</td>
<td>-.059**</td>
<td>-.026**</td>
<td>.076**</td>
<td>.018**</td>
<td>.018*</td>
<td>-.040**</td>
<td>.695**</td>
<td>.600**</td>
<td>.283**</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Judicial Caseload (16)</td>
<td>-.056**</td>
<td>-.010</td>
<td>-.017</td>
<td>-.005</td>
<td>-.053**</td>
<td>-.054**</td>
<td>-.045**</td>
<td>.023**</td>
<td>.054**</td>
<td>0.002</td>
<td>-.063**</td>
<td>.054**</td>
<td>.324**</td>
<td>.042**</td>
<td>-.039**</td>
<td>1</td>
</tr>
<tr>
<td>Mean</td>
<td>0.15</td>
<td>0.61</td>
<td>0.09</td>
<td>34.39</td>
<td>32.48</td>
<td>2.19</td>
<td>0.05</td>
<td>56.83</td>
<td>0.40</td>
<td>0.34</td>
<td>0.25</td>
<td>681.66</td>
<td>615.34</td>
<td>14.06</td>
<td>8.53</td>
<td>338.07</td>
</tr>
<tr>
<td>Standard Deviation</td>
<td>0.354</td>
<td>0.488</td>
<td>0.288</td>
<td>9.130</td>
<td>28.580</td>
<td>1.830</td>
<td>0.220</td>
<td>64.890</td>
<td>0.500</td>
<td>0.470</td>
<td>0.440</td>
<td>278.370</td>
<td>246.338</td>
<td>9.896</td>
<td>9.972</td>
<td>60.158</td>
</tr>
</tbody>
</table>

*Significant at the 0.05 level (2-tailed).
**Significant at the 0.01 level (2-tailed).
Table 7: Full Sample HGLM Models for Career Offender

**Panel A. Unconditional Model of Career Offender**

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>Estimate</th>
<th>Standard Error</th>
<th>t Ratio</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FIXED EFFECTS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intercept</td>
<td>-2.494</td>
<td>0.13</td>
<td>-19.237</td>
<td>0.083****</td>
</tr>
<tr>
<td><strong>RANDOM EFFECT</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intercept</td>
<td>0.662</td>
<td>1996.62</td>
<td>0.000</td>
<td>0.626</td>
</tr>
</tbody>
</table>

**Panel B. Level 1 Model of Career Offender**

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>Estimate</th>
<th>Standard Error</th>
<th>t Ratio</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FIXED EFFECTS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intercept</td>
<td>-2.970</td>
<td>0.158</td>
<td>-18.767</td>
<td>0.051***</td>
</tr>
<tr>
<td>Age at Sentencing</td>
<td>-0.049</td>
<td>0.004</td>
<td>-12.875</td>
<td>0.952***</td>
</tr>
<tr>
<td>Violent Primary</td>
<td>0.699</td>
<td>0.066</td>
<td>10.362</td>
<td>2.011***</td>
</tr>
<tr>
<td>Drug Primary</td>
<td>-1.596</td>
<td>0.119</td>
<td>-13.398</td>
<td>0.203***</td>
</tr>
<tr>
<td>Trial</td>
<td>1.512</td>
<td>0.096</td>
<td>15.684</td>
<td>4.537***</td>
</tr>
<tr>
<td>Prior Record Points</td>
<td>0.408</td>
<td>0.036</td>
<td>11.307</td>
<td>1.503***</td>
</tr>
<tr>
<td>Prior Prison Commitment</td>
<td>0.189</td>
<td>0.017</td>
<td>10.639</td>
<td>1.208***</td>
</tr>
<tr>
<td>Hispanic</td>
<td>-0.195</td>
<td>0.105</td>
<td>-1.858</td>
<td>0.822*</td>
</tr>
<tr>
<td>Black</td>
<td>-0.176</td>
<td>0.068</td>
<td>-2.576</td>
<td>0.839**</td>
</tr>
<tr>
<td>Crime Seriousness (ln)</td>
<td>0.632</td>
<td>0.039</td>
<td>15.923</td>
<td>1.881***</td>
</tr>
<tr>
<td><strong>RANDOM EFFECT</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intercept</td>
<td>0.879</td>
<td>2291.757</td>
<td>0.000</td>
<td>0.641</td>
</tr>
</tbody>
</table>

