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SEPARATING AND ESTIMATING THE EFFECTS OF THE FEDERAL SENTENCING GUIDELINES AND THE FEDERAL MANDATORY "MINIMUMS": ISOLATING THE SOURCES OF RACIAL DISPARITY

by

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SEPARATING AND ESTIMATING THE EFFECTS OF THE FEDERAL SENTENCING GUIDELINES AND THE FEDERAL MANDATORY "MINIMUMS": ISOLATING THE SOURCES OF RACIAL DISPARITY

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The Sentencing Reform Act of 1984 (SRA) drastically changed federal level sentencing. Prior to it, an indeterminate sentencing system ruled federal sentencing practices. Because of extreme sentence inequity and bias under that system, however, Congress directed the Federal courts to adopt determinate sentencing in the forms of the federal sentencing guidelines (hereafter *Guidelines*) and federal mandatory minimum statutes (hereafter *Mandatory Minimums*). One intention of the *Guidelines* and *Mandatory Minimums* was to make the offender's race irrelevant to the sentence imposed. Given this major change to the federal sentencing system, the effectiveness of the new determinate system's performance at achieving disparity reduction must be assessed.

To date, however, limited research evaluates the success of federal determinate sentencing at achieving this goal. Difficulties with the available data and the continuing evolution of the system partially explain this sparseness. However, the primary obstacle

for analysis is separating the impacts of these concurrently used sentencing strategies. Until this problem is resolved, evaluating the effectiveness of either intervention at reducing disparity is difficult.

Existing research indicates that, despite the introduction of these structured sentencing systems, racial disparity still persists in federal sentences—particularly for drug cases. Yet, before action can be taken to further reduce federal sentencing disparity, one must identify its source. Some researchers argue that the *Mandatory Minimums* are solely responsible for the remaining racial disparity in the federal system, while others contend that the *Guidelines* themselves contribute to the disparity. Resolution of this debate is impossible without first separating the effects of the two sentencing initiatives.

This research separately assesses the impact of the *Guidelines* and *Mandatory Minimums* to isolate the sources of racial disparity in federal sentencing. It is important to note that this research is not a comparison of *Guideline* and *Mandatory Minimum* sentences. Rather, it is an attempt to isolate the legal and extralegal factors that affect sentence outcomes for each.

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CHAPTER ONE: THE FEDERAL CRIMINAL COURTS

Introduction

Federal criminal sentencing has been evolving since its creation. The latest phase of this evolution is the recent return to determinate sentencing with the concurrent application of federal sentencing guidelines (hereafter *Guidelines*) and federal mandatory minimum statutes (hereafter *Mandatory Minimums*). Both are presumptive but each uses different means to determine the appropriate sentence. These initiatives were intended to reduce sentencing disparity—particularly disparity by extralegal factors such as race. While successful in some respects, in other areas the levels of disparity have sharply increased (Meierhoefer, 1992; McDonald and Carlson, 1993; Albonetti, 1997).

In order to remedy this apparent increase in extralegal sentencing disparity, the cause of the problem must first be identified. Unfortunately, evaluations of either the *Guidelines* or the *Mandatory Minimums* are contaminated by the co-existence of these complementary reforms. Previous research has been unsuccessful in separating the influence of one from the other. This study attempts to remedy this deficiency by isolating the effects of the *Mandatory Minimums* from those of the *Guidelines*.

Origins and History

Today, a determinate sentencing philosophy rules the federal courts. However, the current system is not the same as the form of determinate sentencing that reigned during Nineteenth century federal sentencing. Under that system there was no parole and no appellate process. The current forms of determinate sentencing are a far cry from their early predecessors. But the story of the current era of determinate sentencing begins where its immediate predecessor ends.

In the early part of the twentieth century, with a climate of environmental determinism and a rising movement toward rehabilitation, federal indeterminate sentencing came into being—replacing the earlier determinate system. Statutes included only the maximum penalties for crimes, and the judiciary had wide discretion in determining sentence. Since the goal behind indeterminate sentencing was to rehabilitate prisoners, it made sense that prisoners should be segregated from society until this goal was achieved (von Hirsch *et al.*, 1987). Therefore, prisoners remained incarcerated until they had been deemed rehabilitated—an evaluation made exclusively by parole boards (Tonry, 1987). Thus, sentence lengths were not fixed. Rather, a range of time was imposed in order to ensure that offenders were released only when they were considered rehabilitated and not before.

Under the indeterminate sentencing scheme, traditional 'relevant' factors such as employment status, community ties, marital status, *et cetera* were often used in determining the appropriate sentence. Sentencing appeals were practically unheard of. Additionally, judicial sentences were literally indeterminate as the Parole Commission was given wide discretion in determining release dates (GAO, 1992). The process was almost completely unstructured, allowed a great deal of discretion, and—it is argued—resulted in severe sentence disparity (GAO, 1992; Doob, 1995).

However, federal determinate sentencing was not completely eradicated during this period of indeterminate sentencing. The Narcotics Control Act of 1956 mandated minimum sentences for most drug importation and distribution offenses. Such sentences could not be suspended or reduced and such offenders could not be paroled. Ironically, the Comprehensive Drug Abuse Prevention Act of 1970 repealed these mandatory penalties for drug violations because they did not reduce drug crime, their severity *reduced* the deterrent effect, they interfered with rehabilitation, and they *limited judicial discretion* (USSC, 1991a). Still, although Congress flirted with determinate sentencing, overall, the Federal courts followed the indeterminate sentence model. It was this indeterminate sentencing system that the *Guidelines* replaced in 1987.

The downfall of indeterminate sentencing can be attributed to several factors. Sentence disparities, allegations of racism, prisoners' rights movements, an increasing movement toward crime control ideology, and the reported failure of rehabilitation all contributed to its demise (Shane-DuBow *et al.*, 1985; Tonry, 1987; von Hirsch *et al.*, 1987). These factors as well as the public perception that government was 'soft on crime' spurred the adoption of the Sentencing Reform Act of 1984 (SRA), which revived federal determinate sentencing.[1]

Determinate Sentencing Strategies

Sentencing strategies can be conceptualized as a continuum between the poles of determinate and indeterminate sentencing. Determinate sentencing, as the name implies, dictates a predetermined sentence for a given crime. Indeterminate sentencing, on the

[1] Recent studies indicate, however, that the alleged disparity prior to the SRA was not as common or rampant as was once thought (Stith and Cabranes, 1998).

other hand, specifies no particular punishment for any given crime.[2] These poles, however, are ideals that are virtually non-existent in reality. U.S. state and federal systems all fall between the two—with none completely constituting a "pure" form of one or the other. The current federal sentencing system is heavily oriented toward determinate sentencing.

Structured or determinate sentencing dictates a predetermined and fixed sentence for a given crime using legally relevant factors such as prior record and offense severity (BJA 1998). There are multiple criteria for classifying determinate sentencing systems. First, such systems are either advisory—also known as voluntary—or legally mandated—also called presumptive. Additionally, such systems—particularly guidelines—are classified by how sentences are determined. Some are based upon past sentencing practices. Others are designed to change past sentencing policies and instead reflect the philosophy of that new goal. Regardless of structure, determinate sentencing systems are intended to promote greater uniformity and neutrality in criminal sentencing (Miethe and Moore, 1985).

While few would dispute that structured sentencing strategies—such as sentencing guidelines—have potential for reducing disparity, they are not guaranteed to succeed. For example, racial and ethnic disparity in sentencing can remain if there is no compliance with the guidelines or if race operates indirectly through or interacts with the "legally relevant" criteria.

[2] While there may be statutory maximums under such systems, statutory minima are a rarity and counter to their philosophy. They are based on the premise of tailoring the punishment to fit the offender. Mandatory minima intuitively sabotage and preclude this objective.

It is important to recognize that determinate sentencing systems also may *increase* disparity—particularly in terms of race, gender, and ethnicity. While limiting judicial discretion in terms of discriminatory behavior, they also limit it in terms of differentiating between the repentant offender and the dangerous and/or career criminal (Shane-DuBow *et al.*, 1985). The results may produce the desired effect of treating like offenders alike but the undesired effects of treating unlike offenders alike (Tonry, 1996). Determinate sentencing models have been criticized as patently unfair, unduly harsh, and for removing any discretionary judgments that can differentiate between a repentant offender and a dangerous and/or career criminal (Shane-DuBow *et al.*, 1985).

Currently, there are two determinate sentencing models operating in the federal system—some argue at odds with one another—reflecting different aspects of the aforementioned criteria. These are the *Guidelines* and *Mandatory Minimums*. While both are presumptive, the *Guidelines* are based on past sentencing practices while the *Mandatory Minimums* are meant to reflect the gravity of particular offenses. What follows is an overview of each system.

Federal Sentencing Guidelines

In *Criminal Sentences: Law Without Order*, Frankel (1972) observed that the federal indeterminate sentencing system permitted vast discretion and had no unifying sentencing principles. This absence of agreed upon standards allowed judges to fall back on their own ideologies, sentiments, and values in reaching sentences—leading to massive sentence disparity (Wheeler *et al.*, 1988). Because of this, Frankel espoused the establishment of criteria to both guide judicial decisions and their appellate review

(Tonry, 1987). To accomplish this a *Commission*[3] would be formed to draft *sentencing guidelines*. These structures form the basis of the Sentencing Commission Model that Frankel's piece first proposed (Tonry, 1987; von Hirsch *et al.*, 1987; Doob, 1995).

The Sentencing Commission Model is a variant of mandatory sentencing, in the sense that a legislative body legally mandates the choice of sentences (Vincent and Hofer, 1994). In such systems, a commission representative of both the legal system and the general community develops guidelines for sentencing at the request of a legislative body. Such commissions are typically called Sentencing Commissions. Often, the resultant guidelines require legislative approval before implementation. The guidelines themselves can be either voluntary or presumptive. Voluntary guidelines suggest sentences for given offenses but there is no accompanying requirement that the judiciary adheres to or even considers them.

While there are various voluntary guideline systems in state jurisdictions, the *Guidelines* are a presumptive system. This means that they are not optional or mere suggestions. Rather, if a judge wishes to depart from the *Guidelines*, he or she must justify in writing the reasons for doing so. This justification is then subject to review and possible reversal (Parent *et al.*, 1996).

In general, guideline systems have had favorable reviews. Preliminary state evaluations indicate that they enjoy high compliance rates, improve sentence uniformity and neutrality, succeed in modifying sentencing patterns, reduce sentence disparity, and have no adverse impact on trial rates or case processing times. Yet, guidelines do tend to

[3] Such a commission would, additionally, add an element of accountability to sentencing by removing it

increase sentence lengths and induce prosecutors to modify their charge and plea-bargaining practices in order to circumvent guideline requirements (Tonry, 1987; Parent *et al.*, 1996). Additionally, under guidelines systems, offenders who are likely to receive a prison sentence are less likely to plea-bargain than those offenders not likely to be imprisoned (Parent *et al.*, 1996).

When Congress passed the Sentencing Reform Act of 1984 (SRA), its stated goal was to achieve 'honesty, uniformity, and proportionality' as well as 'truth' in sentencing (McDonald and Carlson, 1993).[4] When implementing federal sentencing reform, there were several models and options from which Congress could choose. In a summary of existing research concerning varied state sentencing systems and their effectiveness, Tonry (1987) draws several conclusions. Primarily, he finds that mandatory minimum sentences increase both court efforts to circumvent them as well as the length of prison sentences. Conversely, voluntary sentencing guidelines do not change sentencing patterns while presumptive guidelines do—often resulting in more uniform sentences (Tonry, 1987). Since the goal of sentencing reform is to reduce disparity, both mandatory minimum sentences and voluntary sentencing guidelines (Tonry, 1987) are seen as ineffective. Given these conclusions, the approach taken by Congress in choosing the sentencing commission

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from political or individual special interests (von Hirsch *et al.*, 1987).

[4] To accomplish the last goal, defendants whose crimes were committed after *Guideline* enactment serve the *entire* length of the sentence. This can be minus a short 'good time' if the offender maintains good behavior. This 'good time' is retained to facilitate inmate management. Additionally, released prisoners no longer serve time on parole unless they are specifically sentenced to supervision in the community (McDonald and Carlson, 1992).

model was logical and reasonable. This model combines a sentencing commission with the use of presumptive sentencing guidelines[5] and appellate sentence review (Tonry, 1987).

To accomplish the aforementioned goals, Congress created the United States Sentencing Commission (USSC) to compose and implement structured sentencing guidelines. These guidelines were intended to eliminate the use of legally irrelevant factors in sentencing—such as race, religion, gender, nationality, or economic status as well as codify punishments and eradicate parole[6] (GAO, 1992). Congress instructed the USSC to design a guideline system that would reduce unwarranted disparity and produce fair sentences. More specifically, Congress sought certainty, honesty, uniformity, and proportionality in sentencing. To accomplish these goals the SRA made certain specifications. First, in order to eliminate judicial "second guessing" of parole boards, the Act eliminated parole altogether. Next, in order to minimize intra-offense sentence variation, it limited the possible sentence variation ranges to six months or 25 percent. Finally, in order to assure just and fair punishment, the SRA specified that the new system and the sentences it produces recognize differences between offenders and offenses (USSC, 1991b).

The USSC, in fulfilling its mandate from Congress, first examined over 10,000 actual cases in order to determine the characteristics deemed relevant to the sentencing decisions by the judiciary. In attempting to design guidelines that address all key aspects of federal sentencing and judicial discretion that previously promoted disparity, the

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[5]This is more specific and less rigid than mandatory minima yet elicits more control and compliance than voluntary guidelines.

USSC next grouped similar offenses together in the *Guidelines* so as to prevent wide sentence differences solely based on charge. Additionally, the USSC identified the specific legally relevant offense characteristics that should be used to determine offense seriousness and included adjustments based on offense role and multiple convictions in order to individualize punishment. The USSC also codified an "acceptance of responsibility" adjustment as well as proportionate sentence increases based on offender prior record. Finally, the USSC allowed for judicial consideration of individual factors such as family ties or community involvement as justification for generally mitigating sentencing departures. The USSC recognized that achieving justice requires a degree of flexibility and viewed the system they created as evolutionary (USSC, 1991b).

According to von Hirsch *et al.* (1987), sentencing commissions face several choices in designing sentencing guidelines. These include the overall structure of the guidelines, as well as the rationale behind these decisions. Similar to various state systems, the USSC implemented a guideline grid to direct federal judges as to the appropriate sentence for any given crime, taking the offender's criminal history into account. Unlike state guideline systems, however, the *Guideline* grid differentiates more precisely among offenses—using forty-three offense categories and six offender criminal record columns (Doob, 1995). Additionally, the *Guidelines* are more restrictive of the judiciary than its state level counterparts. Primarily, the grounds for sentence departure are more tightly constrained at the federal level. Secondly, under the *Guidelines*, use of

[6] This was to guarantee that offenders serve the entire term to which they are sentenced—minus a maximum of fifty-four days per year for maintaining good behavior. Additionally, the Act mandated that the Parole Commission be eliminated gradually (GAO, 1992).

traditional criteria, such as employment history, for making departures is prohibited (Doob, 1995). The choices made by the USSC in these areas have been the target of harsh criticism.

A number of highly vocal critics have openly attacked the *Guidelines*, leveling several serious criticisms—some linked to the *Guidelines* structure and others to their application. Primarily, critics argue that the *Guidelines* cannot produce complete uniformity since cases that do not fit neatly within the *Guidelines* will always arise. Additionally, practitioners feel that they have to manipulate the *Guidelines* in order to achieve justice (GPO, 1990).

Another criticism is that the USSC designed the *Guidelines* to conform to the pre-existing *Mandatory Minimums* by uniformly increasing *all* federal sentences to meet the *Mandatory Minimums* required for only *some* offenses. This strategy not only lengthens all federal sentences but is contrary to what proved successful in state sentencing guideline systems. At the state level, in the case of mandatory minimum offenses, the decision rule is that the mandatory minimum statute overrides or "trumps" the sentence prescribed by the guidelines. To correct this flaw, Tonry (1996) suggests a redesign of the *Guidelines*. Rather than the current strategy, Tonry argues that *Guidelines* sentence ranges should not be based on the existing *Mandatory Minimums*. Instead, the *Mandatory Minimums* should be considered a higher authority that overrides the *Guidelines* (Tonry, 1996). This change would comply with the Congressional mandate as well as reduce the length of most federal sentences. The main forecasted difference in effect is that Tonry's recommendation does not result in increased penalty severity for all offenses while the current system does (Tonry, 1993).

Others have been critical of the integration, or lack thereof, of intermediate sanctions into the *Guidelines*. Critics point out that the *Guidelines* do not provide for or even permit the sole use of sanctions such as restitution, house arrest, community service or treatment. Rather, each of the above must be accompanied by either probation or imprisonment (Tonry, 1993; Tonry, 1996). There is no category or sentencing cell in which prison is not an option. Additionally, the increase in imprisonment and decrease in probationary sentences since the implementation of the *Guidelines* is cited as proof that they *discourage* the use of alternative sanctions (Wolf and Weissman, 1996).[7] Recent work by Wolf and Weissman (1996) applying National Council on Crime and Delinquency (NCCD) rather than *Guideline* criteria to federal defendants sentenced between 1992 and 1993 suggests that 19,000 additional offenders would be eligible for intermediate sanctions rather than imprisonment when case-specific factors[8] are considered.

As mentioned previously, the *Guidelines* stipulate that the maximum sentence for a given offense cannot exceed the minimum sentence by whichever is the greater value, six months or 25 percent. From within this precise range, which is specified for each offense and offender category, federal judges have only minimal discretion to determine sentence length (GAO, 1992). Some argue that this "25 percent rule" also precludes the use of sentencing alternatives (USSC, 1997a).

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[7] The federal courts experienced an increase in criminal filings during the 1980's, mainly as a result of drug cases. Drug filings and prosecutions of related criminal offenses increased threefold from 1980 to 1990.

Conversely, the USSC asserts that the *Guidelines* actually *discourage* imprisonment for non-violent, first-time offenders (USSC, 1997a). To refute critics' arguments, the USSC points out that 'straight probation'[9] as well as intermediate confinements are both available under the *Guidelines*. In fact section 5C1.1(e) of the *Guidelines* is the "Schedule of Substitute Punishments"[10] that provides equivalent alternative sentences to specific numbers of months imprisonment (USSC, 1997a). That such alternative sanctions are not used, the USSC contends, is a result of judicial discretion. Analysis of USSC data reveals that judges often use discretion in *not* imposing available *Guideline* sentences other than prison (USSC, 1997a). A probit analysis of these data demonstrated that criminal history, circuit, offender gender, nationality, and employment status were all significant factors in the decision *not* to impose the available intermediate sanctions (USSC, 1997a).

Critics also point to the federal courts' miserly use of downward departures under the *Guidelines*. Despite the USSC's intentions in providing for sentencing departures, current departure principles and practices, the case law on the scope of departure power, and overly stringent appellate review combine to negate the flexibility built into the *Guidelines* (Schulhofer, 1992). Specifically, the *Guidelines* stipulate that sentences above or below the *Guideline* level are permitted when

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Because of the increased and mandatory penalties for such offenses, the use of incarcerative sentences increased and intermediate sentences decreased (AOUSC, 1991).

[8] Unfortunately, some of these factors include extralegal factors.

[9] This is probation without any other sanction. The Commission cites the zone A sanction of zero to six months imprisonment as where this is available. If the defendant is sentenced to zero months in prison and probation, the Commission argues, there really is only one sanction (USSC, 1997a).

[10] This is a remnant of the earliest versions of the Guidelines which provided 'sanction units' and 'substitute punishments' which were incorporated into the grid and allowed for a variety of punishment options (USSC, 1997a).

> "an aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the guidelines that should result in a sentence different from that described (exists)."

While use of the "acceptance of responsibility" downward departure is common in guilty plea cases, downward departures for mitigating circumstances not "adequately considered" by the USSC in designing the *Guidelines* are rare (Schulhofer, 1992).

Another source of criticism is the differential punishment scales for crack and powder cocaine—as well as other drugs—in the *Guidelines*. Using the pre-established determinate sentencing system with its increased penalties for drug offenses in conjunction with the Anti-Drug Abuse Act of 1986,[11] Congress passed the Anti-Drug Abuse Act of 1988. This combined concepts of the previous legislation to create *Mandatory Minimum* sentences for crack cocaine that were one-hundred times greater than those for powder cocaine[12]—despite the drugs having nearly identical chemical compositions.[13] This created the *only* federal mandatory minimum for first offense, simple possession of a drug (USSC, 1997b).

Under the current *Guidelines*, crack cocaine offenders receive a *Mandatory Minimum* of five years and a maximum of twenty years for mere possession of five grams of crack on the first conviction, three grams of crack on the second conviction and one gram of crack on the third conviction. A first-time offense of simple possession of *any* other drug—including powder cocaine—is a misdemeanor that carries a *maximum*

[11] This act made a distinction between the two forms of cocaine

[12] To merit the five year mandatory minimum sentence, an offender must possess 500 grams of powder cocaine—approximately 1.1 pounds—or only 5 grams of crack cocaine—less than one fifth of an ounce. The same disparity applies to receiving the 10-year mandatory minimum (BJS, 1993).

[13] In United States v. Jones, the Third Circuit Appellate Court ruled that powder cocaine and crack are different substances with different chemical structures and definitions in organic chemistry, since crack cocaine does not contain hydrochloride (salt) and powder cocaine does (Shein, 1993).

penalty of one year in prison (BJS, 1993). The majority of those affected by this punishment ratio are racial minorities (USSC, 1995). Thus, the penalties created unwarranted disparities in the treatment of essentially similar defendants, further conflicting with the fundamental purpose of the SRA (USSC, 1995).

Another criticism leveled at the *Guidelines* concerns the redistribution of power and discretion in the courtroom. Some critics contend that under the *Guidelines*, power shifted from the judge to the prosecutor and other members of the court. One of the most important of these shifts is the increased discretion of the prosecutor (Stith and Cabranes, 1998). The *Guidelines'* 'relevant conduct' requirement and the 'substantial assistance' departure particularly exemplify these changes.

Relevant Conduct

Under relevant conduct, the *Guidelines* require judges to sentence defendants for acts suggested by a preponderance of the evidence rather than only for convicted behavior. According to the USSC, relevant conduct was meant to safeguard those offenders with only minor levels of culpability from the *Mandatory Minimums* (USSC, 1991a). This was initially incorporated into the *Guidelines* in order to prevent abuse of prosecutorial discretion in plea agreements as well as to force judges to consider the totality of the offenders' actions. Moreover, it was designed to put unusual crimes, such as embezzlement or mail fraud, into the appropriate context (Tonry, 1996).

While the specifics of determining relevant conduct are complex, the most important reality is that a defendant can plead guilty to or be found guilty of one charge only to be sentenced for additional acts. Critics contend that this, disturbingly, has the effect of making convictions on any related counts unimportant. The prosecutor needs only convict on one charge—then revive the others at sentencing (Doob, 1995). Thus, it has the effect of penalizing acts to which the defendant's guilt could not be proven to the satisfaction of the law. This permits exertion of undue prosecutorial pressure on a defendant to plead guilty. Critics also allege that relevant conduct potentially *creates* rather than *reduces* sentencing disparity (GAO, 1992). As a result, those state sentencing commissions that considered implementing this approach rejected it (Tonry, 1996).

Substantial Assistance

Under the *Guidelines*, the prosecutor also has the discretion of whether or not to initiate the substantial assistance justification for a downward departure. This refers to the exemption that allows judges to depart from both the *Guidelines* and the *Mandatory Minimums* if a defendant supplies 'significant assistance' to the investigation or prosecution of another defendant. Only the prosecutor can initiate these motions and such departures are possible only when the defendant possesses any information that can be helpful to the prosecution[14] (Doob, 1995). The typical substantial assistance departure reduces the offender's sentence by three years and both the use and approval of such motions has increased steadily since 1989 (Langan, 1996).

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[14] One of the main purposes of the *Guidelines*, to reduce sentence disparity, is potentially undermined by such wide prosecutorial discretion. To avoid this, the statute and the guidelines call for judicial review and approval of sentence and charge bargaining. The appropriate use of fact and charge bargaining is outlined in the *Prosecutor's Handbook on Sentencing Guidelines* (the Redbook), the Thornburgh Memorandum, and the Terwilliger Memorandum (Nagel and Schulhofer, 1992). While each attempts to clarify and codify procedure, all have areas of weakness. For example, the Redbook is cited to be inconsistent while the Thornburgh Memorandum provides a "loophole" by not requiring supervisory approval before prosecutors can recommend a downward departure.

Critics cite substantial assistance as another opportunity for prosecutorial abuses (GAO, 1992). Oddly, this arrangement restores a degree of judicial discretion. Some studies, including the USSC self-evaluation, indicate that substantial assistance motions allow judges wide latitude in their departures because such motions completely free the judges from *Guideline* and *Mandatory Minimum* restrictions (Tonry, 1993; Langan, 1996) mainly because the magnitude of substantial assistance departures are not specified.

Additionally, plea bargains have a more overt impact on sentence severity under the *Guidelines* than they did previously (Doob, 1995). Aside from the aforementioned instances, courtroom workgroups use 'hidden plea bargaining' to arrive at what they consider to be a reasonable sentence. One USSC estimate reveals that 17 percent of all cases results in 'hidden plea' sentence reduction. This percentage increases when only drug cases are examined. There, approximately 27 percent of the cases involve some form of 'hidden plea bargaining' (USSC, 1991a).

Other Shifts

The *Guidelines* also distribute authority to other parts of the court. For example, the probation officers prepare the pre-sentence investigation report (PSR) that judges generally rely upon and adhere to in determining the applicable *Guideline* range—and therefore the sentence (GAO, 1992). As a result, the probation officer generally determines the sentence.[15] Critics see this reality as somewhat disturbing–particularly considering the

[15] For example, prior to *Guideline* implementation, the probation office evaluated defendant potential for rehabilitation. However, under the *Guidelines*, they, instead, exclusively examine the facts of the case as they relate to *Guideline* implementation. Additionally, before the *Guidelines*, all three—the prosecution, defense, and probation officer—submitted sentence recommendation reports to the judge who then made the decision. Now, probation officers submit pre-sentence reports to both counsels. They, in turn, review the report and argue any points of contention and attempt to resolve them. If counsels cannot reach agreement, disputes are

results of one study comparing forty-six federal probation officer reports on three hypothetical drug cases. The *Guideline* levels assigned by the responding officers varied widely—with recommended sentences for the same offense ranging from 1.75 to 12.5 years (Doob, 1995).

Probation officers also experienced heavier workloads under the *Guidelines*, were discouraged by the mechanical nature of the *Guidelines*, and see their role as reduced from meaningful evaluation of the offender to that of "*Guidelines* police"—especially in regard to plea bargaining agreements. As a result, they feel that counsels' attitudes toward probation officers have shifted from co-operative to adversarial (GPO, 1990). Additionally, the *Guidelines* have increased workloads for most other court staff including attorneys and judges (GAO, 1992). Moreover, they have produced an expanded opportunity for appeals and lengthened disposition time (GAO, 1992).

Despite these criticisms and the difficulties associated with the *Guidelines*, they remain a central part of the federal courts system. Although established in 1984 and implemented in late 1987, it was not until *Mistretta v. United States* (1989), that the US Supreme Court upheld the constitutionality of the *Guidelines* and the act that created them (Tonry, 1993). Both had been challenged on the grounds that they violated the 'separation-of powers' doctrine, a defendant's right to individualized consideration guaranteed under 'due process,' and that the authority granted to the USSC was too discretionary in nature. While the due process challenges were defeated in lower federal courts, the Supreme Court endorsed the *Guidelines* and ended the dispute over their constitutionality by ruling against

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then resolved in a formal sentencing hearing. Most often, the judge adheres to the probation office the remaining two arguments (Tonry, 1996). Until *Mistretta*, the *Guidelines* were inconsistently adhered to across circuit and district because judges were "hedging their bets" on whether or not the *Guidelines* would be struck down as unconstitutional (Schulhofer, 1992).

In conclusion, the main direct results[16] of the *Guidelines* appear to be harsher sentences, increased prosecutorial discretion, decreased judicial power, increased length of prison sentences, decrease in probationary sentences, and 'hidden' plea-bargaining. The most common complaints from courtroom personnel are that the *Guidelines* do not offer enough flexibility, are dehumanizing, and inequitably redistribute power (GAO, 1992). All of these are in conflict with the original goals of the SRA and may produce some of the existing racial disparity. But does the problem really lie with the *Guidelines* or is it elsewhere?

Mandatory Minimums

Congress did not repeal the existing *Mandatory Minimums* with the SRA. Rather, that year and in subsequent years they enacted new and harsher *Mandatory Minimums* (Doob, 1995). For example, the Anti-Drug Abuse Act of 1986 and the Anti-Drug Abuse Act of 1988 created a battery of *Mandatory Minimum* sentences (USSC, 1997b) intended to demonstrate the particular egregiousness of certain offenses (Parent *et al.*, 1997). The result is an overlay of the sentencing commission and mandatory minimum models.

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recommendation report (GAO, 1992; Stith and Cabranes, 1998).

[16]One indirect and unintentional effect of the guidelines has been the introduction of additional racial disparity for some offenses. In a BJS report, the authors find: "The guidelines themselves appear not to have created the...(racial)gap in sentences imposed...the important exceptions to this are the mandatory minimum sentencing laws passed for drugs, especially crack cocaine, and the particular way the Sentencing Commission arrayed guideline ranges above the statutory minima." (McDonald and Carlson, 1993: 21-2)

Like presumptive sentencing guidelines, mandatory minimum sentencing statutes require that judges impose a specific sentence for any instance of a specified offense (Weiss, 1992). There are various permutations of mandatory minima across US jurisdictions. They include "three strikes laws," "truth in sentencing" provisions, mandatory sentence enhancements, as well as the simple statutory-mandated sentence (Parent *et al.*, 1997). Additionally the criteria for the imposition as well as the operation of mandatory minimum sentences varies (USSC, 1991b). Some are offense-based, specifying a fixed mandatory sentence or sentence enhancement for particular crimes. Others, such as "three strikes" laws are offender-based, mandating particular sentences for offenders who have specified prior records. The most common rationales for mandatory minima include retribution or "just desserts," deterrence, incapacitation, disparity reduction, and inducement of cooperation or pleas (USSC, 1991b; Caulkins *et al.*, 1997; Parent *et al.*, 1997).

Currently, there are over one hundred separate *Mandatory Minimums* in approximately sixty different federal statutes (USSC, 1991b). In an analysis of nearly 60,000 cases involving mandatory minimum sentences from 1984 to 1990, the USSC found that 94 percent of these cases[17] involved only five laws—most of which were drug offenses. These statutes are:

> 21 USC § 841—manufacture and distribution of controlled substances. Depending upon the quantity of drugs involved, whether the offender had a prior conviction under specific statutes, and whether death or serious injury resulted from the offense, minimum sentences range from five years to life imprisonment.

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[17] With 18 USC § 2113 excluded, the four drug-related statutes comprise over eighty percent of *Mandatory Minimum* cases.

21 USC § 844—possession of controlled substances. For those containing a cocaine base, sentences range from five to twenty years for first offenders possessing more than five grams and for repeat offenders with lesser amounts.

21 USC § 960—penalties for the importation/exportation of controlled substances. Depending upon the quantity of drugs involved, whether the offender had a prior conviction under specific statutes, and whether death or serious injury resulted from the offense, minimum sentences range from five years to life imprisonment.

18 USC § 924(c)—minimum sentence enhancements for carrying a firearm during a drug or violent crime. Depending upon the type of firearm involved and whether the offender had a prior conviction under this statute minimum sentences range from five years to life imprisonment.

18 USC § 2113(e)—minimum sentence enhancement of ten years for the taking of hostages or murder during a bank robbery

Conversely, more than half of the existing *Mandatory Minimum* statutes were ***never*** used in the period examined (USSC, 1991b). Thus, the most heavily used *Mandatory Minimums* are in the areas of drug trafficking and firearm possession or use during a violent crime or a drug felony (Meierhoefer, 1992). In fact, over 90 percent of defendants in *Mandatory Minimum* cases are convicted for drug felonies (USSC, 1991b).

Evaluations have not been kind to mandatory minima. They find high levels of circumvention, increased dismissal and trial rates, reduced arrest, plea bargain and conviction rates, more severe sentences, and more vigorous efforts on the part of defendants to avoid convictions and delay sentencing (Tonry, 1987; Parent *et al.*, 1997). Ironically, because lowered conviction rates counteract the increased likelihood of incarceration as a disposition; the overall *probability* of incarceration remains unchanged. According to Tonry (1987), mandatory minima are redundant for serious cases and arbitrary or unduly harsh for lesser offenses. As a result, mandatory minima are not seen as effective in reducing uncertainty in sentencing (Tonry, 1987). In fact, Tonry (1996) recommends the repealing of all mandatory minimum statutes.

Research also indicates that federal offenses carrying a *Mandatory Minimum* sentence have lower plea rates than those without (USSC, 1991b; Parent *et al.*, 1997). There are several possible explanations for this. For example, if there is no opportunity for a defendant to charge bargain, the defendant is motivated to demand a jury trial rather than plead guilty to a *Mandatory Minimum* offense (Caulkins *et al.*, 1997). In addition, plea rates for *Mandatory Minimum* offenses may also be lower because the *Mandatory Minimums* do not "give credit" for the defendant accepting responsibility (USSC, 1991b).

A USSC (1991) study of *Mandatory Minimums* found that such offenders were more likely to receive substantial assistance departures than simple *Guideline* case offenders. Possible explanations for this included greater use of prosecutorial discretion with more severe penalties and that 'substantial assistance' was the only basis for sentencing below the *Mandatory Minimums* at the time. The USSC has gone on record as being opposed to *Mandatory Minimums* finding that such sentences produce hopelessness and quell motivation to re-enter society. Moreover, the USSC contends that *Guidelines* and *Mandatory Minimums* are incompatible (USSC, 1991b).

Supporters see a deterrent value—both specific and general—in mandatory minima and feel that any possible negative consequences are overstated (Vincent and Hofer, 1994). Critics, conversely, contend that mandatory minima result in unnecessary incarceration for relatively low-level offenders—disproportionately affecting minorities (Meierhoefer, 1992; Vincent and Hofer, 1994). Additionally, both the length and frequency of prison sentences as well as levels of circumvention increase (Tonry, 1987; Parent *et al.*, 1997). It has also been shown that applicable mandatory minima are more likely to be imposed when the defendant is a racial minority (USSC, 1991b; Crawford *et al.*, 1998). Finally, any disparity reductions for like offenders resulting from mandatory minimum may be outweighed by the disparity *produced* for non-like offenders (Tonry, 1987; Schulhofer, 1992; Vincent and Hofer, 1994; Caulkins *et al.*, 1997).

The 1993 *Federal Mandatory Minimum Sentencing* Congressional hearing, which was convened to address many of the concerns about and allegations[18] against the *Mandatory Minimums*, found them to be groundless or unimportant—based upon the evidence presented. However, as witnesses at the hearing were composed of offender's rights advocates, practitioners, and researchers—most of whose testimony did not agree—Congress was somewhat at a loss for a definitive answer to the complex questions that arise from the *Mandatory Minimums* (GPO, 1993). It was from this hearing that the current safety valve legislation evolved.

Approved in 1993, the safety valve provision was intended to allow judges to take offender circumstance into account when sentencing a *Mandatory Minimum* case. However, to qualify for this exemption, the offender cannot have more than a minor criminal record; used violence, threats of violence or possessed a dangerous weapon in connection with the offense; been a leader or organizer of the offense or caused death or serious bodily injury. The offender must also truthfully provide *relevant* information concerning the offense. *All* of these requirements must be met before a downward safety valve departure can be made (GPO, 1993). Unfortunately, what is considered "relevant

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[18] These include manipulation by police and prosecutors, punishing of low level offenders while allowing high level drug offenders to go free or have mitigated sentences, allowing the guidelines to work free of the influence of the minimums, the resultant sentencing "cliffs", and displacement of violent criminals back into society to make room for the numerous drug offenders (GPO, 1993).

information" is open to interpretation. Often, as in the case of drug offenders, only high-level dealers and suppliers are in a position to provide pertinent information. Street-level dealers have little information to bargain with. As a result, most lower level offenders still receive the full *Mandatory Minimum* sentence (Tonry, 1996).

Mandatory Minimums predictably resulted in dramatic prison population increases and substantial overcrowding (AOUSC, 1991). Another, albeit unexpected, effect is that *Mandatory Minimums* do not receive uniform application across offenders—particularly drug offenders. Since states have their own sentencing laws which are universally lower than federal penalties, local prosecutors often take drug cases to federal court because of the stiffer penalties (USSC, 1997b). This often also results in low-level drug offenders receiving more severe sentences than higher-level participants who are tried in state courts (USSC, 1995).

Mandatory Minimums and the *Guidelines*

The disparities present in the federal court system have been blamed on both the *Mandatory Minimums* and the *Guidelines*—in some instances interchangeably. Yet, some are caused solely by the *Mandatory Minimums*—such as preventing the sentencing court from exercising *any* discretion (pre-safety valve)—while others are attributable exclusively to the *Guidelines*—as in the case of 'relevant conduct' (Weis, 1992). Regardless, the co-existence of the two sentencing strategies arguably undermines and thus contaminates the evaluations of each (Vincent and Hofer, 1994).

The *Guidelines* not only involve the determination of offense level but also examination of the individual offense characteristics, the application of adjustments and provisions for departure before a sentence is reached. Conversely, the *Mandatory Minimums* focus mainly on offense seriousness, only periodically addressing criminal record. As a result, the *Mandatory Minimums* produce 'sentence cliffs' for minor differences as well as a 'flat' or 'tariff' approach to sentencing.[19] Additionally, the *Mandatory Minimums* are charge specific while the *Guidelines* are not. As a result, *Mandatory Minimums* do an excellent job of treating similar cases the same but fall short of treating different cases differently because they do not take into account individual circumstances. Thus, the *Mandatory Minimums* override the discretion allowed for by the *Guidelines* (USSC, 1991b).

The *Guidelines* also allow for a degree of tailoring of the sentence to the specific offender and offense while the *Mandatory Minimums* are charge specific (USSC, 1991b). This means that there is more room for discretion in sentencing if an offender is found guilty of a specific charge under the *Guidelines* than under the *Mandatory Minimums*. When *Mandatory Minimums* are involved, there is no judicial discretion if the defendant is found guilty. Thus, the main difference between the two is that the *Mandatory Minimums* seek to eliminate judicial discretion while the *Guidelines* attempt to channel it. Since it is impossible to eliminate discretion (Walker, 1993), the main result of the *Mandatory Minimums* is displacement of discretion to other court actors.

However, not all of the difficulties arise from the *Mandatory Minimums*. For example, in order to apply *Mandatory Minimums*, the prosecution must prove the

[19] Sentence cliffs refer to wide differences in sentences based on minor offense differences. For example, first time possession of 4.9 grams of crack cocaine will not invoke a Mandatory Minimum sentence of five years while possession of 5.0 grams will. The "tariff" sentencing approach means that each instance of a

defendant's guilt to the "beyond a reasonable doubt" standard. Yet, to invoke the *Guidelines*, the prosecutor need only demonstrate the "preponderance of the evidence" standard (*McMillan v. Pennsylvania*, 477 US 79: 1986) because of the 'relevant conduct' stipulation (USSC, 1991b).[20] While this may, in one respect, free the judge from the constraints of the charges and allow him or her to sentence based on the actual offense conduct (USSC, 1991b), it also constrains them to sentence for anything that the "preponderance of evidence" indicates.

Racial Disparity in Federal Sentencing

In the US today, there is a gross disproportionate representation of blacks in both arrest and incarceration statistics as compared to their numbers in the total population (Hindelang, 1978; Blumstein, 1982; Blumstein, 1993; Tonry and Hatlestad, 1997; Beck and Mumola, 1999; BJS, 1999). Blacks are incarcerated at a rate roughly seven times that of their white counterparts and comprise approximately half the prison population (Blumstein, 1982; Blumstein, 1993; Bonczar and Beck, 1997; Tonry and Hatlestad, 1997; Beck and Mumola, 1999). This disparity is particularly pronounced for young black males whose incarceration rate is approximately twenty-five times higher than that of the general population (Blumstein, 1982; Bonczar and Beck, 1997; Tonry and Hatlestad, 1997).

The racial differences, however, vary by crime type—with the disparity most pronounced for violent street crimes and the least for impersonal property crime (LaFree,

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specific offense, regardless of the intervening factors, will receive the same sentence because the only information relevant in sentence determination is the charged offense (Tonry, 1996).

1995; Beck and Mumola, 1999). Thus, most of the disproportionality in arrest and incarceration rates is the result of disparate black involvement in the more serious crimes such as homicide and robbery (Blumstein, 1993; Beck and Mumola, 1999).

The important caveat to the previous statement is with respect to drug offenses (Tonry, 1995; Tonry and Hatlestad, 1997). The number of drug offenders in the incarcerated population has quadrupled since the war on drugs began (Blumstein, 1993; Tonry and Hatlestad, 1997). Some suggest that recent crime control ideologies and tactics—specifically the war on drugs—either purposefully or unintentionally had the effect of vilifying and decimating the US black population—particularly young males (Chambliss, 1995; LaFree, 1995; Tonry, 1995; Tonry and Hatlestad, 1997). However, regardless of the reasons behind the war on drugs, the increased incarceration of drug offenders has greatly contributed to the racial disparity among incarcerated populations (Blumstein, 1993). Still, the racial differences in the incarceration rates naturally lead to concern over possible racial bias in the criminal justice system. This concern is especially salient for federal sentencing.

The *Guidelines* and *Mandatory Minimums* were intended to make the race of the offender irrelevant to the sentence imposed (Myers, 1989). Yet, despite the racially neutral, legally relevant factors employed, severe racial inequality exists—particularly in federal drug cases (McDonald and Carlson, 1993). While racial bias was not the premise for the federal drug laws, the majority of those they affect are racial minorities and the

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[20] The legal tradition of using acquitted conduct at sentencing that predates the Guidelines. Some argue that, since previously some judges considered real offense conduct while others did not, the playing field is now level for offenders since *all* Federal judges *must* consider it (USSC, 1996a).

penalties created unwarranted disparities in the treatment of essentially similar defendants (USSC, 1995).

In regard to drug offenses specifically, USSC analyses reveal that females are less likely to receive the *Mandatory Minimums* for drug crimes than males. Race and ethnicity are also statistically significant factors—with blacks and Hispanics involved in drug crimes more likely to be sentenced at or above the *Mandatory Minimums* than comparable whites (USSC, 1991b).[21] Thus, the penalties created unwarranted disparities in the treatment of essentially similar defendants, further conflicting with the fundamental purpose of the SRA (USSC, 1995).

One BJS report indicates that if the *Mandatory Minimums* and *Guidelines* were equalized for crack and powder cocaine, the racial disparity for drug cases would not only disappear but reverse slightly. It additionally contends that if the *Guidelines* were merely changed so that the *Mandatory Minimums* were the exception instead of the rule, the disparity would decrease substantially (McDonald and Carlson, 1993). These findings indicate that the *Guidelines* and the *Mandatory Minimums* are incompatible. On the other hand, a GAO investigation found that in only 5 percent of cases do *Mandatory Minimums* pre-empt the *Guidelines*—thereby refuting in the eyes of Congress the "anecdotal" contention that the *Minimums* prohibit the proper operation of the *Guidelines* (GPO, 1993). Thus, it remains unclear as to which intervention produced this increase in extralegal sentencing disparity.

[21] The higher the drug amount involved, the more likely the offender was to receive a sentence at or above the *Mandatory Minimum*. Additionally, crimes involving crack and powder cocaine more often receive *Mandatory Minimums* than marijuana or methanmphetamine crimes. USSC blamed *Mandatory Minimums*

Cause of the Problems: Guidelines or Mandatory Minimums?

The coexistence of these two forms of determinate sentencing often confounds evaluations of federal sentencing outcomes. The main difficulty is the separation of the effects of one intervention from the other. Before any meaningful action can be taken to reduce the disparities in federal sentencing, one must determine the cause of the disparity. As noted previously, the prime suspects for causation are the *Mandatory Minimums* and the *Guidelines*. The next logical step in assessing causality is the separation of the effects of one from the other.

There are several problems associated with attempts at evaluating federal determinate sentencing. Primarily, any evaluation will necessarily be a simple and methodologically weak 'before and after' comparison. Additionally, several concurrent and consecutive changes in the federal criminal justice system exacerbate the previously mentioned weakness with intervening variables—making the validity of any evaluation tenuous at best. Moreover, the structure, complexity and requirements of the *Guidelines* further complicate the utility of a 'before and after' design. This is especially true of the use of 'relevant conduct' since sentences after the *Guidelines* involve factors that were not uniformly considered previously. Similarly, sentences before the *Guidelines* include factors that cannot be considered under the *Guidelines*. Finally, the shift in power from judges to prosecutors further complicates any evaluation attempt (Tonry, 1993).

Contradictory evidence and confusion as to the impact of the *Mandatory Minimums* on sentencing is a by-product of the difficulty of separating their effects from

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for this disparity—citing their required different processing of similar offenders and similar processing of those of the *Guidelines*. Much of the available research in this area is either unable to separate the influence of the two (USSC, 1991b; GAO, 1992) or simply focuses on one facet while neglecting or ignoring the other (Nagel and Schulhofer, 1992; Albonetti, 1997), resulting in a biased picture of federal sentencing. This investigation seeks to remedy this current deficiency in the existing body of modern federal sentencing research by addressing and identifying the separate impacts of the *Guidelines* and the *Mandatory Minimums*. However, before turning to previous research on the relationship between race and sentencing, a review of the federal court structure and organization as well as the primary actors under the determinate system is in order.

Organization and Structure

The federal courts that deal with criminal cases can be visualized as a pyramid. At the bottom of that pyramid are the US District Courts. These are the trial courts of general federal jurisdiction—conducting all original criminal proceedings at the federal level.[22] Currently, there are ninety-four districts—with each state having at least one and as many as four districts (Finn, 1995). Caseload across district courts varies considerably (Seron, 1983).

The US Courts of Appeals (also known as Circuit courts), the next level of the pyramid, are intermediate appellate courts that consider all appeals from the federal trial courts. The US and its territories are divided into twelve regional circuits, with each including three or more states (except the Washington, DC circuit). These Circuit courts

different offenders as partial explanation (USSC, 1991b).

have original jurisdiction to review and enforce orders of many federal administrative agencies. The appellate court decisions are final except as they are subject to discretionary review by the Supreme Court. Unlike the district courts, these courts usually sit in panels of three judges (Finn, 1995). Federal appellate courts uphold approximately two-thirds of the decisions that they review and appellate decisions stand in over 99 percent of all cases (Davis and Songer, 1988). Contrary to popular belief, appellate courts are not overwhelmed by criminal appeals. Rather, their caseload is largely composed of private party appeals against governments (Davis and Songer, 1988).

At the apex of the pyramid is the US Supreme Court. As mentioned previously, it has discretionary review authority over Circuit court decisions but rarely elects to review the Circuit decisions. While the Court has ruled on over twenty cases involving a wide range of *Guideline* issues since *Mistretta*, none have had as much impact on the *Guidelines* usage as that first decision (USSC, 1996b).

The federal court system is and always has been geographically organized. Increases in federal caseload are partially accommodated by simply increasing the number of districts or circuits. For example, each state originally was a single federal district. Now, many states are divided into several districts and several districts are further disaggregated into divisions (Finn, 1995; Posner, 1996). However, no district boundaries cross state boundaries (Wheeler, 1992).

[22] This is with the exception of proceedings conducted by: United States Court of Federal Claims, United States Court of International Trade, United States Court of Appeals for the Armed Forces, United States Tax Court, United States Court of Veterans Appeals, Special Court on Regional Rail Reorganization, and

Local Rules of Court

The district courts are authorized to adopt local rules—so long as they are consistent with the national rules. This authorization includes the procedure for setting cases for trial, scheduling pretrial conferences, setting motions for oral argument, serving memoranda of law, and other details relating to trial. They may also state the procedure for admission of attorneys to practice in the specific district, the term of the court, the functions of the clerk of courts, and rules regarding the filing of motions (Rubin and Bartell, 1989). Each circuit court is also authorized to adopt local rules concerning procedures for ordering transcripts, filing and docketing the appeal, calendaring, motions, summary disposition of appeals, setting cases for oral argument, petitions for rehearing, petitions for en banc consideration, and stay of mandate (Rubin and Bartell, 1989).

Each federal district and circuit court is responsible for its own management, subject to the statutory restrictions set by national and regional judicial administrative agencies. Generally, to the degree possible, administrative policy-making is decentralized. While circuit judicial councils set administrative policy for the courts within their circuit, most daily administrative policy-making is delegated to the individual district courts (Rubin and Bartell, 1989).

In terms of federal court management, each circuit and district varies in calendaring practices (Olson, 1987), judicial assignment to cases, jury management (Rubin and Bartell, 1989), and the distribution of opinions (Steinstra, 1985). The influence of the governing bodies—such as the circuit judicial councils (Flanders and

McDermott, 1978; Wallace *et al.*, 1992; Wheeler, 1992), circuit judicial conferences (Rubin and Bartell, 1989; Wheeler, 1992) as well as the chief judges of the circuit and of the district (Rubin and Bartell, 1989)—also varies by location. In addition, the degree of importance of the various primary[23] and secondary[24] court players also varies.

Federal Court Actors

Blumestein *et al* identify several actors who determine sentencing outcomes (Blumstein *et al.*, 1983). Among these are legislatures, prosecutors, defense attorneys, and sentencing judges. Under federal sentencing, additional actors also have influence. These are appellate court judges (Carp and Stidham, 1998) and probation officers (FJC, 1987; Rubin and Bartell, 1989; GAO, 1992). Supplying the statutory framework of the laws to be enforced, the role of the legislature is perhaps the most straightforward. The role of the other actors is somewhat more complex. Thus, what follows is a brief summary of each.

Federal Judges

The president of the United States, with the advice and consent of Congress, appoint both circuit and district judges for life terms (Finn, 1995). As a result, the make up of the federal bench often reflects the political goals of the appointing president.[25]

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[23] These include: district and appellate judges, US Attorneys, defense attorneys, and probation officers (FJC, 1987; GAO, 1992; Schulhofer, 1992; GPO, 1993; Wray, 1993).

[24] These include: magistrates as well as circuit and district court executives, clerks of courts and law clerks (Wheeler and Nihan, 1982; Seron, 1983; Eldridge, 1984; Macy, 1985; Rubin and Bartell, 1989; Harris, 1992; Smith, 1992; Finn, 1995; Posner, 1996).

[25] For example, in 1992, over seventy percent of all federal judges were members of the Republican Party and ninety-five percent of them were either Ronald Reagan or George Bush appointees. Moreover, judicial branch composition is influenced by whether the executive and legislative branches are in the hands of the same political party (Barrow *et al.*, 1996). This reality may have different implications for the two types of federal judges considered here.

Beyond that, the positions of district and appellate judges have distinct influences over federal sentencing.

District Judges

As the sentencing judges of the federal system, district judges impose sentences (Blumstein *et al.*, 1983). Under *Guideline* sentencing, district judges are required to discern relevant facts, determine the rules applicable to those facts, and explain the rationale behind their sentencing decisions—which is subject to appellate review (FJC, 1987; Posner, 1996). The pre-sentence report (PSR), the document upon which the judge bases these decisions, is subject to review and objection by either the defense or the prosecution (FJC, 1987). The judge is responsible for resolving any disputed facts and determining if the disputed issue would affect the sentence (FJC, 1987). The district judge also determines the admissibility of hearsay statements and whether an evidentiary hearing must be conducted (FJC, 1987). He or she is also expected to short circuit "hydraulic displacement" of discretion to the prosecutor—specifically in regard to plea-bargaining—by not accepting pleas that circumvent the *Guidelines* (FJC, 1987; Rubin and Bartell, 1989).

Appellate Judges

As previously mentioned, appellate or circuit judges have review authority over all challenged decisions arising from the district courts within their circuit (Finn, 1995). Such authority has implications for the outcome of criminal sentences since reversal of district sentences affects future sentencing decisions in that district. Like the district level judges, the aforementioned characteristics may influence the types of decisions meted out by the appellate courts.

Chief Judges

Each circuit and district court has a chief judge. However, chief judges have no authority over other judges' case decisions. The authority of the chief judge is identical to that of other judges in judicial matters (Rubin and Bartell, 1989).

District Chief Judges

District chief judges are responsible for much of the administration of the district court. Generally, they supervise the clerk's office, the probation office, the pretrial services office, the magistrates, and the district bankruptcy court. Statute holds the chief judge responsible for carrying out the rules and orders of the court and for appointing magistrates when the vote of the district judges does not reach a majority. Some chief district judges appoint committees of district judges to assist in administrative matters. In some district courts, the judges meet regularly, while in others they meet only as the need arises. In most courts, the clerk of court handles judicial case allotment according to a random procedure, but the chief judge may make special assignments for unusual cases (Rubin and Bartell, 1989).

Appellate Chief Judges

A chief circuit judge[26] is administrative head of his/her circuit and has numerous statutory and unofficial duties (Wheeler and Nihan, 1982; Rubin and Bartell, 1989). Among these obligations, the chief circuit judge is responsible for the judges in his or her circuit, dealing with general problem solving as well as addressing allegations of judicial unfitness or misconduct. In addition, the circuit chief is responsible for case flow management in the court of appeals, supervising district court business, general planning, and general administration.

While administration is a heavy burden on chief judges, almost half do not take caseload reductions and the rest take only slight reductions—mainly because of court backlog (Wheeler and Nihan, 1982). The average circuit chief judge spends approximately 45 percent of his/her time on administration (Wheeler and Nihan, 1982). Chief judges differ most in their overall approach to administration rather than in specific administrative procedures.[27]

US Attorneys

Prosecution of federal-level criminal cases is handled by the US Attorney's Office. These offices are as unique as districts since each district has its own US Attorney's Office. As a result, there is substantial variation between offices in the number of attorneys per office, caseload, prosecutorial policies and priorities, types of cases handled by district, and the degree to which the US attorney supports or adheres to

[26] The chief judge of a circuit is the judge who has the longest service of those under 65 years of age but who has not previously been chief judge (Finn, 1995).

[27] There are two distinct dimensions of administrative approach: activism and delegation. Each dimension has two subsequent facets. Under the rubric of activism, there are activist and non-activist chief judges. The activists are chief judges who find that their administrative responsibilities are best carried out when they try to anticipate problems and take steps to control them before they arise. Conversely, non-activists are chief judges who find it best to let situations develop and to deal with problems only once they take definite form (Wheeler and Nihan, 1982).

The delegation dimension, similarly, is comprised of "heavy" and "light" delegation chief judges. "Heavy delegation" refers to chief judges who delegate as much administrative work as possible to other judges committees of judges, or court officers. "Little delegation" judges, on the other hand, are those chief judges that feel that their own personal attention will, in the long run, result in the most effective administration (Wheeler and Nihan, 1982). Clearly, the activism and delegation orientation of circuit chief judge will impact the efficiency, processing, and procedures of the circuit he or she serves.

the centralized governance of US attorneys (Eisenstein, 1978). Like federal judges, US Attorneys are nominated by the president and approved by Congress. However, unlike federal judges, the president can fire a US Attorney (Eisenstein, 1978). The US Attorney is responsible mainly for the administration of the office while courtroom engagements are delegated to assistant US Attorneys.

Like any prosecutor, federal prosecutors enjoy nearly unfettered discretion (Cole, 1970; Jacoby, 1980; Blumstein *et al.*, 1983; Albonetti, 1987). They establish priorities and determine the amount of vigor with which various kinds of cases will be pursued. Moreover, they alone determine which charges to file, which cases to dismiss, and what deals to offer in exchange for a guilty plea, but these decisions are not subject to independent review (Blumstein *et al.*, 1983). As noted by Congress, prosecutors have always had enormous, unchecked and unmonitored discretion with ***charging***—regardless of the sentencing model employed (GPO, 1993).

The issue of federal prosecutorial discretion is important in its own right. The goal of federal determinate sentencing was to ensure certainty and parity in sentencing. Unfortunately, there are no enforceable guidelines or even consensus among US attorneys regarding the appropriate use of their discretion (GPO, 1993). For example, the appropriate use of fact and charge bargaining is outlined in the *Prosecutor's Handbook on Sentencing Guidelines* (the Redbook), the Thornburgh Memorandum, and the Terwilliger Memorandum. While each attempts to clarify and codify procedure, all have areas of weakness. The Redbook is said to be inconsistent while the Thornburgh Memorandum provides a "loophole" by not requiring supervisory approval before prosecutors can recommend a downward departure. These problems can lead to substantial prosecutorial-based variation in sentence outcomes (Nagel and Schulhofer, 1992).

For example, a USSC (1991*b*) report found disturbing patterns regarding comparability between charge and actual offense. Just over 73 percent of *Mandatory Minimum* offenders were charged under the highest *Mandatory Minimum* available, nearly 14 percent were charged under lower *Mandatory Minimums*, and 12 percent were not charged under *Mandatory Minimums*—despite the fact that it was warranted (USSC, 1991b). Moreover, several drug charges were filed either with no drug amount specified or specified drug amounts lower than the actual drug quantity. This resulted in lower or no *Mandatory Minimums* being applicable. Also, charges for weapon enhancements were often not filed, despite the fact that 45 percent of drug defendants were known to be in possession of firearms at the time of their offense. Finally, drug amounts were manipulated at pleas (USSC, 1991b). These findings effectively demonstrate the prosecutorial power to circumvent the *Guidelines* and *Mandatory Minimums*.

Similarly, one GAO report investigating the application of *Mandatory Minimums* found wide variation in prosecutorial request for and judicial application of the requisite *Mandatory Minimum* sentence (Wray, 1993). This same report cited variation in prosecutorial practices by district. For example, because of limited resources, the limited culpability of most drug couriers, and the general dislike of judges to impose *Mandatory Minimums* on such low level offenders, federal prosecutors in the eastern district of New York regularly did not charge drug couriers under *Mandatory Minimums* (GPO, 1993; Wray, 1993). Moreover, quality of the evidence, district workload, and how an individual case related to the prosecution of other cases influenced whether *Mandatory Minimum* charges were filed (Wray, 1993).

Prosecutorial discretion also operates significantly in substantial assistance motions (GPO, 1993). This broad discretion coupled with a lack of guiding standards for the application of substantial assistance motions can produce wide variation in such policies and practices by district (GAO, 1992). This is demonstrated by anecdotal evidence that prosecutorial use of 'substantial assistance' varies by district—with some considered "generous" in the issuance of such motions and others placing strict requirements on the defendant before such a departure is even considered (Wray, 1993). The prosecutorial application of the *Guidelines* relevant conduct provision is also considered a source of inter-circuit, district, and case variation in sentence outcomes (GAO, 1992; Nagel and Schulhofer, 1992). Thus, one of the main purposes of the *Guidelines* and *Mandatory Minimums*, to reduce sentence disparity, is potentially undermined by such wide prosecutorial discretion. Clearly, US Attorneys impact federal criminal sentencing outcomes.

Defense Attorneys

Defense attorneys in the federal courts must be fluent in the practices, statutes, and nuances of the court in which they practice—particularly since standard "rules of thumb" that apply in state courts may be irrelevant in federal courts (Campbell, 1991). For example, a plea agreement that reduces the number of charged counts is of little value when 'relevant conduct' is applied or if the *Guideline* range or the *Mandatory Minimum* charge remains unchanged. Thus, the defense attorney must legally analyze the case at hand ***as well as*** fully comprehend the various statutes and conditions that may apply at sentencing (Campbell, 1991). Such conditions include: the effect of the *Guidelines* governing relevant conduct, multiple counts, and acceptance of responsibility; Department of Justice policy on plea agreements, the USSC policy statement on the acceptance of plea agreements, and the pertinent statutes and *Guidelines Manual* provisions regarding Cupertino by the defendant (Campbell, 1991). Other issues that require the vigilant attention of the defense attorney are the application of 'substantial assistance' to all counts, the acceptance of responsibility decision, preparing the defendant for the probation officer/pre-trial services interview, as well as stipulation to particular counts—especially to a more serious offense (Campbell, 1991). Clearly, how defense attorneys handle each of these issues influences their client's sentence and therefore federal criminal sentencing outcomes.

Probation Officers

Each district court appoints probation officers[28] as well as a chief probation officer to supervise their activities. All probation officers serve at the pleasure of the court (Rubin and Bartell, 1989). The probation officers prepare the pre-sentence

[28] The responsibilities and duties of a probation officer include: 1) Conducting pre-sentence investigations and preparing reports on them; 2) Completing investigations, evaluations, and recommendations to the court concerning alleged probation or supervised release violators; 3) Completing investigations, evaluations, and reports to the Parole Commission when parole is considered for an offender; 4) Completing investigations, evaluations, and recommendations to the Parole Board concerning alleged parole violators; 5) Completing investigations, evaluations, and reports to the Parole Commission on matters pertaining to determination of indeterminate sentences given under the now-repealed Federal Youth Corrections Act, 18 USC § 5005; 6) Completing such duties as may be requested concerning the investigation and supervision of military parolees; 7) Providing the same service to US magistrates as furnished to district judges, when requested; and 8) Developing and investigating community plans for persons to be released from federal or military correctional institutions on parole or mandatory release, or supervised release (Rubin and Bartell, 1989).

investigation report (PSR)[29]—the recommendations of which the court usually accepts (Stith and Cabranes, 1998). Judges generally rely on this report to determine the applicable *Guidelines* range—and therefore the sentence (FJC, 1987; GAO, 1992). As a result, it is the probation officer and not the judge who generally determines the *Guidelines* range. Probation officers examine the facts of the case as they relate to *Guideline* implementation. The probation officers then submit PSRs to both attorneys who, in turn, review the report, argue any points of contention and attempt to resolve them. If the attorneys cannot reach agreement, disputes are resolved in a formal sentencing hearing. Most often, the judge adheres to the probation office recommendation report (GAO, 1992; Stith and Cabranes, 1998).[30]

The authority and influence allocated to the probation officer varies. In many districts judicial dependence on probation officers has decreased as judicial familiarity with the *Guidelines* has increased. However, in other districts judges rely heavily on probation officers, giving them broad authority in sentencing decisions (Schulhofer, 1992).

The probation officer's goal in preparing the PSR is to provide the court with solid, well-researched, verifiable information for determining the appropriate *Guideline* range. It is only through the provision of accurate defendant information that the court can effectively use the discretion allotted to it under the *Guidelines*. For example, data

[29] Generally, they are used only after a conviction is secured. However, PSRs are initiated in two instances without a conviction: when the defendant wants to plead guilty and have the case transferred to another district or in order to assist a judge in deciding whether to accept a plea agreement (FJC, 1987)
[30] This reliance can also produce unwarranted disparity since some studies indicate that probation officer reports and the assigned *Guideline* levels therein vary widely for identical offense and offender types (Doob, 1995).

concerning defendant employment history, family ties, health, and drug use remain important in determining whether the offender should receive a downward departure or committed the crime under mitigating circumstances (FJC, 1987). Thus, the probation officer must do his/her utmost to obtain accurate facts and assess them impartially.

Naturally, the probation officer must interpret the *Guidelines* in order to apprise the court of the appropriate *Guideline* range. As a result, the officer must use his/her individual judgement in drawing conclusions from the facts. Such interpretations will vary between individuals and probation offices. For example, the probation officers' assessment of the facts may not be comparable to what the prosecutor could have proven under the rules of evidence (Meierhoefer, 1992). Thus, PSRs are expected to be challenged (FJC, 1987). Clearly the probation officers and the PSRs they produce also influence sentence outcomes

The Pre-Sentence Investigation Report (PSR)

In federal district courts, the basic judicial tool in determining sentence is the PSR. The probation officer assigned to the case prepares this document. By law, the PSR must contain information concerning the offense,[31] the defendant's criminal history,[32] sentencing options,[33] offender characteristics,[34] applicable fines and restitution,[35] any other factors that may warrant departure, the impact of a plea agreement

[31] charge(s) and conviction(s), related cases, the offense conduct, any adjustments for obstruction of justice or acceptance of responsibility, and the offense level computation
[32] juvenile adjudications, criminal convictions, criminal history score computation, other criminal conduct, and any pertinent pending charges
[33] custody, supervised release, or probation
[34] family ties, family responsibilities, community ties, mental and emotional health, physical condition including drug dependence and alcohol abuse, education and vocational skills, and employment record
[35] statutory provisions, guideline provisions for fines, and the defendant's ability to pay

if applicable, and the sentence recommendation (FJC, 1987). The PSR furnishes the case facts relevant to *Guideline* sentencing, explains the *Guidelines* application, and provides the probation officer's confidential sentencing recommendation. The PSR may also contain addendum listing the portions of the report to which one of the parties objects as well as the officer's response to those objections (Rubin and Bartell, 1989).

The PSR must be disclosed to the defendant at least ten days before sentencing to allow the attorneys time to review the report and discuss their objections with the probation officer. The probation officer may revise the report in the case of legitimate objections. If the dispute cannot be satisfactorily resolved and the issues involved would affect the sentence, the judge may hold an evidentiary hearing before imposing sentence to resolve the issue (Rubin and Bartell, 1989).

Conclusions

The federal criminal courts currently use two determinate sentencing models—the *Guidelines* and the *Mandatory Minimums*. Each has separate characteristics and effects on sentencing. Under these models, various court actors have influence over the sentencing decision. Despite the intentions of federal determinate sentencing, disparity still persists in federal sentences—particularly in regard to offender race (McDonald and Carlson, 1993). Unfortunately, determining the source of such racial disparity is confounded by the coexistence of the *Guidelines* and the *Mandatory Minimums*. The problem lies in separately evaluating the effect of these two different but coexisting interventions. To date, no research has succeeded in separating the impact of the two. This research attempts to accomplish that task in order to isolate whether or not and to what degree either or both of these interventions may contribute to the persistence of racial disparity in federal sentencing.

Chapter Two: Previous Race and Sentencing Research

Before elaborating on the current design and methodology for separating the impact of the *Guidelines* and the *Mandatory Minimums*, it is useful to review the existing research. Given that the end goal of this study is an assessment of the factors that contribute to existing racial disparity in federal sentencing, this review begins with literature examining the impact of race on sentencing. First we explore the definition of disparity as it is used in this and previous analyses. Next, literature providing a general overview of race and sentencing research is discussed. This section is followed by a review of findings regarding race and the imposition of the death penalty. Finally, general offense research and studies including estimates of interaction effects are addressed. However, those studies exploring the effect of race on sentencing in states under structured sentencing systems (such as guidelines) are covered in a subsequent chapter.

Disparity versus Discrimination: Definitions and Types

Often the terms disparity and discrimination are used interchangeably when, in fact, they have very distinct meanings. Hagan and Bumiller define sentence discrimination as unfair sentencing patterns that are prejudicial and disadvantaging. They define disparity, on the other hand, as unequal treatment—the origin of which is unexplained (Hagan and Bumiller, 1983). Blumstein *et al* (1983) also distinguish between discrimination and disparity. Discrimination is when some objectionable case attribute affects sentencing outcomes after all other relevant variables are adequately controlled. Disparity, on the other hand, is when cases with "like" attributes are sentenced differently (Blumstein *et al.*, 1983).

Walker *et al.* (1996) further refine the distinction between disparity and discrimination by devising a continuum illustrating both the overlapping and mutually exclusive range of the two concepts as they occur in the criminal justice system. Defining disparity as differential treatment that is explained by legitimate factors, the authors categorize discrimination as the same differential treatment without legitimate explanations.

Their continuum identifies four levels of discrimination. *Systematic discrimination* describes a system that is permeated by illegitimate differential treatment at all levels, times, and places. *Contextual discrimination* reflects discrimination that exists only in specific cases or situations. For example, if differential treatment of rape cases occurs only in instances of inter-racial rape, the discrimination present is context dependent and constitutes contextual discrimination. *Individual discrimination* occurs when differential treatment is the product of certain individual acts and is not present in the entire system as a whole or under specific contexts. Finally, *pure justice* describes a system that is totally devoid of discriminatory treatment (Walker *et al.*, 1996).

While this continuum mainly distinguishes between the levels of discrimination that can exist, it also includes a form of disparity under the label of "institutionalized discrimination." This describes when the application of legitimate and neutral factors in making criminal justice decisions produces disparate outcomes—in this case by race (Walker *et al.*, 1996). Zatz's (1987) *cumulative disadvantage*[36] falls under this category.

There are also several types of disparity. Blumstein *et al.* (1983) outline four types illusionary, planned, interjurisdictional, and individual. *Illusionary* is the mere appearance of disparity to the outside observer. Here, once the facts of cases, that on the surface seem similar, are known, the illusion of disparity disappears. Conversely, *planned* is engineered disparity that is purposefully introduced as social policy. Here, all offenders are equally liable to receive the harshest sentence but most do not. Rather, only a few receive the harshest disposition because that is all that is necessary to achieve the desired deterrent effect. *Interjurisdictional* disparity, as the name implies, is the result of differences between jurisdictional procedures, practices, political climate, conditions, *et cetera*. Finally, *individual* disparity arises from philosophical variation between court personnel as to the overall goals of sentencing. The decision-making discretion allotted to such personnel, particularly judges, produces such disparity (Blumstein *et al.*, 1983).

Kleck (1981) identifies five practices that lead to racial bias in criminal sentencing outcomes. These are: overt discrimination against minority defendants; disregard for or devaluing of minority crime victims; class discrimination; economic discrimination; and institutional racism (Kleck, 1981). Similar to Walker *et al*'s (1996)

[36] This describes the scenario where race, for example, has an insignificant effect on outcomes at individual criminal justice stages. The impact, however, builds as an individual proceeds through the system to result in significant disparities in processing at the latter stages of the system (Zatz, 1987). For example, "over-policing" of minority neighborhood may result in their being stopped by the police in disproportionate numbers. This, in turn, may result disproportionate minority arrests because officers are exposed to their deviant activities more frequently than their non-minority counterparts. As a result, minorities who have the same *criminal experience* as non-minorities will have a criminal record while the non-minorities will

institutional discrimination, institutional racism is the application of legally relevant and consensual factors that adversely impact minorities. For example, the use of prior record in sentencing decisions may produce institutional discrimination if minorities are more likely than non-minorities to have a prior criminal record.

Specific to determinate sentencing systems, Schulhofer (1992) identifies three distinct kinds of disparity. These are: the imposition of different sentences on similar offenders; the imposition of similar sentences on different offenders; and the imposition of different sentences on the basis of differences among offenders that are genuine but not sufficiently relevant (Schulhofer, 1992). Although determinate sentencing systems attempt to reduce disparity by imposing like outcomes for similar offense and criminal history categories, disparity can remain through plea bargain practices, judicial departures, and overly broad sentencing categories that do not sufficiently distinguish between like and unlike offenders (Karle and Sager, 1991).

This research recognizes each of the above definitions of discrimination and disparity. For the purposes of this research, however, the definitions outlined by Walker *et al.* (1996) are primarily used. Additionally, it operates from a perspective that disparity and discrimination have changed forms—from the overt discriminatory practices of the past to the covert disparity of today (Zatz, 1987). Thus, institutional and contextual discrimination are expected to be the main avenues through which racial disparity operates in the current federal sentencing process.

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not. At the sentencing stage, even under guideline systems, the minority will be at a disadvantage because of the prior criminal record.

Finally, one additional factor comes into play in terms of how this research differentiates between discrimination and disparity. It uses the term discrimination much more cautiously than the aforementioned pieces. The rationale behind this difference stems from assignment of intent. Simply, differences in sentencing outcomes by extralegal factors, such as race and ethnicity, which have no clearly identified causes are termed *unwarranted disparity* in this research rather than the more commonly used discrimination. The term discrimination implies that there is some purpose, intent, or motivation—either conscious or unconscious—behind differences in treatment. If there is no clear establishment of one of these factors, it is unjustified to term the phenomena of differential treatment as anything but unwarranted disparity since the implied causal factors of discrimination are not demonstrated. Therefore, in this research, the use of the term discrimination is reserved for cases or instances where there appears to be a clear and purposeful differential treatment by extralegal factors.

Studies of Race and Sentencing

For nearly a century, social scientists have investigated the relationship between race and crime. However, the impact of race on criminal justice processing is not as simple as "black and white." Originally, only direct racial and ethnic effects were assessed and investigated, often using only the most basic statistical techniques (Zatz, 1987). As time passed, techniques for assessing racial effects improved, calling earlier findings into question. More recently, indirect and interaction effects have been investigated, again changing the perspective on how race and ethnicity impact sentencing. Here, direct racial or ethnic effects on the sentencing outcome may be absent but other factors with direct effects—such as income—may "vary systematically" by race or ethnicity (Zatz, 1987). Thus, racial effects are not necessarily simple or straightforward. The influence and interaction of these factors makes it clear that the impact of race and ethnicity is fluid rather than static, changing over time and circumstance. Clearly, race has an effect on sentencing and other criminal justice processes. The way that effect has been viewed, however, has changed drastically over time.

One such change has been the recognition that race and ethnicity are not synonymous terms. Rather, biology and genetics are the primary determinates of race while cultural factors such as language and custom determine ethnicity (Walker *et al.*, 1996). Thus, race and ethnicity are not necessarily related. As a result, it is possible to be both black and non-Hispanic or both black and Hispanic. In terms of research, this distinction mandates that race and ethnicity be captured separately—in terms of either variables or models—since they are distinct attributes (Zatz, 1987).

While the above definitions of race and ethnicity are somewhat oversimplified (Walker *et al.*, 1996), they are sufficient for the purpose of this research. While variables capturing both attributes are included in the analyses, this research focuses on differences in federal sentences between *racial* groups rather than between *ethnic* groups. As a result, the literature review, research strategy, and methodology of this study are geared toward describing and uncovering racial differences in federal sentences.

Overviews of Race and Sentencing

In an early review of sentencing discrimination research, Hagan (1974) discusses the findings of twenty prior studies and re-analyzes the data from seventeen of those studies. Overall, these studies indicate a weak relationship between race and sentencing outcome. However, Hagan (1974) notes that the bulk of them used inadequate statistical controls, did not use tests of significance, or omitted summary measures of association. His re-analyses indicate a generally weak relationship between extralegal offender attributes and sentencing (Hagan, 1974). Specifically in regard to race, while there was evidence of differential sentencing in death penalty cases, for non-capital cases, racial sentencing disparities disappeared when offense type was controlled and the offender had no prior record. For offenders with modest prior records, there was a small but significant relationship between race and disposition (Hagan, 1974). Despite this, Hagan concludes that extralegal offender attributes contribute little to the prediction of judicial dispositions.

In another re-evaluation of racial disparity in criminal sentencing research, Kleck (1981) finds that most studies of the death penalty either do not control adequately for the offender's prior record or socio-economic status or use older data from Southern states. However, for capital rape cases, Kleck finds credible evidence of overt racial discrimination (Kleck, 1981). Despite this, Kleck's own analyses reveal that, from 1930 to 1978, blacks were less likely than whites to receive the death penalty. In fact, he concludes that the racial discrimination hypothesis holds true only for the South. However, he does concede that there may be variation in the handling of capital cases outside the South.

For non-capital offenses, Kleck (1981) finds that most yield mixed findings or refute the racial discrimination hypothesis. Those that do support the racial discrimination hypothesis either failed to or inadequately controlled for offender prior record (Kleck, 1981). From this, Kleck concludes that non-capital sentencing racial disparity is largely explained by legally relevant factors (Kleck, 1981).

Kleck (1981) also finds that the victim/offender racial dyad generally has little impact on the sentencing decision. He contends that the findings of prior research demonstrating significant effects are time and region-bound artifacts that would disappear if conducted more recently, in non-Southern areas, or if legally relevant factors were adequately controlled (Kleck, 1981). However, Kleck's evidence does support a devaluation of black victims through more lenient treatment of offenders who victimize blacks—particularly in capital cases. While he does not find support for overt racial discrimination in the application of criminal sentences, Kleck does not rule out the possibility of institutional racism or income discrimination.

In another critical review of previous race and sentencing literature, Hagan and Bumiller (1983) highlight the importance of individual, processing and contextual factors in the relationship between race and sentencing and explore the complexity of distinguishing legal and extralegal influences from one another. Specifically, they contend that the inconsistencies of prior research stem from methodological problems such as the varied operationalization of sentence severity, offense severity, prior record, socio-economic status, victim/offender relationship, race and ethnicity. Moreover, such studies suffer from differences in sampling techniques and problems with under-utilizing or effectively interpreting contextual influences. Examining fifty-one studies, they find that increased controls for legally relevant factors do not reduce the number of findings of racial discrimination (Hagan and Bumiller, 1983). However, the strength of the race-sentence relationship is much weaker than that found by earlier studies with inadequate controls.

Zatz (1987), in reviewing prior studies of the impact of race on sentencing, identifies four "waves" of sentencing research occurring sequentially over several decades. The first wave, using simple comparisons and statistical techniques, identified severe and endemic direct racial discrimination. The second wave, with more advanced statistical techniques such as multivariate regression, found no direct discrimination. The third wave, through the use of more complex and sophisticated models—such as interactive models—as well as correcting for methodological errors like sample selection bias and model misspecification, found indirect discrimination. The fourth wave, barely begun at the time of Zatz's piece, involved the investigation of structured sentencing mechanisms such as sentencing guidelines and mandatory minima (Zatz, 1987). Studies conducted during the early years of this wave generally found subtle, rather than overt, race effects.

Zatz (1987) also identifies several methodological problems that may bias race and sentencing research against findings of discrimination. Data coding decisions, the operationalization of discrimination, sample selection bias, and model misspecification all can serve to mask differential treatment by race. She also notes that contextual factors as well as court assessments of defendant social, economic, and political standing impact sentencing outcomes. Their exclusion from sentencing models can also hide inter-racial variations in sentence (Zatz, 1987). She closes by observing that racial discrimination has not disappeared but merely metamorphisized into more acceptable forms.

Hawkins (1987) asserts that the so-called "anomalous" findings—such as leniency toward minorities—of previous research are the result of the misuse and oversimplification of conflict theory. He contends that conflict theory is much more complex than the simplistic idea that minorities will *always* be sanctioned more severely than whites (Hawkins, 1987). Pointing out that the concept of leniency itself is based mainly on Southern criminal justice practices, Hawkins notes that it is used to refer to any instance in which blacks are treated less harshly than whites or merely to explain "anomalous" findings. Moreover, little regard is given to the prerequisites underlying the concept itself. Hawkins concludes that findings of "leniency" are not "anomalous" but instead, actually support conflict theory and are predicted by it (Hawkins, 1987).

Moreover, Hawkins notes that Blalock's power threat thesis[37] is often overlooked in conflict theory research. Specifically, Hawkins contends that this thesis can partially explain racial differences in punishment by crime type because, from a power-threat perspective, some crimes are seen as more threatening to "white authority" than others. Therefore, they are processed differently by the criminal justice system. He notes that most researchers using a conflict orientation fail to take power-threat into account. This

[37] This theoretical framework asserts that high concentrations of minority populations coupled with low levels of segregation increase the perceived threat posed by minorities to challenge white political or economic control (Hawkins and Hardy, 1987).

prevents them from effectively explaining punishment differences by race—particularly within and across jurisdictions (Hawkins, 1987).

According to Hawkins, several additional factors must be considered. For example, victim race can interact with offender race to produce sentence disparity (Hawkins, 1987). Thus, when crime is intra-racial, leniency may be perceived when, in reality, minority victims are being devalued. Were the racial or ethnic status of the victim not taken into account, this type of disparity would be masked. In addition, researchers often fail to take relevant factors—such as context—into account or fail to recognize the theoretical significance of seemingly "anomalous" results (Hawkins, 1987). Hawkins also notes that often ignored factors—such as the victim/offender dyad, "race appropriateness" of the offense,[38] as well as how race interacts with region or jurisdiction—must be considered before an accurate picture of the relationship between race and sentencing can be achieved (Hawkins, 1987).

Chiricos and Crawford (1995) review recent empirical research concerning race and imprisonment, categorizing each study by data, year, location, independent variables, statistical techniques as well as the direction and statistical significance of the findings. Their findings reveal race to be a consistently significant factor that wields more influence over dispositional than durational decisions. Moreover, its influence is stronger in the South than in other regions—even when offense severity and prior record are controlled (Chiricos and Crawford, 1995).

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[38] Under this premise, certain types of crimes are considered race specific or appropriate. Thus, if a person commits a crime that is considered inappropriate to his or her race, he or she will be punished more severely than those for whom the crime is considered appropriate (Hawkins, 1987).

Their review of findings in regard to the racial composition of criminals also supports Blalock's power-threat hypothesis. When the black population in a given area is greater than the national average, black offenders receive a greater sentencing disadvantage. This effect, however, is opposite for high concentrations of black populations in urban areas—suggesting that urban context can reduce racial inequity. Finally, high unemployment rates also increase blacks' disadvantage in imprisonment rates (Chiricos and Crawford, 1995). These effects hold true even when offense severity and prior record are controlled. In addition, direct racial effects on sentencing remain even after these indirect effects are taken into account (Chiricos and Crawford, 1995).

Daly and Tonry (1997) note that researchers of the impact of race on sentencing fall into two categories: those that contend that the impact of race has declined and is insignificant as compared to other factors and those that argue that racial disparity has not declined but is simply harder to detect. Regardless, large differences by race exist with black men's incarceration rate six to eight times that of white men and black women's incarceration rate seven times that of white women (Daly and Tonry, 1997).

Daly and Tonry point out that while most court data examine race and gender separately, the interactions of race and gender produce the most interesting analytical and political questions. In examining incarcerated populations, they note that black and female representation has increased in recent years. Additionally, data from 1980 to 1993 reveals that gender differences within racial groups are very pronounced. For example black men's incarceration rate is eighteen to twenty-five times that of black women and white men's incarceration rate is seventeen to twenty-eight times that of white women (Daly and Tonry, 1997). The authors also assert that findings yielding no race or gender effects do not mean these factors do not powerfully influence the criminal process. They point to sample selection bias, indirect effects, and a failure to differentiate between race and ethnicity as explanations for such findings. Regardless, they contend that the effects of both race and gender are context dependent.

Thus, evaluations of the relationship between race and sentencing outcomes have changed and evolved over time. While the earliest studies uncovered strong and direct racial effects (Zatz, 1987), later research using multivariate analyses found little or no racial impact on sentencing (Hagan, 1974). Subsequent studies, however, revealed methodological shortcomings in the aforementioned research such as inappropriate operationalization of variables and/or use of theory, flawed sampling techniques, and the omission of potential indirect and interaction effects (Kleck, 1981; Hagan and Bumiller, 1983; Hawkins, 1987; Zatz, 1987; Chiricos and Crawford, 1995). Improving upon the designs and methodology, the most recent studies indicate the persistence of direct and indirect racial effects in addition to racial interactions with other variables.

Modern research uses the above and similar findings to improve both their methodology and statistical models as well as enhance the current state of knowledge concerning the relationship between race and sentencing. Many of these studies include interactions and account for indirect effects. They reveal the persistence of racial impact on sentencing outcomes. What follows is a review of recent findings concerning the relationship between race and sentencing.

Modern Race and Sentencing Research

The aforementioned studies call for future race and sentencing research to correct the methodological inadequacies of past research. Each of the following research studies answers this call by accounting for and incorporating either indirect or interaction effects. The primary effects uncovered categorize the results.

Indirect Effects

Spohn *et al.* (1982) highlight many problems associated with race and sentencing research, attempting to correct those deficiencies with their own analyses.[39] The authors' regression analyses indicate direct racial effects on the sentence duration that disappear when prior record, offense seriousness, and other factors are controlled. Subsequent path analyses, however, indicated that race operates indirectly through legally relevant factors—such as charge, prior record, pretrial status, and attorney type—to sentence length (Spohn *et al.*, 1981-2). However, race did retain a significant, direct effect over the incarceration decision even when other factors, such as offense seriousness and prior record were controlled. Strikingly, blacks sentenced to prison received lighter sentences than whites. This leads the authors to conclude that judges make different decisions based on race when facing those "borderline cases" that could legitimately receive dispositions of either prison or probation (Spohn *et al.*, 1981-2).

The Victim/Offender Dyad

Incorporating Hawkins' (1987) suggestions concerning conflict theory, the following studies examine the impact of the victim/offender race dyad on sentencing.

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[39] These flaws entail the use of small samples, inclusion of few offense types, inadequate controls for both legal and extralegal factors, inadequate measures of sentence severity, inadequate statistical techniques, and

Paternoster (1984) examines the proposition that juries are more likely to impose the death penalty in felony-murder cases involving white rather than non-white victims. Specifically he investigates the higher probability of black defendants who kill white victims of receiving the death penalty. Paternoster compares the probability of death penalty requests in white and black victim cases while controlling simultaneously for other relevant characteristics in a multivariate analysis (Paternoster, 1984).

His analyses reveal that as homicides become more aggravated, differential sentencing by victim race narrows considerably. For example, in cases with only one aggravating felony and no other aggravating factors, the probability of death penalty request is three times higher for those who killed whites than for those who killed blacks. However, for homicides with at least two statutory felonies, probability of death request in cases involving white and black victims is nearly identical. Additionally, the analyses reveal that blacks who kill whites are significantly more likely to face prosecutorial death penalty requests than whites who kill whites while blacks who kill blacks are significantly less likely to face death penalty requests than whites who kill blacks (Paternoster, 1984). Thus, Paternoster concludes that victim-based racial discrimination is present in prosecutorial decisions to seek the death penalty—even when method of murder is controlled. These patterns suggest that prosecutors operate from race-based definitions of homicide severity rather than consistent selectivity when seeking the death penalty (Paternoster, 1984).

failure to disaggregate the sentencing decision into the dispositional and durational decisions (Spohn *et al.*, 1981-2).

Keil and Vito (1989) use the *Barnett Scale* for ranking homicides in terms of seriousness to evaluate if blacks commit more heinous murders than whites, thereby justifying their disproportionate representation on death row. For their analyses, they use all Kentucky murder convictions between December 22, 1976 and October 1, 1986. While blacks did not commit more heinous murders than whites, the authors found that prosecutors were more likely to seek the death penalty in cases where blacks killed whites than in other cases. Moreover, juries were more likely to sentence blacks who killed whites to death than other victim/offender race combinations (Keil and Vito, 1989).

Baldus *et al* (1990) investigate death penalty sentencing in Georgia before, during, and after the US Supreme Court decisions *Furman v. GA* and *McClesky v. Kemp* (Baldus *et al.*, 1990). Focusing specifically on racial discrimination, the pre-*Furman* data reveal both direct and indirect evidence of discrimination. Conversely, the post-*Furman* data show no evidence of direct discrimination by defendant race. However, the data indicate no decline in discrimination based on victim race from pre-*Furman* levels.[40] In fact, the levels were approximately the same or stronger. There was particularly strong influence in midrange cases where prosecutors and juries have the greatest room for discretion (Baldus *et al.*, 1990).

Research from other states parallels Baldus *et al*'s findings. These results are consistent with one another despite variations in design and statistical methods as well as different weaknesses and limitations. Such research concludes that while the number of capital sentences is greater post- than pre-*Furman*, there is a nearly complete reversal of

[40] Here, those defendants who killed whites were treated the most harshly.

the pre-*Furman* pattern of discrimination against black defendants. However, there is evidence that blacks who killed whites receive more punitive treatment than those whose victims were black (Baldus *et al.*, 1990).

A study by Ralph *et al* (1992) examined sentencing patterns for Texas murder cases from 1942 to 1971, comparing those sentenced to death versus those given a life-imprisonment term. The authors found that prior to the *Furman* decision, the race of the victim rather than the race of the offender was the primary extralegal variable affecting sentencing decisions in Texas capital cases (Ralph *et al.*, 1992). While offender race by itself did not affect death penalty sentencing disproportionately, the defendant's prior property crime convictions, prior prison record, and the presence of co-defendants did. The type of homicide was the greatest single factor in the decision to impose the death penalty. However, the victims of the death-sentenced group were typically white, female strangers (Ralph *et al.*, 1992).

The victim/offender race dyad also affects the sentencing of non-capital cases. Walsh (1987) examined the sexual stratification hypothesis,[41] hypothesizing that black on white sexual assault will be viewed as the most serious, while white on black will be seen as the least serious form of sexual assault (Walsh, 1987). To investigate this proposition, Walsh uses data for sentenced sexual assault cases to determine the impact of the victim/offender race dyad on imprisonment. His analyses revealed victim and offender race to be a weak but significant factor in determining sentence severity. Blacks who assaulted whites have twice the odds of incarceration of whites who assaulted blacks. In regard to sentence length, black intra-racial offenders received more lenient sentences than white intra-racial offenders. Overall, those who victimized whites received the harshest sentences while blacks who assaulted other blacks received the most lenient sentences. Thus, the data and analyses support the sexual stratification hypothesis (Walsh, 1987).

Spohn (1994) also examined the impact of the victim/offender race dyad on sentencing in addition to disaggregating her analyses by crime type—another of Hawkins' (1987) suggestions. She hypothesized that an interactive relationship exists between victim race, defendant race, crime type, and sentence severity (Spohn, 1994).

Spohn (1994) found that victim/offender race does not affect either sentence length nor the incarceration rate as predicted. The results indicate that the effects of victim/offender race variables, even where significant, are clearly overshadowed by that of other independent variables. While the dyad does have impact, it is only under certain circumstances. For incarceration, its influence is confined to sex crimes. Here, blacks who sexually assaulted whites were incarcerated at a much higher rate than blacks who sexually assaulted blacks. In fact the victim/offender race dyad was a better predictor of incarceration than defendant's prior criminal record (Spohn, 1994). For sentence length, its influence was confined to murder—with blacks who killed whites receiving longer sentences than other victim/offender race combinations.

Additionally, the dyad's effect was conditioned by the victim/offender relationship. While there were differences between the groups, most were not statistically significant.

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[41] This thesis contends that the severity assigned to sexual assault depends upon both the race of the

However, one significant difference was found for the black/black/non-stranger group. That particular race/relationship combination was significantly more likely to receive incarceration than the other groups. This finding suggests that discrimination based on victim race may be confined to black offenders convicted of assaulting black acquaintances (Spohn, 1994). As expected, both the race of the victim and the race of the offender affected sentence length. However, unlike the likelihood of incarceration, there was no interaction between the dyad and the victim/offender relationship for duration of sentence (Spohn, 1994).

Race and Offense

Hawkins (1987) also calls for research examining how race and offense type interact to affect sentencing outcomes. Spohn and Cederblom (1991) answer this call by testing how the liberation hypothesis[42] fares as an explanation for racial disparity in sentencing. The criteria used in determining offense severity were: conviction charge seriousness, severity of criminal history, whether the victim was a stranger, if the victim was injured, and whether or not a gun was used in the commission of the offense. The authors posit that the absence of seriousness as indicated by these factors permits the introduction of personal biases into the sentencing process that, in turn, can result in sentence disparity by race. Specifically, they focus on whether the effect of race on

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offender and the race of the victim.

[42] The authors posit that the absence of seriousness indicators for a given offense permits the introduction of personal biases into the sentencing process that, in turn, can result in sentence disparity by race. Thus, racial disparity in sentencing should be limited to less serious offenses because in these cases, the appropriate sentence is not as clearly defined as it is for more serious crimes. This absence frees juries, judges and other court decision-makers to use their own values and sentiments to make sentencing outcome decisions. Thus, extra legal factors and individual predispositions fill the vacuum left by the absence of clear severity indicators (Spohn and Cederblom, 1991).

judicial decision-making varies depending upon offense seriousness (Spohn and Cederblom, 1991) and examine both the dispositional and durational decisions.

The model combining cases with and without seriousness indicators shows blacks are significantly more likely than whites to be incarcerated but no direct racial effect on sentence duration. As expected, judges' sentences became harsher as offense seriousness increased. However, defendants who incurred pretrial detention or requested a jury trial received more severe sentences—both dispositional and durational—than those who did not. Importantly, each factor exhibited a significant indirect racial effect—with blacks more likely to incur pretrial detention and request a jury trial (Spohn and Cederblom, 1991). Thus, race operates through these factors to impact sentence severity.

When separate analyses were conducted for offense types of varying severity, blacks were more likely to be incarcerated than whites only for less serious offenses. However, blacks did not face increased sentence duration in comparison to whites—regardless of offense seriousness. The authors theorize that judges may be more concerned with black offenders *being* incarcerated than with *how long* they are incarcerated (Spohn and Cederblom, 1991). Overall, these results support the liberation hypothesis and Hawkins' (1987) assertions.

Race and Criminal Justice Processing

Similar to the above findings by Spohn and Cederblom (1991) indicating an interactive effect between race and mode of disposition on sentencing outcomes, other studies indicate interactive effects between race and criminal justice processing. Research by Spohn (1992) tested the hypothesis that jury defendants will be sentenced more harshly than those that plead guilty or who were tried by a judge. More importantly, this study also evaluates how race affects this relationship—seeing the jury trial penalty as a possible source of indirect discrimination (Spohn, 1992).

The methodology is a comparison of the sentences imposed on defendants who plead guilty before trial; plead guilty at trial; were tried by a judge; and were tried by a jury (Spohn, 1992).

The results indicate that jury defendants are sentenced much more harshly than non-jury defendants. Although more serious offenses were more likely to go to jury trial, within offense types, those convicted via jury trial still received more severe sentences. Additionally, defendants convicted of lesser crimes received a double jury penalty because they were more likely to both be sentenced to a term of incarceration and to receive longer sentences than comparable defendants who did not demand a jury trial (Spohn, 1992).

In regard to race, black defendants were more likely than white defendants to be sentenced to prison. However, there were no significant racial differences in sentence length. Jury defendants of both races were much more likely to be incarcerated than non-jury defendants. However, the penalty was greater for white defendants than for black defendants—with white defendants who pled guilty at trial receiving longer sentences than comparable black defendants who pled guilty at trial. The author posits that this is because white non-jury defendants were less likely to be incarcerated than black non-jury defendants. Still, both white and black jury defendants were incarcerated at the same rate (Spohn, 1992).

Albonetti and Hepburn (1996) explored the factors influencing the prosecutor's decision to divert felony drug cases from criminal prosecution into a treatment program. The authors theorize that prosecutors make causal attributions about the defendant's deviant behavior as a way of reducing the probability of diverting poor risk defendants into treatment in order to reduce uncertainty. They contend that ascribed traits (moral character, motivation, behavior), gender (male), minority status, and being older are linked to a low likelihood of rehabilitation and reduce the likelihood of deferred prosecution (Albonetti and Hepburn, 1996).

Using data from 5,554 prosecutable Maricopa county cases, the authors conducted a logit analysis to estimate the dichotomous diversion decision. The results indicated that the likelihood of diversion is significantly decreased if the defendant has a prior record of arrests. Minority status, being older, male or charged with more than one count also decreased the likelihood of diversion (Albonetti and Hepburn, 1996). Proposing that the defendant's minority status, gender, and age conditions the impact of prior record diversion, this study also tested for interactions. Contrary to expectation, the only significant interaction was between prior record and minority status. Here, minority status increases the odds of receiving diversion, but this interaction is only significant for the younger defendant group. Thus, the authors conclude that the effect of minority status among defendants with a record of prior arrests actually increases the odds of diversion (Albonetti and Hepburn, 1996).

Race and Employment

Two recent studies (Chiricos and Bales, 1991; Nobiling *et al.*, 1998) explore the relationship between offender unemployment, age, and race/ethnicity and their impact on sentencing outcomes. Chiricos and Bales (1991) examine the proposition that—regardless of other factors—unemployed defendants will be sent to prison more often than employed defendants. The authors disaggregate the data in order to distinguish between pretrial and post-trial incarceration and examine the influence of employment status throughout the criminal justice process. Their analyses reveal that employment status had no significant influence over charging, mode of disposition, or conviction decisions. However, unemployed defendants were more likely to be incarcerated—both pre *and* post-trial than their employed counterparts. Unemployment status also increased the duration of pretrial detention but not post-trial detention (Chiricos and Bales, 1991).

After exploring these direct effects, the authors turn to how employment status might interact with crime type to impact offender incarceration. This analysis—controlling for crime, prior record, and other factors—found that employment status had a strong impact on the odds of incarceration for violent, property, and public order crimes. However, this effect was consistently stronger across crime types for the pretrial than post-trial incarceration decision—with the exception of violent crimes (Chiricos and Bales, 1991). When defendant race, gender and age are included in the analyses, the results reveal a pattern of mitigating effect for age but aggravating effect for race on the incarceration decision. Again, this effect was stronger for the pretrial than the post-trial decision.

Additionally, several dummy interaction terms for race and unemployment were developed and run in separate analyses. Across crime type, unemployed blacks were consistently most likely to be incarcerated. Thus, race and unemployment interact to increase the odds of incarceration. Additionally, crime type, race, and employment interact to increase the probability of incarceration for employed blacks who were convicted of drug offenses. However, all the above effects have more impact on pretrial than post-trial detention decisions, with the latter effect disappearing completely in some analyses. Surprisingly, for drug crimes, race and employment interacted so that being black employed, and convicted of a drug offense increased the probability of being incarcerated (Chiricos and Bales, 1991). The findings demonstrate employment status to be a better predictor of sentence severity than race. However, the interaction of the two is more powerful than either one alone. Thus, race and employment status interact, increasing the influence of both on sentence (Chiricos and Bales, 1991).

Nobiling *et al* (1998) report similar results—exploring the relationship between the offender's unemployment status and sentence severity. The authors hypothesize that unemployed offenders will be more likely to receive incarceration as well as longer sentences than employed offenders. Specifically, they contend that offender employment status will affect sentence severity for male offenders, for black male offenders, for young male offenders, and for young black male offenders (Nobiling *et al.*, 1998).

Using data composed of Chicago and Kansas City felony offenders sentenced in 1993, the analyses reveal inter-jurisdictional variation in the influence of various factors. Primarily, unemployment had a direct effect on the decision to incarcerate in Kansas City but not in Chicago. Conversely, unemployment had a direct affect on sentence length in Chicago but not in Kansas City (Nobiling *et al.*, 1998). In addition, unemployment interacted with offender characteristics—specifically race and ethnicity. The aforementioned effects of employment on incarceration and sentence length disappeared for white offenders in both locations. Again, differences in location were discerned. In Chicago, unemployment increased the odds of incarceration for males, young males, and black males as well as for Hispanic males. However, in Kansas City it influenced the incarceration decision only for black males (Nobiling *et al.*, 1998).

Race and Area/Jurisdiction

Citing Blalock's power-threat hypothesis, Hawkins (1987) suggests that the impact of race on sentencing may vary by area. Spohn and DeLone (2000) use data from three large urban jurisdictions[43] to investigate the effect of both race and ethnicity on sentencing and determine how that effect varies by jurisdictional context. They hypothesize that race and ethnicity each will have a direct effect as well as interact with offense seriousness, prior record and employment status to impact sentence severity (Spohn and DeLone, 2000).

The analyses revealed racial and ethnic effects that varied by jurisdiction. For example, while both blacks and Hispanics had a higher probability of imprisonment than whites in Chicago, only Hispanics had higher odds of imprisonment in Miami. There were no racial or ethnic[44] effects on the incarceration decision in Kansas City. As

[43] These cities were: Chicago, IL; Kansas City, MO; and Miami, FL
[44] Because of small numbers of Hispanics in that jurisdiction, the effect of ethnicity could not be estimated for Kansas City

expected, legal variables significantly affect the odds of imprisonment. However, extralegal factors such as gender, pretrial detention status, and mode of disposition also played a role (Spohn and DeLone, 2000). In regard to the length of imprisonment, analyses revealed no direct effect of race or ethnicity in any of the three jurisdictions. While offense seriousness and the number of conviction charges were significant legally relevant factors, mode of disposition was the only extralegal factor with significant influence over the durational decision (Spohn and DeLone, 2000).

When interaction analyses were conducted, different racial and ethnic patterns were again found by jurisdiction. For example, employment status and prior record interacted with race and ethnicity in Chicago to impact the incarceration decision but not in Miami or Kansas City. Similarly, only in Miami did the interaction between ethnicity and having had a prior prison term have a significant effect on the odds of imprisonment. Finally, race and ethnicity interacted with employment status in Chicago and with conviction charge type in Kansas City to influence sentence duration (Spohn and DeLone, 2000).

Similarly, Baldus *et al*'s (1990) investigation of Georgia death penalty sentencing reveal differences in treatment by race for urban and rural jurisdictions—with blacks having the disadvantage in rural areas and white defendants having disadvantage in urban areas (Baldus *et al.*, 1990). Additionally, as mentioned previously, Nobiling *et al*'s (1998) findings indicate that the impact of race, ethnicity, and employment status vary by jurisdiction.

Conclusions

The above findings indicate the validity of Hawkins' and Zatz's assertions regarding the importance of acknowledging and incorporating designs beyond the simple linear additive model in studies of race and sentencing. Race indirectly operates through other factors to influence sentence outcomes. Additionally, race interacts with multiple factors and in various ways to affect sentencing. Clearly, modern race and sentencing research must build upon these findings and incorporate them into their designs. Yet, before this can be done, theoretical explanations for these findings must be explored.

Theoretical Perspectives

Theories of Race and Crime

At the beginning of this century, theoretical perspectives on the racial disparity in arrest and incarceration rates focused on demonstrating black disadvantage, refuting biological inferiority arguments, and identifying the effects of white prejudice and discrimination on blacks. Such explanations generally accepted a thesis of black differential involvement in crime and focused on societal causes. These theories share recurring themes of synchronicity of black and white crime rates, the effects of urban life on crime, slavery's contribution to black criminality, and the relationship between economic deprivation and crime (Hawkins, 1995).

While such theories succeeded in replacing social Darwinistic theories, they also contributed to racist biases because they saw crime as pathology rather than a social construction. Instead of looking at how the *system* contributes to the disparate representation of blacks in crime, they focused solely on what black social characteristics contributed to their increased criminality (Hawkins, 1995).

Modern theoretical approaches to explaining the racial disparity in crime and imprisonment attempt to remedy the deficiencies of their predecessors. Unlike the historical theories that only sought to explain differential involvement, contemporary theoretical perspectives have an additional frame of reference. They define their parameters in terms of either disproportionate minority involvement in crime or racial bias in the criminal justice system (Sabol, 1989; Tonry, 1995). Most empirical research supports the disproportionate involvement thesis (Hindelang, 1978; Blumstein, 1982).[45] Thus, in recent years, it has become widely accepted that the disproportionate back representation in arrest and incarceration stems mainly from disproportionate involvement rather than the prejudice of criminal justice officials (Tonry, 1995). However, as mentioned previously, drug offenses are an important caveat to the previous statement (Tonry, 1995).

Race and Sentencing Perspectives

As the above discussions indicate, race impacts discretionary decision-making in the criminal justice system. Clearly, sentencing decisions are not exempt from this influence. However, unlike theories of race and crime, theories seeking to explain the relationship between race and sentencing do not fall neatly onto either end of the aforementioned continuum. Rather, the following summary of recent theoretical attempts to explain racial disparity in sentencing outcomes as well as the mechanism by which

[45] However, some results suggest that the racial disparity may be the result of the amount of discretion permitted in the handling of a case—a factor that is inversely related to the offense seriousness (Blumstein, 1982; Sabol, 1989; LaFree, 1995).

defendant race impacts judicial decisions demonstrates that race and sentencing theories show elements of both differential involvement and discriminatory treatment.

Albonetti's (1991) "bounded rationality" approach to the relationship between race and sentencing merges the structural organizational approach with the social psychological orientation to explain judges' discretionary use of information in the sentencing process (Albonetti, 1991). Here, organizational attributes, environmental characteristics, and personal experience interact to influence judicial decision-making. Specifically, Albonetti (1991) contends that judges attempt to reduce the uncertainty of an offender's likelihood of future recidivism by developing a "patterned response" for evaluating the defendant before them. Here, judges use stereotypes linking race, gender, and previous criminal justice processing decisions to assess an offender's likelihood of recidivism (Albonetti, 1991). As a result, characteristics associated with increased recidivism risk, such as minority status, often affect judicial discretion to increase sentence severity. Thus, according to Albonetti's thesis, the nature of sentences imposed as well as the existing disparity and discrimination in sentencing are explained by judicial causal attributions designed to reduce uncertainty (Albonetti, 1991).

Dixon (1995) approaches this issue from a slightly different angle. Using a combined "substantive political/organizational approach," Dixon contends that racial disparity is the result of institutionalized but indirect political processes. Here, the mission of political and organizational maintenance undermines legal rationality, causing extralegal variables, such as race, to affect sentencing outcomes. Under the guise of organizational maintenance, the courts and their actors encourage white offender to plead guilty—thereby reducing their sentences. Conversely, racial minorities are processed in ways prohibitive of such sentence reductions (Dixon, 1995). Thus, organizational expediency and political motivation explain the racial disparity present in sentencing outcomes.

Ulmer and Kramer (1996) forward a "substantive rationality" explanation for racial disparity in sentencing. This perspective, similar to Albonetti's (1991) "bounded rationality," entails judicial consideration of offender's individual characteristics, circumstance, and needs as well as the sentencing consequences in determining the ultimate sentence (Ulmer and Kramer, 1996). They argue that judges take perceived offender dangerousness, rehabilitation potential, and the practical consequences of sentencing into account in reaching a sentence. Like "bounded rationality," "substantive rationality" is argued to produce unwarranted racial disparity through the attribution of negative qualities to non-white defendants. However, the unique portion of "bounded rationality" is the incorporation of local court variation into the theory. Ulmer and Kramer (1996) cite the individual interpretations of substantively rational sentencing criteria by local court actors as a large potential source of disparity in sentencing outcomes. Applying this perspective to structured sentencing, they note that despite the goals of such systems, substantively rational considerations will remain entrenched sentencing (Ulmer and Kramer, 1996).

Finally, Steffensmeier *et al.* (1998) put forth a "focal concerns" explanation of racial disparity in sentencing. Here, three major issues influence judicial decisions regarding offender sentences. These are offender blameworthiness and degree of harm, community protection, and practical consequences (Steffensmeier *et al.*, 1998). While judges rarely have complete information on any of these issues, they often directly affect or interact to impact sentencing outcomes. Like Albonetti's "bounded rationality," in the "focal concerns" perspective, judges use a 'perceptual shorthand' linked to offender characteristics such as race, age, and gender to evaluate defendants and their likelihood of recidivism (Steffensmeier *et al.*, 1998). Specifically, racial, gender, and age disparity arise from specific offender groups (young, black, and/or male) being perceived by judges as more dangerous and crime prone than other offender groups. These judicial perceptions, in turn, impact sentence severity through use of incarceration and sentence length—with the combination of these three characteristics producing the most severe sentences.

Each of the above theories is useful in explaining racial sentencing disparity under state sentencing systems. Yet, are any of them really applicable to federal level sentencing where the sanction is dictated either by statute or by the presumptive *Guidelines*? The unique make-up of the federal sentencing system dictates both a yes and no response. For example, both Albonetti's (1991) and Steffensmeier *et al*'s (1998) 'perceptual shorthand' undoubtedly influences federal sentencing. However, rather than simply influencing judicial sentencing decisions, it more likely has stronger impact by channeling federal prosecutorial discretion in charging and the use of substantial assistance motions. Similarly, Dixon's (1995) political/organizational approach seems to be an accurate description of federal sentencing judges' decisions—particularly departure decisions—as they must keep in mind possible appeal as well as potential reversal by the circuit court.

When addressing federal sentencing—particularly for drug offenses—the conflict perspective must also play a role. Some suggest that the current war on drugs—either purposefully or unintentionally—vilified and decimated the US black population—particularly young males (Chambliss, 1995; LaFree, 1995; Tonry, 1995). This perspective gains credence given that the rate at which blacks are arrested for drug offenses escalated dramatically in the past decade, blacks are more likely to be arrested for drugs than whites, and the racial arrest ratios for drug crime do not accurately represent actual racial involvement in drug offenses (Blumstein, 1993). In addition, urban police departments often focus their efforts on low socio-economic status neighborhoods—which are often minority neighborhoods—mainly because it is much easier to make arrests in such socially disorganized areas—particularly for drug crimes.[46] These factors, in combination with the practice of filing "ordinary street crime" in federal courts, theoretically produce significant racial disparity in federal drug sentences (Tonry, 1995). However, the conflict perspective may be a better description of both arrest and law-making practices than of federal sentencing decisions.

Ultimately, all of the above perspectives must be kept in mind when addressing the impact of race on federal sentencing. Clearly, each step in the criminal justice process, from enactment of specific statutes, the arrest decision or prosecutorial charging

[46] This is because of higher levels of "street" lifestyles and activities as well as the increased ease of penetrating social networks in socially unstable and disorganized communities (Tonry, 1995: 105-106). This effect is compounded by the fact that the productivity of individual officers is traditionally evaluated in terms of the number of arrests made (Tonry, 1995).

practices, influences federal sentencing outcomes. Likewise, potential subsequent steps play a role in the issuance of departures. Thus, based upon the above findings and observations, this research takes an integrated theoretical approach.

Conclusion

As demonstrated by the aforementioned studies, race influences the sentencing decision. Clearly, racial effects are not as simple or straightforward as was once thought. Yet, most research findings are inconsistent with one another, making it is impossible to draw conclusions as to *how* or *when* race makes a difference that are applicable to all jurisdictions. This inconsistency suggests that the influence of race is fluid rather than static with its impact and meaning changing over time, place, and circumstance. The above research demonstrates the importance of identifying and controlling for these intervening factors in an attempt to create a more accurate approach to evaluating the relationship between race and criminal sanction. This is a particularly difficult proposition given the way that racial effects have been viewed and identified has changed so dramatically over time.

The current research operates from the assumption that Zatz's assertion that discrimination has merely changed forms—from overt and direct to covert and indirect—is true. In addition, multiple theoretical explanations for the presence of racial disparity in current federal sentences are acknowledged and taken into consideration. However, other research must be examined and questions answered before this study's approach is addressed. For example, how does the influence of race change under determinate sentencing? To answer this and other questions, literature regarding the implementation and evaluation of structured sentencing must be addressed.

Chapter Three: Determinate Sentencing at the State Level

Much of the research regarding determinate sentencing is conducted at the state-level. Although there are wide differences between the federal and the various state systems, such findings are important to this investigation. First, prior federal level sentencing research indicates that federal courts reflect the political culture of the state in which they are located (Heydebrand and Seron, 1990). Thus, the findings of state determinate sentencing research have direct implications for both the federal courts located within those states and those courts' use of federal determinate sentencing. Second, differential state-system use of determinate sentencing (BJA, 1998) reflects differential support for structured sentencing in the states—which may, in turn, be indicative of support for federal determinate sentencing. Third, such research demonstrates the effectiveness of structured sentencing at reducing sentence disparity. While the implementation or underlying rationale behind such reforms varies from state to state as well as from state to federal, the underlying goal of disparity reduction remains constant (Miethe and Moore, 1985). Any findings concerning the success of such initiatives at reducing disparity, regardless of the level of analysis, are relevant to all future studies that seek to evaluate the same topic.

Reviewing the Commission systems employed by Minnesota, Pennsylvania, and Washington, Tonry (1987) concludes that Commission systems enjoy high levels of compliance, change sentencing patterns, often increase sentence length, decrease sentence disparity, do not affect trial rates, but may result in some circumvention through charge and plea bargaining. Tonry goes so far as to call such systems "the most promising of the recent sentencing innovations" (Tonry, 1987). Using the laws of Michigan, Massachusetts, and New York, Tonry also proffers several specific conclusions about mandatory minimums. Namely, both attorneys and judges take steps to avoid their use, they increase dismissal rates, and defendants convicted of them are sentenced more severely resulting in such defendants attempting to delay sentencing. However, the probability of receiving a prison sentence remains unchanged[47] (Tonry, 1987).

Both sets of Tonry's identifying characteristics can be compared to current research findings concerning state guideline systems and mandatory minimum statutes. The results of these comparisons, in turn, can be used to formulate hypotheses as to whether or not it is the *Mandatory Minimums* alone or the *Guidelines* that produce the discerned federal sentencing disparity. Thus, what follows are state-level findings on sentencing guidelines and mandatory minimum statutes.

Guideline Sentencing

In the 1980s, sentencing guidelines were promulgated in several states. Much of the research surrounding state guideline systems revolves around the differences between state systems, their impact, and their effectiveness at reducing the influence of extra-legal factors in sentencing. The following is a chronological review of each category of state sentencing guideline research.

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[47]This is because the increase in prison sentence dispositions is offset by the increased dismissal rate.

Differences Among State Guideline Systems

Kramer *et al* (1989) employ a simulation methodology to quantify and compare the sentencing guidelines of Minnesota, Washington and Pennsylvania—the first three states to promulgate guidelines. The authors explore how the various purposes of the sentencing reform as well as their sentencing philosophies and statutory constraints influenced guideline development in each state (Kramer *et al.*, 1989).

Each state system was based on different sentencing rationales. While both Minnesota and Pennsylvania used, to differing extents, a "modified just deserts" philosophy, Pennsylvania had no primary rationale for sentencing. Instead it incorporated the various rationales of 'just deserts,' incapacitation, rehabilitation and deterrence into the design of its guidelines (Kramer *et al.*, 1989). In addition, there were substantial differences in statutory constraints on sentencing in each state. For example, both Minnesota and Washington were required to take prison resources into account while Pennsylvania was not. The authors hypothesized that these differences will be reflected in differences in degrees of judicial discretion permitted. Specifically, they expect that Pennsylvania's guidelines will allow more judicial discretion than those of Minnesota or Washington (Kramer *et al.*, 1989).

To investigate this proposition, the authors used Pennsylvania data composed of all offenders convicted for rape, assault, burglary, arson, murder, or theft in 1984. Using the characteristics of these cases, they determine an offense gravity score for each state. For Pennsylvania the actual conviction offense is used while the equivalent conviction offenses for Minnesota and Washington are identified and used. Next, Kramer *et al.* computed prior record scores by applying each state's guidelines to the offender's felony record (Kramer *et al.*, 1989). Finally, they calculated the corresponding guideline range for each state, comparing the midpoints, upper and lower extremes, and width of each state's guideline ranges.

The results of these analyses reveal that the guideline ranges in Pennsylvania are significantly wider than Minnesota's ranges. Washington's ranges were the narrowest overall. However, the data suggest that violent offenses affect the width of the guideline ranges differently in each state. In Pennsylvania and Washington the range width is greater for violent than nonviolent offenses. Yet, the reverse is true in Minnesota. Additionally the overall midpoints of the ranges are very similar and vary by no more than two months. These findings suggest considerable comparability between the guidelines of the three states—with Pennsylvania being the least similar to the other states (Kramer *et al.*, 1989).

From these analyses, the authors conclude that Pennsylvania's guidelines allow more discretion and prescribe slightly more severe sentences than those of Washington or Minnesota. Their examination of guideline widths lead Kramer *et al* (1989) to surmise that guideline scope and sentencing rationale influence the amount of guideline discretion permitted. The authors contend that this suggests a possible link between guideline substance and the contextual factors surrounding their development. The results reveal that variations in the aforementioned factors led to measurable differences in the amount of judicial discretion allowed under the guidelines as well as the overall severity of the guideline sentence recommendations (Kramer *et al.*, 1989).

Evaluations of Impact

Kramer and Lubitz (1985) evaluated Pennsylvania's sentencing guidelines, first examining post-guideline sentencing practices by assessing guideline compliance and the impact of race. Next, they compared the 1980 pre-guideline sentences from twenty-three representative counties to the 1983 post-guideline sentences from those same counties, using a simple before-after design. The purpose was to identify any changes in sentencing disparity, rural versus urban sentencing, and incarceration decisions (Kramer and Lubitz, 1985). Kramer and Lubitz claim strong guideline compliance, finding only a 12 percent departure rate. The authors contended, however, that this measure is deceptively high because the lower level offenses are given wide judiciary discretion under the guidelines—thereby artificially inflating their compliance levels. Based on their analyses, the authors also concluded that the Pennsylvania guidelines do not produce racial disparity (Kramer and Lubitz, 1985).

Next, the authors compared the levels of guideline *compliance* in 1983 to the levels of guideline *consistency* in 1980 sentencing decisions. Not surprisingly, there was little consistency between the guidelines and 1980 sentences. However, based upon this comparison, the authors concluded that the guidelines changed Pennsylvania sentencing practices. Moreover, the authors assert that the guidelines reduced sentence variation between judges. Finally while the authors concede that sentence severity increased with the introduction of the sentencing guidelines, they contend that it is difficult to attribute this to the guidelines exclusively because such a trend existed before the guidelines were introduced (Kramer and Lubitz, 1985).

There have been a number of studies evaluating the impact of Minnesota's guidelines (Miethe and Moore, 1985; Moore and Miethe, 1986; Miethe, 1987; Stolzenberg and D'Alessio, 1994; D'Alessio and Stolzenberg, 1995). Miethe and Moore (1985) examine how Minnesota's guidelines impact sentencing outcomes. Specifically, this study seeks to determine if Minnesota's sentencing guidelines have reduced sentencing disparity by changing case-processing and sentencing determinants. It uses a "before and after" design to model changes in the influence of case and social attributes on incarceration, length of imprisonment, and charging and sentence negotiations (Miethe and Moore, 1985). The data included the district court felony cases for eight counties convicted in fiscal year 1978 and for the eighteen months following the guidelines' enactment in May 1980. The dependent variables are prison and jail incarceration, sentence length as well as the presence of charge reductions and negotiated reduced sentences. The independent variables included legally prescribed,[48] case processing,[49] and offender personal[50] factors.[51] Two sets of analyses were conducted. The first was a trend analysis to compare pre and post-guideline practices while the second was a series of

[48] These are offense severity, criminal history, presence of a weapon and whether it was a crime against a person

[49] These are mode of disposition, type of jurisdiction, number of offenses charged and convicted, and the initial offense severity

[50] These are age, gender, race, marital status, education, and employment status

[51] Intuitively, there may be collinearity problems between 1) number of offenses charged and number of offenses convicted; 2) initial offense severity and final offense severity; 3) offense severity and presence of a weapon; 4) offense severity and crime against person; 5) initial offense severity and presence of a weapon; 6) initial offense severity and crime against person; 7) presence of a negotiated sentence and mode of disposition and 8) education and employment status. However, the authors do not indicate that any collinearity diagnostics were performed or used in selecting the included variables. Additionally, although they acknowledge the problems associated with using OLS on dichotomous dependent variables, they still use this technique in their analyses. However, extralegal factors continue to have indirect influence through pre-sentencing and case attributes not under the guidelines' purview (Miethe and Moore, 1985)

OLS regressions—one pre and one post-guideline for each dependent variable (Miethe and Moore, 1985).

The results reveal that pre and post-guideline models for each sentencing decision were significantly different. In both time periods, prison sentences were significantly and directly related to convicted offense severity, prior record, mode of disposition, the presence of a negotiated sentence and multiple counts of conviction. However, the impact of other variables differed by time period—with race, employment status, and the presence of a charge reduction having more pre-guideline impact than post-guideline on prison incarceration. The analysis of sentence length also demonstrated reduced post guideline influence of offender marital status and jurisdiction but increased impact of criminal history. However, across both time periods, the most important predictor of sentence length remained convicted offense severity. For both imprisonment and sentence length, the influence of prior record and offense seriousness increased while that of socioeconomic attributes decreased. From these results, the authors conclude that the Minnesota guidelines were generally successful in reducing the influence of extralegal factors on sentencing decisions (Miethe and Moore, 1985).

Conversely, for decisions outside the purview of the guidelines, the picture was not as optimistic. The imposition of jail terms was not significantly different across time periods and extralegal factors retained significance. However, there were significant differences between pre and post-guidelines for both charge reductions and sentence negotiations. Yet, extralegal factors retained significance for both. Still, these results did suggest that fears of guideline circumvention through either of these latter dependent variables were without support. However, despite the reductions in the direct influence of extralegal factors, the authors note that substantial indirect effects remain. For example, race operates indirectly through criminal history to impact the sentencing decision (Miethe and Moore, 1985).

Another study of Minnesota's sentencing guidelines, Moore and Miethe (1986) examine whether the guidelines are effective in reducing racial disparity as compared to cases which do not fall under their purview. To do this, they first estimated the levels of guideline compliance. Next, they estimated the effects of departures and use of consecutive versus concurrent sentences to assess their impact on overall sentence length. Finally, they compared outcomes for cases falling under the guidelines to those outside guideline authority for the same time period (Moore and Miethe, 1986).[52]

The results indicate that guideline prescribed factors and legally permitted departures explain most of the sentencing variance in Minnesota while the impact of extralegal factors is minimal. The guidelines significantly enhance the predictability and uniformity of sentences as well as reduce the influence of extralegal factors. In addition, these results indicate high levels of compliance with both the letter and the spirit of the

[52] There are several problems with the methodology of this study. Primarily and as the authors admit, they improperly use OLS to estimate dichotomous dependent variables when they should have used Logit. While they attempt to explain the rationale behind this choice, the reasoning is insufficient justification. In addition, the authors failed to run a zero order correlation among the independent variables or any collinearity diagnostics. The results of Table Two (Moore and Miethe, 1986: 265) manifest symptoms of multicollinearity. For example, the *extremely* and inordinately high R^2 for the dependent variable PRISON is indicative of *severe* potential collinearity. Given that both SEVERITY (the seriousness of the convicted offense), WPNUSE (whether a weapon was used in the offense of conviction), and PERSON (whether the offender was convicted of a crime against a person) were all used together in estimating the PRISON model, they are likely to be sources of collinearity as both WPNUSE and PERSON are used in determining SEVERITY. Such collinearity should be present in all models using these three variables together, however the degree manifestation in the R^2 will vary by their impact on the dependent variable. As a result of this potential collinearity problem, the validity of the reported results is questionable.

guidelines in regard to both type and length of sentence as well as use of departures. However, the authors note that the data indicate an increased propensity for sentence alteration to what the courts sees as an appropriate sentence in the prison/no prison decision as opposed to the length decision (Moore and Miethe, 1986).

In their comparison of guideline sentences to those that fall outside the guideline purview, Moore and Miethe (1986) find that the guidelines significantly enhance the predictability and uniformity of the sentences meted out as well as reduce the influence of extralegal factors. As a result, the authors recommend broader use of presumptive guidelines to overcome court resistance and assure compliance (Moore and Miethe, 1986).

A third study of the Minnesota guidelines (Miethe, 1987) is based on the premise that if limitations on sentencing discretion are imposed in one area, that discretion will be displaced to and compensated for in other areas. Minnesota's sentencing guidelines are seen as a primary example of just such a discretion-limiting intervention (Miethe, 1987). Miethe contends that any increases in plea bargaining rates or the importance of offender characteristics after guideline implementation would be evidence supporting "hydraulic displacement of discretion (Miethe, 1987: 159-160)." Moreover, he expects that such adaptations would be more pronounced in the second year of guideline implementation than in the first—as this time lapse permits greater practitioner familiarity with the new system (Miethe, 1987). To investigate these possibilities, Miethe uses Minnesota district court felony convictions for fiscal year 1978 (two years before guideline implementation), for the first eighteen months of guideline implementation (May 1980 to October 1981) and for an additional twelve month period (October 1981 to September 1982). The independent variables included offense, processing, environmental, and offender characteristics (Miethe, 1987). Time-specific models were used to determine changes over time.

Contrary to expectations, the results suggest that prosecutorial charging and plea-bargaining practices remained stable across pre and post guideline periods. Initial charging practices exhibited no significant changes. Moreover, regardless of time, felons who used dangerous weapons, participated in multiple criminal incidents or were male were initially charged with more serious offenses than their counterparts. Additionally, across time, defendant demographics had little net impact on dismissal or plea agreement rates--although after guideline implementation, unemployed felons were less likely to gain sentencing concessions than employed felons. Contrary to expectations of hydraulic displacement, the influence of social factors on whether an offender received charge or sentence concessions did not increase appreciably post-guideline implementation. Rather, the importance of defendant characteristics remained relatively stable in the post guideline periods. Moreover, there was little circumvention of guideline goals via non-regulated prosecutorial practices. While initial charging and plea-bargaining practices did change after the guidelines, these changes did not circumvent the goals of sentence neutrality and uniformity (Miethe, 1987).

Citing the weaknesses and limitations[53] of previous research concerning the Minnesota sentencing guidelines, Stolzenberg and D'Alessio (1994) used an interrupted time series design to evaluate the guideline's long term effectiveness. Additionally, they use a new definition of disparity—unwarranted sentence variation that cannot be attributed to legally relevant sources (Stolzenberg and D'Alessio, 1994: 303). The results showed that the guidelines initially and dramatically reduced disparity for both incarceration and length of imprisonment. However, the inequality levels for the incarceration decision began to revert to pre-guideline levels as time passed (Stolzenberg and D'Alessio, 1994).

In a subsequent evaluation of the Minnesota guidelines, D'Alessio and Stolzenberg (1995) note that previous studies evaluating the effects of the Minnesota sentencing guidelines found that they reduced existing sentence disparity while keeping the prison populations within capacity limits. Here, however, the authors evaluate the impact of the guidelines on jail populations. Prior research indicates that the jail population increased markedly after guideline implementation but there are competing explanations for this increase. The first is that it is merely the continuation of a preexisting trend, the second is that the sanctioning of property offenders accounts for the increase, and the third is that judges circumvented the guidelines in order to maintain compliance with the prison capacity limits. The authors investigate the validity of these competing explanations using an interrupted time-series design[54] (D'Alessio and Stolzenberg, 1995).

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[53] These include the reliance upon the weak one-group pretest/posttest design and poor operationalization of sentence disparity

[54] D'Alessio and Stolzenberg's use of interrupted time series is not without problems. One question is whether or not this should be an interrupted time series design because there are three interventions rather

Their analysis confirmed that an increase in jail population followed the implementation of the Minnesota guidelines. It also revealed that jail rates were significantly affected by five variables: the non-prison sentenced offender rate, the onset of the guidelines, the 1989 guideline modifications, offense seriousness, and an interaction between mitigated departures and the prison population rate. Thus, the third hypothesis of judicial circumvention is corroborated because the effect of mitigated dispositional departures is significant only when prison populations are high. D'Alessio and Stolzenberg conclude that the jail population increase stems from judges' motivations to circumvent the guidelines in order to meet prison capacity limitation standards (D'Alessio and Stolzenberg, 1995).

Ulmer and Kramer (1998) use Pennsylvania state and qualitative multi-county data to examine how guidelines are used differently by location (Ulmer and Kramer, 1998). Specifically, they postulate that the guidelines will be followed to varying degrees and used in different ways depending upon the local ideologies, interests and levels of discretion. They distinguish the formal properties of guidelines—such as codified scales,

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than one. These are the guideline implementation, the 1983 modifications, and the 1989 modifications. Their presence does not allow for an uninterrupted span of specific treatment times. Moreover, the pre-treatment time is too short (thirteen months) as compared to the post treatment time (144 months) to allow for meaningful interpretation of the differences. Thus, there would appear to not be enough time for the analysis.

Additional to this, Moody and Marvell (1996) point out the problem of missing data in D'Alessio and Stolzenberg's study, which would bias their regression results. Also, they note that D'Alessio and Stolzenberg's ARIMA modeling of the effect is incorrect. Finally, they contend that the choice of years biased the results—apart from the problems caused by the missing and excluded data (Moody and Marvell, 1996). Stolzenberg and D'Alessio (1996) argue these assertions and attempt to refute them (Stolzenberg and D'Alessio, 1996). Land and McCleary's subsequent piece, asserts that D'Alessio and Stolzenberg's listwise deletion of the data in contention seriously damaged and reduced the power of their design, mainly because their missing data was non-random. However, they contend that both sets of authors ignore the issue of statistical power—making the analyses of both questionable (Land and McCleary, 1996).

rules, and enhancements—from the informal properties—the way in which the guidelines are actually used in practice. The focus of their paper is an investigation of the latter and how such properties condition case processing strategies (Ulmer and Kramer, 1998). Based upon their analyses, Ulmer and Kramer conclude that court actors use the guidelines to deal with case processing uncertainty and further their own organizational and political interests. Such interests are conditioned by the local context (Ulmer and Kramer, 1998).

The Correlates of Sentencing under State Guidelines

Steffensmeier *et al* (1993) assess the influence of gender on judges' imprisonment decisions under the Pennsylvania guidelines using sentencing data from 1985-1987. The data indicate that gender, net of other factors, has a small effect on the likelihood of imprisonment—with females having a slightly lower likelihood of incarceration than males. However, gender had negligible effect on sentence duration (Steffensmeier *et al.*, 1993). These findings indicate that when men and women appear in criminal court in similar circumstances and are charged with similar offenses, they receive similar treatment.

Dixon (1995) uses 1983 sentencing data from seventy-three Minnesota counties to examine location differences in the use of the Minnesota sentencing guidelines. In addition, she interviews various judicial administrators and surveys the chief prosecutor of each county used. Her dependent variables are incarceration and sentence length while the independent variables are composed of case, processing, environmental and offender characteristics.

When imprisonment is regressed on the racial, legal, and processing variables, only plea and the legal variables are statistically significant. The same is true of sentence length. However, Dixon does find that the impact of both legal (case characteristics, prior record) and extra-legal (processing, offender characteristics) factors on the odds of incarceration and sentence length vary by court contexts—particularly the level of prosecutorial and judicial bureaucratization (Dixon, 1995). While legally relevant variables have the strongest influence regardless of locale, the weight associated with these and other extralegal factors—such as mode of disposition and offender race—varies by location (Dixon, 1995). These findings effectively demonstrate that implementation of sentencing guidelines does not eliminate sentencing outcome variation between courts under the same system because formal and informal inter-court organizational differences will always remain.

Steffensmeier *et al* (1995) examine the impact of age on sentencing under the Pennsylvania guidelines because little is known about the effects of age on criminal sentencing and most research either assumes judges will be lenient with elderly offenders and/or suffers from methodological shortcomings. They use statewide Pennsylvania data from 1989 to 1992 (Steffensmeier *et al.*, 1995). Their initial analyses reveal modest support for the hypothesis that judges are reluctant to incarcerate older offenders or those under the age of twenty-one but are more willing to incarcerate offenders who are in their 20s and 30s. When the data are disaggregated by offense type, however, a curvilinear age pattern emerged across all three groups. Moreover, the analyses reveal that the sentencing advantage of advanced age is greater for violent than property offenses and is smallest for drug offenses. These results are true for both incarceration and sentence duration (Steffensmeier *et al.*, 1995). The authors assert that the curvilinearity of the age-sentencing relationship explains the "anomalous" finding of several sentencing studies that age has only negligible effects on sentencing

Ulmer and Kramer (1996) examine sentencing differences under the Pennsylvania guidelines by analyzing court data from three different county types—rural, urban, and affluent suburb. The quantitative analyses are supplemented by interviews with court officials from each county. These provide a qualitative composite of each jurisdiction's orientation toward offenders and their processing. This bifurcated approach is designed to uncover sentence disparity resulting from concurrent application of formal and "substantively rational"[55] standards (Ulmer and Kramer, 1996).

The analyses reveal both similarities and differences by county in offender processing and sentencing. For example, the urban county had heavier caseloads, greater average offense severity, and longer offender prior records than either the rural or affluent suburban counties. The affluent suburban county, however, had a much smaller incidence of trials than the other two counties. Moreover, while legally prescribed factors had dominant influence over sentences in all three counties, extralegal factors retained impact (Ulmer and Kramer, 1996). In addition, the counties varied in both sentence length and the odds of offender incarceration.[56] The most important extralegal factors that conditioned the sentencing decision were race, gender, and mode of

[55] Substantive rationality refers to the consideration of extralegal factors—such as offender circumstance, characteristics, potential supervision problems (alcoholism, drug problems, under-education, etc), or prison overcrowding—in making a criminal justice decision. This is done, in part, to reduce the level of uncertainty in the prediction of an offenders likelihood of recidivism (Ulmer and Kramer, 1996).

conviction. Across counties, offenders who pled guilty were most likely to receive downward departures, sentences at the low end of the guideline range, or mitigated sentences. The interviews revealed that, in all three counties, guilty pleas are seen as indicative of both remorse and rehabilitation potential. However, there were differences between the counties in the rationale behind the guilty plea "discount" (Ulmer and Kramer, 1996).

While these disparities uniformly benefited whites, disparity *type* varied across county. Although the urban and affluent suburban counties were similar in terms of overall disposition and duration, racial disparity was more prominent in the affluent county's sentences to state prison rather than jail. Conversely, for the urban county, race had the most impact on the decision to incarcerate. In addition, only the urban county exhibited interaction between race and criminal history. Ulmer and Kramer posit that substantive rationality is the explanation for this difference[57] (Ulmer and Kramer, 1996).

Kramer and Ulmer (1996) also use Pennsylvania sentencing data to examine the impact of extralegal factors on both dispositional and durational departure decisions. In regard to dispositional departures, legally prescribed factors wielded the most influence. However, regarding mode of disposition, an offender going to trial decreased his or her odds of receiving a dispositional departure. Being black, young, or male demonstrated similar influence on the dispositional departure decision. Percent urban and percent

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[56] This was additionally differentiated between jail and prison incarceration.

[57] Substantive rationality refers to the consideration of extralegal factors—such as offender circumstance, characteristics, potential supervision problems (alcoholism, drug problems, under-education, etc), or prison overcrowding in making a criminal justice decision—here, the sentencing decision. This is done, in part, to reduce the level of uncertainty in the prediction of an offenders likelihood of recidivism (Ulmer and Kramer, 1996).

republican were also significant factors—with percent urban having a positive effect on departures while percent republican had a negative effect (Kramer and Ulmer, 1996).

Additionally, the authors discovered a conditioning effect of criminal history scores on the dependent variable. When interaction terms were included in the analyses, they indicated that the influence of some variables varied by the criminal history score. The findings suggest a "threshold effect" of criminal history on dispositional departures. Specifically, the difference in influence between no prior felonies and one prior felony is greater than that between one prior felony and more than one prior felony (Kramer and Ulmer, 1996). For durational departures, legally prescribed variables also have the most impact on the sentence duration. While there is a small racial effect for durational departures below the guidelines,[58] there is no such effect for durational departures above the guidelines. In addition, no interaction effects materialized for durational departure decision (Kramer and Ulmer, 1996).

Ulmer (1997) examines how the Pennsylvania guideline system impacts and is used by the court communities of the state. The investigations focus primarily on sentencing outcomes—particularly in terms of extra-legal disparity. In addition, the role of organizational and political arrangements, including the balance of discretion and power between sponsoring agencies, is addressed as are case processing and sentencing practices and norms. Finally the dominant strategies in which the aforementioned factors are based are evaluated (Ulmer, 1997).

[58] Blacks receive slightly smaller departures than whites (Kramer and Ulmer, 1996).

Using a *processual order* or *social worlds theory* analytical perspective, Ulmer investigates sentencing outcomes, the role of organizational and political context on those outcomes, as well as local case processing and sentencing practices. He hypothesizes that organizational and political features of local court communities influence both the causes and levels of sentencing disparity. Ulmer uses both quantitative and qualitative (ethnographic) components to investigate this hypothesis. The quantitative component is the analysis of statewide sentencing data while the qualitative portion consists of the ethnographic analysis of three counties that differ in both context and environment. His key task is to analyze the relationship between the externally imposed guidelines and the local informal norms and how this relationship varies between different court community contexts (Ulmer, 1997).

These investigations reveal that variation in caseloads, average offense severity, incidence of trial, sentencing outcomes, jury tax, sentencing rationales, impact of legal and extralegal variables, and offender prior record length by jurisdiction all remain under guideline systems. Moreover, guidelines can be used differently across jurisdictions within the same state. Ulmer concludes that legally prescribed factors are the most influential predictors of each durational and dispositional sentencing outcome, including departures from guidelines but case processing, race and gender, and court size also exert significant influences. Specifically, he notes that, contrary to some predictions, judges under guidelines do retain considerable sentencing discretion and power—particularly when those guidelines are less restrictive. Additionally, he finds that race and gender sentencing differences can be conditioned by court actors' perceptions and stereotypes of race and gender; use of race and gender linked attributions of offender dangerousness, blameworthiness, or rehabilitative potential; consideration of prison and jail resources and population characteristics; as well as interpretation and typification of these statuses in light of defendants' prior records (Ulmer, 1997).

Thus, Ulmer's research effectively demonstrates that both contextual and environmental factors can retain a significant role under guidelines systems and implies that both the causes and levels sentencing disparity may be influenced by the organizational and political features court communities. Therefore, any research examining the impact, effectiveness, and/or implementation of guidelines systems should take such factors into account (Ulmer, 1997).

Steffensmeier *et al* (1998) contend that prior theory and research on sentencing oversimplify the role of race, gender, and age in judicial decision-making. They use the "focal concerns" theory of judicial decision-making to frame hypotheses about these factors' effects on sentencing outcomes. Using Pennsylvania sentencing data from 1989 to 1992 for their analyses, the authors hypothesize that, controlling for other factors, young, black, male offenders will be sentenced more harshly than other race-age-gender groups. Additionally, they contend that sentence severity will be greater for black than white offenders, for male than female offenders, and for young adult rather than older offenders. Finally, they assert that the contextual effects of age on race-sentencing relationship will differ by gender. Specifically, race and age will interact in the sentencing of males but not for females (Steffensmeier *et al.*, 1998).

The analyses reveal that race, gender, and age all have significant direct effects on sentencing outcomes. Gender effects are the largest, followed by age, and then race. When interactions are examined, the results demonstrate that young black males are sentenced more harshly than any other group. Moreover, race has more influence on the sentences of younger than older offenders and of male than female offenders. However, the direct effects of race, gender, and age are modest when compared to sentencing outcome differences across specific age-race-gender combinations. These results indicate the importance of measuring the joint effects of race, gender, and age on sentencing and of using interactive rather than additive models (Steffensmeier *et al.*, 1998)

Conclusions

Early evaluations of state sentencing guidelines indicate that they significantly reduce sentencing disparity as compared to the previous systems as well as enjoy high levels of compliance. However, later research reveals initial success that declines over time in addition to evidence of guideline circumvention. In addition race, gender, age, and context, to varying degrees, all retain significant direct and indirect influences over sentencing under guideline systems. Finally, significant interaction effects of extralegal variables on sentencing remain under state guidelines. However, there is no evidence that guidelines *produce* disparity

Tonry (1987) noted that Commission systems enjoy high levels of compliance, change sentencing patterns, often increase sentence length, decrease sentence disparity, do not affect trial rates, but may result in some circumvention through charge and plea bargaining. The research on state guideline systems reviewed here bears out his assertions.

Extrapolated to the federal level, these findings give little cause to suspect that the *Guidelines* have produced or increased federal sentencing disparity. However, as guidelines are not the only determinate sentencing system operating at the federal level, any conclusions based solely on the evaluation of guideline systems would be flawed and incomplete. Any sound conclusions must also be based upon assessments of sentencing under mandatory minimum statutes. Thus, the discussion now turns to such a state-level evaluation.

State Mandatory Minimum Statutes

Nineteen states and the federal government have sentencing commissions and seventeen states have implemented sentencing guidelines. Of those seventeen, ten have presumptive guidelines and seven are voluntary. Yet, all states have mandatory minimum sentencing laws despite the fact that thirty-six of them have retained indeterminate sentencing systems. These laws are manifest in the form of "three strikes laws," mandatory minima, truth in sentencing provisions, and reduced available "good time" credits (BJA, 1998).

There are two general types of mandatory minimum statutes. The first mandates specified terms for particular types of *offenders* (Bales and Dees, 1992). These are commonly referred to as "three strikes," habitual offender, good time reduction, or chronic offender statutes. The second impose specific and uniform terms for particular types of *offenses*. Examples of these include mandatory sentences or sentence enhancements for drunk driving, firearm usage, or drug trafficking (USSC, 1991b; BJA, 1998). These offender and offense-based sanctions can also be used together. What follows is a brief overview of each of the two general forms of state-level mandatory minimum sentencing and research that addresses them.

Offender-based Mandatory Minimums

Offender based minimum sentences have become popular in recent years (Clark *et al.*, 1997). Although habitual offender laws have existed for some time, the popularity of this legislation skyrocketed in the 1990s. Habitual offender, chronic offender, and "three strikes" laws are nothing new. They are simply different names for the same concept. Statutes targeting the segment of criminality deemed incorrigible have existed in one form or another since the early nineteenth century (Simon, 1996). Legislative power to enact habitual offender laws similar to current three strikes statutes has generally been upheld and endorsed by appellate courts—with the rare exception of disproportionality cases (Zeigler and Del Carmen, 1996). Some contend that the latest round of such laws, "three strikes" legislation, is an attempt to control court discretion and merely a "knee-jerk" reaction to the latest moral panic (Feeley and Kamin, 1996).

Proponents of "three strikes" legislation contend that such statutes protect the public by incapacitating chronic offenders and isolating them from the rest of society. Additionally, they deter potential offenders and save money by stopping the "revolving door" of the criminal justice system. Supporters argue that targeting such chronic offenders will result in their quick arrest and, thus, remove them from the streets. This, in turn, will lower the crime rate. The main principle behind this strategy is the *Delinquency in a Birth Cohort* conclusion that 6 percent of offenders are chronic and responsible for approximately half the crime rate (Simon, 1996; Stolzenberg and D'Alessio, 1997).

Opponents, conversely, contend that "three strikes" legislation heightens correctional costs, overloads the court system, and is unduly harsh. They argue that such legislation is inefficient because by the time offenders are permanently incarcerated by "three strikes" laws, they are already beginning to "age out" of crime and no longer represent a significant threat to society. Moreover, such laws do nothing to target the most dangerous group of offenders, those in the age range of fifteen to twenty-five who often do not have the criminal record to evoke "three strikes" treatment. Opponents also argue that reliance on the *Delinquency in a Birth Cohort* results in designing public policy is inherently flawed because of that study's reliance on official records. Moreover, since its focus is on juvenile offenders, its findings should not be generalized to adult offenders (Simon, 1996).

Despite this opposition, currently, twenty-four states have enacted some form of "Three Strikes" legislation targeting repeat offenders (Clark *et al.*, 1997). Not surprisingly, the composition of these laws varies from state to state. The statutes vary on three main points: how the "strike zone" is defined, what type and how many offenses are required to merit an "out," and most importantly, what is meant by "out" (Clark *et al.*, 1997).

State "strike zones" vary. For example, in some states selling drugs is a strikeable offense while in others it is not. Additionally, the strike requirements vary with some states counting only those prior offenses punished by incarceration as strikes. Moreover, some states have provisions for less than "three strikes." Seven states have a "two strikes" provision. Typically, second strikes involve the imposition of a penalty enhancement. Finally, the twenty-four states with "three strikes" legislation vary on what exactly is meant by an "out" (Clark *et al.*, 1997). For most, an "out" is a mandatory life sentence without the possibility for parole. However, some states do allow for parole after a specified number of years is served. Still other states augment the possible penalties for such offenders but do not enact mandatory minimums, thereby leaving the actual sentence imposed to the court's discretion.

Apart from these, there are other variations of "three strikes" legislation (Greenwood *et al.*, 1996). For example, guaranteed full term systems and violent crime strike systems narrow the focus of the statutes. As its name implies, the full term system precludes good time for violent felons, guarantees prison terms for violent felons, and to reduce costs, cuts the number of minor offenses for which prison is applicable. The violent crime strike system requires "three strike" treatment only for violent offenses. Estimates by the RAND corporation conclude that the guaranteed full term system is the most efficient and effective approach in regard to money spent, deterrent value, and impact on crime. This is, in part, because such a system targets offenders earlier in their criminal careers—thereby addressing the most dangerous group of offenders (Greenwood *et al.*, 1996).

Surprisingly, most "three strikes" states already had capacities for addressing and sanctioning chronic offenders prior to the enactment of the new "three strikes" legislation (Clark *et al.*, 1997). The pre "three strikes" statutes of twenty-three of the twenty-four states contained enhanced sentencing provisions for habitual offenders. In most cases, the new legislation simply enhanced or more broadly defined the relevant terminology to encompass more cases. However, in most of these states, the new provisions are so narrowly defined that the laws are not expected to have significant impact on the criminal justice systems of these states. The exception to this is California's "three strikes" provision.

The California and Washington statutes, the two most highly studied "three strikes" statutes, provide an example of the wide interstate variation (Clark *et al.*, 1997). Although enacted at approximately the same time and in response to particularly heinous and publicized crimes, these two statutes are very different. For example, the California version has a "two strikes" provision. Here, anyone convicted of a felony and with a prior felony conviction can be sentenced to double the term they would receive without the prior conviction. Moreover, while its first two strikes must come from a list of strikeable offenses, California's third strike is constituted by *any* felony. Washington, conversely, has a listing of "strikeable" offenses on which the latest offense must be present in order to constitute a strike. This significantly narrows the number and types of criminals eligible for "three strikes" prosecution. Moreover, Washington does not have the second strike penalty enhancement provision. Recipients of a third strike in Washington, however, do receive life imprisonment without the possibility for parole.

The result of these differences is hardly surprising. California's "three strikes" prisoner population is composed mainly of non-violent offenders while Washington's is composed almost exclusively of violent offenders. Additionally, California's population is younger than Washington's. Finally, the size of the "three strikes" offender population for the two states is drastically different. Washington's entire population of convicted "three strikes" offenders numbers only fifty-three, while California's is 1,477 for "three strikes" and 15,230 for "two strikes" offenders respectively. Thus, as this comparison demonstrates, the breadth of focus is of primary concern in constructing "three strikes" legislation. The more narrowly defined the statute, the lesser the long and short-term impact of the legislation on the criminal justice system (Austin, 1996).

Such legislation was predicted to have minimal impact on police with the main effects projected to occur in the courts and corrections. With the enactment of the California "three-strikes" legislation, for example, many predicted that the courts and corrections facilities would be overwhelmed. This prediction initially seemed correct with initial increases in jury trials, increased defendant incapacitation during pre-trial, increased caseloads, and longer disposition time. Additionally, analysts predicted overwhelming prison overcrowding and skyrocketing costs as a result of the legislation. However, California districts appear to be adapting to the legislation with the number of "three strikes" cases filed per year declining steadily. Here, there is wide variation in how each county applies the law. For example, some counties rarely use the law while others use it widely (Greenwood *et al.*, 1996).

This variation may be the product of statute circumvention through legal negotiation. Particularly, these statutes increase the discretionary power wielded by the prosecutor (Feeley and Kamin, 1996). Plea-bargaining, for example, can work both for and against the defendant in "three strikes" states. Prosecutors can choose to plea down current charges so that the current offense is no longer strikeable and therefore the "three strikes" provision will not be invoked. Similarly, the prosecutor may choose to refuse to bargain away lesser offenses for first offenders, thereby guaranteeing that the next time that offender comes before the court, he/she will receive a "three strikes" penalty.

While most predictions overestimated the effects of "three strikes" legislation upon the correctional system (Clark *et al.*, 1997), if prison populations had skyrocketed as predicted, the "three strikes" legislation would not be the sole cause. Rather than increasing the number of admissions to prisons, "three strikes" legislation affects correctional populations by increasing the length of stay of several types of offenders. Conversely, other mandatory minimums, particularly offense-based minimums, serve to increase prison admissions. Moreover, tighter restrictions on parole eligibility as well as truth in sentencing laws have increased the duration of prison stays apart from the "three strikes" statutes (Bales and Dees, 1992; Austin, 1996). It remains to be seen how offender-based mandatory minimum statutes will impact the state correctional budgets in years to come. As these provisions incarcerate offenders for life without the possibility for parole, they will grow old in prison (Bales and Dees, 1992). Analysts predict that the increased cost for maintaining these elderly prisoners will be reflected in their health care costs. However, if the current adaptations to the "three strikes" provisions demonstrated in California jurisdictions continue, this prediction is likely to be as overestimated as that of the increased court caseloads and prison overcrowding. Thus, while demonstrated to have an impact on corrections, "three strikes" laws are not the only factor responsible for increasing prison populations.

Yet, the impact of chronic offender statutes on corrections is not the only area for research. Assessing the impact of such statutes on crime rates is also imperative to their evaluation. Stolzenberg and D'Alessio (1997) perform an interrupted time-series design on data from the ten largest California cities[59] to evaluate the impact of that state's "three strikes" law on crime rates. The unit of analysis was months rather than years and they used an interrupted time series design with nonequivalent dependent variables. The dependent variables were the serious crime rate and the petty theft rate. Both of these rates were already in decline before the "three strikes" law was enacted (Stolzenberg and D'Alessio, 1997). The authors considered three intervention models: sharp decline in serious crime which remained stable over time; small crime decline which grew over time; and an initial reduction in crime followed by a gradual return to previous levels. While the first model best fits the data, the results indicate that such laws did not reduce the rates of either crime type below the reduction already expected from pre-existing trends. In fact, the petty crime rate actually increased after California implementation of "three strikes"—suggesting either displacement or mandate circumvention (Stolzenberg and D'Alessio, 1997). Thus, these interventions appear to have minimal deterrent effect.

Use of mandatory minimum statutes also implies that offender race is irrelevant to charging and sentencing decisions because sanctions are meant to be applied uniformly across offenders, regardless of individual offender characteristics (MYERS, 1989). Crawford *et al* (1998) explore how defendant race affects the decision to use the Florida

[59] These were Anaheim, Fresno, Long Beach, Los Angeles, Oakland, Sacramento, San Diego, San Francisco, San Jose and Santa Ana. These sites were used because of their higher concentrations of serious offenders (Stolzenberg and D'Alessio, 1997).

"habitual offender" statute in the prosecution and sentencing of eligible offenders (Crawford *et al.*, 1998). Using data from fiscal year 1992-93 composed of 9,690 eligible, male prison admitees, they also examine the possibility that local levels of perceived racial threat may condition the race and habitual offender sentencing relationship. Their dependent variable is whether or not an eligible defendant receives the habitual offender sentence (Crawford *et al.*, 1998).

Their logistic regression analyses, which control for prior record, crime seriousness, and other relevant factors, show a significant and substantial race effect. Specifically, blacks are more likely to be charged and sentenced as habitual offenders than whites. Additionally, their findings indicate that offenders with a more substantial prior record or charged with more serious crimes are more likely to be sentenced as habitual. Such sentences are also more likely in areas with higher crime rates or larger percentages of blacks in the population. However, offenders charged with drug crimes or those prosecuted in counties with high levels of drug arrests are less likely to be sentenced as habitual offenders (Crawford *et al.*, 1998). Yet, black offenders charged with drug offenses are substantially *more* likely to receive the habitual offender sentence. Moreover, the disadvantage for blacks is particularly strong for drug offenses and for property crimes that have relatively high victimization rates for whites.

Strangely, while the overall likelihood of habitualization generally increases with offense seriousness, the largest differences between white and black offenders are found among the five least serious guidelines offense levels. Moreover, the most serious offenses demonstrate the smallest differences in habitualization rates between whites and blacks. These findings provide weak support for the contention that race has more influence on sentence outcomes when crimes are less serious (Crawford *et al.*, 1998).

Additionally, blacks are significantly more likely to be sentenced as habitual offenders in counties where the black percentage of the population, drug arrest and violent crime rates, and racial income inequality are low. Thus, the data indicate that race and the threat of black crime have the most impact on punishment where blacks and crime are the *least* prevalent (Crawford *et al.*, 1998). These findings provide an important exception to recent conclusions that once crime seriousness and prior record are controlled, race has little consequence for criminal sentencing. In Florida habitual offender sentencing, race matters, especially for property and drug crimes—supporting the racial threat interpretation.

Thus, depending upon the focus and the wording of any "three strikes" statute, the effect of the legislation on the criminal justice system may be minimal or may produce drastic, albeit temporary, change. Additionally, state legislatures should consider carefully which types of offenders they wish to target by enacting such a law and word the statute accordingly. Moreover, as with any other reform, the effectiveness of any statute is tempered by circumvention of that statute. The track record of previous reforms such as the Rockefeller drug law, penalty enhancements for gun crime, or victims' bill of rights speak to this issue (Feeley and Kamin, 1996). Finally, despite the intentions of such laws, offender-based mandatory minima have no apparent impact on crime but can *produce* racial disparity.

Offense-based Minimums

In recent years, many states passed statutes requiring mandatory penalties for drunk driving. Ross and Foley (1987) contend that the problem with mandatory penalties for drunk driving is that many criminal justice personnel see little difference between drunk drivers and other traffic offenders. To test compliance with these mandatory minimums, the authors evaluate statute adherence in Indiana and New Mexico (Ross and Foley, 1987). First, cases were screened to ensure that they fell within statute qualifications. Next, investigators visited the courts and detention facilities to verify dispositions (Ross and Foley, 1987).

The results revealed inter-jurisdictional variation in statute compliance. New Mexico judges failed to give the mandated sentence in 30 percent of cases. Conversely, in Indiana, 70 percent of offenders were shown to have received mandated treatment. The authors postulate that this divergence between states partially arises from different levels of court resources and judicial discretion. Here, records may not be available, judges may interpret the mandate to exclude certain cases, or judges may simply disregard the statute—possibly because they do not view drunk driving as seriously as the mandate requires or because they resent intrusion into their sentencing domain. The authors conclude that there is no real way to enforce the mandate because it is unlikely that any of the concerned parties would voice a complaint (Ross and Foley, 1987).

Similar to drunk driving, one approach to gun control is the use of enhanced penalties for gun crimes (Wright and Rossi, 1994). Such penalty enhancements are popular because they sanction only those who use firearms in illegal activities, leaving legitimate gun users untouched. Unfortunately, there is mixed evidence that such enhancements are effective in reducing gun crime (McDowall *et al.*, 1992). Aside from the mixed results, there are other impediments to the usage of sentence enhancements to deal with gun crimes. Judges can circumvent the mandatory augmentations by reducing the main charge by the number of years equivalent to that of the enhancement. Moreover, such additions make up only a minor portion of the entire sentence and therefore, do not add up to a meaningful threat. Other problems with these laws are prison overcrowding as well as the fact that since most offenders do not expect to be caught, they are not concerned with the legal consequences of carrying and using a handgun (Wright and Rossi, 1994).

Kleck (1991), contends that the effectiveness of such laws directly depends upon whether or not they are compulsory or voluntary. His data indicate that discretionary add-on penalties for gun crimes appear to reduce robbery while mandatory ones do not (Kleck, 1991). He argues that the reason for this is that the voluntary penalties preserve judicial discretion while obligatory enhancements undermine it.[60]

McDowal *et al.* (1992) use pooled time-series analysis to combine the results from six jurisdictions; they found that penalty enhancements for guns substantially reduced homicides.[61] The results of the analyses indicate strong support for a deterrent effect by the gun crime enhancements for homicide. This is further evidenced by little change in non-gun homicide. The authors assert that the minimal change in non-gun homicide is powerful

[60]As a result, judges under the compulsory system may feel force to circumvent the mandatory enhancement when they feel it is unjustified. Conversely, the judges under voluntary systems will impose it *only* when they feel it is warranted.

[61] McDowal *et al.* considered three types of interventions. These were abrupt permanent change, gradual permanent change, and abrupt temporary change. Of all the interventions, the abrupt permanent change best fit the model yet none of the sites demonstrated any impact of the penalty enhancements on gun crime.

evidence of the success of this law and precludes the substitution effect. In the cases of assaults and robbery, however, there was no preventive effect. The best McDowal *et al.* (1992) could argue in respect to robbery, for instance, was that the enhancements may have prevented armed robberies from increasing the way that unarmed robberies had.[62] Ultimately, the authors concluded that such laws have varied impact from jurisdiction to jurisdiction (McDowall *et al.*, 1992).

In a subsequent study, Marvell and Moody (1995) attempt to evaluate the effect of Firearm Sentence Enhancement (FSE) laws on crime and prisons. They use a pooled time series analysis[63] to examine data from all fifty states to discern which if any of the many hypothesized relationships is correct (Marvell and Moody, 1995). Their results yielded little indication of FSE law impact on prison admissions or populations, on gun, non-gun or general homicide, or other crimes. Thus, their analysis demonstrated that the penalty enhancements did not achieve their purpose of reducing gun crime.[64]

[62] Still they do have explanation for the different effects of the enhancements on homicide, robbery, and assault The authors contend that it is possible that since homicides are more accurately reported, that they represent a more accurate picture of the deterrent effect. Additionally, they believe that this effect will vary by local jurisdictional features.

[63] While forty-nine states have some form of penalty enhancement for crimes committed with firearms, the authors excluded five of them from FSE classification because they considered their law "too weak." Additionally, FSE laws vary widely from state to state in what the enhancement is and how much discretion is allowed in evading its use. In their report, the authors relate the findings of previous FSE studies in various states as well as nationwide. Such studies suffered from methodological problems and have yielded mixed results. These problems prompted Marvell and Moody to choose pooled time-series design

[64] Yet. Britt *et al* (1996a, 1996b) criticize McDowall *et al* (1992) for not using the transfer function suggested by theory—a criticism that McDowall *et al* (1996) do not successfully refute (Britt *et al.*, 1996a; Britt *et al.*, 1996b; McDowall *et al.*, 1996). Thus, the findings of Marvell and Moody's original study have been called into question.

Conclusions

The above research findings demonstrate the presence of circumvention of both offender and offense-based state-level mandatory minimum statutes. Moreover, offender-based statutes do not eliminate the influence of race on sentencing decisions and may actually increase it (Crawford *et al.*, 1998). Additionally, offense-based statutes demonstrate little impact on the crimes they seek to target.

Tonry (1987) asserts that mandatory minima cause both attorneys and judges take steps to avoid their use and increase dismissal rates while the probability of receiving a prison sentence remains unchanged. However, defendants convicted of them are sentenced more severely (Tonry, 1987). The above research findings support Tonry's observations. Thus far, the research reviewed indicates that mandatory minimum statutes may cause rather than reduce sentence disparity. Extrapolated to the federal level, they provide ample cause to suspect that the *Mandatory Minimums* are behind the persistence and, in some cases, increase in sentencing disparity.

Conclusions

As the above research findings demonstrate, sentencing guidelines can significantly reduce sentencing disparity—an effect which can decline over time. However, extralegal factors retain significant direct, indirect, and interactive influences over guideline sentencing. However, there is no evidence that guidelines *produce* disparity. Conversely, the evidence suggests that mandatory minimum statutes may actually cause sentence disparity.

Yet, the above review comprised only state-level studies. To achieve a more realistic perspective, federal level research must be examined before any formal hypotheses can be formulated. With that in mind, the discussion now turns to research on federal level sentencing.

Chapter Four: Federal Sentencing Studies

To this point, only state-level research has been reviewed. Clear patterns regarding the relationship between race and sentencing and the impact of various determinate sentencing systems have emerged. Specifically, the evidence suggests that mandatory minimum statutes produce extralegal disparity—making the *Mandatory Minimums* the prime causal suspect of federal sentencing disparity. However, further investigation of this possible culpability requires the examination of federal level research. The first step in such an examination is the assessment of the state of sentencing prior to the *Mandatory Minimums'* implementation. With that in mind, the discussion now turns to research of that period.

General Federal Sentencing

Studies of federal sentencing practices prior to the implementation of the *Guidelines* or the *Mandatory Minimums* provide an important picture of federal indeterminate sentencing. Specifically, they shed light on the effect of extralegal factors as well as how sentencing decisions were made under the indeterminate system.

Using interviews with federal district judges conducted prior to *Guideline* implementation, Wheeler *et al.* (1988) set out to determine how federal judges decide sentences—giving particular attention to white-collar offenders. More interested in capturing judicial thought than action, they contend that, unlike state systems, federal courts are relatively insulated from docket and caseload pressures. Therefore, the informal norms and courtroom culture have much less influence while the judges have more impact on the sentencing process in the federal courts (Wheeler *et al.*, 1988).

Based upon their interviews and Frankel's conclusions about federal sentencing, Wheeler *et al* originate the *moral* or *normative lens* thesis. This framework is based upon three premises. First, judges agree that offenses should be treated differently according to the harm they produce.[65] Second, the judges interviewed concur that offenders should be treated differently according to the blameworthiness of their actions.[66] Finally, all judges believed that they should consider the consequences of their sanctions—both general and specific.[67]

The authors contend that fully developed legal systems combine legislation and common-law decisions, providing structure and standards to guide judicial discretion in determining the appropriate sentence. Prior to the *Guidelines*, such guidance was absent in federal sentencing. As a result, judges used the cultural norms from which both legislation and case law are drawn, in order to reach penalty decisions (Wheeler *et al.*, 1988). Thus, common cultural norms led directly to specific sentencing decisions as well as affected them indirectly through both through statutes and judicial doctrine.

[65] This means that the presence or absence of violence, amount of monetary loss, duration of the offense, nature of the victim as well as any violation of trust all determine the amount of harm produced by an offense and therefore should play a role in determining sentence (Wheeler *et al.*, 1988).
[66] This aspect takes into account the offender's prior criminal record, knowledge and intent, degree of "deliberateness" or "scheming," relative culpability among multiple defendants, life history (including family work and community life), personal characteristics, praiseworthy conduct, motive, remorse and contrition, as well as cooperation provided (Wheeler *et al.*, 1988).
[67] The general deterrence aspect includes levels of publicity and the specific target audiences. Conversely, the specific facets entail how much the process is a punishment, the age and health of the defendant, preventing injury to innocent parties and facilitating compensation or making reparations(Wheeler *et al.*, 1988).

However, the application and interpretation of these norms varied from judge to judge. This finding effectively demonstrates that general agreement on basic sentencing principles does not guarantee consensus on actual sentences (Wheeler *et al.*, 1988). The authors assert that disparity comes about from the translation of these agreed upon principles into actual sentences—particularly when multiple principles are involved, which might be the case if a mixture of aggravating and mitigating circumstances were present. Since judges interpret the evidence before them in individual ways, mode and style of presentation may make a difference in sentencing for one judge but not another. Thus, despite the broad agreement on basic sentencing principles, federal judges prior to the *Guidelines* did not employ the same methods of measuring harm, blameworthiness, and consequence. Moreover, their individual weighting of these factors and translation of them into specific dispositions varied (Wheeler *et al.*, 1988).

In an examination of the varied organization of the federal district courts, Heydebrand and Seron (1990), assert that organizational structures and processes are important because they affect the court's political culture, group interactions, and case processing (Heydebrand and Seron, 1990). Using the district court as the unit of analysis, the authors explore how economic, demographic, and governmental variables impact federal court caseloads and resources. The effects of all of these, in turn, are estimated for dispositions.

Conducting cross-sectional analysis for three time points (1950, 1960, and 1970), this study builds a profile of each district using census data. The authors used population density, the number of corporations, the number of government employees, corporate merger activity, presence of blacks in the population, and net migration as indicators of the aforementioned environmental facets of federal district courts (Heydebrand and Seron, 1990). Additionally, the authors control for both personnel and resources which are internal[68] and external[69] to the court organization.

The authors find that the influence of population density on caseload changes over time. Specifically in regard to criminal cases, they find that economic and demographic variables have no direct influence but operate indirectly through processing, resource allocation and discretionary decisions as well as probability of offense detection to impact dispositional and sentencing outcomes (Heydebrand and Seron, 1990). In addition, they find that the court structure and caseload influence whether criminal cases go forward to trial. These factors as well as the number of judges also influence dismissals and guilty-pleas. The number of probation officers and US attorneys employed in a district also strongly influence dispositions. However, the direction and strength of these relationships varied over time (Heydebrand and Seron, 1990).

Using 1983 through 1987 data from the federal Southern District of New York, Kirsch (1995) examines the dispositions of cases in order to evaluate organizational and contextual influences. His dependent variables are the disposition of each stage of the court system as well as the severity of the ultimate punishment meted out. The independent variables are composed of the traditional offender, individual, and offense factors in addition to a series of process and structural factors including: type of representation, ratio of staff to case filings, and ratio of judges to case filings (Kirsch,

[68] These would be law clerks, magistrates, personnel in the clerk's office, and probation officers.

1995). He seeks to determine the influence of the independent variables on conviction rates as well the outcomes of indictment, arraignment, trial, sentence and prison term length.

Using OLS regression to analyze all dependent variables, he finds that age of the offender, prior incarceration, offense type and individual judge were significant predictors of conviction. Additionally, citizenship status, gender, age and prior incarceration as well as offense type, number of active judges per case, use of a public defender and individual judge were significant predictors of receiving a prison sentence. Gender, age, offense type, use of a public defender, and staffing per case were factors that also significantly influenced sentence length (Kirsch, 1995).[70]

The above research indicates that both legal and extralegal factors wielded influence over sentencing outcomes in pre-*Guideline* federal sentencing. Moreover, there was no clear-cut rationale or consensus among judges on how much weight each the relevant factors should have in making the sentencing decision. Thus, from this point of view, judicial guidance was clearly needed and sentencing disparity was expected.

Federal Guidelines Sentencing

Based upon the previous discussion, one would expect that the provision of sentencing guidelines should increase the amount of sentence comparability at the federal

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[69] These would be lawyers, Department of Justice employees, and US attorneys.
[70] The specific findings are as follows:
1) age (-) and prior incarceration (+), offense type and individual judge were significant predictors of conviction
2) citizen status(-), gender (+), age (+) and prior incarceration (+); offense type; the number of active judges per case (+), public defender (-) and individual judge were significant predictors of receiving a sentence of prison

level. With that in mind, evaluations of the *Guidelines* are now discussed—keeping in mind Tonry's (1987) assertions regarding guideline systems.[71] It is important to note that when drug related *Guideline* findings are discussed, in reality results that confuse the *Guidelines* and the *Mandatory Minimums* are being discussed.

The USSC (1991*a*) attempted to determine whether the *Guidelines* were implemented as intended and to identify any resultant changes in the incarceration rate, length of imprisonment, as well as any other changes that the new system may have brought about. To accomplish the former, USSC investigators visited twelve jurisdictions and conducted interviews. They chose one district at random from each of the eleven circuits as well as an additional non-random large district to compensate for the random sample's selection of only small jurisdictions. To address the latter, the USSC first examined sentences imposed and time served for similar offenders convicted of bank robbery, embezzlement, heroin, and cocaine offenses with similar offense characteristics. Specifically, they sought to determine if sentences given to similar defendants who had comparable prior records and were convicted of similar offenses were more consistent with one another after *Guideline* implementation. For these evaluations, the USSC used the Congressional definition of disparity[72] (USSC, 1991a).

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3) gender (+) and age (+); offense type; public defender (-) and staffing per case (+) significantly influenced sentence severity (Kirsch, 1995).

[71] It is important to note that this review covers only those *Guidelines* studies that investigate the factors influencing the sentencing decision. For example, while studies evaluating public opinion of the *Guidelines* exist (Rossi and Berk, 1995; Maxfield *et al.*, 1996) and are important in their own right, their results are not directly relevant to the discussion at hand.

[72] This is when defendants with similar criminal records found guilty of similar criminal conduct receive dissimilar sentences.

In the time frame examined,[73] almost 50 percent of the defendants were convicted of drug offenses. Interestingly, while whites composed the majority of offenders for most crimes, the ratio of whites-to-blacks narrowed substantially for drug crimes. Preliminary analyses also found that charging and plea negotiation practices vary across Circuits as does application of the relevant conduct guideline, substantial assistance motions, and guideline interpretation. Moreover, there is substantial inter-Circuit variation in caseload, plea versus trial rate, where in the guideline range sentences fall, departures, inter-office relations, and appellate decisions (USSC, 1991a).

This investigation used a matched, "like case" pairing technique. Bivariate analyses were then conducted analyzing the relationship between sentencing outcome and race, gender, age, marital status, employment, education and Circuit. This evaluation compares the imposed pre[74] and post-*Guidelines* sentences for matched offenders and offenses. Surprisingly, for three of the four offenses[75] there were either insufficient numbers for analysis or no significant effects. However, for heroin offenders, race was significantly related to sentence location on the *Guideline* range. Whites were most likely and Hispanics least likely to be sentenced at the bottom of the *Guidelines* range with blacks in the middle (USSC, 1991a). Across all offense categories at the aggregate level, only within range sentence variations by race were statistically significant.

Additional analyses reveal that for bank robbers with minimal criminal history, there was a significant reduction in variance from pre to post-*Guideline* sentencing. This

[73] January 19, 1989 to September 30, 1990
[74] Pre-guidelines sentences were inflated because of the likelihood of the defendant being eligible for and receiving parole. Therefore, the pre-*Guideline* sample uses the presumptive parole date rather than the length of time imposed at sentencing.

indicates that the intervention was successful at disparity reduction, at least for these types of offenders. However, for those bank robbers with more serious prior records, the amount of variance reduction is not significant. Overall, however, the *Guideline* sentences are much more comparable than the pre-*Guideline* sentences (USSC, 1991a). Similarly, for embezzlers, there was a post *Guidelines* reduction in variance for sentence imposed and expected time served. However, the median sentence imposed and expected time served did increase. Additionally, more offenders were sentenced to short prison terms rather than probation.

In regard to heroin trafficking, most of the comparisons were not possible because of small sample size. However, for groups that were comparable, disparity in post-*Guidelines* sentences imposed and expected time served is reduced. This reduction is even greater at the lower end of the sentencing range once departure cases are removed from the sample (USSC, 1991a). Finally, for cocaine trafficking, the variation in sentence imposed and time to be served for similarly situated offenders narrowed considerably following *Guideline* implementation. Again, the disparity reduction is even greater when departure cases are eliminated from the analyses (USSC, 1991a).

Next, the USSC addressed the use of incarceration with a time-series design. Multiple interventions such as the Anti-Drug Abuse Act of 1986, the implementation of the *Guidelines*, the Anti-Drug Abuse Act of 1988, and the *Mistretta* decision were included. This analysis revealed a steady upward trend in the number of defendants sentenced to prison—beginning in 1984. All of the aforementioned interventions—with

[75] These were bank robbery, cocaine offenses, and embezzlement.

the exception of the Anti-Drug Abuse Act of 1988—significantly and positively influenced the number of cases sentenced to prison. Thus, each intervention further increased and strengthened a pre-existing trend of increased incarceration use (USSC, 1991a). Unfortunately, because of the close temporal proximity of these interventions and the presence of other intervening factors, it was not possible to establish causal links with this analysis. However, the analysis does demonstrate major system changes after significant interventions during the years examined (USSC, 1991a).

Karle and Sager (1991) compare pre and post-*Guideline* sentences using two sets of data. The first set includes cases sentenced between November 1, 1985 and October 31, 1987 (7,978 files). The second contains those cases sentenced between November 1, 1987 and August 31, 1990 (7,497 files). Both data sets include the specific crimes of drug importation and distribution, robbery, larceny, embezzlement, fraud, and immigration offenses for the Fifth Circuit.[76] These data sets are used to compare pre and post-*Guidelines* sentences (Karle and Sager, 1991). The authors find a statistically significant decrease in plea-bargaining for five of the thirteen examined offenses (larceny, embezzlement, fraud, cocaine distribution, and immigration). Additionally, the standard deviation for *Guideline* sentences was significantly lower than that of pre-*Guideline* sentences for ten of the thirteen offenses.[77] However, the authors caution that these findings mask inter-district variation in departure practices and leave unresolved the

[76] The Fifth Circuit was used because most of the post-guideline data is pre *Mistretta*. This has a potentially confounding effect since the Guidelines were not uniformly applied and implemented prior to their ratification by the US Supreme Court. The use of only Fifth Circuit data in these analyses controls for this potential bias since the Fifth Circuit is known to have consistently used and enforced the *Guidelines* since their initial implementation in November 1987 (Karle and Sager, 1991).

[77] Both cocaine and heroin distribution were among the non-significant offenses.

precise role played by the identity of the sentencing judge. On a final note, Karle and Sager note that prison populations grew post-*Guidelines* and attribute this growth to the *Mandatory Minimums* (Karle and Sager, 1991)

The GAO (1992) also compares the pre and post-*Guideline* systems. While using the same data but different techniques[78] from the USSC (1991*a*) study, the GAO reached comparable conclusions. Specifically, disparity was reduced under the *Guidelines*, but not eliminated (GAO, 1992). The GAO cites pre-sentence decisions such as charge or plea-bargaining, as well as the thoroughness of the pre-sentence investigation as possible sources of disparity. However, given data limitations, the GAO was unable to explore these hypotheses for their report (GAO, 1992). Specifically, the analyses were hampered by delayed implementation of the *Guidelines* and Constitutional challenges and appeals which, in turn, severely reduced the post-*Guideline* data available for comparison to pre-*Guideline* data (GAO, 1992). Moreover, the GAO noted serious shortcomings in the existing pre-*Guideline* data as well as its incomparability with post-*Guideline* data[79] that made 'like case' comparisons impossible. As a result, the GAO was unable to meaningfully evaluate, verify, or quantify the *Guidelines*' effectiveness at reducing disparity. The study was also unable to determine whether the effects of extralegal variables varied between the two time periods. In addition, the lack of data explaining why African-American defendants pled guilty less often than other race defendants further confounded efforts at uncovering and explaining disparity (GAO, 1992).

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[78] This study analyzed sentence dispersion for sixty-eight groups of offenders

[79] Pre-*Guideline* offender data focused on personal information such as race, socio-economic status, and family relationships. As this data is considered irrelevant under the guideline system, it is unavailable for post-*Guideline* cases (GAO, 1992).

Despite these obstacles, the GAO was able to perform analyses and reach some conclusions. Analyzing sentence dispersion for sixty-eight groups of offenders, the GAO extended the USSC analyses by controlling separately for offense severity level, criminal history category, offense type, and mode of disposition. The GAO matched cases using pre- and post-*Guideline* criminal history and offense severity scores.[80] They used expected rather than actual time served (using the presumptive parole date for pre-*Guidelines* cases) as the dependent variable. Additionally, because the dependent variable was not normally distributed, the GAO used a bootstrap re-sampling technique to normalize its distribution (GAO, 1992). They found that while some pre-*Guideline* inequality was reduced for selected groups, other unwarranted disparity remained. Their re-analyses of the post-*Guideline* data used in the USSC report revealed that several extralegal variables retained statistically significant relationships with the imposed sentence. However, the direction of these effects was inconsistent (GAO, 1992). These comparative analyses were possible because was a pre-*Guidelines* data set existed which had these scores already calculated. These data were constructed by the USSC when it was initially designing the *Guidelines*.

The GAO analysis also employed log-linear techniques to examine the effect of extralegal factors on both the tendency of offenders to receive departures and where in the guideline ranges sentences fell. This analysis found that while only circuit affected whether or not the sentence departed from the *Guidelines*, all of the extralegal factors examined—except for education—significantly influenced whether an offender's

[80]This was possible because was a pre-*Guidelines* data set existed which had these scores already

sentence fell at the top, bottom or middle of the *Guideline* range. In regard to race and ethnicity, blacks were more likely than whites to receive sentences at the extremes of the ranges while Hispanics were most likely to receive midrange sentences. These differences remained after controlling for legally relevant factors such as offense seriousness and criminal history. Examination of specific crimes discerned other racial patterns. For robbery, for example, the GAO regressions showed that race and criminal history interact to affect sentencing patterns. Here, blacks received shorter sentences than whites at the low end of the criminal history scale but received longer sentences at the high end (GAO, 1992).

Additionally, in order to isolate racial patterns, the GAO conducted separate regressions for each meaningful group. Here, the dependent variable was again the natural log of the sentence imposed. The independent variables included several controls for offense seriousness, defendant's prior record, characteristics and current case involvement, and case processing. These analyses revealed significant differences between whites and blacks on prior record, statutory minimum sentences, and mode of disposition that served to explain the racial sentence disparity (GAO, 1992).

Overall, the GAO concludes that, under the *Guidelines*, sentence dispersion declined. Moreover, the data provided little evidence of disparate treatment by race, gender, or other demographic factors. Despite this agreement in conclusions, the GAO and the USSC disagree on the interpretation of these findings as well as how 'similarly

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calculated. It was constructed by the USSC when it was initially designing the *Guidelines*.

situated' offenders should be defined.[81] Overall, both agree that the *Guidelines* reduce disparity. However, the USSC contends that sentences falling with the specified range cannot produce disparity. The GAO, conversely, points to variation between sentences falling within *Guideline* ranges as an example of how disparity occurs under the *Guidelines*. While both conclude that the data show little evidence of extralegal disparity, the GAO acknowledges that the *Guidelines* may be incapable of ending *all* such disparity (GAO, 1992). Specifically, the GAO notes that the data indicated the presence of within *Guidelines* disparity by gender, race, age, employment, and marital status (GAO, 1992).

This report is not without problems. For example, the calculated pre-*Guideline* criminal history and offense severity scores are not comparable to actual scores from the post-*Guideline* period. This is because, unlike the post-*Guideline* scores, the pre-*Guideline* scores will have no inter or intra-jurisdictional variation. Rather, they will all be standard because they were calculated by a small group of researchers rather than a widely varied, large group of court practitioners. Moreover, because of their relative rarity these analyses totally neglect the most serious offenses and repeat offenders (GAO, 1992). Additionally, in subsequent analyses the GAO pooled cocaine and heroin offenders, combined circuits and collapsed criminal history scores in order to increase statistical power. Moreover, the multiple measures of offense seriousness and prior record may produce multicollinearity problems.

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[81] The USSC report used characteristics related to offense conduct—such as weapon type, injury, offense role, *et cetera*—as a component determining similar offenders. This resulted in a curtailed sample size. The GAO, on the other hand, categorized similar offenders using criminal history and offense severity (GAO, 1992).

In a comparison of pre- and post-*Guidelines* sentencing, Heaney (1991) examines differences in sentencing outcomes in terms of race and mode of disposition. He finds that sentence length and the incidence of trial penalties increased while the rate of guilty pleas decreased. Moreover, racial disparity in federal sentencing *increased* under the *Guidelines*—both in terms of prosecution and sentence length (Heaney, 1991). Additionally, using aggregate results, Heaney compares post-*Guideline* sentencing differences by district and mode of disposition. Using the Minnesota, Eastern Missouri, Western Missouri, and Eastern Arkansas districts, the latter comparison revealed evident inter-district variation in departure use and uncovered the persistence of trial penalties. Unfortunately, all of these comparisons are univariate. Thus, the majority of potentially intervening factors are not taken into account.

However, in addition to these analyses, Heaney also conducted interviews with the US Attorney, probation officers and defense attorneys of the aforementioned districts. These interviews uncovered shifts in discretionary authority—from judges to prosecutors and probation officers—under the *Guidelines*. Those interviewed also perceived an increase in sentence disparity resulting from increased charge bargaining as well as rampant *Guideline* circumvention and manipulation (Heaney, 1991). In order to remedy this state of affairs, Heaney proposes the elimination of *Mandatory Minimums*, substantial reduction in the number of *Guideline* categories, a much wider range of authorized sentences within each category, and eliminating the relevant conduct provision (Heaney, 1991).

Schulhofer (1992) begins with a critique of Heaney (1991), noting that Heaney focused mainly on the imposition of different sentences on similar offenders while ignoring other forms of disparity. These include the imposition of similar sentences on different offenders or the imposition of different sentences on the basis of genuine but irrelevant differences between offenders (Schulhofer, 1992). The former, the risk of excessive uniformity, is what Schulhofer sees as the largest potential source of disparity under the *Guidelines*. While acknowledging that circumvention is undesirable, Schulhofer contends that, under the current federal sentencing system, plea manipulation is used to *reduce* the disparity caused by excessive uniformity (Schulhofer, 1992).

Schulhofer also contends that Heaney's comparative analyses are flawed because the cases he used were not necessarily similar[82] and no potentially intervening variables were controlled for. He also notes that Heaney's descriptions of the power of probation officers and the prosecutorial control of information are both exaggerated. As a result of these methodological weaknesses, Schulhofer concludes that Heaney's analyses do not establish that disparities either exist or have increased under the *Guidelines*. However, he also notes that Heaney's failure to demonstrate sentence disparity does not mean that such disparity is not present (Schulhofer, 1992: 841).

Noting that both judges and prosecutors vary in their charge reduction practices, Schulhofer seeks to uncover the frequency and extent of plea-related manipulations as well as the locus of responsibility for such problems. In conducting this study,

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[82] For example, "date-bargaining" can skew simple before/after comparisons like Heaney's because cases are not comparable. This occurs cases where the indictment was purposefully limited to pre-*Guideline* time or held up to fall under post-*Guideline* time (Schulhofer, 1992). Thus, the differential treatment uncovered could have arisen from the use of dissimilar cases.

Schulhofer observes that drug and non-drug cases under the *Guidelines* are distinct.[83] The findings of this study indicate that both *Guideline* circumvention and judicial tolerance of it is rare for non-drug cases—a difference that Schulhofer attributes to the *Mandatory Minimums*. Thus, while any evaluation of the *Guidelines* must include drug offenses, a valid evaluation also cannot *exclusively* use them (Schulhofer, 1992).

Schulhofer also notes that the *Guidelines* prohibit plea-bargains that undermine their purposes. The responsibility for opposing such bargains falls to the judge. Thus, as Schulhofer contends, the sentencing judges themselves bear most of the blame for sentence disparities arising from charge bargaining (Schulhofer, 1992). However, given his aforementioned "disparity reduction through charge manipulation" argument, he finds the judges' reaction understandable. In fact, he goes on to assert that the judges are morally obligated to depart in order to reduce excessive and unwarranted uniformity.[84]

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[83] Drug cases are distinctive for five reasons. First, the *Mandatory Minimums* impact virtually all significant federal drug prosecutions. Moreover, in no other offense area are the *Guideline* sentence ranges so molded by the *Mandatory Minimums*' structure. Second, the severity levels for drug offenses are much higher than they were prior to *Guidelines*. Third, the *Guidelines* for drug crimes are quantity-dominated. As a result, the drug quantity, which should be only one among many sentencing factors, becomes the *only* sentencing factor used. This, in turn, produces inequality by requiring that different cases be treated alike on the basis of drug amount. Fourth, the relevant conduct standard produces distinctive problems because drug distribution is by definition a conspiratorial crime. As a result, excessively lengthy sentences can be imposed on event the lowliest of players and couriers (Schulhofer, 1992). Fifth and finally, the imbalance between the available upward and downward adjustments to the offense level and the *Guideline* range interacts with the Draconian minimums for drug offenses to produce enormous upside sentencing potential for drug offenders with little comparable potential for downward adjustments to compensate. Liability can skyrocket from level twelve to thirty-eight for the difference between crack and heroin but can never drop by more than four levels (minimal role and acceptance of responsibility) without a substantial assistance motion (Schulhofer, 1992).

[84] As Schulhofer notes: "Because Congress mandated sentence ranges much narrower than those used in previous sentencing reforms, the Guidelines range is not sufficiently broad to accommodate relevant differences among offenders. The judge's power to depart therefore became the crucial mechanism for avoiding undue rigidity. ... Departures are thus essential to the proper functioning of the Guidelines system. They permit differentiation that could otherwise be achieved only through unstructured discretion ... The Sentencing Reform Act of 1984 makes clear that departures are legitimate sentencing tools and that their availability should remain flexible. ... Implementation of the departure provisions has fallen short of

In conclusion, Schulhofer cites the preclusion of the possible mitigating effects of individual offender characteristics along with current departure principles and practices as the major reasons for disparate uniformity. Moreover, the case law on the scope of departure power coupled with overly stringent appellate review—where departure is considered out of the question under virtually any circumstances—are also cited as major contributors to disparity through excessive uniformity (Schulhofer, 1992).

A study by Nagel and Schulhofer (1992) attempts to identify areas of *Guideline* circumvention by reviewing the most recent *Guidelines* cases from three districts. The authors discover that, overall, there is circumvention of the letter rather than of the spirit of the guidelines. Additionally, such circumvention is the exception rather than the rule—with the majority of cases adhering to the *Guidelines*. However, when 'side-stepping' of the *Guidelines* does occur, it is usually to avoid the imposition of the *Mandatory Minimums* (Nagel and Schulhofer, 1992).

In regard to differences between districts, there was substantial variation between them concerning departures from the *Guidelines*. This variety could be the result of any one of following factors or an interaction between them: judicial attitudes, the relationship between the prosecutors and the probation office, as well as the roles of the US Attorney and the Federal Public Defender (Nagel and Schulhofer, 1992). The authors see the main reasons for *Guideline* circumvention to be judicial pressure, inadequate

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these congressional expectations for flexibility...both overly rigid and too flexible (Schulhofer, 1992: 861-862).

training of prosecutors, prosecutorial discretion, and insufficient review. Generally, each is a method to avoid imposition of the *Mandatory Minimums*.

McDonald and Carlson (1993) point out that, prior to *Guideline* implementation, federal sentences among white, black and Hispanic offenders were similar, on average. Post-*Guidelines*, however, large aggregate sentencing differences emerged among these groups—both in terms of imprisonment and sentence length (McDonald and Carlson, 1993). The authors have several goals behind this research. First, they seek to determine whether the widening differential gap between the aggregate sentences given to the various racial and ethnic groups is the result of their changing representation in the most severely punished offenses. Second, they attempt to discern if the *Guidelines* were effective at improving sentencing uniformity or whether they actually produced racial and ethnic disparity. Finally, they try to uncover whether the aggregate sentencing differences are a product of the *Mandatory Minimums* (McDonald and Carlson, 1993).

The study used data composed of all federal district cases sentenced from January 1, 1986 to June 30, 1990; these data were obtained from the Federal Probation Sentencing and Supervision Information System (FPSSIS). Two different populations of offenders were used for these analyses. These are all offenders sentenced in Federal district courts in 1986, 1987, and 1988 who were not subject to the SRA and all offenders sentenced from January 20, 1989[85] to June 30, 1990[86] who were subject to SRA. The authors used a simple before/after methodology. In addition, a second USSC data set was used to assess

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[85] This choice of date excludes all pre-*Mistretta* offenders.
[86] Cases after June 1990 are not used because, as mentioned previously, the data are not comparable.

and distinguish between judicial compliance and effect of *Guidelines* on sentences (McDonald and Carlson, 1993).

Unlike USSC (1991*a*), McDonald and Carlson (1993) did not use the *Guideline* range as the sentence evaluation standard. Instead, this study examined actual sentences imposed,[87] considering the *Guideline* range as only one constraint among many that may affect the sentencing outcome. This approach enabled them to identify racial and ethnic differences in imposed sentences for similar offenses (McDonald and Carlson, 1993). The dependent variables were incarceration and sentence length. They used the natural log of sentence length in order to normalize the distribution. The independent variables included specific and general offense characteristics, legally relevant offender characteristics, case processing variables, dichotomous offender race variables, eleven dummy variables for circuit as well as other extralegal offender characteristics. The authors first conducted a general offense model with the variables entered using a stepwise method.