**Panel C. Equation Model for Hispanic**

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>Estimate</th>
<th>Standard Error</th>
<th>t Ratio</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FIXED EFFECTS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Judicial Caseload</td>
<td>0.022</td>
<td>0.007</td>
<td>2.964</td>
<td>1.022**</td>
</tr>
<tr>
<td>Percent Hispanic (ln)</td>
<td>0.017</td>
<td>0.009</td>
<td>1.982</td>
<td>1.017**</td>
</tr>
<tr>
<td><strong>Model for Hispanic</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent Black (ln)</td>
<td>-0.060</td>
<td>0.017</td>
<td>-3.608</td>
<td>0.942***</td>
</tr>
<tr>
<td>Violent Crime Rate</td>
<td>0.001</td>
<td>0.001</td>
<td>2.307</td>
<td>1.001**</td>
</tr>
<tr>
<td><strong>Model for Black</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violent Crime Rate</td>
<td>0.001</td>
<td>0.001</td>
<td>2.680</td>
<td>1.001**</td>
</tr>
<tr>
<td><strong>RANDOM EFFECT</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intercept</td>
<td>1.003</td>
<td>370.865</td>
<td>0.000</td>
<td>0.631</td>
</tr>
<tr>
<td>Hispanic slope model</td>
<td>0.046</td>
<td>21.325</td>
<td>&gt; .500</td>
<td>0.050</td>
</tr>
<tr>
<td>Black slope model</td>
<td>0.331</td>
<td>59.350</td>
<td>0.049</td>
<td>0.214</td>
</tr>
</tbody>
</table>

*p<0.10  **p<0.05  ***p<0.001
<table>
<thead>
<tr>
<th>Violent Crimes Primary</th>
<th>FIXED EFFECT</th>
<th>COEFFICIENT</th>
<th>se</th>
<th>t Ratio</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>-0.288</td>
<td>0.137</td>
<td>-2.109</td>
<td>0.750**</td>
<td></td>
</tr>
<tr>
<td>Black</td>
<td>-0.155</td>
<td>0.085</td>
<td>-1.833</td>
<td>0.856*</td>
<td></td>
</tr>
</tbody>
</table>

n=5,550

<table>
<thead>
<tr>
<th>Property Crimes Primary</th>
<th>FIXED EFFECT</th>
<th>COEFFICIENT</th>
<th>se</th>
<th>t Ratio</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>0.133</td>
<td>0.167</td>
<td>0.795</td>
<td>1.143</td>
<td></td>
</tr>
<tr>
<td>Black</td>
<td>-0.021</td>
<td>0.118</td>
<td>-0.180</td>
<td>0.979</td>
<td></td>
</tr>
</tbody>
</table>

n=4,681

<table>
<thead>
<tr>
<th>Drug Crimes Primary</th>
<th>FIXED EFFECT</th>
<th>COEFFICIENT</th>
<th>se</th>
<th>t Ratio</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic</td>
<td>0.495</td>
<td>-0.614</td>
<td>0.738</td>
<td>0.539</td>
<td></td>
</tr>
<tr>
<td>Black</td>
<td>0.376</td>
<td>-0.518</td>
<td>0.823</td>
<td>0.604</td>
<td></td>
</tr>
</tbody>
</table>

n=3,473

*p<0.10  **p<0.05
### Table 9: Black, Hispanic and White Estimates for Career Offender