The general findings indicate that while on average blacks were given more severe sentences than whites, this pattern was not consistent across offenses. For example, the differences were most pronounced for drug or weapons offenses and larceny. Additionally, Hispanics had higher imprisonment rates than whites, mainly because of more severe sentences for drug trafficking and immigration as well as, to a lesser extent, weapons offenses and drug possession. The authors note that part of the sentencing differential results from higher black representation in drug trafficking

(McDonald and Carlson, 1993). To further examine these relationships, McDonald and Carlson closely examined sentences for drug trafficking, bank robbery, weapons offenses, fraud, embezzlement, and larceny. These categories were chosen because they accounted for 73 percent all *Guideline* sentenced offenders in 1989 and the first half of 1990, as well as for 77 percent of all federal prison sentences (McDonald and Carlson, 1993).

For drug trafficking, incarceration rates for all racial and ethnic groupings were high but they were slightly higher for non-whites than whites. Conversely, sentence length exhibited much larger differences—with blacks receiving significantly longer sentences than whites or Hispanics. However, much of the difference was accounted for by differences in charged offenses (McDonald and Carlson, 1993). The analyses indicated that the proportions of whites, blacks and Hispanics convicted varied by drug type. Overall, the authors conclude that blacks were punished more severely because they were more likely to deal in cocaine or heroin. Such differences first emerged in 1987 and increased substantially thereafter (McDonald and Carlson, 1993).

Distinguishing further between crack and powder cocaine offenders also explains much of the sentencing differential—accounting for nearly all of the racial disparity. They found that blacks more often traffic in cocaine—specifically crack—than whites or Hispanics and also differed in amount sold as well as prior record (McDonald and Carlson, 1993). Moreover, explanatory variables had different impact by cocaine type.

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[87] This included whether the offender was sentenced to prison or not, and separately, the length of imprisonment term if such a term was imposed.

For example, offenders trafficking in powder cocaine received longer sentences if they were in the South or the DC district (McDonald and Carlson, 1993).

Racial and ethnic groups differed in the characteristics associated with harsher sentences. Still, even after controlling for these factors, white traffickers had half the odds of Hispanic and two-thirds the odds of black traffickers of being imprisoned. Additionally, when legally relevant factors are controlled, race retains a small but significant impact on sentence length (McDonald and Carlson, 1993). Yet, despite these findings, the goodness of fit estimates indicate that race contributes little to the overall model fit. Thus, the authors conclude that race not an important factor in determining prison sentences. Instead, the type of drug involved explains almost all of racial disparity in federal drug crimes (McDonald and Carlson, 1993).

For bank robbery, the analyses revealed little difference in incarceration by race but significant differences in the length of sentence imposed. Blacks received longer prison sentences (105 months) than either whites (90 months) or Hispanics (92 months). However, the characteristics most strongly correlated with sentence length were aspects of the offender's prior record, the amount of violence or injury used or threatened during the crime, offender age, and region. The fact that black bank robbers were more likely to commit crimes associated with longer sentences and more likely to have serious prior records partially accounted for these differences (McDonald and Carlson, 1993). When interactions between race and prior record or offense behavior were included, disparate sentencing patterns emerged. White bank robbers with either no or minor prior records were less likely to be imprisoned than blacks or Hispanics with no or minor criminal records. Additionally, whites with moderate criminal records received systematically milder sentences than blacks with the same type of record. Threatening or violent offense behavior exhibited the same pattern. These results were not fully explained by differing rates of plea-bargains or legally relevant factors (McDonald and Carlson, 1993). It is also important to note that *Mandatory Minimum* offenders were excluded from these analyses.

For weapons offenses, blacks and Hispanics were sentenced to prison more frequently than whites and for longer periods of time. 91 percent of blacks, 84 percent of Hispanics and 78 percent of whites went to prison. Blacks received longer prison sentences, averaging fifty-six months compared to forty-two months for Hispanics and thirty-six months for whites. Control variables did not explain the differences—with blacks and Hispanics having twice the odds of whites of imprisonment for weapons offenses and 19 percent longer terms for blacks than whites (McDonald and Carlson, 1993). While there were differences in the representation of the three groups in fraud, all differences in the odds of incarceration and sentence duration were explained by legally relevant offense and offender characteristics (McDonald and Carlson, 1993).

For larceny, whites were the group least likely to be sentenced to prison. However, when they were imprisoned, they served the longest sentences. Conversely, Hispanics were the most likely to be imprisoned but were given the shortest sentences. Blacks were more likely than whites to be imprisoned and served longer sentences than Hispanics. Further analyses revealed that interactions between offender race or ethnicity and offense severity accounted for most of these differences. The one exception was the higher odds of imprisonment for blacks (McDonald and Carlson, 1993).

While, according to McDonald and Carlson (1993), the bulk of the racial and ethnic sentencing differences under the *Guidelines* can be attributed to legally relevant factors, this does not explain why such disparity increased in *Guidelines* sentences (McDonald and Carlson, 1993). These differences remain even after adjustment for the changing composition of sentenced offenders, leading some to hypothesize that the differences are a result of the importance under the *Guidelines* of factors correlated to race and ethnicity. However, comparison of the simulated and actually imposed pre and post-*Guideline* sentences do not support this theory. Uneven judicial compliance with the *Guidelines* was another possible explanation for the increase in disparity. To test this possibility, McDonald and Carlson (1993) simulated consistent judicial imposition of prison sentences identical to the prescribed *Guideline* range's midpoint. Such a simulation allows no judge-to-judge variation. The results, however, were inconclusive (McDonald and Carlson, 1993).

Additionally, analyses simulating the removal of the crack cocaine Mandatory Minimums revealed that such a policy change would significantly reduce the racial disparity present in the federal sentencing system. Based on the above findings, McDonald and Carlson conclude that the *Guidelines* are not directly responsible for the increasing racial and ethnic disparity in federal sentencing. Rather, the *Mandatory Minimums* and the method in which the *Guidelines* were built to accommodate them are seen as the primary cause. Any remaining differences are accounted for by variations between the groups—such as prior record—that are relevant to sentencing (McDonald and Carlson, 1993).

This study does, however, suffer from some methodological shortcomings. For example, the data contained no information about the evidentiary strength of the government's case, the presence of substantial assistance motions or pretrial detention. As a result, the potential influence of each of these important factors on the sentencing outcome is not taken into account. Additionally, there are potential collinearity problems between the variables included in the analyses. Finally, these analyses did not investigate the possibility of bias in the legal process that leads to conviction or the amount of *time actually served* in prison.

A subsequent USSC study indicates that significantly fewer black than white federal drug traffickers received substantial assistance departures. This disparity remained even after holding multiple other factors—such as case processing, legally relevant, and offender demographic characteristics—constant (Langan, 1996). Yet, when Langan (1996) re-analyzed this data using a different significance test,[88] the relationship was no longer significant. In fact, the addition of the race variable only minimally improved the explanatory power of the model.[89] The difference in results, Langan contends, is explained by the use of different levels of data for the two analyses.[90]

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[88] Here, Langan ran two logistic regression models—one with all of the USSC variables and offender race included and one with the USSC variables and race excluded. He then compared the correct prediction rate of the two models (Langan, 1996).

[89] This finding depends upon the cutoff rate used in determining correct versus incorrect model predictions. Langan's model used a 0.5 cutoff point. He notes that using a 0.6 cutoff point would have substantially improved the race model's predictions (Langan, 1996). To account for these possible effects, Langan then analyzed the predicted logit probabilities from nine different cutoff points, calculating both a true false

Additionally, when he included a variable controlling for mode of disposition, nearly 20 percent of the initial racial disparity disappeared (although race retained a statistically significant influence). This is because blacks were less likely than whites to plead guilty. Moreover, he notes that the USSC analyses did not include controls for many of the factors US Attorneys cite as relevant to the substantial assistance motion decision (Langan, 1996). This omission may do much to explain the initial significant racial differences in the awarding of substantial assistance motions.

Maxfield and Kramer (1998) uncover a lack of uniformity across federal courts as to what types of cases receive substantial assistance departures. Moreover, personal offender characteristics such as race, gender, ethnicity and nationality remained significant predictors of which offenders received substantial assistance departures as well as the degree of departure awarded (Maxfield and Kramer, 1998).

Finally, Everett and Nienstedt (1999) examine federal sentencing data from fiscal year 1991 to determine whether race and ethnicity[91] impact the decision to grant a downward sentence departure for acceptance of responsibility. In addition to statistical analysis, the authors interview judges and probation officers from twelve districts to complement and bolster their investigation. The results indicate that, net of other factors, defendant race/ethnicity is a significant predictor of whether or not a downward departure

positive and true false negative rate. The results of these analyses still indicated that the inclusion of the race variable did not significantly improve the explanatory power of the model.

[90] The USSC analysis was concerned with the change in predicted probabilities while Langan's addressed changes in the probability-based case rankings (Langan, 1996).

[91] Unfortunately, the authors do not treat race and ethnicity as separate attributes. Rather, they treat them as a single attribute—lumping them together in a series of dummy variables categorized as White, Black, Hispanic, and Other. Given that the primary goal of this study is to uncover racial and ethnic differences in

for acceptance of responsibility will be awarded (Everett and Nienstedt, 1999). Based upon the interview data, Everett and Nienstedt surmise that racial and ethnic differences in the defendant's ability to convincingly demonstrate remorse accounts for this disparity.

The above findings indicate that variation in federal sentences was reduced after the implementation of the *Guidelines*. However, all of the studies agree that disparity was not eliminated. In fact, in some areas—such as drug offenses—racial disparity in sentencing worsened. Yet, none of the previously discussed research names the *Guidelines* as the cause of this additional disparity. Rather, several specifically name the *Mandatory Minimums* as the culprit. With that in mind, we now turn to a discussion of research on the *Mandatory Minimums*.

Federal Mandatory Minimum Sentencing

There is limited empirical research concerning the *Mandatory Minimums*. This section discusses the few available studies. While USSC (1991*b*) reports that changes in sentencing occurred from 1984 to 1990, due to data limitations they cannot explain these changes or identify their causes. Instead, they can only report the patterns discerned that result from the *Mandatory Minimums*. In these analyses, the USSC uses FPSSIS data from 1984 to 1990 and a 12.5 percent sample of defendants sentenced in FY 1990. This sample was further subdivided into 1,165 case files meeting the criteria for receipt of a mandatory drug or weapons sentence. Specifically, they were classified as to whether or not the criminal conduct involved appeared to be *Mandatory Minimum* behavior. Such identified cases were then examined in detail. Multivariate probit analyses were

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the receipt of acceptance of responsibility departures, this methodological flaw seriously compromises the conducted on the latter data set. The independent variables include were: defendant's race, gender, modified offense role, modified base offense level, and prior drug convictions. These analyses use only 907 of the original 1,165 cases because of missing data problems (USSC, 1991b).

Simple frequencies indicate that of those sentenced under *Mandatory Minimum* statutes, 91 percent were convicted of drug offenses and two-thirds of the offenders had prior criminal records. Thus, the *Mandatory Minimums* appear to be reaching the target 'repeat offenders.' However, in regard to 'non-relevant' factors, the *Mandatory Minimums* do not fare as well. Ninety percent of *Mandatory Minimum* offenders were male. Additionally, 38.5 percent of the offenders were black, 34.8 percent were white, and 25.4 percent were Hispanic (USSC, 1991b)—thereby indicating that extralegal factors may still wield influence.

In regard to comparability between charge and actual offense, the USSC discovered other disturbing patterns. While 74.3 percent of *Mandatory Minimum* offenders were charged under the highest *Mandatory Minimum* available, 13.7 percent were charged under lower *Mandatory Minimums*, and 12 percent were not charged under *Mandatory Minimums* at all--despite the fact that it was warranted (USSC, 1991b). Moreover, the study uncovered several drug charges filed with no drug amount specified or the specified drug amounts lower than the actual drug quantity. This resulted in lower or no *Mandatory Minimums* being applicable. Additionally, charges for weapon enhancements were not filed, despite the fact that 45 percent of drug defendants were known to be in possession of

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design and brings one to question the validity of their findings.

firearms at the time of their offense. Drug amounts were also manipulated at pleas (USSC, 1991b). These findings demonstrate a startling lack of compliance with the *Mandatory Minimums* by both judges and prosecutors.

The results of the probit analyses reveal significant influence of several extralegal factors. For example, there is circuit variation in application of *Mandatory Minimums*. Moreover, offenders sentenced at or above the *Mandatory Minimums* were more likely to be young, male, black and convicted by trial. Additionally, Hispanics were least likely while whites were most likely to receive sentences that departed downward from the *Mandatory Minimums*. These relationships remained significant after controlling for factors related to prior criminal record and the nature of the offense. An additional regression included a gender/race interaction term in the model. This analysis revealed that black males and both Hispanic males and females are more likely to receive *Mandatory Minimum* sentences than white males. Black females and white females were the least likely to receive sentences at or above the *Mandatory Minimums* (USSC, 1991b).

In regard to drug offenses specifically, four variables—the amount of drugs involved, the role of the offender, the scope of the activity, and drug type—were examined as legally relevant factors. The results indicate that the higher the drug amount involved, the more likely the offender is to receive a sentence at or above the *Mandatory Minimum*. Additionally, crimes involving crack and powder cocaine more often receive *Mandatory*

Minimums than marijuana or methanmphetamine crimes[92] (USSC, 1991b). Females were less likely to receive the *Mandatory Minimums* for drug crimes. Race also played a role with 67.7 percent of blacks and 57.1 percent of Hispanics involved in drug crimes receiving sentences at or above the *Mandatory Minimums* while only 54 percent of whites did (USSC, 1991b). The relationship between race and sentence was statistically significant but neither age nor citizenship had a significant effect (USSC, 1991b).

The USSC (1991*b*) findings suggest that race, ethnicity, and circuit are strongly related to the actual application of *Mandatory Minimums* in cases warranting their use. Specifically, whites are less likely to be sentenced under the applicable minimum than nonwhites. This differential application reflects the persistence of the disparity and discrimination that the SRA was meant to reduce (USSC, 1991b). Thus, while the USSC report claimed across the board reductions in disparity, several extralegal factors had a statistically significant effect on sentence severity. According to USSC findings, race significantly affects the probability of offenders receiving at least the *Mandatory Minimum*. Whites are least likely while blacks are most likely to receive a *Mandatory Minimum* sentence (USSC, 1991b).

For disparity arising specifically from the *Mandatory Minimums*, the USSC identifies two sources: defendants who appeared to be similar were charged and convicted differently as a result of extralegal factors; and defendants who appeared to be different but who received similar departures from the *Mandatory Minimums* (USSC, 1991b). Regardless of the reason, the USSC concludes that sentences under the

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[92]Prior to 1984, all four such crimes were equally likely to receive sentences below the mandatory

Guidelines/Mandatory Minimums are disparate as a result of the statutory definitions of disparity provided by Congress (USSC, 1991b). The USSC closes by arguing that Congress should repeal the *Mandatory Minimums*.

These analyses are not without problems. Several potentially relevant explanatory variables—such as employment status, education, income, or mode of disposition—are omitted. Additionally, of the variables included, none are continuous—thereby weakening the strength of the statistical tools. Moreover, race and ethnicity are measured together in one variable rather than separated into two—potentially confounding the estimated impact of both. Finally, in regard to the interaction model, the individual race and sex variables were excluded when they should have remained in equation (Pedhazur, 1997: 425-430).

Meierhoefer (1992) examines the implementation and effects of the *Mandatory Minimums* on prison terms between 1984 and 1990. Additionally, she explores how the *Mandatory Minimums* are applied to eligible offenders over time. The primary goal is to assess how the *Mandatory Minimums* affect sentencing practices and how their influence changes over time (Meierhoefer, 1992). For length of prison terms, while an upward trend began prior to the enactment of *Mandatory Minimums*, large increases in sentence duration occurred after implementation. Conversely, for those offenses not involving either drug crimes or *Mandatory Minimums*, the length of imprisonment imposed remained relatively stable. Additionally, the advent of *Mandatory Minimums* heralded changes in the

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minimums

proportions of offense types prosecuted at the federal level. For example, the number of drug offenses grew by 20 percent from 1984 to 1990.

In examining the proportion of offenders sentenced under such statutes, Meierhoefer found that the length of the *Mandatory Minimum* itself has the most impact on whether or not it is applied. This is an inverse relationship—the longer the *Mandatory Minimum*, the less likely it is to be applied. Additionally, persons were less likely to receive the *Mandatory Minimum* if they were first-time offenders or had a minor prior record—however this difference narrowed considerably over the time period examined (Meierhoefer, 1992).

Meierhoefer also uncovered racial and ethnic differences in the effects and application of *Mandatory Minimums*. For example, from 1984 to 1990, the number of blacks charged with what are now *Mandatory Minimum* drug offenses grew by nearly 20 percent. Additionally, both blacks and Hispanics received longer sentences as well as the required *Mandatory Minimum* sentence substantially more often than comparable whites. Moreover, these differences grew from 1984 to 1990, suggesting that the *Mandatory Minimums* were the source of the disparity (Meierhoefer, 1992).

Albonetti (1997) attempts to assess whether the *Guidelines* reduce racial disparity as initially intended—specifically, if race and ethnicity still have direct effects or indirectly condition the legally relevant factors used to determine sentences. She addresses sentence length, the effect of guilty pleas and departures on sentence outcomes, as well as the potential for extralegal factors such as race and ethnicity to condition or impact sentence outcomes for drug cases under the *Guidelines* (Albonetti, 1997). It is important to note that although Albonetti (1997) purports to study the *Guidelines*, her investigation, for reasons that are outlined below, is actually a study of the *Mandatory Minimums*. Therefore, this piece is discussed in this rather than in the *Guideline* section.

Albonetti's data are composed only of federal drug trafficking and possession cases from 1991 to 1992. Departing from the previous research, Albonetti uses Tobit analysis to model *both* the dispositional and durational decisions. Additionally, to test the possibility that race and ethnicity conditioned the effect of other variables, Albonetti ran separate Tobit regressions for whites, blacks, and Hispanics.

Her analyses indicated that extra-legal factors such as gender, education, and ethnicity significantly influenced sentence outcomes. For example, females, US citizens, and whites received sentences that were much more lenient than those imposed on males, non-citizens, and racial and ethnic minorities—both in regard to disposition and duration. In addition, status as a male, non-citizen, and/or racial and ethnic minority "conditions" sentence severity and judicial departures as well as the influence of other legal and extralegal variables.[93] For example, both offense severity levels and criminal history had significantly different effects on sentence outcomes for Hispanic and black defendants as compared to white defendants (Albonetti, 1997). Thus, extralegal factors retain a substantial influence over sentence outcomes for federal drug offenders. Finally, Albonetti cites the judicial discretion allowed in making sentence departures rather than prosecutorial discretion as the main avenue of *Guideline* circumvention and the source of the racial and ethnic disparity (Albonetti, 1997)

Unfortunately, these analyses are seriously flawed. Albonetti fails to acknowledge the influence of *Mandatory Minimums* on federal sentencing. In addition, she fails to control for the influence of offender level of involvement or the type of drug involved. These variables are legally relevant, available in the data set used, and have been demonstrated by prior research to impact sentences at the federal level under the current determinate system. Moreover, she omits extralegal variables such as offender income or age that also have demonstrated influence over structured sentencing outcomes. These problems leave her results suspect because of model misspecification.

In addition, her choice of offender category (exclusively drug offenders) makes her study a test of the impact of the *Mandatory Minimums* on racial and ethnic disparity at the federal level rather than an evaluation of the *Guidelines*. As reflected by the data (Albonetti, 1997), 95 percent of the cases involve defendants convicted of drug trafficking. Drug trafficking is an offense that carries a *Mandatory Minimum* (21 USC § 841) which will *unquestionably* influence the sentence of anyone charged with it. As a result, the bulk of the cases in the data used for this study are *Mandatory Minimum* cases rather than *Guideline* cases. Because the *Guidelines* cover *all* federal offenses, extrapolating the outcomes of essentially one *Mandatory Minimum* offense to draw conclusions about the impact of the *Guidelines*—even for only drug offenses—is inherently flawed. While drug offenses must be considered in any *Guidelines* evaluation, they cannot be the sole basis for evaluation (Schulhofer, 1992).

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[93] This "conditioning" is an indirect effect that is *in addition to* the direct effect found in the simple linear model.

Finally, there is question as to whether Tobit is the correct statistical tool for evaluating the sentencing decisions of incarceration and sentence length or for answering the questions that Albonetti poses. This is because using Tobit to model the decisions simultaneously automatically presupposes that the incarceration and sentence length decisions are made *concurrently* rather than *sequentially* (McDonald and Carlson, 1993). This assumption can be assessed through comparison of the sentence distributions (McDonald and Carlson, 1993). Yet, Albonetti makes no mention of conducting such a procedure or whether she considers the decision-making process to be concurrent or consecutive. In addition, there is question as to whether each decision is influenced by the same set of factors (Spohn *et al.*, 1981-2). Thus, the justification for using Tobit in these analyses remains unclear.

Conclusions

The above research supports Tonry's (1987) contentions regarding both guideline sentencing and mandatory minimum statutes—namely that guideline systems reduce disparity while mandatory minimum statutes can increase it. More importantly, federal level research provides supportive evidence and echoes his sentiments with empirical findings. The *Guideline* studies indicate high levels of compliance with only mild circumvention through plea and charge bargains (Nagel and Schulhofer, 1992). Moreover, the results show decreased sentence variation overall as well as sentencing patterns modified from previous patterns (USSC, 1991a; GAO, 1992). Conversely, the *Mandatory Minimum* studies indicate both severe sentencing disparity and circumvention (Albonetti, 1997).

That most of the disparity is tied to drug type (USSC, 1991b; McDonald and Carlson, 1993) suggests that the different statutory severity assigned to various drug types produces the disparity. This implies that the *Mandatory Minimums* are the main disparity source. For example, despite the racially neutral factors employed in determining sentence, severe racial inequality exists in the sentences imposed for federal crack cases. Using the pre-established increased penalties for drug offenses in conjunction with the Anti-Drug Abuse Act of 1986,[94] the Anti-Drug Abuse Act of 1988 combined concepts from the previous legislation to create *Mandatory Minimum* sentences for crack cocaine that were one-hundred times greater than those for powder cocaine (BJS, 1993). While racial bias was not the premise for the statute, the majority of those affected by the ratio are racial minorities (USSC, 1995). These penalties created unwarranted disparities between similar defendants (USSC, 1995).

Several of the aforementioned federal studies (Karle and Sager, 1991; Nagel and Schulhofer, 1992; Schulhofer, 1992; Vincent and Hofer, 1994) place the blame for several problems in federal sentencing squarely on the *Mandatory Minimums*. As previously mentioned, if the *Mandatory Minimum* penalties for the two forms of cocaine were equalized, the racial disparity would not only disappear, but it would reverse slightly. Moreover, if the *Guidelines* were merely changed so that the *Mandatory Minimums* were the exception instead of the rule, the disparity would decrease substantially (McDonald and Carlson, 1993).

[94]This act made a distinction between the two forms of cocaine

Thus, the circumstantial evidence against the *Mandatory Minimums* is, at this point, overwhelming. However, they cannot be convicted on circumstantial evidence alone Empirical evidence of the suspected causal relationship is required. This study attempts to provide such evidence. Despite the numerous problems, Albonetti's (1997) analyses are useful. Not only do they provide the first empirical evidence that the *Mandatory Minimums* produce racial disparity—despite the fact that this was not the intent of her research—they also provide an avenue for separating the *Guidelines* effects from the *Mandatory Minimums* via the separate analysis of specific statutory offenses. This current research continues in the same vein, using a permutation of Albonetti's serendipitous methodology.

Chapter Five: Methodology

Hypotheses

Based upon previous research concerning determinate sentencing systems (Tonry, 1987; Meierhoefer, 1992) as well as prior studies of post-SRA federal sentencing (Karle and Sager, 1991; USSC, 1991b; GAO, 1992; Schulhofer, 1992), the *Mandatory Minimums* are believed to exacerbate racial disparity in federal sentencing. While the *Mandatory Minimums* are thought to be mainly responsible for the racial disparity that exists in federal sentencing, evidence also suggests that the interplay of the two sentencing strategies further exacerbates the disparities produced by the *Mandatory Minimums*. However, the main purpose of this research is to separate the effects of the *Mandatory Minimums* from the *Guidelines* rather than the effects of the *Guidelines* from the *Mandatory Minimums*. This is done in order to determine if the *Mandatory Minimums* are indeed the main contributor to the recent increase in racial disparity at the federal level.

Thus, this research will test the following hypotheses:

H_1: The significant predictors of both imprisonment and sentence length will vary by offense type. Additionally, the ranked order importance and direction of the significant predictors will vary by offense type.

H_2: The significant predictors of both imprisonment and sentence length will vary by the specific statute charged within a given offense type. Additionally, the ranked order importance and direction of the significant predictors are similarly expected to vary by statute. Specifically, those statutes carrying a *Mandatory Minimum* penalty will exhibit a substantially different pattern of significant predictors than those that fall under the *Guidelines* alone.

H_3: Offender race will be a significant predictor of imprisonment and sentence length in general federal sentencing. Specifically, blacks will be sentenced more harshly than whites.

H_4: The influence of offender race and other extralegal factors will be greater among *Mandatory Minimums* cases than *Guidelines* cases net of legally relevant factors. This will manifest in increased likelihood of incarceration and increased length of sentence for racial minorities sentenced under *Mandatory Minimum* statutes. Any racial disparity found for simple *Guideline* offenses should be at much smaller levels—as reflected by low racial differences in incarceration rate and sentence length.

H_5: *Mandatory Minimums* for drug-related crimes will demonstrate greater levels of racial influence than other *Mandatory Minimums*. This will manifest in increased likelihood of incarceration and increased length of sentence for racial minorities sentenced under *Mandatory Minimum* drug offense statutes.

Data

This analysis and investigation use USSC data compiled from federal sentencing records. These data include all cases sentenced in federal court since *Guidelines* enactment and are available via the Inter-University Consortium for Political and Social Research (ICPSR) web-site, set 9317. The *Monitoring Federal Criminal Sentences* 1987/1997 data set contains information on federal criminal cases sentenced under the *Guidelines*. The data file includes all cases received by the USSC that entered the federal criminal court system between November 1, 1987 and September 30, 1997. This study, however, uses only those sentenced in fiscal year 1992, which yields 38,258 cases.[95]

The 9317 yearly data sets are unique in that the information provided by each comes from different data sources—depending upon which year is examined. For example, data for cases sentenced before September 1, 1990 are derived from the Federal Probation, Sentence and Supervision Information System (FPSSIS). After September 1, 1990 the USSC Monitoring Unit developed its own collection processes and variables to

[95] This large number of cases will increase the possibility of finding statistically significant relationships. This is because, by increasing the statistical power, it permits the detection of smaller differences between groups (Cohen, 1992).

gradually replace the FPSSIS data. This process is ongoing—with more Monitoring Unit variables included in each successive data set. For cases that cannot be matched to the FPSSIS data, the case variable information will be incomplete—the degree to which will vary by year. As mentioned above, for the current research, data from fiscal year 1992 will be analyzed. Several methodological concerns influenced the choice of FY 1992.

Primarily, effectively answering the research question requires post-1989 data because 1989 was the year of the *Mistretta* decision (Karle and Sager, 1991). While the *Guidelines* were in effect prior to 1989, they were not uniformly used and applied until after *Mistretta*. Additionally, the data from initial *Guideline* implementation through 1990 were compiled from different sources than those from 1991 onward—compromising the comparability of the two spans of data. Given the previously mentioned bias in pre-*Mistretta* data coupled with the data comparability issue, only post-1990 years can be used for these analyses. Finally, as the "safety valve" provision was enacted in 1993, a year prior to that had to be used in order to avoid the complications of such departures. Since there is no case indicator of a "safety valve" departure in the data sets subsequent to this change, the impact of this factor on sentence length cannot be controlled. Given that the task of these analyses is the separation of the *Mandatory Minimums* effects from those of the *Guidelines*, the omission of such a clearly relevant variable would produce model misspecification error. Thus, for the aforementioned reasons, only 1991 and/or 1992 data are appropriate for these analyses. Given the timely nature of these analyses, the more recent appropriate year was chosen.

Strategy

Previous sentencing research has used interrupted time series designs with longitudinal sentencing data to estimate the effects of sentencing interventions (Stolzenberg and D'Alessio, 1994). Ideally, a time series analysis would be used to identify the sources of the federal sentencing disparity. This approach would control for random yearly fluctuations in the number and types of federal crimes and the nature of the sentences. However, given the changing nature of both the *Guidelines* and the *Mandatory Minimums* this is not a possibility.

First, as the primary data begin with the implementation of the *Guidelines*, there is no intervention to differentiate between before and after. Additionally, there is not merely *one* intervention impacting sentencing procedure over this period but *several.* The enactment of *Mandatory Minimums* in 1986, 1988, and 1990, the implementation of the *Guidelines* in 1987, the 1989 *Mistretta* decision, the 1993 addition of the "safety valve" departure provision, and the yearly additions and modifications to the *Guidelines* all comprise interventions. Given their close proximity to one another, it is impossible to separate the effects of one intervention from another in a time series analysis (USSC, 1991a). Finally, the data themselves are not consistent across years—producing additional problems in using a time-series design (USSC, 1991b). For example, the variable indicating the most serious identified supervision problem for each defendant is present in the 1989-90 data but disappears in the 1990-91 set. Therefore, a time series analysis is not a viable option for this problem or with these data.

Before any meaningful action can be taken to further reduce federal sentencing disparity, one must identify its source. As noted previously, the prime suspects are the

Mandatory Minimums and the *Guidelines*. The only way to assess the role of each in disparity causation is to separate the effects of one from the other. To do this, one needs to isolate the federal cases involving *Mandatory Minimums* from those in which they are not involved.[96] To minimize the difficulty of this task, a pre-"safety valve" year where the *Mandatory Minimums* are applicable to all offenders who do not receive 'substantial assistance' departures is used.

As previously noted, although there are over one hundred separate *Mandatory Minimums* in approximately sixty different statutes, USSC research reveals that only five[97] of them account for 94 percent of Mandatory *Minimum* cases. Additionally, more than half of the existing *Mandatory Minimum* statutes were ***never*** used in the period examined (USSC, 1991b). This discovery is crucial to the proposed research. Because the vast majority of *Mandatory Minimums* used fall under one of five statutes, analysis of cases where the main offense title is one of those five will produce estimates of the impact of

[96] The converse, isolating federal *Guidelines* cases from those that are not is impossible since *all* federal level cases fall under the guidelines.
[97] These statutes are:

21 USC § 841—manufacture and distribution of controlled substances. Depending upon the quantity of drugs involved, whether the offender had a prior conviction under specific statutes, and whether death or serious injury resulted from the offense, minimum sentences range from five years to life imprisonment.

21 USC § 844—possession of controlled substances. For those containing a cocaine base, sentences range from five to twenty years for first offenders possessing more than five grams and for repeat offenders with lesser amounts.

21 USC § 960—penalties for the importation/exportation of controlled substances. Depending upon the quantity of drugs involved, whether the offender had a prior conviction under specific statutes, and whether death or serious injury resulted from the offense, minimum sentences range from five years to life imprisonment.

18 USC § 924(c)—minimum sentence enhancements for carrying a firearm during a drug or violent crime. Depending upon the type of firearm involved and whether the offender had a prior conviction under this statute minimum sentences range from five years to life imprisonment.

18 USC § 2113(e)—minimum sentence enhancement of ten years for the taking of hostages or murder during a bank robbery

the *Mandatory Minimums* on sentences.[98] Conversely, analysis of federal cases not falling under one of those five statutes will comprise estimates of the impact of the *Guidelines*. Albonetti (1997), by using only drug trafficking and possession offenses accomplishes this separation in part —albeit unintentionally.

Thus, the analytical strategy is multifaceted—entailing the analysis of data sets and subsets. Using the title of the major offense for each case, the data and analyses are broken down into three separate components. First, in step one, the impact of the independent variables, including race, on the two dependent variables for the entire 1992 sentencing data set is modeled. Next, in step two, the 1992 sentencing data set is divided into subsets of drug, firearms, robbery, and 'other' offenses. Each of these sets then undergoes separate analysis. The third and final stage has three sub-components. The robbery offense subset is divided into those offenses falling under statute 18USC § 2113, a *Mandatory Minimum* offense, and those that do not. Similarly, the firearms offense subset is subdivided into those cases involving *Mandatory Minimum* statute 18USC § 924 those that do not. Finally, the drug offense subset is divided into four additional subsets—one for each of the three remaining *Mandatory Minimum* drug offenses and the fourth composed of any additional drug offenses.

This breakdown will enable separation of the effects of the *Mandatory Minimums* from those of the *Guidelines*. Step one determines the general impact of race on federal

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[98] Under drug offenses, the main criteria for determining whether or not the crime involves a *Mandatory Minimum* are the type and the amount of drug involved. Specifically, drug type dictates the amount required to invoke the *Mandatory Minimum*. While drug type is available in this data, drug amount is not. However, since the *Guideline* ranges for such offenses were based upon the existing *Mandatory Minimums*,

incarceration and sentence length. If there are no significant race effects in step one but there are significant effects in the subsequent analysis of *Mandatory Minimum* cases, this would indicate that the effect of race is masked when *Mandatory Minimum* and *Guideline* cases are analyzed together. Likewise, if step one uncovers significant race effects that disappear when only *Guidelines* cases are analyzed, this is evidence indicating that analyzing the two types of cases together produces misleading results.

The data subset "other offenses" from step two comprises mainly *Guidelines* cases while the remaining subsets contain *Mandatory Minimum* cases. Separate analysis of these data subsets, therefore, provides separate estimates of the factors influencing sentences under the *Guidelines* alone. Significant race effects for all offense groups except "other" offenses will suggest that the *Mandatory Minimums* are the source of the disparity.

Additionally, the last step isolates the effects of the most used specific *Mandatory Minimum* statutes. If significant racial effects are confined to those offenses falling under these *Mandatory Minimum* statutes, this provides even stronger evidence that the *Mandatory Minimums* are the source of the existing racial disparity in federal sentencing. Moreover, it will enable the identification of the particular statutes in which the sentences meted out demonstrate adverse impact by race net of legally relevant factors.

In order to ensure that the USSC findings regarding the use of *Mandatory Minimum* statutes are applicable to the FY 1992 data, the frequencies of the cases falling under the five statutes were determined for this data set. The results were almost

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those drug cases not technically falling under the *Mandatory Minimums* still reflect them. Therefore, such identical to the USSC (1991*b*) study. Of the 11,246 *Mandatory Minimum* cases sentenced in FY 1992, 95.4 percent of them were for one of the five target offenses. The four drug-related offenses account for over 80 percent of the cases. When only non-violent offenses are considered, the four drug-related offenses account for 94.6 percent of the total *Mandatory Minimums* used. Thus, the USSC (1991*b*) findings and assumptions based upon them are applicable to these data.

To estimate the influence of race on sentencing decisions under the *Guidelines* and the *Mandatory Minimums*, a partitioning strategy is used where possible. While many studies use dummy variables in estimating the effects of race, this approach has limitations.[99] Therefore, in order to best capture the impact of race, racial group will subdivide the aforementioned data set and subsets further where case numbers allow. While each partitioning of the full FY 1992 data provides enough cases for statistical analysis, not all of the subsets have enough representation of the two major racial groups—blacks and whites—to permit further partitioning by race. While statutes 21USC § 841, 21 USC § 844 and 18 USC § 2113 have sufficient numbers for racial partitioning,[100] statutes 21 USC § 960 and 18 USC § 924 do not.[101] For those subsets where there is not adequate racial representation, dummy variables are used to model the

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cases are not *Mandatory Minimum* cases in name only.

[99] Primarily, racial effects are constrained to equal the difference between the intercepts of the different equations. Additionally, this approach precludes the full consideration of all possible first order racial interactions. Moreover, measuring discrimination with dummy variables essentially constrains all variable effects to be equal between groups. Using dummy variables also means that the error variances of the separate equations will be equal. This last limitation also increases the likelihood of making both type I and type II errors in regard to the impact of race (Myers, 1985; GAO, 1992).

[100] Cases falling under statute 21 § 841 are composed of 4,050 whites and 2,417 blacks. Similarly, cases falling under statute 21 § 844 are comprised of 593 whites and 205 blacks. For 18 USC § 2113 cases, there are 1,035 whites and 579 blacks.

impact of race. The results of the partitioned regressions are compared to an overall non-partitioned model in order to demonstrate the differences for each racial model.

As an additional component to the above analytical strategy, the aforementioned analyses are conducted on a subset comprising only cases from the Ninth Circuit. In these analyses, dummy variables representing each Ninth Circuit district are used to estimate district impact on sentencing outcomes. The strategy of selecting districts from one circuit rather than all districts is used because of the large number of US federal court districts. There are ninety-four districts. Estimating the impact of all ninety-four would necessitate the inclusion of ninety-three dummy variables in the model. An equation with that many dummy variables representing the influence one factor is unwieldy and is statistically unsound.

The Ninth Circuit was chosen for several reasons. First, of all circuits, it produced the most cases for FY 1992. Such numbers permit the partitioning called for by this research design. Additionally, comprised of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, Washington, Guam and the Northern Mariana Islands, this circuit provides a wide range of district types and sizes. Differential impact by district would be expected in such a circuit.

District Analysis Rationale

Sentencing research has made clear that factors beyond the mere attributes of case and offender impact sentencing outcomes. Environmental, contextual, and individual characteristics of the sentencing process all affect sentencing (Blumstein *et al.*, 1983) and

[101] Cases falling under statute 21 § 960 are comprised of 135 whites and 64 blacks while those falling under

recent research has called for their inclusion in models estimating the sentencing decision (Hawkins, 1987; Chiricos and Crawford, 1995). The importance of these factors has long been addressed in studies of state, county, and city level sentencing. State-level sentencing research comparing jurisdictional variation finds several contextual and environmental factors affecting sentence outcomes (Levin, 1972 ; Gibson, 1980; Nardulli *et al*, 1988; Eisenstein *et al*, 1988; Eisenstein and Jacobs, 1991; Chiricos and Crawford, 1995; Dixon, 1995; Crawford *et al*, 1998; Spohn, 1998; Nobiling *et al*, 1998). Clearly sentencing outcomes vary by location. Moreover, prior research has indicated that environmental and contextual factors may interact to influence sentencing outcomes (Gibson, 1980; Eisenstein *et al.*, 1988).

Federal sentencing and judiciary research prior to *Guideline* implementation acknowledges organizational and contextual variation by both circuit and district. For example, there is substantial inter-district variation in US Attorney's offices—in size, structure, policies, caseload, administration, and degree of influence from both within and outside the district (Eisenstein, 1978). Similarly, the use of magistrates varies by district—with some being used to their fullest extent while others are allotted only a fraction of the authority designated to them by law (Smith, 1990). Studies in the realm of political science also report how the organizational and contextual variation present in the federal court system affects sentencing outcomes (Heydebrand and Seron, 1990; Kirsch, 1995).

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statute 18 § 924 are comprised of 179 whites and 225 blacks.

Much of the available *Guideline* sentencing research focuses on individual and case level factors, largely ignoring environmental and contextual contributions to the sentencing outcome. While inter-circuit and district variation is not specifically prohibited by the *Guidelines*, both are illegitimate sources of variation because they not explicitly recognized as legitimate (McDonald and Carlson, 1993).

Post-SRA federal sentencing research that includes contextual and environmental factors does so only cursorily. These studies either merely use a series of dummy variables to control only for circuit (USSC, 1991b; McDonald and Carlson, 1993; Albonetti, 1997), use inadequate statistical techniques (USSC, 1991a; GAO, 1992; Nagel and Schulhofer, 1992; Schulhofer, 1992) or pay these factors only scant attention (Karle and Sager, 1991; Maxfield and Kramer, 1998). However, despite these shortcomings, the research does find several inter-circuit and inter-district variations (Stith and Cabranes, 1998). These occur in charging and plea negotiation practices[102] (USSC, 1991a; Schulhofer, 1992), application of mandatory minimum statutes[103] (USSC, 1991b), use of sentencing departures[104] (Karle and Sager, 1991; USSC, 1991a; GAO, 1992; Nagel and Schulhofer, 1992), and application of the relevant conduct guideline (USSC, 1991a).

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[102] Circuits reflected differences in the use of fact stipulations in plea agreements, binding plea agreements, and pre-indictment pleas (USSC, 1991a). Moreover, districts vary by rates of pleas versus trials ranging from a 100 percent plea rate (Eastern Louisiana and Guam) to 74.7 percent in Eastern Missouri (USSC, 1991a).

[103] In terms of population distribution, some circuits are over-represented in their use of *Mandatory Minimums* while other are under-represented. For example, the Ninth and Eleventh Circuits account for almost 35 percent of *Mandatory Minimum* cases while accounting for nearly 30% of the total case population. Moreover, in the DC Circuit, which represents only 3.3 percent of *Mandatory Minimum* defendants, forty-four percent of those defendants are sentenced under the applicable *Mandatory Minimum* provisions (USSC, 1991b).

[104] The odds of receiving departure sentences were greater in the Second, Fifth, Sixth, and Eighth Circuits than in the Third, Fourth, Seventh, Tenth and Eleventh Circuits (GAO, 1992). Moreover, some districts'

Moreover, there is variation in location of sentences within the guideline range[105] (USSC, 1991a; GAO, 1992), guideline interpretation (USSC, 1991a; Albonetti, 1997), inter-office relations[106] (USSC, 1991a; Schulhofer, 1992), and appellate decisions regarding departures[107] (Karle and Sager, 1991; USSC, 1991a). Variation is also present in the definition and application of substantial assistance motions (USSC, 1991a; Maxfield and Kramer, 1998) as well as the impact of extra-legal variables (Smith and Damphousse, 1998). Finally, sentence variation across districts and circuits by crime type (McDonald and Carlson, 1993; Albonetti, 1997; USSC, 1997b) as well as by race (Wray, 1993) has also been uncovered.

The above research effectively demonstrates that both contextual and environmental factors play a significant role in the federal judicial system and implies that both the causes and levels of sentencing disparity in that system are influenced by the geographic, organizational, and political features of court communities. Thus, any research examining the federal sentencing process should take such factors into account. Yet, despite this wealth of evidence demonstrating the importance of environmental and contextual factors, research on federal level criminal sentencing since the implementation of the *Guidelines* focuses almost exclusively on case and offender level influences.

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departure rates were 20 percent or higher (the overall 12-site rate was 15 percent), while others had departure rates of approximately 10 percent (USSC, 1991a).

[105] Offenders in the DC, Second, Third, Fourth, and Sixth Circuits were significantly more likely than those in the remaining circuits to receive sentences at either the bottom or the top of the guidelines range rather than in the middle (GAO, 1992).

[106] For example, probation office relations with other court practitioners vary widely (USSC, 1991a; Schulhofer, 1992).

[107] The First, Third, Sixth and Seventh Circuits have rejected offender characteristic based downward departures, while the Second and Eighth Circuits have upheld them (Karle and Sager, 1991: 431).

It is important to address both district and circuit level characteristics. Evidence suggests a reciprocal relationship between circuit and district. The district impacts the appellate decisions by producing the cases that are brought for appeal. Conversely, the appellate court dictates to the district courts how they may or may not sentence through reversals and upholding of district decisions (Carp and Stidham, 1998).

Nearly all federal determinate sentencing research that attempts to control for environment incorrectly focuses on the Circuit. If a choice must be made between the two levels, district should always trump circuit when the dependent variables are sentence outcomes. The reason for this is simple—such decisions are made at the district not the circuit level. While circuit unquestionably influences district decisions in the forms of governance, management, and appellate decisions, the impact of the circuit on sentence outcome is negligible in comparison to that of the district.

Variables

Dependent Variables

The dependent variables for these analyses are the incarceration decision and the length of imposed sentence. Incarceration is modeled as a simple in (the defendant was sentenced to prison) or out (the defendant was not sentenced to prison) dichotomy. Sentence length is continuous and operationalized as imposed length of incarceration in months for the main title offense.

Independent Variables

Several factors that are legally relevant under the *Guidelines* will be included in the analysis as control variables. These are: the number of counts of conviction

(NOCOUNTS), the total number of sentence adjustments[108] (ADJUSTME), the presence of a downward (DOWNWARD) or upward (UPWARD) sentencing departure, the final offense level as determined by the court (XFOLSOR), and the number of criminal history points awarded (XCRHISSR). Additionally included are whether the Court accepts the findings and *Guideline* factors from the PSR (ACCPTPSR), if probation was a sentencing option (PROBATIO), and if either the criminal history score (CAREER) or offense level (OFFENSEC) was adjusted for career criminal status. Finally, the offense type of the primary charge (VIOLENT, ROBBERY, PROPERTY, WHTCLLR, DRUGS, FIREARMS, IMMIGRAT, and OTHER) is another legally relevant factor that is included. Additionally, for the drug offense partitionings, the type of drugs involved (POWDER, CRACK, MARIJUAN, HEROIN, METHAM, ODRUG) is included as a legally relevant factor.

Factors that are not considered to be legally relevant under the *Guidelines* are included in order to determine if they have significant impact on incarceration or the length of sentence. The presence of a written plea agreement in the case file (DOCPLEA) and the case's mode of disposition (TRIAL) are included in accordance with the "jury tax" thesis.[109] Additionally, previous research has demonstrated a significant association between these variables and the sentence meted out (Uhlman and Walker, 1980; Brereton and Casper, 1981-2; Spohn, 1992). Similarly, a dummy indicator

[108] As mentioned previously, *Guideline* sentencing provides for and takes into account several aggravating and mitigating circumstances—the presence of which are grounds for sentence adjustments. This will lawfully impact both incarceration and the length of sentence by serving to either decrease or increase the offense severity score.

of the defendant's race (BLACK) is used as a control in accordance with conflict theory[110] (Hawkins, 1987; Hawkins and Hardy, 1987; Hawkins, 1995). Likewise, offender gender (MONSEX) is included as dictated by the "chivalry" and "female paternalism" theses[111] (Daly, 1987; Crew, 1991) and because prior studies have indicated a significant association between gender and both sentence type and length (Daly, 1987; Crew, 1991; Steffensmeier *et al.*, 1993; Daly and Bordt, 1995). Defendant ethnicity (HISPANIC) is also included as a control variable based upon the "Gringo justice" thesis[112] (Mirande, 1987) and because it has previously demonstrated a significant association with an offender's sentence (Holmes *et al.*, 1996; Nobiling *et al.*, 1998). Finally, defendant citizenship status (USCITIZE) is included in both the models of incarceration and sentence length since non-US citizen defendants are expected to be deported rather than imprisoned. However, those that are imprisoned are expected to receive longer sentences than similarly situated US citizen defendants.

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[109] Essentially, this contends that offenders who go to trial and are found guilty are additionally penalized for "wasting" the court's time and the taxpayers money through demanding an "unnecessary" trial (Brereton and Casper, 1981-2; Spohn, 1992)

[110] Conflict theory asserts that the powerless elements of society are most likely to suffer the brunt of formal social control mechanisms because of the state's stake in maintaining the status quo as far as power distribution. Moreover, there is little or no consequence to this disparate treatment because it is invoked upon relatively powerless groups (Hepburn, 1978). Thus, according to this theory, the disparate numbers of blacks in prison is explained by their relative powerlessness in society.

[111] The "chivalry" thesis contends male criminal justice decision-makers see female offenders as less dangerous and culpable than their male counterparts. Similarly, the "female paternalism" perspective characterizes the courts as trying to protect the "weaker sex" from the stigma of incarceration and a criminal record. Both result in more lenient treatment of female offenders (Daly, 1987; Crew, 1991; Daly and Bordt, 1995).

[112] This perspective describes Hispanics' perception that law, order, and protection by the criminal justice system are only for white Americans. Essentially, "Gringo Justice" is a double standard of justice in favor of Whites and penalizing Hispanics. It occurs when criminal justice officials use ethnic—specifically Hispanic—stereotypes in making criminal justice decisions (Mirande, 1987). Mirande succinctly illustrates this point of view saying "For Chicanos, justice in the United States has come to mean 'just us'"(Mirande, 1980).

The number of the defendant's dependants (NUMDEPEN) is included as a control variable on the basis of the "familial paternalism" thesis[113] and because it has previously demonstrated a significant inverse relationship with sentence length and incarceration (Daly, 1987). Additionally, as defendant income (ANNINCOM), education (EDUCCATN), and age (AGE) are characteristics theorized to bear the focus of criminal sanction (Tittle, 1994) and because significant relationships have previously been uncovered between sentencing and both age (Steffensmeier *et al.*, 1995; Steffensmeier *et al.*, 1998) and income (Smith, 1991), each is included as a control variable for this analysis. Some of the above listed extralegal variables are hypothesized to operate indirectly through some legally relevant factors. However, all are expected to have significant direct effects.

The impact of many of these variables is expected to change with offense type and specific statute. While the influence of legal variables should remain relatively constant, the relationship between extralegal variables—particularly race—and the sentencing outcome is expected to vary by offense type as well as by specific statute. Specifically, extralegal variables are expected to have greater impact under *Mandatory Minimum* offenses/statutes than simple *Guideline* offenses.

[113] This perspective essentially contends that defendants with families—specifically minor dependants—will receive more lenient treatment from the courts in order to protect those "innocent (dependents)" from the hardships that would result from harsh treatment of the offender (Daly, 1987).

Hazard Rate

Sample selection bias[114] is a common problem in the analysis of sentencing data (Zatz and Hagan, 1985; Winship and Mare, 1992). Here, although our data includes the entire population of federal cases forwarded to sentencing for fiscal year 1992, there are other potential sources of selection bias. For example, which cases are charged by law enforcement, forwarded for prosecution, sent to federal rather than state court, and acquitted all can produce early bias that will be transmitted to subsequent stage data—even if those data contain, for example, the entire population of sentenced cases (Berk, 1983). However, for these analyses, the largest potential threat of bias arises from the prison/no prison decision and its impact on sentence length. Thus, sample selection bias is a potential concern for these analyses (Winship and Mare, 1992).

One correction for sample selection bias is the use of a hazard rate, an odds ratio representing the probability of a case being excluded from the sample[115] (Berk, 1983). This ratio, which also captures the expected disturbances resulting from the biased selection, is included in the OLS analyses of sentence length as an additional variable. This inclusion is thought to compensate for any selection bias present in the data sample.

Unfortunately, using a hazard rate often produces very high multicollinearity (Berk, 1983). Additionally, there is a question as to the accuracy of corrections made via

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[114] This is when the sample used is biased non-randomly. For example, systematic under-representation of certain types of cases in a sample or data set would constitute sample selection bias. It can result in model misspecification, undermine both internal and external validity, as well as bias estimates of both the slope and the intercept—and therefore the regression coefficients (Berk, 1983; Stolzenberg and Relles, 1997).

[115] This ratio is calculated by first running a dichotomous logit model that estimates the selection of cases into one group (included) or the other (excluded). In the case of this research, it would be prison versus no prison The predicted values from this logit are saved, multiplied by –1.0 and used to calculate density and

this method. For example, while it may compensate for sample selection bias, some research has found that hazard rate use can introduce new bias (Stolzenberg and Relles, 1990). Thus, the correction may actually worsen the bias beyond what existed previously (Stolzenberg and Relles, 1997).

Depending upon the conditions, in some cases small sample selection bias should be ignored[116] (Stolzenberg and Relles, 1997). Use of the hazard rate correction for sample selection bias is recommended only when both the error terms and the independent variables of the regression and selection equations are highly correlated (Stolzenberg and Relles, 1990). Additionally, it should be used only with large sample sizes. However, there is no automatic way to diagnose sample selection bias.

Using the indicators provided by Stolzenberg and Relles (1997), hypotheses can be developed about whether or not inclusion of the hazard rate is appropriate for any given analysis. Primarily they note that the bias will vary inversely with the magnitude of the R square. Thus a large R square indicates relatively small sample selection bias. Additionally, if the probit or logit equation estimating model selection has a poor fit, it is further indication that there is minimal sample selection bias (Stolzenberg and Relles, 1997).

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distribution values (Berk, 1983). These values are then plugged into the following equation: $f(z_1)/1\text{-}F(z_1)$. More simply, for a logit model, the hazard rate is the predicted probability of, from our example, no prison.

[116] If the bias produced by using the hazard rate is small in comparison to that produced by sampling error, then hazard rate use is recommended. When the reverse is true, it should not be used because the hazard rate will worsen estimations (Stolzenberg and Relles, 1997). Additionally, this method is recommended only for large sample sizes.

For the current analyses, the hazard rate is calculated for each partitioning possible.[117] However, OLS models with and without the hazard rate are both calculated and presented where the data allows. The rationale behind this is simple: some of the data partitions do not permit modeling of the incarceration decision because virtually all persons convicted in the cases included in those partitioning are imprisoned. Since the hazard rate for sentence length is calculated from the predicted values of incarceration, it is impossible to calculate a hazard rate for those partitionings where incarceration could not be modeled. Were both the hazard rate and non-hazard rate models not calculated, there would be no means of making meaningful comparisons between the partitionings for which the hazard rate could be calculated and those for which it could not. While this investigation primarily uses the hazard rate model to draw conclusions and inferences about the significant predictors of sentence length, the OLS models of sentence length without the hazard rate are provided separately in Appendices E through G.

Variable Listing

The frequency distribution and coding of each of these variables can be found in Table One of Appendix A. As indicated by the numbers present, some categories require collapsing or omission. This is expected to become a problem particularly as the data partitions become smaller. For example, the frequencies of the district categories for the Ninth district partitioning reveal that the Northern Mariana Islands produced only one

[117] For those cases where the dichotomous prison/no prison decision cannot be modeled because of insufficient variance in responses on that dependent variable, the hazard rate cannot be calculated. For example, this occurs in the modeling of robbery offenses and statute 18 US § 924 for the "full" model.

case in fiscal year 1992. Thus, this district category is merged with those of similar districts—such as Guam and Hawaii.

Additionally, the impact of the independent variables is expected to be different across the two dependent variables. In fact, not all of the following variables are expected to influence both dependent variables. Moreover, the variables are expected to have different impact across offense and specific statute—also being significant influences for some and not others.

It is also important to note that for yes/no dichotomous variables, "no" responses serve as the reference category. In regard to other dummy variables, those boldfaced and italicized below serve as the reference category

Dependent Variables
TOTPRISN—Number of total months imprisonment ordered
PRISN—Whether the defendant was sentenced to prison (dichotomous)

Statute variable
STATUTE—first statute under which title offense is brought. This variable is first used to verify that the incidence of the four target statutes in the current data set is comparable to the incidence uncovered by the USSC (1991*b*). Next, it is used in the third level of data partitioning to isolate the target offenses from all other offenses.

Processing Variables
DOCPLEA—Presence of written plea agreement in USSC file (dichotomous)
NOCOUNTS—Number of counts of conviction (continuous)
TRIAL—Mode of disposition of the case/whether the defendant went to trial (dichotomous)
ACCPTPSR—Explicit statement by the Court regarding acceptance of the findings and guideline factors from the PSR. (dichotomous)
ADJUSTME—total number of adjustment levels (continuous)
DEPARTURE DUMMIES—UPWARD and DOWNWARD, indicators of the presence

of either an upward or downward sentencing departure (dichotomous)[118]

Offense Variables

OFFENSE TYPE DUMMIES—violent, robbery, property, white-collar, ***drugs***, firearms, immigration and other

XFOLSOR—Final offense level, as determined by the court and reflected in the Sentence Report (SOR), (Continuous)

DRUG TYPE DUMMIES—***powder cocaine***, crack cocaine, heroin, marijuana, methanmphetamine, LSD, PCP, not applicable

PROBATIO—probation was an option (dichotomous)

OFFENSEC—offense level was changed because of application of career criminal status (dichotomous)

CAREER—criminal history score was adjusted upward because of application of career criminal status (dichotomous)

Offender variables

Legal

XCRHISSR—Final criminal history category (1 - 6), as determined by the court (ordinal)

CRIMHIST—Offender has a criminal history (dichotomous)

Extralegal

RACE DUMMIES—***White*** and Black (dichotomous)

HISPANIC—Defendant is Hispanic as indicated by PSR (dichotomous)

MONSEX—Defendant's gender, female and ***male*** (dichotomous)

ANNINCOM—Amount of defendant's annual income (continuous)

EDUCCATN—Defendant's highest level of education (ordinal)

AGE—Defendant's age at sentencing (continuous)

NUMDEPEN—Number of defendant's dependants (continuous)

USCITIZE—The defendant is a US citizen (dichotomous)

Environmental Variables

CIRCUIT DUMMIES—Circuit where the defendant was sentenced (dichotomous) 1st through 11th and the DC Circuit (***Sixth Circuit***)[119]

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[118] UPWARD was initially to be included in both the incarceration and the sentence length models. However, for the prison/no-prison decision, virtually all offenders that receive an upward departure also receive incarceration. As a result, this variable is dropped from all incarceration analyses.

[119] While many analyses select the DC circuit as the reference category, we find this inappropriate for several reasons. First, this produces comparisons of circuits comprised of several states to a circuit that is essentially a city. The dynamics of this circuit are therefore, expected to be vastly different from the other circuits. Given this difference, the DC circuit can hardly be described as a "typical" circuit. Additionally, this circuit produces the least number of cases—thereby distinguishing it from other circuits. The Sixth Circuit was chosen as the reference category partially because of numbers. It is at neither the high or low extreme. In addition, as the Sixth Circuit includes Kentucky, Michigan, Ohio, and Tennessee, its location

NINTH CIRCUIT DISTRICT DUMMIES—District where the defendant was sentenced (dichotomous) Alaska, Arizona, California Central, ***California Eastern***, California Northern, California Southern, Hawaii, Idaho, Montana, Nevada, Oregon, Washington Eastern, Washington Western, Guam and the Northern Mariana Islands.

Analyses

Once the data were cleaned and functional, zero-order correlations among the selected variables in the non-partitioned data were run in order to test for potential multicollinearity problems. None were revealed.

The current analyses are composed of case-level models of the dependent variables, incarceration and sentence length. While Tobit has been used to concurrently estimate both the incarceration and sentence length decisions (Albonetti, 1997), such an approach is considered inappropriate here because the sentencing decisions is believed to be made consecutively rather than concurrently. In addition, the independent variables are expected to influence incarceration and sentence length in separate and distinct ways. Therefore, the dependent variables are modeled separately.

Incarceration

Since ordinary least squares (OLS) regression is inappropriate for a dichotomous dependent variable (Lewis-Beck, 1980), logistical regression (Logit) analysis (Menard, 1995) is used to estimate the independent variables' effects on the incarceration decision. Additionally, as multicollinearity is a common problem in regression analyses, collinearity diagnostics is performed for each Logit.[120] Both the Hosmer and Lemeshow

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dictates no specific crime problems such as immigration or drug trafficking that would be present in the Second, Fifth, Ninth or Eleventh Circuits.

[120] This is accomplished by calculating an OLS regression using the same independent and dependent variables as each Logit. The tolerance levels produced by these OLS analyses as well as specific

substitute R square statistic as well as the actual R square are calculated and presented for each logit model.

Unlike OLS regression, logit analysis coefficients do not have the simple, straightforward interpretation of "unit change in X per unit change in Y." Rather, logit produces odds estimations of the relationship between the independent and dependent variable. When odds ratios are, in turn, calculated, the changes in the odds by the value of the independent variable are apparent (Liao, 1994). For ease of interpretation, the unstandardized coefficients, standard errors, standardized coefficients, and the exponentiated unstandardized coefficients will be reported.

Additionally, for logit, the issue of substantive significance cannot be addressed by R^2 alone. This is because R^2 is not based on model parameter selection criteria (Menard, 1995). Thus, for this investigation, R^2_L estimates are calculated to determine the level of association between the dependent variable and the independent variables (Hosmer and Lemeshow, 1989).[121] Additionally, predictive efficiency is addressed by using the proportional change in measurement error, Φ_p.[122] Standardized logit coefficients[123] are calculated so that the independent variables may be ranked in order of importance by their predictive contribution to the model.

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collinearity diagnostics will indicate the presence of collinearity. Here, it is unimportant that the procedure violates regression assumptions because, as Menard (1995: 66) notes, functional form is not relevant to collinearity diagnostics.

[121] R^2_L is calculated by the equation $G_M/G_M + D_M$ where G_M is the model Chi-square and D_M is the –2 log-likelihood statistic (Menard, 1995: 22-23).

[122] This is calculated via the equation $(ad-bc)/ \frac{1}{2}[(a+b)(b+d) + (c+d)(a+c)]$ where a and d are the number of correctly predicted positive and negative, respectively, observations and b and c are the number of incorrectly predicted positive and negative, respectively, observations (Menard, 1995: 28-30).

[123] The standardized logit coefficients are calculated with the equation:

$$b^*_{yx} = (b_{yx})(s_x)(R) / S_{\text{logit}(\circ)}$$

It is inappropriate, however, to merely compare standardized coefficients in order to identify the differences across the models. Therefore, in addition to the standardized coefficients, the Z score test for the equality of coefficients across the models is calculated[124] and reported (Paternoster *et al.*, 1998).[125]

Sentence Length

OLS is used to analyze the influence of the independent variables on the continuous sentence duration variable. Here, the R square statistic is calculated and used to determine the amount of variance explained by the independent variables. Additionally, F-test results indicate the significance of the model fit. Diagnostics for multicollinearity are conducted for each model and correctional procedures applied where necessary. For the above analyses, T-tests are used to test the significance of the individual coefficients using a .05 level of significance.

In order to remain true to the theorized specifications, regardless of statistical significance, all variables included in the original model remain in the final model. While such a strategy can artificially inflate the R square value, this possibility will be

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Where b^*_{yx} is the standardized coefficient, b_{yx} is the unstandardized coefficient, S_X is the standard deviation of the individual independent variable, R is the square root of R^2, and $S_{logit\,(o)}$ is the standard deviation of the predicted logit values (Menard, 1995: 46).

[124] This is calculated via the equation:

$$z = b_{1a} - b_{1b}/\text{Sqrt}\,(SE_{1a}^2 + SE_{1b}^2)$$

Where b_{1a} is the unstandardized coefficient of a given variable for the first model and b_{1b} is the unstandardized coefficient of the same variable for the second model. Likewise, SE_{1a} is the standard error of the variable in the first model while SE_{1b} is the standard error of the same variable in the second model (Paternoster *et al.*, 1998).

[125] It is important to note that the Z score is meaningful only in comparing the coefficients of models representing independent samples. In other words, they are calculated only for the offense, statute, and racially partitioned models in which one partitioning is compared to another. The Z score is not calculated for the models examining the Ninth Circuit because there is no second, independent model with which to compare the results.

compensated for through the calculation and use of the adjusted R square. The only exception is when there is insufficient variance in a given variable for it to be included in the analyses. As the methodology entails the analysis of several subsets, variable variance must be addressed separately for each partition. Finally, as mentioned above, the comparison of the differences in coefficients across the partitioned models is accomplished via calculation of the Z score (Paternoster *et al.*, 1998).[126]

Modeling Sentence Length

Theory and previous research suggest that age may have a parabolic relationship with sentence length (Steffensmeier *et al.*, 1995). However, the principle of parsimony dictates that the simplest appropriate model should be used in any analyses or investigation. Thus, in order to test the above proposition, two preliminary analyses on the non-partitioned data were conducted. One included both defendant age and defendant age squared in the regression equation along with the other independent variables, while the other only included defendant age. Age squared was not statistically significant and a hierarchical F test comparison between this and the simple linear model indicated that the squared variable did not contribute to the R square.

However, the Variance Inflation Factor (VIF) indicated that the addition of age squared produced severe multicollinearity. Because collinearity can affect significance tests (Berry and Feldman, 1985), to investigate the possibility that this non-significant finding was the result of multicollinearity, a procedure (Aiken and West, 1991) was

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[126] It is important to note that the Z scores are calculated only for the OLS models of sentence length that include the hazard rate, since those models are the primary focus of this investigation.

performed to reduce the collinearity produced by the squared term.[127] Despite this correction, again, age squared was insignificant and the hierarchical F test revealed that it did not contribute to the R square. This, coupled with the aforementioned indicators, dictated that the simple linear additive model was more appropriate than a parabolic model.

Theory and empirical evidence also suggested that three of the independent variables—number of conviction counts, defendant income, and offense level—may have diminished impact on the dependent variable sentence length as the values of each increase (Smith, 1991). Thus, a semi-logged in X regression equation potentially is more appropriate than a simple linear additive model.[128] To test this proposition, the J test[129]

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[127] This strategy entails the creation of a new variable. Its values are composed of the values of the original target variable (in this case age) minus the mean value of that variable. The resultant variable is then squared so that a total of two new variables are created. Rather than using the original variables, in this case age and age squared, in the regression equation, the two new variables are entered into the regression equation. This procedure substantially reduces the amount of collinearity produced by the inclusion of a variable and the square of that variable into the regression equation (Aiken and West, 1991).

[128] For these analyses, the natural log is used for any instances of logged variables. To calculate the logged value of any variable, each value of the variable plus one was used. This compensates for the presence of values of zero in the variable. Zero values are not viable for analysis because the log of zero is negative infinity.

[129]The hierarchical F test cannot be used to compare these models because they are not nested. The J test compares non-nested regression models and is based upon artificially creating nested models. The first step of the J test is to run the simple linear model, saving the predicted values for the dependent variable as a new independent variable. Similarly, the second step entails a run of the alternate model, again saving the predicted values of the dependent variable as a second new independent variable. The third step of the J test is to again run the simple linear model only this time including the saved predicted values of the dependent variable from the alternate model (step two) as an additional variable. The coefficient of the new variable is then tested for statistical significance. If the coefficient for the predicted values of the alternate equation is significant, it *suggests* that the alternate model is the better specification—however further analysis is required before it is *established.* However, if the coefficient is not significant, it is conclusive evidence that the simple linear model is the best specification. If the coefficient for the predicted values of the alternate model is indeed significant, a final step is required. Here, the alternate model is again run, this time including the predicted values of the simple linear model as an additional independent variable. If the coefficient for this new variable is not statistically significant, then the alternate model is definitively the better specification. However, if the coefficient is statistically significant, the results are considered inconclusive and use of the more parsimonious form is recommended.(Davidson and MacKinnon, 1981; MacKinon *et al.*, 1983; Smith and Maddala, 1983).

(MacKinon *et al.*, 1983) was used to compare the models with and without these variables logged. However, the results of this test were inconclusive. Thus, without conclusive evidence that the semi-logged in X model is superior to the linear additive model, this investigation, following the principle of parsimony, defaults to the latter model.

Finally, theory also suggested that there might be an exponential effect of the independent variables on the dependent variable. Additionally, the data distribution is greatly skewed. Thus, a semi-logged in Y model may be appropriate to model the sentence length decision. To compare the results of the semi-logged in Y model to those of the simple linear additive model, a P_E Test[130] was conducted. The results of this test

[130] The P_E Test is used when the form of the dependent variable is different between the two models being compared. In such a case, a T Test cannot be used because the models are non-nested and the hierarchical F Test cannot be used because the number of variables in the two models is identical. The P_E Test has several steps. First, a regression of the null model (in this case the simple linear additive model) is run and the predicted values are saved. Second, a regression for the alternate model (in this case semi-logged in Y) is run and these resultant predicted values are also saved. Third, the variance of the residuals for the alternate model is calculated.

From this information, four new variables are calculated. The first variable is computed by applying the transformation of the alternate regression to the predicted values of the null regression (logging in this case). The second variable is computed by taking the antilogarithm of the predicted values of the alternate regression plus half of the variance of the residuals from the alternate model. The third variable is computed by subtracting the first created variable from the predicted values of the alternate model The fourth and final variable is computed by subtracting the second variable created from the predicted values of the null model.

Once these variables are created, a regression model for the null model is run with the third variable created added as a new variable. If this regression explains significantly more variance than the simple null model, it is presumptive evidence that the alternate model is the correct specification (an additional step is required before this is definitive). However, if there is not a significant improvement, then it is conclusive evidence that the null model is the best functional form.

In the case that the previous step indicates that the alternate model explains significantly more variance, a final additional step must be taken. Here, a regression for the alternate model is run with the fourth variable created (see above) included as a new test variable. If this new regression is not a significant improvement over the alternate model, then it is conclusive evidence that the alternate model is the preferred specification. However, if there is significant improvement, the test is inconclusive and the null model is considered the correct specification (Davidson and MacKinnon, 1981; MacKinon *et al.*, 1983).

were inconclusive.[131] Therefore, as dictated by the principle of parsimony, these analyses default to the simple linear additive model.

As a result of these findings, a simple linear additive model is employed to examine the influence of the independent variables on sentence length. It is important to note that, since this analytical strategy entails data partitioning, potential interactions between the focus variables (offense type, statute, and race) and the other independent variables are addressed.

Missing Data

As with many studies utilizing records-based data, this research faces the dilemma of missing data. Unfortunately, for a substantial number of cases, data on several of the theoretically influential factors is simply missing. For example, of the 38,258 cases in the original data file, slightly more than ten percent (3,858) have no information on the final criminal history category (XCRHISSR). Similarly, 3,886 cases have no data on the final assigned offense level (XFOLSOR). Other variables measuring legally relevant factors—the total number of levels adjusted (ADJUSTME), whether the court accepts the findings of the PSR (ACCPTPSR), if probation was an option (PROBATIO), and whether the criminal history score was upwardly adjusted due to the application of career criminal status (CAREER)—demonstrate substantial (over 1,000 cases) missing data problems as well.

[131] However, caution must be used in interpreting these results. The P_E Test is considered unreliable when the predicted values of the dependent variable are either negative or zero. While there are no negative predicted values for the dependent variable sentence length, there are predicted values having a value of zero (MacKinon *et al.*, 1983; Smith and Maddala, 1983).

Likewise, a substantial number of cases have no data for some variables measuring the extralegal factors theorized to have influence over sentencing outcomes. Most notably, data on offender income (ANNINCOM) is missing for 37 percent of the cases Additionally, information concerning the offender's highest achieved educational level (EDUCCATN) is missing for 1,582 cases.

As the bulk of the missing data cases stems from the offender income (ANNINCOM), elimination of this variable from the analyses will address much of the missing data problem. Unfortunately, elimination of other, less problematic variables such as final offense seriousness score (XFOLSOR) or final assigned criminal history category (XCRHISSR) is not feasible. Such variables are expected to wield significant and substantial influence over both incarceration and sentence length because they were designed to be the two primary factors determining sentence under the *Guidelines*. As a result, those cases with missing data for these variables will be omitted from the analyses.

Reporting the Results

The following chapters report the findings of the aforementioned analyses. For ease of comprehension of the multiple comparisons, the analysis results are presented in several ways in corresponding appendices. In each appendix, first, the unstandardized and standardized coefficients, standard errors, and significance tests are presented for each model. Next, the standardized coefficients from each model are organized into tabular form in order that the differences between models from the same level (offense or statute) can be readily and easily discerned. Finally, for the appendices corresponding to the Chapter Six and Seven findings (B and C respectively), the Z scores are presented alongside the individual coefficients for the model pairs compared in order to demonstrate which coefficients demonstrate significantly different effects across the models.

CHAPTER SIX: ANALYSIS BY OFFENSE

This chapter addresses the first component of the previously described methodology and analyses. The process involves the partitioning of the full data set by offense types and statutes in order to determine whether the impact of the independent variables—particularly defendant race—varies by offense or specific statute. As mentioned above, models using the entire data set are examined first. Then the data are partitioned by offense type and separate analyses are conducted on each group. Finally, the data are further partitioned by the five specific *Mandatory Minimum* offenses that are most commonly used (USSC, 1991b). Theoretically, this final partitioning should enable the separation of the effects of the *Mandatory Minimums* from those of the *Guidelines*.

Recall that hypotheses one and two state:

> H_1: The significant predictors of both imprisonment and sentence length will vary by offense type. Additionally, the ranked order of importance and direction of the significant predictors will similarly vary by offense type.

> H_2: The significant predictors of both imprisonment and sentence length will vary by the specific statute charged within a given offense type. Additionally, the ranked order of importance and direction of the significant predictors are similarly expected to vary by statute. Specifically, those statutes carrying a *Mandatory Minimum* penalty will exhibit a substantially different pattern of significant predictors than those that fall under the *Guidelines* alone.

The results reported in this chapter are primarily concerned with the investigation of these two hypotheses.

In each reported model, either the Chi-Square (for incarceration) or the F Test (for sentence length) indicates that the variables included represent a significant improvement in predicting the dependent variable than the models including the intercept alone. Moreover, unless it is specifically mentioned as a problem, collinearity diagnostics indicated no difficulties with multicollinearity in the following models. Finally, the OLS models of sentence length include the hazard rate correction for sample selection bias unless it is specifically stated otherwise. In each model where the hazard rate is included, it is a statistically significant predictor of sentence length.

THE FULL DATA MODEL

Incarceration

Table B1a of Appendix B provides the model Chi-square, unstandardized and standardized regression coefficients, R^2_L, Φ_p, Exp(B), and individual variable significance for this model. Of the original 38,258 cases entered into the model, 6,224 were rejected because of missing data, leaving a total of 32,034 cases for analysis. The R^2_L is .4875, indicating that inclusion of these variables improves the fit of the model by approximately 49 percent. Finally, the proportional change in measurement error, Φ_p, is .7310, indicating that the predictions of this model perform better than expectations based on the observed marginal distribution (Menard, 1995).

As mentioned previously, offense type is a legally relevant factor in determining whether or not an offender is to be incarcerated. However, of the offense types examined, only white collar (WHTCLLR), violent (VIOLENT), and immigration (IMMIGRATI) offenses had significantly different odds of receiving a prison sentence than drug offenses. In fact, all three offense types had higher odds of imprisonment than drug offenses. As indicated by the Exp(B), federal offenders found guilty of white collar crimes were 1.3898 times more likely to receive prison sentences than those guilty of drug offenses. Similarly, violent and immigration offenders were respectively 1.8006 and 1.9004 times more likely to be imprisoned than drug offenders. These results are counter to expectations—particularly given both the rhetoric and research concerning the "Draconian" federal penalties for drug crimes.

Other legally relevant factors were examined in this model. Not surprisingly, all but one of them (CAREER) were statistically significant predictors of offender incarceration. Most of these effects comport with theoretical expectation. Offenders who have a criminal history (CRIMHIST) are 1.2605 times more likely to be imprisoned than those without. Similarly, the defendant's assigned criminal history score (XCRHISSR) has a significant positive effect on the odds of imprisonment, as does the number of conviction counts (NOCOUNTS) and number of sentence adjustments (ADJUSTME). As expected, those with a downward departure (DOWNWARD) have smaller odds of incarceration—.0196 that of offenders receiving no departures. Additionally, having probation available as a sentencing option (PROBATIO) significantly decreased an offender's odds of incarceration.

Surprisingly, the length of the statutory minimum penalty (STATMIN) has a significant negative association with the odds of imprisonment. This seeming incongruity could be explained by judicial leniency resulting from disagreement with the statutory minimum sentence/*Mandatory Minimums* (Tonry, 1987; Schulhofer, 1992; Parent *et al.*, 1997). Another surprise was that the court's acceptance of the contents of the PSR (ACCPTPSR) served to decrease the odds of imprisonment. Acceptance of the

PSR contents was expected to increase an offender's odds of imprisonment because it would serve to increase the fodder for 'relevant conduct' at sentencing. However, in explanation of these findings, the PSR could also indicate mitigating offense and offender circumstances that the judge may take into consideration in sentencing the offender.

Several extralegal variables were also included in these analyses—many of which had no significant impact. Two of the offender-based extralegal variables significantly affected the likelihood of incarceration. For example, female offenders (MONSEX) have .6925 the odds of imprisonment of male offenders. Additionally, US citizens (USCITIZE) have .6077 the odds of imprisonment of non-citizens. Each of these relationships is in the expected direction. Notably and surprisingly, black defendants and Hispanic defendants did not exhibit significantly different odds of imprisonment than white defendants and non-Hispanic defendants respectively.

Two process-related variables also achieved statistical significance. In accordance with the jury tax thesis (Brereton and Casper, 1981-2; Spohn, 1992), defendants who went to trial (TRIAL) faced higher odds of imprisonment. Similarly but surprisingly, the presence of a plea agreement document in the case file (DOCPLEA) also increased the odds of incarceration. This finding could potentially be explained by the defendant agreeing to plead guilty to a lesser charge that still involves a prison term or by the defendant agreeing to plea late in the trial process—thereby forfeiting some of the "discount" for pleading guilty at an earlier stage.

Finally, seven of the eleven Circuit variables achieved statistical significance. As compared to defendants sentenced in the Sixth Circuit, those sentenced in the Second, Third, Fourth, Ninth, Eleventh, and D.C. Circuits all have significantly lower odds of imprisonment. This finding is also surprising given that a substantial portion of the more serious federal offenses (particularly drugs) occur in the East and West Coast Circuits. It is possible that the more conservative political orientation of the Midwest—in which the Sixth Circuit is located—may positively influence the incarceration decision.

Of the significant variables, the standardized coefficients indicate that final assigned offense seriousness score (XFOLSOR) is the variable most influential over the incarceration decision. Following that, the presence of a downward departure (DOWNWARD) wields the second most influence with the final criminal history category (XCRHISSR) and the availability of probation as a sentencing option (PROBATIO) as third and fourth respectively. The significant extralegal variables rank rather low in levels of influence and importance. Offender status as a US citizen (USCITIZE) is eighth in order of importance while offender gender (MONSEX) is ranked at eleventh in influence.

Consistent with previous findings and the premises upon which the *Guidelines* are based, the best predictors of the incarceration decision are legally relevant factors. Thus, the incarceration model using the full data set indicates no direct racial or ethnic effects on the odds of imprisonment. However, some extralegal factors do retain influence over the imprisonment of federal offenders—albeit small in comparison to that of legally relevant factors. The results of this and the following sentence length models provide the baseline with which to compare subsequent models using data partitioned by offense type and specific statute.

Sentence Length

Table B1b provides the OLS results for the full data sentence length model including the hazard rate.[132] The R square statistic yields a value of .627—meaning that these variables explain approximately sixty-three percent of the variance of sentence length. Given that forty-one independent variables are included in the model, this large R square could merely be an artifact of that number. However, the adjusted R square—which takes such artificial inflation into account—is also .627. This indicates that the number of independent variables included in it does not artificially inflate the variance explained by this model.

All of the legally relevant factors, except the enhancement of the criminal history score due to the application of career criminal status (CAREER), and conviction of an robbery or "other" offense (ROBBERY, OTHERO), were significant determinants of sentence length. Conviction of any offense other than robbery or an "other" offense significantly increased sentence length as compared to drug offenses. For example, conviction of a violent offense (VIOLENT) results in a sentence that is approximately twenty-six months longer than that of a similarly situated drug offender. Such differences in sentence length by offense type are expected. However and like the incarceration model, this finding is surprising in light of the alleged "Draconian" nature of federal drug sentences.

As expected, the presence of a downward sentencing departure (DOWNWARD) significantly shortened sentence length—by an average of seventy-one months. In

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[132] See Appendix E for the results of the OLS models of sentence length without the hazard rate

addition, the final assigned offense seriousness score (XFOLSOR) and the final assigned criminal history category (XCRHISSR) had a positive influence on sentence length. A unit increase in offense seriousness lengthened the average sentence by nearly eight months while a unit increase in criminal history category lengthened the average sentence by almost twelve months. All of the other significant and legally relevant variables—the presence of a criminal history (CRIMHIST), the statutory minimum sentence (STATMIN), number of counts of conviction (NOCOUNTS), the court's acceptance of the PSR (ACCPTPSR), the availability of probation as a sentencing option (PROBATIO), and the enhancement of the offense severity score due to the application of career criminals status (OFFENSEC)—also served to increase sentence length.

Most of the significant legally relevant factors influenced sentence length in the expected direction. However, one surprise was that the presence of probation as a sentencing option (PROBATIO) served to increase the average length of sentence. One possible explanation for this seeming incongruity would be that, in order for a probation eligible offender to be imprisoned, there must be pressing motivation to remove that offender from society. In other words, the offender must be regarded as particularly threatening in order to receive incarceration when the offense at hand is probationable. In such an instance, the prison sentence would also be maximized in order to keep the individual incarcerated for the longest possible amount of time. If this were indeed the case, one might also expect to see an interaction between probation and both criminal history category and offense seriousness score. However, that avenue of investigation will be left for future research.

Many of the extralegal variables included in this model also had a significant effect on sentence length; with one exception, all were in the expected direction. Most notably, black defendants (BLACK) received prison sentences nearly four months longer, on average, than those received by similarly situated white offenders. Additionally, both offender education level (EDUCCAT) and status as a US citizen (USCITIZE) served to decrease sentence length, while trial as mode of disposition (TRIAL) served to increase sentence length. Circuit also demonstrated significant impact—with offenders sentenced in the Fifth Circuit receiving significantly longer sentences than those sentenced in the Sixth Circuit, while those sentenced in the DC Circuit received significantly shorter sentences.

Examination of the ranked order of these variables in regard to influence and importance revealed results consistent with previous research and with theory. The top six variables (XFOLSOR, STATMIN, DOWNWARD, PROBATIO, XCRHISSR, and ADJUSTME) are all legally relevant factors.[133] Given the purpose behind federal sentencing reform, these findings are hardly surprising. The first significant extralegal factor (TRIAL) is ranked in importance at number seven, followed by DOCPLEA at number thirteen and BLACK at seventeen. Thus, analysis of the full data set reveals that legally relevant factors are the primary determinants sentence length. However, extralegal factors—including race—also play a role in the determination of sentence length for federal offenders.

[133] It is interesting to note that the statutory minimum sentence (STAMIN) is second in influence only to final offense seriousness level (XFOLSOR). The implications of this finding, however, remain unclear until further models are examined.

Conclusions

For the above models, legally relevant factors are the primary determinants of sentence severity. However, the models using the complete 1992 data set also indicate that extralegal factors exert significant influence. Notably, drug offenders did not have significantly higher odds of incarceration or significantly longer sentences. Additionally, defendant race (specifically black versus white) demonstrates no impact on the odds of incarceration but serves to significantly increase sentence length. This provides partial support for hypothesis three—that offender race will be a significant predictor of sentencing outcome in general federal sentencing. However, the question remains as to whether these effects change when the data are partitioned by offense type. These models, additionally and more importantly, provide a baseline for establishing whether or not there is variation in the significant predictors of incarceration and sentence length by statute and/or offense type.

MODELS PARTITIONED BY OFFENSE TYPE

The results of the above analyses generally comport with theoretical expectations. However, an important purpose of this investigation is to determine whether these relationships change by offense type. Thus, the second stage of this model entails the partitioning of the data into subsets by offense type—those most frequently represented by the *Mandatory Minimums*. These categories are drug offenses, robbery, firearm offenses, and all other offenses. Tables B15a and B18a in Appendix B provide comparisons of variable significance and ranking between the full data and offense partitioned models of incarceration (B15a) and sentence length (B18a). In addition, Tables B16a through B16f and B19a through B19f provide the Z coefficients for equality of coefficients across models for each of the offense models.

Drug Offenses

Incarceration

Table B2a in Appendix B provides all pertinent information for the model using the data partitioned by drug offense. This model differs from the previous model in two ways. First, because the data are partitioned by offense type for analysis, the offense type dummy variables are excluded from this model. Second, because the offenses addressed here are drug offenses and the type of drug involved potentially has a significant impact on the incarceration decision, dummy variables for drug type are included in this and subsequent "drug case only" models. These variables were not included previously because drug type is not relevant to non-drug cases and their inclusion would affect the logit estimates.

Of the original 16,834 cases entered into the model, 2,090 were rejected because of missing data—leaving a total of 14,744 cases for this analysis. The R^2_L is .4715, indicating that the independent variables improve the fit of the model by approximately 47 percent. The proportional change in measurement error, Φ_p, is .4858, indicating that the model predictions perform better than expectations based on the observed marginal distribution (Menard, 1995).

Unlike the previous model, many of the legally relevant variables included do not significantly explain incarceration. The presence of a criminal history (CRIMHIST), the number of counts of conviction (NOCOUNTS), the court's acceptance of the PSR findings (ACCPTPSR), and the total number of sentence adjustments (ADJUSTME), while significant in the non-partitioned model, are not significant predictors of incarceration for the drug offense only model. However, like the previous model, the offender's criminal history category (XCRHISSR) and the final offense level (XFOLSOR) have a positive significant impact on the odds of imprisonment. Likewise, both the availability of probation (PROBATIO) and the presence of a downward departure (DOWNWARD) negatively affect drug offenders' imprisonment odds.

In addition and surprisingly, the drug type involved in the current offense demonstrates little influence on the incarceration decision. For example, of the drug type variables, only marijuana (MARIJUAN) and "other" drug (OTHERDR) offenders have significantly different odds of incarceration than powder cocaine (COCAINE) offenders—with both having significantly lower odds. This finding is surprising given the wide publicity concerning the disparate impact of federal offenses for crack cocaine. Here, the analyses reveal that crack cocaine offenders' odds of imprisonment are not significantly different from those of powder cocaine offenders. This apparent anomaly may be explained by the fact that all drug offenses are grouped together for these analyses and not examined separately. If the hypotheses regarding differential impact and significance of explanatory variables by statute hold true, one would expect to see the impact of specific statutes "masked" by such aggregation. Thus, while crack cocaine offenders do not have significantly different odds of incarceration for the full drug offense model, there may be differences in the statute specific partitionings.

Moving on to extralegal influences, in comparison to the full model, similar extralegal variables demonstrate a significant impact on imprisonment in the drug offense model. In both models being female (MONSEX) significantly decreases an offender's odds of incarceration, as does being a US citizen (USCITIZE). Additionally, there are no racial or ethnic effects in this model. As in the full model, the presence of a written plea agreement in the case file (DOCPLEA), demonstrates a significant impact on the incarceration of drug offenders—again increasing the odds of imprisonment.

Finally, this model uncovered significantly different odds of incarceration for drug crimes between some Circuits. Specifically, drug offenders sentenced in the Second, Third, Fourth, Eighth, Ninth, and DC Circuits all have significantly lower odds of incarceration than those drug offenders sentenced in the Sixth Circuit. While surprising, these findings are consistent with those of the previous model. However, odds of drug offender imprisonment in the Eleventh Circuit are more congruent with those in the Sixth Circuit as compared to the odds of the general federal offender.

Sentence Length

Table B2b provides the OLS estimates of sentence length for federal drug offenders. Again the F test is significant beyond the .01 level. The R square of this model is .591 and the adjusted R square is .590. These values are slightly lower than those of the general offense model.

Like the general model, the bulk of the legally relevant variables in the drug offense model demonstrated significant influence over the length of sentence. This indicates little variation between the factors that determine the sentence duration given to the general federal offender and those given to the federal drug offender. As in the general model, defendant criminal history category (XCRHISSR), the presence of a criminal history (CRIMHIST), the statutory minimum sentence (STATMIN), the number of counts of conviction (NOCOUNTS), the court's acceptance of the contents of the PSR (ACCPTPSR), the total number of sentence adjustments (ADJUSTME), the availability of probation as a sentencing option (PROBATIO), the enhancement of the current offense level due to the application of career criminal status (OFFENSEC), and the final offense seriousness score (XFOLSOR) all have positive impact on the sentence length of drug offenders.

Additionally and as expected, drug offenders convicted of crack cocaine offenses received prison terms that were, on average, six months longer than those received by powder cocaine offenders. A comparable difference is demonstrated for methanmphetamine offenders who received sentences approximately seven months longer than powder cocaine offenders. However, this analysis demonstrated no other significant differences in drug offenders' sentences resulting from drug type.

In regard to extralegal variables, consistent with the general model, black drug offenders (BLACK) received significantly longer sentences than white drug offenders; Hispanic drug offenders (HISPANIC), on the other hand, did not receive different sentences than non-Hispanic drug offenders. Additionally, going to trial (TRIAL) significantly lengthened a drug offender's sentence. Conversely, status as a US citizen (USCITIZE), defendant education level (EDUCCATN), and the presence of a written plea agreement in the case file (DOCPLEA) all served to significantly shorten a drug offender's sentence.

Finally, drug offenders' sentences were significantly longer in the Second, Fifth, Seventh, Ninth, Tenth, and Eleventh Circuits than in the Sixth Circuit while they were significantly shorter in the Third and DC Circuits. Recall that in the full model, only two Circuits had significantly different sentence lengths. Thus, according to these results, the Circuit in which a federal drug offender is sentenced may be more important to the length of sentence than it is for the general federal offender.

Conclusions

Based upon the above comparisons, legally relevant factors demonstrate diminished influence on the incarceration decision from the full to the drug offense model. A similar pattern occurs for sentence length where extralegal influences—most notably the Circuit in which sentencing occurs as well as offender gender and citizenship status—exhibit greater influence in the drug offense model than in the full model.

Additionally, blacks received a higher sentence differential for drug crimes than for general offenses. Specifically, blacks garnered sentences 3.7 months longer than whites for general offenses but 6.1 months longer than whites for drug crimes. Of additional interest, the fact that black offenders (BLACK) received significantly longer sentences than their white counterparts in both the general and the drug offense models suggests that disparate racial influences may arise from drug offenses specifically. The validity of this, however, cannot be determined until the racial effects in the other offense partitionings are examined.

Firearms Offenses

Incarceration

The results of the analysis of incarceration for firearm offenders are found in Table B3a. For this model, as drug offenses are not included, the variables indicating drug types are omitted. Of the original 3,560 firearms cases, 937 were rejected because of missing data—leaving 2,623 cases for analysis. It is important to note that the variables measuring whether trial was the mode of disposition (TRIAL) and whether the offense severity score was increased due to the application of career criminal status (OFFENSEC) were excluded for this model because virtually all defendants who went to trial or who received such an enhancement were imprisoned—making each variable a constant for this model.

The significant predictors of incarceration for firearm offenses are primarily legally relevant variables. Again, criminal history category (XCRHISSR), the number of current counts (NOCOUNTS), and the current offense level (XFOLSOR) exhibited a significant positive impact on the odds of incarceration. Additionally, for cases where probation was a sentencing option (PROBATIO) or where there was a downward sentencing departure (DOWNWARD), the odds of imprisonment were significantly lower than for cases where probation was not an option or where there was no such departure. These results are in the expected direction and comport with the results of the general model.

However, several legally relevant factors that are significant predictors of general offender incarceration are not significant in determining whether federal firearm offenders are imprisoned. The statutory minimum sentence (STATMIN), the presence of a criminal history (CRIMHIST) the court's acceptance of the PSR (ACCPTPSR) and the total number of sentence adjustments (ADJUSTME), while significant determinants imprisonment of the general federal offender, are not significant influences over the incarceration of firearm defendants.

Only four extralegal variables demonstrated significant impact on firearm offenders' odds of incarceration. US citizens (USCITIZE) had significantly lower odds of imprisonment than non-citizens. Likewise, offender education level (EDUCCATN) and status as a female (MONSEX) also decreased the odds of incarceration. Additionally, unlike the general offense model, the number of the offender's dependents (NUMDEPEN) had a significant inverse relationship with the odds of imprisonment. This suggests that familial paternalism plays a role in the incarceration of firearm offenders but not in that of general federal offenders.

Additionally, in the firearm offense model, none of the process or Circuit variables has significant influence over the incarceration decision. Moreover, the presence of a written plea agreement in the case file (DOCPLEA), and trial as mode of disposition (TRIAL) no longer demonstrate a significant influence over the odds of incarceration when the data are partitioned into firearm offenses only.

Sentence Length

Table B3b of Appendix B displays the results of the model of sentence length for firearm offenders. The R square of this model is exceptionally high at .754 and the adjusted R square is only slightly lower at.751. Several legally relevant factors exhibited significant influence over the length of sentence received by firearm offenders. The final assigned criminal history category (XCRHISSR), the statutory minimum sentence (STATMIN), the number of counts of conviction (NOCOUNTS), and the total number of sentence adjustments (ADJUSTME) all demonstrated a positive relationship with length of sentence. Similarly, the availability of probation as a sentencing option (PROBATIO), the enhancement of the offense level due to the application of career criminal status (OFFENSEC), and the offense seriousness score (XFOLSOR) also had significant, positive impact on sentence length. Finally, the presence of a downward sentencing departure (DOWNWARD) served to significantly decrease the length of sentence for firearm offenders.

Only four extralegal factors demonstrated a significant effect on sentence length in the firearm offense model. The number of dependents (NUMDEPEN) has a negative relationship with sentence length while trial as mode of disposition (TRIAL) had a positive effect. In addition, firearm offenders sentenced in the Tenth and Eleventh Circuits received significantly longer sentences than those sentenced in the Sixth Circuit. These findings are in sharp contrast to those of the full data model where defendant status as an African-American (BLACK) as well as defendant level of education (EDUCCAT) and several Circuits were also significant influences. These differences imply that the racial disparity for sentence length is not a product of the sentences meted out to firearms offenders. However, a defendant's number of dependents (NUMDEPEN) was a significant influence of sentence length only for firearm offenders. This implies that familial paternalism plays a role for firearm offenses but not for the general offense. It is unclear, however, why this would operate for firearm offenses exclusively and not other offenses. (See table B18a of Appendix B for a tabular representation).

Conclusions

Incarceration of federal firearm offenders is explained mainly by legally relevant factors with only four extralegal factors demonstrating significant impact. This is in sharp contrast to the general offense model of incarceration where approximately half of the included extralegal factors significantly influenced an offender's odds of imprisonment. In addition, the direction of effect for the factors significant in both models remained unchanged across the full and firearm models. This suggests that the incarceration of firearm offenders is based primarily on legally relevant criteria, while incarceration of the general federal offender depends on additional extralegal factors.

A similar pattern emerged in the comparison of the determinants of sentence length across the firearm offense and full data models. Like the model for incarceration, the primary determinants of sentence length for firearm offenders were legally relevant factors. Conversely, extralegal factors wielded less influence in the firearm sentence length model. This suggests that criminal justice officials rely more heavily on legally relevant factors in determining the appropriate sentence for federal firearm offenders than for general federal offenders.

The most notable specific patterns revealed by the comparison of these two models are in the areas of race, gender, and the number of defendant's dependents. For the incarceration models, the fact that defendant gender is a significant predictor of imprisonment in the general offense but not the firearm offense models implies that the gender effects are not a product of firearm offense sentences. This may reflect the fact that neither female paternalism nor chivalry plays a role in the odds of female firearm offenders receiving imprisonment; it also may simply be an artifact of the small number of female offenders in this category.

For the model of sentence length, the presence of a racial effect in the general model but not in the firearm offense model indicates that the disparate sentences received by blacks is not a product of firearm offense sentences.

Finally, for both the incarceration and sentence length models, that the number of the defendant's dependents is a significant predictor for the firearm offense models suggests that familial paternalism plays a role in both incarceration and sentence length for firearm offenders. Moreover, it implies that this is not an issue in the sentences of either the general federal offender or federal drug offenders. Again, it is unclear why familial paternalism would play a role in the sentencing of firearm offenders—particularly given that defendant gender does not wield significant impact.

Robbery Offenses
Incarceration

The results of the incarceration model for robbery offenses are found in Table B5a of Appendix B. Because so few robbery offenders were sentenced in either the First or the DC Circuit, the variables measuring these attributes are excluded from the robbery models. Finally, because all of the offenders who received an enhanced offense seriousness score due to the application of career criminal status were imprisoned, the variable measuring that attribute (OFFENSEC) was also excluded from this analysis. In addition, of the 1,888 eligible cases, 267 were excluded because of missing data. This left a total of 1,621 cases for use in these analyses.

Only four of the legally relevant factors included in this model significantly influenced a robbery offender's odds of receiving a prison sentence. The final assigned criminal history category (XCRHISSR), the total number of sentence adjustments (ADJUSTME), and the final offense severity level (XFOLSOR) all positively influenced robbery offenders' odds of imprisonment. Likewise, the presence of a downward sentencing departure (DOWNWARD) served to decrease the odds of incarceration. Additionally, only one extralegal factors demonstrated significant influence over a robbery offender's incarceration odds. Offenders sentenced in the Fifth Circuit had significantly lower odds of imprisonment than those sentenced in the Sixth Circuit.

In comparison to the general offense model, the robbery model has substantially fewer significant predictors of incarceration—five as compared to twenty-three (including only the variables common to both models). In addition, all of those variables that wield significant impact in the robbery offense model also wield similar influence in the general offense model. The one exception to this is that robbery offenders sentenced in the Fifth Circuit have significantly lower odds of receiving a prison sentence than those sentenced in the Sixth Circuit while there is no such difference between these Circuits in the general offense model. (See Table B15a for a tabular representation). However inconsistent with the hypotheses, fewer extralegal factors play a role in the incarceration of robbery offenders than the incarceration of the general federal offender.

Sentence Length

The complete results of the model of sentence length for robbery offenders are found in Table B5b of Appendix B. The high R square of .778 and adjusted R square of .774 are not a product of collinearity. As expected, several legally relevant variables demonstrated significant influence over the sentence length of federal robbery offenders. The final criminal history category (XCRHISSR), statutory minimum sentence (STATMIN), number of counts of conviction (NOCOUNTS), total number of sentence adjustments (ADJUSTME), presence of an upward sentencing departure (UPWARD), enhancement of the offense seriousness score to due the application of career criminal status (OFFENSEC), and the final offense seriousness score (XFOLSOR) all demonstrated a positive relationship with sentence length for this model. Similarly, the presence of a downward sentencing departure (DOWNWARD) had a negative impact on the sentence length of robbery offenders.

In contrast, surprisingly few extralegal factors demonstrated a significant impact on the sentences meted out to federal robbery defendants. Defendants who went to trial and were found guilty (TRIAL) received significantly longer sentences (over 32 months) than those who pled guilty. Additionally, defendant's educational level (EDUCCATN) demonstrated an inverse relationship with sentence length. Similarly, those robbery defendants sentenced in the Ninth or the Third Circuit received significantly shorter sentences than those sentenced in the Sixth Circuit. Neither defendant race nor ethnicity demonstrated a significant impact on sentence length and male offenders did not receive significantly different sentences than female offenders.

Comparing the results of this and the general offense model reveals that none of the effects of the commonly significant variables changed direction. However, different variables were significant predictors of sentence length across the two models. The court's acceptance of the PSR (ACCPTPSR) was a significant determinant of sentence length in the full data model but had no impact in the robbery offense model of sentence length. Likewise, defendant race (BLACK), as well as the presence of a written plea agreement in the case file (DOCPLEA) were all significant predictors of sentence length in the full but not in the robbery offense model. Finally, the impact of the Circuits on sentence length varied from the full data to the robbery offense model. Finally, while the rank order importance of the variables revealed by the standardized regression coefficients changed across the two models, the overall pattern of importance remained unchanged. (See Table B18a for a tabular representation)

Thus, the model comparison indicates that robbery offense sentences do not explain the racial disparity in sentence length uncovered by the general offense model. In fact, contrary to expectation, robbery offenses are influenced mainly by legally relevant factors—particularly in comparison to the general offense model.

Conclusions

The comparison between the general and robbery offense models of incarceration indicate that substantially fewer extralegal factors predict the imprisonment of robbery offenders. Most notably, the gender effect present for the general model disappears for the robbery offense model. This suggests that female paternalism and chivalry play no role in whether or not female robbery offenders will be imprisoned. Moreover, robbery offenders do not risk the "jury tax" received by the general and drug offenders—specifically in regard to being imprisoned.

Based upon the comparison of sentence length estimates for the general offenses and robbery offenses, it is clear that more extralegal variables play a role in the sentences of the general federal offender than in the sentences of robbery defendants. In addition, while fewer legally relevant factors demonstrate a significant impact on sentence duration in the robbery offense model than in the full model, legally relevant variables clearly dominate the determinants of sentence length for federal robbery offenses. Most notably, defendant race does not play a significant role in determining the sentence length of federal robbery offenders. This implies that robbery offenses do not explain the racial effects uncovered in the general model. Thus, it is further support of the proposition that drug offenses produce the existing racial disparity in sentence length for federal sentences.

"Other" Offenses

As the data for this model are not composed of a single offense category, dummy variables for the remaining offense types are included with violent offenses (VIOLENT) serving as the reference category. Additionally, because the offense seriousness score was enhanced due to the application of career criminal status in less than 0.5 percent of the available cases, this factor was not included in any of the models estimating the "other" offenses.

Incarceration

The results of the analysis incarceration for "other" offense offenders are presented in table B5a. Of the 16,490 total cases initially entered into the logit analysis, 3,147 were rejected because of missing data. This left a total of 13,343 "other" offense cases for the current analysis. Several legally relevant variables had a statistically significant impact on the odds of incarceration. Assigned criminal history category (XCRHISSR), the number of current offense counts (NOCOUNTS), the current offense level (XFOLSOR) and the presence of a criminal history (CRIMHIST) had a positive impact on the likelihood of imprisonment. Additionally, both immigration (IMMIGRAT) and white-collar (WHTCOLLR) offenses are significantly more likely to result in incarceration than violent (VIOLENT) offenses. Finally, the court accepting the contents of the PSR (ACCPTPSR) and the presence of a downward departure (DOWNWARD) significantly lower the odds of imprisonment amongst the "other" offense category.

Extralegal variables also wielded significant influence. Female offenders (MONSEX) were significantly less likely to be imprisoned than male offenders. Likewise, US citizens (USCITIZE) were significantly less likely to be incarcerated than comparable non-citizens. Finally, offenders sentenced in the Second, Third, Fifth, and Eleventh Circuits had significantly lower odds of imprisonment than those sentenced in the Sixth Circuit.

As compared to the full data model, the "other" offense model demonstrates very few differences. Three legally relevant factors that were significant determinants of incarceration in the full model (STATMIN, ADJUSTME, and PROBATIO) did not have significant impact in the "other" offense model. Additionally, in the general model, those offenders sentenced in the Fourth, Ninth, Tenth, and DC Circuits had significantly different sentences than those sentenced in the Sixth Circuit. These differences, however, did not appear in the "other" offense model.

Finally, the direction of the effects for the significant variables common to both models did not vary. Of the models for incarceration discussed thus far, the model for "other" offenses is the most comparable to the general offense model.

Sentence Length

As shown by Table B5b of appendix B, the R square for the "other" offense model is .526 and the adjusted R square is .524. Of the fourteen legally relevant variables included in this model, eight demonstrated a significant impact on sentence duration. Offenders who committed immigration offenses (IMMIGRAT) received sentences that were approximately five months longer, on average, than those who committed violent crimes. Additionally, the final assigned criminal history category (XCRHISSR), the offense seriousness score (XFOLSOR), statutory minimum sentence (STATMIN), as well as the presence of a criminal history (CRIMHIST), probation as a sentencing option (PROBATIO), and an upward sentencing departure (UPWARD) all served to lengthen the sentence of "other" offense defendants. Conversely, the presence of a downward sentencing departure (DOWNWARD) served to decrease the length of imprisonment.

Additionally, of the twenty extralegal factors included, only six were significant predictors of sentence duration. The defendant's age (AGE) and educational level

(EDUCCATN) demonstrated an inverse relationship with sentence length, while both female (MONSEX) and US citizen (USCITIZE) status served to shorten sentence length. Moreover, being sentenced in either the Second or Eleventh Circuits also served to decrease sentence duration.

In comparison to the general offense model, substantially fewer factors demonstrated significant effects in the "other" offense model. Unlike the full data model, of the legally relevant variables, the number of counts of conviction (NOCOUNTS), and the total number of sentence adjustments (ADJUSTME) were not significant in this partitioning. No legally relevant variables that were not significant in the full data model became significant in this model.

Similarly, of the extralegal variables that demonstrated significant influence over the full data model, neither defendant status as an African American (BLACK) nor being sentenced in the Fifth or DC Circuits achieved statistical significance in the "other" offense model. However, defendant age (AGE) was a significant predictor of sentence length in this model but not in the full data model. Likewise, being sentenced in the Second and Eleventh Circuits were significant determinants of sentence length for "other" offense defendants but not for the general federal offender. Additionally, of the variables that were significant in both models, none of the effects of these changed direction. (See Table B18a for a tabular comparison).

Comparison of Offense Specific Models

As indicated by the Z coefficients presented in Tables B16a through B16f of Appendix B, there are significant differences in the coefficients of several variables across the offense specific models. The following findings indicate clear support for hypothesis one—that there will be significant differences in the predictors of sentencing outcomes by offense type.

Incarceration

Comparison of the drug and firearm offense models of incarceration (Table B16a) reveals that the number of counts of conviction (NOCOUNTS), the presence of a downward departure (DOWNWARD), the availability of probation as a sentencing option (PROBATIO), the final offense seriousness score (XFOLSOR) and the number of the defendant's dependants (NUMDEPEN) varied significantly in influence across the two models. Number of conviction counts and number of defendant dependents were significant for firearm but not drug offenses while the effect of a downward departure or the final offense seriousness score was larger for firearm offenders than for drug offenders. Similarly the availability of probation as a sentencing option had a larger effect for drug offenders than for firearm offenders. Each of these effects, however, were in the same direction across the models.

The Z coefficients comparing the coefficients across the drug and robbery offense models of incarceration (Table B16b) reveal that the influence of the total number of sentence adjustments (ADJUSTME), the presence of a downward departure (DOWNWARD), the defendant's citizenship status (USCITIZE), and being sentenced in either the Eighth or Ninth Circuit varied significantly across the two models. Here, the total number of sentence adjustments significantly increased the imprisonment odds of robbery offenders but not drug offenders. Conversely, citizenship status significantly decreased the incarceration odds for drug offenders but not for robbery offenders. Additionally, the impact of a downward sentencing departure was larger for robbery offenders than for drug offenders.

Comparison of the coefficients for the drug and "other" offense incarceration models (Table B16c) reveals several significant differences. The final criminal history category (XCRHISSR), the number of conviction counts (NOCOUNTS), the presence of a downward departure (DOWNWARD), the availability of probation as a sentencing option (PROBATIO) and the final offense seriousness score (XFOLSOR) are the legally relevant factors that exhibited significantly different influence across the two models. In addition, the defendant's gender (MONSEX) and citizenship status (USCITIZE) as well as being sentenced in the Third, Fourth, Eighth, Ninth, and DC Circuits are the extralegal factors that had significantly different effects for drug and "other" offenses.

In contrast, the Z coefficients comparing the coefficients for the robbery and firearm models of incarceration (Table B16d) indicate few differences. Only defendant citizenship status (USCITIZE) and being sentenced in the Fifth Circuit have differential effects across the two models.

Conversely, comparison of the coefficients from the firearm and "other" offense incarceration models (Table B16e) reveals significant differences in the effects of several factors. In terms of legally relevant predictors, the number of conviction counts (NOCOUNTS), the presence of a downward departure (DOWNWARD), the availability of probation as a sentencing option (PROBATIO), and the final offense seriousness score (XFOLSOR) all vary significantly in their effects on incarceration from the firearm to the "other" offense models. Similarly, the defendant's number of dependents (NUMDEPEN) and citizenship status (USCITIZE) vary significantly in influence across the two models.

The Z coefficients comparing the coefficients across the robbery and "other" offense incarceration models (Table B16f) manifest few significant differences. Only the total number of sentence adjustments (ADJUSTME) and being sentenced in the Fifth Circuit demonstrate varied influence across the two models.

Clearly, the impact of factors influencing whether or not a defendant receives a prison sentence changes by the general offense category under which he or she is convicted. This finding partially supports of hypothesis one: that the predictors of imprisonment and sentence length will vary by offense type. Yet, the differences between the models vary substantially by the offenses compared. For example, even though the Z coefficients indicate that the predictors of robbery and firearm offenses and robbery and those of robbery and "other" offenses are roughly equivalent, the predictors of firearm and "other" offenses exhibit several significant differences. Similarly, drug and robbery offenses are more similar in terms of the impact of specific variables than are drug and firearm or drug and other offenses.

However, of particularly notable interest, there are no significant differences in terms of racial effects across the different offense type models of incarceration. This finding partially refutes hypothesis four, that the influence of offender race will be greater among *Mandatory Minimum* cases, because there were no differences among the offense types Given that the five most commonly used *Mandatory Minimum* statutes occur in drug, firearm, and robbery offenses, one would expect that the influence of race would be significantly different for each of these models as compared to the "other" offense model. The data indicate, however, that this is not the case.

Interestingly, the largest amount of variation in the impact of significant predictors is between the drug and "other" offense models—with twelve of the indicators manifesting significantly different effects. This pairing also exhibited the greatest number of differences in effect in terms of both legal and extralegal factors. Given that three of the five most commonly used *Mandatory Minimums* fall under the drug offense categorization, these findings suggest support for hypothesis five—that drug related crimes will exhibit the greatest amount of differences in terms of extralegal influence.

Sentence Length

The offense models for sentence length also demonstrate significant differences in effects. The Z coefficients comparing the coefficients between the drug and firearm offense models of sentence length (Table B19a) indicate several significant differences in the impact of significant predictors across the two models. The final criminal history score (XCRHISSR), the number of conviction counts (NOCOUNTS), the total number of sentence adjustments (ADJUSTME), the presence of a downward sentencing departure (DOWNWARD), the availability of probation as a sentencing option (PROBATIO) and the final offense seriousness score (XFOLSOR) all exhibit significantly different impact between the drug and firearm offense sentence length models. Additionally the extralegal predictors defendant gender (MONSEX) and race (BLACK), the number of defendant's dependents (NUMDEPEN), as well as being sentenced in the Second, Third, Fifth, Seventh, Ninth or DC Circuits varied significantly in their impact across the two models.

Similarly, comparison of coefficients from the drug and robbery offense models (Table B19b) indicates significant differences in the impact of several factors. In terms of legally relevant predictors, the final criminal history score (XCRHISSR), the presence of a criminal history (CRIMHIST), the statutory minimum sentence (STATMIN), the number of counts of conviction (NOCOUNTS), the total number of sentence adjustments (ADJUSTME), the presence of either an upward (UPWARD) or a downward (DOWNWARD) departure, the enhancement of the offense seriousness score due to the application of career criminal status (OFFENSEC) and the final offense seriousness score (XFOLSOR) all vary significantly between the two models. Similarly, the extralegal predictors defendant gender (MONSEX) and age (AGE), trial as mode of disposition (TRIAL), and being sentenced in the Second, Ninth or Eleventh Circuits vary significantly in influence between the drug and robbery offense models of sentence length.

Differences in the impact of specific attributes are also found in comparing the drug and "other" offense models of sentence length (Table B19c). In terms of legally relevant factors, the final criminal history score (XCRHISSR), the statutory minimum sentence (STATMIN), the number of conviction counts (NOCOUNTS), the court's acceptance of the PSR (ACCPTPSR), the total number of sentence adjustments (ADJUSTME), the presence of either an upward (UPWARD) or a downward (DOWNWARD) sentencing departure, the availability of probation as a sentencing option (PROBATIO), the enhancement of either the criminal history (CAREER) or offense seriousness (OFFENSEC) score due to the application of career criminal status, and the final offense seriousness score (XFSOLOR) all demonstrated significantly different impact across the two models. In other words, all of the legally relevant factors included in the model, except for the presence of a criminal history, differed significantly in influence between the drug and "other" offense models. A similar picture emerges in terms of extralegal factors. Defendant gender (MONSEX), age (AGE), and race (BLACK) as well as trial as mode of disposition (TRIAL) and being sentenced in the Seventh, Eleventh, or DC Circuits demonstrated significantly different effects across the two offense models.

Markedly fewer differences in effect are uncovered in the comparison of the firearm and robbery offense models (Table B19d). The statutory minimum sentence (STATMIN), the number of conviction counts (NOCOUNTS), the total number of sentence adjustments (ADJUSTME), the presence of either an upward (UPWARD) or downward (DOWNARD) sentencing departure, and the enhancement of the offense seriousness score due to the application of career criminal status (OFFENSEC) all differed significantly in effect between the firearm and robbery offense models. Likewise, in terms of extralegal factors, trial as mode of disposition (TRIAL) as well as being sentenced in the Third or Eleventh Circuits manifested different effects across the two offense types.

Comparison of the coefficients from firearm and "other" offense models (Table B19e) reveals a similar pattern. The final criminal history score (XCRHISSR), the statutory minimum sentence (STATMIN), the number of conviction counts (NOCOUNTS), the total number of sentence adjustments (ADJUSTME), the presence of an upward (UPWARD) sentencing departure, the availability of probation as a sentencing option (PROBATIO), the enhancement of the offense seriousness score due to the application of career criminal status (OFFENSEC), and the final offense seriousness score all differed significantly in effect between the firearm and "other" offense models. Likewise, in terms of extralegal factors, trial as mode of disposition (TRIAL) and being sentenced in the Tenth or Eleventh Circuits demonstrated significantly different effects between the two offense models.

Finally, a similar pattern is uncovered in the comparison of the coefficients from the robbery and "other" offense models (Table B19f). The final criminal history score (XCHRISSR), the presence of a criminal history (CRIMHIST), the statutory minimum sentence (STATMIN), the number of conviction counts (NOCOUNTS), the total number of sentence adjustments (ADJUSTME), the presence of either and upward (UPWARD) or downward (DOWNARD) sentencing departure, and the final offense seriousness score (XFOLSOR) all differed significantly in effect between the robbery and "other" offense models. Similarly, in terms of extralegal factors, trial as mode of disposition (TRIAL) and being sentenced in the Third or Ninth Circuits demonstrated significantly different effects between the two offense models.

Clearly, there are more significant differences in the effect of the significant predictors between the drug and all other offense models than between the firearm, robbery, and "other" offense models of sentence length. This, coupled with the significance and direction of the effects in the models, clearly supports hypothesis one—that the significant predictors of sentence length will vary by offense type.

These findings also provide limited support for hypothesis five—that drug offenses will exhibit greater extralegal influence than other offenses. Most notably, black defendants receive significantly longer sentences than non-blacks only for drug offenses. There are significant differences in the defendant race coefficients across the drug and firearm and drug and "other" offense models. However, the differences are not significant in any of the other offense comparisons that do not involve drug offenses.

Of final note, extralegal factors had a greater effect on sentence length for drug and "other" offenses than for firearm or robbery offenses. Moreover, these two models had the most significant factors of the four offense partitionings. This finding could be the result of the greater number of cases available for analysis in these two models as compared to the other models. This possibility, however, will be investigated with the statute specific partitioning of the drug offense model. As the case numbers will decrease substantially in this step, any such effect produced by the sheer magnitude of the data should disappear.

Conclusions: Offense Partitioned Models

The results of both the incarceration and sentence length models for the different offense types provide varying degrees of support for the hypotheses tested in this study. Clearly, there is less inter-offense variation in terms of significant predictors for incarceration than there is for sentence length. However, the significant variation between the models unequivocally supports hypothesis one—that the significant predictors of incarceration and sentence length will vary by offense type.

In addition, these results partially support hypothesis five—that defendant race will play a greater role in the sentencing outcomes for drug offenses than for other offenses. The fact that black offenders do not receive significantly different sentences from their white counterparts except for drug offenses bolsters the conclusion that such racial disparity arises primarily from drug offenses. In addition, the Z coefficients indicate that the differences in the offender race coefficients are significant between the drug offense model and the firearm and "other" offense models. Further exploration of this hypothesis, however, is conducted in subsequent models.

MODELS PARTITIONED BY STATUTE

The above analysis of data partitioned by offense type provides support for hypothesis one. Specifically, the results of these analyses reveal that the significant predictors of incarceration and sentence length vary by specific offense types. This, however, is only the first step that must be taken to separate the impact of *Mandatory Minimums* from that of the *Guidelines*. What remains is determining whether or not there are differences in the significant predictors when the data are partitioned and analyzed by specific statutes within the offense categories. These categories are drug, firearm and robbery offenses. Recall that these offense categories contain the five most commonly used *Mandatory Minimum* statutes (used in over 90 percent of the *Mandatory Minimum* cases in this data).

Drug Offense Statutes

Federal drug cases falling under statutes 21 USC § 841, 21 USC § 844, and 21 USC § 960 as well as any other statutes (hereafter "other" drug offenses) comprise this set of partitionings and analyses. In order to meaningfully discern the differences between the models, these partitionings are each compared to the full drug offense partitioning referenced above. Because these models involve only drug cases and since drug type impacts both *Guideline* and *Mandatory Minimum* incarceration decisions, dummy variables indicating the drug type involved in the offense are included as control variables in each of the following analyses.

21 USC § 841

Incarceration

As mentioned previously, 21 USC § 841 pertains to the manufacture and distribution of controlled substances and is one of the five most frequently used *Mandatory Minimum* statutes. Table B6a of Appendix B displays the results of the incarceration model for this subset. Partitioning by this statute resulted in 7,465 cases. 761 of these were rejected from the logit analysis because of missing data, leaving a balance of 6,704 cases for use in the analysis.

The results of the analysis of incarceration decisions in these types of cases reveal that several legally relevant variables have statistically significant effects. Final assigned criminal history category (XCRHISSR), the final offense level (XFOLSOR), and the number of sentence adjustments (ADJUSTME) all positively affected the odds of imprisonment. Similarly, the availability of probation as a sentencing option

(PROBATIO) and the presence of a downward departure (DOWNWARD) negatively impacted the odds of incarceration.

Surprising differences emerged by drug type. Those convicted of the manufacture and distribution of crack cocaine, marijuana, or "other" drugs had significantly lower odds of incarceration than those convicted of manufacture or distribution of powder cocaine. This finding, while expected for marijuana and "other" drugs, is counterintuitive for crack cocaine—particularly given the popular rhetoric concerning the "unwarranted disparity" between crack and powder cocaine sentences at the federal level. One would expect that crack cocaine offenders have both increased odds of imprisonment as well as receive longer sentences than powder cocaine offenders. These findings contradict the former expectation.

Several extralegal variables also achieved statistical significance. The presence of a written plea agreement in the case file (DOCPLEA), if the defendant was black (BLACK), or if trial was the mode of disposition (TRIAL) all serve to increase the defendant's odds of incarceration for drug manufacture and distribution. Likewise, defendant's highest educational level (EDUCCATN), if the defendant was female (MONSEX) and if the defendant was a US citizen (USCITIZE) all served to decrease the odds of imprisonment. Finally, offenders sentenced in all Circuits except for the Seventh and Eleventh had significantly lower odds of incarceration than those sentenced in the Sixth Circuit.

Comparison of this model to the full drug offense model reveals some interesting differences in the variables that predict the odds of incarceration. Most of the factors that had a significant impact in the full drug offense model retained that influence in the 21 USC § 841 model of offender imprisonment. The two exceptions are the statutory minimum sentence (STATMIN) and the enhancement of the offense seriousness score due to the application of career criminal status (OFFENSEC).

Additionally, several additional variables demonstrate significant impact over the imprisonment of 21 USC § 841 offenders. For example, crack cocaine offenders (CRACK) convicted under this statute faced significantly lower odds of imprisonment than similarly situated powder cocaine offenders. However, there were no significant differences in the odds of incarceration for crack and powder cocaine offenders in the full drug offense model. Likewise, defendant status as an African American (BLACK) had no impact on the odds of imprisonment in the full drug model but did serve to increase an offender's odds of imprisonment in the 21 USC § 841 model. It is also important to note that these two variables (BLACK and CRACK) are ranked fourteenth and eighth respectively in order of explanatory importance (See table B15b in Appendix B for a tabular representation of the changes in variable significance and rank). In addition to the above, the total number of sentence adjustments (ADJUSTME) and three additional Circuit variables demonstrate significant influence over a 21 USC § 841 drug offender's odds of imprisonment but not over the general federal drug offender.

Sentence Length

Table B6b of the appendix contains the results of the sentence length model for 21 USC § 841 offenders. The R square is .659, indicating that these variables explain approximately 66 percent of the variance in 21 USC § 841 sentences. The adjusted R square is .657 demonstrating that this explanatory power is not simply an artifact of the number of independent variables included in the model.

Many of the legally relevant factors had a significant effect on sentence duration for 21 USC § 841 offenders. Heroin offenders (HEROIN) received significantly shorter (seven months) sentences than similarly situated powder cocaine offenders while methanmphetamine offenders (METHAM) received significantly longer sentences (thirteen months). Additionally, final criminal history category (XCRHISSR), the statutory minimum sentence (STATMIN), the number of counts of conviction (NOCOUNTS), the total number of sentence adjustments (ADJUSTME), the adjustment of both the criminal history and the offense seriousness score due to the application of career criminal status (CAREER and OFFENSEC) and the final offense severity score (XFOLSOR) all demonstrated a positive effect on sentence length. Similarly, the presence of a downward sentencing departure served to significantly shorten sentence duration for 21 USC § 841 offenders.

Many extralegal factors also demonstrated significant influence over sentence length for 21 USC § 841 offenders. Most notably, offender status as an African American (BLACK) served to significantly increase sentence length by six and a half months on average and is ranked tenth in explanatory power. Additionally, offender age (AGE), trial as the mode of disposition (TRIAL), and being sentenced in the Eleventh Circuit all served to significantly increase sentence duration. Likewise, being sentenced in the DC Circuit served to significantly decrease sentence length in comparison to the Sixth Circuit reference category. Finally, offender education level (EDUCCATN) and the total number of the defendants dependents (NUMDEPEN) also demonstrate an inverse relationship with sentence length.

In comparison to the full drug offense model, fewer factors overall demonstrate significant impact on sentence length in the 21 USC § 841 model. In fact, with the exception of heroin (HEROIN), methanmphetamine (METHAM), and "other" drug offenses, the enhancement of the criminal history score because of career criminal status (CAREER), the number of defendant's dependents (NUMDEPEN) and offender age (AGE), all of the variables significant in this model were also significant in the full drug offense model. However, several factors that demonstrated a significant effect in the full drug model showed no such impact in the 21 USC § 841 offense model. For example, crack cocaine offenders (CRACK) and marijuana offenders (MARIJUAN) did not receive significantly different sentence lengths than similarly situated powder cocaine offenders in the 21 USC § 841 model. However, there was a significant difference between the sentences meted out to such offenders in the full drug offense model. Likewise, the court's acceptance of the findings of the PSR (ACCPTPSR), the presence of a written plea agreement in the case file (DOCPLEA), as well as being sentenced in the Second, Third, Fifth, Seventh, Ninth and Tenth Circuits all demonstrated significant impact on sentence duration in the full drug model but not in the 21 USC § 841 model (See Table B18b for a tabular representation).

21 USC § 844
Incarceration

This statute pertains to criminal possession of a controlled substance. For the incarceration model, of 914 original cases, 361 were rejected for missing data. This left a total of 553 cases available for analysis.

Surprisingly, only four of the independent variables significantly influenced the incarceration decision for 21 USC § 844 drug offenders. Assigned criminal history category (XCRHISSR) and final offense level (XFOLSOR) positively influenced the imprisonment odds of federal offenders convicted of drug possession. Additionally, the availability of probation as a sentencing option (PROBATIO) significantly lowered an offender's odds of incarceration. Finally, the defendant's number of dependents (NUMDEPEN) had a positive impact on the odds of incarceration.

That the number of dependents has a positive impact on the odds of incarceration is contrary to theoretical expectation. According to the familial paternalism thesis, one would expect the number of dependents to decrease an offender's odds of incarceration so that those dependents would not suffer unduly as a result of the offender's incarceration. One possible explanation for these counterintuitive findings is that in sentencing the defendant to prison, the court is attempting to protect the dependents (most specifically young children) from growing up in an environment where drug involvement is a way of life. By incarcerating the defendant, the court effectively removes the children from the direct influence of the offender and, ideally, improves the environment in which those children are raised. Additionally, given that this statute addresses criminal possession rather than trafficking or distribution implies that the defendant is a user rather than a supplier. Familial paternalism may be operating in that the court attempts to protect children from the harm and neglect facilitated by having a drug addicted parent as well as that of commonly accompanying crimes such as prostitution.

Comparing this model to the full drug offense model reveals striking differences. Notably, for the general federal drug offender, nineteen factors are identified as significant determinants of incarceration. This is almost five times the number identified for 21 USC § 844 drug offenders. Additionally, only one extralegal factor—defendant's number of dependents (NUMDEPEN)—exhibits a significant influence over incarceration for the 21 USC §844 model. This factor, however, does not demonstrate a significant influence over the incarceration of the general federal drug offender. (See Table B15b for a tabular representation of this comparison).

Sentence Length

The sentence length model including the hazard rate for 21 US § 844 drug offenses exhibited extreme collinearity (VIF score of over ten) between the hazard rate, the final criminal history category (XCRHISSR) and the final offense seriousness score (XFOLSOR). Because of the theoretical and practical importance of the two variables, neither could be dropped from these analyses. As a result, while table B7b of Appendix B provides the results of the hazard model of sentence length, because of the collinearity problems, the sentence length models without the hazard rate are discussed and compared here. The results of those models are found in Table E7 of Appendix E.

The R square for the non-hazard rate 21 USC § 844 sentence length model was .757 indicating that the included variables explain over 75 percent of the variance. The adjusted R square was .739 demonstrating that this rather high value was not merely a product of number of independent variables included.

Several legally relevant factors demonstrated significant influence over sentence length for 21 US § 844 drug offense cases. Heroin offenders (HEROIN) received significantly shorter sentences than comparable powder cocaine offenders while marijuana (MARIJUAN) and methanmphetamine (METHAM) offenders received significantly longer sentences. Additionally, the total number of sentence adjustments (ADJUSTME) and the presence of a downward sentencing departure (DOWNWARD) both served to significantly decrease sentence length. Finally, the final assigned criminal history category (XCRHISSR), the presence of an upward sentencing departure, the number of counts of conviction (NOCOUNTS) and the final offense severity score (XFOLSOR) both demonstrated a positive, significant relationship with sentence length.

Only six extralegal factors exhibited a significant relationship with sentence length. Status as a Hispanic (HISPANIC) and the number of dependents (NUMDEPEN) exhibited a positive relationship with sentence length. Likewise, trial as the defendant's mode of disposition (TRIAL) also served to lengthen the average sentence. In addition, offenders sentenced in the Eighth and Tenth Circuits received significantly longer sentences than those sentenced in the Sixth Circuit while those sentenced in the DC Circuit received significantly shorter sentences. Most notably and contrary to expectation, defendant status as an African American (BLACK) does not significantly impact sentence length.

In comparing the 21 USC § 844 model to the full drug offense model, several important differences are uncovered. Primarily, crack offenses (CRACK) no longer demonstrate a significant difference in sentence length from powder cocaine offenders but heroin (HEROIN), methanmphetamine (METHAM), and marijuana (MARIJUAN) offenses do. In addition, in the 21 USC § 844 model, the statutory minimum sentence (STATMIN), the court's acceptance of the PSR (ACCPTPSR) and the availability of probation as a sentencing option (PROBATIO) are not significant determinants of sentence length. Nor are the presence of a written plea agreement in the case file (DOCPLEA) or a number of the dummy variables measuring Circuit of sentencing significant in this model.

Perhaps more notably, the effect of one significant variable common to both models changes direction from the general drug offender model to the 21 US § 844 model. The total number of sentence adjustments (ADJUSTME) serves to *lengthen* sentences in the general drug offense model but significantly *shortens* sentence duration in the 21 USC § 844 model. (See Table E18b of Appendix E for a tabular representation of this comparison).

21 USC § 960

Incarceration

This statute deals with the criminal importing or exporting of controlled substances. Unfortunately, of the 229 available cases under this statute, only ten of the offenders were not sentenced to prison. As a result, the incarceration decision cannot be modeled for this statute. In addition, because the imprisonment decision cannot be analyzed, the hazard rate for this model also cannot be calculated. As a result, only the model for sentence length without the hazard rate can be presented here.

Sentence Length

The model used thus far to model sentence length for the drug offense partitionings exhibited extreme collinearity between drug types and Circuits. Since both measures are comprised of a series of dummy variables, the reference category was changed in both cases in an attempt to eliminate the collinearity. Thus, the reference category for drug types was changed from powder cocaine (POWDER) to marijuana. Similarly, the reference category for the Circuits was changed from the Sixth Circuit to the Ninth Circuit. This procedure, while substantially reducing the collinearity, did not eliminate it entirely (POWDER had a VIF of 4.302 and CIRC2ND had a VIF of 6.49—down from 20.468). Thus, the results of this model are expected to be biased and unreliable for meaningful comparison.

These, however, were not the only problems in modeling 21 USC § 960 sentence length. Because no 21 USC § 960 offenders were sentenced in the Seventh, Eighth, or DC Circuits, those dummy variables had to be omitted from this analysis. Similarly, because no offenders were sentenced for methanmphetamine offenses (METHAM) and because there were so few cases of LSD, crack cocaine and "other" drug offenses, the former was omitted while the latter was collapsed into a single category (OTHRDRGS). Nonetheless and despite these problems, the results of this model are reported in Table B8b of Appendix B.

The R square of this model is .624 indicating that the included variables explain 62 percent of the variance of 21 USC § 960 sentence length. However, the adjusted R square of .551 indicates that some of this is due to the number of independent variables included. In addition and as previously mentioned, collinearity problems are also undoubtedly responsible, at least in part, for this inflated value.

However, only three of the included variables demonstrated a significant influence on sentence length. The presence of a downward departure (DOWNWARD)served to significantly shorten the length of sentence meted out to 21 USC § 844 offenders. Additionally, the final assigned criminal history category (XCRHISSR) and the final offense severity score (XFOLSOR) demonstrated a positive relationship with sentence length. Strikingly, no extralegal factors demonstrated a significant influence over sentence length for the 21 USC § 844 offense model. This is the only model examined thus far where no extralegal factors were influential on the sentence outcome.

"Other" Drug Offenses

Incarceration

This analysis models all of the remaining drug offenses that do not fall under one of the three previously modeled statutes. The results of this model of incarceration are presented in Table B9a of Appendix B. Of the 8,520 cases, 974 were rejected for missing data--leaving 7,546 for the current analysis.

Of the included legally relevant variables, several demonstrated a significant impact on the likelihood of imprisonment. Assigned criminal history category (XCRHISSR), total number of sentence adjustments (ADJUSTME), and final offense level (XFOLSOR) had a positive impact on the odds of incarceration. Likewise, the presence of a downward departure (DOWNWARD) or the availability of probation as a sentencing option (PROBATIO) significantly decreased the odds of imprisonment. Additionally, "other" drug offenses involving marijuana (MARIJUAN), methanmphetamine (METHAM), or "other" drug types (OTHERDR) were significantly less likely to garner prison sentences than parallel offenses involving powder cocaine.

Extralegal variables also had significant impact on the incarceration decision. Female defendants (MONSEX) were significantly less likely to be incarcerated than male defendants. Additionally, status as a US citizen (USCITIZE) served to decrease an offender's odds of imprisonment. Finally, offenders sentenced in the First, Third, Fourth, Eighth, and DC Circuits were significantly less likely to be imprisoned than those sentenced in the Sixth Circuit.

In comparison to the general drug offense model of incarceration, the "other" drug offense model boasts few differences. Methanmphetamine offenders (METHAM) are significantly less likely to be imprisoned than powder cocaine offenders in the "other" offense model whereas there is no such difference in the general drug offense model. Neither the presence of a written plea agreement in the case file (DOCPLEA) nor trial as mode of disposition had any significant impact on the incarceration decision in the "other" drug offense model but they are significant in the general drug offense model. Finally, this model does not have significant differences between the Sixth and Ninth Circuits in terms of odds of imprisonment. Other than the aforementioned differences, the significant variables across the two models are identical. (See Table B15b in Appendix B for a tabular representation of this comparison).

Sentence Length

The results of the model for sentence length for the "other" drug offenses is presented in Table B9b of Appendix B. The R square of this model is .576, indicating that the included variables serve to explain 57 percent of the variance in the sentence lengths of "other" drug offenders.

Several legally relevant factors demonstrated significant influence over the length of sentence meted out to "other" drug offenders. Crack cocaine offenders (CRACK) received sentences that were twenty months longer, on average, than similarly situated powder cocaine offenders. Additionally, the assigned criminal history category (XCRHISSR), the statutory minimum sentence (STATMIN), the number of counts of conviction (NOCOUNTS), the court's acceptance of the PSR (ACCPTPSR), the total number of sentence adjustments (ADJUSTME), and the final offense seriousness score (XFOLSOR) all exhibited a positive, significant influence on the length of sentence. Likewise, the presence of an upward sentencing departure (UPWARD) lengthened the sentence meted out to "other" drug offenders. In a similar fashion, the presence of a downward sentencing departure (DOWNWARD) served to significantly decrease the length of sentence.

Extralegal factors also influenced sentence length in this model. Female offenders and US citizens receive shorter sentences than their male or non-citizen counterparts. As in the 21 USC § 844 offenses, the total number of defendant's dependents demonstrated a positive relationship with the sentence length of "other" drug offenders. Additionally, the presence of a written plea agreement in the case file (DOCPLEA) served to decrease sentence length while having a trial as the mode of disposition (TRIAL) served to increase it. Similarly, those offenders sentenced in the Second, Fifth, Ninth, and Eleventh Circuits received sentenced significantly longer than those sentenced in the Sixth Circuit. Conversely, those "other" drug offenders sentenced in the Third or DC Circuit received sentences that were significantly shorter than comparable defendants in the Sixth Circuit.

In comparing this model to the general drug offense model, one finds that the results are strikingly similar. Most notably, offender status as an African American (BLACK) wields no influence over length of sentence in this model but does affect sentence length in the general offense model. Similarly, defendant educational level (EDUCCATN) has no impact in this model. (See Table B18b for a tabular comparison).

Comparison of the Drug Statute Models

Tables B17a through B17c and B20b through B20c of Appendix B provide the Z coefficients comparing the coefficients of each of the drug statute specific models of incarceration and sentence length respectively. Notably, they reveal several significant differences between the various models of sentencing outcome. Thus, the below reported results provide clear support for hypothesis two—that the significant predictors of sentencing outcomes will vary significantly by the specific statute charged.

Incarceration

The Z coefficients comparing the coefficients of the 21 USC § 841 drug manufacture and distribution offense model to the 21 USC § 844 drug possession offense model (Table B17a) reveal several significant differences. In terms of legally relevant factors, there were few significant differences. The impact of being sentenced for a crack cocaine offense (CRACK) and the final criminal history score (XCRHISSR) differed significantly between the two models. The extralegal factors, exhibited wider variation. Defendant gender (MONSEX), number of dependents (NUMDEPEN) and educational level (EDUCCATN) as the presence of a written plea agreement in the case file (DOCPLEA) and being sentenced in the First, Second, Third, Fourth, Fifth, Eighth, Ninth, and DC Circuits varied widely in effect between manufacture or distribution cases and possession cases.

The Z coefficients indicate notably fewer differences between the 21 USC § 841 drug manufacture and distribution offense model and the "other" drug offense model (Table B17b). Only conviction of a methanmphetamine offense (METHAM) demonstrated differential impact across the models in terms of legally relevant factors. Yet, several extralegal factors are show to have significantly varied impact across the models. The defendant's number of dependents (NUMDEPEN) and race (BLACK) as well as being sentenced in the Second, Fifth, Seventh, or Ninth Circuits had significantly different effects for the manufacture or distribution model than for the "other" drug offense model.

Finally, comparison of the coefficients of the 21 USC § 844 drug possession model to those of the "other" drug offense model also reveals several significant differences. In terms of legally relevant factors, conviction of a methanmphetamine offense (METHAM), the final criminal history category (XCRHISSR), and the presence of a downward sentencing departure (DOWNWARD) demonstrated significantly different effects across the models. Likewise, being sentenced in the First, Fourth, and DC Circuits were the extralegal factors that varied significantly in effect between the drug possession and "other" drug offense models.

Clearly, there is substantial effect variation in the significant predictors of the different drug statute models of incarceration. This is partial support for hypothesis two—the significant predictors of sentencing outcomes will vary by specific statute.

In addition, it is interesting to note that the effect of defendant race differs significantly only between the drug manufacture or distribution model and the "other" drug offense model. Given the significance (or lack thereof) and direction of the effect in each model, this is partial support for hypothesis four—that the impact of offender race and other extralegal factors will be greater among *Mandatory Minimum* cases than *Guideline* cases.

Also meriting attention is the fact that the greatest number of significant differences in the effect of significant predictors occurs between two *Mandatory Minimum* statutes rather than between a *Mandatory Minimum* statute and the *Guideline* drug offenses. This finding implies that different *Mandatory Minimums* cannot be thought of as uniform or interchangeable in influence nor should they be categorized as equivalent.

Sentence Length

The Z coefficients comparing the 21 USC § 841 drug manufacture and distribution offenses and the 21 USC § 844 drug possession offenses indicate several significant differences in the impact of the predictors across the two models. In terms of legally relevant factors, conviction of either a marijuana or an "other drug" offense, the final criminal history score (XCRHISSR), the statutory minimum sentence (STATMIN), the total number of sentence adjustments (ADJUSTME), the presence of a downward departure (DOWNWARD), the availability of probation as a sentencing option (PROBATIO), and the final offense seriousness score (XFOLSOR) all had different impact between the two models. Similarly, the defendant's gender (MONSEX), age (AGE), number of dependents (NUMDEPEN), citizenship status (USCITIZE), race (BLACK), ethnicity (HISPANIC), and education level (EDUCATION) all had significantly different impact on sentence length from the manufacture and distribution model to the possession model. In addition, being sentenced in the DC Circuit had differential impact across the two models.

A different pattern emerges from the comparison of the 21 USC § 841 drug manufacture and possession model coefficients and those of the "other" drug offense model. The majority of the legally relevant factors exhibit significantly different effects on sentence length from one model to another. Conviction of a crack, heroin or methanmphetamine offense, the final criminal history score (XCRHISSR), the statutory minimum sentence (STATMIN), the number of conviction counts (NOCOUNTS), the total number of sentence adjustments (ADJUSTME), the presence of either an upward (UPWARD) or a downward (DOWNWARD) departure, the enhancement of the offense seriousness score due to the application of career criminal status (OFFENSEC), and the final offense seriousness score (XFOLSOR) each had significantly different effects in the drug manufacture and possession model than in the "other" drug offense model. In terms of extralegal factors, the defendant's gender (MONSEX) and number of dependents (NUMDEPEN) as well as trial as mode of disposition (TRIAL) and being sentenced in the Second, Fifth, Ninth or DC Circuits had different effects on sentence length from one model to the other.

Still another pattern is revealed by the comparison of coefficients from the 21 USC § 844 drug possession model and those from the "other" drug offense model. In terms of drugs of offense, conviction of a crack, marijuana, or methanmphetamine crime had significantly different effects between the models. In addition, the final criminal history score (XCRHISSR), the statutory minimum sentence (STATMIN), the number of conviction counts (NOCOUNTS), the total number of sentence adjustments (ADJUSTME), the presence of either an upward (UPWARD) or downward (DOWNWARD) sentence departure, and the final offense seriousness score all differed significantly in effect from the drug possession model to the "other" drug offense model. Similarly, in terms of extralegal factors, the defendant's gender (MONSEX), citizenship status (USCITIZE), and ethnicity (HISPANIC) as well as trial as mode of disposition (TRIAL) and being sentenced in the Second, Third, Fifth, Ninth, Eleventh, and DC Circuits manifested significantly different impact from one model to the other.

Clearly, there are multiple differences in the significant predictors of sentence length for the various drug statutes. This finding provides clear support for hypothesis two—that the significant predictors of sentencing outcome will differ by specific statute charged. However, there are no clear patterns to the variation. As a result, these findings are inconclusive as to hypothesis four—that *Mandatory Minimum* offenses will exhibit greater influence of extralegal factors than *Guideline* offenses.

Conclusions

Across the incarceration and sentence length models, the 21 USC §841 and "other" drug offense models were those most comparable to the general drug offense models in regard to the number of significant variables. In addition, the 21 USC § 841 model appears to account for the bulk of the offender-based extralegal influences identified by the general drug offense model. Most notably, black offenders have significantly higher odds of incarceration *and* receive significantly longer sentences than their white counterparts only for the 21 USC § 841 model. None of the other drug offense partitionings demonstrate this effect. Thus, it would appear that 21 USC § 841 sentences explain the bulk of the black/white sentence disparity for federal drug cases. As a result, the argument that the racial disparity existing in federal drug sentences is the product of simple possession (21 USC § 844) cases is unsupported by this empirical evidence.

In addition, as exhibited by the Z coefficients presented in Tables B17a through B17c and B20b through B20d in Appendix B, there are significant differences in several coefficients across the drug statute models of incarceration and sentence length. The significant differences are numerous across each of the models compared—with the sentence length comparisons between 21 USC § 841 and 21 USC § 844 offenses and that between the 21 USC § 844 and "other" drug offenses producing the highest number of significant differences. Moreover, the Z coefficients, in conjunction with the comparison in significant predictors, support a number of conclusions—which follow below.

Interestingly, the 21 USC § 844 model is the only drug offense model where the number of the defendant's dependents demonstrates a significant impact on both the odds of incarceration and sentence length. In both cases, it serves to increase the severity of punishment. Thus, these models suggest that familial paternalism does not operate conventionally in the sentencing of 21 USC § 844 drug offenders. A similar positive effect is uncovered for the sentence length of "other" drug offenders while the opposite pattern is revealed for 21 USC § 841 drug offenders. Thus, the familial paternalism thesis operates as expected only for 21 USC § 841 drug offenders but not any other type of drug offender.

Another notable difference among the drug offense models is that crack cocaine is a significant predictor of the odds of imprisonment for only one model. In the 21 USC § 841 model, crack offenders are significantly *less* likely to be incarcerated than powder cocaine offenders. However, conviction for an offense involving crack cocaine results in significantly longer sentences in one model—the "other" drug offense model. This surprising finding suggests that the *Guidelines* rather than the *Mandatory Minimums* are responsible for the disproportionate sentences given out for crack cocaine offenses in comparison to powder cocaine offenses. Additionally, it implies that previous analysis and research incorrectly blames the *Mandatory Minimums* for producing the huge differences in powder and crack cocaine sentences.

Finally, linking the racial and drug type findings of these comparisons uncovers a startling conclusion. Given that the black/white sentence disparity is established only for 18 USC § 841 offenses and that crack cocaine offenses receive significantly longer sentences only for "other" drug offenses, the natural suggestion is that black/white sentence disparity and powder/crack cocaine sentence disparity are ***unrelated***. In other words, while both forms of disparity exist in federal drug sentences, they each occur under different statutes. As a result, assertions that the crack/powder cocaine disparity produces racial disparity are unsupported by this empirical evidence. However, these conclusions are premature and will be investigated fully in Chapter Seven, where the data are partitioned and analyzed by both statute and race.

However, one conclusion can clearly be drawn from the comparison of the general drug analyses to the statute specific analyses. The above differences by statute would remain uncovered were the data partitionings and analyses by statutes not undertaken. This is evidence supportive of hypothesis two—that there will be differences in the significant predictors of both incarceration and sentence length by specific statute. However, the above analyses concern only drug offenses and the specific drug statutes. It is possible that this pattern does not hold true for the remaining offenses and statutes. The following analyses investigate this possibility.

Firearm Offenses

18 USC § 924 Offenses

Incarceration

This statute covers the *Mandatory Minimum* sentence enhancement for persons carrying a firearm during the commission of a drug or violent crime. Unfortunately, of the 432 such cases in the data set, only 18 offenders were not sentenced to prison. As a result, the incarceration decision cannot be modeled for this statute. In addition, the hazard rate for this model cannot be calculated since this requires modeling of the incarceration decision. Thus, for 18 USC § 924 offenses, only sentence length can be modeled—and modeled without the hazard rate.

Sentence Length

Collinearity problems emerged in this model between the Circuit dummy variables, defendant status as a Hispanic, and the final offense severity score. In an attempt to eliminate this problem, the Circuit reference category was changed from the Sixth to the Fifth Circuit. While reducing the collinearity, as indicated by the VIF, this procedure did not eliminate it. In a final attempt to eliminate the collinearity problems, the variables HISPANIC and CIRC4TH were omitted from the model. The VIFs for this final model indicates no collinearity. The results of this model are reported in table B10b of Appendix B. It is also important to note that no 18 USC § 924 offenders were sentenced in the Third Circuit in this data set—thereby necessitating the elimination of the variable measuring this attribute from the model. Additionally, only eight of the 432 cases involved enhancement of the offense severity level due to the application of career criminal status. As a result, the variable measuring this (OFFENSEC) is omitted from these analyses.

The R square for this model is extraordinarily high at .789. However, the adjusted R square is .712 indicating that only a fraction of the inflated R square is due to the number of independent variables included in the model. The primary determinants of sentence length for 18 USC § 924 firearm offenders are legally relevant factors. The statutory minimum sentence (STATMIN), the number of counts of conviction (NOCOUNTS), and the final offense severity score (XFOLSOR) all had a positive significant effect on sentence length. Likewise, the presence of a downward sentencing departure (DOWNWARD) served to decrease the sentences of 18 USC § 924 offenders. Only one extralegal factor significantly affected sentence length—being sentenced in the Eleventh Circuit had positive effect on sentence duration.

In comparison to the sentence length estimations for the general firearm offense model, interesting differences emerge. The total number of sentence adjustments (ADJUSTME), the presence of an upward sentencing departure (UPWARD), and the availability of probation as a sentencing option (PROBATIO) are significant predictors of sentence length in the general but not the statute-specific model. Moreover, age was the only significant extralegal factor in the 18 USC § 924 model. In contrast, the number of defendant's dependents (NUMDEPEN), the presence of a written plea agreement in the case file (DOCPLEA), and being sentenced in either the First or the Eleventh Circuits all significantly affected sentence length in the general firearm offense model. (See table B18c for a tabular representation).

Other Firearm Offenses

Incarceration

The results of this analysis are found in Table B11a. Of the original 3,128 firearms cases, 622 were rejected because of missing data—leaving 2,506 cases for analysis. It is important to note that the variable measuring whether trial was the mode of disposition (TRIAL) was excluded for this model because virtually all defendants who went to trial were imprisoned—making it a constant for this model.

Here, mainly legally relevant variables achieved statistical significance. Again, criminal history category (XCRHISSR), the number of current counts (NOCOUNTS), and the current offense level (XFOLSOR) exhibited a significant positive impact on the odds of incarceration. Additionally, for cases where probation was a sentencing option (PROBATIO) or there was a downward sentencing departure, the odds of imprisonment were significantly lower than for cases where probation was not an option. These results are in the expected direction and comport with the results of the previous analyses.

Only two extralegal variables demonstrated significant impact on the odds of incarceration for "other" firearms offenses. US citizens (USCITIZE) had significantly lower odds of imprisonment than non-citizens. In addition, the defendant's number of dependents (NUMDEPEN) demonstrated an inverse relationship with the odds of incarceration. Two extralegal variables that were significant in determining the incarceration of general firearm offenders are not significant in determining whether "other" federal firearm offenders are imprisoned. Offender gender (MONSEX) and educational level (EDUCCATN), while significant determinants imprisonment of the general firearm offender, are not significant influences over the incarceration of "other" firearm defendants. (See table B15c for a tabular representation).

Sentence Length

Table B11b of Appendix B displays the results of this model. The R square of this model is exceptionally high at .768 and the adjusted R square is only slightly lower at.765. Diagnostics indicated no collinearity problems in this model.

Several legally relevant factors exhibited significant influence over the length of sentence received by "other" firearm offenders. The final assigned criminal history category (XCRHISSR), the statutory minimum sentence (STATMIN), the number of counts of conviction (NOCOUNTS), and the total number of sentence adjustments (ADJUSTME) all demonstrated a positive relationship with length of sentence. Similarly, the presence of an upward sentencing departure (UPWARD) the availability of probation as a sentencing option (PROBATIO), the enhancement of the offense level due to the application of career criminal status (OFFENSEC), and the offense seriousness score (XFOLSOR) also had significant, positive impact on sentence length. Finally, the presence of a downward sentencing departure (DOWNWARD) served to significantly decrease the length of sentence for "other" firearm offenders.

Only four extralegal factors demonstrated a significant effect on sentence length in the "other" firearm offense model. The number of dependents (NUMDEPEN) and the defendant's status as a US citizen (USCITIZE) each demonstrates a negative relationship with sentence length. Meanwhile, trial as defendant's mode of disposition (TRIAL) served to lengthen the average sentence. In addition, "other" firearm offenders sentenced in the Eleventh Circuit received significantly longer sentences than those sentenced in the Sixth Circuit. (See table B18c of Appendix B for a tabular representation).

Conclusions

Unfortunately, because only the "other" firearm offense partitioning could be modeled fully, it was not possible to calculate the Z coefficients in order to compare the coefficients across the different models of firearm statutes. As a result, no comparison of coefficient equality is presented for these models. However, several inferences can be drawn from a comparison of the general and "other" firearm offense models.

The general firearm offense and "other" firearm offense models for incarceration demonstrate nearly identical patterns of results. The only exceptions to this are the significant influence of defendant gender and being sentenced in the Ninth Circuit. Given that it was not possible to model incarceration for 18 USC 924 firearm offenses, it is impossible to determine whether the significant impact of these variables in the general firearm offense model of incarceration can be attributed to cases falling under this statute. Thus, while there are minor differences between the two models of incarceration, this provides only weak support for the hypothesis that there will be substantial differences in the significant predictors of incarceration by specific statute.

The models for sentence length manifest a similar pattern. Here, the significant predictors of sentence length were virtually identical between the general and "other" firearm offense models. However, extralegal factors played a reduced role in the 18 USC § 924 model than in the "other" offense model—suggesting that the *Mandatory Minimums* provide more of a control on the influence of extralegal factors than the *Guidelines*. This is in contradiction to the expectation that *Mandatory Minimums* would produce rather than reduce disparity by extralegal factors. Still, this finding is supportive of differences between the significant predictors of sentence length of different statute models.

Also worthy of mention is the fact that familial paternalism appears to significantly operate in *Guideline* firearms cases but not for *Mandatory Minimum* firearms offenses. While contrary to expectation, this is supportive of hypothesis two. Finally, it is important to note that there are no significant racial or ethnic effects in any of the firearm offense models. This serves as empirical evidence supporting the contention that federal drug offenses are the source of significant racial disparity existing in the federal sentencing system.

Robbery Offenses
18 USC § 2113 Offenses
Incarceration

The results of this model are presented in Table B12a of Appendix B. As in the general robbery partitioning, there were problems with including the Circuit dummy variables in the analysis. Here, several of the Circuits had insufficient variance in the outcome to be included in the model. As a result, all of the dummy variables for Circuit were dropped from this portion of the analysis. Similarly, the enhancement of the final offense seriousness score due to the application of career criminal status also had to be omitted because ***all*** of the 18 USC § 2113 offenders receiving such an enhancement were imprisoned.

In the final model, only three of the included variables demonstrated a significant impact and all of them measured legally relevant factors. Both the final assigned criminal history category (XCRHISSR) and the final offense seriousness score

(XFOLSOR) demonstrated a positive effect on the odds of imprisonment for 18 USC § 2113 offenders. Conversely, the presence of a downward sentencing departure (DOWNWARD) significantly decreased an offender's odds of imprisonment.

Comparison of this model to the general robbery model reveals some differences in the number of significant influences identified. In the general model, five factors—including one extralegal factor (being sentenced in the Fifth Circuit)—demonstrated significant impact on an offender's odds of incarceration.[134] Conversely, only three factors played a significant role in the incarceration of 18 USC § 2113 offenders. This difference is explained, in part, by the exclusion of the Circuit variables from the current model. However, another factor that was included in both models, total number of sentence adjustments (ADJUSTME), was not significant in the 18 USC § 2113 model. See Table B15d for a tabular comparison.

Sentence Length

The results of the sentence length model for 18 USC § 2113 robbery offenses is presented in Table B11b of Appendix B. The R square for this model is .772, indicating that the included variables explain 77 percent of the variance in sentence length for 18 USC § 2113 offenses. The adjusted R square is .766, demonstrating that the number of independent variables does not artificially inflate the value of the R square.

Most of the variables exhibiting significant influence over the length of sentence for 18 USC 2113 robbery offenders were legally relevant factors. The final assigned criminal history category (XCRHISSR), statutory minimum sentence (STATMIN),

[134] This factor, however was a Circuit dummy variable.

number of counts of conviction (NOCOUNTS), total number of sentencing adjustments (ADJUSTME), and the final offense severity score (XFOLSOR) all had a positive significant relationship with sentence length. Similarly, the availability of probation as a sentencing option (PROBATIO), the presence of an upward sentencing departure (UPWARD) and the enhancement of the offense seriousness score due to the application of career criminal status (OFFENSEC) served to lengthen the sentences. Conversely, the presence of a downward sentencing departure (DOWNWARD) served to shorten sentence length for 18 USC 2113 robbery offenders.

Only three extralegal factors, defendant's highest educational level (EDUCCATN), trial as mode of disposition (TRIAL), and being sentenced in the Fifth Circuit were significant predictors of sentence length for 18 USC § 2113 robbery offenders. While going to trial (TRIAL) or being sentenced in the Fifth Circuit served to increase a defendant's sentence, offender's education level (EDUCCATN) served to decrease it.

Comparison of this model to the general robbery offense model reveals few changes between the two. However, there is some variation in the factors that exhibit significant influence over sentence length. In the general model, offenders sentenced in either the Third or Ninth Circuit received significantly shorter sentences than those sentenced in the Sixth Circuit. However, this effect disappears in the 18 USC § 2113 model. Moreover, being sentenced in the Fifth Circuit served to significantly lengthen the sentence of 18 USC § 2113 offenders but not general robbery offenders. (See Table B18d for a tabular representation).

"Other" Robbery Offenses

Incarceration

Unexpectedly and unfortunately, logit analysis could not be conducted for "other" robbery offenses because of the eligible robbery cases, only sixteen did not result in incarceration.[135] As a result, not only is it impossible to model the incarceration decision, but it is also impossible to calculate a hazard rate for this partitioning. Therefore, the OLS model of sentence length without the hazard rate is the only model reported for "other" robbery offenses.

Sentence Length

The results of the sentence length model for "other" robbery offenses are presented in Table B14b of Appendix B. For this model, none of the offenders were sentenced in the DC Circuit. As a result the variable measuring this attribute was excluded from the analyses. In addition, because probation was a sentencing option in less than five percent of the eligible cases, the variable PROBATIO was also omitted from the model. The R square of this model is .906 and the adjusted R square is .886—indicating that a small portion of the variance explained as shown by the R square is an artifact of the number of explanatory variables included.

For this model, several legally relevant variables exhibited a significant influence over the sentence length of "other" robbery offenders. The final criminal history category (XCRHISSR), the statutory minimum sentence (STATMIN), the total number of counts of conviction (NOCOUNTS), the presence of an upward departure

[135] As a result, estimation was terminated at the twenty-eighth iteration. A perfect fit was detected but the solution was not unique. Thus, a covariance matrix and other statistics could not be computed.

(UPWARD), the enhancement of the offense seriousness score because of the application of career criminal status (OFFENSEC), and the final offense level (XFOLSOR) demonstrate a positive significant influence on sentence length. In addition, the presence of a downward sentencing departure (DOWNWARD) serves to shorten the sentence length of "other" robbery offenders. In regard to extralegal factors, offenders who went to trial (TRIAL) received significantly longer sentences than their counterparts who did not. Offenders sentenced in the First and Third Circuits received significantly shorter sentences than those sentenced in the Sixth Circuit.

Comparison of this model to the general robbery offense model reveals that fewer factors (twelve as compared to ten) demonstrate significant influence over sentence length. However, legally relevant factors comprised the majority of significant influences across the two models (See Table B18d of Appendix B for a tabular comparison).

Conclusions

Unfortunately, because only the 18 USC § 2113 offense partitioning could be modeled fully, it was not possible to calculate the Z coefficients in order to compare the coefficients across the different models of robbery statutes. As a result, no coefficient comparison is presented for these models. However, based upon the comparisons between the general and statute specific robbery offense models, it becomes clear that there is variation in the determinants of incarceration and sentence length across the models—albeit moderate variation. Two factors—the total number of sentence adjustments (ADJUSTME) and the Circuit in which the defendant was sentenced exhibit different patterns of significance across the models. Thus, for robbery, there is variation in the significant predictors of incarceration between the general, *Guideline* and *Mandatory Minimum* robbery statute models. This again provides support for hypothesis two—that there will be differences in the significant predictors across statute specific models.

CONCLUSIONS

These analyses enable the drawing of several conclusions about the varying patterns of significant predictors of sentencing by offense and statute type. Primarily, legally relevant factors play a dominant role in federal sentencing—regardless of offense or statute type—comprising the main predictors of both incarceration and sentence length.

Secondly, different extralegal factors affect sentence severity for different federal offense types. Most notably, African-American defendants receive sentences that are significantly harsher than their white counterparts only for drug offenses—a difference which is significant according to the Z coefficients. This supports the proposition that the federal drug offense cases produce the bulk of the black/white sentence disparity present in federal sentencing. Further support for this proposition is provided by the fact that there are no black/white effects on either incarceration or sentence length for any of the other offense types.

However, the proposition that unwarranted disparity is produced mainly by *Mandatory Minimum* cases is refuted by these analyses. In fact, just the opposite position is supported. These analyses suggest that the *Mandatory Minimums* serve to control the influence of extralegal factors more than the *Guidelines*. The general pattern revealed here is that extralegal factors are less likely to predict sentence severity in *Mandatory Minimum* cases than in *Guidelines* cases. This leads to the conclusion that the *Mandatory Minimums* are not primarily responsible for the influence of extralegal factors in federal sentencing.

There is, however, one notable exception to this observation. There is only one offense—the *Mandatory Minimum* drug offense statute 21 USC § 841—for which black offenders face both higher odds of incarceration and longer sentences than similarly situated white offenders. In addition, several extralegal factors not significant in the general drug offense model are significant in this model. However, the "other" drug offense partitioning did conform to the above-mentioned pattern—in spite of the 21 USC § 841 results. This suggests that the *Mandatory Minimum* statute for the manufacture and distribution of controlled substances (21 USC § 841) is the only drug-related *Mandatory Minimum* that produces racially disparate sentences. Moreover, it is the only one of the five most commonly used *Mandatory Minimum* statutes to result in racially disparate sentencing outcomes. Therefore, with the exception of 21 USC § 841 cases, racial disparity in federal sentences is a product of *Guidelines* sentencing.

Finally, one additional observation relevant to the original research questions can be made from these analyses. The sentence length model of 21 USC § 841 offenses was the only drug offense model where status as an African-American served to significantly increase sentence length. Similarly, the sentence length model of the "other" drug offenses was the only drug model in which crack cocaine offenses garnered significantly longer sentences than powder cocaine offenses. These results, when combined, suggest that while the crack and powder cocaine differentials produce sentence disparity and that there is black/white disparity in the sentencing of 21 USC § 841 cases, these two forms of disparity are ***unrelated***. This compelling suggestion, however, merits further scrutiny. It is possible that the findings of no racial effect in the "other" drug offense model are the product of the method used to capture a racial effect. As mentioned previously, the use of dummy variables to capture racial effect is inferior to data partitioning by race (Myers, 1985). As a result, this investigation takes the next logical step and repeats these analyses with the data further partitioned by offender race—specifically blacks and whites.

CHAPTER SEVEN: FURTHER PARTITIONS BY RACE

The previous chapter demonstrates how the significant predictors of incarceration and sentence length change by specific offense types and statutes. This implies that there is an interaction effect between these factors and both offense type and specific statute. In addition, several racial effects were uncovered for drug offenses where black defendants were treated more harshly than white defendants—both in terms of incarceration and sentence length. However, there were no significant racial effects for other offense types. Yet, as previously noted, use of racial dummy variables is insufficient in identifying differential treatment by race (Myers, 1985). This chapter further explores differential sentencing by race. Recall that the hypotheses regarding offender race were:

H_3: Offender race will be a significant predictor of imprisonment and sentence length in general federal sentencing. Specifically, blacks will be sentenced more harshly than whites. In addition, there will be significant variation in the significant predictors of both incarceration and sentence length for black and white models.

H_4: The influence of offender race and other extralegal factors will be greater among *Mandatory Minimums* cases than *Guidelines* cases net of legally relevant factors. This will manifest in increased likelihood of incarceration and increased length of sentence for racial minorities sentenced under *Mandatory Minimum* statutes. Any racial disparity found for simple *Guideline* offenses should be at much smaller levels—as reflected by low racial differences in incarceration rate and sentence length.

H_5: *Mandatory Minimums* for drug crimes will demonstrate greater levels of racial influence than other *Mandatory Minimums*. This will manifest in increased likelihood of incarceration and increased length of sentence for racial minorities sentenced under *Mandatory Minimum* drug offense statutes.

This portion of the investigation specifically examines these hypotheses. Again, the partitioning strategy by offense and statute is used. However, this time, the data are first partitioned by offender race—specifically black and white. Those cases concerning offenders of other races are excluded from these analyses. Because these hypotheses address the potential differences between racial models, this discussion focuses on the comparison of the models by racial rather than statute partitioning.

This additional partitioning and analysis by race and offense/statute will permit testing of hypotheses three through five, given that hypotheses one and two were supported by the previous analyses. The full statistical results, the tabular comparisons between the offense and statute partitionings as well as the full, black, and white models and Z coefficient comparisons of independent models are reported in Appendix C.

In each reported model, either the Chi-Square (for incarceration) or the F Test (for sentence length) indicates that the variables included represent a significant improvement in predicting the dependent variable than the models including the intercept alone. Moreover, unless it is specifically mentioned as a problem, collinearity diagnostics indicated no difficulties with multicollinearity in the following models. Finally, the OLS models of sentence length include the hazard rate correction for sample selection bias unless it is specifically stated otherwise. In each model where the hazard rate is included, it is a statistically significant predictor of sentence length unless stated otherwise.

Across the following offense, statute, and racial models, several legally relevant and extralegal factors were consistently significant. For the incarceration decision, the final criminal history category (XCRHISSR) and the final offense seriousness score (XFOLSOR) had a positive relationship with the imprisonment odds while the presence of a downward departure (DOWNWARD) increased the odds of incarceration. In terms of sentence length, the final criminal history category (XCRHISSR), the statutory minimum sentence (STATMIN), the number of conviction counts (NOCOUNTS), the enhancement of the offense seriousness score due to the application of career criminal status (OFFENSEC), and the final offense seriousness score (XFOLSOR) all consistently had a positive effect on sentence duration. Similarly, the presence of a downward sentence departure (DOWNWARD) consistently shortened sentence length across most of the following models.

The influence of the remaining included factors varied between models (as presented in the tables of Appendix C). However, the sheer number of models analyzed precludes an in depth discussion of each model in terms of factor significance and explanatory power. Therefore, only the significant differences between the models will be discussed here. The Z tests comparing equality of coefficients across the black and white models for the same offenses and statutes are presented in Tables C24a through C24j for incarceration and C27a through C27i for sentence length. These coefficients serve as the lynch pin for the discussion comparing the black and white models.

ALL OFFENSES

Incarceration

Black Offenders

The results of the general offense incarceration model for black offenders are found in Table C1a of Appendix C. Of 11,029 cases originally eligible for analysis, 1,531 were excluded because of missing data. This left a total of 9,498 cases for this analysis.

There are significant differences between this model and the full model discussed in the previous chapter. The most notable difference, in terms of extralegal variables, is the significant impact of trial as mode of disposition (TRIAL) and of being sentenced in various Circuits found in the full model but not in the black general offender model. Thus, the jury tax thesis appears to be accurate in terms of incarceration for the general, race neutral offender but not for the black general offender. This finding is unexpected given that black offenders are more likely to demand trial than white offenders are (Tonry, 1995). It is possible that trial as mode of disposition is so common among black offenders that any "jury penalty" effect is masked. This proposition can be further examined in the black models of sentence length.

In addition, the fact that little variation in black incarceration by Circuit was uncovered is perplexing. Among black offenders, only those sentenced in the DC Circuit had significantly different odds of incarceration than offenders sentenced in the Sixth Circuit. In contrast, the results of the full model revealed that being sentenced in any of six different Circuits decreased an offender's odds of incarceration as compared to the Sixth Circuit. This implies that a racial benefit for whites in terms of an incarceration discount may be operating in those Circuits. Whether these "discounts" are actually present in the white only partitioning remains to be seen.

White Offenders

The results of the general white offender incarceration model are found in Table C2a of Appendix C. Of the 22,327 white offenders in the data set, 3,138 of the cases were rejected because of missing data. This left a total of 19,189 cases for analysis.

The results of the white general offender model are virtually identical to those of the full model. There were, however, a few notable exceptions. Primarily, Hispanic offenders (HISPANIC) had increased odds of incarceration in the white offender model but not in the full model. This implies that the inclusion of black and other racial group offenders in the analyses masks the ethnic effect present for incarceration of the general offender. Why such an effect should be remains unclear at this time. It is possible that an interaction between race and ethnicity exists—but only for whites.

Secondly, while an inverse relationship between education and incarceration was uncovered in both the general model and the black model, offender educational level (EDUCCATN) had no significant impact on the white offender's odds of incarceration. This is contrary to expectation. One possible explanation for this "education benefit" for blacks in terms of incarceration is that black offenders are being rewarded for conforming to societal norms (getting an education) by receiving an educational discount. It is possible that whites are not given such a discount because they are expected to conform more closely to societal norms than blacks.

Sentence Length

Black Offenders

The results of the black general offender sentence length model are reported in Table C1b of Appendix C. In this model, virtually all of the legally relevant variables had a significant impact on sentence length. The exceptions were violent, robbery, and "other" offenses as well as the enhancement of the criminal history score due to the application of career criminal status (CAREER). This is virtually identical to the full model—the only exception being that violent offenses (VIOLENT) received significantly longer sentences in the racially neutral model. In terms of extralegal variables, there were also very few changes from the racially neutral model to the black general offender model. There was some variation in the Circuits that had an impact on sentence length across the models.

White Offenders

The results of the white general offender sentence length model are found in Table C2b of Appendix C. As is true for the black general offender, virtually all legally relevant factors exhibited a significant influence over the sentence length of the white general offender. However, the exceptions in this model are slightly different from those of the general black offender model.

There were few differences, however, between this and the full model of sentence length. Being convicted of a robbery offense (ROBBERY) significantly lengthened the sentence of the white general offender but had no impact on the racially neutral general offense model. Similarly, the defendant's total number of dependents (NUMDEPEN) significantly decreased sentence length in the white general offender model but not in the race neutral general offense model. This indicates that familial paternalism may be operating only for the white offender in terms of sentence length. In addition, the court's acceptance of the PSR (ACCPTPSR) was significant in the racially neutral model but not in the white model. Finally, there was moderate variation in the impact of Circuit on sentence length between the two models.

General Offense Model Comparisons

Table C24a in Appendix C provides a tabular representation of the comparison between the black and white incarceration models while Table C27a presents a similar representation of the differences between the coefficients of the black and white sentence length models. Based upon these findings, there is evidence that the factors affecting sentence severity vary by race—both in terms of imprisonment and sentence length.

Incarceration

Comparison of the coefficients of the significant predictors of incarceration for the black and white offender models revealed several significant differences. In terms of legally relevant factors, the total number of sentence adjustments (ADJUSTME), the presence of a downward sentencing departure (DOWNWARD), and the availability of probation as a sentencing option (PROBATIO) had significantly different impact from the white to black models. Similarly, in terms of extralegal factors, defendant ethnicity (HISPANIC), and being sentenced in the Second Circuit each had significantly different impact across the two racial models.

Sentence Length

The Z tests for equality of coefficients between the black and white general offense models of sentence length also reveal several significant differences. In terms of legally relevant factors, conviction of either a violent (VIOLENT) or a white collar (WHTCLLR) offense, the final criminal history score (XCRHISSR), the statutory minimum sentence (STATMIN), the number of conviction counts (NOCOUNTS), the Court's acceptance of the PSR (ACCPTPSR), the total number of sentence adjustments (ADJUSTME), the presence of a downward sentencing departure (DOWNWARD), the availability of probation as a sentencing option (PROBATIO), the enhancement of the offense seriousness score due to the application of career criminal status (OFFENSEC), and the final offense seriousness score (XFOLSOR) all demonstrated significantly different effects from the black to white models. Similarly, the defendant's number of dependents (NUMDEPEN) and educational level (EDUCCATN) as well as being sentenced in the Second, Third, or Eleventh Circuits differed significantly in influence across the two models.

Conclusions

Several significant differences were found between the black and white models of general federal sentencing. While the differences in coefficients between the racial groups are the most striking for sentence length, incarceration also manifests a number of significant differences in the impact of predictors for blacks as compared to whites. Most pertinent was the discovery of an ethnic effect in the incarceration of white offenders. White offenders of Hispanic ethnicity had higher odds of imprisonment than similarly situated non-Hispanic white offenders. There was no such ethnic effect in either the race neutral or the black model of general offenses. As indicated by the Z coefficients, there is a significant difference in the impact of ethnicity across the black and white models. This finding suggests that there is an interaction between race and ethnicity that is masked when the two offender racial groups (black and white) are modeled together. How this relationship will change when the data are partitioned and analyzed by offense type and statute is unclear and will be investigated shortly. Regardless, this finding provides clear support for Mirande's "Gringo Justice" thesis (Mirande, 1987)—despite the fact that ethnicity was not a significant influence over sentence length for any of the models.

Also of interest was the fact that impact of the total number of sentence adjustments (ADJUSTME), the presence of a downward sentencing departure (DOWNWARD) and the availability of probation as a sentencing option (PROBATIO) varied significantly from the black to white models of incarceration. The effect of the influential differences of these legally relevant factors served to benefit whites and penalize blacks in terms of incarceration odds.

In addition, differences in the odds of incarceration by Circuit are found almost exclusively for white defendants. Whites receive a significant sentence discount in terms of incarceration as compared to blacks in the Second Circuit. This finding also translated to sentence length where the differences in effect for blacks and whites were significant for the Second, Third, and Eleventh Circuits.

Sentence length also varied between white and black offenders by offense type. The effect of being convicted of a violent or white-collar offense as compared to a drug offense varied significantly for white and blacks. This translates to those offense types being roughly equivalent in terms of sentence length for black offenders but vastly different for white offenders. Given that the reference category is drug offenses, this finding suggests that blacks experience longer terms of imprisonment for drug offenses than whites and further bolsters the findings of the previous chapter. However, because these findings could also be the result of black and white defendants being convicted of different types of drug offenses, this proposition (Hypothesis Five) will be further investigated in subsequent models using data partitioned by specific statute.

In addition, several the coefficients of several legally relevant factors differed significantly across the black and white models of sentence length. The final criminal history score (XCRHISSR), the statutory minimum sentence (STATMIN), the number of conviction counts (NOCOUNTS), the Court's acceptance of the PSR (ACCPTPSR), the total number of sentence adjustments (ADJUSTME), the presence of a downward departure (DOWNWARD), and the final offense seriousness score (XFOLSOR) each had significantly different impact across the black and white models. Notably, these differences served to favor whites and penalize blacks.

The Z coefficients also indicate that impact of the total number of defendant's dependents (NUMDEPEN) varies significantly across the racial the models. These differences in the application of familial paternalism across the racial groups may suggest that the courts are less concerned with protecting black families from the costs of a lengthy term of imprisonment. Conversely, this finding may be indicative of the courts attempting to protect black families from the costs of being dependent upon a criminal element. The specific nature of the interaction between race and number of dependents will be further explored in subsequent models.

Finally, the impact of defendant educational level (EDUCCATN) also varied significantly across the models. This provides evidence of an education discount for blacks and may reflect a "reward" for blacks who have conformed to societal norms by pursuing an education. Whites, however, are possibly less eligible for such a reward because they are expected to conform to general social values more than blacks. Thus, such a reward would comport with a "race appropriate behavior" or a "conformity reward" thesis.

Clearly, based upon the above findings, there are several significant differences between the coefficients of the significant predictors of both incarceration and sentence length across the black and white models. Such differences would remain masked if the racially neutral model employing a dummy race variable was used to identify differential treatment by race. Recall that race was not a significant factor in the general offender model of incarceration—although it was a significant predictor in the sentence length model. Regardless, the above findings are supportive of hypothesis three. However, the task of testing hypotheses four and five falls to the following analyses of data partitioned both by race and by offense type.

OFFENSE PARTITIONINGS

Drug Offenses

Incarceration

Black Drug Offenders

The results of the black drug offender model of incarceration are found in table C3a of Appendix C. For this model, of the 5,275 eligible cases, 531 were rejected for missing data—thereby leaving at total of 4,744 cases available for analysis. One notable fining is that black offenders convicted of a either a crack cocaine (CRACK) or marijuana offense (MARIJUAN) had significantly lower odds of incarceration than those convicted of crimes involving powder cocaine.

The former finding concerning crack cocaine is unexpected. Given the public rhetoric concerning the adverse impact of federal crack cocaine penalties on the black community (Tonry, 1995), one would expect a significant effect in the opposite direction. The current finding could be indicative of attempts by courtroom players to circumvent the "Draconian" penalties for federal drug offenses—at least in terms of whether incarceration is the appropriate sentence. If this proposition is indeed true, one would expect to find that the lower odds of incarceration for crack cocaine offenses as compared to powder cocaine offenses holds true only for drug possession (21 USC § 844) cases. This would be because treatment rather than incarceration is considered the more desirable intervention for drug addiction. This possible explanation will be explored in the subsequent black drug statute partitioning models.

In comparison to the racially neutral model of drug offense incarceration, the model for black drug offenders exhibited some differences. Being convicted of a crack cocaine offense (CRACK) significantly decreased black drug defendants' odds of imprisonment but had no effect on the incarceration odds of the general drug offender. Additionally, the total number of sentence adjustments (ADJUSTME) increased the odds of imprisonment for black drug offenders but had no effect for the general drug offender. Also of interest is the finding that neither measure testing the jury tax thesis (TRIAL and DOCPLEA) have significant influence in the imprisonment of black drug offenders but significantly increase the odds of incarceration for the general drug offender. Finally, black drug offenders receive incarceration "discounts" in notably fewer Circuits than do general drug offenders (two as compared to six). This, as in the general offense model, suggests that there is an incarceration discount in some Circuits that does not apply to the black drug offender. See Table C22a for a tabular representation of the comparison between these two models.

White Drug Offenders

The results of the white drug offender incarceration model are presented in Table C4a of Appendix C. Of the 9,437 cases that were eligible for this model, 1,132 were rejected because of missing data—leaving at total of 8,305 cases for this analysis.

Comparison of the white drug offender model to the general drug offender model reveals some interesting differences. Conviction for an "other drug" offense (OTHDRG) decreased white drug offender's odds of incarceration but had no impact for the general drug offender. Similarly, the courts' acceptance of the PSR (ACCPTPSR) decreased the odds of incarceration for white drug offenders but had no impact for the general drug offender. In addition, the statutory minimum sentence (STATMIN) was a significant predictor of incarceration for the general drug offender but not for white drug offenders. Likewise, offender educational level (EDUCCATN) significantly decreased the imprisonment odds for the general drug offender but had no impact for white drug offenders. See Table C23a for a tabular representation of the comparison between these models.

Sentence Length

Black Drug Offenders

Table C3b of Appendix C displays the results of the black drug offender sentence length model. Notably, the number of dependents (NUMDEPEN) significantly lengthened sentences for black drug offenders. As discussed in the preceding chapter, this may be indicative of familial paternalism in the sense that families—in this case black families—are protected from the costs of being dependent upon a criminal element. Based upon the findings of the general models of drug offenses and statutes, one might expect that this finding will hold true only for drug possession (21 USC § 844) cases. Thus, black families would be protected from the negative impact of being dependent on a drug addict. However, this proposition will be explored in subsequent analyses.

In addition, both the presence of a written plea agreement in the case file (DOCPLEA) and trial as mode of disposition (TRIAL) predicted sentence length—albeit in opposite but expected directions. This indicates that the jury tax thesis holds true in regard to duration in the sentencing of black drug offenders. Finally, three Circuits exhibited sentence durations significantly different from the Sixth Circuit for black drug offenders. Being sentenced in either the Second or the Eleventh Circuit lengthened the sentence of black drug offenders while being sentenced in the DC Circuit decreased sentences.

Comparison of this model to the general drug offense model reveals some surprising differences. Most notably, conviction of a crack cocaine offense (CRACK) rather than a powder cocaine offense significantly lengthened the sentence of the average general drug offender but not of the black drug offender. This finding is surprising given the popular rhetoric concerning the impact on black communities of the 100 to 1 punishment differential for crack and powder cocaine offenses. Additionally, probation as a sentencing option (PROBATIO) had a negative effect on sentence length for the general drug offender but not for the black drug offender. Likewise, an upward sentencing departure (UPWARD) increased sentence length for general but not for black drug offenders.

Similar patterns emerged among the extralegal variables. The number of dependents (NUMDEPEN) increased the sentence duration of black drug offenders but had no impact on sentence lengths for general drug offenders. In addition, both citizenship status (USCITIZE) and educational level (EDUCCATN) shortened sentence length for the general drug offender but had no impact on the sentences of black drug offenders. Finally, many more Circuits exhibited significant differences in sentence length as compared to the Sixth Circuit for the general drug offender than for the black drug offender (eight as compared to three). See Table C25a for a tabular representation of the comparison of these models.

White Drug Offenders

The results of the white drug offender sentence length model are presented in Table C4b of Appendix C. Comparison of this model to the general drug offender model also reveals differences. Primarily, conviction of a crack cocaine offense (CRACK) significantly lengthens the sentence of the average general drug offender but not the average white drug offender. In addition, conviction of an "other" drug offense significantly shortens the length of sentence for white drug offenders but not for the general drug offender. Additionally, the courts' acceptance of the PSR (ACCPTPSR) had no impact on the sentence length of white drug offenders but significantly lengthened the sentence duration of the general drug offender. Similarly, the enhancement of the criminal history score due to the application of career criminal status (CAREER) lengthened the sentences of white drug offenders but had no impact on the sentences of general drug offenders.

In terms of extralegal factors, defendant age (AGE) positively impacted sentence length for white drug offenders but had no impact on the sentences of general drug offenders. Similarly, neither defendant educational level (EDUCCATN) nor the presence of a written plea agreement in the case file (DOCPLEA) had a significant impact on the sentence length of white drug offenders but both were significant predictors of general drug offenders' sentence duration. Finally, there was some variation in the significant impact of Circuit across the two models.

Drug Offense Comparisons Across Racial Models

As demonstrated by Tables C24b and C27b, striking differences emerge in the comparison of the black and white models of drug offense incarceration and sentence length. Again, there a substantially more differences by race for the sentence length models than for those of incarceration. In terms of incarceration, the impact of a marijuana, LSD or "other" drug offense conviction differed significantly across the black and white models. Similarly, the effect of the total number of sentence adjustments (ADJUSTME) and the availability of probation as a sentencing option (PROBATION) differed significantly for blacks and whites. Likewise, the impact of offender educational level (EDUCCATN) on incarceration is significantly different across the models.

For sentence length, conviction of an "other" drug offense has significantly different impact for blacks than whites. In addition, the impact of the statutory minimum sentence (STATMIN), the total number of sentence adjustments (ADJUSTME), the presence of either a downward (DOWNWARD) or upward (UPWARD) departure, and the final offense seriousness score (XFOLSOR) over sentence length differs significantly for blacks and whites. In a similar vein, the coefficients of the variables testing the jury tax thesis (TRIAL and DOCPLEA) differ significantly for blacks and whites. In addition, being sentenced in either the Fifth or the Eleventh Circuits has significantly different impact for whites than for blacks.

Firearm Offenses

Incarceration

Black Firearm Offenders

The results of the black firearm offender incarceration model are presented in Table C5a of Appendix C. Of the 1,223 cases eligible for this model, 276 were rejected for missing data. This left a total of 947 cases for the current analysis. Because of insufficient cases with probation as a sentencing option that did not receive imprisonment, the variable measuring this aspect (PROBATIO) was necessarily excluded from this analysis.

Comparison of the black firearm offender model to the general firearm offender model reveals some differences. The number of counts of conviction (NOCOUNTS), the number of defendant's dependents (NUMDEPEN), status as a US citizen (USCITIZE), and defendant educational level (EDUCCATN) had significant impact on the odds of incarceration in the general firearm offense model but not in the black firearm offender model. Thus, black firearm offenders did not receive the sentence discounts in terms of incarceration received for the general firearm offender for having higher educational levels, being a US citizen, or for providing for dependents. See Table C22b of Appendix C for a complete tabular representation of the differences between these models.

White Firearm Offenders

Table C6a of Appendix C provides the results of the white firearm offender incarceration model. Of the 1,852 cases eligible for inclusion in this model, 397 were rejected because of missing data. This left a balance of 1,455 cases for this analysis.

Comparison of this model to the general firearm offense model reveals very few differences between them. The presence of a criminal history (CRIMHIST) significantly increases the odds of imprisonment in the white firearm offender model but has no effect in the general firearm offense model. In addition, female offenders (MONSEX) had significantly lower incarceration odds in the general firearm offense model but there was no significant difference in the odds of incarceration for the white firearm offense model. Finally, status as a US citizen (USCITIZE) decreased imprisonment odds in the general firearm offense model but had no effect in the white firearm offender model. See Table C23b of Appendix C for a complete tabular representation of the differences between these models.

Sentence Length

Black Firearm Offenders

The results of the black firearm offender sentence length model are found in Table C5b of Appendix C. Comparison of this model to the general model of firearm sentence length revealed very few differences. The total number of sentence adjustments (ADJUSTME) showed a positive relationship with sentence length in the general firearm offense model but no effect in the black offender model of firearm offenses. Similarly, defendant age (AGE) showed no effect in the general firearm model but had a positive impact on sentence length for black firearm offenders. Finally, being sentenced in the Tenth Circuit resulted in significantly lower sentences than the Sixth Circuit in the general firearm offense model but had no effect in the model for black firearm offenders. See Table C25b of Appendix C for a complete tabular representation of the differences between these models.

Sentence Length

White Firearm Offenders

Table C6b of Appendix C presents the results of the white firearm offender sentence length model. Comparison of this model to the general firearm offense model revealed only two differences. First, offender age had no significant impact on sentence length in the general model but had an inverse relationship with sentence length for white firearm offenders. Second, being sentenced in the Eleventh Circuit lengthened the term of incarceration in the general firearm offense model but had no effect in the white firearm offender model. See Table C26b of Appendix C for a complete tabular representation of the differences between these models.

Comparison of the Racial Models of Firearm Offenses

As indicated by Tables C24c and C27c, comparison of the incarceration and sentence length model coefficients for black and white firearm offenders reveals few significant differences. Additionally, contrary to the previously identified patterns, the number of significant differences between racial groups is roughly equivalent for sentence length and incarceration. In terms of incarceration, the influence of the final criminal history score (XCRHISRR), the Court's acceptance of the PSR (ACCPTPSR), defendant gender (MONSEX) and education level (EDUCCATN) were all significantly different from the black to the white model. Conversely, in terms of sentence length, the statutory minimum sentence (STATMIN), the number of conviction counts (NOCOUNTS), the total number of sentence adjustments (ADJUSTME), the presence of a downward departure (DOWNWARD), the defendant's age (AGE) and being sentenced in the Eleventh Circuit each had significantly different effects across the black and white models. Thus, while there are clearly significant racial differences in terms of the significant predictors of sentencing outcomes for firearm offenses, there are notably fewer differences by race for these offenses than for drug offenses.

Robbery

Incarceration

Black Robbery Offenders

The results of the black robbery offender incarceration model are found in Table C9a of Appendix C. Of the original 660 eligible cases, 74 were excluded because of missing data. This left a total of 586 cases available for these analyses. Unfortunately, because the bulk of the cases possessing the attribute measured received imprisonment, several independent variables had to be omitted from these analyses—including defendant ethnicity (HISPANIC), trial as mode of disposition (TRIAL), and all of the Circuit variables.

Comparison of this model to the general robbery offender model reveals that two additional variables significantly predict the odds of incarceration. Both the final assigned criminal history category (XCRHISSR) and the total number of sentence adjustments (ADJUSTME) positively influence the general robbery offender's odds of incarceration. These factors have no influence on the black robbery offender's imprisonment odds.

Incarceration

White Robbery Offenders

Table C10a of Appendix C presents the results of the white robbery offender incarceration model. Of the original 1,137 eligible cases, 157 were excluded for missing data—leaving a total of 980 cases available for this analysis.

As compared to the general robbery offense model, there are virtually no differences in terms of the legally relevant factors significantly predicting offender incarceration between the two models. There are differences, however, in the extralegal predictors. Specifically, while the only significant extralegal predictors of incarceration are Circuit variables, there is substantially more variation by Circuit in the white robbery offender model than in the general robbery offender model. Four Circuits demonstrate significantly lower imprisonment odds than the sixth circuit in the white model while only one demonstrates significant differences in the general model.

Sentence Length

Black Robbery Offenders

Table C9b of Appendix C presents the results of the black robbery offender sentence length model. Because of insufficient variance, the availability of probation as a sentencing option (PROBATIO) was omitted as an independent variable in these analyses. However, virtually all of the legally relevant variables included in this model were significant predictors of sentence length for black robbery offenders.

Of particular interest, status as a female (MONSEX) as well as trial as mode of disposition (TRIAL) increased the length of sentence meted out to black robbery offenders. While the former effect is as expected, the latter finding is somewhat surprising. One possible explanation for black female robbery offenders receiving longer sentences than their male counterparts is that commission of a robbery is not gender appropriate behavior for females. Thus, black female robbery offenders are punished more harshly than males because violation of gender appropriate norms of behavior merits punishment beyond what is garnered by the crime itself.

Comparing this model to the general robbery offense model of sentence length reveals only three major differences. Both the courts' acceptance of the PSR (ACCPTPSR) and the enhancement of the criminal history score due to the application of career criminal status (CAREER) while significant for the black model were not significant for the general model. Similarly, but perhaps most importantly, the counterintuitive gender effect uncovered for black robbery offenders is not present in the general robbery offense model. However, because several of the variables included in the general model are excluded in the black model, this comparison must be viewed with caution.

Sentence Length

White Robbery Offenders

The results of the white robbery offender sentence length model are provided in Table C10b of Appendix C. In comparison to the general robbery offense model, there were only minimal differences in the rank order of the significant legally relevant variables in terms of importance and no differences in terms of which variables had significant impact. There were, however, some differences in terms of extralegal factors. The inverse impact of defendant educational level (EDUCCATN) uncovered in the general robbery offense model of sentence length was not present in the white offender model. Likewise, while significant differences by Circuit were discovered in the general robbery offense model, there were no significant sentence length differences by Circuit for the white robbery offender.

Comparison of the Racial Models of Robbery

As demonstrated by Table C24d, there are no significant differences between the black and white model coefficients predicting incarceration for robbery offenses. However, Table C27d indicates few but important differences between the black and white offender models of sentence length for robbery. The influence of the number of counts of conviction (NOCOUNTS), the defendant's gender (MONSEX), the defendant's education level (EDUCCATN), and being sentenced in the Third Circuit differed significantly across the black and white models of robbery offenses. The pattern uncovered here in terms of significant differences between the two racial groups closely mirrors those uncovered for firearm offenses. Again, while significant racial differences between the sentence length models are uncovered for robbery offenses, there are strikingly few significant differences as compared with those present in drug offense models.