#### Panel A. Sub Sample of Black Defendants

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>Estimate</th>
<th>Standard Error</th>
<th>t Ratio</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FIXED EFFECTS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intercept</td>
<td>-2.978</td>
<td>0.164</td>
<td>-18.190</td>
<td>0.051***</td>
</tr>
<tr>
<td>Age at Sentencing</td>
<td>-0.056</td>
<td>0.005</td>
<td>-10.998</td>
<td>0.945***</td>
</tr>
<tr>
<td>Prior Record Points</td>
<td>0.008</td>
<td>0.001</td>
<td>6.756</td>
<td>1.008***</td>
</tr>
<tr>
<td>Violent Primary</td>
<td>0.687</td>
<td>0.089</td>
<td>7.740</td>
<td>1.988***</td>
</tr>
<tr>
<td>Drug Primary</td>
<td>-1.632</td>
<td>0.139</td>
<td>-11.729</td>
<td>0.199***</td>
</tr>
<tr>
<td>Trial</td>
<td>1.511</td>
<td>0.113</td>
<td>13.331</td>
<td>4.529***</td>
</tr>
<tr>
<td>Prior Prison Commitment</td>
<td>0.204</td>
<td>0.024</td>
<td>8.680</td>
<td>1.226***</td>
</tr>
<tr>
<td>Crime Seriousness (ln)</td>
<td>0.536</td>
<td>0.051</td>
<td>10.592</td>
<td>1.701***</td>
</tr>
</tbody>
</table>

n=8,329

#### Panel B. Sub Sample of Hispanic Defendants

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>Estimate</th>
<th>Standard Error</th>
<th>t Ratio</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FIXED EFFECTS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intercept</td>
<td>-2.053</td>
<td>0.186</td>
<td>-11.051</td>
<td>0.128***</td>
</tr>
<tr>
<td>Age at Sentencing</td>
<td>-0.022</td>
<td>0.009</td>
<td>-2.461</td>
<td>0.980**</td>
</tr>
<tr>
<td>Prior Record Points</td>
<td>0.009</td>
<td>0.003</td>
<td>3.278</td>
<td>1.009***</td>
</tr>
<tr>
<td>Violent Primary</td>
<td>0.329</td>
<td>0.171</td>
<td>1.924</td>
<td>1.390**</td>
</tr>
<tr>
<td>Drug Primary</td>
<td>-1.150</td>
<td>0.336</td>
<td>-3.425</td>
<td>0.312**</td>
</tr>
<tr>
<td>Trial</td>
<td>1.285</td>
<td>0.332</td>
<td>3.868</td>
<td>3.615***</td>
</tr>
<tr>
<td>Prior Prison Commitment</td>
<td>0.087</td>
<td>0.064</td>
<td>1.371</td>
<td>1.091</td>
</tr>
<tr>
<td>Crime Seriousness (ln)</td>
<td>0.426</td>
<td>0.108</td>
<td>3.956</td>
<td>1.532***</td>
</tr>
</tbody>
</table>

n=1251

#### Panel C. Sub Sample of White Defendants

<table>
<thead>
<tr>
<th>Independent Variable</th>
<th>Estimate</th>
<th>Standard Error</th>
<th>t Ratio</th>
<th>Odds Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FIXED EFFECTS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intercept</td>
<td>-3.158</td>
<td>0.201</td>
<td>-15.719</td>
<td>0.043***</td>
</tr>
<tr>
<td>Age at Sentencing</td>
<td>-0.045</td>
<td>0.007</td>
<td>-6.375</td>
<td>0.956***</td>
</tr>
<tr>
<td>Prior Record Points</td>
<td>0.011</td>
<td>0.002</td>
<td>5.952</td>
<td>1.011***</td>
</tr>
<tr>
<td>Violent Primary</td>
<td>0.721</td>
<td>0.117</td>
<td>6.152</td>
<td>2.057***</td>
</tr>
<tr>
<td>Drug Primary</td>
<td>-1.547</td>
<td>0.339</td>
<td>-4.558</td>
<td>0.214***</td>
</tr>
<tr>
<td>Trial</td>
<td>1.718</td>
<td>0.206</td>
<td>8.349</td>
<td>5.574***</td>
</tr>
<tr>
<td>Prior Prison Commitment</td>
<td>0.284</td>
<td>0.036</td>
<td>7.908</td>
<td>1.329***</td>
</tr>
<tr>
<td>Crime Seriousness (ln)</td>
<td>0.768</td>
<td>0.077</td>
<td>10.000</td>
<td>2.155***</td>
</tr>
</tbody>
</table>