"Other" Offenses

Incarceration

Black "Other" Offenders

Table C7a of Appendix C provides the results of the black "other" crime offender incarceration model. Of the 3,912 cases eligible for this model, 649 were rejected because of missing data—leaving a total of 3,263 cases for this analysis.

As compared to the general "other" offender model, the black "other" offender model exhibited some notable differences. Specifically, while none of the included offense types were significant predictors of the incarceration of black "other crime" offenders, being convicted of either a white-collar (WHTCOLLR) or immigration (IMMIGRAT) offense significantly increased the imprisonment odds for the general "other crime" offender. Additionally, neither the number of counts of conviction (NOCOUNTS) nor the courts' acceptance of the PSR (ACCPTPSR) had significant impact on the black "other" offender model of incarceration. However, these factors were significant predictors of imprisonment in the general "other" offense model. Likewise, the total number of sentence adjustments (ADJUSTME) had a positive impact on the odds of incarceration for black "other" offenders but no impact for the general "other" offender.

Additionally, in terms of extralegal factors, there were other notable differences between the two models. Defendant gender (MONSEX), the presence of a written plea agreement in the case file (DOCPLEA), and four Circuit variables (Second, Third, Fifth, and Eleventh) were significant predictors of incarceration in the general but not the black model of "other" offense incarceration. Likewise, defendant ethnicity (HISPANIC) as well as being sentenced in the Seventh Circuit decreased an "other" offender's odds of imprisonment in the black but not in the general model of incarceration.

Incarceration

White "Other" Offenders

The results of the white "other" crime offender incarceration model are presented in Table C8a of Appendix C. Of the original 10,199 cases available for this model, 1,566 were rejected for missing data—leaving a total of 8,633 cases for the current analysis.

In comparison to the general "other crime" model of incarceration, there were remarkably few differences between the white and general models. Among the legally relevant factors, there were no differences in terms of the significant variables and only minor differences in the rank importance of those variables. In terms of extralegal factors, there were only three differences in the significant predictors of incarceration for general and white "other crime" offenders. Female offenders (MONSEX) had lower imprisonment odds in the general model than their male counterparts but there was no such difference in the white offender model. Likewise, offenders sentenced in the Fifth and Eleventh Circuits had lower imprisonment odds than offenders sentenced in the Sixth Circuit for the general model but not the white model of "other crime" offenses. See Table C26a for a tabular representation of this comparison.

Sentence Length

Black "Other" Offenders

Table C7b of Appendix C provides the results of the black "other" crime offender sentence length model. The sentence length model for black "other crime" offenders demonstrates that the most of the included legally relevant factors are significant predictors of sentence length.

Comparison of this model to the general "other crime" offender model reveals only three differences in the legally relevant significant predictors of sentence length. Although being convicted of either a white-collar (WHTCOLLR) or property (PROPERTY) offense had no impact on the sentence of the general "other crime" offender, both increased sentence duration for black "other crime" offenders. The total number of sentence adjustments (ADJUSTME) had a positive effect on sentence duration for the black offender model but no impact for the general offender model. There was also moderate variation in the rank importance of these significant predictors.

There were substantially more differences between these models in terms of significant extralegal factors. Decidedly fewer extralegal factors were significant predictors of sentence length for the black model than for the general model. For example, offender age (AGE) and citizenship status (USCITZE) as well as trial as mode of disposition (TRIAL) were significant predictors of sentence length for general "other crime" offenders but not for black "other crime" offenders. In addition, offenders sentenced in the Second Circuit received significantly shorter sentences as compared to those sentenced in the Sixth Circuit for the general model but not for the black model. Conversely, black "other crime" offenders received significantly longer sentences in the Eighth Circuit as compared to the Sixth Circuit. There was no such positive effect for the general "other crime" offender.

Sentence Length

White "Other" Offenders

The results of the white "other" crime offender sentence length model are presented in Table C8b of Appendix C. Comparison of this model to the general "other crime" offender model reveals interesting differences. Conviction of either a property (PROPERTY) or white-collar (WHTCOLLR) offense shortened sentences for white "other crime" offenders but had no significant impact for the general "other crime" offender. Conversely, conviction of an immigration offense (IMMIGRAT) lengthened the term of incarceration for the general but not the white offender. In addition, the courts' acceptance of the PSR (ACCPTPSR) shortened the sentences of the general "other crime" offender but had no effect for white "other crime" offenders.

In terms of extralegal factors, there were additional differences. Female offenders (MONSEX) received significantly shorter sentences in the general model but not in the white offender model. Likewise, offenders sentenced in the Eleventh Circuit received significantly shorter sentences than those sentenced in the Sixth Circuit in the general model but not in the white model. Conversely, offenders sentenced in the Ninth Circuit received significantly shorter sentences than those sentenced in the Sixth Circuit in the white model but not in the general model.

Racial Comparison Across "Other" Offense Models

As revealed by the Z coefficients presented in Tables C24e and C27D, comparison of the race specific "other crime" models of incarceration and sentence length reveal significant differences in the impact of predictors of the sentence outcome for the two racial groups. In terms of incarceration, the total number of sentence adjustments (ADJUSTME), the final offense seriousness score (XFOLSOR), as well as being sentenced in either the Third or Seventh Circuits manifest different effects across the black and white models. Clearly, race interacts with several factors—a finding that would be masked by exclusively relying on the general model. The determinants of sentence length also exhibit racial differences. The influence of the statutory minimum sentence (STATMIN), the total number of sentence adjustments (ADJUSTME), and the enhancement of the offense seriousness score due to the application of career criminal status (OFFENSEC) as well as the defendant's gender (MONSEX) and being sentenced in the Eighth or Ninth Circuits vary significantly between the white and black models.

Interestingly, while the "other" offense models demonstrate more significant racial differences in coefficients than either firearms or robbery offenses, it is not the grouping that has the most differences by race. Drug offenses demonstrate the greatest number of significant racial differences in the predictors of sentencing outcomes.

Conclusions: Offense Partitioned Analyses

Review of Findings

The differences uncovered by comparing the race specific offense models to the general offense models reveal differential application and usage of both legal and extralegal factors by race and offense type in the sentencing of federal offenders. Clearly there are interactions between race and offense type as well as three-way interactions between race, offense type and the included legal and extralegal factors. Such relationships are not uncovered in the general offense model or in the models partitioned by only race or only offense type.

In addition, these findings clearly indicate substantial differences between the race-specific models of incarceration and sentence length for drug offenses. Overall, whites generally appear to benefit from these differences in the drug offense models while blacks appear to be penalized by them. Thus, these findings provide support for hypothesis three—that black defendants will receive harsher treatment than white defendants. In addition, they provide tacit support for hypothesis four—that drug offenses will produce the bulk of any uncovered racial disparity.

Additionally, that the racial models for firearms and robbery offenses were quite similar in terms of coefficients suggests that firearm offenses are not a source of the racial disparity present in federal sentencing. Thus, the results of the firearm offense model lend support to hypothesis four—the bulk of the existing sentence disparity by race would be found in the drug offense models. Each of the above findings comports with theoretical expectation.

However, an interesting paradox is introduced in examining the significant racial differences in coefficients for the "other" offense model. Contrary to expectation, this group of offenses occupies the middle ground in terms of number of significant coefficient differences between racial groups. It was expected that this group, representing *Guideline* offenses only, would manifest the least number of significant differences in predictors between the two racial groups. Explanations for these counterintuitive findings will be developed and explored more fully with the analysis and comparison of the statute specific models.

Patterns

Based upon the models of incarceration, one overarching pattern emerges—extralegal factors play a much more prominent role in the imprisonment of white offenders than black offenders. In addition, the pattern of both positive and negative significant effects on the odds of white and black incarceration show striking differences in the treatment of the two racial groups. First, in regard to extralegal factors, whites generally benefit more from the consideration of extralegal factors than blacks. This is exemplified by the degree to which significant negative effects of extralegal factors on incarceration odds for whites greatly outnumber those for blacks. For example, nine extralegal factors decrease the imprisonment odds for white drug offenders while only five decrease the incarceration odds for black drug offenders.

Second, the influence of legally relevant factors, on the surface, appears to vacillate between leniency toward whites and leniency toward blacks. Most notably, the statutory minimum sentence (STATMIN) has a negative impact on the odds of incarceration for black drug offenders but no effect for white drug offenders. Conversely, the courts acceptance of the PSR (ACCPTPSR) has a beneficial impact for whites but not for blacks in both the drug and "other" offense models. Additionally, the total number of sentence adjustments (ADJUSTME) has an adverse impact for blacks but not for whites in both the drug and "other" offense models. Yet, for both firearm and robbery offenses, white offenders' imprisonment odds are increased by the number of counts of conviction (NOCOUNTS) or the total number of sentence adjustments (ADJUSTME) and final criminal history category (XCRHISSR) respectively.

Closer examination of these relationships reveals an interesting paradox. The findings *suggest* that the courts must have an alternate reason, besides conviction of an offense, to sentence white offenders to prison. Conversely, for black defendants, the courts seem to require a reason for *not* sending them to prison. In other words, factors that significantly increase imprisonment odds for whites but not for blacks are indicative of their function as aggravating factors for whites. Similarly, factors that significantly decrease the odds of imprisonment for blacks but not whites serve as mitigating factors for blacks. For example, the negative impact of the statutory minimum on black drug offenders' incarceration odds suggests that the public rhetoric regarding the racial inequality "inherent" in federal drug sentencing—specifically the *Mandatory Minimums*—provides a reason for being more lenient with black drug offenders. Likewise, higher numbers of conviction counts and sentence adjustments or more serious criminal histories provide the courts with the additional reason needed to incarcerate white offenders. This pattern is consistent with the racial patterns uncovered by recent research concerning the Pennsylvania guidelines (Ulmer and Kramer, 1996). However, it only appears to hold true for the incarceration decision and only in some offense models.

In terms of sentence length, the patterns of effect are not as straightforward. For firearm offenses, there are very few differences in significant influences between the racial models. Yet, it is in this model that the effect of offender age on sentence length reverses between the white and black offender models. Conversely, in the drug offense model, there are no directional changes in significant effects but nine factors significant in the white offender model are not significant in the black offender model. Robbery offenses represent yet another pattern—with legal factors having virtually identical effects for the black and white models but extralegal factors having vastly different effects. Finally, in the "other" offense model the significant legal and extralegal factors vary substantially between the two models and the sign changes in two of the significant relationships. Clearly, there is a strong interaction between offense type and offender race. In addition, both of these factors condition the degree of influence wielded over the sentencing outcome by other potentially influential factors.

Clearly, these results not only reinforce the utility of partitioning the data by offense type but also effectively demonstrate the importance of separately modeling the impact of race. These findings provide evidence supportive of both hypotheses three and five. However, given that there is no differentiation between *Mandatory Minimum* and *Guideline* offenses in the above-presented models, the support for hypothesis five is only circumstantial. It falls to the analysis of race and statute-specific models to fully explore hypothesis five.

STATUTE PARTITIONINGS

21 USC § 841

Incarceration

Black 21 USC § 841 Offenders

Table C11a of Appendix C provides the results of the black 21 USC § 841 offender incarceration model. Of the 2,417 cases eligible for inclusion in this model, 192 cases were excluded because of missing data. This left a total of 2,225 cases for analysis.

Comparison of this model to the general 21 USC §841 offender model reveals several differences. While the total number of sentence adjustments (ADJUSTME) was the only legally relevant factor significant in only the general model, several extralegal factors were significant predictors of incarceration for general but not black 21 USC § 841 offenders. Citizenship status (USCITIZE), the presence of a written plea agreement in the case file (DOCPLEA), and several Circuit variables had significant impact on incarceration odds in the general model but not in the black model. See table C22b for a tabular representation of this comparison.

Incarceration
White 21 USC § 841 Offenders

The results of the white 21 USC § 841-offender incarceration model are presented in Table C12a of Appendix C. Of the 4,050 cases available for this analysis, 392 were rejected for missing data—leaving a total of 3,658 cases for testing this model.

Comparison of this model to the general 21 USC § 841 offender model revealed few differences. While conviction of a crack cocaine (CRACK) offense significantly decreased the general offender's odds of imprisonment, it had no such effect for white offenders. Likewise, the total number of sentence adjustments (ADJUSTME) increased the general offender's incarceration odds but had no impact on the incarceration of white offenders. In addition, the number of dependents (NUMDEPEN) decreased incarceration odds for white 21 USC § 841 offenders but had no effect for general 21 USC § 841 defendants. Similarly, offender citizenship status (USCITIZE) and education level (EDUCCATN) significantly decreased general offenders' odds of imprisonment but had no impact on the incarceration of white offenders. See table C23b for a tabular representation of this comparison.

Sentence Length
Black 21 USC § 841 Offenders

Table C11b of Appendix C presents the results of the black 21 USC § 841 offender sentence length model. Comparison of this model to the general 21 USC § 841 model of offender sentence length revealed several major differences. Primarily, while drug type of conviction had no impact on the sentences of black offenders, being convicted of heroin, methanmphetamine, or "other" drug offenses significantly affected the sentence length of the general 21 USC § 841 offender. In addition, the presence of probation as a sentencing option (PROBATIO) significantly lengthened the term of incarceration for black 21 USC § 841 offenders but not for general 21 USC § 841 offenders. Similarly, the enhancement of the criminal history score due to the application of career criminal status (CAREER) significantly increased sentence duration for the general but not the black 21 USC § 841 offender.

The differences between these models in terms of extralegal variables were even more pronounced. Defendant gender (MONSEX), number of dependents (NUMDEPEN), citizenship status (USCITIZE), and educational level (EDUCCATN) all had a negative relationship with the sentence length of the general 21 USC § 841 offender but no impact on that of the black 21 USC § 841 offender. In addition, trial as mode of disposition (TRIAL) significantly increased sentence length for the general but not for the black 21 USC § 841 offender. See table C25b for a tabular representation of this comparison.

Sentence Length

White 21 USC § 841 Offenders

The results of the white 21 USC § 841 offender sentence length model are presented in Table C12b of Appendix C. Comparison of this model to the general 21 USC § 841 offender model indicates only one change in terms of legally relevant factors. Being sentenced of a marijuana (MARIJUAN) offense significantly decreased sentence length for white 21 USC § 841 offenders but had no significant impact for the general 21 USC § 841 defendant. More differences were observed in comparing the significant extralegal factors. Defendant age (AGE), trial as mode of disposition (TRIAL), and being sentenced in the Eleventh Circuit all had a positive relationship with sentence length for the general 21 USC § 841 offender but not for white 21 USC § 841 offenders. Similarly, white 21 USC § 841 offenders sentenced in the Second, Third, Eighth, or Ninth Circuits received significantly shorter sentences than those sentenced in the Sixth Circuit but there was no such effect for the general 21 USC § 841 offender. See table C26b for a tabular representation of this comparison.

Conclusions: 21 USC § 841 Models

There are very few differences in the significant, legally relevant predictors of incarceration across the general and race-partitioned models. Conviction of a crack cocaine (CRACK) offense significantly lowered the odds of incarceration for both the general and black 21 USC § 841 offender but had no impact for white 21 USC § 841 offenders.[136] However and surprisingly, the Z test indicates that the difference between

[136] There are two possible explanations for this finding. First, the negative effect for black defendants could be a product of the Court's attempt to circumvent the *Mandatory Minimum* for the group perceived to be most affected by the crack/powder cocaine sentence disparity. This perspective also explains why there

the crack coefficients for the white and black models were not significant. Yet, conviction of a marijuana offense and the presence of a downward sentencing departure had significantly different impact on the incarceration odds of black and white defendants. Similarly, white 21 USC § 841 offenders sentenced in the Eighth Circuit had significantly lower incarceration odds than black 21 USC § 841 defendants. Conversely, the defendant's education level (EDUCCATN) served to significantly lower black defendant's incarceration odds as compared to those of white defendants. This "educational incarceration discount" for black defendants has appeared in previous models and may be the product of the Courts rewarding blacks for conformity to societal norms and values via education. See Table C24f for a tabular representation of these model comparisons.

As in the incarceration models, there are few significant racial differences in the predictors of sentence length. In terms of legally relevant factors, significant differences in the impact of the total number of sentence adjustments (ADJUSTME), the availability of probation as a sentencing option (PROBATIO), the enhancement of the offense seriousness score due to the application of career criminal status (OFFENSEC), and the

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is no significant impact on the odds of incarceration for whites. A second explanation entails the devaluing of the black community as compared to the white community. The lower odds of incarceration for black 21 USC § 841 crack cocaine offenders means that black individuals who manufacture and distribute crack cocaine are more likely to be released back into the community than those who manufacture or distribute powder cocaine. Because the communities "served" by these defendants are likely to be black communities (Tonry, 1995), the threat these offenders pose to black communities is not removed. Such an effect is not present for white 21 USC § 841 offenders—meaning that white 21 USC § 841 crack offenders have roughly equivalent imprisonment odds as white 21 USC § 841 powder cocaine offenders. Thus, the threat that they present to the community is removed. Determining which perspective is the correct one is beyond the scope of this research. However, each is a viable explanation of the findings.

final offense seriousness score (XFOLSOR) were found between the black and white models.

Most strikingly, the availability of probation as a sentencing option (PROBATIO) lengthened the average sentence of black 21 USC § 841 defendants but had no impact on the white 21 USC § 841 offender. This finding suggests that black 21 USC § 841 defendants who were eligible for probation but were instead imprisoned are viewed as more threatening than similarly situated white offenders—hence the need to imprison them for significantly longer terms.

Extralegal factors also exhibit significant differences in influence between the racial models of sentence length. Notably, defendant age (AGE) and being sentenced in the Eleventh Circuit significantly increased sentence duration for black 21 USC § 841 defendants but had no effect for white 21 USC § 841 defendants. Likewise, being sentenced in the Third Circuit significantly shortened the sentences of white offenders but had no impact on those of black defendants. See Table C27f for a tabular comparison of these models.

Clearly, differences in the use of extralegal factors in sentence length produces sentence disparity detrimental to blacks and beneficial to whites. This is clear support for both hypotheses four and five.

21 USC § 844
Incarceration
Black 21 USC § 844 Offenders

As mentioned in a previous chapter, 21 USC § 844 is the *Mandatory Minimum* statute that covers criminal possession of a controlled substance. The results of the black

21 USC § 844-offender incarceration model are presented in Table C13a of Appendix C. Unfortunately, of the 205 cases eligible for this analysis thirty-nine were rejected because of missing data, leaving only 166 cases for analysis. This number borders on being too small for meaningful analysis—given that 200 is the ideal minimum number of cases for analysis. Therefore these findings must be viewed with caution. In addition, there was not enough variation in the dependent variable by several independent variables. As a result, the Circuit and ethnicity variables had to be excluded from these analyses. Moreover, because of insufficient numbers of cases some of the drug variables also could not be included in these analyses.

Comparison of this model to the general 21 USC § 844 offender model reveals some notable differences. Although both were significant for the black model, neither the number of counts of conviction (NOCOUNTS) nor the defendant's educational level (EDUCCATN) were significant predictors of incarceration for the general 21 USC § 844 offense model. Likewise, the offense severity score (XFOLSOR) and the number of dependents (NUMDEPEN) were significant predictors of incarceration for general 21 USC § 844 offenders but not for black 21 USC § 844 defendants. See Table C22b for a tabular representation of this comparison.

Incarceration

White 21 USC § 844 Offenders

Table C14a of Appendix C presents the results of the white 21 USC § 844 offender incarceration model. Of the 593 cases eligible for analysis, 261 were rejected for missing data, leaving a total of 332 cases for this model. Comparison of this model to the general 21 USC § 844 offense model revealed notable differences. The total number of sentence adjustments (ADJUSTME) and offender education level were significant predictors of incarceration for white 21 USC § 844 offenders but had no impact for the general 21 USC § 844 defendant. Likewise, the availability of probation as a sentencing option (PROBATIO) and the final offense seriousness score (XFOLSOR) had significant impact on the odds of incarceration for the general 21 USC § 844 defendant but not for white 21 USC § 844 defendants. See Table C23b for a tabular representation of this comparison.

Sentence Length

Black 21 USC § 844 Offenders

The result of the sentence length model for black 21 USC § 844 defendants is presented in Table C13b of Appendix C. Of the independent variables included in this model, only five were significant predictors of sentence duration for black 21 USC § 844 offenders. All of these represent legally relevant factors. In addition, this model is the first model in which the hazard rate does not explain a significant portion of the sentence length variance.

Comparison of this model to the general 21 USC § 844 offense model reveals several differences in the significant predictors of sentence length. Of the legally relevant factors, both the number of counts of conviction (NOCOUNTS) and the presence of an upward departure (UPWARD) significantly lengthened sentence duration in the general 21 USC § 844 model but not in the black 21 USC § 844 model. Moreover, two extralegal factors—defendant status as a Hispanic (HISPANIC) and number of dependents (NUMDEPEN)—increased the sentence length of general 21 USC § 844 offenders but not of black 21 USC § 844 defendants. See Table C25b for a tabular representation of this comparison.

Sentence Length
White 21 USC § 844 Offenders

The results of the sentence length model for white 21 USC § 844 offenders are presented in Table C14b of Appendix C. Comparison of this model to the general 21 USC § 844 model reveals several differences in the significant predictors of sentence length. Amongst drug types, conviction of a crack cocaine (CRACK) offense significantly lengthened the sentences of white 21 USC § 844 offenders but had no impact for the general 21 USC § 844 defendant. Similarly, conviction of either a marijuana (MARIJUAN) or a methanmphetamine (METHAM) offense significantly lengthened the term of incarceration for general 21 USC § 844 offenders but had no effect for white 21 USC § 844 defendants.

Additionally, the final assigned criminal history category (XCRHISSR) and the final offense seriousness score (XFOLSOR) significantly lengthened sentences in the general 21 USC § 844 model but had no impact in the white 21 USC § 844 model. Likewise, the enhancement of the criminal history score due to the application of career criminal status (CAREER) increased sentence length for white 21 USC § 844 offenders but had no impact in the general 21 USC § 844 model. In addition, the total number of sentence adjustments (ADJUSTME) and the presence of a downward departure (DOWNWARD) significantly shortened sentences for general 21 USC § 844 offenders but had no effect for white 21 USC § 844 defendants. Similarly, the availability of probation as a sentencing option (PROBATIO) significantly decreased white 21 USC §

844 offenders' terms of imprisonment but had no effect for the general 21 USC § 844 defendant.

There were similar differences in terms of the influence of extralegal factors on the sentence length imposed for 21 USC § 844 offenses. Both the defendant's number of dependents (NUMDEPEN) and status as a Hispanic (HISPANIC) exhibited a positive relationship with the sentence length of the general 21 USC § 844 offender but no impact of the sentence length of white 21 USC § 844 offenders. Likewise, being sentenced in either the Tenth or Eleventh Circuit significantly lengthened the sentences of white 21 USC § 844 offenders—as compared to those sentenced in the Sixth Circuit—but had no significant impact for the general 21 USC § 844 offender. See Table C26b for a tabular representation of this comparison.

Conclusions: 21 USC § 844

These findings reveal important differences in the sentencing of black and white 21 USC § 844 offenders. In regard to the models of incarceration, only two significant differences in coefficients were apparent across black and white models. The influence of the final criminal history category (XCRHISSR) and of the number of conviction counts (NOCOUNTS) differed significantly between blacks and whites. Notably, the number of counts of conviction (NOCOUNTS) increased the odds of incarceration only for black 21 USC § 844 defendants. In addition to the differences uncovered by the Z tests (See Table C24g for a tabular representation of this comparison) some factors were significant in one but not the other model. Clearly, these results indicate that different factors determine whether or not black or white 21 USC § 844 offenders will be incarcerated. The findings certainly suggest that the incarceration decision for drug possession is influenced by different race-related contextual factors

While both the variation and the influence of legal and extralegal factors is much more substantial in the models of sentence length rather than the models of incarceration, the implications of the uncovered relationships are no more clear. Conviction of a crack cocaine offense (CRACK), serves to lengthen the term of incarceration for white 21 USC § 844 offenders but have no impact on the sentences of black 21 USC § 844 offenders. Conversely, conviction of a marijuana offense (MARIJUAN), the final criminal history category (XCRHISSR), and the final offense seriousness score (XFOLSOR) demonstrate a positive relationship with sentence length for black 21 USC § 844 offenders but no impact on the sentences of white 21 USC § 844 defendants. In a similar vein, the total number of sentence adjustments (ADJUSTME) and the presence of a downward departure (DOWNWARD) significantly shorten the sentence length of black 21 USC § 844 offenders but have no effect on those of white 21 USC § 844 offenders. Moreover, the Z tests (Table C27g) indicate that the above racial differences in the coefficients are all statistically significant. Yet, no significant differences between the two racial models are found between the coefficients of extralegal variables.

Clearly, extralegal factors play a minimal role in determining sentence length for 21 USC § 844 offenders regardless of race. Yet, there are distinct differences by race in the relationship between legally relevant factors and sentence length. However, given the relatively equal mix of beneficial and detrimental effects between groups, there is no clear advantage or disadvantage for either blacks or whites in terms of sentence length.

The results do not provide clear support for the research hypotheses. Yet, they do not refute the hypotheses either. In addition, these findings neither support nor refute the previously discussed proposition of the court's needing an "additional" reason to incarcerate whites while requiring "additional" reasons not to incarcerate blacks.

21 USC § 960 Drug Offenses

Unfortunately, for 21 USC § 960 offenses, there were only sixty-four eligible cases for the black offender model and 135 cases available for the white defendant model. Thus, there were insufficient cases to run any meaningful analyses for either racial partitioning. As a result, 21 USC § 960 offenses cannot be used to test the racial hypotheses.

Other Drug Offenses

Incarceration

Black "Other" Drug Crime Offenders

Table C15a of Appendix C reports the results of the black "other" drug crime offender model of incarceration. Of the 2,677 cases available for this model, 299 were rejected because of missing data—leaving a total of 2,378 cases for analysis. Because of insufficient variance, neither the measure of the availability of probation (PROBATIO) nor that of the presence of a downward departure (DOWNWARD) is included in this model.

Comparison of this model to the general "other" drug offense model reveals few notable differences. Conviction of a heroin offense (HEROIN) significantly increased the odds of incarceration for black "other" drug offense defendants but had no impact on the general "other" drug offense model. Conversely, conviction of an "other drug" drug offense (OTHDRG) significantly decreased the imprisonment odds for the general but not the black "other" drug offense defendants. Similarly, the statutory minimum sentence (STATMIN) significantly decreased blacks imprisonment odds but not those of the general "other" drug crime offender.

There were also differences in terms of extralegal factors. Defendant citizenship (USCITIZE) as well as being sentenced in the First or Fourth significantly lowered the general "other" drug offense defendant's odds of incarceration but had no impact for black "other" drug offense defendants. See Table C22b of Appendix C for a tabular representation of this comparison.

Incarceration

White "Other" Drug Offense Offenders

The results of the incarceration model for white "other" drug crime offenders are presented in Table C16a of Appendix C. Of the 4,830 cases originally available for this model, 481 were rejected for missing data, leaving a total of 4,349 cases for this analysis. In terms of legally relevant factors, the results of this and the general "other" drug offense model of incarceration are virtually identical. The one exception is that the total number of sentence adjustments (ADJUSTME) increased incarceration odds in the general model but not the current model.

Extralegal factors, however, exhibited a different pattern of influence. Status as a US citizen (USCITIZE) and being sentenced in the First Circuit decreased imprisonment odds in the general "other" drug offense model but not in the white "other" drug offense model. Additionally, the presence of a written plea agreement in the case file

(DOCPLEA) increased white offenders odds of imprisonment but had no effect in the general model. See Table C23b for a tabular representation of this comparison.

Sentence Length

Black "Other" Drug Crime Offenders

Table C15b of Appendix C presents the results of the sentence length model for black "other" drug crime offenders. Comparison of this model to the general "other" drug crime offense model revealed minor differences in terms of legally relevant variables. Conviction of a heroin offense (HEROIN) and the availability of probation as a sentencing option (PROBATIO) had no impact in the general model but significantly lengthened sentence duration in the black model. Additionally, the number of counts of conviction (NOCOUNTS) and the presence of an upward departure (UPWARD) significantly lengthened incarceration terms in the general but not the black offender model of "other" drug crimes.

There were also differences between the two models in terms of significant extralegal factors. Status as a US citizen (USCITIZE) as well as being sentenced in the Third Circuit significantly shortened sentences for general but not for black "other" drug crime offenders. Likewise, being sentenced in either the Fifth or the Ninth Circuits increased sentence duration as compared to being sentenced in the Sixth Circuit for the general but not for black offenders. See Table C25b for a tabular representation of this comparison.

Sentence Length

White "Other" Drug Crime Offenders

Table C16b of Appendix C presents the results of the sentence length model for white "other" drug crime offenders. Comparison of this model to the general "other" drug crime model revealed few differences in terms of legally relevant factors. While conviction of either a marijuana (MARIJUAN) or an "other drug" offense significantly shortened sentence length for white offenders, these factors had no impact on sentence length for the general "other" drug crime offender. Additionally, the presence of a criminal history (CRIMHIST) significantly lengthened the sentences of white offenders but had no impact for the general "other" drug crime defendant. Similarly, the Courts' acceptance of the PSR (ACCPTPSR) significantly lengthened sentences for the general "other" drug crime offender but had no effect for white "other" drug crime defendants.

The differences between these two models in terms of extralegal factors were somewhat more striking. The defendant's age (AGE) had a positive relationship with the sentence length of white "other" drug crime offenders but had no impact on the sentences of general "other" drug crime defendants. Conversely, the number of defendant's dependents (NUMDEPEN) had a positive relationship with the sentence length of general "other" drug crime defendants but no relationship with the sentences of white "other" drug crime offenders. In addition, defendant status as a US citizen (USCITIZE) and the presence of a written plea agreement in the case file (DOCPLEA) decreased the sentence length of the general "other" drug crime offender but not that of white "other" drug crime defendants. Finally, there was moderate variation in the impact of Circuit of sentencing between the two models. See Table C26b for a tabular representation of this comparison.

Conclusions: Other Drug Crimes

The patterns revealed by these analyses are complex and difficult to interpret. For incarceration, again, the significant predictors vary by race. In terms of significant differences between the coefficients of the two models, however, conviction or a marijuana offense (MARIJUAN) and the total number of sentence adjustments (ADJUSTME) were the only two factors whose effects differed. Specifically, the total number of sentence adjustments (ADJUSTME) while having no impact for white "other" drug crime offenders significantly increased black "other" drug crime defendants' incarceration odds.

The differences apparent in the racial models of "other" drug crime sentence length are much more dramatic. Conviction of a heroin offense (HEROIN) significantly increased the sentence length of black "other" drug crime offenders while having no impact for white offenders. Clearly, drug type involved plays a differential role in the sentencing of black and white drug offenders.

Examination of the other legally relevant factors indicates that the Courts' acceptance of the PSR (ACCPTPSR) and the availability of probation as a sentencing option (PROBATIO) significantly increased sentence duration for black but not white "other" drug crime offenders. This finding may be indicative of increased use and acceptance of relevant conduct in "other" drug crime cases with black defendants. However, exploration of this proposition is beyond the scope of these analyses. In addition, the Z tests for equality of coefficients (Table C27h) indicate that the influence of the final criminal history category (XCRHISSR), the statutory minimum sentence

(STATMIN), the total number of sentence adjustments, and the final offense seriousness score (XFOLSOR) all have significantly different effects for whites than for blacks.

In terms of extralegal factors, defendant age (AGE) significantly lengthened sentences for white "other" drug crime offenders but not for their black counterparts. Likewise, the total number of dependents (NUMDEPEN) significantly lengthened the incarceration term for black but not white "other" drug crime defendants. These findings are both indicative of indirect leniency toward whites. Whites are penalized more harshly as they age while young and old black offenders are treated roughly the same for "other" drug crimes. In addition, blacks with more dependents (NUMDEPEN) receive longer prison sentences than similarly situated whites. This, as previously discussed, may be indicative of reverse familial paternalism in the sense that black parents convicted of "other" drug crimes are seen as no longer suitable to care for their children while whites convicted of "other" drug crimes do not suffer such stigma.

Yet, leniency is not reserved for whites in this model. The presence of a written plea agreement in the case file (DOCPLEA) significantly shortens the sentence length of black "other" drug crime offenders but has no impact on the sentence duration of white "other" drug crimes defendants. This finding may be indicative of differential use of acceptance of responsibility departures for whites and blacks. Of final note, the variation in Circuit influence on length of incarceration is clearly beneficial to whites—given that being sentenced in the Eleventh Circuit significantly lengthens the sentences of blacks but not whites.

18 USC § 924 Firearm Offenses

There were only 179 total white 18 USC § 924-offender cases eligible for these analyses. Unfortunately, this is insufficient for meaningful analysis—particularly since fifty-three of these cases would be excluded for missing data. Thus, the white offender 18 USC § 924 models could not be estimated. In addition, because of insufficient variance in the variable measuring incarceration, the black 18 USC § 924 imprisonment model also could not be estimated. In addition and as a result of this, the hazard rate for the black 18 USC § 924 sentence length model could not be calculated. Finally, although there were 221 cases initially eligible for the black 18 USC § 924 sentence length model, sixty-six of these cases were excluded for missing data—leaving only a total of 155 cases available for the actual analyses. Again, this is too few for meaningful interpretation. Thus, no analyses of the USC § 924 incarceration or sentence length are presented here.

"Other" Firearm Offenses

Incarceration

Black "Other" Firearm Offenders

The results of the black "other" firearm crime offender model of incarceration are presented in Table C18b of Appendix C. Of the 1,029 cases originally eligible for this model, 121 were rejected for missing data. This left a total of 908 cases available for these analyses. Comparison of this model to the general "other" firearm offense model reveals some notable differences. While all of the factors that significantly predicted incarceration for the black model were also significant in the general model, not all of the predictors significant in the general model were significant in the black offender model. In the general "other" firearm offense model, the number of conviction counts (NOCOUNTS) had a positive relationship with the odds of incarceration. Similarly, the number of defendant's dependents (NUMDEPEN) and status as a US citizen significantly decreased imprisonment odds for the general but not for black "other" firearm offense defendants. See Table C22c for a tabular representation of this comparison.

Incarceration

White "Other" Firearm Offenders

Table C19a of Appendix C presents the results of the white "other" firearm crime offender model of incarceration. Of the original 1,673 cases eligible for this model, 267 were excluded because of missing data—leaving a total of 1,406 cases available for analysis. Comparison of this model to the general "other" firearm offense model revealed three differences in terms of significant predictors. The presence of a criminal history (CRIMHIST) significantly increased the incarceration odds of white but not general "other" firearm offense defendants. Likewise, the defendant's educational level (EDUCCATN) had an inverse relationship with the odds of imprisonment for white "other" firearm offense defendants but not for general "other" firearm offense defendants. Finally, the number of defendant's dependents significantly decreased imprisonment odds for the general but not for white "other" firearm offense defendants. See Table C23c for a tabular representation of this comparison.

Sentence Length

Black "Other" Firearm Offenders

The results of this model are presented in Table C18b of Appendix C. Comparison of this model to the general "other" firearm offense model revealed no differences in terms of the legally relevant significant predictors of sentence length. Similarly, there was only one difference in the extralegal factors that significantly predicted sentence length between the two models. Status as a US citizen (USCITIZE) significantly shortened sentence length in the general but not the black model of "other" firearm offenses. See Table C25c for a tabular representation of this comparison.

Sentence Length
White "Other" Firearm Offenders

The results of the white "other" firearm offense model are presented in Table C19b of Appendix C. Comparison of this model to the general "other" firearm offense model revealed only one difference in the legally relevant predictors of sentence length for the "other" firearm offense models. Number of conviction counts (NOCOUNTS) significantly lengthened sentences in the general but not in the white model of "other" firearm offenses. There were more differences between the models in terms of extralegal factors. Defendant age (AGE) significantly lengthened sentences for white "other" firearm offense defendants but had no impact on for general "other" firearm offense offenders. Likewise, status as a US citizen (USCITIZE) and being sentenced in the Eleventh Circuit significantly predicted sentence length in the general but not the white "other" firearm offense model. See Table C26c for a tabular representation of this comparison.

Conclusions: "Other" Firearm Offenses

Based upon the above findings, there appears to be little preferential treatment of whites in terms of incarceration. In fact, there are very few differences between the racial models of "other" firearm offenses. For example, no significant factors demonstrate significant differences between the coefficients of the black and white models in the incarceration of "other" firearm offense defendants (See Table C24i). There were also few differences between the racial models of sentence length. In terms of legally relevant factors, the statutory minimum sentences (STATMIN), the total number of sentence adjustments (ADJUSTME), the presence of a downward sentencing departure (DOWNWARD) and the availability of probation as a sentencing option (PROBATIO) each had significantly different effects for white and black defendants. Defendant age also (AGE) had a positive relationship with the sentence length of white defendants but no influence over that of blacks.

Overall, in terms of conclusions, the findings are mixed. The differences between the incarceration models were negligible. This finding is supportive of both hypotheses four and five. However, the differences in the sentence length models somewhat refute these hypotheses.

18 USC § 2113 Offenses

Incarceration

Black 18 USC § 2113 Offenders

Table C20a of Appendix C reports the results of the black 18 USC § 2113 model of incarceration. Because of insufficient variance on the dependent variable with the Circuit variables as well as the variables capturing defendant citizenship status (USCITIZE) and ethnicity (HISPANIC), the presence of a downward sentencing departure (DOWNWARD), the courts' acceptance of the PSR (ACCPTPSR) and the availability of probation as a sentencing option (PROBATIO), these variables were excluded from this analysis. This issue was also a problem with number of counts of conviction (NOCOUNTS) and the final assigned criminal history category (XCRHISSR). Therefore, these variables were also excluded. Of the 579 cases originally eligible for these analyses, sixty-three were excluded for missing data—leaving a total of 516 cases for analysis.

Comparison of this model to the general 18 USC § 2113 offender model revealed few differences. However, because of the necessary exclusion of some variables, this comparison is not as meaningful as previous comparisons. Still, two differences between the models are worthy of note. Both the enhancement of the criminal history score due to the application of career criminal status (CAREER) and the offender's educational level (EDUCCAT) had a negative relationship with the imprisonment odds of black but not general 18 USC § 2113 offenders. See Table C26j for a tabular representation of this comparison.

Incarceration

White 18 USC § 2113 Offenders

The results of this model are found in Table C 21a of Appendix C. Of the original 1,035 cases available for this model, 149 were excluded for missing data. This left a total of 886 for the current analysis. In addition, due to either insufficient variance or severe multicollinearity problems several variables were excluded from this model. These were the availability of probation as a sentencing option (PROBATIO), defendant citizenship status (USCITIZE), and defendant ethnicity (HISPANIC). Moreover, none of the cases available for this analysis were sentenced in the DC Circuit—therefore the variable measuring this attribute was also excluded from these analyses.

Comparison of this model to the general 18 USC § 2113 offense model must be viewed with caution. Several variables were excluded from one of the two models. For example, the Circuit variables were excluded from the general model because of problems with collinearity yet they exhibited no such problems in the white 18 USC § 2113 offender model and, therefore, were included. Yet, despite these difficulties, there were no differences in terms of the commonly included significant variables. See Table C26j for a tabular presentation of these comparisons.

Sentence Length
Black 18 USC § 2113 Offenders

Table C20b of Appendix C provides the findings of the sentence length model for black 18 USC § 2113 offenders. Comparison of this model to the general 18 USC § 2113 offense model reveals only two differences in terms of significant predictors of sentence length and only minimal differences in the rank importance of these variables. Enhancement of the criminal history score due to the application of career criminal status (CAREER) increased the sentence duration of black 18 USC § 2113 offenders but had no effect in the general model. Similarly, being sentenced in the Third Circuit decreased black offenders' sentences but had no effect for general 18 USC § 2113 offenders. See Table C27j for a tabular representation of this comparison.

Sentence Length
White 18 USC § 2113 Offenders

The results of the white 18 USC § 2113 offender model of sentence length are found in Table C21b of Appendix C. Comparison of this model to the general 18 USC § 2113 offense model revealed no differences in terms of the included legally relevant factors. However, in regard to extralegal influences, despite being significant in the general model, neither defendant education level (EDUCCATN) nor being sentenced in the Fifth Circuit was significant in the white 18 USC § 2113 offender model.

18 USC § 2113: Conclusions

The most striking pattern of the model comparisons is their similarity. While there is mild variation in the significant predictors of incarceration and sentence length across the racial and general models, overall the results are strikingly similar. This pattern does not comport with the expectation that *Mandatory Minimum* offenses would demonstrate greater racial disparity in sentencing outcomes than non-*Mandatory Minimum* offenses. Rather, it suggests that *Mandatory Minimums* actually reduce racial disparity for robbery offenses. These findings, however, do comport with the expectation that sentence disparity by race would be more prevalent in drug-related offenses and statutes than for other offense-related statutes.

Conclusions: Comparison of Racially Partitioned Models

Race and General Offense Models

To review, the significant predictors of both incarceration and sentence length varied significantly between the full, black, and white general offense models. These differences indicate that race interacts with other factors to influence sentence outcomes—a finding that would have remained undiscovered if the data had not been partitioned and analyzed by race. For example, there appears to be an interaction between race and ethnicity that is masked when black and white offenders' sentence outcomes are modeled together. Similarly, number of dependents decreased sentence length for whites but had no effect for blacks

In addition, the findings suggest modest support for hypothesis three—that blacks will be sentenced more harshly than whites—because many of the differences between the black and white models benefit whites in terms of sentence outcome. For example, offense type influenced white offenders' odds of imprisonment but did not significantly effect black offenders' incarceration odds. This translates to all offense types having equivalent impact on incarceration for blacks but differential impact on incarceration for whites.

Race and Offense-Specific Models

The findings of the race and offense specific models also provide a modicum of support for hypothesis three (blacks will be sentenced more harshly than whites) as well as hypothesis five (that drug crimes will demonstrate greater levels of racial influence on sentence outcomes). Black and white offenders again differed from one another and from the general offense-specific models in terms of the significant predictors of incarceration and sentence length. In addition and mirroring the findings of the previous chapter, the model for drug offenses identified the most sentence determinants followed by that of "other" offenses. The models for robbery and firearm offenses had the fewest predictors of sentencing outcomes.

In terms of incarceration, one consistent pattern of differential race effects emerged: extralegal factors play a more prominent role in the imprisonment decision for white offenders than for black offenders. In addition, the majority of these influences benefited whites in the imprisonment decision. Conversely, with a few exceptions, the significant extralegal factors generally penalized blacks.

A second pattern emerged for the legally relevant factors in the offense specific models of incarceration. The results suggest that legally relevant factors are used differently in determining imprisonment for white and black defendants. Specifically, it appears that the courts require an additional reason—beyond offense conviction—to imprison whites, while at the same time, requiring an additional *not to* imprison blacks. In other words, for whites to be incarcerated, there must be some *aggravating* factor while for blacks not to be imprisoned some *mitigating* factor must be present. However, this pattern is stronger in some offense models than others—indicating a degree of context dependence.

In terms of sentence length, however, there was no such clear pattern of racial effect from one offense model to another. Rather, each set of offense type models demonstrated unique racial patterns—clearly indicating that the influence of race is highly dependent upon offense type. Moreover, the influence of other included factors depended heavily on *both* race and offense type—further suggesting that these influences are highly context dependent. Of final note, the differences in patterns between the incarceration and sentence length models demonstrates and reiterates the importance of modeling the two decisions separately.

Race and Statute-Specific Models

The race and statute specific models further reveal contextual differences in the determinants of sentence outcomes. The race and drug offense statute models particularly illustrate this point. Comparison of the incarceration and sentence length models of the race and statute-specific partitionings reveals a pattern similar to that uncovered by the previous models. In terms of incarceration, both legal and extralegal factors have the most influence for 21 USC § 841 offenders—regardless of race. In other words, more factors are involved in the decision to incarcerate manufacturers and distributors of drugs than other types of drug offenders. "Other" drug offenses have the second highest number of significant factors—extralegal or otherwise—and 21 USC § 844 offenses (possession) have the least number of factors involved in the decision to incarcerate.

The sentence length models of the drug statutes demonstrate a somewhat different pattern. 21 USC § 841 offenses and "other" drug offenses switch positions in terms of the number of factors that have influence in determining sentence length. Yet again, possession cases (21 USC § 844) have the least number of factors involved in the decision process.

These findings are perplexing. They suggest that more factors determine incarceration for a specific *Mandatory Minimum* offense than for *Guideline* drug offenses (as represented by "other" drug offenses). Yet, they also suggest that *Guideline* drug offenses have more factors that determine sentence length than the two *Mandatory Minimum* drug statutes examined. While the first finding comports with hypotheses the second does not. This suggests that the determinants of sentence outcome are more complex than originally postulated and that more is operating in the determination of sentence than simply statute and the factors measured. In other words, the influence of additional factors—including race—is dependent upon the context of the specific statute involved.

In terms of racial differences between the drug statute models, none are more striking than the differences uncovered in the 21 USC § 841 (manufacture and distribution) models—both in terms of incarceration and sentence length. While the legally relevant factors involved were virtually identical across racial models, there were striking differences in terms of the influence of extralegal factors. Substantially more extralegal factors were significant determinates of both incarceration and sentence length for whites than for blacks. In addition, the effect of the overwhelming majority of those extralegal factors was to benefit whites—either in terms of not being incarcerated or of receiving shorter sentences because of those specific factors. Such clear-cut disparity between blacks and whites is not present in the other drug statute models (possession and "other" offenses). Thus, it is unambiguous that 21 USC § 841 cases—more than any other type of drug cases examined—produce racially disparate sentences.

Yet, other notable findings emerge from the comparison of the statute and race-specific drug models of incarceration and sentence length. Among the different drug models investigated, conviction of a crack cocaine offense was significant only for the sentence length model of "other" drug offenses. In addition, this was significant for both the black and white offender models, increasing the sentences of both types of offenders. This finding, coupled with the findings outlined in the previous paragraph suggest that not only do the *Mandatory Minimums* not produce disparate sentences for crack cocaine offenses but that the *Guidelines* are the actual source.

Moreover, popular rhetoric suggests that it is the possession cases that produce the bulk of the racial and crack/powder cocaine sentence disparity. Yet, these findings indicate that the possession cases (21 USC § 844) have the fewest significant extralegal differences between racial models—both in terms of incarceration and sentence length. In addition, conviction of crack cocaine possession does not have a significant influence over either imprisonment or sentence duration.

Unfortunately, because only half of the proposed analyses could actually be modeled, the findings of the robbery and firearms offense models are of limited utility in drawing conclusions. However, based upon the available information and data, two conclusions are supported. First, both the incarceration and sentence length models for robbery and firearm offenses demonstrate very little influence—as compared to 21 USC § 841 offenses—in terms of extralegal factors. This is tacit support of hypothesis five.

Second, there is weak support for hypothesis four in these results. Simply, the partition representing Guideline cases for firearms reveals a minimal role of extralegal factors as well few differences between the racial models—in terms of either incarceration or sentence length. Contrast this with the results of the 18 USC § 2113 model of sentence length. Here, several more extralegal factors are significant predictors of the sentence duration of black defendants than white defendants. This supports the hypothesis that racial differences will be more prevalent under *Mandatory Minimum* statutes than *Guideline* statutes. However, as previously mentioned, this support is only weak given that analysis of the full battery of models was not possible.

Conclusions

The above findings indicate several differences in the sentence determinants for black and white offenders. Yet, the degree of this variation is unstable, differing substantially by both offense type and the specific statute examined. Each battery of compared models exhibited different racial patterns from one another that, as a whole, are not easily interpretable.

The results are clearly mixed in terms of how well they support hypotheses three, four, and five. The general offense model supports hypothesis three while the offense and statute specific models provide only partial support. Similarly, both the general and offense specific models provide tacit support hypothesis five while the statute specific models give only mixed support. Hypothesis four, which is tested only by the statute specific models, is partially supported and partially refuted by the above analyses. While the findings of the 21 USC § 841 models support the contention that the *Mandatory Minimums* for drug offenses will show greater extralegal influence over sentence outcomes than *Guideline* offenses, the 21 USC § 844 and "other" drug offense models do not.

Despite these mixed outcomes, one clear conclusion emerges. Racial differences in sentencing outcomes are highly context dependent. As demonstrated by the above analyses, the offense type and the specific statute both interact with race to influence both sentence outcome as well as the additional determinants of sentences. Such complexity of relationships between different exogenous factors suggests that context not only influences sentencing outcome directly but also influences it indirectly by determining which other exogenous factors will impact the sentencing decision.

CHAPTER EIGHT: THE NINTH CIRCUIT

Background

The models discussed in the previous two chapters demonstrate the importance of disaggregating analyses by both offense type and statute as well as by offender race. Specifically, as revealed by Chapter Six, the drawing of conclusions about the *Guidelines* and *Mandatory Minimums* requires partitioning by statute. Such partitional analysis reveals that different factors determine incarceration and sentence length for the five most commonly used *Mandatory Minimum* statutes. Most notably, extralegal factors play a prominent role for some statutes but a negligible role for others. This finding clearly demonstrates the need to partition by specific offenses and statutes in order to meaningfully evaluate sentencing—either under federal or state systems.

The findings of Chapter Seven indicate the importance of further partitioning models by defendant race when the research question involves the identification of existing racial disparity and/or isolation of the sources of such disparity. The results clearly demonstrate how merely employing dummy variables as controls for race is insufficient in identifying differences in the significant predictors of either incarceration or sentence length across racial groups. In particular, the effect of some of the extralegal variables was conditioned by race for some statutes but not others. Moreover, the race-specific analyses uncovered differences in the significant predictors of incarceration and sentence length that were completely masked by the use of dummy variables measuring race. Again, the influence of the influential factors varied by both offense type and specific statute—in addition to varying by race. This suggests that the predictors of sentencing outcomes as well as the influence of defendant race on sentencing are highly context dependent.

This chapter follows in a similar vein to Chapter Seven. Here, the data are again partitioned by statute. However, first Circuit partitions the data —with the analyses modeling the sentencing outcomes for offenders sentenced only in the Ninth Circuit. This analysis will serve to uncover whether there is intra-Circuit variation in the sentencing of the previously investigated offense types and specific statutes. Moreover, it will indicate whether current means of controlling for interjurisdictional variation (use of Circuit dummy variables) actually masks interjurisdictional differences in sentences.

This line of research is of paramount importance to the current investigation. Simply, the conclusions of the previous two chapters may not be equally applicable to each of the Circuits. Investigation of Ninth Circuit models and comparison of those models to the results of the multi-Circuit models will give some indication of the generalizability of the multi-Circuit findings to specific Circuits. As indicated in Chapter Five, there are expected to be notable differences between the general and Circuit-specific models. This is due, in part, to inter-Circuit differentiation in demographics, economics, and political climate. In addition, differences are expected because of the fact that the sentencing decision is made at the District rather than the Circuit level. This is expected to produce intra-Circuit sentence variation that would also confound the applicability of multi-Circuit model findings to specific Circuits.

The following analyses use generally the same independent variables as the previous analyses. The main exception is use of a Circuit variable. Since all of the cases examined below are from the Ninth Circuit, inclusion of dummy variables capturing the Circuit of sentencing is unnecessary. Instead, a series of dummy variables capturing the District of sentencing is used as a control for jurisdiction. Here, unless explicitly stated otherwise, the reference category for Districts is the Eastern California District.

Unfortunately, because of insufficient sample size, only two of the intended statute-specific models could be estimated both for incarceration and sentence length.[137] As a result, comparisons of the Ninth and multi-Circuit statute-specific models are limited. Only the models for 21 USC § 841 and "other" drug offenses could be analyzed and compared. Therefore, these models will be the only statute specific models for the Ninth Circuit discussed.

As in the previous two chapters, each of the reported models significantly improves prediction of the dependent variable over the intercept alone according to either the Chi-Square or the F Test. Also, unless explicitly stated otherwise, multicollinearity was not a problem in any of the following models. Finally, unless explicitly stated otherwise, inclusion of the hazard rate significantly improved prediction of sentence length in each of the models.

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[137] Once missing data cases were excluded, only seventy cases were left for analysis of Ninth Circuit 21 USC § 844 offender sentences. Additionally, there were only sixty-five total cases originally eligible for the Ninth Circuit 18 USC § 960-offender models. Only thirty-five cases were eligible for analysis of the 18 USC § 924 firearm offense statute and Ninth Circuit partitioning. Once cases with missing data were excluded, only 142 cases remained eligible for the "other" firearm offense analysis. There were only thirty-two cases originally eligible for inclusion in the "other" robbery offense models.

Additionally, because of insufficient variance in this partitioning concerning whether or not the defendant was imprisoned, the incarceration decision could not be modeled for 18 USC § 2113 robbery offenses. In addition and as a result, a hazard rate could not be calculated for inclusion in the sentence length model. Thus, only the sentence length model without the hazard rate could be analyzed. The results of this analysis are presented in Table G8 of Appendix G.

THE FULL MODEL

Incarceration

The results of the Ninth Circuit general offense model of incarceration are presented in Table D1a of Appendix D. Of the 6,830 cases eligible for inclusion in this model, 2,224 were rejected because of missing data. This left a total of 4,606 cases for the current analysis. Several of the legally relevant variables included had a significant effect on incarceration in the Ninth Circuit. Final criminal history category (XCRHISSR), the total number of sentence adjustments (ADJUSTME), and the final offense level (XFOLSOR) increased the odds of imprisonment. The presence of a downward sentence departure (DOWNWARD), probation as a sentencing option (PROBATIO), and the statutory minimum sentence as identified by the probation officer (STATMIN) decreased an offender's odds of incarceration. Finally, defendants guilty of violent (VIOLENT), white-collar (WHTCLLR) and immigration (IMMIGRAT) offenses were more likely to be imprisoned than those convicted of drug offenses (DRUG).

Several extralegal factors also significantly affected the incarceration decision. Female offenders (MONSEX) and US citizens (USCITIZE) were less likely to be incarcerated in the Ninth Circuit than male offenders or non-citizens. In addition, offender education levels (EDUCCATN) on an inverse effect on the odds of imprisonment. Finally, offenders sentenced in the both the Eastern Washington (WASHEAST) and the Hawaii/Guam (HAWETAL) Districts had higher odds of imprisonment than those sentenced in the Eastern California District while those sentenced in the Arizona (ARIZONA) district had lower incarceration odds.

Comparison of the Ninth Circuit general offense incarceration model to that of all Circuits reveals a number of differences. While all of the factors that demonstrated a significant impact on incarceration in the Ninth Circuit model were also significant in the multi-Circuit model, some variables were significant only in the multi-Circuit model. The number of counts of conviction (NOCOUNTS) and trial as mode of disposition (TRIAL) exhibited a positive effect on a defendant's incarceration odds in the multi-Circuit model but not in the Ninth Circuit model. Likewise, the Court's acceptance of the PSR (ACCPTPSR) and the enhancement of the offense seriousness score due to the application of career criminal status (OFFENSEC) significantly decreased offender odds of incarceration in the multi-Circuit but not in the Ninth Circuit model. See Table D9a for a tabular representation of this comparison.

In addition to these differences, this model demonstrates that the odds of incarceration for general offenders are not identical across the Districts that comprise the Ninth Circuit. Offenders sentenced in three of the ten Districts have higher incarceration odds than those sentenced in the Eastern California District. This effectively demonstrates that intra-Circuit variation exists in terms of incarceration. Thus, sentencing District is an important factor to use in controlling for locational variation.

Sentence Length

Table D1b of Appendix D presents the results of the Ninth Circuit, general offender sentence length model. Several legally relevant factors were significant predictors of the sentence lengths of Ninth Circuit general offenders. Final assigned criminal history score (XCRHISSR), the statutory minimum sentence (STATMIN), the number of counts of conviction (NOCOUNTS), the total number of sentence adjustments (ADJUSTME), and the final offense seriousness score (XFOLSOR) all had a positive impact on sentence length. Similarly, the presence of an upward sentence departure (UPWARD) and the availability of probation as a sentencing option (PROBATIO) increased sentence duration for Ninth Circuit general offenders. In addition, the presence of a downward sentence departure (DOWNWARD) decreased sentence length.

In comparison to the legally relevant factors, few extralegal factors were significant predictors of sentence length in the Ninth Circuit. Females and US citizens (MONSEX and USCITIZE) received significantly shorter sentences than similarly situated males or non-citizens. Likewise, offender education level (EDUCCATN) had an inverse relationship with sentence duration. Finally, trial as mode of disposition (TRIAL) significantly lengthened the sentence of the average general offender in the Ninth Circuit. Surprisingly, there were no significant inter-District differences in terms of sentence length.

Comparison of this model to the multi-Circuit model reveals very few differences. The presence of a criminal history (CRIMHIST) and the Court's acceptance of the PSR (ACCPTPSR) significantly lengthened sentences in the multi-Circuit model but not in the Ninth Circuit. In addition, and perhaps more importantly, black defendants (BLACK) received significantly longer sentences than white defendants in the multi-Circuit model did. However, there were no such racial differences in sentencing outcomes for the Ninth Circuit model. Of final interest, it is important to note that the multi-Circuit model indicated that there were no significant differences between sentences meted out in the

Ninth Circuit and those given in the Sixth Circuit. Yet, as the above discussion demonstrates, the significant predictors of sentence length are not identical across the Ninth and multi-Circuit models. See Table D10a for a tabular representation of this comparison.

Conclusions

Based upon the above comparisons, it is apparent that intra-Circuit sentence variation exists. In addition, these analyses provide tacit evidence of inter-Circuit variation. Although they only demonstrate differences between the Ninth and the multi-Circuit models, this finding implies that there will be additional differences between other Circuits as well considering that the multi-Circuit model represents a composite of all of the Circuits combined.

The above findings are not surprising when one considers that sentencing occurs at the District rather than the Circuit level. Differences exist for both incarceration and sentence length but are most prominent in the imprisonment decision. Notably fewer legally relevant factors are significant predictors of imprisonment in the Ninth Circuit general offense model than in the multi-Circuit general offense model while the influence of extralegal factors is roughly comparable. In addition, the sentence length models are roughly equivalent. The implications of these findings are unclear. However, the question remains whether or not different offense types manifest different District variations in sentence. More specifically, do the inter- and intra-Circuit variations change the conclusions that can be drawn regarding offense and statute specific analyses?

OFFENSE PARTITIONING

Drug Offenses

Incarceration

The results of the Ninth Circuit drug offender model of incarceration are presented in Table D2a of Appendix D. Because virtually all offenders sentenced in the Eastern Washington District (WASHEAST) or receiving enhancement of the offense seriousness score due to the application of career criminal status (OFFENSEC) received imprisonment, the variables capturing these attributes were excluded from these analyses. Of the 2,896 cases eligible for this model, 823 were rejected for missing data—leaving a total of 2,073 cases available for analysis. Several legally relevant factors exhibited a significant influence over the incarceration decision. Final assigned criminal history category (XCRHISSR) and final offense level (XFOLSOR) had a positive influence on the defendant's odds of incarceration. Likewise, the presence of a downward departure (DOWNWARD) and the availability of probation as a sentencing option (PROBATIO) have an inverse impact on offender imprisonment. However, there were no differences in incarceration odds by type of drug involved in the conviction offense.

Extralegal factors also influenced the incarceration decision. Female offenders (MONSEX) and US citizens (USCITIZE) were less likely to be imprisoned than male offenders or non-citizens. Finally, offenders sentenced in the Arizona, and Nevada Districts were less likely to be imprisoned than those sentenced in the Eastern California District.

Comparison of this model to the multi-Circuit drug offender model revealed few differences. The statutory minimum sentence (STATMIN), the offender's education level (EDUCCATN), and the presence of a written plea agreement in the case file (DOCPLEA) significantly predicted the odds of incarceration in the multi-Circuit model but not in the Ninth Circuit. Of additional interest, two Districts exhibited significantly lower odds of incarceration than the Eastern California District—clearly indicating intra-Circuit sentence variation that is masked in the multi-Circuit model. See Table D9b for a tabular representation of this comparison.

Sentence Length

Table D2b of Appendix D presents the results of the Ninth Circuit sentence length model for drug offenses. Several legally relevant factors were significant predictors of sentence duration for drug offenders sentenced in the Ninth Circuit. The final assigned criminal history category (XCRHISSR), the statutory minimum sentence (STATMIN), the number of conviction counts (NOCOUNTS), the total number of sentence adjustments (ADJUSTME), and the final offense seriousness score (XFOLSOR) demonstrated a positive relationship with the sentence length of Ninth Circuit drug offenders. Similarly, the presence of an upward sentencing departure (UPWARD) and the enhancement of the criminal history score due to the application of career criminal status (CAREER) lengthened sentences. In addition, the presence of a downward sentencing departure (DOWNWARD) and the availability of probation as a sentencing option (PROBATIO) shortened sentence length for Ninth Circuit drug offenders.

Several extralegal factors also predicted sentence duration for drug offenders in the Ninth Circuit. Females and US citizens (MONSEX and USCITIZE) convicted of drug offenses in the Ninth Circuit received shorter sentences than their male or non-citizen counterparts. Conversely, Black and Hispanic (BLACK and HISPANIC) drug defendants as well as those who went to trial (TRIAL) received longer sentences than white or non-Hispanic defendants or those who did not go to trial. Finally, defendant age (AGE) demonstrated a positive relationship with length of sentence for Ninth Circuit drug offenders. In addition, substantial intra-Circuit variation was uncovered in this model. Drug defendants sentenced in the Northern California, Nevada, and West Washington Districts received shorter terms of incarceration than those sentenced in the Eastern California District. Conversely, those offenders sentenced in the Idaho/Montana Districts received longer sentences than those sentenced in the Eastern California District.

Comparison of this model to the multi-Circuit model reveals important differences. In terms of legally relevant factors, the presence of a criminal history (CRIMHIST), the court's acceptance of the PSR (ACCPTPSR), and the enhancement of the offense seriousness score due to the application of career criminal status (OFFENSEC) were significant predictors of sentence length in the multi-Circuit model but not in the Ninth Circuit model. Likewise, enhancement of the criminal history score due to the application of career criminal status (CAREER) was a significant factor in determining sentence length in the Ninth Circuit but not the multi-Circuit model.

However, the differences between these models were more pronounced in terms of extralegal factors. Defendant age (AGE) and ethnic status (HISPANIC) both demonstrated a positive relationship with sentence length in the Ninth Circuit but had no significant impact in the multi-Circuit model. Similarly, defendant educational level (EDUCCATN) and the presence of a written plea agreement in the case file (DOCPLEA) significantly shortened the sentences of drug offenders in the multi-Circuit model but had no impact in the Ninth Circuit. See Table D10b of Appendix D for a tabular representation of this comparison.

Firearm Offenses
Incarceration

The results of the incarceration model for Ninth Circuit firearm offenders are presented in Table D3a of Appendix D. Of the 388 cases originally eligible for these analyses, 122 were rejected for missing data—leaving a total of 266 cases for modeling this relationship. Because of insufficient variance on incarceration, the variables measuring the availability of probation as a sentencing option (PROBATIO), the enhancement of the offense seriousness score due to the application of career criminal status (OFFENSEC), defendant race (BLACK), whether trial was the mode of disposition (TRIAL), and being sentenced in either the Hawaii/Guam/Mariana Island (HAWETAL) or Eastern Washington District (WASHEAST) are omitted from this model.

Of the remaining included variables, only three were significant predictors of the odds of incarceration for Ninth Circuit firearms offenders. The final offense seriousness score (XFOLSOR) demonstrated a positive relationship with the imprisonment odds of firearm offenders in the Ninth Circuit. Conversely, the presence of a downward sentencing departure (DOWNWARD) and defendant status as a US citizen (USCITIZE) decreased the odds of incarceration.

Comparison of this model to the multi-Circuit firearm offender model of incarceration reveals several differences in the significant predictors. In terms of legally relevant factors, final assigned criminal history category (XCRHISSR) and the number of conviction counts (NOCOUNTS) exhibited a positive impact on incarceration odds in the multi-Circuit model but no impact in the Ninth Circuit model. In addition, defendant educational level (EDUCCATN) and number of dependents (NUMDEPEN) as well as status as a female (MONSEX) significantly lowered the odds of incarceration in the multi-Circuit but not the Ninth Circuit model.

Despite these differences, the Circuit dummy variables indicate that the odds of incarceration are not significantly different for those offenders sentenced in the Ninth Circuit as compared to those sentenced in the Sixth Circuit. However, the District dummy variables indicated no significant intra-Circuit variation in incarceration odds for the Ninth Circuit. (See Table D9c of Appendix D for a tabular representation of this comparison.)

Sentence Length

Table D3b of Appendix D present the results of the sentence length model for Ninth Circuit firearm offenders. Four legally relevant factors included in this model were significant predictors of sentence length. The final assigned criminal history category (XCRHISSR), the statutory minimum sentence (STATMIN), and the final offense seriousness score (XFOLSOR) demonstrated a positive relationship with the sentence length of Ninth Circuit firearm offenders. Conversely, the presence of a downward sentencing departure (DOWNWARD) shortened the average sentence length of Ninth Circuit firearm offenders. In terms of extralegal factors, only one was a significant predictor of sentence length for Ninth Circuit firearm offenders. Trial as mode of disposition (TRIAL) significantly increased the average length of sentence for Ninth

Circuit firearm offenders. The District dummy variables indicated no significant intra-Circuit variation.

Comparison of this model to the multi-Circuit model reveals striking differences in terms of the legally relevant predictors of sentence length. The number of conviction counts (NOCOUNTS), total number of sentence adjustments (ADJUSTME), the presence of an upward departure (UPWARD), the availability of probation as a sentencing option (PROBATIO), and the enhancement of the offense seriousness score due to the application of career criminal status (OFFENSEC) all have a positive relationship with sentence length in the multi-Circuit model but no significant impact in the Ninth Circuit. However, all of the significant predictors of sentence length in the Ninth Circuit model were also significant in the multi-Circuit model.

In terms of extralegal factors, there were substantially fewer differences between the models. Number of defendant's dependents (NUMDEPEN) demonstrated an inverse relationship with sentence length in multi-Circuit model but had no significant impact in the Ninth Circuit model. However, it is of interest to note that, despite the aforementioned differences, the Circuit dummy variables in the multi-Circuit model indicated that sentences in the Ninth Circuit were not significantly different from those in the Sixth Circuit reference category. See Table D10c of Appendix D for a tabular representation of this comparison.

Robbery Offenses

Unfortunately, because only seven of the eligible 584 cases did not involve a sentence of imprisonment, incarceration for robbery offenses could not be modeled using simple logistic regression. In addition, because incarceration could not be modeled, the hazard rate also could not be calculated. Thus, only the sentence length model of robbery offenses in the Ninth Circuit without the hazard rate could be calculated. The results of this model are presented in Table G5 of Appendix G. However, because this model is not structurally consistent with the other models presented, the results will not be discussed here.

Other Offenses
Incarceration

Table D4a of Appendix D presents the results of the Ninth Circuit "other" offense model of incarceration. Of the 2,914 cases eligible for these analyses, 1,067 were rejected for missing data—leaving a total of 1,847 cases for modeling this relationship. For this model, several legally relevant variables had statistically significant influence over the incarceration of "other offense" defendants in the Ninth Circuit. Offender assigned criminal history category (XCRHISSR), the total number of sentencing adjustments (ADJUSTME), and the final offense level (XFOLSOR) had a positive relationship with the odds of imprisonment. Additionally, the presence of a downward departure (DOWNWARD) and the availability of probation as a sentencing option (PROBATIO) had a negative impact on a defendant's odds of incarceration.

In terms of extralegal factors, females and US citizens (MONSEX and USCITIZE) had lower odds of imprisonment in the Ninth Circuit for "other" offenses than comparable males or non-citizens. Likewise, offender educational level (EDUCCATN) demonstrated an inverse relationship with odds of incarceration. Finally, those offenders convicted of an "other" offense in the Nevada District had higher imprisonment odds than those convicted in the Eastern California District.

Comparison of this model to the multi-Circuit model of "other" offense incarceration reveals several differences. In the multi-Circuit model both the presence of a criminal history (CRIMHIST) and the number of conviction counts (NOCOUNTS) had a positive relationship with the odds of incarceration while neither had significant influence in the Ninth Circuit model. Likewise, the total number of sentence adjustments (ADJUSTME) demonstrated a positive relationship with imprisonment odds in the Ninth Circuit model but no significant relationship in the multi-Circuit model. Finally, the Court's acceptance of the PSR had a negative impact on incarceration odds for the multi-Circuit model while the availability of probation as a sentencing option (PROBATIO) significantly decreased the odds of imprisonment in the Ninth Circuit model.

In terms of extralegal factors, there were fewer differences between the models. Offender educational level (EDUCCATN) demonstrated an inverse relationship with the odds of imprisonment in the Ninth Circuit but had no significant impact in the multi-Circuit model. Similarly, the presence of a written plea agreement in the case file (DOCPLEA) significantly increased "other" offenders' odds of incarceration in the multi-Circuit model but not in the Ninth Circuit. It is also important to note that, despite these differences in significant predictors of incarceration, the dummy variables controlling for Circuit in the multi-Circuit model indicated that the odds of incarceration for "other" offenders in the Ninth Circuit were not significantly different from those in the Sixth Circuit reference category.

Sentence Length

Table D10d of Appendix D presents the results of the sentence length model for Ninth Circuit "other" offense defendants. Because of insufficient numbers of cases receiving enhancement of the offense seriousness score due to the application of career criminal status, the variable measuring that attribute (OFFENSEC) was excluded from this analysis.

Several legally relevant factors were significant predictors of sentence length. The final assigned criminal history category (XCRHISSR), the statutory minimum sentence (STATMIN), the total number of sentence adjustments (ADJUSTME), and the final offense seriousness score (XFOLSOR) all had a positive relationship with sentence duration. Similarly, the availability probation as a sentencing option (PROBATIO) lengthened the term of imprisonment for Ninth Circuit "other" offense defendants while the presence of a downward departure (DOWNWARD) significantly shortened it. Three extralegal factors were significant predictors of Ninth Circuit "other" offense sentence length. Defendant age (AGE) had an inverse relationship with sentence length while trial as mode of disposition (TRIAL) and being sentenced in the Hawaii, Guam, or Mariana Island District (HAWETAL) lengthened sentence duration.

Comparison of this model to the multi-Circuit model reveals several differences both in terms of legal and extralegal influences. The presence of a criminal history (CRIMHIST), the Court's acceptance of the PSR (ACCPTPSR), and the presence of an upward sentencing departure (UPWARD) were all significant predictors of sentence length in the multi-Circuit model but not in the Ninth Circuit. Likewise, the total number of sentence adjustments (ADJUSTME) was a significant predictor of sentence length in the Ninth Circuit but not in the multi-Circuit model. Additionally, defendant gender (MONSEX), citizenship status (USCITIZE), and education level (EDUCCATN) all were significant predictors of sentence length in the multi-Circuit model but had no significant impact on sentence length in the Ninth Circuit. It is also important to note that, despite these differences, the multi-Circuit model indicated that sentence lengths in the Ninth Circuit were not significantly different from those meted out in the Sixth Circuit.

Conclusions: Offense Partitioning Comparisons

Recall that, based upon the multi-Circuit analyses of specific offense partitionings, Chapter Six concluded that legally relevant factors played a dominant role in both the incarceration and sentence length of federal offenders regardless of offense type. Additionally, the influence of extralegal factors was found to vary widely by offense type. Specifically, extralegal factors were better predictors of drug and "other" offenses than of either firearm or robbery offenses. Most notably, drug offenses was the only category of offenses for which black defendants were treated significantly more harshly than white defendants. This led to the conclusion that the bulk of black/white sentence disparity arose from drug offenses.

The current analyses indicate that legally relevant factors remain the dominant predictors of incarceration in the Ninth Circuit across offense type. However, while variations across offense type remain in the extralegal predictors of incarceration, they are somewhat more stable and wield less influence in the Ninth Circuit as compared to the multi-Circuit model. Interestingly, the most radical differences in the significant predictors of incarceration between the Ninth and multi-Circuit models occur for firearm and "other" offenses rather than drug offenses. In fact, drug offenses and "other" offenses exchange places in terms of the number of significant predictors. Drug offenses had the greatest number of significant predictors in the multi-Circuit model while "other" offenses had the greatest number of significant predictors in the Ninth Circuit model. This pattern is somewhat surprising given the findings of prior chapters regarding the impact of extralegal factors for drug offenses. However, it is important to note that the nature of the differences uncovered here varied by offense type. Specifically, the legally relevant factors reflect the greatest differences between the Ninth and multi-Circuit models of "other" offenses while both the legal and extralegal factors of influence change dramatically for firearm offenses.

Comparison of the results of the Ninth Circuit offense type partitionings reveals another interesting finding in terms of incarceration. There is a surprising degree of stability in the significant predictors of incarceration across offense types in the Ninth Circuit. Notably, all of the significant predictors of incarceration for firearm offenses were also significant predictors of incarceration for drug and "other" offenses. Likewise, with the exception of the variables capturing District of sentencing, all of the significant predictors of incarceration for drug offenses also significantly predicted incarceration for "other" offenses. Thus, the factors that influence the incarceration decision appear to be more stable across offenses in the Ninth Circuit than they are in federal sentencing as a whole.

The Ninth Circuit models of sentence length for specific offense types reveal patterns that are much more comparable to the findings from the multi-Circuit models. Drug offenses have, by far, the most significant predictors of sentence length of the three offense types compared. This is consistent with the pattern uncovered by the multi-Circuit models. In fact, like the multi-Circuit models for sentence length, the Ninth Circuit drug offense sentence length model was the only sentence length model to exhibit a significant racial effect that favored white defendants. In addition, this model was the *only* model to uncover a significant ethnic effect that disfavored Hispanics—an effect that was not discerned by the multi-Circuit model of sentence length for drug offenses.

In addition, the same stability of significant predictors in the Ninth Circuit found for incarceration is also apparent for sentence length. All of the significant predictors of sentence length for firearm offenses are also significant predictors of "other" and drug offenses. Likewise, all of the significant predictors of the sentence duration of "other" offenses are also significant predictors of sentence lengths for drug offenses. This pattern of stability is not present in the multi-Circuit models of either incarceration or sentence length. A partial explanation for this pattern is that there are substantially fewer significant predictors of sentence length in the Ninth Circuit models. An alternate possibility is that the Ninth Circuit may have tighter controls established over District court decisions through the types of Appellate decisions rendered.

Therefore, the conclusions regarding specific offense types derived from the multi-Circuit models hold true to some degree for the Ninth Circuit offense type models. Most notably, drug offenses appear to be the main source of racial disparity in the Ninth

Circuit as well as in federal sentencing generally. Thus, some degree of confidence in the results and conclusions from Chapter Six can be retained. However, it is important to note that the multi-Circuit models completely masked the Ninth Circuit ethnic effect found in the sentencing of drug offenders. Therefore, applying conclusions about the federal system as a whole to specific Circuits must be done with caution. In addition, the question as to whether or not the results of statute specific models are comparable between multi-Circuit and Circuit specific models remains. Investigation of this issue is addressed in the following section.

STATUTE PARTITIONS

21 USC § 841 Drug Offenses

Incarceration

The results of the Ninth Circuit 21 USC § 841 drug offense model of incarceration are presented in Table D5a of Appendix D. Of the 1,380 cases eligible for this model, 310 were rejected for missing data—leaving a total of 1,070 cases for this analysis. Because of insufficient variance in relation to the dependent variable, the variable measuring the enhancement of the offense seriousness score due to the application of career criminal status (OFFENSEC) is excluded from this analysis. In addition, because there were so few cases involving LSD, this drug type was absorbed into "other drugs" for this analysis. Finally, because the variable representing cases being sentenced in the Western Washington District (WASHWEST) demonstrated multicollinearity, this variable was used as the reference category in these analyses instead of the Eastern California District.

Several of the included legally relevant factors wield significant influence over the incarceration decision. The statutory minimum sentence (STAMIN) had a positive impact on the odds of imprisonment while the presence of a downward departure (DOWNWARD), the availability of probation as a sentencing option (PROBATIO), and the number of conviction counts had a negative impact. Strikingly, none of the drug types included were significant predictors of incarceration for Ninth Circuit 21 USC § 841 offenders.

In regard to extralegal factors, female offenders (MONSEX) and US citizens (USCITIZE) have significantly lower odds of imprisonment than males or non-citizens. Similarly, the number of defendant's dependents (NUMDEPEN) demonstrated an inverse relationship with Ninth Circuit 21 USC § 841 offender's incarceration odds. Finally, those offenders sentenced in the Southern California and the Idaho/Montana Districts showed higher odds of imprisonment than those sentenced in the Western Washington District. This difference indicates that intra-Circuit variation in terms of incarceration is present for 21 USC § 841 offenses.

Comparison of this model to the multi-Circuit model of 21 USC § 841 offender incarceration reveals substantial differences in the significant predictors. In the multi-Circuit model, both crack cocaine (CRACK) and marijuana (MARIJUAN) 21 USC § 841 offenses had significantly lower incarceration odds than powder cocaine offenses. Yet, there were no significant differences in the odds of incarceration for these drug types in the Ninth Circuit. Similarly, the final assigned criminal history category (XCRHISSR), the total number of sentence adjustments, and the final offense seriousness score

(XFOLSOR) were significant predictors of incarceration in the multi-Circuit model but not in the Ninth Circuit. Likewise, the statutory minimum sentence (STATMIN) and the number of conviction counts (NOCOUNTS) are significant predictors of imprisonment in the Ninth Circuit but not in the multi-Circuit model.

Comparison of the significant extralegal factors reveals similar differences. The number of defendant's dependents (NUMDEPEN) significantly reduces the odds of incarceration in the Ninth Circuit but has no significant impact in the multi-Circuit model. Conversely, black 21 USC § 841 offenders (BLACK) had significantly higher incarceration odds in the multi-Circuit model but no significant differences from white offenders in the Ninth Circuit. In addition, offender educational level (EDUCCATN) and the presence of a written plea agreement in the case file (DOCPLEA) were significant predictors of incarceration in the multi-Circuit model but not in the Ninth Circuit. See Table D9f for a tabular representation of this comparison.

Sentence Length

Table D5b of Appendix C presents the results of the sentence length model for Ninth Circuit 21 USC § 841 drug offenders. Because so few cases received an upward sentencing departure in this partitioning, the variable measuring this attribute (UPWARD) is excluded from this analysis. Several of the included legally relevant factors, however, were significant predictors of sentence length for Ninth Circuit 21 USC § 841 offenders. The final assigned criminal history category (XCRHISSR), the statutory minimum sentence (STATMIN), the number of conviction counts (NOCOUNTS), the total number of sentence adjustments (ADJUSTME), and the final offense seriousness score (XFOLSOR) all demonstrate a positive relationship with sentence length. Similarly, conviction of a methanmphetamine offense (METHAM) lengthens sentence duration for Ninth Circuit 21 USC § 841 offenders. Conversely, presence of a downward sentencing departure (DOWNWARD) shortens sentence length.

Surprisingly, only one of the included extralegal factors is a significant predictor of sentence length for Ninth Circuit 21 USC § 841 offenders. US citizens (USCITIZE) received shorter sentences than similarly situated non-citizens. None of the other included extralegal factors predicted sentence length.

Comparison of this model to the multi-Circuit model reveals striking differences in the significant predictors of sentence length for 21 USC § 841 offenses. In terms of legally relevant factors, there are comparatively few differences. Conviction of a heroin (HEROIN) or an "other" drug offense (OTHER) significantly shortened sentences in the multi-Circuit model but not in the Ninth Circuit. Similarly, enhancement of either the criminal history score or the offense seriousness score for application of career criminal status (CAREER and OFFENSEC respectively) significantly lengthens sentences in the multi-Circuit model but not in the Ninth Circuit.

The comparison of the significant extralegal factors in the two models reveals substantial differences. Namely, while all but two of the non-Circuit extralegal factors are significant predictors of sentence length in the multi-Circuit model, only one extralegal factor is a significant predictor of sentence length in the Ninth Circuit. Most notably, defendant race (BLACK) is a significant predictor of sentence length for the multi-Circuit model but has no significant effect in the Ninth Circuit. Specifically, this finding brings into question the applicability of the findings of the previous chapter to all Circuits.

It is also important to note that, despite the dramatic differences uncovered between the multi-Circuit and the Ninth Circuit models, the multi-Circuit model indicated that sentence lengths in the Ninth Circuit were not significantly different from those in the Sixth Circuit reference category. See Table D10f of Appendix D for a tabular representation of this comparison.

"Other" Drug Offenses

Incarceration

The results of the incarceration model for Ninth Circuit "other" drug offenses are presented in Table D6a of Appendix D. Of the 1,156 cases eligible for this model, 277 were excluded because of missing data. This left a total of 879 cases for analysis. Because the bulk of the cases sentenced in several of the Districts received imprisonment, the dummy variables capturing District of sentencing were omitted from this analysis. In addition, because of small case numbers, the drug categories of crack cocaine, LSD, and "other" drugs were collapsed into one variable (ODRRUG). Finally, because of insufficient variance in regard to the dependent variable, the variable capturing whether trial was the mode of disposition (TRIAL) was also omitted from this model.

In this model, only five of the included variables demonstrate a statistically significant impact on the incarceration decision. The legally relevant variables—the statutory minimum sentence (STATMIN) and the final criminal history category (XCRHISSR)—both positively impacted an offender's odds of incarceration. In addition, the presence of a downward sentence departure (DOWNWARD) and the availability of probation as a sentencing option (PROBATIO) decreased a Ninth Circuit "other" drug offense defendant's imprisonment odds. Finally, female (MONSEX) "other" drug offense defendants had significantly lower incarceration odds than their male counterparts.

Comparison of this model to the multi-Circuit model reveals several differences. Conviction of a marijuana (MARIJUAN) or methanmphetamine (METHAM) offense significantly reduced incarceration odds in the multi-Circuit model but had no significant impact in the Ninth Circuit. Likewise, the total number of sentence adjustments (ADJUSTME) and the final offense seriousness score (XFOLSOR) both demonstrated a positive relationship with the odds of incarceration in the multi-Circuit model but had no impact in the Ninth Circuit. Conversely, the statutory minimum sentence (STATMIN) positively impacted the imprisonment odds of "other" drug offenders in the Ninth Circuit but had no significant effect in the multi-Circuit model.

In terms of extralegal factors, there was only one difference between the models. The defendant's citizenship status (USCITIZE) significantly predicted the odds of imprisonment in the multi-Circuit model but had no impact on incarceration odds in the Ninth Circuit. It is also important to note that the multi-Circuit model indicates no significant differences in the odds of incarceration between the Ninth and Sixth Circuits. See Table D9g of Appendix D for a tabular representation of this comparison.

Sentence Length

Table D6b of Appendix D presents the results of the sentence length model for Ninth Circuit "other" drug offense defendants. Because of small number of cases manifesting these characteristics, the variables capturing the attributes of the presence of an upward sentence departure (UPWARD) and the enhancement of the offense seriousness score due to the application of career criminal status (OFFENSEC) are excluded from this analysis.

Of the included legally relevant factors, several are significant predictors of sentence length for Ninth Circuit "other" drug offense defendants. The final assigned criminal history category (XCRHISSR), the statutory minimum sentence (STATMIN), the number of conviction counts (NOCOUNTS), the total number of sentence adjustments (ADJUSTME), and the final offense seriousness score (XFOLSOR) all demonstrate a positive relationship with sentence length. Similarly, the enhancement of the criminal history score due to the application of career criminal status (CAREER) lengthens sentence duration while the presence of a downward sentence departure (DOWNWARD) shortens it. In terms of extralegal factors, defendant age (AGE) had a positive relationship with sentence length. In addition, trial as mode of disposition (TRIAL) and being sentenced in the Oregon District (OREGON) increased sentence length while being sentenced in the Northern California District (CALNOR) decreased it.

Comparison of this model to the multi-Circuit model reveals relatively few differences in terms of legally relevant factors. The Court's acceptance of the PSR (ACCPTPSR) significantly predicted sentence length in the multi-Circuit model while enhancement of the criminal history score due to the application of career criminal status (CAREER) predicted sentence duration in the Ninth Circuit.

The differences were somewhat more substantial when extralegal influences were compared. Defendant's gender (MONSEX), citizenship status (USCITIZE) and the presence of written plea agreement in the case file (DOCPLEA) all shortened sentences in the multi-Circuit model but had no significant impact in the Ninth Circuit. Similarly, defendants' total number of dependents (NUMDEPEN) demonstrated a positive relationship with sentence duration in the multi-Circuit model but had no effect on sentence length in the Ninth Circuit. Finally, the defendant's age (AGE) had a positive relationship with sentence length in the Ninth Circuit but was not a significant predictor in the multi-Circuit model.

Conclusions: Statute-Specific Models

Recall that one main finding from the multi-Circuit statute-specific models was that extralegal factors play a much-diminished role in *Mandatory Minimum* sentences than in *Guideline* sentences. The one exception to this pattern was the 21 USC § 841 model. While the current analyses preclude much comparison between the Ninth and multi-Circuit models, they do permit a modest comparison of the aforementioned proposition.

In terms of incarceration, the Ninth Circuit 21 USC § 841 model does indicate more influence of extralegal factors than the "other" drug offense model—thereby supporting the conclusion that 21 USC § 841 offenses are an exception to the conclusion that extralegal factors play a less prominent role in sentencing for *Mandatory Minimum* offenses than for *Guideline* offenses. However, in the models of sentence length, 21 USC § 841 offenses are not an exception. Rather, the results of that model comport with the overall pattern of less extralegal influence in *Mandatory Minimum* cases—with "other" drug offenses exhibiting greater influence of extralegal factors on sentence length than 21 USC § 841 offenses. This difference between the findings of the Ninth and the multi-Circuit models is believed to reflect both inter and intra-Circuit variation in sentencing practices. Unfortunately, because of limited models, this possibility cannot be further explored here.

Another important finding from the multi-Circuit models was that the crack/powder cocaine sentence disparity and racial disparity for drug crimes were unrelated—since defendant race and conviction of a crack cocaine offense significantly increased sentence severity only in separate statute-specific models. While these models were the 21 USC § 841 and the "other" drug offense models, the Ninth Circuit analyses are of limited utility in evaluating this conclusion. Neither defendant race nor conviction of a crack cocaine offense was a significant predictor of either incarceration or sentence length in either offense model. As a result, the Ninth Circuit findings simply further confound the issue as to the relationship between racial sentence disparity and crack/powder cocaine sentence disparity. Yet, one conclusion can still be drawn. Clearly, given the different findings from the Ninth and multi-Circuit models, the impact of race and drug type on sentence severity varies by jurisdiction.

CONCLUSIONS

The results of the above models clearly indicate the existence intra-Circuit variation in the significant predictors of both incarceration and sentence length.

Moreover, they imply that multi-Circuit models mask inter-Circuit variation as well. As in the multi-Circuit model, these predictors varied by both offense type and statute. Yet, the predictors also varied between the Ninth and multi-Circuit models of each specific offense and statute. This finding indicates that the extrapolation of conclusions based upon a general model of federal sentencing to specific Circuits and Districts—and vice versa—should be done only with extreme caution. Most notably, the patterns discerned from the multi-Circuit analyses of chapter five are not entirely applicable to or congruent with the results from the Ninth Circuit models. Clearly, sentence outcomes also depend upon jurisdictional context as well as the previously identified race, offense type, and specific statute contexts.

One major flaw in the above analyses is the rapid reduction in sample size produced by multi-level partitioning of data. Insufficient numbers for analysis was particularly a problem in the statute-specific models for the Ninth Circuit. Therefore, alternate means for examining sentencing outcomes—that do not suffer from the limitations of either dummy variables or data partitioning—should be explored.

CHAPTER NINE: DISCUSSION AND CONCLUSIONS

OVERVIEW

This study has investigated several hypotheses regarding federal sentencing under the *Guidelines* and the *Mandatory Minimums*. These were:

H_1: The significant predictors of both imprisonment and sentence length will vary by offense type. Additionally, the ranked order importance and direction of the significant predictors will vary by offense type.

H_2: The significant predictors of both imprisonment and sentence length will vary by the specific statute charged within a given offense type. Additionally, the ranked order importance and direction of the significant predictors are similarly expected to vary by statute. Specifically, those statutes carrying a *Mandatory Minimum* penalty will exhibit a substantially different pattern of significant predictors than those that fall under the *Guidelines* alone.

H_3: Offender race will be a significant predictor of imprisonment and sentence length in general federal sentencing. Specifically, blacks will be sentenced more harshly than whites.

H_4: The influence of offender race and other extralegal factors will be greater among *Mandatory Minimums* cases than *Guidelines* cases net of legally relevant factors. This will manifest in increased likelihood of incarceration and increased length of sentence for racial minorities sentenced under *Mandatory Minimum* statutes. Any racial disparity found for simple *Guideline* offenses should be at much smaller levels—as reflected by low racial differences in incarceration rate and sentence length.

H_5: *Mandatory Minimums* for drug crimes will demonstrate greater levels of racial influence than other *Mandatory Minimums*. This will manifest in increased likelihood of incarceration and increased length of sentence for racial minorities sentenced under *Mandatory Minimum* drug offense statutes.

The research strategy entailed the partitioning and analysis of the 1992 USSC sentencing data, first by specific offense type and then by specific *Mandatory Minimum* statute.[138] The intent of this design was to determine whether or not there are indeed differences in the sentences meted out under *Mandatory Minimum* statutes as compared to *Guideline* statutes. Chapter Six presents the results of these analyses and supports hypotheses one and two—that the significant predictors of imprisonment will vary significantly by offense type and specific statute. Several significant predictors of both incarceration and sentence length do vary significantly when the data are partitioned and analyzed by offense and by specific statute. The findings discussed in Chapter Six also partially support hypothesis three—that offender race would significantly predict sentencing outcomes. Defendant race is a significant predictor of sentence length but not of incarceration in the general offense model.

The hypothesis that race and other extralegal factors would be stronger predictors of sentence outcomes in *Mandatory Minimum* than in *Guideline* cases (hypothesis four), however, is refuted by the findings presented in Chapter Six. Comparison of the "other" statute models—intended to capture *Guideline*-only offenses—to the statute-specific models within the drug offense partitioning reveals no clear pattern between the *Mandatory Minimums* and the *Guidelines* in terms of the influence of extralegal factors.

Yet, the Chapter Six findings provide partial support for the hypothesis predicting that the effect of race would be greater for *Mandatory Minimum* drug offenses than for

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[138] The statutes used were the five most commonly used *Mandatory Minimum* statutes as identified by the USSC (USSC, 1991b). These are:

21 USC § 841—manufacture and distribution of controlled substances.
21 USC § 844—possession of controlled substances
21 USC § 960—penalties for the importation/exportation of controlled substances.
18 USC § 924(c)—minimum sentence enhancements for carrying a firearm during a drug or violent crime

other *Mandatory Minimums* (hypothesis five). Race demonstrates a significant impact on sentencing outcomes only for drug offenses—and the Z tests indicate that the differences in the racial coefficients between the offense models are significant. However, the analyses by specific drug statutes indicate that defendant race significantly influences either the odds of incarceration or sentence length only for 21 USC § 841 offenses (manufacture and distribution) and not for 21 USC § 844 (possession) or for 21 USC § 960[139] (importation or exportation) offenses. Moreover, the Z tests indicate that the difference in coefficients between the two *Mandatory Minimum* offenses is significant.

These analyses also had surprising implications for the relationship between drug type, defendant race, and sentence length. As previously noted, many federal sentencing studies cite the *Mandatory Minimums* for crack cocaine offenses as the primary source of existing racial disparity in federal sentencing (Doob, 1995; Tonry, 1995)—a contention that is supported by the findings of the general drug offense sentence length model. However, a different picture emerges when specific drug related statutes further partitions the data. These analyses reveal that, while both defendant status as an African-American and conviction for a crack cocaine offense significantly lengthen the sentence imposed, they do so under different statutory contexts. Simply, blacks receive longer sentences than similarly situated whites when convicted of a 21 USC § 841 offense. Yet, there is no significant impact on 21 USC § 841 offender sentencing when crack cocaine is the

18 USC § 2113(e)—minimum sentence enhancement of ten years for the taking of hostages or murder during a bank robbery

[139] Recall that the incarceration decision could not be modeled because of insufficient variation in the variable capturing the attribute of imprisonment. In addition and as a result, the hazard rate for the sentence length model could not be calculated because the incarceration decision is integral to the selection

drug of offense. Conversely, involvement of crack cocaine in the offense of conviction significantly lengthens sentences only for "other" non-*Mandatory Minimum* drug statutes. Defendant race, however, does not significantly predict sentence length for this model. According to the Z tests, these differences between model coefficients are significant. Therefore, these findings indicate that, while crack cocaine sentence disparity and racial sentence disparity each exist, they are unrelated.

Further analysis clarified the relationship between race and sentence outcomes. As discussed in Chapter Seven, in that stage of the analysis, the full data set was again partitioned—first by defendant race and then by specific offenses and statutes. The purpose behind this strategy was to uncover any racial differences in the significant predictors of incarceration and sentence length that might be masked by the use of dummy variables in the Chapter Six models. The results of these models indicate that the significant predictors of incarceration and sentence length do vary significantly by race for many specific offenses and statutes. This finding indicates first, that race interacts with offense and statute and second, that race conditions the effects of various legal and extralegal factors. However, the degree to which the significant predictors differ varies by both offense type and specific statute. Thus, the interactive racial effects uncovered by these analyses are context dependent.

While the findings of Chapter Seven provide further support for hypotheses one and two, they are mainly of interest in the investigation of hypotheses three through five. Hypothesis three—that race will be a significant predictor of sentencing outcomes—is

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equation—from which the hazard rate is calculated. Thus, only the non-hazard rate model for 21 USC §

supported by both the general offense incarceration and sentence length models. Each model demonstrated significant variation between coefficients from the black and white models. The sentence length model, however, manifested strikingly more significant differences than did that of incarceration.

Hypothesis four—that the influence of race and other extralegal factors will be greater under *Mandatory Minimum* cases than *Guideline* cases—is supported only by the 21 USC § 841 offense models, where several extralegal factors demonstrate significant influence over both incarceration and sentence length. However, in terms of the other statute models, hypothesis four is refuted—both in terms of sentence length and incarceration. Generally, there is little difference in the impact of extralegal factors between the *Mandatory Minimum* and *Guideline* statute models.

These analyses provide mixed support for hypothesis five—that the *Mandatory Minimums* for drug crimes will show the greatest influence of race over sentencing outcomes. The general drug offense model of incarceration strongly supports the contention that drug crimes will demonstrate greater levels of racial influence—with many extralegal factors demonstrating significant coefficient differences between the white and black models. In many cases, these effects represent an incarceration discount in favor of whites. Yet, a somewhat different picture emerges in the statute specific analyses. The above pattern holds for 21 USC § 841 offenses but essentially disappears for 21 USC § 844 and "other" drug offenses. The general drug offense models of sentence length reveals that the racial models have several significant differences—

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960 sentence length is reported here.

supporting hypothesis five. The same pattern holds true for 21 USC § 841 offenses and, to a weaker extent, for 21 USC § 844 and "other" drug offenses as well.

In terms of the earlier mentioned finding regarding the 'crack/black' sentence disparity, the Chapter Seven analyses support the Chapter Six conclusion. That is, the involvement of crack cocaine in the offense of conviction significantly lengthened sentences only in the "other" drug statute models. Moreover, it significantly lengthened sentences in both the black and the white models.[140] This finding effectively refutes the contention that the *Mandatory Minimums* involving crack cocaine produce racial disparity in sentence length. It also, again, demonstrates the impact of context on sentencing decisions.

In an attempt to account for additional contextual factors, the analyses presented in Chapter Eight examine only cases tried in the Ninth Circuit so that the influence District of sentencing can be controlled. The data are then further partitioned and analyzed by offense type and specific statute. The results indicate differences between the significant predictors of the general and the Ninth Circuit models of both incarceration and sentence length—thereby demonstrating that jurisdiction also operates indirectly to impact sentencing outcomes.

These models also support hypotheses one and two. The Ninth Circuit general offense models, where race has no significant impact on either incarceration or sentence length, flatly refute hypothesis three. The results of the Chapter Eight analyses can

[140] In terms of actual months added to a sentence, conviction under an "other" drug statute involving crack cocaine lengthened the sentences of blacks by approximately twelve months on average while it lengthened the sentences of whites an average of twenty-four months.

neither support nor refute hypothesis four since most of the intended models could not be run because of insufficient sample size or variance. As a result, there is no possibility for meaningful comparison between the *Guideline* and *Mandatory Minimum* cases. Finally, in terms of hypothesis five, race is significant only in the sentence length model of general drug offenses in the Ninth Circuit. This finding supports the proposition that drug crimes would manifest greater influence of defendant race than other offense types. Yet, defendant race is not a significant determinant of sentence outcome in either 21 USC § 841 or "other" drug offense cases. Unfortunately, the remaining two *Mandatory Minimum* statute models could not be analyzed. As a result, the results of the Chapter Eight analyses are inconclusive in regard to hypothesis five. The following table summarizes how each set of findings relates to each hypothesis.

TABLE 9A: SUMMARY OF HYPOTHESES AND FINDINGS

H_1: The significant predictors of both imprisonment and sentence length will vary by offense type. Additionally, the ranked order importance and direction of the significant predictors will vary by offense type.

I. Supported by the findings presented in Chapter Six and summarized in Tables B15a and B16a, Appendix B: the significant predictors of sentence outcomes vary by offense type
II. Supported by the findings presented in Chapter Seven and summarized in Tables C22a and C23a, Appendix C: the significant predictors of sentence outcomes vary by offense type
III. Supported by the findings presented in Chapter Eight and summarized in Tables D7a and D8a, Appendix D: the significant predictors of sentence outcomes vary by offense type

H_2: The significant predictors of both imprisonment and sentence length will vary by the specific statute charged within a given offense type. Additionally, the ranked order importance and direction of the significant predictors are similarly expected to vary by statute.

I. Supported by the findings presented in Chapter Six and summarized in Tables B15b and B16b, Appendix B: the significant predictors of sentence outcomes vary by specific statute
II. Supported by the findings presented in Chapter Seven and summarized in Tables C22b and C23b, Appendix C: the significant predictors of sentence outcomes vary by specific statute
III. Supported by the findings presented in Chapter Eight and summarized in Tables D7b and D8b, Appendix D: the significant predictors of sentence outcomes vary by specific statute

H_3: Offender race will be a significant predictor of imprisonment and sentence length in general federal sentencing. Specifically, blacks will be sentenced more harshly than whites.

I. Partially supported by the findings presented in Chapter Six and summarized in Tables B15a and B16a, Appendix B: defendant race is a significant predictor of sentence length but not of incarceration for offenders sentenced in federal courts in FY 1992
II. Supported somewhat by the race specific general offense models of incarceration presented in Chapter Seven and summarized in Table C26a, Appendix C: the influence of the total number of sentence adjustments, the presence of a downward departure, the availability of probation as a sentencing option, defendant ethnicity, and being sentenced in the Second Circuit varied significantly by race.
III. Supported by the race-specific general offense models of sentence length presented in Chapter Seven and summarized in Table C27a, Appendix C: with few exceptions, the predictors of sentence length varied significantly by race
IV. Refuted by the Ninth Circuit general offense models presented in Chapter Eight and summarized in Tables D7a and D8a, Appendix D: race did not affect either incarceration or sentence length

H_4: The influence of offender race and other extralegal factors will be greater among *Mandatory Minimums* cases than *Guidelines* cases net of legally relevant factors.

I. Partially supported by the statute-specific models of incarceration and sentence length presented in Chapter Six and summarized in Tables B15b and B16b, Appendix B: race directly effects incarceration and sentence length in the *Mandatory Minimum* 21 USC § 841 models but for no other *Mandatory Minimums*

II. Partially supported by the statute-specific models of incarceration presented in Chapter Seven and summarized in Tables C26f through C26j, Appendix C: there are significant differences in the coefficients of the black and white models for specific drug offenses but there are also significant differences for those of firearm and robbery offenses

III. Partially supported by the statute-specific models of sentence length presented in Chapter Seven and summarized in Tables C27f through C27j, Appendix C: there are significant differences in the coefficients of the black and white models for specific drug offenses but there are also significant differences for those of firearm and robbery offenses

IV. Partially supported by the Ninth Circuit statute-specific model of incarceration presented in Chapter Eight and summarized in Table D7b, Appendix D: more extralegal factors were significant predictors of incarceration for the 21 USC § 841 model than for the "other" drug offense model; no other statute-specific models could be analyzed

V. Partially refuted by the Ninth Circuit statute-specific model of sentence length presented in Chapter Eight and summarized in Table D8b, Appendix D: fewer extralegal factors were significant predictors of incarceration for the 21 USC § 841 model than for the "other" drug offense model; no other statute-specific models could be analyzed

H_5: *Mandatory Minimums* for drug crimes will demonstrate greater levels of racial influence than other *Mandatory Minimums*.

I. Partially supported by the statute-specific models of incarceration and sentence length presented in Chapter Six and summarized in Tables B15b and B16b, Appendix B: race directly affects incarceration and sentence length in the *Mandatory Minimum* 21 USC § 841 models but for no other *Mandatory Minimums*

II. Partially supported by the statute-specific models of incarceration presented in Chapter Seven and summarized in Tables C24f through C24j, Appendix C: there are significant differences in the coefficients of the black and white models for specific drug offenses but there are also significant differences for those of firearm and robbery offenses.

III. Partially supported by the statute-specific models of sentence length presented in Chapter Seven and summarized in Tables C27f through C27j, Appendix C: there are significant differences in the coefficients of the black and white models for specific drug offenses but there are also significant differences for those of firearm and robbery offenses.

VI. Ninth Circuit analyses were inconclusive since no other statute-specific *Mandatory Minimum* models could be analyzed

Discussion

What conclusions can be drawn from these findings? The empirical results of this research clearly demonstrate substantial differences in the significant predictors of sentence outcome between specific statutes. Importantly, they indicate that the influence of specific *Mandatory Minimum* statutes can, indeed, be separated from that of the *Guidelines* themselves. This, in turn, enables the separate estimation of the impact of each *Mandatory Minimum* statute on specific racial groups. Therefore, this research was partially successful in reaching the overall goal of separating the effects of the *Mandatory Minimums* from those of the *Guidelines*. However, the research was not entirely successful.

The widely varied outcomes of the five *Mandatory Minimum* statute specific models of incarceration and sentence length imply that the *Mandatory Minimums* are more individualistic in nature than the *Guidelines*. In retrospect, this proposition is supported by the fact that each of the *Mandatory Minimums* attaches particular and specific conditions and contexts to their application while the *Guidelines* do not. In other words, a particular statute must be invoked and conditions met in order for any specific *Mandatory Minimum* to apply to a given case. Conversely, an offense only needs to be charged in federal court for the *Guidelines* to apply. Additionally the conditions of invocation for the *Mandatory Minimums* differ substantially from one another—making the *Mandatory Minimums* much more context dependent than the *Guidelines*.[141]

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[141] This also suggests that mandatory minima in general should not be "lumped together" in discussions of structured sentencing strategies as some authors have done (Tonry, 1987). Rather, each should be regarded as an individual intervention that is tied only to specific offense contexts. Therefore, blanket condemnations of mandatory minima should be viewed with caution.

These realities suggest that the two determinate sentencing strategies, the *Mandatory Minimums* and the *Guidelines*, occur at different levels of analysis—the statute level and the venue level. As a result, a general comparison of *Guidelines* and *Mandatory Minimum* cases is not possible because it would commit the ecological fallacy (Robinson, 1950). This finding poses a dilemma for both sentencing theory and sentencing research when investigating structured sentencing.

In addition, the above findings indicate that federal sentencing outcomes are highly context dependent. Whether it is offense type, specific statute, offender race, or jurisdiction—each factor has been demonstrated to indirectly impact sentencing outcomes. Yet, the results of this research are not clear-cut. As shown above in Table 9a, they neither firmly support nor refute three of the five hypotheses. In each model, both hypotheses one and two were clearly supported. However, depending upon the data partitioning, hypotheses three through five were supported, refuted, or the results were simply inconclusive.

These results imply a hierarchy of direct and interactive effects. To illustrate this point, comparison of the models from the three chapters reveals a stable pattern of sentence variations by offense type—regardless of whether the data are further partitioned by either race or jurisdiction. However, there is no such stable pattern of sentence variations by statute. For example, in the racial partitions, there is little statute variation in sentences for firearm or robbery offenses while there is substantial statute variation for drug offenses. Yet, an inter-statute pattern of sentence variation is present when there are no further data partitions by race or jurisdiction. In addition, offense type appears to impact the inter-statute variation as exemplified by the constancy of substantial inter-statute variation for drug offenses across the various additional partitionings. The above pattern suggests that offense type ranks higher in the hierarchy of influence than specific statute since differences between offense type models remain stable regardless of additional data partitioning.

Similarly, the influence of defendant race and jurisdiction of sentencing varies with the specific partitioning. For example, defendant race is a significant predictor of sentence length for 21 USC § 841 drug offenses in the models in which the data are not further partitioned. Yet, race has no significant effect on sentence length in the 21 USC § 841 model where only Ninth Circuit data are used. Given that the influence of each of these factors varies by data partitioning, racial and jurisdictional effects are apparently also ranked lower in the hierarchy of influence over sentencing outcome than offense type. The standardized regression coefficients provide tacit support for this contention. For those models where offense types, defendant race, and jurisdictional factors are significant predictors of the dependent variable, the impact of offense type consistently outranks that of either defendant race or jurisdiction of sentencing.

Clearly, the exact ordering of the hierarchy depends heavily upon the specific context. However, because of data limitations, this hierarchical pattern cannot be fully investigated here. Yet, the suggestion of such a hierarchy has several implications for the future of sentencing research. The possibility of a hierarchy of influential factors uncovers a fundamental flaw and void in sentencing theory and research to this point.

In terms of theoretical framework, the race and sentencing theories mentioned in Chapter Two each capture a piece of the puzzle. Albonetti's (1991) *Bounded Rationality*, Kramer and Ulmer's (1996) *Substantive Rationality*, and Steffensmeier *et al*'s (1998) *Focal Concerns* each identify individual, organizational, and environmental characteristics as potential influences on judicial sentencing decisions. While these authors apply their perspectives only to the sentencing judge, these frameworks are also useful, in terms of federal sentencing, in explaining important decisions made by the US Attorney and the Probation Officer. The focus of these perspectives is on the individual court actor and how his or her interpretation of the various individual, organizational, and process-related indicators impacts sentencing outcomes—particularly racially disparate outcomes. Thus, while incorporating explanations from multiple levels, these theories operate from a primarily individual-level perspective.

One limitation of these perspectives is their parochial orientation. They focus almost exclusively on individual or local characteristics and individual interpretations of them without taking into account larger areas of influence. Especially in terms of federal sentencing, it is also important to account for multi-level influences since the *Guidelines* and *Mandatory Minimums* are both imposed upon each of the widely varied sentencing Districts by the federal government.

Additionally, the perceptions of the individual court actors, while important, are not the only perspectives or factors that impact sentence outcomes. For example, in the federal courts, the perspectives of the Appellate Judges and the Chief Judges at both the Circuit and District level can impact sentencing outcomes via case assignment, the types of cases heard, and the types of appellate decisions meted out. While such actors' perceptions of offender attributes would not be as salient as those of the sentencing court players, their perceptions of jurisdictional, environmental, and political demands would be particularly relevant. For example, Appellate Judges' perceptions of these factors can influence the outcome of appellate decisions. Since the appellate court dictates to the district courts how they may or may not sentence through reversals and upholding of district decisions (Sutton, 1978), the perceptions of Appellate Judges can directly influence the sentences imposed by the district sentencing judge.

Likewise, the actual rather than perceived environmental factors can also impact sentencing outcomes directly through specific caseloads and case-types as well as indirectly through the local case-processing strategies adapted to such needs. These additional factors may also influence the degree of racial disparity found in sentencing outcomes and, therefore, must be accounted for in theories of race and sentencing.

Dixon's *Organizational Context* perspective does incorporate variations in sentencing processing across courts. It holds that individual sentences meted out in any given court are influenced by the political, social and organizational context of that court (Dixon, 1995). The advantages to looking at the federal courts as organizational networks rather than as "cookie-cutter" institutional sub-units are fourfold. First, this perspective takes organizational variation into account. Second, it allows for consideration of internal political processes—such as workgroup relations or player constancy versus instability. Third, this approach takes into account that the distribution of power and importance of issues may change over time in different ways by jurisdiction. Finally, this perspective allows for variation in vertical and horizontal decentralization (Heydebrand and Seron, 1990).

A similar approach is the *Processual Order* or *Social Worlds* perspective. This framework discourages static depictions of social organization by focusing on the activities and interaction strategies of participants. The "social worlds" perspective views micro and macro domains of social structure as inherently linked because they mutually compose and influence one another. The resultant interaction processes and outcomes maintain, develop and change the local institutional organization. Moreover, the relative importance of each component varies with location, time and institution (Ulmer, 1997). This perspective asserts that local 'court communities' contexts and workgroup case processing norms are *as important* as externally imposed policies such as sentencing guidelines (Ulmer and Kramer, 1998).

The *Social Worlds* perspective is particularly salient for investigations of sentencing under guideline systems because it distinguishes between the formal and vernacular properties of sentencing guidelines[142] and notes that both are reciprocally "embedded" in local court contextual factors (Ulmer and Kramer, 1998). "Embeddedness" refers to the proposition that externally imposed policies, such as specific laws or sentencing guidelines, will be followed to different degrees or in different ways by jurisdiction. These differences will be based upon the interests, ideologies, and discretion of local-level individual and organizational actors (Ulmer and

[142] Formal properties are codified and include guideline format, offense severity and prior record scales, calculation and application rules, codified sentence enhancements, sentence ranges, and the amount of court discretion permitted by statute. Vernacular properties, on the other hand, are the ways local court

Kramer, 1998). Thus, in order to fully understand the impact of sentencing guidelines, researchers need to examine how guidelines are "embedded" in local court contexts, and how that "embeddedness" impacts guideline use in the case processing strategies of court actors (Ulmer and Kramer, 1998).

Yet, while they are substantial improvements over single-level perspectives, both the *Organizational Context* and *Social Worlds* perspectives are lacking in terms of explaining the findings of the current research. Neither address the apparently stable semi-gradational ordering of the same-level determinates of sentencing outcomes. In other words, they do not address why some factors are consistently significant and strong predictors regardless of contexts while others are consistently significant but not consistently strong and still others are neither consistently significant nor consistently strong.[143]

Based upon the findings of this research, the semi-gradational, context-dependence of influential factors is related both to the strength and the significance of effect. Specifically, certain factors will retain strong and significant influence over the sentencing outcome regardless of the context. At the same time, other factors are consistently significant while their degree of influence varies by context. Yet, the significance of still other factors is entirely context dependent with both their significance

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actors and their 'sponsoring agencies' actually use and apply the sentencing guidelines on a daily basis (Ulmer and Kramer, 1998).

[143] Ulmer and Kramer (1998) allude to this aspect in their discussion of "embeddedness" but do not provide a concrete rationale for why some specific factors—both legal and extralegal—are consistently significant across context while others are erratic in terms of effect. For example, their framework provides limited guidance as to why effects of the same attribute would vary widely in the same jurisdiction for one type of, for example, drug case than for another type of drug case.

and explanatory strength varying widely with context. These patterns imply a hierarchy or gradation of effects that is context dependent.

For example, in these analyses, the impact of the offense seriousness score (XFOLSOR) is consistently strong and significant across the models. Conversely, the influence of the enhancement of the offense seriousness score due to the application of career criminal status (OFFENSEC) is consistently significant but not consistently strong. Defendant status as an African-American, on the other hand, significantly lengthens sentences for drug offenses but not for firearm offenses. Both theories and research of race and sentencing, or sentencing in general, should therefore incorporate such contextual variation in hierarchical influence.

Three factors, then, appear to be of main importance to sentencing—particularly structured sentencing: *Context, Hierarchy*, and *Gradation*. *Context* consists of horizontal dimensions comprised of multiple divisions of influence that occur at the same level of analysis. In other words, *Context* refers to the differing factors from the same level that are thought to influence the sentencing outcome which can be grouped into divisions or spheres. For example, defendant characteristics comprise one contextual dimension while individual decision-maker characteristics are another dimension. Similarly, defendant characteristics and case processing factors are different spheres that occur at the same level of analysis.

Hierarchy refers to the embeddedness and inter-relatedness of the included multi-level influential factors and provides an operational framework for *Context*. This term can be conceptualized as an inverted pyramid that moves from specific or individual to general or aggregate levels. The apex of this pyramid is the sentencing decision—being the most specific point in the hierarchy. Each of the widening portions of the pyramid represents the ever-widening spheres of influence on that decision. The specific case characteristics comprise the narrowest point of the pyramid as the most specific level of analysis. In turn, defendant characteristics comprise the second most specific level—being a slightly more generalized level of case factors. These levels progress up the hierarchical pyramid to decision-maker characteristics followed by court workgroup interactions. Other hierarchical levels include court processing, local organizational structure, local political environment, and specific jurisdiction—to name a few. Thus, as the pyramid widens, it represents broader and broader spheres of influence—moving all the way to the specific country of jurisdiction, for example, at its broadest point. This hierarchy can also be visualized as funnel filled with contextual factors from which the sentencing decision is extruded.

Hierarchy captures multi-dimensional factors and refers to the circumstances of the ***sentencing decision*** rather than the particular case. As a result, it includes individual, case, processual, and organizational factors that determine the circumstances in which a sentencing decision is made. Thus, under this rubric, influential factors from different levels of analysis are incorporated under the concept of *Hierarchy*. For example, court processing, organizational structure, political environment, and jurisdictional characteristics each comprises different contextual levels. In fact, any attribute theorized to influence the sentencing outcome—regardless of level of analysis—is incorporated into the concept of *Hierarchy*.[144]

The previous theories discussed above all are composed of varied permutations and definitions of what is seen as hierarchy. *Bounded Rationality* and *Substantive Rationality* incorporate multiple hierarchical factors—such as defendant characteristics, court workload, or local political climate—into a framework of judicial perception. Likewise, *Social Worlds* encompasses both local and jurisdictional hierarchical factors—such as courtroom workgroups and sentencing guidelines—into the framework of a dynamic, constantly adapting and changing court system. Rather than placing artificial theoretical constraints on what does or does not impact sentencing outcomes, the currently proposed perspective seeks to eliminate such boundaries and incorporate as many potentially influential contexts as possible. This is done in a deliberate effort to capture an accurate, multi-dimensional picture of sentencing decision making rather than the flat one or two-dimensional theoretical frameworks that have been previously used to investigate sentencing outcomes.

Gradation applies an order to these contextual and hierarchical factors—some of which depend upon the context and others of which do not. Importance of the factors

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[144] An example of a sphere within a level of influence is *Bureaucratic Control*. *Bureaucratic Control* refers to the impact of externally imposed criteria for conducting sentencing—an influence that would be omnipresent. It entails, for example, the established means of guaranteeing a defendant's rights, the protocol of the courts, criminal laws, statutorily mandated procedures, and any formally structured means of determining sentence such as sentencing guidelines and mandatory minima. These factors are common to all the courts operating under the same venue—be it within a particular state, under federal jurisdiction or within the US as a whole. The courts abide by them—or at least address them—because they are a part of their enacting legislation, required by statute, or involve constitutional requirements. In other words, the Courts *have to* address these issues. Such factors are a constant, hard and fast influence over criminal sentences. In fact, such *Bureaucratic Control* is always a determinate of the sentencing decision. Thus,

will vary with the type of court examined. For example, judicial perceptions of the defendant would be of lesser importance in federal courts where prosecutor or probation officer perceptions wield great influence than they would be in a state court that still utilized indeterminate sentencing and in which judges enjoy nearly unfettered and unshared discretion. Thus, depending on the context, the content of the hierarchical levels theorized to have influence will vary. As a result, context and hierarchy interact with one another to produce a gradation of influential factors in terms of strength and importance.

To put it more succinctly, criminal justice outcomes and the explanations for them are products of horizontal and vertical dimensions. The main proposition is that these horizontal and vertical factors interact with and affect each other to influence criminal justice outcomes. In addition, the influence of the various dimensions is dynamic, changing from situation to situation.

In this proposed *Contextual-Hierarchical Gradation* perspective, both micro and macro-level influences interact with and affect one another to determine criminal sanction. In addition, the influence of the various levels are fluid—changing with the strength of each contextual factor. While some influences remain constant, under this perspective, the sentencing outcomes are recognized as products of mutually influencing factors. Only this model enables all of the above-mentioned influences and factors to be taken into account. However, it also implies that non-recursive relationships may exist between the factors from the various levels and spheres.

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they will necessarily affect sentencing outcomes. This is a sphere of influence that occurs at the broadest

Key to this perspective is the recognition that there are no testable, causal propositions in the traditional sense. Given that court decisions are made by human beings operating within or as a part of the various contextual hierarchical levels—each of which can have differing impacts in different places at different times and under different circumstances—there is no conventional "expected" sentencing outcome for specific offense types or offender groups. That is not to say that there would be no expected outcome, assuming that the various contextual hierarchical influences are taken into account. However, establishment of such an expected outcome would require a degree of knowledge and research that moves well beyond the current conventional methods of research and analysis. As a result, utilization of this perspective in terms of model design requires strong theoretical justification for inclusion of any potentially influential factor.

If there are no testable assumptions, what is the utility of *Contextual-Hierarchical Gradation*? Simply, identification, analysis of, and control for the aforementioned dimensions can be used in two different ways. First, it can serve as a tool for categorizing existing research and theories. Second, one can use it to develop new models and theories for exploration. Such innovations will produce more accurate depictions of reality as well as predictions of and explanations for sentencing outcomes.

Not an atheoretical perspective, *Contextual-Hierarchical Gradation* relies heavily on theoretical justification for each factor included in the multi-level evaluation of the sentencing decision. This perspective does not encourage or condone the "kitchen sink" approach to analysis. Rather, it relies upon theory and past research from each of the

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level of analysis.

varied levels of analysis to demonstrate the relevance of each factor included in the multi-level model. Only those elements with strong theoretical and/or evidential support should merit inclusion.

As in any investigation that attempts to comprehensively capture the factors influencing any given outcome, infinite regress is a potential problem with the *Contextual-Hierarchical Gradation* perspective. Clearly, in applications for developing new theories and/or models, the researcher must rely heavily on previous research and theories to justify inclusion of each proposed level and sphere. This requires *careful* consideration of potentially influential factors and is the point where prior research from each level and sphere is of paramount importance. *Contextual-Hierarchical Gradation* builds upon previous single level or sphere findings and theory to produce more comprehensive models. In other words, previous research findings are the building blocks for this approach and its users would stand "on the shoulders of giants" as it were. Thus, *Contextual-Hierarchical Gradation* builds upon the wealth of past research and theory to combine the existing findings and integrate them into a single parsimonious multi-level model

This *Contextual-Hierarchical Gradation* perspective has implications for future sentencing research and methodology. Simply, the current means of modeling sentencing decisions—namely single-level, recursive techniques utilizing a battery of dummy variables—may greatly oversimplify the relationship between sentencing outcomes and their influences. This oversimplification is threefold.

First, the traditional approach to analysis of sentencing outcomes constrains the sphere of potential influences to only a single level of analysis. While such unilevel investigations are useful in identifying the particular factors of influence *at that level* and may be convenient for statistical and methodological reasons, they do not accurately reflect the reality of how sentencing decisions are reached. As indicated by the current findings, a myriad of factors enters into and influences the sentencing decision. Given the current advances in statistical software programs that can estimate multi-level models and the fact that the purpose of social science research is to ***accurately*** reflect and predict reality, there is no justification for the continued reliance on single-level models in sentencing research. Instead, multi-level investigations that utilize and build upon the single-level findings of previous research should be undertaken in order to provide a more realistic picture of how sentencing decisions are produced. This strategy then addresses the vertical element of Contextual-Hierarchal Gradation.[145]

The rationale behind this vertical strategy is multi-faceted. First, treating lower level measures as independent of higher-level measures introduces non-random bias into

[145] There are five single level alternatives (Kreft and De Leeuw, 1998; Heck and Thomas, 2000). First, total or pooled regression refers to simply pooling data from different contexts and treating those contexts as interchangeable. However, using this model assumes that no systematic influence of context is expected on lower level outcomes. Second, aggregate regression—the use of contextual means in a regression rather than individual scores—ignores within group variation, produces autocorrelation, and risks invoking the ecological fallacy. Third, the contextual model—which includes both the individual score and the group mean in the regression equation—produces multicollinearity problems and treats aggregate level factors as if they were measured at individual level. This, in turn distorts the actual relationships between factors and confounds both the individual-level and group-level effects—thereby making significance tests unreliable. Fourth. the Cronbach model—which is the same as the contextual model except that it uses the deviation score rather than the group mean score—addressed the collinearity issues but has the same problems with significance tests as the contextual model. Finally, ANCOVA could be used but this approach assumes equal slopes and cannot isolate the contextual sources of outcome differences. While there are difficulties associated with using random coefficient models (Brame *et al.*, 1999), multi-level approaches are superior to the aforementioned alternatives.

the analysis (Heck and Thomas, 2000). In addition, it increases the probability of Type I error because such an approach underestimates standard error. Superior to single-level analytical alternatives, (Kreft and De Leeuw, 1998) multi-level techniques permit both the slope and the intercept to vary randomly by context. Moreover, multi-level can identify the specific contextual factors responsible for outcome differences while at the same time using a single model and a more complex error term.

However, multi-level analyses will not address all of the shortcomings of the traditional sentencing research approach. There are specific factors whose influences cannot be captured adequately by a single variable. Specifically, the use of dummy variables to estimate the impact of theoretically important attributes grossly oversimplifies their relationships with both the sentencing outcome and other influential factors by artificially constraining the effect of the other independent variables to be identical for the various categories examined (Myers, 1985). As demonstrated by the comparison of the race specific models of Chapter Seven to the models using dummy variables to capture race in Chapter Six, such an artificial constraint distorts the actual relationship between race and the sentencing outcome as well as that between race and the other influential factors. Such variation would not necessarily be identified via conventional interaction terms.[146]

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[146] There are several reasons for this. First, one would first require a theoretical justification to expect an interaction between the test attribute and other potentially influential factors in order to include such an interaction term in one's analysis. In other words, if one has no theoretical justification to expect an interactive relationship between two factors, there would be no reason to include an interaction term representing this relationship in the model. Second, inclusion of multiple traditional interaction terms in one model would produce model estimation problems such as multicollinearity—particularly if the test variable is included in more than one of these terms. This multicollinearity may obscure the true relationship between the interactive factors and how they interact to impact the dependent variable.

The solution to this dilemma is partitioning the data into categories by the specific attribute then conducting analyses on the partitioned data. Data partitioning has the advantage of testing for differences between groups on all theoretically relevant factors. In other words, if one theorizes that the impact of the potentially influential factors varies by the test factor, the only way to adequately test this proposition is via data partitioning. To do otherwise grossly oversimplifies the actual relationship between both the sentencing outcome and the attribute of interest as well as between that attribute and other potentially influential factors (Myers, 1985; Wooldredge, 1998).

In other words, one can think of partitioning as the reason why we separately analyze different jurisdictions, police departments, *et cetera* when we are interested in determining the differences between the two. Theoretically speaking, why should race or gender be treated any differently? Do we really expect the effects for men and women or different races, for example, to be identical? One need only to think of factors such as perceived threat or income to see the inherent flaw in the traditional approach.

However, data partitioning is not a perfect solution. As demonstrated by the current research, partitioning by multiple factors quickly results in insufficient case numbers for analysis. Thus, the key to analysis under the *Contextual-Hierarchical Gradation* perspective is the careful selection of only one or two attributes by which to partition. This partitioning of data, used in combination with multi-level analysis would theoretically produce much more accurate depictions of the determinates of sentencing outcomes because it would provide a fuller picture of how they differ by specific attributes, while at the same time controlling for the influence of multi-level factors.

Thirdly and finally, prior and current analyses—this study included—do not take into account the potential for non-recursive or mutually dependent relationships between the included factors (Berry, 1984; Greene, 2000: 656-659). This aspect may be accounted for by more fully exploring the relationships between the included factors thought to influence the sentencing outcome .

Zatz's (1987) "waves" of sentencing research provide a useful framework in which to couch the previous arguments. Just as research from the first and second "waves" oversimplified the sentencing process by not using multivariate techniques or accounting for potential indirect or interaction effects, current fourth "wave" structured sentencing research oversimplifies the structured sentencing process by failing to adequately account for multi-level and contextual factors as well as potentially recursive relationships between those factors. Using Zatz's terminology, this study simply calls for a fifth "wave" (DeLone and Kautt, 1999) of sentencing research to emerge in which sentencing research would evolve from simple single-level to multi-level analyses that incorporate contextual factors and permit the estimation of mutually dependent relationships between those factors.

It is important to note, however, that there are additional factors that cut across the various contexts and hierarchical levels. Time, for example, is a factor that influences the impact of each level and sphere—both directly and indirectly. Bureaucratic controls may have greater influence in the earlier stages of a new policy than at later stages. Similarly, the influence of individual defendant factors such as gender or race may vary with the time period under investigation. Likewise, the politically salient issues that influence court decisions and drive policy changes from year to year. Clearly, the influence of time must also be considered

LIMITATIONS

In addition to the above-identified limitations inherent in the traditional approach to sentencing research, there are some additional limitations to the current research. Because the focus is on sentence severity, this investigation is unable to tap potential bias or manipulation by police or other arresting authorities. Additionally, the data used include only those cases *prosecuted* in federal court rather than all cases *submitted* for prosecution. Moreover, the data are biased by the data submission practices of the various Federal Districts. While the use of the hazard rate attempts to compensate for these biases, as noted previously, it is a solution that is far from perfect.

In addition, the identity of the sentencing judge is not available for the cases—thereby precluding control for the influence of such individual level factors over the sentencing outcome. Furthermore, the large numbers used for some of these analyses increase the risk of Type I error, making it easier to yield statistically significant results than if a smaller sample size were used (Studenmund, 1992). Finally, several potentially important intervening variables such as presence of a substantial assistance motion, offender employment or marital status, or quantity of drugs involved are not available in this data and therefore their influence cannot be taken into account.[147]

Additionally, the use of only a single year of sentencing data precludes meaningful control for year-to-year variation. While it is still unresolved as to whether longitudinal designs are either necessary or superior to cross-sectional designs (Blumstein *et al.*, 1988b; Blumstein *et al.*, 1988a; Gottfredson and Hirschi, 1988), a longitudinal design is believed to be best suited to the task at hand. However, given the yearly inconsistency in USSC federal sentencing data, accounting for the influence of time would require *separate* analysis of each yearly data set. This research is the first step in such an endeavor.

Moreover, as reflected by previous research of both state (Eisenstein *et al.*, 1988; Nardulli *et al.*, 1988; Eisenstein and Jacob, 1991; Dixon, 1995; Kramer and Ulmer, 1996) and federal sentencing (Heydebrand and Seron, 1990; Kirsch, 1995), environmental and contextual factors have significant impact over sentencing outcomes. This study, while controlling for district and circuit with dummy variables as well as conducting a separate single circuit, district-level analysis, does not adequately take advantage of the multi-level data available in other data sets. Ideally, these data would be used together in a multi-level model to estimate the multi-level influences on federal sentencing and to determine how such influences may change between the *Guidelines* and the *Mandatory Minimums*. Such an approach is superior to either using dummy variable (Myers, 1985)

[147] The only USSC data in which these variables are present is the 1991 *Mandatory Minimum* statutes data set. Unfortunately, this data purposefully over-sampled *Mandatory Minimums* cases and contains mainly cases falling under *Mandatory Minimums*.

or partitioning the circuits and districts into separate subsets for analysis (Bryk and Raudenbush, 1992) because former increases the likelihood of both Type I and Type II errors while the latter overestimates the variation between the different sites. In addition, multi-level techniques allow for the introduction of several multi-level variables into the model.

Another major difficulty presented by the current research strategy is insufficient sample size for analysis when the data are partitioned by more than one variable. This was particularly a problem when the data were partitioned both by Circuit and statute. The use of a multi-level technique such as hierarchical linear modeling (HLM) would potentially solve this problem by eliminating the need to partition by certain factors. This elimination of certain data partitions is possible because multi-level techniques introduces a separate "sub-equation" into the model for each effect level estimated (Bryk and Raudenbush, 1992). While this approach requires additional data gathered at each level introduced, such an addition would serve to strengthen the explanatory power of the model.

In the current case, the proposed multi-level model would contain three levels: case, district and circuit. This approach, as suggested by the *Contextual Hierarchical Bureaucratic Control* perspective, would still require partitioning by defendant race and specific statute. Clearly, modeling the effects of the *Guidelines* and the *Mandatory Minimums* with multi-level factors through a multi-level technique is an area for further exploration. The above-proposed strategy, however, assumes the relationships between the influential factors are recursive in nature—an assumption that is not necessarily justified. Thus, the possibility of non-recursive relationships should also be explored in future analyses (Berry, 1984).

In addition, because the USSC built the *Guideline* sentence ranges around the existing *Mandatory Minimums*, some argue that the two are inextricably tied and inseparable. However, this argument holds true only for offenses that involve a *Mandatory Minimum*. For example, the *Guideline* ranges for drug trafficking were based upon the *Mandatory Minimums* in place for drug trafficking. However, for offenses that do not incur a *Mandatory Minimum*, there was no *Mandatory Minimum* upon which the USSC could base sentence ranges. Rather, as previously discussed, the USSC used prior sentencing practices and estimates of offense severity to devise these ranges. Therefore, the *Guidelines* and *Mandatory Minimums* are not inextricably tied for all federal cases.

For those offenses where the two are "inseparable"—such as drug trafficking—this research still posits a solution. By separately analyzing the *Mandatory Minimum* offenses that are used most often—regardless of whether the *Mandatory Minimum* is actually invoked[148]—the impact of the *Mandatory Minimums* on *Guideline* sentencing is effectively neutralized because such offenses are categorized as *Mandatory Minimums*. Such a categorization is justified because, as is argued, the *Mandatory Minimums* drove the construction of the *Guideline* ranges for such offenses.

Finally, because this research is restricted to the analysis of pre-existing data, it is precluded from qualitatively evaluating the policies, politics and practices of each circuit

[148] Drug possession cases are a good example of this. If for example, an offender does not possess enough of a given controlled substance to invoke the *Mandatory Minimum*, he or she will still suffer a comparable sentence because the *Guidelines* and *Mandatory Minimums* are linked for that offense

and district court analyzed. Future federal sentencing research should endeavor to incorporate site visits into their designs. This would permit the capture of the political climate and culture existing at various federal sentencing locales—features that escape quantification in existing data sets. Such visits would permit qualitative identification and evaluation of additional intangible factors that may affect federal sentencing outcomes. Thus, site visits and qualitative analysis of the contextual factors of the Courts is another area for future research.

CONCLUSIONS

This research has attempted to answer a "simple" question. That is: Are the *Mandatory Minimums* or the *Guidelines* the main source of the existing racial disparity in federal sentencing? The current analyses reveal that racial disparity in federal sentencing is significantly tied to drug offenses. Most specifically, cases involving 21 USC § 841—the illegal manufacture and distribution of controlled substances—*Mandatory Minimum* offenses have racially disparate sentencing outcomes. In fact, this was the ***only*** drug offense statute found to have disparate sentencing outcomes by defendant race. Yet, these same analyses also reveal that none of the *Mandatory Minimums* for drug offenses involving crack cocaine are responsible for the existing racial disparity. Rather, the sentence disparity produced by conviction of a drug offense involving crack cocaine fell under statutes that ***were not*** *Mandatory Minimums*. This finding, in effect, demonstrates that the two forms of disparity are unrelated.

These results indicate that the answer to the question posed by this study is contrary to expectation, extremely complex, and somewhat of a paradox. Based upon the findings of Chapter Six, only one *Mandatory Minimum*—that concerning drug manufacture and distribution—displays disparate sentencing outcomes by race while no other statutes demonstrate direct racial effects for either incarceration or sentence length. Yet, as demonstrated by the findings presented in Chapter Seven, race operates indirectly to varying degrees in all the models estimated. The differences in influences by race are strongest for the same aforementioned single *Mandatory Minimum* offense model and ***several*** of the "other" offense models representing the *Guidelines*. Thus, it is clear that the *Guidelines* produce much of the existing racial disparity—albeit indirectly. However, the main source of the existing racial disparity appears to be drug crimes rather than either the *Mandatory Minimums* or the *Guidelines*.

Yet, the relevant findings of the current research move beyond the research question and even beyond federal sentencing. Further investigations of the above relationships using data partitioning by race revealed wide variation in the significant predictors of sentencing outcomes between blacks and whites. Moreover, additional analyses of the data partitioned by Circuit revealed that the racial effects uncovered in the original models disappeared for sentencing outcomes of the Ninth Circuit. These differences effectively demonstrated that the influence of many factors is highly context dependent. Yet, the influence of every factor did not appear to be context dependent. Rather, there appeared to be a hierarchy of influences—some of which were highly context dependent and others that were not. In addition, the differential findings by Circuit partitioning also implied that multiple levels of influences are involved in federal sentencing decisions.

Related to this, another important, perhaps obvious, finding is the observation that the *Mandatory Minimums* and the *Guidelines* are sentencing interventions that occur at different levels of analysis. The *Guidelines* are global—applying to all cases sentenced in federal court—while the *Mandatory Minimums* are statute specific, applicable only in cases where that particular statute is charged. Thus, identifying the effect of the *Mandatory Minimums* requires only the partitioning and analysis of data by the specific *Mandatory Minimum* statutes while such a strategy would not work to investigate the impact of the *Guidelines*.

The above observations led to the proposal of a *Contextual-Hierarchical Gradation* theoretical framework as well as the recognition that multi-level rather than single level research and analyses must be undertaken if an accurate portrayal of federal sentencing is to be achieved. The use of multiple-levels of analysis would not be limited to two or three levels but instead would include as many levels as theoretically believed to have impact and for which data are available. In addition, because of the fuller picture provided by such a strategy, future research should consider using a partitioning approach rather than dummy variables to capture specific categorical attributes considered to be especially influential or interesting. Used in conjunction with one another, the two strategies would provide a multi-dimensional portrait of the sentencing decision rather than the flat, single or two-dimensional picture provided by traditional sentencing research strategies. Such changes in the strategy of sentencing research would signal the ushering in of—to use Zatz's (1987) terminology—a fifth "wave" of sentencing research.

Clearly, sentencing research has reached a turning point. The various strategies of structured sentencing can be applied concurrently—like the *Mandatory Minimums* and *Guidelines*—yet may also occur at different levels of analysis. Meaningful evaluation of the effects of these strategies on sentencing under systems that utilize them requires that future sentencing research abandon the exclusive single-level approach in favor of a multi-level strategy. The varied degrees of contextual dependence demonstrated by several legal and extralegal factors commonly assumed to influence the sentencing decision uncovered here further accentuate the need to move toward multi-level models of sentencing outcomes.

In previous years, problems with invoking the ecological fallacy precluded multi-level analysis. However, with the wide availability of several statistical software packages capable of producing and analyzing multi-level models, there is no longer a methodological justification for not taking the influence of contextual factors from several different levels of analysis into account in the same empirical investigation. In fact, the movement appears to be underway in other areas of criminal justice research. Multi-level modeling has been used to estimate how the impact of family, school, and peers on delinquency varies with age (Jang, 1999) as well as the influence of individual, institutional, and community factors on school disorder (Welsh *et al.*, 1999). It could also easily be used in studies of distance-decay where there has been recent debate over ecological fallacy problems in using aggregate data to predict individual behavior. Clearly, for the benefit of sentencing and criminal justice research as a whole, the call to enter into a fifth "wave" of sentencing research should be heeded.

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APPENDIX A

CODES AND FREQUENCIES FOR ICPSR 9317 VARIABLES

TABLE A
CODES AND FREQUENCIES FOR ICPSR 9317 VARIABLES

Variable	Code	Full Set (N = 38,258) N	%	Ninth Circuit (N = 6,830) N	%
Dependent Variables					
TOTPRISN	MEAN		53.53		47.43
PRISN	1 = yes	32,110	83.9%	5,694	83.0%
	0 = no	6,148	16.1%	1,136	16.6%
Independent Variables					
Processing					
DOCPLEA	1 = yes	24,124	63.1%	4,503	65.9%
	0 = no	14,134	36.9%	2,327	34.1%
NOCOUNTS	MEAN		1.81		1.56
PLEADG	1 = yes	33,048	86.4%	6,039	88.4%
	0 = no	5,210	13.6%	791	11.6%
TRIAL	1 = yes	4,950	12.9%	692	10.1%
	0 = no	33,349	87.1%	6,138	89.9%
ACCPTPSR	1 = yes	27,320	71.4%	3,857	56.6%
	0 = no	8,574	22.4%	2,344	34.3%
ADJUSTME	MEAN		-1.42		-1.48
UPWARD	1 = yes	544	1.4%	141	2.1%
	0 = no	37,714	98.6%	6,689	97.9%
DOWNWARD	1 = yes	7,652	20.0%	1,439	21.1%
	0 = no	30,606	80.0%	5,391	78.9%
PROBATIO	1 = yes	9,612	25.1%	1,735	25.4%
	0 = no	26,681	69.7%	4,622	67.7%
CAREER	1 = yes	16,952	44.3%	3,014	44.1%
	0 = no	20,091	52.5%	3,430	50.2%
OFFENSEC	1 = yes	814	2.1%	167	2.4%
	0 = no	37,444	97.9%	6,663	97.6%

Offense					
OFFENSE DUMMIES					
violent	1 = yes	770	2.0%	213	3.1%
robbery	0 = no	1,629	4.3%	584	8.6%
property		3,047	8.0%	313	4.6%
white-collar		8,737	22.8%	1,248	18.3%
drugs (*reference*)		16,834	44.0%	2,896	42.4%
firearms		3,128	8.2%	388	5.7%
immigration		1,928	5.0%	813	11.9%
other		2,008	5.2%	327	4.8%
DRUGTYPE DUMMIES					
powder cocaine	1 = yes	6,684	17.4%	850	12.4%
crack cocaine	0 = no	3,014	7.9%	105	1.5%
heroin		1,495	3.9%	214	3.1%
marijuana		4,466	11.7%	1,246	18.2%
methanmphetamine		861	2.3%	426	6.2%
LSD		262	0.7%	26	0.4%
PCP or other		572	1.5	88	1.3%
Not Applicable		20,877	54.6%	3,867	56.6%
XFOLSOR	MEAN		17.52		17.38
XCRHISSR	MEAN		1.98		2.11
CRIMHIST	1 = yes	24,924	65.1%	4,304	63.0%
	0 = no	11,627	30.4%	2,109	30.9%
RACE DUMMIES	1 = yes				
White (**reference**)	0 = no	22,327	58.4%	4,446	65.1%
Black		11, 029	28.8%	772	10.6%
Native American		514	1.3%	188	2.8%
Asian		593	1.4%	249	3.6%
HISPANIC	1 = yes	8,640	26.6%	2,611	38.2%
	0 = no	29,268	73.4%	4,219	61.8%
MONSEX	0 = male	31,995	83.6%	5,833	85.4%
	1 = female	6,254	16.3%	996	14.6%
ANNINCOM	MEAN	13,455			15,072
EDUCCATN					
Some Elementary		5,424	14.2%	1,222	17.9%
Some High School/Vocational		9,511	24.9%	1,591	23.3%
High School/Vocational Grad		12,371	32.3%	1,775	26.0%
Some College		6,784	17.7%	1,236	18.1%
College Graduate		1,956	5.1%	280	4.1%
Graduate Degree		630	1.6%	77	1.1
AGE	MEAN		34.46		33.78
NUMDEPEN	MEAN		1.55		1.58

USCITIZ	1 = US Citizen	29,191	76.3%	4,064	59.5%
	0 = not US Citizen	9,067	23.7%	2,766	40.5%
Environmental Variables					
CIRCUIT DUMMIES					
DC		522	1.4%		-----
1st		1,077	2.8%		-----
2nd		3,250	8.5%		-----
3rd		2,232	5.8%		-----
4th		4,267	11.2%		-----
5th		5,456	14.3%		
6th		3,808	10.0%		-----
7th		2,098	5.5%		-----
8th		2,084	5.4%		-----
9th		6,830	17.9%		-----
10th		1,951	5.1%		-----
11th		4,683	12.2%		-----
DISTRICT DUMMIES					
Alaska District		-----		183	2.7%
Arizona District		-----		1,090	16.0%
California					
Central District		-----		1,173	17.2%
Eastern District		-----		565	8.3%
Northern District		-----		249	3.6%
Southern District		-----		1,383	20.2%
Hawaii District		-----		214	3.1%
Idaho District		-----		68	1.0%
Montana District		-----		210	3.1%
Nevada District		-----		384	5.6%
Oregon District		-----		579	8.5%
Washington					
Eastern District		-----		292	4.3%
Western District		-----		369	5.4%
Guam District		-----		70	1.0%
Northern Mariana Islands		-----		1	0.0%
STATUTE					
18.0924		432	1.1%	34	0.5%
18.2113		1,691	4.4%	597	8.7%
21.0841		7,465	19.5%	1,380	20.2%
21.0844		914	2.3%	365	5.3%
21.0960		229	0.5%	65	1.0%

APPENDIX B

OFFENSE AND STATUTE SPECIFIC PARTITIONINGS

TABLE B1A
FULL DATA LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp (B)
VIOLENT**	0.5881	0.2137	0.246497129	1.8006
ROBBERY	0.1365	0.308	0.082257388	1.1462
PROPERTY	-0.074	0.0795	-0.059796576	0.9287
WHTCOLLR**	0.3292	0.0653	0.412454185	1.3898
FIREARMS	0.0313	0.1018	0.025596818	1.0317
IMMIGRAT**	0.6421	0.117	0.41923552	1.9004
OTHERO	-0.0685	0.0939	-0.045592732	0.9338
XCRHISSR**	0.7181	0.0346	3.263840086	2.0505
CRIMHIST**	0.2315	0.0533	0.329237488	1.2605
STATMIN**	-0.0012	0.0003	-0.724748815	0.9988
NOCOUNTS**	0.0846	0.0227	1.122148455	1.0883
ACCPTPSR**	-0.3643	0.0707	-0.463618998	0.6947
ADJUSTME**	0.111	0.0196	0.574000795	1.1174
DOWNWARD**	-3.9301	0.0883	-4.692059994	0.0196
PROBATIO**	-1.1691	0.0851	-1.539672959	0.3106
CAREER	-0.0552	0.0571	-0.08207971	0.9463
OFFENSEC*	-2.05	0.8369	-0.882930196	0.1287
XFOLSOR**	0.308	0.0073	9.486373191	1.3607
MONSEX**	-0.3674	0.0511	-0.431860657	0.6925
AGE	-0.0016	0.0021	-0.050466225	0.9984
NUMDEPEN	-0.006	0.0093	-0.037664543	0.994
USCITIZE**	-0.4981	0.0823	-0.632181851	0.6077
BLACK	0.0266	0.0546	0.035961247	1.0269
HISPANIC	0.0812	0.0844	0.101335112	1.0846
EDUCCAT**	-0.0569	0.02	-0.197966453	0.9446
DOCPLEA**	0.2952	0.0529	0.425248455	1.3435
TRIAL**	0.4096	0.1373	0.410304248	1.5062
CIRC1ST	-0.1001	0.1627	-0.049416462	0.9047
CIRC2ND**	-0.2686	0.1006	-0.223511836	0.7644
CIRC3RD**	-0.3272	0.1003	-0.228895682	0.721
CIRC4TH*	-0.229	0.0909	-0.215153276	0.7953
CIRC5TH	-0.123	0.0908	-0.128369439	0.8842
CIRC7TH	0.0375	0.1147	0.025481055	1.0382
CIRC8TH	-0.0836	0.1126	-0.056626874	0.9198
CIRC9TH**	-0.2487	0.0896	-0.284258655	0.7798
CIRC10TH	-0.1783	0.1098	-0.117069658	0.8367
CIRC11H*	-0.1976	0.0909	-0.193297491	0.8207
CIRCDC**	-0.7624	0.1946	-0.263976495	0.4665
Constant	-0.2389	0.219		

-2 log likelihood:	13271.462		**Model Chi-Square:**	12627.370	
R^2_L: .4875		**R^2:** .482		**Φ_p:** .7310	
N = 32,034		**DF:** 38		***p < .05**	****p < .01**

TABLE B1B
OLS SENTENCE LENGTH ESTIMATES—ALL OFFENSES WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
VIOLENT**	25.83348	2.451994	0.037467	10.5357
ROBBERY	1.65284	1.805052	0.003375	0.915674
PROPERTY*	3.935938	1.601104	0.010526	2.458265
WHTCOLLR**	12.43636	1.157937	0.052178	10.7401
FIREARMS**	7.504536	1.470663	0.020149	5.102825
IMMIGRAT**	17.07848	2.119738	0.033201	8.056881
OTHERO	2.938625	1.804154	0.006274	1.62881
XCRHISSR**	11.77219	0.330922	0.178447	35.57394
CRIMHIST**	5.378109	0.972563	0.024795	5.529833
STATMIN**	0.195106	0.004169	0.18251	46.79723
NOCOUNTS**	0.972821	0.11749	0.029752	8.280062
ACCPTPSR*	1.81722	0.89984	0.007088	2.019492
ADJUSTME**	5.395511	0.237169	0.092872	22.74968
DOWNWARD**	-71.6691	1.042071	-0.29722	-68.7757
UPWARD**	28.20243	2.854021	0.034402	9.881647
PROBATIO**	5.493839	1.293744	0.0238	4.246466
CAREER	-0.61969	0.977892	-0.00308	-0.6337
OFFENSEC**	23.90362	2.646522	0.035477	9.032089
XFOLSOR**	7.706616	0.065958	0.790157	116.8405
MONSEX**	-6.20559	1.00629	-0.02275	-6.1668
AGE	-0.01366	0.034912	-0.00144	-0.3912
NUMDEPEN	-0.09566	0.168495	-0.002	-0.56772
USCITIZE**	-6.44152	1.190367	-0.02568	-5.41138
BLACK**	3.752988	0.856657	0.017117	4.380967
HISPANIC	-1.42652	1.209017	-0.00583	-1.1799
EDUCCAT**	-1.40634	0.326071	-0.01634	-4.31298
DOCPLEA	-0.49765	0.905826	-0.00236	-0.54939
TRIAL**	19.74952	1.344087	0.06731	14.69363
CIRC1ST	-1.76028	2.279824	-0.00303	-0.77211
CIRC2ND	-0.71535	1.724834	-0.00184	-0.41474
CIRC3RD	-3.81592	1.742141	-0.00943	-2.19036
CIRC4TH	0.696793	1.491877	0.002195	0.467058
CIRC5TH*	3.270922	1.432987	0.011729	2.28259
CIRC7TH	2.586838	1.816283	0.00596	1.424248
CIRC8TH	-3.46292	1.801807	-0.00803	-1.92192
CIRC9TH	-1.18497	1.465564	-0.00414	-0.80854
CIRC10TH	0.408948	1.836248	0.000934	0.222709
CIRC11TH	1.988243	1.434083	0.00684	1.386421
CIRCDC**	-25.6146	3.020255	-0.03144	-8.48094
Hazard Rate**	-133.244	2.64082	-0.30943	-50.4554
(Constant)	19.81329	3.76774		5.258668

R^2 .627 **Adjusted R^2** .627 ***p < .05** ****p< .01**

TABLE B2A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION—DRUG OFFENSES

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
CRACK	-0.3746	0.1915	-0.58201	0.6876
HEROIN	0.3179	0.2442	0.365449	1.3743
MARIJUAN**	-0.5058	0.1143	-0.90184	0.603
METHAM	-0.3279	0.2333	-0.28975	0.7205
LSD	0.7729	0.4623	0.386706	2.1661
OTHERDR**	-0.7722	0.1947	-0.52279	0.462
XCRHISSR**	0.5976	0.0729	3.236738	1.8177
CRIMHIST	0.1509	0.1101	0.284351	1.1629
STATMIN*	-0.0012	0.0005	-0.74921	0.9988
NOCOUNTS	0.0084	0.0315	0.083001	1.0084
ACCPTPSR	-0.2476	0.1357	-0.44353	0.7806
ADJUSTME	0.0627	0.0333	0.50278	1.0647
DOWNWARD**	-3.6103	0.1766	-6.72192	0.027
PROBATIO**	-2.5151	0.193	-2.87723	0.0809
CAREER	0.175	0.1208	0.357737	1.1912
OFFENSEC*	-1.7101	0.8037	-1.07648	0.1808
XFOLSOR**	0.1611	0.0088	6.102471	1.1748
MONSEX**	-0.7542	0.105	-1.04595	0.4704
AGE	-0.0079	0.0049	-0.31026	0.9922
NUMDEPEN	-0.0035	0.0185	-0.03075	0.9965
USCITIZE**	-0.7738	0.1687	-1.43746	0.4612
BLACK	0.0328	0.1368	0.062204	1.0333
HISPANIC	-0.0724	0.1539	-0.13744	0.9302
EDUCCAT**	-0.1239	0.0426	-0.56014	0.8834
DOCPLEA*	0.2695	0.1077	0.537075	1.3093
TRIAL	0.5124	0.2657	0.797069	1.6692
CIRC1ST	-0.5144	0.3524	-0.3659	0.5979
CIRC2ND**	-0.5862	0.2274	-0.69894	0.5564
CIRC3RD**	-0.9374	0.2188	-0.8644	0.3917
CIRC4TH**	-0.847	0.1955	-1.107	0.4287
CIRC5TH	0.0593	0.2106	0.086541	1.0611
CIRC7TH	0.3384	0.2925	0.301754	1.4027
CIRC8TH**	-0.6139	0.2227	-0.57803	0.5412
CIRC9TH**	-0.6998	0.1949	-1.0798	0.4967
CIRC10TH	-0.3604	0.2603	-0.29456	0.6974
CIRC11TH	-0.2388	0.2205	-0.33079	0.7876
CIRCDC	-1.5162	0.3377	-0.87704	0.2195
Constant	3.3856	0.4491		

-2 log likelihood: 3656.314 **Model Chi-Square:** 3262.083
R^2_L: .4715 R^2: .373 Φ_p: .4858
N = 14744 **DF:** 37 *p < .05 **p < .01

TABLE B2B
OLS SENTENCE LENGTH ESTIMATES—DRUG OFFENSES HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
CRACK**	6.067749	2.28359	0.019867	2.657109
HEROIN	3.262679	2.660086	0.007306	1.226531
MARIJUAN	-2.89205	1.818972	-0.01061	-1.58994
METHAM**	7.470156	3.281455	0.01342	2.276477
LSD	3.412694	5.195707	0.00359	0.65683
OTHERDR	-7.03056	4.133581	-0.00974	-1.70084
XCRHISSR**	14.11948	0.704194	0.158395	20.05057
CRIMHIST*	4.25029	1.813447	0.016171	2.343764
STATMIN**	0.250074	0.007703	0.201727	32.46529
NOCOUNTS**	2.822831	0.265641	0.059421	10.62648
ACCPTPSR*	3.783623	1.546488	0.01323	2.446591
ADJUSTME**	8.078641	0.403289	0.131601	20.03191
DOWNWARD**	-80.8643	1.716902	-0.31619	-47.099
UPWARD**	46.07867	8.461479	0.029094	5.445699
PROBATIO**	-23.9751	4.233008	-0.05189	-5.66383
CAREER	2.687251	1.857939	0.011353	1.446361
OFFENSEC**	17.29785	4.792906	0.022787	3.609053
XFOLSOR**	7.348213	0.114779	0.570227	64.02076
MONSEX**	-12.9497	2.056267	-0.03567	-6.29768
AGE	0.099092	0.070515	0.008009	1.405271
NUMDEPEN	0.170209	0.300954	0.003115	0.565565
USCITIZE**	-7.14213	1.993628	-0.02657	-3.58248
BLACK**	6.056847	1.963751	0.023919	3.084324
HISPANIC	-0.85343	2.067902	-0.00331	-0.4127
EDUCCAT**	-1.70585	0.615011	-0.01585	-2.77369
DOCPLEA*	-3.67169	1.716109	-0.01496	-2.13954
TRIAL**	16.44722	2.29664	0.053247	7.161424
CIRC1ST	-0.43239	4.19442	-0.00065	-0.10309
CIRC2ND**	10.25573	3.343138	0.023202	3.067695
CIRC3RD**	-11.3937	3.428311	-0.02262	-3.32343
CIRC4TH	-0.19982	2.832782	-0.00055	-0.07054
CIRC5TH**	11.88192	2.767376	0.036919	4.29357
CIRC7TH**	10.54635	3.537307	0.019769	2.981463
CIRC8TH	-5.09638	3.389753	-0.01015	-1.50347
CIRC9TH	3.600989	2.920449	0.010566	1.233026
CIRC10TH	7.283949	3.751775	0.012609	1.941468
CIRC11TH**	10.64436	2.768907	0.031704	3.844244
CIRCDC**	-40.9578	4.875112	-0.0512	-8.4014
Hazard Rate**	-220.115	8.218225	-0.27721	-26.7837
(Constant)	100.7596	9.609625		10.48527

R^2 .591 **Adjusted R^2** .590 ***p < .05** ****p< .01**

TABLE B3A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION—FIREARMS OFFENSES

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
XCRHISSR**	0.8065	0.1028	5.205019	2.2401
CRIMHIST	0.4466	0.2651	0.680432	1.5629
STATMIN	0.0007	0.0017	0.448919	1.0007
NOCOUNTS**	0.3626	0.1098	1.725186	1.437
ACCPTPSR	0.0342	0.3214	0.044127	1.0348
ADJUSTME	0.1336	0.1145	0.586201	1.1429
DOWNWARD**	-5.2913	0.3884	-5.47427	0.005
PROBATIO**	-0.9739	0.3729	-1.30629	0.3776
CAREER	-0.1201	0.2567	-0.14704	0.8868
XFOLSOR**	0.4417	0.042	12.62442	1.5554
MONSEX*	-0.7154	0.3521	-0.4951	0.489
AGE	-0.0066	0.0096	-0.21247	0.9935
NUMDEPEN**	-0.1871	0.0466	-1.14942	0.8294
USCITIZE**	-1.377	0.416	-1.40164	0.2523
BLACK	0.2839	0.2261	0.477174	1.3283
HISPANIC	0.2896	0.3673	0.311009	1.3359
EDUCCAT*	-0.1891	0.0917	-0.62876	0.8277
DOCPLEA	0.025	0.222	0.04081	1.0253
CIRC1ST	-0.2278	0.5623	-0.1396	0.7963
CIRC2ND	-0.2628	0.4288	-0.20812	0.7689
CIRC3RD	-0.3511	0.4379	-0.25121	0.7039
CIRC4TH	-0.3371	0.3388	-0.4282	0.7139
CIRC5TH	0.2194	0.4173	0.27164	1.2453
CIRC7TH	0.1438	0.4639	0.114144	1.1546
CIRC8TH	-0.4706	0.5172	-0.35756	0.6247
CIRC9TH	-0.7723	0.414	-0.85543	0.4619
CIRC10TH	0.4256	0.4836	0.350052	1.5306
CIRC11H	-0.1434	0.3794	-0.15653	0.8664
CIRCDC	-0.3624	1.3456	-0.11708	0.696
Constant	-0.3005	0.9747		

-2 log likelihood:	740.750	**Model Chi-Square:**	941.225		
R^2_L:	.5595	**R^2:**	.520	**Φ_p:**	.6079
N =	2623	**DF:**	29	***p < .05**	****p < .01**

TABLE B3B
OLS SENTENCE LENGTH ESTIMATES—FIREARMS OFFENSES WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
XCRHISSR**	10.2249	0.623821	0.224703	16.39077
CRIMHIST	5.249474	3.53869	0.018179	1.483451
STATMIN**	0.256064	0.011297	0.264176	22.66669
NOCOUNTS**	2.47278	0.596318	0.042181	4.146748
ACCPTPSR	2.696877	2.429719	0.011081	1.109954
ADJUSTME**	2.991071	0.801076	0.043668	3.733818
DOWNWARD**	-54.6328	3.173153	-0.21366	-17.2172
UPWARD**	38.5968	4.553679	0.084741	8.47596
PROBATIO**	9.025604	2.974316	0.041196	3.034515
CAREER	-0.30578	3.054805	-0.00134	-0.1001
OFFENSEC**	28.95381	4.890593	0.064829	5.920307
XFOLSOR**	6.130601	0.148711	0.592565	41.2248
MONSEX	-5.70166	4.335665	-0.01313	-1.31506
AGE	-0.05606	0.092879	-0.00612	-0.60362
NUMDEPEN**	-1.6538	0.470503	-0.03537	-3.51496
USCITIZE	-6.91065	3.705587	-0.02129	-1.86493
BLACK	1.233577	1.904617	0.00699	0.647677
HISPANIC	2.770888	3.315128	0.009858	0.835831
EDUCCAT	-1.23337	0.911322	-0.01393	-1.35338
DOCPLEA	0.436948	2.173769	0.002429	0.20101
TRIAL**	17.91768	3.199103	0.074808	5.600846
CIRC1ST	3.245036	5.043458	0.007089	0.643415
CIRC2ND	-4.1989	4.319207	-0.01133	-0.97215
CIRC3RD	3.441447	4.541044	0.008539	0.757854
CIRC4TH	4.538304	3.230334	0.018788	1.404903
CIRC5TH	3.97756	3.279376	0.016727	1.212902
CIRC7TH	2.105661	4.004895	0.006207	0.525772
CIRC8TH	-2.83123	4.474206	-0.00716	-0.63279
CIRC9TH	-4.9853	3.622191	-0.01771	-1.37632
CIRC10TH*	9.125795	4.080843	0.026338	2.236253
CIRC11TH**	11.42293	3.341414	0.044842	3.418592
CIRCDC	-8.20549	9.537925	-0.00875	-0.8603
Hazard Rate**	-79.3341	6.319262	-0.19419	-12.5543
(Constant)	-2.5165	9.998512		-0.25169

R^2 .754 **Adjusted R^2** .751 ***p < .05** ****p< .01**

TABLE B4A
LOGIT INCARCERATION ESTIMATES—ROBBERY OFFENSES

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
XCRHISSR**	1.0704	0.3018	10.42634	2.9165
CRIMHIST	0.2887	0.4779	0.508995	1.3346
STATMIN	-0.0041	0.0024	-3.46659	0.9959
NOCOUNTS	0.5666	0.4662	4.947294	1.7623
ACCPTPSR	0.3738	0.5515	0.775376	1.4533
ADJUSTME*	0.4049	0.2036	2.623784	1.4992
DOWNWARD**	-5.4042	0.9105	-9.70398	0.0045
CAREER	-0.1753	0.6189	-0.38361	0.8392
XFOLSOR**	0.5203	0.0708	17.69784	1.6826
MONSEX	-0.4072	0.423	-0.57636	0.6655
AGE	0.0138	0.0232	0.621276	1.0139
NUMDEPEN	0.1299	0.1514	0.933685	1.1388
USCITIZE	-1.6605	1.295	-1.78123	0.19
BLACK	0.1024	0.5042	0.240811	1.1078
HISPANIC	-0.6885	0.9774	-0.87192	0.5023
EDUCCAT	-0.0529	0.2293	-0.23961	0.9485
TRIAL	-2.0758	1.4016	-3.1986	0.1255
DOCPLEA	-0.0911	0.5081	-0.20707	0.9129
CIRC2ND	-1.9989	1.0614	-2.45119	0.1355
CIRC3RD	-2.0842	1.1816	-1.94219	0.1244
CIRC4TH	-1.0728	1.4365	-1.53434	0.342
CIRC5TH*	-2.8359	1.2023	-3.68861	0.0587
CIRC7TH	-0.9448	1.2851	-0.97693	0.3887
CIRC8TH	-0.9993	1.1969	-1.06653	0.3681
CIRC9TH	-2.0925	1.096	-4.86417	0.1234
CIRC10TH	-0.9203	1.1285	-1.07217	0.3984
CIRC11TH	-1.4983	1.2095	-2.43935	0.2235
Constant	-0.958	2.3269		

-2 log likelihood:	200.932			**Model Chi-Square:**	400.473
R^2_L:	.6658	**R^2:**	.594	**Φ_p:**	.7391
N =	1621	**DF:**	27	***p < .05**	****p < .01**

TABLE B4B
OLS SENTENCE LENGTH ESTIMATES—ROBBERY OFFENSES WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
XCRHISSR**	11.0139	0.921157	0.230949	11.95659
CRIMHIST	-4.04613	4.334594	-0.01467	-0.93345
STATMIN**	0.383993	0.015188	0.322693	25.28194
NOCOUNTS**	8.436036	0.71282	0.157298	11.83473
ACCPTPSR	4.784062	3.020316	0.018944	1.583961
ADJUSTME**	5.808959	1.02204	0.081568	5.683689
DOWNWARD**	-38.3244	3.184469	-0.15331	-12.0348
UPWARD**	74.36918	7.974116	0.113305	9.326323
CAREER	5.862921	3.881365	0.027949	1.510531
OFFENSEC**	45.35637	4.753739	0.163192	9.541198
XFOLSOR**	5.641694	0.273183	0.410186	20.65169
MONSEX	2.105679	4.279353	0.006563	0.492056
AGE	-0.20564	0.131511	-0.01989	-1.56368
NUMDEPEN	-0.74687	0.770775	-0.01175	-0.96898
USCITIZE	3.165306	6.714865	0.005985	0.471388
BLACK	2.496149	2.520323	0.012726	0.990408
HISPANIC	1.918744	4.882784	0.005152	0.392961
EDUCCAT*	-2.85047	1.273146	-0.02769	-2.23892
TRIAL**	32.02396	4.711867	0.105371	6.796448
DOCPLEA	-2.6679	2.964935	-0.0129	-0.89982
CIRC2ND	-9.49068	5.678856	-0.02527	-1.67123
CIRC3RD**	-18.0547	6.450952	-0.03848	-2.79876
CIRC4TH	-0.17017	4.771931	-0.00055	-0.03566
CIRC5TH	7.754325	5.043689	0.022929	1.537431
CIRC7TH	2.876016	6.130996	0.006463	0.469094
CIRC8TH	-0.41125	5.931872	-0.00097	-0.06933
CIRC9TH**	-10.5065	3.926546	-0.04978	-2.67577
CIRC10TH	4.246454	5.589887	0.010912	0.759667
CIRC11H	-1.86315	4.41615	-0.00683	-0.42189
Hazard Rate**	-73.9411	10.31542	-0.12288	-7.16802
(Constant)	-3.36664	13.96931		-0.241

R^2 .746 **Adjusted R^2** .737 ***p < .05** ****p< .01**

TABLE B5A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION—OTHER OFFENSES

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
PROPERTY	0.0798	0.1023	0.074321	1.0831
WHTCOLLR**	0.2329	0.0896	0.278941	1.2622
IMMIGRAT**	1.0674	0.1444	0.823033	2.908
XCRHISSR**	0.9148	0.047	3.152978	2.4962
CRIMHIST**	0.3051	0.0685	0.363237	1.3568
STATMIN	-0.0003	0.0004	-0.17087	0.9997
NOCOUNTS**	0.079	0.0262	0.70493	1.0822
ACCPTPSR**	-0.4468	0.0915	-0.44913	0.6397
ADJUSTME	0.0507	0.0284	0.191045	1.052
DOWNWARD**	-4.6275	0.1232	-3.69577	0.0098
PROBATIO	-0.2005	0.1074	-0.24056	0.8184
CAREER	-0.0848	0.0729	-0.10174	0.9187
XFOLSOR**	0.5939	0.015	9.123788	1.8111
MONSEX**	-0.1833	0.0646	-0.19136	0.8326
AGE	-0.0022	0.0026	-0.06064	0.9978
NUMDEPEN	0.0049	0.0122	0.025201	1.0049
USCITIZE**	-0.4095	0.1061	-0.4093	0.664
BLACK	0.0832	0.0699	0.084929	1.0868
HISPANIC	0.0275	0.1146	0.024937	1.0279
EDUCCAT	-0.0467	0.0255	-0.13833	0.9544
TRIAL	0.2313	0.1818	0.265306	1.2602
DOCPLEA**	0.1935	0.069	0.126048	1.2135
CIRC1ST	0.0157	0.2127	0.005739	1.0158
CIRC2ND**	-0.4757	0.1297	-0.31391	0.6215
CIRC3RD*	-0.2931	0.1281	-0.17697	0.7459
CIRC4TH	-0.1616	0.1197	-0.11718	0.8508
CIRC5TH*	-0.2338	0.115	-0.19595	0.7915
CIRC7TH	-0.2488	0.1419	-0.14189	0.7797
CIRC8TH	0.0327	0.1473	0.017787	1.0332
CIRC9TH	-0.1847	0.1168	-0.16905	0.8313
CIRC10TH	-0.1706	0.1383	-0.09614	0.8431
CIRC11TH*	-0.2238	0.1136	-0.16945	0.7995
CIRCDC	-0.3587	0.2715	-0.08145	0.6986
Constant	-3.3479	0.2984		

-2 log likelihood:	7887.520			**Model Chi-Square:**	7006.413
R^2_L: .4704		R^2:	.525	Φ_p:	.6706
N = 13,343		**DF:**	33	***p < .05**	****p < .01**

TABLE B5B
OLS SENTENCE LENGTH ESTIMATES—"OTHER" OFFENSES WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
PROPERTY	-0.5022	1.28373	-0.00329	-0.39121
WHTCOLLR	-0.55333	1.061461	-0.00462	-0.52129
IMMIGRAT**	5.497041	1.836185	0.02707	2.993729
XCRHISSR**	8.642297	0.351037	0.204513	24.61933
CRIMHIST**	3.664594	0.937476	0.030153	3.909002
STATMIN**	0.10849	0.004274	0.155259	25.3823
NOCOUNTS	-0.16118	0.098277	-0.01046	-1.64009
ACCPTPSR	-0.36976	1.001603	-0.00229	-0.36917
ADJUSTME	0.220521	0.269586	0.005872	0.817998
DOWNWARD**	-49.7295	1.300091	-0.29415	-38.2508
UPWARD**	18.93979	2.561866	0.045257	7.392967
PROBATIO**	16.50962	1.065725	0.138671	15.49144
CAREER	-1.18236	0.957622	-0.00993	-1.23468
OFFENSEC**	45.00686	5.838351	0.048322	7.708831
XFOLSOR**	8.106529	0.092248	0.882997	87.87711
MONSEX*	-1.86527	0.898505	-0.01335	-2.07597
AGE**	-0.13282	0.033329	-0.02559	-3.98525
NUMDEPEN	-0.23695	0.173981	-0.0083	-1.36192
USCITIZE*	-3.35377	1.364993	-0.02113	-2.45699
BLACK	0.673888	0.908106	0.004858	0.742081
HISPANIC	-1.33317	1.44634	-0.008	-0.92176
EDUCCAT**	-1.06725	0.322556	-0.02219	-3.30874
TRIAL	10.23196	1.614495	0.047544	6.337561
DOCPLEA	-1.29128	0.92041	-0.01005	-1.40294
CIRC1ST	-1.76638	2.470857	-0.00477	-0.71488
CIRC2ND**	-5.40639	1.749297	-0.02306	-3.09061
CIRC3RD	-0.18959	1.683276	-0.00086	-0.11263
CIRC4TH	-1.72861	1.562867	-0.00861	-1.10605
CIRC5TH	-1.74778	1.452355	-0.01048	-1.20341
CIRC7TH	-0.31105	1.819344	-0.00124	-0.17097
CIRC8TH	-2.68837	1.838484	-0.01051	-1.46228
CIRC9TH	-1.32458	1.484839	-0.00765	-0.89207
CIRC10TH	-3.09453	1.767237	-0.01293	-1.75106
CIRC11TH**	-3.84382	1.453757	-0.02162	-2.64406
CIRCDC	-3.45495	3.696953	-0.00589	-0.93454
Hazard Rate**	-72.4185	1.940923	-0.36819	-37.3114
(Constant)	-19.5728	3.529248		-5.54588

R^2 .526 **Adjusted R^2** .524 ***p < .05** ****p< .01**

TABLE B6A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— 21841 DRUG OFFENSES

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
CRACK**	-0.997	0.3372	-1.92768	0.369
HEROIN	-0.2048	0.4236	-0.22293	0.8148
MARIJUAN**	-0.8199	0.2024	-1.69021	0.4405
METHAM	0.3805	0.4983	0.387233	1.4631
LSD	0.4518	0.8063	0.271193	1.5712
OTHERDR**	-1.5411	0.3314	-1.10026	0.2142
XCRHISSR**	0.5313	0.119	3.400969	1.7011
CRIMHIST	0.3344	0.1834	0.693702	1.3972
STATMIN	0.0013	0.0018	0.879508	1.0013
NOCOUNTS	0.0323	0.0475	0.234705	1.0328
ACCPTPSR	-0.0444	0.2115	-0.08964	0.9566
ADJUSTME*	0.1341	0.0571	1.033299	1.1435
DOWNWARD**	-3.7433	0.249	-7.78854	0.0237
PROBATIO**	-2.0281	0.2922	-1.9059	0.1316
CAREER	0.3727	0.2018	0.862714	1.4516
OFFENSEC	-1.1774	1.1525	-0.92018	0.3081
XFOLSOR**	0.1287	0.015	4.865951	1.1373
MONSEX**	-0.9719	0.176	-1.45155	0.3784
AGE	-0.0087	0.0079	-0.38811	0.9913
NUMDEPEN**	-0.0867	0.0324	-0.82888	0.917
USCITIZE**	-1.2008	0.2925	-2.45175	0.301
BLACK*	0.6705	0.2717	1.456255	1.9553
HISPANIC	-0.0507	0.242	-0.11027	0.9506
EDUCCAT**	-0.2389	0.0691	-1.2212	0.7875
DOCPLEA*	0.4337	0.1772	0.961459	1.5429
TRIAL	0.97	0.5154	1.685898	2.638
CIRC1ST*	-1.2115	0.5701	-1.03293	0.2978
CIRC2ND**	-1.7795	0.4188	-1.83349	0.1687
CIRC3RD**	-1.693	0.4561	-1.35221	0.184
CIRC4TH**	-1.7624	0.3757	-2.39077	0.1716
CIRC5TH*	-0.8099	0.3844	-1.51306	0.4449
CIRC7TH	-0.6782	0.4968	-0.69365	0.5075
CIRC8TH**	-1.2613	0.397	-1.45809	0.2833
CIRC9TH**	-1.5851	0.3604	-2.85606	0.2049
CIRC10TH*	-1.0347	0.4154	-1.17	0.3553
CIRC11TH	-0.4016	0.4429	-0.56402	0.6692
CIRCDC**	-3.014	0.5608	-2.42259	0.0491
Constant	5.5478	0.7593		

-2 log likelihood: 1372.320 **Model Chi-Square:** 1090.286
R^2_L: .4427 **R^2:** .297 **Φ_p:** .3306
N = 6704 **DF:** 37 ***p < .05 **p < .01**

TABLE B6B
OLS SENTENCE LENGTH ESTIMATES—21841 DRUG OFFENSES WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
CRACK	-0.29379	2.270556	-0.00145	-0.12939
HEROIN*	-7.37275	2.889727	-0.01946	-2.55137
MARIJUAN	-1.98917	1.778663	-0.01043	-1.11835
METHAM**	13.0987	3.319107	0.031788	3.946454
LSD	1.222893	4.941498	0.00184	0.247474
OTHERDR**	-14.9389	4.413429	-0.02652	-3.38488
XCRHISSR**	11.91682	0.663923	0.192622	17.9491
CRIMHIST	3.134286	1.817782	0.016011	1.724237
STATMIN**	0.235742	0.009124	0.217441	25.83727
NOCOUNTS**	5.721424	0.425477	0.102598	13.4471
ACCPTPSR	1.787984	1.501461	0.008716	1.190829
ADJUSTME**	7.187467	0.443605	0.138214	16.20239
DOWNWARD**	-59.5782	1.720973	-0.3158	-34.6189
UPWARD	18.04959	9.527874	0.013665	1.894399
PROBATIO	7.01536	3.855306	0.016613	1.819664
CAREER**	3.844615	1.828442	0.022413	2.102673
OFFENSEC**	32.22361	4.407682	0.063723	7.310785
XFOLSOR**	5.746931	0.112515	0.543702	51.07721
MONSEX**	-8.11383	2.165476	-0.02863	-3.7469
AGE*	0.137786	0.069527	0.015417	1.981777
NUMDEPEN**	-1.03345	0.309091	-0.02503	-3.3435
USCITIZE*	-4.64056	2.002627	-0.02334	-2.31724
BLACK**	6.341286	2.07587	0.034943	3.05476
HISPANIC	0.492356	2.062387	0.002687	0.238731
EDUCCAT**	-2.71071	0.61048	-0.03488	-4.4403
DOCPLEA	-0.55907	1.6588	-0.00311	-0.33703
TRIAL**	5.988327	2.227316	0.026299	2.688584
CIRC1ST	-3.05061	3.992493	-0.00676	-0.76409
CIRC2ND	-6.24516	3.632764	-0.01546	-1.71912
CIRC3RD	-7.35118	4.022753	-0.01534	-1.8274
CIRC4TH	-4.9543	2.913104	-0.01706	-1.70069
CIRC5TH	3.554386	2.630555	0.017099	1.351193
CIRC7TH	-1.41531	3.447706	-0.0037	-0.41051
CIRC8TH*	-6.61242	3.20954	-0.01908	-2.06024
CIRC9TH	-3.67732	2.825297	-0.01576	-1.30157
CIRC10TH	1.579842	3.28356	0.004567	0.481137
CIRC11TH*	6.649639	2.856402	0.024175	2.327978
CIRCDC**	-30.0471	4.132085	-0.0627	-7.27165
Hazard Rate**	-132.771	7.973772	-0.18181	-16.651
(Constant)	52.86583	9.632502		5.488276

R^2 .659 **Adjusted R^2** .657 ***p < .05** ****p< .01**

TABLE B7A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— 21844 DRUG OFFENSES

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
CRACK	0.8214	0.5866	0.532657	2.2738
HEROIN	0.9162	0.7726	0.311041	2.4997
MARIJUAN	-0.3294	0.3509	-0.33127	0.7193
METHAM	0.8689	0.6921	0.305773	2.3844
LSD	1.3076	1.2667	0.232788	3.6973
OTHERDR	-0.8575	0.6776	-0.40927	0.4242
XCRHISSR**	1.0517	0.1795	2.758066	2.8624
CRIMHIST	0.2799	0.3139	0.278	1.323
STATMIN	-1.60E-05	0.0013	-0.00838	1
NOCOUNTS	-0.0433	0.4261	-0.0319	0.9576
ACCPTPSR	-0.3963	0.4255	-0.37174	0.6728
ADJUSTME	0.2909	0.1571	0.564834	1.3376
DOWNWARD	-1.8403	1.2521	-0.47747	0.1588
PROBATIO*	-1.6094	0.757	-0.98195	0.2
CAREER	0.2248	0.3426	0.228112	1.2521
XFOLSOR	0.183	0.0843	1.923198	1.2008
MONSEX*	-0.4037	0.2947	-0.33899	0.6678
AGE	-0.0227	0.0149	-0.3953	0.9775
NUMDEPEN*	0.1052	0.0511	0.456133	1.1109
USCITIZE	-0.2997	0.4767	-0.28763	0.741
BLACK	0.3709	0.3721	0.31593	1.449
HISPANIC	0.7937	0.4621	0.761088	2.2116
EDUCCAT	0.0986	0.1232	0.222654	1.1037
DOCPLEA	-0.2333	0.2683	-0.23747	0.7919
TRIAL	-0.1886	0.6057	-0.08591	0.8282
CIRC1ST	1.7929	1.5527	0.24168	6.007
CIRC2ND	0.4455	0.7138	0.172172	1.5612
CIRC3RD	0.2341	0.6545	0.083793	1.2638
CIRC4TH	0.3842	0.5301	0.240549	1.4684
CIRC5TH	0.6001	0.5371	0.419645	1.8222
CIRC7TH	0.0298	0.7984	0.008682	1.0303
CIRC8TH	0.1779	0.6601	0.070666	1.1947
CIRC9TH	0.1391	0.5105	0.139121	1.1492
CIRC10TH	-0.0403	0.7166	-0.01442	0.9605
CIRC11TH	-0.1359	0.6179	-0.06486	0.8729
CIRCDC	-0.3229	0.6763	-0.16331	0.7241
Constant	-0.3764	1.7019		

-2 log likelihood: 483.435 **Model Chi-Square:** 262.351
R^2_L: .3517 **R^2:** .411 **Φ_p:** .5584
N = 553 **DF:** 36 ***p < .05** ****p < .01**

TABLE B7B
OLS SENTENCE LENGTH ESTIMATES—21844 DRUG OFFENSES WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test	VIF
CRACK	2.312855	1.906984	0.047007	1.212834	3.288019
HEROIN	-3.35805	2.428283	-0.03621	-1.38289	1.50042
MARIJUAN**	3.645134	1.14642	0.10202	3.17958	2.253402
METHAM**	8.442411	2.652859	0.079833	3.182383	1.377424
LSD	3.682609	3.759358	0.023229	0.979585	1.230754
OTHERDR	0.351544	1.94431	0.004561	0.180807	1.392899
XCRHISSR**	4.931979	0.621236	0.362408	7.938978	4.561113
CRIMHIST	1.498742	1.111846	0.03908	1.347976	1.83968
STATMIN	-0.00036	0.00472	-0.00174	-0.07662	1.128775
NOCOUNTS**	4.214143	1.049682	0.089914	4.014686	1.097881
ACCPTPSR	0.621689	1.550875	0.009186	0.400863	1.149295
ADJUSTME*	-1.11386	0.496182	-0.05426	-2.24486	1.278924
DOWNWARD**	-15.5297	2.955488	-0.12766	-5.25452	1.291905
UPWARD**	8.740766	2.756015	0.071851	3.171524	1.123402
PROBATIO	-0.55601	1.833485	-0.01061	-0.30325	2.678447
CAREER	1.766148	1.148323	0.049377	1.538024	2.25595
XFOLSOR**	3.443167	0.138873	1.001039	24.79367	3.568003
MONSEX	-1.32962	0.989621	-0.03207	-1.34356	1.247234
AGE	-0.05143	0.050857	-0.02436	-1.01131	1.270368
NUMDEPEN*	0.431833	0.18691	0.054141	2.310375	1.201986
USCITIZE	2.149277	1.724562	0.044302	1.246274	2.765795
BLACK	2.205649	1.230188	0.056767	1.792936	2.19419
HISPANIC**	5.972506	1.694926	0.135633	3.523757	3.242852
EDUCCAT	0.77021	0.41181	0.047279	1.870307	1.398656
DOCPLEA	-0.10888	0.921199	-0.00298	-0.11819	1.394507
TRIAL	3.368336	1.848181	0.046866	1.822514	1.447348
CIRC1ST	9.502573	6.627056	0.032187	1.433906	1.102896
CIRC2ND	2.733115	2.466144	0.028786	1.108254	1.476691
CIRC3RD	2.115012	2.227097	0.025709	0.949672	1.604115
CIRC4TH	2.445383	1.721064	0.046925	1.420855	2.387317
CIRC5TH	-1.16049	1.809375	-0.02214	-0.64138	2.608468
CIRC7TH	1.545607	2.810708	0.014616	0.549899	1.546218
CIRC8TH	3.836407	2.073838	0.050523	1.849907	1.632603
CIRC9TH	2.710848	1.649415	0.063481	1.643521	3.265435
CIRC10TH	4.244492	2.289864	0.047803	1.8536	1.455732
CIRC11H	1.181562	1.890964	0.018217	0.624846	1.860427
CIRCDC	0.959405	2.0408	0.016447	0.470112	2.678917
Hazard Rate**	-19.8579	3.841456	-0.35057	-5.16937	10.06644
(Constant)	-28.3871	5.036107		-5.63671	

R^2 .769 Adjusted R^2 .751 *p < .05 **p< .01

TABLE B8B
OLS SENTENCE LENGTH ESTIMATES—21960 DRUG OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Test	VIF
HEROIN	-11.8618	24.27082	-0.05178	-0.48873	4.628344
POWDER	-13.0882	21.38168	-0.05941	-0.61212	3.884151
OTHERDRG	-17.4858	40.02772	-0.03277	-0.43684	2.31964
XCRHISSR*	16.05705	7.877112	0.136933	2.038444	1.86067
CRIMHIST	16.07049	14.78538	0.077072	1.086918	2.073242
STATMIN	0.038742	0.041084	0.051385	0.94299	1.224357
NOCOUNTS	8.349723	8.42027	0.07589	0.991622	2.415056
ACCPTPSR	-14.6416	15.03833	-0.05507	-0.97362	1.319327
ADJUSTME	3.190711	3.879441	0.080867	0.822467	3.986169
DOWNWARD**	-37.9739	14.56006	-0.17237	-2.60809	1.801102
PROBATIO	96.57437	62.32864	0.119784	1.549438	2.46431
CAREER	9.722824	20.41406	0.040027	0.476281	2.912179
XFOLSOR**	8.968597	1.239608	0.659084	7.235024	3.421764
MONSEX	-4.76015	14.89905	-0.01811	-0.31949	1.325523
AGE	-0.09098	0.678029	-0.00799	-0.13419	1.463464
NUMDEPEN	3.054191	2.920616	0.060886	1.045735	1.397804
USCITIZE	4.523684	15.52117	0.020729	0.291452	2.085703
BLACK	-1.15959	17.48858	-0.00506	-0.06631	2.403066
HISPANIC	21.56832	18.00052	0.105788	1.198206	3.214089
EDUCCATN	1.542746	4.723517	0.018909	0.32661	1.382104
DOCPLEA	-11.2518	16.29546	-0.05524	-0.69049	2.638635
TRIAL	21.29756	24.79944	0.072715	0.858792	2.956138
CIRC1ST	20.71786	34.69812	0.043773	0.597089	2.216029
CIRC2ND	22.21236	28.73968	0.099807	0.772881	6.876155
CIRC3RD	-45.5497	74.27263	-0.0328	-0.61328	1.179172
CIRC4TH	-17.2785	45.28311	-0.02143	-0.38157	1.300746
CIRC5TH	-15.3047	21.86497	-0.04343	-0.69996	1.587015
CIRC6TH	42.69642	47.08806	0.052957	0.906736	1.406506
CIRC10TH	17.90143	21.94833	0.052111	0.815617	1.683188
CIRC11TH	30.91963	23.47809	0.110442	1.316956	2.89982
(Constant)	-182.587	48.95672		-3.72956	

R^2 .624 **Adjusted R^2** .551 ***p < .05** ****p< .01**

TABLE B9A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— "OTHER" DRUG OFFENSES

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
CRACK	-0.363	0.2773	-0.620996878	0.6956
HEROIN	0.532	0.3552	0.844466226	1.7023
MARIJUAN**	-0.6135	0.1953	-1.231661623	0.5414
METHAM**	-0.9341	0.3205	-1.004645524	0.3929
LSD	0.6397	0.6469	0.375457506	1.896
OTHERDR**	-1.7044	0.3251	-1.401611751	0.1819
XCRHISSR**	0.4541	0.1052	2.875063756	1.5748
CRIMHIST	0.1133	0.1803	0.261822495	1.1199
STATMIN	-0.0006	0.001	-0.424932612	0.9994
NOCOUNTS	0.005	0.0324	0.075426621	1.005
ACCPTPSR	-0.2902	0.211	-0.629172377	0.7481
ADJUSTME*	0.1162	0.0471	1.29517549	1.1232
DOWNWARD**	-4.0738	0.3156	-9.504845671	0.017
PROBATIO**	-2.424	0.3528	-2.309657799	0.0886
CAREER	0.0836	0.1954	0.206318042	1.0872
XFOLSOR**	0.1246	0.0132	5.309890903	1.1327
MONSEX**	-0.7811	0.165	-1.321956935	0.4579
AGE	-0.0043	0.008	-0.20481761	0.9957
NUMDEPEN	0.0183	0.0275	0.200802146	1.0185
USCITIZE**	-0.8593	0.2694	-1.965591268	0.4235
BLACK	-0.2227	0.205	-0.510715379	0.8004
HISPANIC	-0.1086	0.2465	-0.246301682	0.8971
EDUCCAT	-0.1117	0.0701	-0.611414772	0.8944
DOCPLEA	0.3261	0.1936	0.790825958	1.3855
TRIAL	0.586	0.4882	1.148737785	1.7967
CIRC1ST*	-1.1185	0.4972	-0.959254962	0.3268
CIRC2ND	-0.5935	0.3707	-1.005553577	0.5524
CIRC3RD**	-1.0096	0.3344	-1.323132193	0.3644
CIRC4TH**	-1.1203	0.3212	-1.896719513	0.3262
CIRC5TH	0.6199	0.4161	0.935758736	1.8587
CIRC7TH	1.0036	0.638	1.104305015	2.7281
CIRC8TH**	-0.996	0.3703	-1.062821151	0.3693
CIRC9TH	-0.2765	0.3556	-0.467786337	0.7584
CIRC10TH	0.0656	0.6869	0.049306659	1.0678
CIRC11TH	-0.1336	0.3717	-0.24625488	0.875
CIRCDC**	-2.6755	0.7336	-1.058562174	0.0689
Constant	5.0728	0.7493		