n=4124

*p<0.10   **p<0.05   ***p<0.001
CHAPTER 6 - DISCUSSION AND CONCLUSIONS

Introduction

In this study, I have examined whether individual attributes, such as race and ethnicity, impact an individual’s likelihood of receiving either the Habitual or Career Offender designation. Utilizing HGLM, this investigation was conducted on two levels of analysis. The primary level of analysis focused on individual level characteristics, including both legal and extra-legal attributes. The second level of analysis included county level characteristics in the equation and tested whether these characteristics had either a direct or a cross level effect on the relationship between race, ethnicity and the likelihood that an individual received one of the designations. Situational threat as a context for individual level effects was also examined in the form of both crime types and specific crime categories. The ensuing discussion will first outline the research findings before discussing both the practical implications and theoretical relevance of the current research. Finally, limitations of the study will be identified and recommendations for future research will be made.

Findings

This section will present the findings for each of the three research questions as they pertain to both Habitual and Career Offenders. The findings of the supplemental analyses are integrated into the findings for each research question. Additionally, findings for the current research will be specifically compared to those of the two previous Habitual Offender studies.

Research Question 1: Is there an effect of race and ethnicity on Habitual or Career Offender designations?

Habitual Offender finding: Both black and Hispanic defendants have significantly higher odds of being Habitualized when compared to white defendants with similar personal characteristics and legal attributes (See Table 3, page 65). When each of the three major crime categories is examined separately, race and ethnicity are not significant in the violent and property crime categories. Black and Hispanic defendants do,
however, have significantly higher odds of being sentenced as Habitual Offenders for the drug crime category (see Table 4, page 66).

This finding with regard to drug crimes was consistent when the crime categories were further disaggregated into specific crime types. Both blacks and Hispanics had significantly higher odds of receiving the Habitual Offender designation for drug sale and drug purchase, while only Hispanics also experienced a sentencing disadvantage for drug possession. While the general violent crime category did not show significant effects of race and ethnicity, both black and Hispanic defendants did have a significantly higher likelihood of being Habitualized for one specific violent crime each; robbery for black defendants and battery for Hispanics. (See Table 5, page 67).

These findings are consistent with the hypothesis that there is a negative association between racial and ethnic minorities and drug crimes. While drug offenders as a whole are not the focus of Habitual Offender prosecution, black and Hispanic defendants accused of drug crimes do suffer a sentencing disadvantage. Similarly, minorities as a group have a stereotypical association with violent behavior. The results for the specific crime category partially support this assertion.

**Career Offender Finding:** In contrast to the Habitual Offender finding, both black and Hispanic defendants have significantly lower odds of being sentenced as Career Offenders when compared to whites with similar personal characteristics and legal attributes (See table 7, page 69). While defendants with a violent primary offense have significantly higher odds of being adjudicated as Career Offenders for the full sample estimates, when each of the three major crime categories is examined separately, black and Hispanic defendants have significantly lower odds of being designated Career Offenders when prosecuted for violent crime (See table 8, page 70). Race and ethnicity are not significant in the property and drug crime categories.

**Research Question 2: Is there a direct effect of county level characteristics on Habitual or Career Offender designations?**

**Habitual Offender Finding:** Several county level characteristics had a direct effect on the odds that an individual will be Habitualized. Defendants who are sentenced in counties with a higher number of cases per judge had significantly increased odds of being adjudicated as a Habitual Offender. Also, counties with both a higher drug arrest
rate as well as higher violent crime rates were associated with significantly increased odds of defendants being sentenced as Habitual Offenders. Finally, defendants sentenced in counties with a higher percent of Hispanic population had a significantly decreased chance of receiving the Habitual Offender designation than counties with a lower percentage of Hispanic residents (See Table 3, page 65).