-2 log likelihood: 1487.384 **Model Chi-Square:** 1022.770

R^2_L: .4074 **R^2:** .254 **Φ_p:** .2372

N = 7546 **DF:** 36 ***p < .05 **p < .01**

TABLE B9B
OLS SENTENCE LENGTH ESTIMATES—"OTHER" DRUG OFFENSES WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
CRACK**	20.65848	3.950812	0.051299	5.228921
HEROIN	7.491268	4.27554	0.015697	1.752122
MARIJUAN	-4.82241	3.191996	-0.01394	-1.51078
METHAM	-1.84319	5.483094	-0.00285	-0.33616
LSD	1.720248	9.147499	0.001467	0.188057
OTHERDR	-11.2401	7.052001	-0.01333	-1.59389
XCRHISSR**	15.46864	1.251647	0.139818	12.35863
CRIMHIST	3.933357	3.061179	0.012721	1.284916
STATMIN**	0.275134	0.011812	0.206709	23.29316
NOCOUNTS**	1.695626	0.359329	0.037756	4.718872
ACCPTPSR*	6.179396	2.623055	0.018216	2.355801
ADJUSTME**	8.702391	0.643673	0.134553	13.5199
DOWNWARD**	-96.3878	2.915003	-0.32397	-33.0661
UPWARD**	71.6347	14.50024	0.037751	4.940243
PROBATIO	5.70115	7.027576	0.007619	0.811254
CAREER	1.954811	3.179233	0.006883	0.614869
OFFENSEC	14.43664	8.46039	0.01539	1.706379
XFOLSOR**	8.086224	0.196219	0.489901	41.21014
MONSEX**	-15.051	3.425035	-0.03547	-4.3944
AGE	0.081096	0.120206	0.005483	0.674647
NUMDEPEN*	1.172552	0.500136	0.018477	2.344467
USCITIZE*	-6.53992	3.337454	-0.0208	-1.95955
BLACK	2.502526	3.230337	0.008188	0.774695
HISPANIC	-2.98156	3.506665	-0.00955	-0.85025
EDUCCAT	-0.82847	1.043465	-0.0064	-0.79396
DOCPLEA	-5.44029	3.10337	-0.01864	-1.75303
TRIAL**	25.93055	3.983201	0.072503	6.509978
CIRC1ST	-2.86327	7.254254	-0.00352	-0.3947
CIRC2ND**	20.13113	5.496446	0.04397	3.662573
CIRC3RD*	-13.0795	5.395946	-0.02526	-2.42394
CIRC4TH	0.443522	4.764556	0.00109	0.093088
CIRC5TH**	25.39389	5.048527	0.056919	5.029961
CIRC7TH**	17.88335	6.0266	0.028207	2.967402
CIRC8TH	-4.51677	6.043455	-0.00717	-0.74738
CIRC9TH**	17.39818	5.192709	0.039255	3.350502
CIRC10TH	9.585651	7.835135	0.010499	1.223419
CIRC11TH*	11.51985	4.591685	0.031383	2.508851
CIRCDC**	-65.5088	13.52059	-0.03875	-4.84512
Hazard Rate**	-279.376	15.18108	-0.20094	-18.4029
(Constant)	136.1451	17.72753		7.67987

R^2 .576 Adjusted R^2 .574 *p < .05 **p< .01

TABLE B10B
OLS SENTENCE LENGTH ESTIMATES—18924 FIREARMS OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Test
XCRHISSR	5.748133	5.338728	0.085315	1.076686
CRIMHIST	-6.13063	26.10179	-0.01697	-0.23487
STATMIN**	0.747654	0.147688	0.432591	5.062381
NOCOUNTS**	12.10007	4.743625	0.15233	2.550807
ACCPTPSR	-14.3405	20.92576	-0.0397	-0.68531
ADJUSTME**	16.643	5.543967	0.187998	3.002002
DOWNWARD**	-69.6169	20.222	-0.21734	-3.44263
UPWARD	44.80324	48.3168	0.055631	0.927281
PROBATIO	26.5958	22.51194	0.095665	1.181409
CAREER	-2.60755	25.02497	-0.00884	-0.1042
OFFENSEC	19.14654	35.31105	0.035672	0.542225
XFOLSOR**	4.957253	1.192783	0.401744	4.156038
MONSEX	-7.48144	28.50723	-0.01394	-0.26244
AGE	-0.02201	0.834067	-0.00161	-0.02639
NUMDEPEN	-3.26285	5.228779	-0.04088	-0.62402
USCITIZE	5.422182	27.57146	0.012431	0.196659
BLACK	1.115154	16.61612	0.004353	0.067113
EDUCCAT	-13.2554	8.011639	-0.10046	-1.65451
DOCPLEA	28.71119	18.87534	0.103274	1.521095
TRIAL	-23.96	31.94031	-0.0571	-0.75015
CIRC1ST	-27.4671	53.83845	-0.02797	-0.51018
CIRC2ND	-3.7411	44.10241	-0.00465	-0.08483
CIRC6TH	33.55291	28.27412	0.070236	1.1867
CIRC7TH	29.69623	40.43915	0.04239	0.734344
CIRC8TH	40.65145	47.60807	0.050476	0.853877
CIRC9TH	6.672609	29.39429	0.012432	0.227004
CIRC10TH	14.07721	35.14008	0.024392	0.400603
CIRC11TH**	84.88627	23.5348	0.209567	3.60684
CIRCDC	-0.80513	39.56675	-0.00115	-0.02035
(Constant)	-34.0941	69.81785		-0.48833

R^2 .787 **Adjusted R^2** .716 ***p < .05** ****p< .01**

TABLE B11A
LOGIT ESTIMATES OF INCARCERATION—"OTHER" FIREARMS OFFENSES

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
XCRHISSR**	0.8372	0.1071	5.422612373	2.3098
CRIMHIST	0.4595	0.2718	0.643888174	1.5832
STATMIN	0.0005	0.0017	0.317594057	1.0005
NOCOUNTS**	0.372	0.114	1.828308172	1.4506
ACCPTPSR	0.0462	0.3347	0.060866198	1.0472
ADJUSTME	0.1145	0.1191	0.50407155	1.1213
DOWNWARD**	-5.4445	0.4053	-5.810341395	0.0043
PROBATIO*	-0.9564	0.3871	-1.273146188	0.3843
CAREER	-0.1373	0.2637	-0.172694934	0.8717
XFOLSOR**	0.447	0.0434	12.67765297	1.5636
MONSEX	-0.6042	0.364	-0.410453874	0.5465
AGE	-0.0104	0.0097	-0.33682102	0.9897
NUMDEPEN**	-0.1843	0.0486	-1.154196416	0.8317
USCITIZE**	-1.3644	0.4212	-1.3766979	0.2555
BLACK	0.3233	0.2332	0.543019222	1.3817
HISPANIC	0.2603	0.3757	0.277790773	1.2973
EDUCCAT	-0.1645	0.0931	-0.549698762	0.8484
DOCPLEA	-0.0013	0.2287	-0.00214863	0.9987
CIRC1ST	-0.2506	0.5693	-0.158188407	0.7783
CIRC2ND	-0.3044	0.4363	-0.249645719	0.7376
CIRC3RD	-0.3501	0.4426	-0.257483182	0.7046
CIRC4TH	-0.3726	0.3538	-0.456655418	0.6889
CIRC5TH	0.1295	0.4238	0.158714108	1.1382
CIRC7TH	0.1185	0.4688	0.09861443	1.1259
CIRC8TH	-0.5655	0.5294	-0.432601021	0.5681
CIRC9TH	-0.6767	0.4244	-0.767778773	0.5083
CIRC10TH	0.4187	0.4916	0.350100526	1.52
CIRC11TH	-0.1047	0.3918	-0.116520087	0.9006
CIRCDC	-0.4109	1.3578	-0.120831354	0.6631
Constant	-0.365	0.9965		

-2 log likelihood: 695.723 **Model Chi-Square:** 904.395

R^2_L: .5652 **R^2:** .528 **Φ_p:** .6314

N = 2506 **DF:** 29 ***p < .05** ****p < .01**

TABLE B11B
OLS SENTENCE LENGTH ESTIMATES—"OTHER" FIREARMS OFFENSES WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
XCRHISSR**	10.71914	0.600317	0.243276	17.85579
CRIMHIST	5.964988	3.424784	0.021155	1.741713
STATMIN**	0.240451	0.010731	0.258063	22.40714
NOCOUNTS**	1.213111	0.578049	0.021199	2.098632
ACCPTPSR	3.372222	2.334105	0.014337	1.44476
ADJUSTME**	2.075248	0.778092	0.031083	2.6671
DOWNWARD**	-53.0603	3.120445	-0.21246	-17.0041
UPWARD**	35.86777	4.338389	0.082042	8.267533
PROBATIO**	10.24535	2.86637	0.047874	3.574329
CAREER	0.925926	2.947525	0.004178	0.314137
OFFENSEC**	28.9092	4.747564	0.066125	6.089271
XFOLSOR**	5.972524	0.143989	0.588474	41.47911
MONSEX	-4.037	4.202241	-0.00952	-0.96068
AGE	-0.03346	0.089216	-0.00378	-0.37501
NUMDEPEN**	-1.71355	0.449151	-0.03814	-3.81509
USCITIZE*	-6.99911	3.556381	-0.0222	-1.96804
BLACK	0.048924	1.82997	0.000286	0.026735
HISPANIC	2.991645	3.18722	0.010903	0.938638
EDUCCAT	-0.43216	0.873233	-0.00505	-0.4949
DOCPLEA	-1.03344	2.087704	-0.00595	-0.49501
TRIAL**	21.69649	3.076115	0.094308	7.053212
CIRC1ST	3.774219	4.785057	0.008633	0.788751
CIRC2ND	-5.19983	4.107072	-0.01469	-1.26607
CIRC3RD	4.546203	4.28058	0.011929	1.062053
CIRC4TH	5.02375	3.132915	0.020857	1.603539
CIRC5TH	3.684684	3.130077	0.015965	1.177187
CIRC7TH	1.944898	3.804754	0.005997	0.511176
CIRC8TH	-3.54382	4.250584	-0.00937	-0.83373
CIRC9TH	-4.9553	3.445433	-0.01837	-1.43822
CIRC10TH	6.737943	3.892528	0.020217	1.730994
CIRC11TH**	9.180894	3.192825	0.037402	2.875477
CIRCDC	-12.373	9.845282	-0.01264	-1.25674
Hazard Rate**	-74.7667	6.088597	-0.18989	-12.2798
(Constant)	-9.0682	9.565769		-0.94798

R^2 .768   Adjusted R^2 .765   *$p < .05$ **$p < .01$

TABLE B12A
LOGIT ESTIMATES OF INCARCERATION—182113 ROBBERY OFFENSES

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
XCRHISSR**	1.0049	0.3068	9.451530448	2.7318
CRIMHIST	0.2573	0.4703	0.441057895	1.2935
STATMIN	-0.0044	0.0026	-3.5368217	0.9956
NOCOUNTS	0.5746	0.4739	4.784975489	1.7765
ACCPTPSR	0.8156	0.5671	1.641001431	2.2606
ADJUSTME	0.3106	0.1965	1.767803411	1.3642
DOWNWARD**	-5.9369	1.1341	-10.16070255	0.0026
PROBATIO	-0.5892	0.9119	-0.817321241	0.5548
CAREER	-0.2641	0.5899	-0.560301448	0.7679
XFOLSOR**	0.5265	0.081	17.50655794	1.693
MONSEX	-0.0917	0.412	-0.126140242	0.9124
AGE	-0.0026	0.0231	-0.111991362	0.9974
NUMDEPEN	0.2252	0.1614	1.505608536	1.2526
USCITIZE	-1.4022	1.377	-1.331598682	0.2461
BLACK	0.222	0.4981	0.502189371	1.2486
HISPANIC	-1.0524	1.0278	-1.252842355	0.3491
EDUCCAT	-0.1371	0.235	-0.594574195	0.8718
DOCPLEA	0.114	0.464	0.245490534	1.1208
TRIAL	-1.6984	1.4091	-2.336276844	0.183
Constant	-2.3827	2.4383		

-2 log likelihood: 193.587 **Model Chi-Square:** 372.536
R^2_L: .658 **R^2:** .583 **Φ_p:** .689
N = 1443 **DF**: 19 ***p < .05 ** p < .01**

TABLE B13B
OLS SENTENCE LENGTH ESTIMATES—182113 ROBBERY OFFENSES WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test	VIF
XCRHISSR**	11.16043	0.952539	0.247212	11.7165	2.734084
CRIMHIST	-1.92816	4.385423	-0.00753	-0.43967	1.800193
STATMIN**	0.35429	0.015321	0.314733	23.12464	1.137638
NOCOUNTS**	7.541221	0.734906	0.145286	10.26147	1.23111
ACCPTPSR	2.77561	3.120748	0.011526	0.889405	1.031472
ADJUSTME**	4.604899	1.145476	0.062248	4.020074	1.472472
DOWNWARD**	-32.4887	3.341058	-0.13515	-9.72406	1.186267
UPWARD**	53.3018	8.78227	0.079634	6.069251	1.057301
PROBATIO**	39.33362	7.209307	0.130322	5.45595	3.503977
CAREER	5.745085	3.960541	0.029164	1.450581	2.482389
OFFENSEC**	36.48745	5.172853	0.139762	7.053642	2.411115
XFOLSOR**	6.637531	0.356413	0.512196	18.62314	4.645529
MONSEX	0.968529	4.355627	0.003229	0.222363	1.295419
AGE	-0.12934	0.134788	-0.01306	-0.9596	1.138304
NUMDEPEN	-1.04174	0.813709	-0.01675	-1.28023	1.051068
USCITIZE	-1.77144	7.449644	-0.00319	-0.23779	1.102446
BLACK	-0.30735	2.581095	-0.00165	-0.11908	1.175868
HISPANIC	-0.5443	5.246428	-0.00152	-0.10375	1.311259
EDUCCATN*	-2.93764	1.318131	-0.02987	-2.22864	1.103192
DOCPLEA	-5.03891	3.027666	-0.02529	-1.66429	1.418636
TRIAL**	32.11678	5.157459	0.102906	6.227248	1.677081
CIRC1ST	5.448531	8.785745	0.009673	0.620156	1.494073
CIRC2ND	-7.37009	6.322301	-0.01991	-1.16573	1.791905
CIRC3RD	-10.1936	6.763821	-0.02304	-1.50708	1.434885
CIRC4TH	1.581299	5.165247	0.005403	0.306142	1.913238
CIRC5TH**	11.52385	5.641173	0.034486	2.042812	1.75021
CIRC7TH	4.031906	6.377361	0.009859	0.632222	1.493592
CIRC8TH	0.336362	6.254368	0.000849	0.05378	1.530669
CIRC9TH	-7.60726	4.37159	-0.03878	-1.74016	3.05024
CORC10TH	6.280985	5.996613	0.017147	1.047422	1.645823
CIRC11TH	-1.68944	4.9322	-0.00641	-0.34253	2.153705
CIRCDC	-22.752	22.09665	-0.01344	-1.02966	1.045788
Hazard Rate**	-45.3675	11.26266	-0.08165	-4.02814	2.523223
(Constant)	-52.3108	16.72217		-3.12823	

R^2 .772 **Adjusted R^2** .766 ***p < .05** ****p< .01**

TABLE B14B
OLS SENTENCE LENGTH ESTIMATES—"OTHER" ROBBERY OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Test	VIF
XCRHISSR**	7.653915	2.611365	0.125544	2.931002	2.709635
CRIMHIST	18.644	15.44274	0.041059	1.207299	1.708206
STATMIN**	0.705961	0.055643	0.451738	12.6874	1.872305
NOCOUNTS**	9.888162	2.474062	0.160822	3.996731	2.391263
ACCPTPSR	8.550757	10.45199	0.027362	0.818098	1.65205
ADJUSTME	3.471259	2.365597	0.056047	1.467392	2.15455
DOWNWARD**	-49.6795	9.428491	-0.17152	-5.26908	1.564915
UPWARD**	155.6911	17.48895	0.256364	8.902256	1.22479
CAREER	7.496402	12.43109	0.025381	0.603037	2.616219
OFFESNEC**	42.31713	14.39917	0.112987	2.938859	2.182955
XFOLSOR**	7.10713	0.991719	0.278997	7.166474	2.238392
MONSEX	13.36543	13.94648	0.029434	0.958337	1.393224
AGE	-0.44042	0.442345	-0.03643	-0.99565	1.976747
NUMDEPEN	-0.06866	1.884959	-0.00105	-0.03643	1.236186
USCITIZE	17.70416	15.76409	0.041614	1.123069	2.027726
BLACK	13.40997	8.268843	0.055008	1.621747	1.699154
HISPANIC	18.40256	15.70488	0.04453	1.171773	2.132842
EDUCCATN	-4.16637	3.623025	-0.03306	-1.14997	1.220964
DOCPLEA	4.94956	10.19093	0.020336	0.485683	2.589284
TRIAL**	36.71655	11.25929	0.133267	3.261002	2.466571
CIRC1ST*	-46.9303	19.61687	-0.08708	-2.39235	1.956935
CIRC2ND	-14.2599	16.227	-0.03636	-0.87877	2.528374
CIRC3RD**	-74.1202	20.7064	-0.12205	-3.57958	1.716895
CIRC4TH	0.58743	15.42205	0.001498	0.03809	2.283754
CIRC5TH	-6.54668	14.57392	-0.01953	-0.4492	2.790857
CIRC7TH	13.90515	24.02734	0.017467	0.578722	1.345328
CIRC8TH	-7.82914	23.27661	-0.01197	-0.33635	1.871041
CIRC9TH	-10.7634	15.27247	-0.02994	-0.70476	2.665332
CIRC10TH	-22.3573	18.37496	-0.04149	-1.21673	1.716999
CIRC11TH	0.49755	13.38882	0.001649	0.037162	2.909051
(Constant)	-154.467	41.2066		-3.74859	

R^2 .906 **Adjusted R^2** .886 ***p < .05** ****p< .01**

TABLE B15A

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FULL AND OFFENSE SPECIFIC MODELS OF INCARCERATION*

	FULL	DRUGS	FIREARMS	ROBBERY	OTHER
Xcrhissr	3(+)	3(+)	3(+)	2(+)	3(+)
Crimhist	16(+)	ns	ns	ns	8(+)
Statmin	7(-)	13(-)	ns	ns	ns
Nocounts	5(+)	ns	4(+)	ns	5(+)
Accptpsr	10(-)	ns	ns	ns	6(-)
Adjustme	9(+)	ns	ns	5(+)	ns
Downward	2(-)	1(-)	2(-)	3(-)	2(-)
Probatio	4(-)	4(-)	6(-)	---	ns
Career	ns	ns	ns	ns	ns
Offensec	6(-)	8(-)	---	---	---
Xfolsor	1(+)	2(+)	1(+)	1(+)	1(+)
Monsex	11(-)	9(-)	9(-)	ns	12(-)
Age	ns	ns	ns	ns	ns
Numdepen	ns	ns	7(-)	ns	ns
USCitize	8(-)	5(-)	5(-)	ns	7(-)
Black	ns	ns	ns	ns	ns
Hispanic	ns	ns	ns	ns	ns
Educcatn	23(-)	16(-)	8(-)	ns	ns
Docplea	12(+)	17(+)	ns	ns	15(+)
Trial	15(+)	ns	---	ns	ns
1st	ns	ns	ns	---	ns
2nd	21(-)	14(-)	ns	ns	9(-)
3rd	20(-)	12(-)	ns	ns	13(-)
4th	22(-)	6(-)	ns	ns	ns
5th	ns	ns	ns	4(-)	11(-)
7th	ns	ns	ns	ns	ns
8th	ns	15(-)	ns	ns	ns
9th	17(-)	7(-)	ns	ns	ns
10th	ns	ns	ns	ns	ns
11th	24(-)	ns	ns	ns	14(-)
DC	18(-)	11(-)	ns	---	ns

*--these models are compared on the common included variables

ns = non-significant

TABLE B15B

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE DRUG OFFENSE AND STATUTE SPECIFIC MODELS OF INCARCERATION

	DRUGS	21841	21844	21960	OTHER
Crack	ns	8(-)	ns	---	ns
Heroin	ns	ns	ns	---	ns
Marijuana	10(-)	11(-)	ns	---	11(-)
Metham	ns	ns	ns	---	14(-)
LSD	ns	ns	ns	---	ns
Other	18(-)	19(-)	ns	---	7(-)
Xcrhissr	3(+)	3(+)	2(+)	---	3(+)
Crimhist	ns	ns	ns	---	ns
Statmin	13(-)	ns	ns	---	ns
Nocounts	ns	ns	ns	---	ns
Accptpsr	ns	ns	ns	---	ns
Adjustme	ns	20(+)	ns	---	10(+)
Downward	1(-)	1(-)	ns	---	1(-)
Probatio	4(-)	9(-)	3(-)	---	4(-)
Career	ns	ns	ns	---	ns
Offensec	8(-)	ns	---	---	ns
Xfolsor	2(+)	2(+)	1(+)	---	2(+)

Monsex	9(-)	15(-)	ns	---	9(-)
Age	ns	ns	ns	---	ns
Numdepen	ns	ns	4(+)	---	ns
USCitize	5(-)	5(-)	ns	---	5(-)
Black	ns	14(+)	ns	---	ns
Hispanic	ns	ns	ns	---	ns
Educcatn	16(-)	17(-)	ns	---	ns
Docplea	17(+)	22(+)	ns	---	ns
Trial	6(+)	ns	ns	---	ns
1st	ns	21(-)	ns	---	15(-)
2nd	14(-)	10(-)	ns	---	ns
3rd	12(-)	16(-)	ns	---	8(-)
4th	6(-)	7(-)	ns	---	6(-)
5th	ns	12(-)	ns	---	ns
7th	ns	ns	ns	---	ns
8th	15(-)	13(-)	ns	---	12(-)
9th	7(-)	4(-)	ns	---	ns
10th	ns	18(-)	ns	---	ns
11th	ns	ns	ns	---	ns
DC	11(-)	6(-)	ns	---	13(-)

ns = non-significant

TABLE B15C

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FIREARM OFFENSE AND STATUTE SPECIFIC MODELS OF INCARCERATION*

	FIREARMS	18924	OTHER
Xcrhissr	3(+)	---	3(+)
Crimhist	ns	---	ns
Statmin	ns	---	ns
Nocounts	4(+)	---	4(+)
Accptpsr	ns	---	ns
Adjustme	ns	---	ns
Downward	2(-)	---	2(-)
Probatio	6(-)	---	6(-)
Career	ns	---	ns
Offensec	ns	---	ns
Xfolsor	1(+)	---	1(+)

Monsex	9(-)	---	ns
Age	ns	---	ns
Numdepen	7(-)	---	7(-)
USCitize	5(-)	---	5(-)
Black	ns	---	ns
Hispanic	ns	---	ns
Educcatn	8(-)	---	ns
Docplea	ns	---	ns
Trial	---	---	ns
1st	ns	---	ns
2nd	ns	---	ns
3rd	ns	---	ns
4th	ns	---	ns
5th	ns	---	ns
7th	ns	---	ns
8th	ns	---	ns
9th	ns	---	ns
10th	ns	---	ns
11th	ns	---	ns
DC	ns	---	ns

ns = non-significant

TABLE B15D

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE GENERAL AND STATUTE SPECIFIC MODELS OF ROBBERY INCARCERATION*

	ROBBERY	182113	OTHER
Xcrhissr	2(+)	3(+)	---
Crimhist	ns	ns	---
Statmin	ns	ns	---
Nocounts	ns	ns	---
Accptpsr	ns	ns	---
Adjustme	5(+)	ns	---
Downward	3(-)	2(-)	---
Probatio	---	ns	---
Career	ns	ns	---
Offensec	---	---	---
Xfolsor	1(+)	1(+)	---
Monsex	ns	ns	---
Age	ns	ns	---
Numdepen	ns	ns	---
USCitize	ns	ns	---
Black	ns	ns	---
Hispanic	ns	ns	---
Educcatn	ns	ns	---
Docplea	ns	ns	---
Trial	ns	ns	---
1st	---	---	---
2nd	ns	---	---
3rd	ns	---	---
4th	ns	---	---
5th	4(-)	---	---
7th	ns	---	---
8th	ns	---	---
9th	ns	---	---
10th	ns	---	---
11th	ns	---	---
DC	---	---	---

ns = non-significant

TABLE B16A

VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS DRUG AND FIREARM OFFENSE MODELS OF INCARCERATION

	DRUGS	FIREARMS	Z
Xcrhissr	3(+)	3(+)	-1.84939*
Crimhist	ns	ns	-1.05233
Statmin	13(-)	ns	-0.95937
Nocounts	ns	4(+)	-3.07427**
Accptpsr	ns	ns	-0.81348
Adjustme	ns	ns	-0.41886
Downward	1(-)	2(-)	4.148801**
Probatio	4(-)	6(-)	-3.60355**
Career	ns	ns	1.076702
Offensec	8(-)	---	n/a
Xfolsor	2(+)	1(+)	-6.45618**
Monsex	9(-)	9(-)	-0.39594
Age	ns	ns	0.230046
Numdepen	ns	7(-)	3.476788**
USCitize	5(-)	5(-)	1.301661
Black	ns	ns	-1.07448
Hispanic	ns	ns	-0.81946
Educcatn	16(-)	8(-)	0.396548
Docplea	17(+)	ns	1.071243
Trial	ns	---	n/a
1st	ns	ns	-0.394
2nd	14(-)	ns	-0.57276
3rd	12(-)	ns	-1.18952
4th	6(-)	ns	-1.17362
5th	ns	ns	-0.14834
7th	ns	ns	0.397961
8th	15(-)	ns	-0.08427
9th	7(-)	ns	-0.04946
10th	ns	ns	-1.4006
11th	ns	ns	-0.29827
DC	11(-)	ns	-0.78997

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE B16B

VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS DRUG AND ROBBERY OFFENSE MODELS OF INCARCERATION

	DRUGS	ROBBERY	Z
Xcrhissr	3(+)	2(+)	-1.5228
Crimhist	ns	ns	-0.28098
Statmin	13(-)	ns	1.182935
Nocounts	ns	ns	-1.19462
Accptpsr	ns	ns	-1.09411
Adjustme	ns	5(+)	-1.65871*
Downward	1(-)	3(-)	1.93419*
Probatio	4(-)	---	n/a
Career	ns	ns	-2.4661**
Offensec	8(-)	---	n/a
Xfolsor	2(+)	1(+)	0.205729
Monsex	9(-)	ns	0.697556
Age	ns	ns	-0.21875
Numdepen	ns	ns	0.700713
USCitize	5(-)	ns	-2.53239**
Black	ns	ns	1.497309
Hispanic	ns	ns	0.035223
Educcatn	16(-)	ns	1.765114
Docplea	17(+)	ns	0.931809
Trial	ns	ns	2.719301**
1st	ns	---	n/a
2nd	14(-)	ns	0.339076
3rd	12(-)	ns	1.033529
4th	6(-)	ns	0.064
5th	ns	4(-)	1.268716
7th	ns	ns	1.156923
8th	15(-)	ns	-2.75662**
9th	7(-)	ns	-3.59056**
10th	ns	ns	-1.38456
11th	ns	ns	-1.08299
DC	11(-)	---	n/a

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE B16C
VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS DRUG AND "OTHER" OFFENSE MODELS OF INCARCERATION

	DRUGS	OTHER	Z
Xcrhissr	3(+)	3(+)	-3.65701**
Crimhist	ns	8(+)	-1.18917
Statmin	13(-)	ns	-1.40556
Nocounts	ns	5(+)	-1.72314*
Accptpsr	ns	6(-)	1.217109
Adjustme	ns	ns	0.274186
Downward	1(-)	2(-)	4.723974**
Probatio	4(-)	ns	-10.4794**
Career	ns	ns	1.841347*
Offensec	8(-)	---	-0.73036
Xfolsor	2(+)	1(+)	-24.8867**
Monsex	9(-)	12(-)	-4.63089**
Age	ns	ns	-1.02757
Numdepen	ns	ns	-0.37905
USCitize	5(-)	7(-)	-1.82798*
Black	ns	ns	-0.32807
Hispanic	ns	ns	-0.52063
Educcatn	16(-)	ns	-1.55492
Docplea	17(+)	15(+)	0.59418
Trial	ns	ns	0.873134
1st	ns	ns	-1.28785
2nd	14(-)	9(-)	-0.4221
3rd	12(-)	13(-)	-2.54121**
4th	6(-)	ns	-2.98995**
5th	ns	11(-)	1.22149
7th	ns	ns	1.806198*
8th	15(-)	ns	-2.42166**
9th	7(-)	ns	-2.26698*
10th	ns	ns	-0.64392
11th	ns	14(-)	-0.06047
DC	11(-)	ns	-2.67133**

*p < .05 (one-tailed)   **p < .01(one-tailed)   ns = non-significant

TABLE B16D

VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS FIREARMS AND ROBBERY OFFENSE MODELS OF INCARCERATION

	FIREARMS	ROBBERY	Z
Xcrhissr	3(+)	2(+)	0.728204
Crimhist	ns	ns	-0.31067
Statmin	ns	ns	-1.56405
Nocounts	4(+)	ns	0.405471
Accptpsr	ns	ns	0.507815
Adjustme	ns	5(+)	1.231152
Downward	2(-)	3(-)	0.040436
Probatio	6(-)	---	n/a
Career	ns	ns	-0.05649
Xfolsor	1(+)	1(+)	0.882671
Monsex	9(-)	ns	0.353012
Age	ns	ns	0.962373
Numdepen	7(-)	ns	1.975987*
USCitize	5(-)	ns	-0.21744
Black	ns	ns	-0.39765
Hispanic	ns	ns	-0.9061
Educcatn	8(-)	ns	0.450946
Docplea	ns	ns	-3.72309**
Trial	---	ns	n/a
1st	ns	---	n/a
2nd	ns	ns	-1.47659
3rd	ns	ns	-1.37433
4th	ns	ns	-0.47329
5th	ns	4(-)	-2.32616*
7th	ns	ns	-0.7773
8th	ns	ns	-0.33146
9th	ns	ns	-1.20463
10th	ns	ns	-1.0878
11th	ns	ns	-1.09614
DC	ns	---	n/a

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE B16E
VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS FIREARMS AND "OTHER" OFFENSE MODELS OF INCARCERATION

	FIREARMS	OTHER	Z
Xcrhissr	3(+)	3(+)	-0.66348
Crimhist	ns	8(+)	0.55084
Statmin	ns	ns	0.458079
Nocounts	4(+)	5(+)	2.504874**
Accptpsr	ns	6(-)	1.420824
Adjustme	ns	ns	0.521075
Downward	2(-)	2(-)	-1.92866*
Probatio	6(-)	ns	-1.88165*
Career	ns	ns	-0.19189
Xfolsor	1(+)	1(+)	-3.19911**
Monsex	9(-)	12(-)	-1.13853
Age	ns	ns	-0.81654
Numdepen	7(-)	ns	-3.77585**
USCitize	5(-)	7(-)	-2.19842*
Black	ns	ns	0.986237
Hispanic	ns	ns	0.592684
Educcatn	8(-)	ns	-1.22036
Docplea	ns	15(+)	-0.81546
Trial	---	ns	n/a
1st	ns	ns	-0.43818
2nd	ns	9(-)	0.376343
3rd	ns	13(-)	-0.12371
4th	ns	ns	-0.56493
5th	ns	11(-)	0.827326
7th	ns	ns	0.74989
8th	ns	ns	-1.08861
9th	ns	ns	-1.11773
10th	ns	ns	1.153944
11th	ns	14(-)	0.291957
DC	ns	ns	-0.0377

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE B16F

VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS ROBBERY AND "OTHER" OFFENSE SPECIFIC MODELS OF INCARCERATION

	ROBBERY	OTHER	Z
Xcrhissr	2(+)	3(+)	0.509433
Crimhist	ns	8(+)	-0.03397
Statmin	ns	ns	-1.56179
Nocounts	ns	5(+)	1.044255
Accptpsr	ns	6(-)	1.467876
Adjustme	5(+)	ns	1.723004*
Downward	3(-)	2(-)	-0.84534
Probatio	---	ns	n/a
Career	ns	ns	-0.14522
Xfolsor	1(+)	1(+)	-1.01697
Monsex	ns	12(-)	-0.52325
Age	ns	ns	0.685365
Numdepen	ns	ns	0.82296
USCitize	ns	7(-)	-0.9628
Black	ns	ns	0.037719
Hispanic	ns	ns	-0.72757
Educcatn	ns	ns	-0.02687
Docplea	ns	15(+)	-0.20281
Trial	ns	ns	-4.27522**
1st	---	ns	n/a
2nd	ns	9(-)	-1.42449
3rd	ns	13(-)	-1.507
4th	ns	ns	-0.63213
5th	4(-)	11(-)	-2.15444*
7th	ns	ns	-0.53832
8th	ns	ns	-0.85577
9th	ns	ns	-1.73089*
10th	ns	ns	-0.6594
11th	ns	14(-)	-1.04912
DC	---	ns	1.321179

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE B17A
VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS 21 USC § 841 AND § 844 DRUG STATUTE SPECIFIC MODELS OF INCARCERATION

	21841	21844	Z
Crack	8(-)	ns	-2.68751**
Heroin	ns	ns	-1.27226
Marijuana	11(-)	ns	-1.21085
Metham	ns	ns	-0.57269
LSD	ns	ns	-0.56994
Other	19(-)	ns	-0.90627
Xcrhissr	3(+)	2(+)	-2.41638**
Crimhist	ns	ns	0.149911
Statmin	ns	ns	0.592697
Nocounts	ns	ns	0.176331
Accptpsr	ns	ns	0.740584
Adjustme	20(+)	ns	-0.93805
Downward	1(-)	ns	-1.49066
Probatio	9(-)	3(-)	-0.516
Career	ns	ns	0.371967
Offensec	ns	---	n/a
Xfolsor	2(+)	1(+)	-0.63417
Monsex	15(-)	ns	-1.65533*
Age	ns	ns	0.830134
Numdepen	ns	4(+)	-3.17159**
USCitize	5(-)	ns	-1.61117
Black	14(+)	ns	0.650261
Hispanic	ns	ns	-1.61876
Educcatn	17(-)	ns	-2.38929**
Docplea	22(+)	ns	2.074425*
Trial	ns	ns	1.4568
1st	21(-)	ns	-1.81639*
2nd	10(-)	ns	-2.68853**
3rd	16(-)	ns	-2.41568**
4th	7(-)	ns	-3.3038**
5th	12(-)	ns	-2.1348*
7th	ns	ns	-0.75291
8th	13(-)	ns	-1.8684*
9th	4(-)	ns	-2.75917**
10th	18(-)	ns	-1.20054
11th	ns	ns	-0.3495
DC	6(-)	ns	-3.06306**

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE B17B

VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS 21 USC § 841 AND "OTHER" DRUG STATUTE SPECIFIC MODELS OF INCARCERATION

	21841	OTHER	Z
Crack	8(-)	ns	-1.45221
Heroin	ns	ns	-1.33282
Marijuana	11(-)	11(-)	-0.73384
Metham	ns	14(-)	2.218839*
LSD	ns	ns	-0.18177
Other	19(-)	7(-)	0.35176
Xcrhissr	3(+)	3(+)	0.486044
Crimhist	ns	ns	0.859696
Statmin	ns	ns	0.922722
Nocounts	ns	ns	0.4748
Accptpsr	ns	ns	0.822754
Adjustme	20(+)	10(+)	0.24183
Downward	1(-)	1(-)	0.822138
Probatio	9(-)	4(-)	0.864236
Career	ns	ns	1.029195
Offensec	ns	ns	n/a
Xfolsor	2(+)	2(+)	0.205195
Monsex	15(-)	9(-)	-0.79088
Age	ns	ns	-0.39135
Numdepen	ns	ns	-2.47075**
USCitize	5(-)	5(-)	-0.85878
Black	14(+)	ns	2.624269**
Hispanic	ns	ns	0.167614
Educcatn	17(-)	ns	-1.29227
Docplea	22(+)	ns	0.40998
Trial	ns	ns	0.540911
1st	21(-)	15(-)	-0.12294
2nd	10(-)	ns	-2.12052*
3rd	16(-)	8(-)	-1.20837
4th	7(-)	6(-)	-1.29904
5th	12(-)	ns	-2.524**
7th	ns	ns	-2.07986*
8th	13(-)	12(-)	-0.48868
9th	4(-)	ns	-2.58463**
10th	18(-)	ns	-1.37068
11th	ns	ns	-0.4635
DC	6(-)	13(-)	-0.36658

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE B17C

VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS 21 USC § 844 AND "OTHER" DRUG STATUTE SPECIFIC MODELS OF INCARCERATION

	21844	OTHER	Z
Crack	ns	ns	1.825408*
Heroin	ns	ns	0.451819
Marijuana	ns	11(-)	0.707442
Metham	ns	14(-)	2.363947**
LSD	ns	ns	0.469583
Other	ns	7(-)	1.126867
Xcrhissr	2(+)	3(+)	2.872304**
Crimhist	ns	ns	0.460226
Statmin	ns	ns	0.356071
Nocounts	ns	ns	-0.11303
Accptpsr	ns	ns	-0.2234
Adjustme	ns	10(+)	1.065188
Downward	ns	1(-)	1.729703*
Probatio	3(-)	4(-)	0.975365
Career	ns	ns	0.358007
Xfolsor	1(+)	2(+)	0.684424
Monsex	ns	9(-)	1.117404
Age	ns	ns	-1.088
Numdepen	4(+)	ns	1.497506
USCitize	ns	5(-)	1.021993
Black	ns	ns	1.397254
Hispanic	ns	ns	1.722817*
Educcatn	ns	ns	1.483628
Docplea	ns	ns	-1.69076*
Trial	ns	ns	-0.99569
1st	ns	15(-)	1.785737*
2nd	ns	ns	1.291776
3rd	ns	8(-)	1.692158*
4th	ns	6(-)	2.427322**
5th	ns	ns	-0.02914
7th	ns	ns	-0.95284
8th	ns	12(-)	1.55099
9th	ns	ns	0.668014
10th	ns	ns	-0.10668
11th	ns	ns	-0.00319
DC	ns	13(-)	2.357851**

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

Table B18A
Variable Significance and Rank Order Comparisons between the Full and Offense Specific models of Sentence length with Hazard Rate

	FULL	DRUGS	FIREARMS	ROBBERY	OTHER
Xcrhissr	5(+)	5(+)	3(+)	3(+)	4(+)
Crimhist	16(+)	22(+)	ns	ns	10(+)
Statmin	4(+)	4(+)	2(+)	2(+)	5(+)
Nocounts	14(+)	7(+)	11(+)	5(+)	ns
Accptpsr	24(+)	26(+)	ns	ns	17(-)
Adjustme	6(+)	6(+)	10(+)	10(+)	ns
Downward	3(-)	2(-)	4(-)	6(-)	3(-)
Upward	11(+)	14(+)	6(+)	8(+)	9(+)
Probatio	17(+)	9(-)	12(+)	---	6(+)
Career	ns	ns	ns	ns	ns
Offensec	10(+)	18(+)	8(+)	4(+)	7(+)
Xfolsor	1(+)	1(+)	1(+)	1(+)	1(+)
Monsex	18(-)	12(-)	ns	ns	17(-)
Age	ns	ns	ns	ns	12(-)
Numdepen	ns	ns	13(-)	ns	ns
USCitize	15(-)	15(-)	ns	ns	16(-)
Black	20(+)	16(+)	ns	ns	ns
Hispanic	ns	ns	ns	ns	ns
Educcatn	21(-)	23(-)	ns	13(-)	14(-)
Docplea	ns	24(-)	ns	ns	ns
Trial	7(+)	8(+)	7(+)	9(+)	8(+)
1st	ns	ns	ns	---	ns
2nd	ns	17(+)	ns	ns	13(-)
3rd	ns	19(-)	ns	12(-)	ns
4th	ns	ns	ns	ns	ns
5th	22(+)	11(+)	ns	ns	ns
7th	ns	21(+)	ns	ns	ns
8th	ns	ns	ns	ns	ns
9th	ns	18(+)	ns	11(-)	ns
10th	ns	ns	14(+)	ns	ns
11th	ns	13(+)	9(+)	ns	15(-)
DC	13(-)	10(-)	ns	---	ns
Hazard Rate	2	3	5	7	2

*--these models are compared on the common included variables   ns = non-significant

TABLE B18B

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS: THE DRUG OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH WITH THE HAZARD RATE

	DRUGS	21841	21844	21960	OTHER
Crack	15(+)	ns	ns	---	9(+)
Heroin	ns	17(-)	ns	---	ns
Marijuana	24(-)	ns	6(+)	---	ns
Metham	ns	12(+)	8(+)	---	ns
LSD	ns	ns	ns	---	ns
Other	ns	14(-)	ns	---	ns
Xcrhissr	5(+)	4(+)	2(+)	---	5(+)
Crimhist	22(+)	ns	ns	---	ns
Statmin	4(+)	3(+)	ns	---	3(+)
Nocounts	7(+)	7(+)	7(+)	---	13(+)
Accptpsr	26(+)	ns	ns	---	21(+)
Adjustme	6(+)	6(+)	10(-)	---	6(+)
Downward	2(-)	2(-)	5(-)	---	2(-)
Upward	14(+)	ns	9(+)		14(+)
Probatio	9(-)	ns	ns	---	ns
Career	ns	19(+)	ns	---	ns
Offensec	18(+)	8(+)	---	---	ns
Xfolsor	1(+)	1(+)	1(+)	---	1(+)

Monsex	12(-)	13(-)	ns	---	15(-)
Age	ns	20(+)	ns	---	ns
Numdepen	ns	16(-)	11(+)	---	20(+)
USCitize	15(-)	18(-)	ns	---	19(-)
Black	16(+)	10(+)	ns	---	ns
Hispanic	ns	ns	4(+)	---	ns
Educcatn	23(-)	11(-)	ns	---	ns
Docplea	24(-)	ns	ns	---	17(-)
Trial	8(+)	15(+)	ns	---	7(+)
1st	ns	ns	ns	---	ns
2nd	17(+)	ns	ns	---	10(+)
3rd	19(-)	ns	ns	---	18(-)
4th	ns	ns	ns	---	ns
5th	11(+)	ns	ns	---	8(+)
7th	21(+)	ns	ns	---	ns
8th	ns	ns	ns	---	ns
9th	18(+)	ns	ns	---	11(+)
10th	19(+)	ns	ns	---	ns
11th	13(+)	17(+)	ns	---	16(+)
DC	10(-)	9(-)	ns	---	12(-)
Hazard Rate	3	5	3	---	4

*--these models are compared on the common included variables   ns = non-significant

TABLE B18C
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FIREARM OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH WITH HAZARD RATE

	FIREARMS	18924	OTHER
Xcrhissr	3(+)	---	3(+)
Crimhist	ns	---	ns
Statmin	2(+)	---	2(+)
Nocounts	11(+)	---	13(+)
Accptpsr	ns	---	ns
Adjustme	10(+)	---	12(+)
Downward	4(-)	---	4(-)
Upward	6(+)		7(+)
Probatio	12(+)	---	9(+)
Career	ns	---	ns
Offensec	8(+)	---	8(+)
Xfolsor	1(+)	---	1(+)
Monsex	ns	---	ns
Age	ns	---	ns
Numdepen	13(-)	---	10(-)
USCitize	ns	---	14(-)
Black	ns	---	ns
Hispanic	ns	---	ns
Educcatn	ns	---	ns
Docplea	ns	---	ns
Trial	7(+)	---	6 (+)
1st	ns	---	ns
2nd	ns	---	ns
3rd	ns	---	ns
4th	ns	---	ns
5th	ns	---	ns
7th	ns	---	ns
8th	ns	---	ns
9th	ns	---	ns
10th	14(+)	---	ns
11th	9(+)	---	11(+)
DC	ns	---	ns
Hazard Rate	5	---	5

ns = non-significant

TABLE B18D

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE GENERAL AND STATUTE SPECIFIC MODELS OF ROBBERY SENTENCE LENGTH WITH HAZARD RATE

	ROBBERY	182113	OTHER
Xcrhissr	3(+)	3(+)	---
Crimhist	ns	ns	---
Statmin	2(+)	2(+)	---
Nocounts	5(+)	4(+)	---
Accptpsr	ns	ns	---
Adjustme	10(+)	11(+)	---
Downward	6(-)	6(-)	---
Upward	8(+)	10(+)	
Probatio	---	7(+)	---
Career	ns	ns	---
Offensec	4(+)	5(+)	---
Xfolsor	1(+)	1(+)	---
Monsex	ns	ns	---
Age	ns	ns	---
Numdepen	ns	ns	---
USCitize	ns	ns	---
Black	ns	ns	---
Hispanic	ns	ns	---
Educcatn	13(-)	13(-)	---
Docplea	ns	ns	---
Trial	9(+)	8(+)	---
1st	---	ns	---
2nd	ns	ns	---
3rd	12(-)	ns	---
4th	ns	ns	---
5th	ns	12(+)	---
7th	ns	ns	---
8th	ns	ns	---
9th	11(-)	ns	---
10th	ns	ns	---
11th	ns	ns	---
DC	---	ns	---
Hazard Rate	7	9	-

*--these models are compared on the common included variables   ns = non-significant

TABLE B19A
VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS DRUG AND FIREARM OFFENSE MODELS OF SENTENCE LENGTH WITH HAZARD RATE

	DRUGS	FIREARMS	Z
Xcrhissr	5(+)	3(+)	3.674666**
Crimhist	22(+)	ns	-0.44247
Statmin	4(+)	2(+)	0.728474
Nocounts	7(+)	11(+)	2.53035**
Accptpsr	26(+)	ns	0.146932
Adjustme	6(+)	10(+)	6.850099**
Downward	2(-)	4(-)	-7.80662**
Upward	14(+)	6(+)	1.073831
Probatio	9(-)	12(+)	-6.69389**
Career	ns	ns	0.505514
Offensec	18(+)	8(+)	-1.72117*
Xfolsor	1(+)	1(+)	7.470961**
Monsex	12(-)	ns	-1.90509*
Age	ns	ns	1.165591
Numdepen	ns	13(-)	3.484211**
USCitize	15(-)	ns	-0.03508
Black	16(+)	ns	2.238226*
Hispanic	ns	ns	-1.01205
Educcatn	23(-)	ns	-1.19251
Docplea	24(-)	ns	-0.97622
Trial	8(+)	7(+)	-1.3674
1st	ns	ns	-0.66109
2nd	17(+)	ns	2.918502**
3rd	19(-)	ns	-2.90651**
4th	ns	ns	-1.23672
5th	11(+)	ns	1.961997*
7th	21(+)	ns	1.655696*
8th	ns	ns	-0.28557
9th	18(+)	ns	1.894394*
10th	ns	14(+)	0.100995
11th	13(+)	9(+)	0.346281
DC	10(-)	ns	-2.60189**
Hazard Rate	3	5	-14.2109**

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE B19B
VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS DRUG AND ROBBERY OFFENSE MODELS OF SENTENCE LENGTH WITH HAZARD RATE

	DRUGS	ROBBERY	Z
Xcrhissr	5(+)	3(+)	2.678401**
Crimhist	22(+)	ns	1.765704*
Statmin	4(+)	2(+)	-7.86369**
Nocounts	7(+)	5(+)	-7.37891**
Accptpsr	26(+)	ns	-0.29483
Adjustme	6(+)	10(+)	2.065732*
Downward	2(-)	6(-)	-11.7584**
Upward	14(+)	8(+)	-2.43321**
Probatio	9(-)	---	n/a
Career	ns	ns	-0.73799
Offensec	18(+)	4(+)	-4.15648**
Xfolsor	1(+)	1(+)	5.759117**
Monsex	12(-)	ns	-3.17106**
Age	ns	ns	2.042136*
Numdepen	ns	ns	1.108323
USCitize	15(-)	ns	-1.47153
Black	16(+)	ns	1.114442
Hispanic	ns	ns	-0.52279
Educcatn	23(-)	13(-)	0.809545
Docplea	24(-)	ns	-0.29301
Trial	8(+)	9(+)	-2.97165**
1st	ns	---	n/a
2nd	17(+)	ns	2.996494**
3rd	19(-)	12(-)	0.911785
4th	ns	ns	-0.00534
5th	11(+)	ns	0.717467
7th	21(+)	ns	1.083648
8th	ns	ns	-0.68575
9th	18(+)	11(-)	2.882886**
10th	ns	ns	0.451188
11th	13(+)	ns	2.399561**
DC	10(-)	---	n/a
Hazard Rate	3	7	-11.0831**

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE B19C

VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS DRUG AND "OTHER" OFFENSE MODELS OF SENTENCE LENGTH WITH HAZARD RATE

	DRUGS	OTHER	Z
Xcrhissr	5(+)	4(+)	6.961002**
Crimhist	22(+)	10(+)	0.286905
Statmin	4(+)	5(+)	16.0723**
Nocounts	7(+)	ns	10.53537**
Accptpsr	26(+)	17(-)	2.254204*
Adjustme	6(+)	ns	16.1991**
Downward	2(-)	3(-)	-14.4571**
Upward	14(+)	9(+)	3.069731**
Probatio	9(-)	6(+)	-9.27462**
Career	ns	ns	1.851301*
Offensec	18(+)	7(+)	-3.66827**
Xfolsor	1(+)	1(+)	-5.14969**
Monsex	12(-)	17(-)	-4.93959**
Age	ns	12(-)	2.973506**
Numdepen	ns	ns	1.171257
USCitize	15(-)	16(-)	-1.56794
Black	16(+)	ns	2.488014**
Hispanic	ns	ns	0.190109
Educcatn	23(-)	14(-)	-0.91955
Docplea	24(-)	ns	-1.22238
Trial	8(+)	8(+)	2.213931**
1st	ns	ns	0.274026
2nd	17(+)	13(-)	4.150946**
3rd	19(-)	ns	-2.9336
4th	ns	ns	0.472533
5th	11(+)	ns	4.36104
7th	21(+)	ns	2.729528**
8th	ns	ns	-0.62445
9th	18(+)	ns	1.503421
10th	ns	ns	2.502551**
11th	13(+)	15(-)	4.632747**
DC	10(-)	ns	-6.12957**
Hazard Rate	3	2	-17.4906**

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE B19D

VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS FIREARM AND ROBBERY OFFENSE MODELS OF SENTENCE LENGTH WITH HAZARD RATE

	FIREARMS	ROBBERY	Z
Xcrhissr	3(+)	3(+)	-0.26809
Crimhist	ns	ns	1.812198*
Statmin	2(+)	2(+)	-7.71859**
Nocounts	11(+)	5(+)	-7.87031**
Accptpsr	ns	ns	-0.36987
Adjustme	10(+)	10(+)	-2.9067**
Downward	4(-)	6(-)	-3.30514**
Upward	6(+)	8(+)	-4.24123**
Probatio	12(+)	---	n/a
Career	ns	ns	-1.01299
Offensec	8(+)	4(+)	-2.44807**
Xfolsor	1(+)	1(+)	1.071314
Monsex	ns	ns	-1.02418
Age	ns	ns	1.083487
Numdepen	13(-)	ns	-1.08361
USCitize	ns	ns	-1.33769
Black	ns	ns	-0.78572
Hispanic	ns	ns	0.184001
Educcatn	ns	13(-)	1.566424
Docplea	ns	ns	0.450735
Trial	7(+)	9(+)	-1.83531*
1st	ns	---	n/a
2nd	ns	ns	0.612245
3rd	ns	12(-)	2.919263**
4th	ns	ns	0.909864
5th	ns	ns	-0.68559
7th	ns	ns	-0.12904
8th	ns	ns	-0.42926
9th	ns	11(-)	1.062669
10th	14(+)	ns	0.365769
11th	9(+)	ns	2.026634*
DC	ns	---	n/a
Hazard Rate	5	7	-0.06892

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE B19E
VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS FIREARM AND "OTHER" OFFENSE MODELS OF SENTENCE LENGTH WITH HAZARD RATE

	FIREARMS	OTHER	Z
Xcrhissr	3(+)	4(+)	2.986459**
Crimhist	ns	10(+)	0.647857
Statmin	2(+)	5(+)	11.42435**
Nocounts	11(+)	ns	2.343838*
Accptpsr	ns	17(-)	1.473262
Adjustme	10(+)	ns	2.252331*
Downward	4(-)	3(-)	-0.98534
Upward	6(+)	9(+)	3.35984**
Probatio	12(+)	6(+)	-2.04843*
Career	ns	ns	0.680271
Offensec	8(+)	7(+)	-2.13922*
Xfolsor	1(+)	1(+)	-12.4792**
Monsex	ns	17(-)	-0.50538
Age	ns	12(-)	1.043361
Numdepen	13(-)	ns	-3.0656
USCitize	ns	16(-)	-0.95695
Black	ns	ns	-0.30592
Hispanic	ns	ns	1.235649
Educcatn	ns	14(-)	0.682231
Docplea	ns	ns	0.113007
Trial	7(+)	8(+)	3.30004**
1st	ns	ns	1.028829
2nd	ns	13(-)	0.046271
3rd	ns	ns	1.029598
4th	ns	ns	1.928639*
5th	ns	ns	1.574348
7th	ns	ns	0.534919
8th	ns	ns	-0.18472
9th	ns	ns	-0.96774
10th	14(+)	ns	2.300039**
11th	9(+)	15(-)	3.712639**
DC	ns	ns	-0.848
Hazard Rate	5	2	-0.36744

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE B19F
VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS ROBBERY AND "OTHER" OFFENSE MODELS OF SENTENCE LENGTH WITH HAZARD RATE

	ROBBERY	OTHER	Z
Xcrhissr	3(+)	4(+)	-2.40582**
Crimhist	ns	10(+)	1.738681*
Statmin	2(+)	5(+)	-17.4608**
Nocounts	5(+)	ns	-11.9478**
Accptpsr	ns	17(-)	-1.61965
Adjustme	10(+)	ns	-5.28709**
Downward	6(-)	3(-)	-3.31576**
Upward	8(+)	9(+)	-6.61801**
Probatio	---	6(+)	n/a
Career	ns	ns	-1.76231
Offensec	4(+)	7(+)	-0.04642
Xfolsor	1(+)	1(+)	8.548418**
Monsex	ns	17(-)	-0.90813
Age	ns	12(-)	0.536725
Numdepen	ns	ns	0.645333
USCitize	ns	16(-)	-0.95139
Black	ns	ns	-0.68022
Hispanic	ns	ns	-0.63857
Educcatn	13(-)	14(-)	1.357739
Docplea	ns	ns	0.443426
Trial	9(+)	8(+)	-4.37521**
1st	---	ns	n/a
2nd	ns	13(-)	0.68734
3rd	12(-)	ns	2.679646**
4th	ns	ns	-0.31036
5th	ns	ns	-1.8104
7th	ns	ns	-0.49835
8th	ns	ns	-0.36667
9th	11(-)	ns	2.187266*
10th	ns	ns	-1.25217
11th	ns	15(-)	-0.42602
DC	---	ns	n/a
Hazard Rate	7	2	0.145059

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE B20A

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS: THE DRUG OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH WITH THE HAZARD RATE

	21841	21844	OTHER
Crack	ns	ns	9(+)
Heroin	17(-)	ns	ns
Marijuana	ns	6(+)	ns
Metham	12(+)	8(+)	ns
LSD	ns	ns	ns
Other	14(-)	ns	ns
Xcrhissr	4(+)	2(+)	5(+)
Crimhist	ns	ns	ns
Statmin	3(+)	ns	3(+)
Nocounts	7(+)	7(+)	13(+)
Accptpsr	ns	ns	21(+)
Adjustme	6(+)	10(-)	6(+)
Downward	2(-)	5(-)	2(-)
Upward	ns	9(+)	14(+)
Probatio	ns	ns	ns
Career	19(+)	ns	ns
Offensec	8(+)	---	ns
Xfolsor	1(+)	1(+)	1(+)
Monsex	13(-)	ns	15(-)
Age	20(+)	ns	ns
Numdepen	16(-)	11(+)	20(+)
USCitize	18(-)	ns	19(-)
Black	10(+)	ns	ns
Hispanic	ns	4(+)	ns
Educcatn	11(-)	ns	ns
Docplea	ns	ns	17(-)
Trial	15(+)	ns	7(+)
1st	ns	ns	ns
2nd	ns	ns	10(+)
3rd	ns	ns	18(-)
4th	ns	ns	ns
5th	ns	ns	8(+)
7th	ns	ns	ns
8th	ns	ns	ns
9th	ns	ns	11(+)
10th	ns	ns	ns
11th	17(+)	ns	16(+)
DC	9(-)	ns	12(-)
Hazard Rate	5	3	4

***--these models are compared on the common included variables ns = non-significant**

TABLE B20B

VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS 21 USC § 841 AND 844 MODELS OF SENTENCE LENGTH WITH THE HAZARD RATE

	21841	21844	Z
Crack	ns	ns	0.879099
Heroin	17(-)	ns	1.06363
Marijuana	ns	6(+)	2.662579**
Metham	12(+)	8(+)	-1.09585
LSD	ns	ns	0.396156
Other	14(-)	ns	3.170504**
Xcrhissr	4(+)	2(+)	-7.68202**
Crimhist	ns	ns	-0.76755
Statmin	3(+)	ns	-22.9842**
Nocounts	7(+)	7(+)	-1.33077
Accptpsr	ns	ns	-0.5403
Adjustme	6(+)	10(-)	-12.4725**
Downward	2(-)	5(-)	12.87956**
Upward	ns	9(+)	-0.93853
Probatio	ns	ns	-1.77354*
Career	19(+)	ns	-0.96264
Offensec	8(+)	---	n/a
Xfolsor	1(+)	1(+)	-12.8895**
Monsex	13(-)	ns	2.849444**
Age	20(+)	ns	-2.1966*
Numdepen	16(-)	11(+)	4.056582**
USCitize	18(-)	ns	2.56914**
Black	10(+)	ns	-1.71389*
Hispanic	ns	4(+)	2.052877*
Educcatn	11(-)	ns	4.726997**
Docplea	ns	ns	0.237267
Trial	15(+)	ns	-0.90524
1st	ns	ns	1.622532
2nd	ns	ns	2.044808*
3rd	ns	ns	2.05872*
4th	ns	ns	2.186974*
5th	ns	ns	-1.47674
7th	ns	ns	0.66564
8th	ns	ns	2.734401**
9th	ns	ns	1.952656*
10th	ns	ns	0.665638
11th	17(+)	ns	-1.59624
DC	9(-)	ns	6.727996**
Hazard Rate	5	3	12.75732**

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE B20C
VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS 21 USC § 841 AND "OTHER" DRUG OFFENSE MODELS OF SENTENCE LENGTH WITH THE HAZARD RATE

	21841	OTHER	Z
Crack	ns	9(+)	-4.59803**
Heroin	17(-)	ns	-2.88034**
Marijuana	ns	ns	0.775356
Metham	12(+)	ns	2.331236**
LSD	ns	ns	-0.04784
Other	14(-)	ns	-0.44461
Xcrhissr	4(+)	5(+)	-2.50687**
Crimhist	ns	ns	-0.22444
Statmin	3(+)	3(+)	-2.63928**
Nocounts	7(+)	13(+)	7.228827**
Accptpsr	ns	21(+)	-1.45296
Adjustme	6(+)	6(+)	-1.93791*
Downward	2(-)	2(-)	10.87395**
Upward	ns	14(+)	-3.0884**
Probatio	ns	ns	0.163956
Career	19(+)	ns	0.515281
Offensec	8(+)	ns	1.864522*
Xfolsor	1(+)	1(+)	-10.3422**
Monsex	13(-)	15(-)	1.711956*
Age	20(+)	ns	0.40824
Numdepen	16(-)	20(+)	-3.75208**
USCitize	18(-)	19(-)	0.487992
Black	10(+)	ns	0.999721
Hispanic	ns	ns	0.853922
Educcatn	11(-)	ns	-1.55695
Docplea	ns	17(-)	1.387151
Trial	15(+)	7(+)	-4.36981**
1st	ns	ns	-0.02262
2nd	ns	10(+)	-4.0034**
3rd	ns	18(-)	0.851101
4th	ns	ns	-0.96656
5th	ns	8(+)	-3.83637**
7th	ns	ns	-2.77955**
8th	ns	ns	-0.30625
9th	ns	11(+)	-3.56513**
10th	ns	ns	-0.94237
11th	17(+)	16(+)	-0.90062
DC	9(-)	12(-)	2.508272**
Hazard Rate	5	4	8.549507**

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE B20D

VVARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS 21 USC § 844 AND "OTHER" DRUG OFFENSE MODELS OF SENTENCE LENGTH WITH THE HAZARD RATE

	21844	OTHER	Z
Crack	ns	9(+)	-4.18184**
Heroin	ns	ns	-2.2065*
Marijuana	6(+)	ns	2.496603**
Metham	8(+)	ns	1.688617*
LSD	ns	ns	0.198421
Other	ns	ns	1.584613
Xcrhissr	2(+)	5(+)	-7.54052**
Crimhist	ns	ns	-0.74754
Statmin	ns	3(+)	-21.6589**
Nocounts	7(+)	13(+)	2.269995*
Accptpsr	ns	21(+)	-1.82385
Adjustme	10(-)	6(+)	-12.0783**
Downward	5(-)	2(-)	19.47843**
Upward	9(+)	14(+)	-4.26116**
Probatio	ns	ns	-0.86153
Career	ns	ns	-0.05581
Offensec	---	ns	n/a
Xfolsor	1(+)	1(+)	-19.3146**
Monsex	ns	15(-)	3.84876**
Age	ns	ns	-1.01538
Numdepen	11(+)	20(+)	-1.38732
USCitize	ns	19(-)	2.312993*
Black	ns	ns	-0.08589
Hispanic	4(+)	ns	2.298979*
Educcatn	ns	ns	1.425123
Docplea	ns	17(-)	1.646918
Trial	ns	7(+)	-5.13818**
1st	ns	ns	1.258535
2nd	ns	10(+)	-2.88795**
3rd	ns	18(-)	2.602917**
4th	ns	ns	0.395166
5th	ns	8(+)	-4.95143**
7th	ns	ns	-2.45687**
8th	ns	ns	1.307354
9th	ns	11(+)	-2.69573**
10th	ns	ns	-0.65432
11th	ns	16(+)	-2.08189*
DC	ns	12(-)	4.861013**
Hazard Rate	3	4	16.57251**

*p < .05 (one-tailed)   **p < .01(one-tailed)   ns = non-significant

APPENDIX C

PARTITIONINGS BY RACE

TABLE C1A
DETERMINANTS OF INCARCERATION— FULL DATA SET BLACK PARTITIONING

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficients	Exp(B)
VIOLENT	0.7558	0.5493	0.275927926	2.1293
ROBBERY	0.3857	0.6221	0.278173397	1.4707
PROPERTY	-0.0687	0.1621	-0.062940482	0.9336
WHTCOLLR	0.2787	0.1435	0.359668005	1.3214
FIREARMS	0.1864	0.1992	0.187592548	1.2049
IMMIGRAT	0.5257	0.3146	0.215810299	1.6917
OTHERO	0.0368	0.2515	0.02061835	1.0375
XCRHISSR**	0.7566	0.0647	4.025685886	2.131
CRIMHIST	0.2163	0.1113	0.305605016	1.2415
STATMIN*	-0.0012	0.0005	-0.549181743	0.9988
NOCOUNTS**	0.1792	0.0619	1.513221998	1.1963
ACCPTPSR*	-0.3723	0.1513	-0.493940414	0.6891
ADJUSTME**	0.2206	0.043	1.283547036	1.2469
DOWNWARD**	-4.3156	0.2025	-5.287610078	0.0134
PROBATIO**	-1.4538	0.1838	-1.968651669	0.2337
CAREER	-0.077	0.1164	-0.119656765	0.9259
OFFENSEC*	-2.4952	1.2083	-1.449398616	0.0825
XFOLSOR**	0.2987	0.0145	10.42949918	1.3481
MONSEX**	-0.3828	0.0971	-0.48119161	0.6819
AGE	0.0002	0.0044	0.00604556	1.0002
NUMDEPEN	0.0248	0.0232	0.169773889	1.0251
USCITIZE**	-0.635	0.1828	-0.691948983	0.5299
HISPANIC	-0.4703	0.33	-0.274586947	0.6248
EDUCCAT*	-0.1124	0.0437	-0.372483876	0.8937
DOCPLEA**	0.3172	0.105	0.501602628	1.3733
TRIAL	0.4097	0.2812	0.497616047	1.5064
CIRC1ST	-0.0423	0.413	-0.018223546	0.9586
CIRC2ND	0.2604	0.1999	0.241261651	1.2974
CIRC3RD	-0.1231	0.187	-0.100061687	0.8842
CIRC4TH	-0.1995	0.1606	-0.243402058	0.8192
CIRC5TH	-0.1748	0.1734	-0.173627683	0.8396
CIRC7TH	-0.1907	0.1898	-0.155104391	0.8264
CIRC8TH	0.0664	0.2671	0.044020941	1.0686
CIRC9TH	-0.0737	0.2534	-0.058426884	0.929
CIRC10TH	-0.2672	0.2849	-0.136803754	0.7655
CIRC11TH	-0.2858	0.1607	-0.329883799	0.7514
CIRCDC**	-0.6558	0.2368	-0.418469153	0.519
Constant	0.374	0.4689		

-2 log likelihood: 3248.855 **Model Chi-Square:** 3642.120
R^2_L: .5285 **R^2:** .508 **Φ_p:** .6558
N = 5761 **DF =** 37 ***p < .05** ****p < .01**

TABLE C1B
OLS SENTENCE LENGTH ESTIMATES—FULL DATA SET BLACK PARTITIONING WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
VIOLENT	7.157696	7.119708	0.006504	1.005336
ROBBERY	2.327935	3.653084	0.004319	0.637252
PROPERTY*	8.340282	3.703959	0.019112	2.251721
WHTCOLLR**	18.67422	2.847499	0.060068	6.558113
FIREARMS**	8.41068	3.105347	0.020385	2.708451
IMMIGRAT**	21.59157	7.054379	0.021684	3.060732
OTHERO	6.383521	5.118607	0.008521	1.247121
XCRHISSR**	12.65624	0.70262	0.170085	18.01292
CRIMHIST*	5.982971	2.469264	0.020506	2.422977
STATMIN**	0.221354	0.008501	0.187546	26.03731
NOCOUNTS**	1.342815	0.300278	0.029311	4.471908
ACCPTPSR*	5.33654	2.099926	0.016285	2.541299
ADJUSTME**	8.525959	0.53992	0.123111	15.79116
DOWNWARD**	-83.124	2.373685	-0.26567	-35.019
UPWARD**	30.83032	6.473447	0.03044	4.762582
PROBATIO**	9.905139	3.155101	0.033375	3.139405
CAREER	-1.55211	2.375588	-0.00609	-0.65336
OFFENSEC**	18.49835	4.924829	0.027719	3.756142
XFOLSOR**	8.575779	0.141097	0.753635	60.77934
MONSEX**	-6.33882	2.226889	-0.01989	-2.84649
AGE	0.145284	0.085709	0.011058	1.695087
NUMDEPEN	0.665806	0.376937	0.011385	1.766357
USCITIZE*	-6.24015	2.87291	-0.01667	-2.17207
HISPANIC	0.204901	5.017192	0.000303	0.04084
EDUCCAT**	-2.3711	0.806053	-0.01971	-2.94161
DOCPLEA	-2.39941	2.059091	-0.00953	-1.16528
TRIAL**	18.08242	2.843315	0.055823	6.359625
CIRC1ST	-3.89827	6.844847	-0.00418	-0.56952
CIRC2ND**	10.42491	3.798816	0.02237	2.744254
CIRC3RD	0.943035	3.577895	0.002007	0.263572
CIRC4TH	1.283201	2.81899	0.00394	0.455199
CIRC5TH	1.12104	3.113617	0.002906	0.360044
CIRC7TH	0.074917	3.672673	0.000154	0.020398
CIRC8TH	-3.16509	4.242436	-0.00529	-0.74606
CIRC9TH	-2.82667	4.259654	-0.00481	-0.66359
CIRC10TH	-2.81354	5.20197	-0.00368	-0.54086
CIRC11TH**	6.182648	2.865139	0.018651	2.157888
CIRCDC**	-27.0064	4.284606	-0.04547	-6.30313
Hazard Rate**	-144.61	6.203458	-0.26038	-23.3113
(Constant)	10.41371	8.95302		1.16315

R^2 .629 Adjusted R^2 .628 *p < .05 **p< .01

TABLE C2A
DETERMINANTS OF INCARCERATION— FULL DATA SET WHITE PARTITIONING

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
VIOLENT*	0.6765	0.3088	0.230484263	1.9669
ROBBERY	0.0939	0.3753	0.055389989	1.0985
PROPERTY	-0.0137	0.0993	-0.010481209	0.9863
WHTCOLLR**	0.446	0.0797	0.564905778	1.562
FIREARMS	0.0038	0.1283	0.002899249	1.0038
IMMIGRAT**	0.4725	0.1457	0.297362347	1.604
OTHERO	-0.0042	0.1103	-0.00290396	0.9958
XCRHISSR**	0.7246	0.0442	3.042244106	2.0639
CRIMHIST**	0.2619	0.066	0.363314472	1.2994
STATMIN*	-0.0009	0.0004	-0.371303416	0.9991
NOCOUNTS**	0.0697	0.0241	0.67011669	1.0722
ACCPTPSR**	-0.365	0.0861	-0.455531924	0.6942
ADJUSTME**	0.089	0.0241	0.434342222	1.0931
DOWNWARD**	-3.8495	0.1056	-4.548789939	0.0213
PROBATIO**	-1.0538	0.1032	-1.376623884	0.3486
CAREER	0.0091	0.0702	0.013176158	1.0092
OFFENSEC	-2.2915	1.245	-0.869946628	0.1011
XFOLSOR**	0.3189	0.0094	9.140558697	1.3756
MONSEX**	-0.2681	0.0657	-0.27948079	0.7649
AGE	-0.0022	0.0025	-0.069401381	0.9978
NUMDEPEN	-0.0166	0.0112	-0.100236151	0.9835
USCITIZE**	-0.4598	0.1237	-0.539949497	0.6314
HISPANIC**	0.3251	0.1241	0.399823961	1.3841
EDUCCAT	-0.0302	0.0247	-0.106067274	0.9703
DOCPLEA**	0.3018	0.0672	0.410080733	1.3523
TRIAL*	0.3508	0.1748	0.318872235	1.4202
CIRC1ST	-0.1305	0.1925	-0.06608557	0.8777
CIRC2ND**	-0.3504	0.1313	-0.246742416	0.7044
CIRC3RD**	-0.3952	0.1281	-0.25448225	0.6735
CIRC4TH*	-0.2462	0.1146	-0.204159842	0.7817
CIRC5TH	-0.1003	0.1143	-0.108714399	0.9045
CIRC7TH	0.2153	0.1532	0.138187192	1.2403
CIRC8TH	-0.1646	0.1354	-0.111171585	0.8482
CIRC9TH**	-0.3358	0.1099	-0.388609264	0.7148
CIRC10TH	-0.1999	0.1293	-0.140717626	0.8188
CIRC11TH	-0.1897	0.115	-0.183058261	0.8272
CIRCDC*	-1.1719	0.484	-0.165264443	0.3098
Constant	-0.6561	0.2766		

-2 log likelihood: 8565.518 Model Chi-Square: 7638.639

R^2_L: .4713 R^2: .473 Φ_p: .6024

N = 19189 DF = 37 *p < .05 **p < .01

TABLE C2B
OLS SENTENCE LENGTH ESTIMATES—FULL DATA SET WHITE PARTITIONING WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test	VIF
VIOLENT**	43.89659	3.161465	0.06243	13.88489	1.052035
ROBBERY*	4.357887	1.986699	0.010452	2.193531	1.181612
PROPERTY*	3.894278	1.696721	0.012311	2.295179	1.497265
WHTCOLLR**	10.86594	1.211486	0.056021	8.969098	2.030173
FIREARMS**	8.708403	1.624916	0.026774	5.359293	1.298797
IMMIGRAT**	12.87425	2.241539	0.030789	5.743487	1.49543
OTHERO	0.74889	1.813902	0.002063	0.412861	1.298797
XCRHISSR**	10.74527	0.367207	0.183452	29.26215	2.045328
CRIMHIST**	5.456649	1.011545	0.030341	5.394373	1.646246
STATMIN**	0.184414	0.005052	0.18206	36.50315	1.29449
NOCOUNTS**	0.627687	0.115269	0.025098	5.445415	1.105442
ACCPTPSR	0.224555	0.962795	0.001052	0.233232	1.058334
ADJUSTME**	4.0049	0.259824	0.079771	15.41391	1.393786
DOWNWARD**	-64.16	1.137052	-0.31873	-56.4266	1.660347
UPWARD**	28.18836	3.071377	0.040927	9.17776	1.034824
PROBATIO**	3.553553	1.345123	0.018596	2.641805	2.578547
CAREER	0.56004	1.020468	0.003304	0.548808	1.886344
OFFENSEC**	29.69306	3.17793	0.04646	9.343525	1.286679
XFOLSOR**	7.049336	0.074916	0.822451	94.09643	3.975598
MONSEX**	-3.69625	1.092598	-0.01573	-3.383	1.125144
AGE	0.018062	0.036569	0.002307	0.493905	1.135745
NUMDEPEN*	-0.4522	0.184119	-0.0111	-2.45603	1.062193
USCITIZE**	-5.44449	1.491548	-0.02498	-3.65023	2.438043
HISPANIC	1.704956	1.442815	0.00834	1.181687	2.592089
EDUCCAT*	-0.70885	0.34464	-0.01012	-2.05679	1.259098
DOCPLEA	0.614991	0.98849	0.003344	0.622152	1.503739
TRIAL**	17.12605	1.525987	0.06418	11.22294	1.701811
CIRC1ST	-1.2581	2.375408	-0.0027	-0.52964	1.355537
CIRC2ND	-2.98949	2.035666	-0.00788	-1.46856	1.499349
CIRC3RD**	-6.1859	1.982806	-0.01707	-3.11977	1.558569
CIRC4TH	-0.01795	1.71572	-6.2E-05	-0.01046	1.81663
CIRC5TH	2.73544	1.563192	0.012404	1.749907	2.614552
CIRC7TH	3.107942	2.022013	0.008287	1.537054	1.512755
CIRC8TH	-3.44833	1.938714	-0.00969	-1.77867	1.543135
CIRC9TH*	-3.38212	1.569396	-0.01467	-2.15505	2.410998
CIRC10TH	0.12949	1.892077	0.000382	0.068438	1.617658
CIRC11TH	-1.50871	1.589243	-0.00619	-0.94932	2.215194
CIRCDC**	-19.7844	7.293501	-0.01208	-2.71261	1.032317
Hazard Rate**	-117.179	2.785854	-0.32785	-42.0622	3.161532
(Constant)	14.48823	4.004197		3.618262	

R^2 .635 **Adjusted R^2** .635 ***p < .05** ****p< .01**

TABLE C3A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— DRUG OFFENSE PARTITIONING/BLACK PARTITIONING

Variable	Unstandardized Coefficients	Standard Error	Unstandardized Coefficients	Exp(B)
CRACK*	-0.543	0.2541	-1.307724759	0.581
HEROIN	0.5161	0.4725	0.815184368	1.6755
MARIJUAN**	-1.2675	0.3203	-1.231467051	0.2815
LSD	-1.264	1.1487	-0.487366582	0.2825
OTHRDRG	-0.1336	0.2181	-0.321819497	0.8749
XCRHISSR**	0.6058	0.1383	4.40999667	1.8328
CRIMHIST	0.1175	0.257	0.240401515	1.1247
STATMIN*	-0.0023	0.0011	-1.406938883	0.9977
NOCOUNTS	0.1803	0.15	2.132915696	1.1976
ACCPTPSR	-0.2441	0.3021	-0.493745634	0.7834
ADJUSTME*	0.1795	0.076	1.847113116	1.1966
DOWNWARD**	-4.093	0.4224	-8.687739519	0.0167
PROBATIO**	-3.1551	0.462	-3.192921831	0.0426
CAREER	0.1247	0.265	0.294825512	1.1328
OFFENSEC	-1.6671	1.2521	-1.534111083	0.1888
XFOLSOR**	0.1373	0.0184	5.869326884	1.1472
MONSEX**	-0.7854	0.2193	-1.317153926	0.4559
AGE	-0.0179	0.0108	-0.786680227	0.9823
NUMDEPEN	0.043	0.0578	0.43542911	1.0439
USCITIZE*	-0.9506	0.4271	-1.718364654	0.3865
HISPANIC	-1.1165	0.5941	-1.109864759	0.3274
EDUCCAT**	-0.3368	0.105	-1.606192236	0.714
DOCPLEA	0.1863	0.2462	0.447423985	1.2048
TRIAL	0.0961	0.4785	0.196726778	1.1009
CIRC1ST	-0.8714	0.6919	-0.572578277	0.4184
CIRC2ND	0.1921	0.5015	0.291073288	1.2118
CIRC3RD**	-1.0605	0.3779	-1.235656655	0.3463
CIRC4TH	-0.5153	0.3504	-0.994184325	0.5973
CIRC5TH	-0.0515	0.4318	-0.073650628	0.9498
CIRC7TH	0.5886	0.5553	0.631507484	1.8014
CIRC8TH	-0.0727	0.5141	-0.079711614	0.9299
CIRC9TH	-0.2707	0.6465	-0.238682255	0.7629
CIRC10TH	0.499	0.8718	0.349608542	1.6471
CIRC11TH	0.0541	0.4053	0.094259084	1.0555
CIRCDC**	-1.4018	0.4336	-1.609938109	0.2461
Constant	5.5906	1.0348		

-2 log likelihood: 809.476 **Model Chi-Square:** 842.247

R^2_L: .5099 **R^2:** .369 **Φ_p:** .4644

N = 4744 **DF =** 35 ***p < .05** ****p < .01**

TABLE C3B
OLS SENTENCE LENGTH ESTIMATES—DRUG OFFENSES BLACK OFFENDERS WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
CRACK	4.051851	3.532974	0.013813	1.146867
HEROIN	10.60126	5.892277	0.022171	1.79918
MARIJUAN	-10.1923	8.119509	-0.01374	-1.25528
LSD	6.368766	17.8601	0.003462	0.356592
OTHRDRG**	12.5961	3.14215	0.043006	4.008752
XCRHISSR**	15.11475	1.373528	0.155473	11.00433
CRIMHIST	2.395094	4.560527	0.006786	0.525179
STATMIN**	0.251592	0.014929	0.183528	16.85297
NOCOUNTS**	2.09261	0.603682	0.034696	3.466413
ACCPTPSR**	9.162516	3.522838	0.024976	2.600891
ADJUSTME**	12.05441	0.892572	0.170584	13.50526
DOWNWARD**	-93.3683	3.829619	-0.28448	-24.3806
UPWARD	22.93443	17.98036	0.012257	1.275527
PROBATIO	1.280683	10.64236	0.001789	0.120338
CAREER	-0.47854	4.320828	-0.0016	-0.11075
OFFENSEC**	25.77187	8.810259	0.033119	2.925211
XFOLSOR**	8.491687	0.241492	0.512643	35.16347
MONSEX*	-9.48746	4.374563	-0.02209	-2.16878
AGE	0.200825	0.165197	0.012373	1.215673
NUMDEPEN*	1.358028	0.694123	0.019366	1.956464
USCITIZE	0.288598	5.028036	0.000712	0.057398
HISPANIC	6.365102	8.110494	0.008955	0.784798
EDUCCAT	-2.77946	1.506508	-0.01852	-1.84497
DOCPLEA**	-11.6909	3.863718	-0.03966	-3.02582
TRIAL*	11.89966	4.810696	0.034499	2.473584
CIRC1ST	-10.2698	12.23929	-0.00918	-0.83908
CIRC2ND**	23.70903	7.147948	0.045812	3.316901
CIRC3RD	-4.68572	6.737354	-0.00802	-0.69548
CIRC4TH	3.958536	4.983962	0.010868	0.794255
CIRC5TH	4.900865	5.784639	0.010313	0.847221
CIRC7TH	12.23446	7.313354	0.018703	1.672894
CIRC8TH	-0.78253	7.171619	-0.00121	-0.10912
CIRC9TH	-2.85509	9.511597	-0.00314	-0.30017
CIRC10TH	3.813087	10.17426	0.003828	0.374778
CIRC11TH**	22.4284	5.278899	0.05666	4.248689
CIRCDC**	-37.0241	6.957116	-0.06225	-5.32176
Hazard Rate**	-227.794	19.44855	-0.19536	-11.7126
(Constant)	76.44713	23.34653		3.274454

R^2 .581 **Adjusted R^2** .577 ***p < .05** ****p< .01**

TABLE C4A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— DRUG OFFENSE PARTITIONING/WHITE OFFENDERS

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
CRACK	-0.4125	0.4674	-0.199920151	0.662
HEROIN	0.0544	0.345	0.046115989	1.0559
MARIJUAN**	-0.4443	0.1331	-0.816589577	0.6413
METHAM*	-0.4946	0.248	-0.503166622	0.6098
LSD*	1.0483	0.5087	0.588150569	2.8528
OTHERDR**	-0.815	0.2176	-0.617258279	0.4426
XCRHISSR**	0.5446	0.0887	2.503794805	1.7239
CRIMHIST	0.2421	0.1353	0.423405922	1.274
STATMIN	-0.0003	0.001	-0.145741212	0.9997
NOCOUNTS	-0.0027	0.0311	-0.025395157	0.9973
ACCPTPSR*	-0.3403	0.1674	-0.574026074	0.7116
ADJUSTME	0.0213	0.0421	0.146981781	1.0215
DOWNWARD**	-3.456	0.2061	-6.011405946	0.0316
PROBATIO**	-2.2137	0.2246	-2.632956138	0.1093
CAREER	0.172	0.1478	0.32440433	1.1877
XFOLSOR**	0.1703	0.0115	6.050035937	1.1857
MONSEX**	-0.6601	0.1325	-0.807653846	0.5168
AGE	-0.007	0.006	-0.255101108	0.993
NUMDEPEN	-0.0078	0.0195	-0.064780688	0.9923
USCITIZE*	-0.6079	0.2564	-1.037884346	0.5445
HISPANIC	0.2558	0.2318	0.461352039	1.2914
EDUCCAT	-0.0556	0.0516	-0.24264373	0.9459
DOCPLEA**	0.3652	0.1345	0.652951582	1.4408
TRIAL*	0.7201	0.3618	0.956760419	2.0547
CIRC1ST	-0.2961	0.4572	-0.199048519	0.7437
CIRC2ND*	-0.5781	0.2919	-0.49827318	0.561
CIRC3RD**	-0.8771	0.2868	-0.673833357	0.416
CIRC4TH**	-0.9684	0.243	-1.014850899	0.3797
CIRC5TH	0.0746	0.259	0.111271168	1.0774
CIRC7TH	0.2905	0.3781	0.238710838	1.3371
CIRC8TH**	-0.8364	0.2643	-0.74205202	0.4333
CIRC9TH**	-0.8124	0.2363	-1.266087498	0.4438
CIRC10TH	-0.4557	0.2959	-0.3931302	0.634
CIRC11TH	-0.3502	0.2729	-0.46143803	0.7046
CIRCDC**	-3.3354	1.0091	-0.564751711	0.0356
Constant	2.5843	0.559		

-2 log likelihood: 2373.898 **Model Chi-Square:** 2096.453
R^2_L: .4689 R^2: .395 Φ_p: .5304
N = 8305 **DF =** 35 ***p < .05** ****p < .01**

TABLE C4B
OLS SENTENCE LENGTH ESTIMATES—DRUG OFFENSES WHITE OFFENDERS WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test	VIF
CRACK	10.70022	5.660971	0.013802	1.890174	1.118239
HEROIN	-2.15195	3.378818	-0.00468	-0.63689	1.130603
MARIJUAN**	-8.33679	1.73666	-0.0407	-4.80047	1.507482
METHAM**	8.977157	2.913961	0.024099	3.080741	1.283464
LSD	0.249262	4.740902	0.00038	0.052577	1.09493
OTHERDR**	-12.2467	3.759487	-0.02489	-3.25754	1.224764
XCRHISSR**	12.24647	0.819211	0.150306	14.94909	2.12035
CRIMHIST**	5.472893	1.913234	0.025062	2.860545	1.61001
STATMIN**	0.273942	0.009431	0.240332	29.04647	1.435894
NOCOUNTS**	2.199336	0.278524	0.057608	7.896403	1.116338
ACCPTPSR	1.52968	1.680471	0.00648	0.910268	1.062945
ADJUSTME**	6.491913	0.455504	0.11858	14.25214	1.451925
DOWNWARD**	-72.3862	1.875034	-0.34081	-38.6052	1.634612
UPWARD**	55.74448	9.41281	0.041293	5.922193	1.019717
PROBATIO**	-24.0221	4.238653	-0.06895	-5.66739	3.104441
CAREER*	3.970781	1.976487	0.019944	2.009009	2.067094
OFFENSEC**	15.22283	5.849628	0.02137	2.602358	1.41442
XFOLSOR**	6.300004	0.131244	0.591931	48.0023	3.189359
MONSEX**	-10.845	2.276411	-0.03504	-4.76408	1.134412
AGE**	0.210832	0.076522	0.020358	2.755197	1.145172
NUMDEPEN	-0.43982	0.321759	-0.00987	-1.36692	1.093104
USCITIZE*	-5.51508	2.446519	-0.02437	-2.25426	2.45132
HISPANIC	0.281084	2.378806	0.001331	0.118162	2.660906
EDUCCAT	-0.75759	0.6546	-0.00878	-1.15733	1.206568
DOCPLEA	0.125128	1.908802	0.000585	0.065553	1.67255
TRIAL**	16.54283	2.642637	0.059117	6.259973	1.870506
CIRC1ST	-0.07999	4.647604	-0.00015	-0.01721	1.549038
CIRC2ND	6.363099	4.229831	0.013614	1.504339	1.71782
CIRC3RD**	-19.5954	4.202954	-0.04152	-4.66229	1.663138
CIRC4TH	-4.9808	3.543676	-0.01432	-1.40555	2.177829
CIRC5TH**	11.57842	3.201638	0.047065	3.616407	3.552407
CIRC7TH	4.812686	4.046232	0.010794	1.189424	1.727273
CIRC8TH*	-8.95845	3.855133	-0.0219	-2.32377	1.862039
CIRC9TH	-0.89093	3.265486	-0.0034	-0.27283	3.257177
CIRC10TH	5.14839	3.962926	0.012049	1.299139	1.804247
CIRC11TH	0.396087	3.260704	0.001446	0.121473	2.971368
CIRCDC**	-49.058	15.51867	-0.02302	-3.16123	1.112342
Hazard Rate**	-180.955	8.288446	-0.30165	-21.8322	4.003946
(Constant)	83.41388	9.841724		8.475535	

R^2 .609 **Adjusted R^2** .607 ***p < .05** ****p< .01**

TABLE C5A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— FIREARM OFFENSE PARTITIONING/BLACK OFFENDERS

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
XCRHISSR**	1.3147	0.245	9.366850462	3.7238
CRIMHIST	-0.326	0.6055	-0.497599473	0.7218
STATMIN	0.0217	0.016	13.02317944	1.022
NOCOUNTS	0.4297	0.2615	2.146899014	1.5368
ACCPTPSR	-1.0792	0.8669	-1.570995753	0.3399
ADJUSTME	0.1046	0.2068	0.516785938	1.1103
DOWNWARD**	-6.8216	0.8705	-7.450773715	0.0011
CAREER	-0.3188	0.5579	-0.390265048	0.727
XFOLSOR**	0.5556	0.092	18.38898727	1.743
MONSEX*	-1.4915	0.6455	-1.158428382	0.225
AGE	-0.0057	0.0183	-0.197838434	0.9943
NUMDEPEN	-0.0073	0.1277	-0.056697387	0.9927
USCITIZE	-1.1656	1.1077	-1.028160227	0.3117
EDUCCAT	0.1686	0.2097	0.585571384	1.1837
DOCPLEA	0.6011	0.4544	1.140886374	1.8242
CIRC2ND	-0.1142	0.8584	-0.093434846	0.8921
CIRC3RD	-0.4784	1.0532	-0.430638047	0.6198
CIRC4TH	-0.4863	0.5524	-0.768037493	0.6149
CIRC5TH	0.7368	0.925	0.938324452	2.0892
CIRC7TH	0.716	0.8412	0.755211706	2.0461
CIRC10TH	-0.672	1.1291	-0.471069167	0.5107
CIRC11H	-0.3033	0.7172	-0.416466849	0.7384
CIRCDC	-0.0126	1.4211	-0.006300837	0.9875
Constant	-2.1838	2.0643		

-2 log likelihood: 179.255 **Model Chi-Square:** 320.111
R^2_L: .6410 **R^2:** .585 **Φ_p:** .6862
N = 947 **DF =** 23 ***p < .05** ****p < .01**

TABLE C5B
OLS SENTENCE LENGTH ESTIMATES—FIREARM OFFENSES BLACK OFFENDERS WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
XCRHISSR**	11.54864	1.109787	0.237001	10.40617
CRIMHIST	-4.51669	7.713323	-0.01186	-0.58557
STATMIN**	0.215103	0.018018	0.225361	11.93792
NOCOUNTS*	2.711303	1.084209	0.040695	2.50072
ACCPTPSR	6.350458	4.309951	0.023584	1.473441
ADJUSTME	0.184452	1.420566	0.002537	0.129844
DOWNWARD**	-58.7082	5.766884	-0.20163	-10.1802
UPWARD**	32.86096	7.173679	0.073571	4.580767
PROBATIO**	17.69729	5.028905	0.073006	3.519114
CAREER	-0.21524	6.341374	-0.00077	-0.03394
OFFENSEC**	26.81384	7.469323	0.064162	3.589863
XFOLSOR**	6.05607	0.237992	0.577433	25.44654
MONSEX	-5.74066	7.646128	-0.01254	-0.75079
AGE*	0.333251	0.160406	0.033673	2.077553
NUMDEPEN*	-1.64416	0.690824	-0.03836	-2.37999
USCITIZE	5.708028	7.262697	0.013798	0.785938
HISPANIC	11.4479	12.32552	0.015913	0.928796
EDUCCATN	1.248952	1.646207	0.012521	0.758685
DOCPLEA	3.604373	3.723916	0.019743	0.967899
TRIAL**	28.84827	5.044728	0.131367	5.718499
CIRC1ST	12.52789	10.72891	0.020053	1.167676
CIRC2ND	-2.11417	7.617236	-0.00495	-0.27755
CIRC3RD	1.231607	7.033204	0.003179	0.175113
CRIC4TH	1.641852	4.895599	0.007178	0.335373
CIRC5TH	5.658529	5.575253	0.020407	1.014937
CIRC7TH	-0.67459	5.925035	-0.00219	-0.11385
CIRC8TH	2.269434	8.394652	0.0047	0.270343
CIRC9TH	0.364183	8.058782	0.000796	0.045191
CIRC10TH	-0.44	8.084098	-0.00094	-0.05443
CIRC11TH**	15.58194	5.191677	0.06477	3.001331
CICRDC	-7.42083	11.59797	-0.01065	-0.63984
Hazard Rate**	-68.5773	10.50582	-0.14966	-6.52756
(Constant)	-48.6322	17.85157		-2.72425

R^2 .779 **Adjusted R^2** .771 ***p < .05** ****p< .01**

TABLE C6A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— FIREARM OFFENSE PARTITIONING/WHITE OFFENDERS

Variable	Unstandardized Coefficient	Standard Error	Unstandardized Coefficient	Exp(B)
XCRHISSR**	0.6968	0.1268	4.265514029	2.0073
CRIMHIST*	0.7402	0.3571	1.046530312	2.0964
STATMIN	-0.0003	0.0017	-0.159179285	0.9997
NOCOUNTS**	0.5728	0.1587	2.623453431	1.7732
ACCPTPSR	0.6432	0.4092	0.789664618	1.9025
ADJUSTME	0.1333	0.1674	0.550440022	1.1425
DOWNWARD**	-5.2744	0.5127	-5.528672062	0.0051
PROBATIO**	-1.3665	0.4798	-1.765974028	0.255
CAREER	-0.1619	0.3522	-0.200760769	0.8505
XFOLSOR**	0.452	0.0543	11.91791437	1.5714
MONSEX	0.0273	0.5303	0.017721281	1.0276
AGE	-0.0049	0.0133	-0.152490315	0.9951
NUMDEPEN**	-0.253	0.0766	-1.338201097	0.7765
USCITIZE	-1.1981	0.6347	-1.098308405	0.3018
HISPANIC	0.5775	0.5688	0.605340535	1.7817
EDUCCAT*	-0.2685	0.1186	-0.896398853	0.7645
DOCPLEA	-0.3459	0.315	-0.520897464	0.7076
CIRC1ST	0.2695	0.706	0.180349423	1.3093
CIRC2ND	0.1032	0.6127	0.07668098	1.1087
CIRC3RD	-0.2513	0.5811	-0.163126667	0.7778
CIRC4TH	-0.4207	0.5145	-0.458211148	0.6566
CIRC5TH	0.3624	0.5465	0.452711777	1.4368
CIRC7TH	0.0063	0.6485	0.004385664	1.0063
CIRC8TH	-0.4383	0.6248	-0.353053268	0.6451
CIRC9TH	-0.3875	0.5395	-0.425100914	0.6787
CIRC10TH	0.9959	0.6295	0.90772565	2.7072
CIRC11TH	-0.0189	0.5271	-0.019152654	0.9813
Constant	-0.7688	1.2826		

-2 log likelihood: 430.915 **Model Chi-Square:** 568.843

R^2_L: .5689 R^2: .540 Φ_p: .6281

N = 1455 DF = 27 *p < .05 **p < .01

TABLE C6B
OLS SENTENCE LENGTH ESTIMATES—FIREARM OFFENSES WHITE OFFENDERS WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
XCRHISSR**	9.172543	0.747018	0.217473	12.27887
CRIMHIST	6.127496	4.027091	0.024662	1.521569
STATMIN**	0.309798	0.01469	0.325093	21.08943
NOCOUNTS	1.020052	0.695843	0.019889	1.465923
ACCPTPSR	3.080225	2.967066	0.013988	1.038138
ADJUSTME**	3.545266	0.966915	0.056044	3.666574
DOWNWARD**	-42.3004	3.649921	-0.18573	-11.5894
UPWARD**	38.11474	5.736018	0.088405	6.644809
PROBATIO*	7.627436	3.704135	0.038246	2.059168
CAREER	-1.07751	3.518635	-0.00542	-0.30623
OFFENSEC**	25.88076	6.614392	0.056434	3.912795
XFOLSOR**	5.577435	0.190212	0.563205	29.32214
MONSEX	-1.99751	5.182458	-0.00502	-0.38544
AGE*	-0.25241	0.112067	-0.02994	-2.25228
NUMDEPEN*	-1.48129	0.656659	-0.03038	-2.2558
USCITIZE	-7.08438	5.042817	-0.02354	-1.40485
HISPANIC	4.643601	4.403609	0.018129	1.054499
EDUCCAT	-0.49051	1.068341	-0.00631	-0.45913
DOCPLEA	-2.08256	2.662603	-0.01212	-0.78215
TRIAL**	18.11029	4.286131	0.072501	4.225324
CIRC1ST	3.022869	5.574056	0.00818	0.54231
CIRC2ND	-0.83881	5.281564	-0.00245	-0.15882
CIRC3RD	10.58503	5.70358	0.027842	1.855856
CIRC4TH	7.719322	4.209932	0.031396	1.833598
CIRC5TH	3.647778	3.929312	0.017777	0.92835
CIRC7TH	3.755213	5.235674	0.011025	0.717236
CIRC8TH	-4.46083	5.204221	-0.0131	-0.85716
CIRC9TH	-4.20455	4.266071	-0.01706	-0.98558
CIRC10TH*	11.57544	4.618239	0.040838	2.506463
CIRC11TH	4.792703	4.209997	0.019543	1.13841
Hazard Rate**	-59.1975	7.315086	-0.1685	-8.09252
(Constant)	-3.78637	11.81626		-0.32044