**Career Offender Finding:** Two different county level characteristics had a direct effect on the likelihood that an individual would be sentenced as a Career Offender. Defendants sentenced in counties with a higher number of cases per judge had significantly higher odds of receiving the Career Offender designation. Contrary to the Habitual Offender results, defendants sentenced in counties with a higher percent of Hispanic population had a significantly increased chance of being designated as Career Offenders than in counties with a lower percentage of Hispanic residents (See Table 7, page 69).

**Research Question 3:** Is there a cross level interaction of race and ethnicity with county level variables that impacts the Habitual or Career Offender designations?

**Habitual Offender Finding:** In the Hispanic slope equation, a cross level interaction exists between judicial caseload and Hispanic that results in significantly lower odds of being Habitualized for Hispanic defendants in counties with a higher number of cases per judge. In the black slope equation, both the drug arrest rate and the violent crime rate have a cross level interaction with the variable black. Black defendants sentenced in counties with a lower drug arrest rate have an increased likelihood of being designated as Habitual Offenders. In contrast, black defendants have increased odds of being sentenced as Habitual Offenders in counties with a higher violent crime rate (See Table 3, page 65).

**Career Offender Finding:** Two county level variables have a cross level interaction with Hispanic in the Hispanic slope equation. Hispanic defendants who are sentenced in counties with a lower percentage of black population are associated with increased odds of being sentenced as a Career Offender. The violent crime rate resulted in a cross level interaction in both the Hispanic and black slope equations. In other words, both Hispanic and black defendants have significantly higher odds of receiving the Career Offender designation in counties with higher violent crime rates.
Comparison of Current Habitual Offender Results to Prior Studies

The current research built upon two prior studies in the examination of the relationship between race and Habitual Offender status. Since the previous two studies did not examine the effect of Hispanic ethnicity on the Habitual Offender outcome, comparisons can only be made for black and white defendants. While the race effect in the current study is still positive and significant, the odds ratio for black defendants is markedly smaller than it was for either the results shown in the EDR (1991) study or the findings reported by Crawford, Chiricos and Kleck (1998). There are several possible explanations for this difference. First, “truth in sentencing” laws were enacted after the Crawford et al. study was published that required all offenders serve 85% of their sentence. This change in policy was a punitive response that substantially reduced the difference in time served between individuals designated as Habitual Offenders and those who were not. While the mandatory minimum sentences were still patently greater for Habitual Offenders, the status lost some of its impact in the process. Another possible explanation for the reduced race effect is that shortly after the enactment of truth in sentencing provisions, the Career Offender Registration Act was passed providing prosecutors with even greater sanctions to pursue for repeat offenders. While the current findings show that black defendants are less likely than similarly situated whites to receive the Career Offender designation, blacks still comprised roughly 60% of the sample of eligible defendants. As such, a number of defendants who would previously have only been eligible for Habitual Offender status were now diverted into the Career Offender category, possibly resulting in a reduced effect of race for the Habitual Offender outcome.

The findings presented by both the EDR and Crawford et al. showed that black defendants were more disadvantaged for less serious crimes than they were for more serious crimes. The current research also found that blacks had a higher likelihood of being sentenced as Habitual Offenders for less serious offenses. While the findings were not the same for each specific crime type across all three studies, the general trend of increased judicial discretion at lower levels of crime seriousness remained. Additionally, the current research supported the findings presented in Crawford et al. with regard to
drug crimes. There appears to still be a strong association between minorities and drug crimes.

With regard to county level variables, the Crawford et al. study reported that the violent crime rate did not have an effect on the likelihood of Habitualization for black defendants. They also reported a greater race effect when the drug arrest rate was low. While the current research found that defendants in general experienced higher odds of Habitualization when the violent crime rate and drug arrest rate were higher, the cross level effects for black defendants were mixed. Black defendants had a greater likelihood being adjudicated as a Habitual Offender when violent crime rates were higher and drug arrest rates were lower.

Since this study was the first of its kind to examine Hispanic ethnicity as a separate group, it is possible that differences between the studies may be due in part to the absorption of Hispanic ethnicity into either the white or black group. Additionally, even though the two previous studies included a second level of analysis, they did not utilize HGLM as their statistical tool for analysis and this may have resulted in model misspecification.

Discussion

The increased use of sentencing enhancements in the United States over the last twenty years has steadily contributed to the near doubling of the amount of time served by Florida inmates from 1994-2005 (Florida Department of Corrections, 2006). While defendants sentenced under Habitual Offender laws suffer a sentencing disadvantage, defendants sentenced under the Florida Career Offender Registration Act are additionally subject to a lifetime of post-sentence consequences. These laws are different from other recent sentencing enhancements in that their application is discretionary in nature and is only applied to a fraction of the offenders who qualify for one of the designations.

In this study, Florida Department of Corrections data was collected for 37,947 adult males sentenced to prison between the years of 2002 and 2004 and who qualified for either the Habitual or Career Offender designation. Overall, 14% of the individuals eligible for Habitualization were sentenced as such, while 15% of those eligible for the Career Offender designation received it. However, for both samples, nearly 70% of those eligible for either designation were a racial or ethnic minority. This percentage is higher
than that of the general prison population, which was roughly 50% for the same years (Florida Department of Corrections, 2006).

These research findings have both practical consequences for the defendants and the criminal justice system as well as theoretical implications for the race and sentencing research literature. Practical and social consequences exist for defendants who both are and are not designated as either a Habitual or Career Offender. Defendants who are sentenced as Habitual Offenders are given longer prison terms, receive less gain time and are not eligible for early prison release. Defendants designated as Career Offenders also experience a sentencing disadvantage and must serve 100% of their already longer prison terms; however, the social or “collateral” consequences for Career Offenders are particularly damaging. Within 48 hours of release from Florida Department of Corrections’ custody, each individual must report to the sheriff’s office to register as a Career Offender and must also obtain an identification card from the Florida Department of Highway Safety and Motor Vehicles that alerts law enforcement to their Career Offender status. This lifetime registration also subjects each individual to annual address verifications and mandates that they must update their identification card with each address change.

Generally speaking, results demonstrate that defendants with more serious criminal charges and longer prior records have an increased likelihood of being sentenced as either a Habitual or Career Offender. The mode of disposition did not have a significant effect on the odds of an individual being Habitualized; however, whether a defendant went to trial played the largest role in the likelihood that an individual would be sentenced as a Career Offender. The Career Offender label is the most recent sentencing enhancement available to Florida prosecutors. As a result, prosecutors may be using this “novel” status as a tool to secure a guilty plea from an eligible defendant. This argument becomes even more convincing when considering that the Career Offender label is a lifetime registration requirement. A defendant with an established criminal history may view the avoidance of this designation as a compelling reason in and of itself to accept a plea bargain. The use of the Habitual Offender designation does not carry the same inducement for a guilty plea since the consequences of Habitualization generally do not extend beyond the requirement of a longer criminal sentence.
Another potential consequence for individuals released with the stigma of an enhanced status is that they may experience a higher likelihood of recidivism. This issue is particularly problematic for individuals identified as Career Offenders who, by virtue of having their residential address available to both law enforcement officials and the general public, experience a higher level of scrutiny that other convicted felons. For individuals who carry the status of Habitual Offender, their next offense may qualify them for sentencing as a Career Offender and would almost certainly result in a longer sentence.

Beyond the practical consequences, these research findings also have important theoretical implications. Individual level theoretical formulations of social control typically focus on the association between an individual’s minority status and presumed negative attributes (Albonetti, 1991). Theorists claim that judicial decision-makers form patterned responses on the basis of prejudices, stereotypes and past experience (Clegg and Dunkerley, 1980). As a result, these stereotypes and prejudices are used as rationalizations to justify the sentence imposed on a black or Hispanic defendant. The results presented for the impact of an individual’s race and ethnicity on both the Habitual and Career Offender outcome partially support these theoretical assertions. Even after controlling for such predictive factors as prior record and crime seriousness, black and Hispanic defendants are more likely than white defendants to be sentenced as Habitual Offender. This hypothesis is not supported in the results associated with the Career Offender outcome, the implications of which will be discussed next.

Kalvin and Zeisel’s (1966) liberation hypothesis explores another element of decision making in a sentencing process replete with uncertain information. The liberation hypothesis states that racial disparity in sentencing decreases as the seriousness of the case increases. In other words, as the seriousness of the crime increases, the influence of extra-legal factors diminishes in kind. Building on the fact that the Habitual Offender status is associated with lesser offenses than those associated with the Career Offender status, it is logical to assume that race and ethnicity would have a greater effect on the Habitual Offender outcome than on the Career Offender outcome. In support of this assertion, results showed that black and Hispanic defendants are subject to an increased likelihood to receive the less serious Habitual Offender designation than
similarly situated white defendants, but not for the more serious Career Offender designation.

A theoretical link also exists between situational factors, such as crime type and a presumed disproportionate involvement of minorities with drug and violent crimes (Tittle and Curran, 1988). The current research offers support for this hypothesis, particularly with regard to the association between racial and ethnic minority defendants and drug crimes. Black defendants were 2.5 times more likely than similarly situated white defendants to be Habitualized when their primary offense was a drug crime. Similarly, Hispanic defendants were twice as likely to receive the Habitual Offender status than whites. This finding may be attributed to the racial typification of the drug problem (Mauer, 1991). Interestingly, while both blacks and Hispanics have substantial odds ratios for drug sale and drug trafficking, only Hispanic defendants suffer the same disadvantage for drug possession. The link between minority defendants and drug crimes was not supported in the results for the Career Offender sample, but this result was anticipated as the Career Offender status is typically reserved for more serious crimes.

Violent crime is another offense type that typically shares an association with minority defendants. Results indicate that no significant association exists in general between race and violent crime for the Habitual Offender outcome. This result is consistent with previous studies and was anticipated (Spohn and Cederblom, 1991; Crawford, Chiricos and Kleck, 1998). Hispanic defendants were, however, twice as likely as white defendants to be Habitualized for battery, one of the least serious crimes in the violent crime category. It is possible that there is a perceived association between battery and ethnicity, but this support does not extend to all violent crimes in the present research.

The perceived association between violent crimes and minority defendants may provide insight as to why black and Hispanic defendants were less likely to be sentenced as Career Offenders than whites. It is possible that a white offender engaging in a serious violent crime may be punished more harshly than blacks and Hispanics due to the fact that (1) their engagement in violent criminal behavior was not anticipated, and (2) prior research suggests that the victim of the violent offense may also have been white. This explanation is supported by the results presented in crime type summary table (Table 8,
where both blacks and Hispanics were substantially less likely than whites to be sentenced as Career Offenders when their primary offense was a violent crime. Since the majority of actors in the criminal justice system are white, including prosecutors and judges, they may feel more threatened by white violent offenders than of minority offenders.

Finally, this research examines the theoretical issue of whether aggregate level factors, such as crime rates and minority presence impact social control. Blalock (1967), who conceptualized threat in terms of percent minority, outlined three different types of threat. Generally speaking, Blalock argued that discrimination and social control should be greater in areas that have a higher percentage of minority population. Lofland (1969) expanded Blalock’s initial conceptualization of social threat by expanding his focus beyond the presence of a threatening group to include the level and distribution of that threat. Lofland stated that the concept of deviance is created when conflict exists between social groups. He hypothesized that the application of deviant labels occurs when dominant group members feel threatened by and are afraid of another segment of society. He listed several important factors in identifying groups that may be perceived as threatening. These variables include: the size of the population; the level of organization; the relative size of power of the minority group; the relative size of power and organization of the threatened group.

The results for the current research showed that for the Habitual Offender outcome, counties with a higher judicial caseload, higher drug arrest rates and higher violent crime rates were all directly associated with an increased likelihood of defendants being sentenced as Habitual Offenders. These characteristics are typically associated with larger cities and it may be that prosecutors in urban settings simply exercise the use of sentencing enhancements more than prosecutors in more rural areas. Larger cities also have the resources to establish Career Criminal Units whose sole task is to track and register individuals with special provisions. Additionally, Bridges, Crutchfield and Simpson (1987) argue that higher rates of crime may amplify the perception of minority threat resulting in an escalation of social control responses. As previously mentioned, this reasoning is generally supported by the current research.
The results for the effect of minority populations on both the Habitual and Career Offender designations were conflicting. While an increased Hispanic presence resulted in a higher likelihood that an individual would be designated as a Career Offender, the opposite result was found for the odds that a defendant would be adjudicated as a Habitual Offender. These contradictory findings are difficult to interpret within the social threat perspective.

A cross-level interaction appears in the black slope equation where there is a decreased likelihood that an individual will be sentenced as a Habitual Offender in counties with higher violent crime rates. This finding is most likely due to the recent addition of the Career Offender designation, which prosecutors can pursue for more serious crimes. The second cross-level interaction present in the black slope equation indicates that blacks are more likely to be Habitualized in counties with lower drug arrest rates. This finding has support from prior research, which argues that predominantly white areas with lower crime rates may possibly be the most threatened by racial minorities and will be the most punitive towards that group (Sampson and Laub, 1993; Crawford, Chiricos and Kleck, 1998).

**Limitations of the Current Research**

This current study suffers from several limitations, the first of which is concerning a lack of information on the race or ethnicity of the victim. The established association between the race/ethnicity of the offender and that of the victim is an important part of the racial threat dynamic and the inclusion of victim information would provide for a more dynamic analysis as well as a more complete interpretation of the results. Specific information concerning the breakdown of the types of drugs included in the drug crime categories would also have been helpful in this study and would possibly assist in confirming the drug crime link with specific racial and ethnic minorities. More complete defendant information, such as employment, education and marital status would also have helped create a more complete defendant profile.

With regard to the county level variables, an examination of changes in the minority populations over time would provide a more direct measure of racial threat and the social control response. Additionally, the available caseload data is divided by
circuits, not counties and complicates the interpretation of results due to the presence of multiple counties possibly falling the same circuit.

**Recommendations for Future Research**

Several important issues are raised in this study that may impact further future sentencing research. First, additional studies are warranted to examine the Career Offender designation in further detail for a number of reasons. Since this is the first study examining the Career Offender designation as an outcome, the findings shown here may be due in part to the novelty of the designation, which may be mediated in time. This could be accomplished by a replication of the study in the future. An examination of the recidivism rates of Career Offenders versus persons who were released without the accompanying status could also prove noteworthy. Additionally, ethnic composition of place has been an underutilized variable in the racial and ethnic threat literature. The growth of Hispanic populations in particular increases the value of the inclusion of such variables. Finally, the continued use of multiple level analysis may further our understanding of the relationship between race, ethnicity and social control outcomes.
REFERENCES


Steffensmeier, D. and Demuth, S. (2004). Ethnicity effects on sentence outcomes in large
urban courts: Comparisons among white, black, and hispanic defendants. *Social Science Quarterly, 85, 4, 994-1011.*


Tate, R. (2004). Interpreting Hierarchical Linear and Hierarchical Generalized Linear models with slopes as outcomes. *Journal of Experimental Education 73, 1, 71-95*


Cynthia Caravelis Hughes was born in Washington D.C. and raised in Ft. Lauderdale, Florida. She earned her bachelor’s degree in Criminology and Criminal Justice from Florida State University. Cynthia elected to stay at Florida State University for her graduate work and earned her Master’s degree in Criminology and Criminal Justice in 2002. While working towards the completion of her Ph.D., she taught undergraduate courses for 10 semesters at Florida State University and held research analyst positions with both the Florida Legislature’s Commission on Capital Cases and the Florida Department of Law Enforcement. Cynthia currently resides in Tallahassee, Florida with her husband, Patrick, and their son, Parker.