R^2 .767 **Adjusted R^2** .761 ***p < .05** ****p< .01**

TABLE C7A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— "OTHER" OFFENSE PARTITIONING/BLACK OFFENDERS

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
PROPERTY	-0.0723	0.2579	-0.074750537	0.9302
WHTCOLLR	-0.0611	0.25	-0.071851444	0.9408
IMMIGRAT	0.6588	0.403	0.331679609	1.9324
XCRHISSR**	0.9892	0.0898	3.599153914	2.6892
CRIMHIST**	0.4138	0.1445	0.469493804	1.5125
STATMIN	-0.0003	0.0007	-0.110162126	0.9997
NOCOUNTS	0.0872	0.0781	0.662062772	1.0911
ACCPTPSR	-0.3885	0.1993	-0.381040326	0.6781
ADJUSTME*	0.1622	0.067	0.577819958	1.1761
DOWNWARD**	-5.0975	0.3028	-3.512723893	0.0061
PROBATIO	-0.3717	0.2394	-0.440093579	0.6896
CAREER	-0.1248	0.152	-0.147592335	0.8826
XFOLSOR**	0.6953	0.0346	9.8494564	2.0044
MONSEX	-0.2534	0.1255	-0.281985044	0.7761
AGE	-0.0005	0.0058	-0.011746679	0.9995
NUMDEPEN	0.0201	0.0276	0.107664552	1.0203
USCITIZE**	-0.6286	0.2394	-0.496095977	0.5333
HISPANIC	-0.3175	0.4338	-0.125363894	0.728
EDUCCAT*	-0.1351	0.0574	-0.346567935	0.8736
TRIAL	0.6019	0.4077	0.39227065	1.8257
DOCPLEA	0.0889	0.1404	0.102248452	1.093
CIRC1ST	0.3883	0.5876	0.11980399	1.4745
CIRC2ND	-0.2047	0.2609	-0.136580637	0.8149
CIRC3RD	0.2123	0.2529	0.13953471	1.2365
CIRC4TH	-0.1351	0.2233	-0.1095118	0.8736
CIRC5TH	-0.063	0.2244	-0.048439705	0.9389
CIRC7TH**	-0.6403	0.2471	-0.435152382	0.5271
CIRC8TH	0.1549	0.3488	0.067476909	1.1675
CIRC9TH	0.1092	0.3252	0.072170667	1.1154
CIRC10TH	-0.2035	0.3606	-0.081743259	0.8159
CIRC11TH	-0.2365	0.2098	-0.202799225	0.7894
CIRCDC	-0.0939	0.3589	-0.037076125	0.9104
Constant	-3.0786	0.6516		

-2 log likelihood: 1843.830 **Model Chi-Square:** 1890.952

R^2_L: .5063 R^2: .575 Φ_p: .7192

N = 3263 **DF =** 32 *p < .05 **p < .01

TABLE C7B

OLS SENTENCE LENGTH ESTIMATES—"OTHER" OFFENSES BLACK OFFENDERS WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
WHTCOLLR*	5.181905	2.222494	0.046614	2.331572
PROPERTY*	5.395867	2.462966	0.042974	2.190801
IMMIGRAT*	10.5082	4.255682	0.04003	2.469216
XCRHISSR**	8.726147	0.608728	0.243606	14.33506
CRIMHIST*	4.159657	1.797439	0.035643	2.314213
STATMIN**	0.127791	0.007114	0.215616	17.96433
NOCOUNTS	-0.19414	0.198563	-0.01202	-0.97773
ACCPTPSR	1.72585	1.925774	0.010918	0.896185
ADJUSTME**	1.482988	0.520803	0.040172	2.8475
DOWNWARD**	-48.6169	2.559007	-0.27013	-18.9983
UPWARD**	19.03641	5.046896	0.04542	3.771906
PROBATIO**	14.9957	1.933022	0.13607	7.757644
CAREER	-0.3532	1.826387	-0.0032	-0.19339
OFFENSEC*	18.99003	7.61144	0.03218	2.494932
XFOLSOR**	7.946215	0.178022	0.8694	44.63613
MONSEX*	-3.47753	1.499402	-0.02963	-2.31928
AGE	-0.10286	0.066776	-0.01863	-1.54032
NUMDEPEN	0.070293	0.300117	0.002793	0.234219
USCITIZE	-2.34395	2.482882	-0.01383	-0.94405
HISPANIC	-7.26005	4.884163	-0.02172	-1.48645
EDUCCAT*	-1.54397	0.631462	-0.03058	-2.44508
DOCPLEA	-1.81916	1.637344	-0.01579	-1.11105
TRIAL	2.625332	2.932813	0.013052	0.895158
CIRC1ST	8.932238	6.056757	0.021682	1.474756
CIRC2ND	-1.6182	3.066179	-0.00762	-0.52776
CIRC3RD	5.157508	2.780359	0.02715	1.854979
CIRC4TH	-0.16051	2.499855	-0.00098	-0.06421
CIRC5TH	0.3302	2.483901	0.002037	0.132936
CIRC7TH	-3.35456	2.842962	-0.01719	-1.17995
CIRC8TH*	7.678331	3.916718	0.025343	1.960399
CIRC9TH	3.926501	3.302172	0.016157	1.189066
CIRC10TH	-2.54672	4.146279	-0.00787	-0.61422
CIRC11TH*	-5.60902	2.324832	-0.03867	-2.41266
CIRCDC	-1.73051	4.087822	-0.00551	-0.42333
Hazard Rate**	-64.7231	3.259001	-0.37754	-19.8598
(Constant)	-29.0483	6.544603		-4.43852

R^2 .561 **Adjusted R^2** .556 ***p <.05** ****p< .01**

TABLE C8A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— "OTHER" OFFENSE PARTITIONING/WHITE OFFENDERS

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
PROPERTY	0.0673	0.1241	0.060271931	1.0696
WHTCOLLR**	0.288	0.106	0.344655773	1.3337
IMMIGRAT**	0.8371	0.1815	0.62848253	2.3096
XCRHISSR**	0.9285	0.0604	3.039722351	2.5308
CRIMHIST**	0.2957	0.0845	0.354628533	1.3441
STATMIN	-0.0001	0.0006	-0.034968922	0.9999
NOCOUNTS**	0.0763	0.0281	0.772592784	1.0793
ACCPTPSR**	-0.4754	0.1111	-0.482656218	0.6217
ADJUSTME	0.0348	0.0337	0.136693642	1.0354
DOWNWARD**	-4.5616	0.1465	-3.857765586	0.0104
PROBATIO	-0.1698	0.1307	-0.204777068	0.8438
CAREER	0.0177	0.0894	0.021343869	1.0179
XFOLSOR**	0.5875	0.0185	8.776116533	1.7995
MONSEX	-0.0725	0.0834	-0.07141864	0.9301
AGE	-0.0024	0.0031	-0.068799752	0.9976
NUMDEPEN	-0.011	0.0148	-0.055372722	0.9891
USCITIZE**	-0.511	0.1577	-0.463762038	0.5999
HISPANIC	0.1676	0.166	0.149954436	1.1824
EDUCCAT	-0.0143	0.0318	-0.043741194	0.9858
TRIAL	0.0125	0.221	0.008200406	1.0126
DOCPLEA*	0.2	0.087	0.224949968	1.2215
CIRC1ST	-0.1802	0.2471	-0.071163968	0.8351
CIRC2ND**	-0.5981	0.1675	-0.377572726	0.5499
CIRC3RD**	-0.4543	0.1621	-0.270033585	0.6349
CIRC4TH	-0.1999	0.1495	-0.139707742	0.8188
CIRC5TH	-0.2653	0.1447	-0.232194712	0.767
CIRC7TH	0.0673	0.1886	0.037236177	1.0697
CIRC8TH	-0.0607	0.1798	-0.033916249	0.9411
CIRC9TH	-0.2606	0.1418	-0.236886749	0.7706
CIRC10TH	-0.2396	0.1633	-0.144400665	0.787
CIRC11TH	-0.2495	0.1431	-0.192118135	0.7792
CIRCDC	-0.833	0.5448	-0.112397477	0.4347
Constant	-3.3638	0.3765		

-2 log likelihood:	5144.125			Model Chi-Square:	4380.216
R^2_L:	.4598	R^2:	.511	Φ_p:	.6456
N =	8633	DF =	32	*p < .05	**p < .01

TABLE C8B
OLS SENTENCE LENGTH ESTIMATES—"OTHER" OFFENSES WHITE OFFENDERS WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
PROPERTY*	-3.02288	1.447994	-0.02166	-2.08763
WHTCOLLR*	-3.00207	1.182401	-0.02816	-2.53896
IMMIGRAT	1.319819	2.143129	0.007345	0.615837
XCRHISSR**	8.33966	0.404417	0.212634	20.62146
CRIMHIST**	3.11923	1.023697	0.02924	3.047025
STATMIN**	0.066754	0.005523	0.092942	12.08631
NOCOUNTS	-0.07373	0.100955	-0.00596	-0.73033
ACCPTPSR	-1.2507	1.10252	-0.00893	-1.1344
ADJUSTME	0.153327	0.296193	0.004771	0.517661
DOWNWARD**	-46.1405	1.451186	-0.31905	-31.795
UPWARD**	20.44699	2.85354	0.055784	7.16548
PROBATIO**	14.34403	1.188321	0.135777	12.07084
CAREER	-1.03174	1.045036	-0.00977	-0.98728
OFFENSEC**	82.05232	8.546161	0.075125	9.601073
XFOLSOR**	7.658722	0.108644	0.908323	70.49404
MONSEX	-0.06654	1.031727	-0.00052	-0.0645
AGE**	-0.11666	0.036126	-0.02613	-3.22937
NUMDEPEN	-0.24474	0.200521	-0.00944	-1.22052
USCITIZE**	-5.83229	1.841562	-0.03895	-3.16704
HISPANIC	0.665671	1.879506	0.004447	0.354174
EDUCCAT*	-0.80523	0.359568	-0.0193	-2.23942
TRIAL**	6.679987	1.837013	0.034642	3.636331
DOCPLEA	-0.7627	1.041207	-0.0066	-0.73251
CIRC1ST	-4.60916	2.616279	-0.01497	-1.76172
CIRC2ND**	-6.54395	2.046261	-0.02913	-3.198
CIRC3RD	-3.11564	1.920957	-0.01549	-1.62192
CIRC4TH	-2.28188	1.760682	-0.01268	-1.29602
CIRC5TH	-2.98441	1.62218	-0.02109	-1.83975
CIRC7TH	3.364874	2.079466	0.014752	1.618143
CIRC8TH	-2.69159	2.036031	-0.01198	-1.32198
CIRC9TH*	-4.1532	1.656481	-0.02691	-2.50724
CIRC10TH	-3.28719	1.91194	-0.01619	-1.7193
CIRC11TH	-2.93921	1.634192	-0.01856	-1.79857
CIRCDC	-8.69375	6.784313	-0.0099	-1.28145
Hazard Rate**	-68.8267	2.23317	-0.38675	-30.8202
(Constant)	-12.2041	4.057176		-3.00804

R^2 .508 **Adjusted R^2** .506 ***p < .05** ****p< .01**

TABLE C9A
DETERMINANTS OF INCARCERATION—ROBBERY OFFENSES BLACK OFFENDERS

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
XCRHISSR	1.1449	0.8338	13.5888017	3.142
CRIMHIST	-0.1555	1.0186	-0.29145844	0.856
STATMIN	0.125	0.6915	93.20025233	1.1332
NOCOUNTS	0.7367	1.0573	7.472799723	2.0889
ACCPTPSR	2.7547	1.8047	7.085264381	15.7156
ADJUSTME	0.2382	0.5406	1.946946728	1.269
DOWNWARD**	-6.6485	2.2064	-15.06721713	0.0013
CAREER	0.2661	1.1827	0.700391027	1.3048
XFOLSOR**	0.4576	0.1447	18.21987691	1.5802
MONSEX	-0.5353	1.0239	-0.817978511	0.5855
AGE	-0.0063	0.0433	-0.3184583	0.9937
NUMDEPEN	0.3349	0.3692	3.485069311	1.3978
EDUCCAT	-0.6229	0.6401	-3.305940498	0.5364
DOCPLEA	0.8893	0.9127	2.582332356	2.4335
Constant	-4.4019	6.0319		

-2 log likelihood: 112.410 **Model Chi-Square:** 41.455
R^2_L: .7305 **R^2:** .653 **Φ_p:** .8072
N = 586 **DF =** 14 ***p < .05** ****p < .01**

TABLE C9B
OLS SENTENCE LENGTH ESTIMATES—ROBBERY OFFENSES BLACK OFFENDERS WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test	VIF
XCRHISSR**	12.44716	1.746913	0.227273	7.125233	2.989991
CRIMHIST	5.641665	8.280242	0.015753	0.681341	1.571023
STATMIN**	0.442694	0.024517	0.376736	18.05679	1.279275
NOCOUNTS**	16.24326	1.503597	0.244769	10.80293	1.508686
ACCPTPSR*	12.85433	5.400586	0.045919	2.380173	1.093805
ADJUSTME**	7.424396	1.945902	0.095443	3.815401	1.838987
DOWNWARD**	-45.111	5.761302	-0.15861	-7.83	1.205909
UPWARD**	87.98254	12.14394	0.139166	7.244972	1.084333
CAREER*	16.67965	6.985676	0.067483	2.387693	2.347483
OFFENSEC**	42.18051	8.482694	0.143938	4.972537	2.462447
XFOLSOR**	5.546371	0.504479	0.335007	10.99425	2.728646
MONSEX*	20.8732	8.94957	0.047841	2.332313	1.236529
AGE	-0.23048	0.270826	-0.01742	-0.85102	1.231383
NUMDEPEN	-1.4765	1.167712	-0.02421	-1.26444	1.077602
USCITIZE	-7.82169	13.75741	-0.01164	-0.56854	1.232219
HISPANIC	5.551512	19.92562	0.00741	0.278612	2.078796
EDUCCATN**	-6.17017	2.400414	-0.05008	-2.57046	1.115579
DOCPLEA	-1.88027	5.489479	-0.00832	-0.34252	1.734632
TRIAL**	23.43691	8.238174	0.078516	2.844916	2.238456
CICR1ST	6.813669	22.71035	0.007897	0.300025	2.035958
CIRC2ND	-17.227	9.843096	-0.04141	-1.75016	1.645349
CIRC3RD**	-38.2698	9.902114	-0.08989	-3.86481	1.589747
CIRC4TH	-5.87749	7.660878	-0.01978	-0.76721	1.954035
CIRC5TH	11.71137	8.461574	0.033207	1.384066	1.691705
CIRC7TH	8.999706	9.273262	0.022115	0.970501	1.525955
CIRC8TH	-7.1152	11.48398	-0.01329	-0.61958	1.352056
CIRC9TH*	-15.6529	7.44044	-0.05613	-2.10376	2.092139
CIRC10TH	10.02707	12.76152	0.016306	0.785727	1.265623
CIRC11TH	-8.79265	7.956158	-0.02889	-1.10514	2.007861
CIRCDC	-35.6884	24.85024	-0.02769	-1.43614	1.092849
Hazard Rate**	-92.6519	19.4357	-0.11516	-4.7671	1.71493
(Constant)	7.949722	28.36298		0.280285	

R^2 .812 **Adjusted R^2** .802 ***p <.05** ****p<.01**

TABLE C10A
DETERMINANTS OF INCARCERATION—ROBBERY OFFENSES WHITE OFFENDERS

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
XCRHISSR**	1.0405	0.3655	9.418031849	2.8305
CRIMHIST	0.501	0.6355	0.824154157	1.6503
STATMIN	0.1234	0.3677	79.05174896	1.1314
NOCOUNTS	-0.0338	0.6234	-0.266181777	0.9668
ACCPTPSR	0.4304	0.7127	0.815452956	1.5379
ADJUSTME*	0.5147	0.2608	3.037592961	1.6732
DOWNWARD**	-5.4493	1.148	-8.795696323	0.0043
CAREER	-0.316	0.8288	-0.637800139	0.7291
XFOLSOR**	0.5652	0.0972	17.90707412	1.7599
MONSEX	0.053	0.5415	0.073066342	1.0544
AGE	0.0116	0.0295	0.498610303	1.0117
NUMDEPEN	0.1343	0.1909	0.781690214	1.1437
EDUCCAT	0.1067	0.2733	0.459424118	1.1126
TRIAL	-3.1882	1.777	-4.152148879	0.0412
DOCPLEA	-0.8918	0.6794	-1.831607156	0.4099
CIRC2ND*	-3.0942	1.5016	-3.16350054	0.0453
CIRC3RD	-2.8416	1.6104	-2.032732829	0.0583
CIRC4TH	-2.5334	1.8754	-2.93991471	0.0794
CIRC5TH	-3.8342	1.6942	-4.318333018	0.0216
CIRC7TH	-2.469	1.7556	-1.96161818	0.0847
CIRC8TH	-2.9528	1.6615	-3.065172535	0.0522
CIRC9TH*	-3.0068	1.5319	-6.647784523	0.0494
CIRC10TH	-1.8187	1.5109	-2.205152479	0.1622
CIRC11TH*	-3.4244	1.6984	-5.152217367	0.0326
Constant	-1.0401	2.3902		

-2 log likelihood: 137.143 **Model Chi-Square:** 257.814

R^2_L: .6527 **R^2:** .553 **Φ_p:** .6571

N = 980 **DF =** 24 ***p < .05** ****p < .01**

TABLE C10B
OLS SENTENCE LENGTH ESTIMATES—ROBBERY OFFENSES WHITE OFFENDERS WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
XCRHISSR**	10.15369	1.023964	0.233311	9.916055
CRIMHIST	-3.34688	4.975803	-0.01374	-0.67263
STATMIN**	0.389997	0.02084	0.298587	18.7138
NOCOUNTS**	5.827133	0.839269	0.115344	6.943109
ACCPTPSR	3.400346	3.536666	0.014341	0.961455
ADJUSTME**	5.380546	1.148644	0.080245	4.684258
DOWNWARD**	-35.7754	3.677114	-0.15319	-9.72922
UPWARD**	64.9843	10.09049	0.09784	6.440151
CAREER	3.024749	4.460814	0.015779	0.678071
OFFENSEC**	52.38637	5.503102	0.19798	9.519427
XFOLSOR**	5.429153	0.312211	0.43729	17.38938
MONSEX	0.688424	4.561283	0.002515	0.150928
AGE	-0.23882	0.143342	-0.02624	-1.66611
NUMDEPEN	-0.44162	1.01742	-0.00655	-0.43406
USCITIZE	2.058352	8.201821	0.004022	0.250963
HISPANIC	0.489538	5.703658	0.001425	0.085829
EDUCCATN	-0.2951	1.424064	-0.00321	-0.20723
TRIAL**	28.85821	5.619804	0.093647	5.135093
DOCPLEA	-3.14243	3.406771	-0.01612	-0.92241
CIRC2ND	-3.31412	7.027984	-0.00872	-0.47156
CIRC3RD	-6.95697	8.695828	-0.01337	-0.80003
CIRC4TH	1.20566	6.069364	0.00374	0.198647
CIRC5TH	2.852081	6.166735	0.008689	0.462494
CIRC7TH	2.577884	8.18502	0.005283	0.314951
CIRC8TH	1.947337	6.611983	0.005298	0.294516
CIRC9TH	-8.42153	4.574137	-0.04553	-1.84112
CIRC10TH	1.671439	6.050781	0.005277	0.276235
CIRC11TH	1.619638	5.188432	0.006495	0.312163
Hazard Rate**	-63.9422	11.24556	-0.12072	-5.686
(Constant)	-6.32616	15.58007		-0.40604

R^2 .794 **Adjusted R^2** .788 ***p < .05** ****p< .01**

TABLE C11A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— 21841 OFFENSE PARTITIONING/BLACK OFFENDERS

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
CRACK**	-1.4742	0.5693	-4.516934296	0.229
HEROIN	0.7529	1.4212	0.971762439	2.1231
MARIJUAN**	-2.7889	0.7665	-3.090149855	0.0615
XCRHISSR**	0.7079	0.2161	7.209350601	2.0298
CRIMHIST	0.5786	0.5719	1.395632777	1.7835
STATMIN	0.0041	0.0057	3.106579103	1.0041
NOCOUNTS	0.1236	0.3023	1.182655366	1.1315
ACCPTPSR	0.5918	0.5569	1.577492378	1.8072
ADJUSTME	0.2614	0.1537	2.81662854	1.2988
DOWNWARD**	-4.8756	0.6586	-12.98570819	0.0076
PROBATIO*	-1.5371	0.7725	-1.431477145	0.215
CAREER	0.7716	0.5474	2.31889243	2.1632
XFOLSOR**	0.1392	0.04	7.066469375	1.1494
MONSEX	-0.6895	0.4298	-1.401263039	0.5018
AGE	-0.0206	0.0225	-1.220609721	0.9796
NUMDEPEN	-0.0608	0.0806	-0.801322402	0.941
HISPANIC	1.7291	1.7055	2.262536206	5.6356
EDUCCAT**	-0.5269	0.2034	-3.179390897	0.5904
DOCPLEA	0.3642	0.5029	1.154676502	1.4394
TRIAL	0.7376	0.9158	2.025757972	2.0909
CIRC1ST	-2.307	1.3472	-1.903641932	0.0996
CIRC2ND	-0.4382	0.9968	-0.527328673	0.6452
CIRC3RD*	-1.858	0.7789	-2.318683214	0.156
CIRC4TH	-1.1219	0.6382	-2.780913056	0.3256
CIRC5TH	-0.0545	0.8421	-0.118961064	0.947
CIRC7TH	0.0996	1.0944	0.14512951	1.1047
CIRC8TH	0.2268	0.9597	0.401077336	1.2546
CIRC9TH**	-2.6763	1.0263	-3.548856729	0.0688
CIRC11TH	0.8242	1.084	1.819775852	2.28
CIRCDC**	-2.8119	0.7618	-5.125772067	0.0601
Constant	5.6382	1.9142		

-2 log likelihood: 230.504 **Model Chi-Square:** 255.438
R^2_L**:** .5256 R^2**:** .328 Φ_p**:** .3910
N = 2225 **DF** = 30 ***p < .05** ****p < .01**

TABLE C11B
OLS SENTENCE LENGTH ESTIMATES—21841 DRUG OFFENSES BLACK OFFENDERS WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
CRACK	-1.54778	3.357056	-0.00741	-0.46105
HEROIN	-7.61009	6.95343	-0.01515	-1.09444
MARIJUAN	-2.16293	8.206979	-0.00363	-0.26355
ODRUG	-0.84463	10.14008	-0.0011	-0.0833
XCRHISSR**	11.90898	1.160554	0.189598	10.26147
CRIMHIST	4.180875	4.486862	0.015486	0.931804
STATMIN**	0.244192	0.01512	0.2292	16.15031
NOCOUNTS**	4.621442	1.046296	0.059296	4.416955
ACCPTPSR	2.093672	3.190722	0.00837	0.656175
ADJUSTME**	9.353975	0.923058	0.157685	10.13368
DOWNWARD**	-62.2871	3.561663	-0.26241	-17.4882
UPWARD	6.859787	18.04454	0.004837	0.380158
PROBATIO**	35.05484	9.994594	0.049602	3.50738
CAREER	0.949791	4.034678	0.004457	0.235407
OFFENSEC**	42.13432	7.13784	0.090609	5.902951
XFOLSOR**	6.399182	0.216751	0.506884	29.5232
MONSEX	-6.69761	4.232496	-0.02099	-1.58243
AGE**	0.551495	0.147511	0.050978	3.738674
NUMDEPEN	-1.05963	0.626116	-0.02202	-1.69239
USCITIZE	4.725524	5.316108	0.013644	0.888907
HISPANIC	4.512179	8.085692	0.009215	0.558045
EDUCCATN	-2.18602	1.407284	-0.02066	-1.55336
DOCPLEA	-4.45724	3.407962	-0.02213	-1.30789
TRIAL	5.535948	4.163858	0.02376	1.329524
CIRC1ST	5.528366	11.61539	0.007106	0.475952
CIRC2ND	2.412031	7.752784	0.004404	0.311118
CIRC3RD	1.646262	7.136242	0.003277	0.23069
CIRC4TH	-2.08825	4.499899	-0.00814	-0.46407
CIRC5TH	2.458106	4.802527	0.008622	0.511836
CIRC7TH	-0.67922	6.540109	-0.00155	-0.10385
CIRC8TH	-5.45829	5.654009	-0.01465	-0.96538
CIRC9TH	-9.1026	7.832246	-0.01651	-1.1622
CIRC10TH	0.932194	7.824733	0.001658	0.119134
CIRC11TH**	11.54978	4.874198	0.040402	2.369575
CIRCDC**	-29.8748	5.513616	-0.08721	-5.41836
Hazard Rate**	-111.144	17.71751	-0.09871	-6.27312
(Constant)	3.959083	21.33395		0.185577

R^2 .642 **Adjusted R^2** .631 ***p < .05** ****p< .01**

TABLE C12A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— 21841 OFFENSE PARTITIONING/WHITE OFFENDERS

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
CRACK	0.1464	0.9553	0.083251909	1.1576
HEROIN	-0.2514	0.5593	-0.234125088	0.7777
MARIJUAN**	-0.7975	0.2356	-1.650180325	0.4504
METHAM	0.1675	0.524	0.19043253	1.1823
LSD	0.3867	0.8217	0.251480964	1.4721
OTHERDR**	-1.6917	0.3695	-1.338855412	0.1842
XCRHISSR**	0.4458	0.1565	2.29216304	1.5618
CRIMHIST	0.4286	0.2238	0.823673002	1.5352
STATMIN	0.001	0.0023	0.525945383	1.001
NOCOUNTS	0.0609	0.0563	0.389242543	1.0628
ACCPTPSR	-0.0676	0.2541	-0.126241132	0.9346
ADJUSTME	0.0291	0.072	0.195438416	1.0295
DOWNWARD**	-3.621	0.2981	-6.948937831	0.0268
PROBATIO**	-1.9522	0.3387	-1.933344915	0.142
CAREER	0.2659	0.2526	0.557020061	1.3045
OFFENSEC	-1.5242	1.2534	-0.904991499	0.2178
XFOLSOR**	0.1383	0.0185	4.751379197	1.1483
MONSEX**	-0.9827	0.2288	-1.20927406	0.3743
AGE	-0.0099	0.0095	-0.39532053	0.9902
NUMDEPEN*	-0.0902	0.0421	-0.768441154	0.9137
USCITIZE*	-0.8062	0.4009	-1.510769269	0.4466
HISPANIC	0.2668	0.3491	0.540659145	1.3058
EDUCCAT	-0.131	0.0837	-0.643674155	0.8772
DOCPLEA*	0.5194	0.2205	0.992223899	1.681
TRIAL	1.426	0.7849	2.004035894	4.1619
CIRC1ST	-1.3034	0.7043	-1.011480415	0.2716
CIRC2ND**	-1.8618	0.5501	-1.473476979	0.1554
CIRC3RD**	-1.7095	0.6035	-1.100836972	0.181
CIRC4TH**	-2.0291	0.4765	-1.980044211	0.1315
CIRC5TH*	-1.0534	0.4748	-1.961264794	0.3488
CIRC7TH	-0.9404	0.6394	-0.841616796	0.3905
CIRC8TH**	-1.8439	0.484	-1.859651492	0.1582
CIRC9TH**	-1.8476	0.4467	-3.158440284	0.1576
CIRC10TH**	-1.3489	0.4931	-1.582172181	0.2595
CIRC11TH	-0.7907	0.5212	-0.989699276	0.4535
CIRCDC**	-5.346	1.6742	-1.165989446	0.0048
Constant	4.666	0.9447		

-2 log likelihood: 908.042 **Model Chi-Square:** 694.240
R^2_L: .4332 **R^2:** .316 **Φ_p:** .3707
N = 3658 **DF =** 36 ***p < .05** ****p < .01**

TABLE C12B
OLS SENTENCE LENGTH ESTIMATES—21841 DRUG OFFENSES WHITE OFFENDERS WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
CRACK	-4.11926	5.785532	-0.00741	-0.71199
HEROIN**	-10.7264	3.632419	-0.0311	-2.95295
MARIJUAN**	-7.57325	1.848891	-0.05059	-4.0961
METHAM**	14.3454	3.190421	0.050414	4.496396
LSD	-2.11701	4.992103	-0.00438	-0.42407
OTHERDR**	-20.8987	4.389033	-0.05324	-4.76157
XCRHISSR**	11.40489	0.871064	0.188969	13.09306
CRIMHIST	2.240391	2.055826	0.013629	1.089777
STATMIN**	0.224503	0.012367	0.213826	18.15372
NOCOUNTS**	4.877165	0.501888	0.101859	9.717645
ACCPTPSR	0.987448	1.756286	0.005698	0.562236
ADJUSTME**	5.921868	0.538103	0.127037	11.00508
DOWNWARD**	-58.1388	2.033904	-0.3627	-28.5848
UPWARD	18.61032	11.8573	0.015528	1.569524
PROBATIO	-0.46672	4.161262	-0.0015	-0.11216
CAREER	3.8403	2.108633	0.025866	1.821227
OFFENSEC**	18.75407	6.175944	0.036146	3.036633
XFOLSOR**	5.433339	0.140782	0.597159	38.594
MONSEX*	-5.34216	2.638852	-0.02123	-2.02443
AGE	0.051101	0.082176	0.006516	0.621852
NUMDEPEN**	-1.03851	0.380023	-0.02845	-2.73275
USCITIZE*	-4.87332	2.451277	-0.02896	-1.98807
HISPANIC	-0.94759	2.412999	-0.00615	-0.3927
EDUCCAT**	-1.9863	0.696751	-0.03135	-2.85081
DOCPLEA	1.886149	2.028608	0.011542	0.929775
TRIAL	5.287015	2.893174	0.023962	1.82741
CIRC1ST	-6.57585	4.926586	-0.01681	-1.33477
CIRC2ND*	-11.2318	4.966697	-0.02736	-2.26141
CIRC3RD**	-17.9471	5.392263	-0.03877	-3.32831
CIRC4TH	-8.23108	4.237292	-0.02581	-1.94253
CIRC5TH	0.942166	3.385176	0.005735	0.278321
CIRC7TH	-6.67909	4.365796	-0.01972	-1.52987
CIRC8TH**	-11.9608	4.157166	-0.03891	-2.87716
CIRC9TH**	-11.5096	3.511754	-0.06005	-3.27746
CIRC10TH	-2.7928	3.87384	-0.0106	-0.72094
CIRC11TH	-2.86525	3.717141	-0.01186	-0.77082
CIRCDC*	-29.0954	14.67981	-0.02053	-1.982
Hazard Rate**	-123.422	8.868041	-0.22295	-13.9177
(Constant)	60.50661	10.92185		5.539961

R^2 .653 **Adjusted R^2** .649 ***p < .05** ****p< .01**

TABLE C13A
DETERMINANTS OF INCARCERATION—21844 DRUG OFFENSES BLACK OFFENDERS

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
CRACK	0.0606	1.0849	0.06166354	1.0625
HEROIN	1.0393	1.5259	0.568891577	2.8271
MARIJUAN	-2.3545	1.4453	-2.063228029	0.0949
XCRHISSR**	2.4886	0.8136	8.063416829	12.0448
CRIMHIST	0.3688	0.7916	0.331492685	1.446
STATMIN	-0.0621	0.2186	-21.35774687	0.9398
NOCOUNTS*	3.4047	1.4464	3.297310031	30.1056
ACCPTPSR	-1.9404	1.1993	-1.538386709	0.1436
ADJUSTME	0.2599	0.6573	0.562442852	1.2968
PROBATIO*	-4.8771	1.9273	-4.475630828	0.0076
CAREER	-0.4875	0.9177	-0.49260538	0.6141
XFOLSOR	0.3089	0.4663	4.875937489	1.362
MONSEX	-0.5882	0.7407	-0.500726045	0.5553
AGE	-0.0402	0.0367	-0.719877889	0.9606
NUMDEPEN	0.1805	0.2681	0.532624523	1.1978
USCITIZE	-1.1193	1.533	-0.576135834	0.3265
EDUCCAT*	-0.9359	0.4425	-1.708254595	0.3922
DOCPLEA	0.631	0.6997	0.643730963	1.8795
TRIAL	0.8776	1.7601	0.595946793	2.4052
Constant	3.1191	4.354		

-2 log likelihood:	81.206	**Model Chi-Square:**	143.467		
R^2_L: .6385		**R^2:** .680		**Φ_p:** .7854	
N = 166		**DF =** 19		***p < .05**	****p < .01**

TABLE C13B
OLS SENTENCE LENGTH ESTIMATES—21844 DRUG OFFENSES BLACK OFFENDERS WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test	VIF
CRACK	-3.72781	3.473582	-0.0639	-1.07319	3.954288
HEROIN	-7.28852	4.990661	-0.07194	-1.46043	2.706437
MARJUAN*	8.851176	3.642958	0.130243	2.429667	3.204628
ODRUG	-4.56444	6.695793	-0.0241	-0.68169	1.394406
XCRHISSR**	4.27929	1.095822	0.233841	3.905096	3.998883
STATMIN	0.009269	0.013648	0.025269	0.679109	1.544082
NOCOUNTS	4.723658	2.437032	0.066379	1.938283	1.307937
ACCPTPSR	0.457228	3.133647	0.004773	0.145909	1.193192
ADJUSTME**	-3.20992	1.019989	-0.11291	-3.14701	1.435691
DOWNWARD**	-29.6641	5.740514	-0.20529	-5.16749	1.760175
UPWARD	11.50667	7.972762	0.052788	1.443248	1.491946
PROBATIO	1.009136	3.493115	0.015639	0.288893	3.268172
CAREER	2.898974	2.6835	0.049365	1.080296	2.328724
XFOLSOR**	3.975182	0.231544	1.031386	17.16812	4.024917
MONSEX	-2.53999	2.508153	-0.03705	-1.01269	1.492941
AGE	-0.09528	0.136207	-0.02721	-0.69954	1.686771
NUMDEPEN	0.88833	0.754713	0.041839	1.177042	1.409084
USCITIZE	3.231109	5.308294	0.022361	0.608691	1.505097
EDUCCATN	0.912902	1.284506	0.02664	0.710702	1.566908
DOCPLEA	0.317627	2.162604	0.005448	0.146873	1.534542
TRIAL	3.197015	3.481708	0.035827	0.918232	1.697782
CIRC2ND	6.525896	13.09727	0.017391	0.498264	1.358641
CIRC3RD	1.276251	4.304613	0.012598	0.296485	2.013493
CIRC4TH	0.912606	3.912421	0.011417	0.233259	2.671644
CIRC5TH	-6.98678	4.010417	-0.07099	-1.74216	1.85176
CIRC7TH	0.396487	7.093022	0.002548	0.055898	2.317983
CIRC8TH	13.65836	8.014032	0.062659	1.704306	1.507432
CIRC9TH	-1.17722	8.703471	-0.00442	-0.13526	1.192619
CIRC10TH	-0.38533	6.650187	-0.00203	-0.05794	1.375476
CIRC11TH	1.629515	4.105085	0.017443	0.39695	2.153444
CIRCDC	2.509862	3.377145	0.040625	0.743191	3.332376
Hazard Rate	-4.53981	5.134994	-0.06311	-0.88409	5.683457
(Constant)	-39.9405	10.85561		-3.67925	

R^2 .882 **Adjusted R^2** .853 ***p < .05** ****p< .01**

TABLE C14A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— 21844 OFFENSE PARTITIONING/WHITE OFFENDERS

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
CRACK	-0.0082	1.2536	-0.001990142	0.9918
HEROIN	1.5046	1.0772	0.341874114	4.5023
MARIJUAN	0.0375	0.4467	0.03610039	1.0382
METHAM	0.9827	0.8134	0.399180791	2.6716
LSD	2.0224	1.3536	0.425803341	7.5564
OTHERDR	-0.6508	0.7425	-0.343389837	0.5216
XCRHISSR**	0.9345	0.2187	2.172224613	2.546
CRIMHIST	0.5311	0.4123	0.540245602	1.7007
STATMIN	0.0156	0.0311	5.918299804	1.0158
NOCOUNTS	-0.5188	0.6735	-0.297668558	0.5952
ACCPTPSR	-0.3686	0.6352	-0.368895143	0.6917
ADJUSTME*	0.3981	0.202	0.771057861	1.4891
DOWNWARD	-1.8623	1.3072	-0.423150446	0.1553
PROBATIO	-1.5835	1.0573	-0.673803498	0.2053
CAREER	0.2576	0.4501	0.267501988	1.2938
XFOLSOR	0.1628	0.1223	0.85252077	1.1768
MONSEX	-0.3852	0.3839	-0.337109537	0.6803
AGE	-0.0083	0.0192	-0.144111363	0.9918
NUMDEPEN	0.1283	0.0678	0.62932891	1.1369
USCITIZE	-0.5099	0.7314	-0.503954336	0.6005
HISPANIC	1.0874	0.6418	1.105102133	2.9667
EDUCCAT**	0.4208	0.1571	1.02778994	1.5232
DOCPLEA	-0.4274	0.3521	-0.447641657	0.6522
TRIAL	0.1713	0.9048	0.060136811	1.1869
CIRC1ST	2.019	1.6201	0.301349368	7.5305
CIRC2ND	0.4505	0.8291	0.179131318	1.5691
CIRC3RD	0.809	1.0135	0.208076739	2.2456
CIRC4TH	-0.1957	0.6793	-0.111220133	0.8223
CIRC5TH	0.8963	0.6811	0.67345875	2.4505
CIRC7TH	-0.1885	0.9857	-0.051061429	0.8282
CIRC8TH	-0.1462	0.7629	-0.068461074	0.864
CIRC9TH	-0.118	0.6102	-0.12410215	0.8887
CIRC10TH	0.1559	0.7989	0.061990172	1.1687
CIRC11TH	-0.7276	0.899	-0.330125121	0.4831
CIRCDC	-3.9256	2.3797	-0.478808791	0.0197
Constant	-0.9212	2.4805		

-2 log likelihood: 295.811 **Model Chi-Square:** 116.984
R^2_L: .283 **R^2:** .315 **Φ_p:** .422
N = 332 **DF =** 35 ***p < .05** ****p < .01**

TABLE C14B
OLS SENTENCE LENGTH ESTIMATES—21844 DRUG OFFENSES WHITE OFFENDERS WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test	VIF
CRACK**	9.229046	2.187126	0.241456	4.219714	1.619333
HEROIN	-2.68715	2.293921	-0.0596	-1.17142	1.280334
MARIJUAN	-0.28086	0.729462	-0.0251	-0.38503	2.101447
METHAM	0.74539	1.53717	0.028188	0.48491	1.671206
LSD	-3.52541	2.346032	-0.08553	-1.50271	1.602008
OTHERDR	-0.1761	1.152307	-0.00846	-0.15283	1.515037
XCRHISSR	-0.21907	0.473168	-0.04474	-0.46299	4.619001
CRIMHIST	0.806746	0.743638	0.068744	1.084864	1.985852
STATMIN	-0.00092	0.005234	-0.00923	-0.17611	1.359877
NOCOUNTS*	3.30596	0.772986	0.213277	4.27687	1.229874
ACCPTPSR	2.038178	1.170067	0.086189	1.741933	1.210782
ADJUSTME	-0.60128	0.391238	-0.08436	-1.53687	1.490286
DOWNWARD	-4.28004	2.290872	-0.09493	-1.8683	1.276932
UPWARD**	7.594862	1.719034	0.212089	4.418098	1.139699
PROBATIO**	-5.79497	1.513715	-0.25679	-3.82831	2.225201
CAREER**	1.57925	0.741012	0.141715	2.131206	2.186778
XFOLSOR	-0.0027	0.160295	-0.00122	-0.01684	2.598892
MONSEX	0.052466	0.631655	0.004221	0.083061	1.277226
AGE	0.059643	0.032927	0.089599	1.811376	1.21008
NUMDEPEN	-0.07628	0.11798	-0.03602	-0.64655	1.534914
USCITIZE	1.102106	1.13851	0.069889	0.968025	2.577921
EDUCCAT	-0.39278	0.309291	-0.08388	-1.26994	2.157377
DOCPLEA	1.090777	0.624275	0.093365	1.74727	1.412111
TRIAL	-1.09213	1.499392	-0.03857	-0.72838	1.386896
CIRC1ST	0.096065	3.501949	0.001354	0.027432	1.204685
CIRC2ND	1.025045	1.439425	0.041134	0.712121	1.650171
CIRC3RD	-0.23955	1.805613	-0.00708	-0.13267	1.410131
CIRC4TH	2.156485	1.115409	0.134287	1.933358	2.385998
CIRC5TH	1.140898	1.266117	0.072984	0.9011	3.244391
CIRC7TH	-1.07802	1.833108	-0.03355	-0.58809	1.609814
CIRC8TH	1.97829	1.2275	0.10006	1.611642	1.906392
CIRC9TH	1.558577	1.021456	0.124947	1.525838	3.316352
CIRC10TH**	4.00376	1.36491	0.16506	2.933352	1.565955
CIRC11TH*	2.551049	1.275987	0.124752	1.999275	1.925629
CIRCDC	-6.47197	4.401253	-0.09121	-1.47048	1.902858
Hazard Rate**	9.78719	2.954505	0.472984	3.312633	10.08256
(Constant)	-7.43319	3.840352		-1.93555	

R^2 .414 **Adjusted R^2** .341 ***p < .05** ****p< .01**

TABLE C15A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— "OTHER" DRUG OFFENSE PARTITIONING/BLACK OFFENDERS

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
CRACK	-0.0851	0.3099	-0.207246993	0.9184
HEROIN**	1.6121	0.6045	3.187449541	5.0134
MARIJUAN*	-0.9577	0.45	-0.920222511	0.3838
XCRHISSR*	0.3345	0.1572	2.347844547	1.3972
CRIMHIST	-0.051	0.3494	-0.115233286	0.9503
STATMIN*	-0.0025	0.0012	-1.622158179	0.9975
NOCOUNTS	0.1261	0.1329	1.959788668	1.1344
ACCPTPSR	-0.4035	0.3689	-0.851150108	0.668
ADJUSTME**	0.3344	0.0852	4.173942147	1.3972
CAREER	0.3647	0.3585	0.904737726	1.44
XFOLSOR**	0.0906	0.0178	3.698147857	1.0948
MONSEX**	-1.2048	0.2771	-2.18308809	0.2998
AGE	-0.0167	0.014	-0.746939645	0.9835
NUMDEPEN	0.1249	0.0839	1.342221683	1.1331
HISPANIC	-0.5022	0.6183	-0.528864009	0.6052
EDUCCAT	-0.2001	0.1345	-1.024350156	0.8186
DOCPLEA	-0.0909	0.3631	-0.22578437	0.9131
TRIAL	1.4809	0.8348	3.139099306	4.3969
CIRC1ST	-1.1456	0.7791	-0.843213002	0.318
CIRC2ND	-0.074	0.5984	-0.14251704	0.9286
CIRC3RD**	-1.4713	0.4916	-2.000946832	0.2296
CIRC4TH	-0.7919	0.4497	-1.62725614	0.453
CIRC5TH	0.5078	0.8188	0.620811443	1.6617
CIRC7TH	0.0897	0.8265	0.097605413	1.0938
CIRC8TH**	-1.42	0.6367	-1.223880962	0.2417
CIRC11TH	0.1145	0.5802	0.215333497	1.1213
CIRCDC**	-2.3462	0.7389	-1.532211214	0.0957
Constant	3.2564	1.0864		

-2 log likelihood: 508.854 **Model Chi-Square:** 204.522

R^2_L: .2866 **R^2:** .148 **Φ_p:** .1537

N = 2378 **DF** = 27 ***p <.05** ****p <.01**

TABLE C15B
OLS SENTENCE LENGTH ESTIMATES—"OTHER" DRUG OFFENSES BLACK OFFENDERS WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
CRACK*	12.27656	6.018261	0.033606	2.039885
HEROIN**	24.277	9.311145	0.049973	2.607305
MARJUAN	0.195149	14.38964	0.00021	0.013562
XCRHISSR**	18.55214	2.648293	0.144844	7.005319
CRIMHIST	-3.76599	7.651087	-0.00931	-0.49222
STATMIN**	0.241027	0.024346	0.157049	9.899875
NOCOUNTS	1.23048	0.813654	0.021775	1.512289
ACCPTPSR*	14.45091	6.16291	0.032433	2.34482
ADJUSTME**	13.14697	1.491812	0.176597	8.812753
DOWNWARD**	-91.1418	5.948828	-0.23818	-15.321
UPWARD	43.1647	31.39902	0.019079	1.374715
PROBATIO*	41.11253	20.7837	0.031272	1.978114
CAREER	4.281416	7.53543	0.011837	0.568171
OFFENSEC	18.11883	17.21914	0.017096	1.052249
XFOLSOR**	10.82321	0.443253	0.492443	24.41771
MONSEX*	-20.3196	7.875273	-0.04015	-2.58018
AGE	-0.18155	0.297399	-0.00894	-0.61045
NUMDEPEN**	3.709069	1.218084	0.043783	3.045003
USCITIZE	6.577872	7.905972	0.015133	0.832013
HISPANIC	3.036823	13.36108	0.003576	0.227289
EDUCCATN	-4.22572	2.594636	-0.02365	-1.62864
DOCPLEA**	-20.6393	7.359164	-0.05701	-2.80457
TRIAL**	29.04588	9.016497	0.068804	3.221415
CIRC1ST	-31.3944	20.34529	-0.02414	-1.54308
CIRC2ND**	33.04993	11.77329	0.064209	2.807195
CIRC3RD	-13.6783	11.20158	-0.02175	-1.2211
CIRC4TH	2.881414	8.93742	0.006652	0.322399
CIRC5TH	8.842541	11.57326	0.012748	0.764049
CIRC7TH	11.7457	13.0223	0.014519	0.901968
CIRC8TH	-19.7927	15.21933	-0.01992	-1.30049
CIRC9TH	1.669551	18.71253	0.001324	0.089221
CIRC10TH	-17.6817	23.53522	-0.01065	-0.75129
CIRC11TH**	24.519	9.262281	0.053131	2.647188
CIRCDC**	-79.6897	19.68911	-0.06062	-4.0474
Hazard Rate**	-405.681	48.00624	-0.17106	-8.45059
(Constant)	194.0987	51.85593		3.743038

R^2 .575 **Adjusted R^2** .568 ***p < .05** ****p< .01**

TABLE C16A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— "OTHER" DRUG OFFENSE PARTITIONING/WHITE OFFENDERS

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
CRACK	-0.4934	0.7226	-0.286747684	0.6106
HEROIN	-0.139	0.502	-0.153703433	0.8702
MARIJUAN**	-0.6577	0.2247	-1.43922603	0.518
METHAM**	-0.9916	0.3491	-1.28458622	0.371
LSD	1.0579	0.7858	0.731880811	2.8802
OTHERDR**	-1.9163	0.3709	-1.824338826	0.1472
XCRHISSR**	0.6024	0.1528	3.458294452	1.8264
CRIMHIST	0.1948	0.2204	0.423848314	1.2151
STATMIN	0.0004	0.0017	0.229691961	1.0004
NOCOUNTS	-0.0097	0.0262	-0.14491626	0.9904
ACCPTPSR	-0.4903	0.2743	-1.023003305	0.6124
ADJUSTME	0.1118	0.0596	1.085200458	1.1183
DOWNWARD**	-3.8589	0.352	-8.625788843	0.0211
PROBATIO**	-1.8895	0.395	-1.964921461	0.1512
CAREER	0.1712	0.239	0.401541391	1.1867
XFOLSOR**	0.1304	0.0176	5.413570262	1.1393
MONSEX**	-0.632	0.2144	-0.984034278	0.5315
AGE	-0.0056	0.0101	-0.256943621	0.9944
NUMDEPEN	0.0076	0.0236	0.082440192	1.0076
USCITIZE	-0.5734	0.4233	-1.219961232	0.5636
HISPANIC	0.1695	0.3995	0.374459755	1.1847
EDUCCAT	-0.1077	0.0839	-0.577095862	0.8979
DOCPLEA*	0.5039	0.2395	1.130121087	1.6551
TRIAL	0.5484	0.599	0.974289659	1.7304
CIRC1ST	-0.674	0.7167	-0.575469849	0.5097
CIRC2ND	-0.328	0.5009	-0.3986523	0.7203
CIRC3RD*	-1.0781	0.4429	-1.225006339	0.3402
CIRC4TH**	-1.2488	0.422	-1.81631859	0.2869
CIRC5TH	0.7595	0.5115	1.2127733	2.1371
CIRC7TH	1.8528	1.0988	1.997236986	6.3777
CIRC8TH*	-1.0452	0.4633	-1.140368827	0.3516
CIRC9TH	-0.3451	0.4441	-0.634045178	0.7082
CIRC10TH	-0.0556	0.7356	-0.045916342	0.9459
CIRC11TH	-0.2798	0.4753	-0.515369867	0.756
Constant	4.1812	0.954		

-2 log likelihood: 947.922 **Model Chi-Square:** 650.147
R^2_L: .406 **R^2:** .269 **Φ_p:** .294
N = 4349 **DF =** 34 ***p < .05** ****p < .01**

TABLE C16B
OLS SENTENCE LENGTH ESTIMATES—"OTHER" DRUG OFFENSES WHITE OFFENDERS WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
CRACK**	24.82134	9.514683	0.026053	2.608741
HEROIN	3.807246	5.544934	0.007208	0.686617
MARIJUAN**	-10.815	2.939889	-0.04322	-3.6787
METHAM	1.789845	4.751984	0.004222	0.376652
LSD	-3.78589	7.938199	-0.00487	-0.47692
OTHERDR**	-18.5155	6.294048	-0.03273	-2.94175
XCRHISSR**	12.38015	1.368298	0.129613	9.04785
CRIMHIST*	7.894616	3.176134	0.030831	2.485606
STATMIN**	0.304532	0.013841	0.256704	22.00167
NOCOUNTS**	1.343917	0.367516	0.037942	3.656758
ACCPTPSR	2.074667	2.784971	0.007528	0.744951
ADJUSTME**	7.308309	0.704901	0.126863	10.36785
DOWNWARD**	-81.3378	3.102267	-0.33366	-26.2188
UPWARD**	92.27239	15.86066	0.057461	5.817689
PROBATIO	3.528316	6.579623	0.006566	0.536249
CAREER	3.619691	3.290576	0.015456	1.100017
OFFENSEC	16.54035	9.492832	0.020325	1.742404
XFOLSOR**	6.541879	0.212041	0.492764	30.85201
MONSEX**	-12.3768	3.694336	-0.0346	-3.35022
AGE**	0.352128	0.126423	0.029323	2.785313
NUMDEPEN	0.049113	0.507714	0.000987	0.096734
USCITIZE	-3.12075	4.27408	-0.0118	-0.73016
HISPANIC	1.610464	4.174308	0.006371	0.385804
EDUCCAT	-0.11684	1.091094	-0.00113	-0.10709
DOCPLEA	-0.79888	3.29394	-0.00323	-0.24253
TRIAL**	24.13074	4.294171	0.078038	5.619417
CIRC1ST	3.296235	7.613977	0.00523	0.432919
CIRC2ND**	19.40796	6.772814	0.038923	2.865569
CIRC3RD**	-19.7113	6.428015	-0.04146	-3.06647
CIRC4TH	-2.09645	5.649936	-0.00569	-0.37106
CIRC5TH**	27.33446	5.547688	0.081668	4.92718
CIRC7TH*	13.49616	6.604421	0.026557	2.043504
CIRC8TH	-3.85854	6.454792	-0.00798	-0.59778
CIRC9TH**	14.46649	5.517971	0.045185	2.621704
CIRC10TH	11.55146	7.743871	0.017624	1.491691
CIRC11TH	4.037515	5.204473	0.013936	0.775778
Hazard Rate**	-216.445	14.95928	-0.20448	-14.4689
(Constant)	98.75428	17.77024		5.557285

R^2 .572 Adjusted R^2 .568 *p < .05 **p< .01

TABLE C17B
OLS SENTENCE LENGTH ESTIMATES—18924 FIREARM OFFENSES BLACK OFFENDERS

	b Coefficient	Standard Error	Beta Weight	T-Test	VIF
XCRHISSR	-3.90354	9.891514	-0.04776	-0.39463	3.245303
CRIMHIST	-13.934	44.10415	-0.02979	-0.31593	1.970051
NOCOUNTS*	18.13138	6.89795	0.215762	2.628518	1.493261
ACCPTPSR	-31.4684	35.23917	-0.07678	-0.89299	1.638292
ADJUSTME**	51.02934	11.3793	0.431056	4.4844	2.047692
DOWNWARD	-63.5381	42.80711	-0.13583	-1.48429	1.855882
UPWARD	112.9675	74.66509	0.154235	1.512989	2.303041
PROBATIO	42.10995	41.21443	0.131023	1.021728	3.644427
CAREER	-44.65	47.47876	-0.11622	-0.94042	3.384535
OFFENSEC	-4.81364	58.55261	-0.00753	-0.08221	1.857958
XFOLSOR**	10.82422	1.804846	0.756908	5.997306	3.530035
MONSEX	102.1532	58.40848	0.13947	1.748944	1.409348
AGE	1.03161	1.349595	0.062352	0.764385	1.474642
NUMDEPEN	-18.1792	10.11682	-0.17014	-1.79693	1.986796
USCITIZE	-10.0866	70.25071	-0.01133	-0.14358	1.381101
EDUCCATN*	-39.5455	15.61348	-0.22148	-2.53278	1.694717
DOCPLEA	27.40582	33.38985	0.082307	0.820783	2.228564
TRIAL	-102.908	55.39125	-0.23128	-1.85784	3.434522
CIRC1ST	-69.7746	71.32278	-0.07841	-0.97829	1.423576
CIRC5TH	1.750118	52.10197	0.002737	0.03359	1.471132
CIRC6TH	28.24925	52.58873	0.048983	0.537173	1.842723
CIRC7TH	127.0045	64.4184	0.1734	1.971556	1.714298
CIRC9TH	-104.037	78.70825	-0.11691	-1.3218	1.733663
CIRC10TH	45.31321	88.64224	0.03629	0.511192	1.116902
CIRC11TH*	99.05005	39.92957	0.232547	2.480619	1.947626
CIRCDC	-9.80124	53.87783	-0.01533	-0.18192	1.573126
(Constant)	56.3683	135.7857		0.415127	

R^2 Adjusted R^2 $^*p < .05$ $^{**}p < .01$

TABLE C18A
DETERMINANTS OF INCARCERATION—"OTHER" FIREARM OFFENSES BLACK OFFENDERS

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
XCRHISSR**	1.3975	0.2812	10.28458472	4.045
CRIMHIST	-0.5546	0.6735	-0.619127042	0.5743
STATMIN	0.0195	0.0151	12.35506583	1.0197
NOCOUNTS	0.5242	0.2854	2.820466011	1.6891
ACCPTPSR	-0.8926	0.9244	-1.372690619	0.4096
ADJUSTME	0.1044	0.2332	0.536217769	1.1101
DOWNWARD**	-7.3788	1.0077	-8.916206837	0.0006
CAREER	-0.7314	0.6224	-0.959811778	0.4812
XFOLSOR**	0.5792	0.1047	19.83439216	1.7846
MONSEX	-1.3542	0.7067	-1.05734562	0.2582
AGE	-0.0194	0.0192	-0.707754051	0.9808
NUMDEPEN	0.0016	0.1366	0.013246964	1.0016
USCITIZE	-1.1099	1.1741	-1.021812529	0.3296
EDUCCAT	0.2038	0.2229	0.735078039	1.226
DOCPLEA	0.7217	0.5037	1.429807562	2.0579
CIRC2ND	-0.1897	0.8969	-0.16587466	0.8272
CIRC3RD	-0.6098	1.153	-0.579242291	0.5434
CIRC4TH	-0.5264	0.6272	-0.821909015	0.5907
CIRC5TH	0.808	0.9733	1.042698335	2.2433
CIRC7TH	0.5259	0.8749	0.610581118	1.692
CIRC10TH	-0.9491	1.311	-0.723478509	0.3871
CIRC11H	-0.0964	0.7806	-0.141546859	0.9081
CIRCDC	-0.2007	1.4585	-0.096023104	0.8181
Constant	-1.9442	2.2636		

-2 log likelihood: 149.687 **Model Chi-Square:** 302.809
R^2_L: .6691 **R^2:** .612 **Φ_p:** .6887
N = 908 **DF = 23** ***p < .05** ****p < .01**

TABLE C18B
OLS SENTENCE LENGTH ESTIMATES—"OTHER" FIREARM OFFENSES BLACK OFFENDERS WTH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
XCRHISSR**	11.40313	1.146282	0.231612	9.947927
CRIMHIST	-5.68421	8.322674	-0.01449	-0.68298
STATMIN**	0.214819	0.018428	0.226765	11.65737
NOCOUNTS*	2.647884	1.143226	0.039085	2.316151
ACCPTPSR	6.773805	4.50055	0.025014	1.505106
ADJUSTME	0.222243	1.489805	0.00303	0.149176
DOWNWARD**	-58.35	5.980773	-0.20121	-9.75627
UPWARD**	31.99855	7.405673	0.071812	4.320816
PROBATIO**	19.41253	5.330387	0.076153	3.641861
CAREER	-2.35574	6.87555	-0.00823	-0.34263
OFFENSEC**	27.96616	7.663269	0.067884	3.649378
XFOLSOR**	5.995245	0.247121	0.567017	24.26037
MONSEX	-3.83151	8.086224	-0.00816	-0.47383
AGE	0.291841	0.167382	0.029388	1.743559
NUMDEPEN*	-1.62849	0.711428	-0.03821	-2.28905
USCITIZE	5.435133	7.559799	0.013193	0.718952
HISPANIC	7.74505	12.9624	0.010565	0.597501
EDUCCATN	1.478628	1.71384	0.01476	0.862757
DOCPLEA	3.275655	3.881017	0.017859	0.84402
TRIAL**	29.73859	5.244965	0.135485	5.66993
CIRC1ST	10.88681	11.09011	0.017251	0.981669
CIRC2ND	-2.46885	7.792926	-0.00587	-0.31681
CIRC3RD	1.125058	7.189211	0.002945	0.156493
CIRC4TH	1.881627	5.161464	0.007849	0.364553
CIRC5TH	6.149776	5.704034	0.022457	1.078145
CIRC7TH	-1.03224	6.098143	-0.00336	-0.16927
CIRC8TH	2.511614	8.58064	0.005278	0.292707
CIRC9TH	0.743508	8.328324	0.001627	0.089275
CIRC10TH	-0.80773	8.346822	-0.00172	-0.09677
CIRC11TH**	15.73966	5.3762	0.06515	2.927656
CIRCDC	-8.18168	12.21877	-0.01155	-0.6696
Hazard Rate**	-67.7475	11.00616	-0.14496	-6.15541
(Constant)	-46.1667	18.78357		-2.45782

R^2 .773 Adjusted R^2 .764 *p < .05 **p< .01

TABLE C19A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— "OTHER" FIREARM OFFENSE PARTITIONING/WHITE OFFENDERS

Variable	Unstandardized Coefficients	Standard Error	Standardized Coefficients	Exp(B)
XCRHISSR**	0.7093	0.1289	4.304857932	2.0325
CRIMHIST*	0.7351	0.3584	0.949844647	2.0857
STATMIN	-0.0004	0.0018	-0.207991548	0.9996
NOCOUNTS**	0.604	0.1639	2.839743677	1.8295
ACCPTPSR	0.5494	0.4176	0.681714834	1.7323
ADJUSTME	0.1078	0.1689	0.435578398	1.1138
DOWNWARD**	-5.2861	0.514	-5.575198301	0.0051
PROBATIO**	-1.3278	0.4838	-1.697643507	0.2651
CAREER	-0.1292	0.3537	-0.161575173	0.8788
XFOLSOR**	0.448	0.055	11.62080822	1.5652
MONSEX	0.0867	0.5376	0.05486654	1.0906
AGE	-0.003	0.0134	-0.092587257	0.997
NUMDEPEN**	-0.2541	0.0766	-1.341610231	0.7756
USCITIZE	-1.2049	0.6423	-1.081134329	0.2997
HISPANIC	0.5	0.5773	0.508551381	1.6488
EDUCCAT*	-0.2615	0.1184	-0.863932501	0.7699
DOCPLEA	-0.3313	0.3178	-0.499523204	0.718
CIRC1ST	0.2208	0.7069	0.149474427	1.247
CIRC2ND	0.077	0.617	0.058783118	1.0801
CIRC3RD	-0.2665	0.5798	-0.17698123	0.766
CIRC4TH	-0.4473	0.5187	-0.467655186	0.6394
CIRC5TH	0.2631	0.5474	0.320197208	1.3009
CIRC7TH	-0.0239	0.6486	-0.017157111	0.9764
CIRC8TH	-0.5186	0.6325	-0.405237404	0.5954
CIRC9TH	-0.3117	0.5435	-0.345717143	0.7322
CIRC10TH	0.9866	0.6288	0.88814685	2.6822
CIRC11TH	-0.0343	0.533	-0.034886625	0.9663
CIRCDC	-1.0717	35.4502	-0.120388506	0.3424
Constant	-0.8703	1.2872		

-2 log likelihood: 420.618 **Model Chi-Square:** 555.204

R^2_L: .469 R^2: .542 Φ_p: .614

N = 1406 DF = 28 *p < .05 **p < .01

TABLE C19B
OLS SENTENCE LENGTH ESTIMATES—"OTHER" FIREARM OFFENSES WHITE OFFENDERS WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
XCRHISSR**	9.337814	0.761495	0.221968	12.26248
CRIMHIST	6.653478	4.113168	0.026644	1.617604
STATMIN**	0.297257	0.014849	0.314242	20.01863
NOCOUNTS	0.547976	0.704412	0.010783	0.77792
ACCPTPSR	3.56498	3.010107	0.016307	1.184337
ADJUSTME**	3.380614	1.000676	0.052899	3.37833
DOWNWARD**	-42.5384	3.812468	-0.18467	-11.1577
UPWARD**	38.60058	5.739615	0.091448	6.725291
PROBATIO*	8.328021	3.787331	0.04186	2.198916
CAREER	-1.22962	3.582308	-0.00616	-0.34325
OFFENSEC**	27.1541	6.835106	0.058449	3.97274
XFOLSOR**	5.645102	0.194615	0.566168	29.00649
MONSEX	-0.841	5.310855	-0.0021	-0.15835
AGE*	-0.24359	0.113503	-0.02912	-2.14609
NUMDEPEN*	-1.58654	0.669525	-0.03253	-2.36965
USCITIZE	-7.37441	5.16194	-0.02413	-1.42861
HISPANIC	4.481744	4.500963	0.01716	0.99573
EDUCCAT	-0.46413	1.086825	-0.00598	-0.42705
DOCPLEA	-2.39745	2.71504	-0.01404	-0.88302
TRIAL**	18.4749	4.371553	0.074812	4.226163
CIRC1ST	3.015137	5.593018	0.008332	0.539089
CIRC2ND	-2.9758	5.380266	-0.00871	-0.55309
CIRC3RD	10.69187	5.722035	0.028719	1.868543
CIRC4TH	6.835672	4.300195	0.027604	1.589619
CIRC5TH	2.75621	3.996557	0.013297	0.689646
CIRC7TH	3.610218	5.256428	0.010822	0.68682
CIRC8TH	-5.88361	5.292989	-0.01733	-1.11159
CIRC9TH	-4.83711	4.312675	-0.01985	-1.1216
CIRC10TH	8.641698	4.702277	0.030525	1.837769
CIRC11TH	4.378835	4.264776	0.018066	1.026744
CIRCDC	-25.7525	27.68032	-0.01242	-0.93035
Hazard Rate**	-59.7914	7.488894	-0.17235	-7.98401
(Constant)	-4.51386	12.00144		-0.37611

R^2 .765 **Adjusted R^2** .760 ***p < .05** ****p< .01**

TABLE C20A
DETERMINANTS OF INCARCERATION—182113 ROBBERY OFFENSES BLACK OFFENDERS

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
CRIMHIST	-0.2503	0.8442	-0.447370415	0.7786
STATMIN	0.1074	0.5753	76.53116192	1.1134
ADJUSTME	0.6701	0.372	4.684299111	1.9544
CAREER	-1.7147	0.8301	-4.207502717	0.18
XFOLSOR	0.22	0.053	8.207661464	1.246
MONSEX	-1.1754	0.7841	-1.65916251	0.3087
AGE	-0.0394	0.0341	-1.841886358	0.9613
NUMDEPEN	0.1861	0.2878	1.679892196	1.2046
EDUCCAT	-0.8782	0.4431	-4.336436151	0.4155
DOCPLEA	1.2372	0.7881	3.278882531	3.4458
Constant	5.3496	3.0292		

-2 log likelihood: 62.418 **Model Chi-Square:** 80.233

R^2_L: .5624 **R^2:** .423 **Φ_p:** .6331

N = 516 **DF = 10** ***p < .05** ****p < .01**

TABLE C20B
OLS SENTENCE LENGTH ESTIMATES—182113 ROBBERY OFFENSES BLACK OFFENDERS WITH HAZARD RATE

Variable	b Coefficient	Standard Error	Beta Weight	T-Test	VIF
XCRHISSR**	13.23905	1.840926	0.268304	7.191513	3.146379
CRIMHIST	5.254084	8.263921	0.016978	0.635786	1.611935
STATMIN**	0.403579	0.024858	0.376763	16.23548	1.21731
NOCOUNTS**	14.89176	1.531044	0.245659	9.726541	1.441928
ACCPTPSR	9.815892	5.566286	0.039127	1.763455	1.112807
ADJUSTME**	5.788967	2.121836	0.076684	2.728282	1.785795
DOWNWARD**	-36.7028	5.834749	-0.14159	-6.29038	1.145298
UPWARD**	44.87112	13.34205	0.074272	3.363134	1.102457
CAREER*	18.17528	7.293353	0.082761	2.492033	2.493128
OFFENSEC**	41.46617	9.136938	0.159175	4.5383	2.78074
XFOLSOR**	4.810413	0.577356	0.326327	8.331793	3.467575
MONSEX	16.98842	9.173777	0.044505	1.851846	1.305566
AGE	-0.01979	0.272791	-0.00167	-0.07254	1.197281
NUMDEPEN	-2.27774	1.291202	-0.03865	-1.76404	1.085383
USCITIZE	-11.4975	13.22827	-0.0204	-0.86916	1.24543
HISPANIC	9.161822	19.08039	0.014585	0.48017	2.08546
EDUCCATN*	-5.18302	2.455091	-0.04719	-2.11113	1.12933
DOCPLEA	-7.1857	5.636534	-0.0349	-1.27484	1.693716
TRIAL**	23.06808	8.768306	0.081318	2.630847	2.159609
CIRC1ST	16.9627	21.80356	0.023456	0.777979	2.054716
CIRC2ND	-11.7743	10.20676	-0.03126	-1.15358	1.660175
CIRC3RD*	-22.8549	10.02839	-0.05987	-2.27902	1.560147
CIRC4TH	-1.62971	7.775892	-0.00606	-0.20958	1.890896
CIRC5TH**	26.71081	9.220739	0.077116	2.896819	1.601929
CIRC7TH	14.32568	9.125028	0.041359	1.569933	1.568846
CIRC8TH	-1.80669	12.00634	-0.00359	-0.15048	1.28906
CIRC9TH	-7.51208	7.398201	-0.03096	-1.01539	2.101797
CIRC10TH	21.43202	12.9005	0.039237	1.661332	1.260889
CIRC11TH	-7.34937	8.110912	-0.02672	-0.90611	1.965526
CIRCDC	-31.849	23.82559	-0.02951	-1.33676	1.101323
Hazard Rate*	-66.256	27.45628	-0.07978	-2.41315	2.470844
(Constant)	-7.95337	31.90209		-0.24931	

TABLE C21A
DETERMINANTS OF INCARCERATION—182113 ROBBERY OFFENSES WHITE OFFENDERS

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
XCRHISSR**	1.0612	0.3741	9.406287907	2.8899
CRIMHIST	0.6442	0.6571	1.038206444	1.9045
STATMIN	0.1255	0.3874	76.50818742	1.1337
NOCOUNTS	0.0589	0.6502	0.439614266	1.0606
ACCPTPSR	1.0882	0.7918	2.026009281	2.9688
ADJUSTME	0.5035	0.2738	2.657058981	1.6544
DOWNWARD**	-5.145	1.2718	-8.077666064	0.0058
PROBATIO	0.5969	1.0529	0.788675328	1.8166
CAREER	-0.3647	0.8676	-0.723486006	0.6944
XFOLSOR**	0.6122	0.1176	19.25482173	1.8445
MONSEX	0.253	0.5717	0.34165263	1.2879
AGE	-0.0065	0.0311	-0.269620533	0.9935
NUMDEPEN	0.2169	0.2002	1.23145154	1.2422
EDUCCAT	0.1384	0.2811	0.57398384	1.1484
DOCPLEA	-1.0666	0.7079	-2.103966316	0.3442
TRIAL	-3.1627	1.815	-3.681158235	0.0423
CIRC2ND*	-3.2686	1.5462	-3.048873052	0.0381
CIRC3RD	-2.7961	1.6558	-1.940811366	0.0611
CIRC4TH	-1.8394	2.034	-2.115148193	0.1589
CIRC5TH*	-3.6481	1.7162	-3.981440087	0.026
CIRC7TH	-2.4956	1.7909	-1.944751782	0.0824
CIRC8TH	-2.7973	1.704	-2.944351671	0.061
CIRC9TH	-3.014	1.5651	-6.571848045	0.0491
CIRC10TH	-1.8097	1.5504	-2.143638932	0.1637
CIRC11TH*	-3.778	1.7776	-5.364898304	0.0229
Constant	-2.3219	2.7117		

-2 log likelihood: 130.752 **Model Chi-Square:** 242.489
R^2_L: .6496 R^2: .552 Φ_p: .7043
N = 886 **DF = 25** *p < .05 **p < .01

TABLE C21B
OLS SENTENCE LENGTH ESTIMATES—182113 ROBBERY OFFENSES WHITE OFFENDERS WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Test
XCRHISSR**	10.38936	1.092846	0.240739	9.506694
CRIMHIST	-4.01883	5.246551	-0.01675	-0.76599
STATMIN**	0.377727	0.021715	0.294333	17.39511
NOCOUNTS**	5.748446	0.919256	0.109706	6.25337
ACCPTPSR	2.895868	3.813193	0.012142	0.759434
ADJUSTME**	6.130056	1.334261	0.084269	4.594344
DOWNWARD**	-33.8082	3.90039	-0.14465	-8.6679
UPWARD**	58.11004	11.2586	0.084075	5.16139
CAREER	2.966842	4.688382	0.015694	0.632807
OFFENSEC**	51.1747	5.906917	0.195727	8.663521
XFOLSOR**	5.486238	0.33791	0.448744	16.2358
MONSEX	2.388161	4.892686	0.008803	0.488108
AGE	-0.2179	0.153713	-0.0237	-1.41758
NUMDEPEN	-0.24904	1.062281	-0.00378	-0.23443
USCITIZE	1.004761	10.27081	0.001599	0.097827
HISPANIC	-4.13862	6.325491	-0.01168	-0.65428
EDUCCATN	-0.67461	1.554852	-0.00726	-0.43387
DOCPLEA	-4.21991	3.597805	-0.02142	-1.17291
TRIAL**	29.24384	6.438789	0.087184	4.541823
CIRC1ST	8.117459	10.0446	0.015894	0.808142
CIRC2ND	0.529124	8.320125	0.001348	0.063596
CIRC3RD	-1.99173	9.45611	-0.0039	-0.21063
CIRC4TH	4.982239	6.902584	0.015791	0.721793
CIRC5TH	3.93069	7.166631	0.011972	0.548471
CIRC7TH	5.488132	9.094669	0.011329	0.603445
CIRC8TH	4.039523	7.36672	0.011403	0.548348
CIRC9TH	-5.83566	5.513601	-0.03213	-1.05841
CIRC10TH	6.411184	6.982195	0.020321	0.918219
CIRC11TH	3.733194	6.244078	0.014659	0.597878
Hazard Rate**	-62.1488	12.05211	-0.12075	-5.15667
(Constant)	-7.56347	17.17329		-0.44042

R^2 790 **Adjusted R^2** .783 ***p < .05** ****p< .01**

TABLE C22A

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FULL AND OFFENSE SPECIFIC MODELS OF INCARCERATION* BLACK OFFENDERS

	FULL	DRUGS	FIREARMS	ROBBERY	OTHER
Xcrhissr	3(+)	3(+)	2(+)	ns	2(+)
Crimhist	ns	ns	ns	ns	6(+)
Statmin	8(-)	9(-)	ns	ns	ns
Nocounts	5(+)	ns	ns	ns	ns
Accptpsr	10(-)	ns	ns	ns	ns
Adjustme	9(+)	5(+)	ns	ns	4(+)
Downward	2(-)	1(-)	3(-)	2(-)	3(-)
Probatio	4(-)	4(-)	---	---	ns
Career	ns	ns	ns	ns	ns
Offensec	6(-)	ns	---	---	ns
Xfolsor	1(+)	2(+)	1(+)	1(+)	1(+)
Monsex	11(-)	10(-)	4(-)	ns	ns
Age	ns	ns	ns	ns	ns
Numdepen	ns	ns	ns	ns	ns
USCitize	7(-)	6(-)	ns	ns	5(-)
Hispanic	ns	ns	---	---	8(-)
Educcatn	13(-)	8(-)	ns	ns	ns
Docplea	9(+)	ns	ns	ns	ns
Trial	ns	ns	---	---	ns
1st	ns	ns	---	---	ns
2nd	ns	ns	ns	---	ns
3rd	ns	12(-)	ns	---	ns
4th	ns	ns	ns	---	ns
5th	ns	ns	ns	---	ns
7th	ns	ns	ns	---	7(-)
8th	ns	ns	---	---	ns
9th	ns	ns	---	---	ns
10th	ns	ns	ns	---	ns
11th	ns	ns	ns	---	ns
DC	12(-)	7(-)	ns	---	ns

*--these models are compared on the common included variables

ns = non-significant

TABLE C22B

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE DRUG OFFENSE AND STATUTE SPECIFIC MODELS OF INCARCERATION BLACK OFFENDERS

	DRUGS	21841	21844	21960	OTHER
Crack	11(-)	5(-)	ns	---	ns
Heroin	ns	ns	ns	---	3(+)
Marijuana	13(-)	8(-)	ns	---	10(-)
Otherdrg	ns	---	---	---	ns
LSD	ns	---	---	---	ns
Xcrhissr	3(+)	2(+)	1(+)	---	4(+)
Crimhist	ns	ns	ns	---	ns
Statmin	9(-)	ns	ns	---	7(-)
Nocounts	ns	ns	3(+)	---	ns
Accptpsr	ns	ns	ns	---	ns
Adjustme	5(+)	ns	ns	---	1(+)
Downward	1(-)	1(-)	ns	---	---
Probatio	4(-)	10(-)	2(-)	---	---
Career	ns	ns	ns	---	ns
Offensec	ns	ns	---	---	ns
Xfolsor	2(+)	3(+)	ns	---	2(+)

Monsex	10(-)	15(-)	ns	---	5(-)
Age	ns	ns	ns	---	ns
Numdepen	ns	ns	ns	---	ns
USCitize	6(-)	ns	ns	---	ns
Hispanic	ns	ns	---	---	ns
Educcatn	8(-)	7(-)	4(-)	---	ns
Docplea	ns	ns	ns	---	ns
Trial	ns	ns	ns	---	ns
1st	ns	ns	---	---	ns
2nd	ns	ns	---	---	ns
3rd	12(-)	9(-)	---	---	6(-)
4th	ns	ns	---	---	ns
5th	ns	ns	---	---	ns
7th	ns	ns	---	---	ns
8th	ns	ns	---	---	9(-)
9th	ns	6(-)	---	---	ns
10th	ns	ns	---	---	ns
11th	ns	ns	---	---	ns
DC	7(-)	4(-)	---	---	8(-)

ns = non-significant

TABLE C22C

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FIREARM OFFENSE AND STATUTE SPECIFIC MODELS OF INCARCERATION* BLACK OFFENDERS

	FIREARMS	18924	OTHER
Xcrhissr	2(+)	---	2(+)
Crimhist	ns	---	ns
Statmin	ns	---	ns
Nocounts	ns	---	ns
Accptpsr	ns	---	ns
Adjustme	ns	---	ns
Downward	3(-)	---	3(-)
Probatio	---	---	---
Career	ns	---	ns
Offensec	---	---	---
Xfolsor	1(+)	---	1(+)

Monsex	4(-)	---	ns
Age	ns	---	ns
Numdepen	ns	---	ns
USCitize	ns	---	ns
Hispanic	---	---	ns
Educcatn	ns	---	ns
Docplea	ns	---	ns
Trial	---	---	---
1st	---	---	---
2nd	ns	---	ns
3rd	ns	---	ns
4th	ns	---	ns
5th	ns	---	ns
7th	ns	---	---
8th	---	---	---
9th	---	---	ns
10th	ns	---	ns
11th	ns	---	ns
DC	ns	---	ns

ns = non-significant

TABLE C22D
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE GENERAL AND STATUTE SPECIFIC MODELS OF ROBBERY INCARCERATION* BLACK OFFENDERS

	ROBBERY	182113	OTHER
Xcrhissr	ns	---	---
Crimhist	ns	ns	---
Statmin	ns	ns	---
Nocounts	ns	---	---
Accptpsr	ns	---	---
Adjustme	ns	ns	---
Downward	2(-)	---	---
Probatio	---	---	---
Career	ns	3(-)	---
Xfolsor	1(+)	1(+)	---
Monsex	ns	ns	---
Age	ns	ns	---
Numdepen	ns	ns	---
USCitize	ns	---	---
Hispanic	---	---	---
Educcatn	ns	2(-)	---
Docplea	ns	ns	---
Trial	---	---	---
1st	---	---	---
2nd	---	---	---
3rd	---	---	---
4th	---	---	---
5th	---	---	---
7th	---	---	---
8th	---	---	---
9th	---	---	---
10th	---	---	---
11th	---	---	---
DC	---	---	---

ns = non-significant

TABLE C23A

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FULL AND OFFENSE SPECIFIC MODELS OF INCARCERATION* WHITE OFFENDERS

	FULL	DRUGS	FIREARMS	ROBBERY	OTHER
Xcrhissr	3(+)	4(+)	3(+)	2(+)	3(+)
Crimhist	14(+)	ns	7(+)	ns	9(+)
Statmin	13(-)	ns	ns	ns	ns
Nocounts	5(+)	ns	4(+)	ns	4(+)
Accptpsr	8(-)	16(-)	ns	ns	6(-)
Adjustme	9(+)	ns	ns	8(+)	ns
Downward	2(-)	2(-)	2(-)	3(-)	2(-)
Probatio	4(-)	3(-)	5(-)	---	ns
Career	ns	ns	ns	ns	ns
Offensec	6(-)	ns	---	---	ns
Xfolsor	1(+)	1(+)	1(+)	1(+)	1(+)
Monsex	17(-)	10(-)	ns	ns	ns
Age	ns	ns	ns	ns	ns
Numdepen	ns	ns	6(-)	ns	ns
USCitize	7(-)	6(-)	ns	---	7(-)
Hispanic	11(+)	ns	ns	---	ns
Educcatn	ns	ns	8(-)	ns	ns
Docplea	10(+)	13(-)	ns	ns	12(+)
Trial	15(+)	8(+)	---	ns	ns
1st	ns	ns	ns	---	ns
2nd	19(-)	19(-)	ns	7(-)	8(-)
3rd	18(-)	12(-)	ns	ns	11(-)
4th	21(-)	7(-)	ns	ns	ns
5th	ns	ns	ns	6(-)	ns
7th	ns	ns	ns	ns	ns
8th	ns	11(-)	ns	ns	ns
9th	12(-)	5(-)	ns	4(-)	ns
10th	ns	ns	ns	ns	ns
11th	ns	ns	ns	5(-)	ns
DC	22(-)	17(-)	ns	---	ns

*--these models are compared on the common included variables

ns = non-significant

TABLE C23B

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE DRUG OFFENSE AND STATUTE SPECIFIC MODELS OF INCARCERATION WHITE OFFENDERS

	DRUGS	21841	21844	21960	OTHER
Crack	ns	ns	ns	---	ns
Heroin	ns	ns	ns	---	ns
Marijuana	9(-)	9(-)	ns	---	7(-)
Metham	ns	---	---	---	8(-)
Otherdrg	14(-)	13(-)	ns	---	5(-)
LSD	15(+)	ns	ns	---	ns
Xcrhissr	4(+)	4(+)	1(+)	---	3(+)
Crimhist	ns	ns	ns	---	ns
Statmin	ns	ns	ns	---	ns
Nocounts	ns	ns	ns	---	ns
Accptpsr	16(-)	ns	ns	---	ns
Adjustme	ns	ns	3(+)	---	ns
Downward	2(-)	1(-)	ns	---	1(-)
Probatio	3(-)	7(-)	ns	---	4(-)
Career	ns	ns	ns	---	ns
Offensec	ns	ns	---	---	---
Xfolsor	1(+)	2(+)	ns	---	2(+)

Monsex	10(-)	14(-)	ns	---	12(-)
Age	ns	ns	ns	---	ns
Numdepen	ns	18(-)	ns	---	ns
USCitize	6(-)	11(-)	ns	---	ns
Hispanic	ns	ns	ns	---	ns
Educcatn	ns	ns	2(-)	---	ns
Docplea	13(-)	17(+)	ns	---	11(+)
Trial	8(+)	ns	ns	---	ns
1st	ns	ns	ns	---	ns
2nd	19(-)	12(-)	ns	---	ns
3rd	12(-)	16(-)	ns	---	9(-)
4th	7(-)	5(-)	ns	---	6(-)
5th	ns	6(-)	ns	---	ns
7th	ns	ns	ns	---	ns
8th	11(-)	8(-)	ns	---	10(-)
9th	5(-)	3(-)	ns	---	ns
10th	ns	10(-)	ns	---	ns
11th	ns	ns	ns	---	ns
DC	17(-)	15(-)	ns	---	---

ns = non-significant

TABLE C23C
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FIREARM OFFENSE AND STATUTE SPECIFIC MODELS OF INCARCERATION* WHITE OFFENDERS

	FIREARMS	18924	OTHER
Xcrhissr	3(+)	---	3(+)
Crimhist	7(+)	---	7(+)
Statmin	ns	---	ns
Nocounts	4(+)	---	4(+)
Accptpsr	ns	---	ns
Adjustme	ns	---	ns
Downward	2(-)	---	2(-)
Probatio	5(-)	---	5(-)
Career	ns	---	ns
Offensec	---	---	---
Xfolsor	1(+)	---	1(+)

Monsex	ns	---	ns
Age	ns	---	ns
Numdepen	6(-)	---	6(-)
USCitize	ns	---	ns
Hispanic	ns	---	ns
Educcatn	8(-)	---	8(-)
Docplea	ns	---	ns
Trial	---	---	---
1st	ns	---	ns
2nd	ns	---	ns
3rd	ns	---	ns
4th	ns	---	ns
5th	ns	---	ns
7th	ns	---	ns
8th	ns	---	ns
9th	ns	---	ns
10th	ns	---	ns
11th	ns	---	ns
DC	ns	---	ns

ns = non-significant

TABLE C23D

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE GENERAL AND STATUTE SPECIFIC MODELS OF ROBBERY INCARCERATION* WHITE OFFENDERS

	ROBBERY	182113	OTHER
Xcrhissr	2(+)	2(+)	---
Crimhist	ns	ns	---
Statmin	ns	ns	---
Nocounts	ns	ns	---
Accptpsr	ns	ns	---
Adjustme	8(+)	ns	---
Downward	3(-)	3(-)	---
Probatio	---	---	---
Career	ns	ns	---
Xfolsor	1(+)	1(+)	---
Monsex	ns	ns	---
Age	ns	ns	---
Numdepen	ns	ns	---
USCitize	---	---	---
Hispanic	---	---	---
Educcatn	ns	ns	---
Docplea	ns	ns	---
Trial	ns	ns	---
1st	---	---	---
2nd	7(-)	6(-)	---
3rd	ns	ns	---
4th	ns	ns	---
5th	6(-)	5(-)	---
7th	ns	ns	---
8th	ns	ns	---
9th	4(-)	ns	---
10th	ns	ns	---
11th	5(-)	4(-)	---
DC	---	---	---

ns = non-significant

TABLE C24A
VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS RACE SPECIFIC MODELS OF INCARCERATION

	BLACK	WHITE	Z
Violent	ns	20(+)	0.125843
Robbery	ns	ns	0.40163
Property	ns	ns	-0.28933
White Collar	ns	6(+)	-1.01921
Firearms	ns	ns	0.770653
Immigration	ns	16(+)	0.153446
Other Offense	ns	ns	0.149295
Xcrhissr	3(+)	3(+)	0.40839
Crimhist	ns	14(+)	-0.3524
Statmin	8(-)	13(-)	-0.46852
Nocounts	5(+)	5(+)	1.64845
Accptpsr	10(-)	8(-)	-0.04193
Adjustme	9(+)	9(+)	2.669745**
Downward	2(-)	2(-)	-2.04089*
Probatio	4(-)	4(-)	-1.89762*
Career	ns	ns	-0.63341
Offensec	6(-)	ns	-0.11741
Xfolsor	1(+)	1(+)	-1.16896
Monsex	11(-)	17(-)	-0.97835
Age	ns	ns	0.474249
Numdepen	ns	ns	1.607019
USCitize	7(-)	7(-)	-0.79376
Hispanic	ns	11(+)	-2.25605*
Educcatn	13(-)	ns	-1.63753
Docplea	9(+)	10(+)	0.123533
Trial	ns	15(+)	0.177891
1st	ns	ns	0.193566
2nd	ns	19(-)	2.55389**
3rd	ns	18(-)	1.200431
4th	ns	21(-)	0.236701
5th	ns	ns	-0.35872
7th	ns	ns	-1.66452*
8th	ns	ns	0.771392
9th	ns	12(-)	0.948931
10th	ns	ns	-0.21511
11th	ns	ns	-0.48631
DC	12(-)	22(-)	0.957828

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE C24B
VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS RACE SPECIFIC MODELS OF DRUG INCARCERATION

	BLACK	WHITE	Z
Crack	11(-)	ns	-0.2453
Heroin	ns	ns	0.789166
Marijuana	13(-)	9(-)	-2.37333**
Metham	---	18(-)	n/a
Otherdrg	ns	14(-)	-1.84056*
LSD	ns	15(+)	2.211716*
Xcrhissr	3(+)	4(+)	0.372489
Crimhist	ns	ns	-0.42901
Statmin	9(-)	ns	-1.34535
Nocounts	ns	ns	1.194594
Accptpsr	ns	16(-)	0.278534
Adjustme	5(+)	ns	1.820869*
Downward	1(-)	2(-)	-1.35532
Probatio	4(-)	3(-)	-1.83258*
Career	ns	ns	-0.15588
Offensec	ns	ns	-1.33144
Xfolsor	2(+)	1(+)	-1.52087
Monsex	10(-)	10(-)	-0.48903
Age	ns	ns	-0.88225
Numdepen	ns	ns	0.832777
USCitize	6(-)	6(-)	-0.68794
Hispanic	ns	ns	-2.15189*
Educcatn	8(-)	ns	-2.40355**
Docplea	ns	13(-)	-0.63769
Trial	ns	8(+)	-1.0402
1st	ns	ns	-0.69371
2nd	ns	19(-)	1.327324
3rd	12(-)	12(-)	-0.38659
4th	ns	7(-)	1.062582
5th	ns	ns	-0.25044
7th	ns	ns	0.443732
8th	ns	11(-)	1.321143
9th	ns	5(-)	0.786976
10th	ns	ns	1.036987
11th	ns	ns	0.827444
DC	7(-)	17(-)	1.760518*

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE C24C
VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS RACE SPECIFIC FIREARM OFFENSE MODELS OF INCARCERATION

	Black	White	Z
Xcrhissr	2(+)	3(+)	2.239838*
Crimhist	ns	7(+)	-1.51673
Statmin	ns	ns	1.367304
Nocounts	ns	4(+)	-0.46782
Accptpsr	ns	ns	-1.79674*
Adjustme	ns	ns	-0.10787
Downward	3(-)	2(-)	-1.53148
Probatio	---	5(-)	n/a
Career	ns	ns	-0.23781
Xfolsor	1(+)	1(+)	0.969772
Monsex	4(-)	ns	-1.81806*
Age	ns	ns	-0.03536
Numdepen	ns	6(-)	1.649965
USCitize	ns	ns	0.025457
Hispanic	---	ns	n/a
Educcatn	ns	8(-)	1.814333*
Docplea	ns	ns	1.71277*
1st	---	ns	n/a
2nd	ns	ns	-0.20614
3rd	ns	ns	-0.1888
4th	ns	ns	-0.0869
5th	ns	ns	0.348481
7th	ns	ns	0.668171
8th	---	ns	n/a
9th	---	ns	n/a
10th	ns	ns	-1.29022
11th	ns	ns	-0.31953
DC	ns	ns	0.032364

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE C24D
VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS RACE SPECIFIC ROBBERY OFFENSE MODELS OF INCARCERATION

	Black	White	Z
Xcrhissr	ns	2(+)	0.114676
Crimhist	ns	ns	-0.54682
Statmin	ns	ns	0.002043
Nocounts	ns	ns	0.62775
Accptpsr	ns	ns	1.197889
Adjustme	ns	8(+)	-0.46066
Downward	2(-)	3(-)	-0.48215
Career	ns	ns	0.403063
Xfolsor	1(+)	1(+)	-0.61727
Monsex	ns	ns	-0.50791
Age	ns	ns	-0.34164
Numdepen	ns	ns	0.482636
Educcatn	ns	ns	-1.04827
Trial	---	ns	n/a
Docplea	ns	ns	1.565379
2nd	---	7(-)	n/a
3rd	---	ns	n/a
4th	---	ns	n/a
5th	---	6(-)	n/a
7th	---	ns	n/a
8th	---	ns	n/a
9th	---	4(-)	n/a
10th	---	ns	n/a
11th	---	5(-)	n/a

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE C24E

VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS RACE SPECIFIC "OTHER" OFFENSE MODELS OF INCARCERATION

	Black	White	Z
Property	ns	ns	-0.48776
Whtcollr	ns	10(+)	-1.28561
Immigrat	ns	5(+)	-0.40341
Xcrhissr	2(+)	3(+)	0.560879
Crimhist	6(+)	9(+)	0.705524
Statmin	ns	ns	-0.21693
Nocounts	ns	4(+)	0.131323
Accptpsr	ns	6(-)	0.380849
Adjustme	4(+)	ns	1.698713*
Downward	3(-)	2(-)	-1.59315
Probatio	ns	ns	-0.74023
Career	ns	ns	-0.80809
Xfolsor	1(+)	1(+)	2.747525**
Monsex	ns	ns	-1.20052
Age	ns	ns	0.288909
Numdepen	ns	ns	0.993048
USCitize	5(-)	7(-)	-0.41022
Hispanic	8(-)	ns	-1.0444
Educcatn	ns	ns	-1.8409*
Trial	ns	ns	1.270955
Docplea	ns	12(+)	-0.67264
1st	ns	ns	0.891846
2nd	ns	8(-)	1.268867
3rd	ns	11(-)	2.219107*
4th	ns	ns	0.241139
5th	ns	ns	0.757654
7th	7(-)	ns	-2.27633*
8th	ns	ns	0.549418
9th	ns	ns	1.042363
10th	ns	ns	0.091196
11th	ns	ns	0.05119
DC	ns	ns	1.132907

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE C24F
VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS RACE SPECIFIC 21841 DRUG STATUTE MODELS OF INCARCERATION

	Black	White	Z
Crack	5(-)	ns	-1.45728
Heroin	ns	ns	0.657568
Marijuana	8(-)	9(-)	-2.48338**
LSD	---	ns	n/a
Other	---	13(-)	n/a
Xcrhissr	2(+)	4(+)	0.98232
Crimhist	ns	ns	0.244248
Statmin	ns	ns	0.504348
Nocounts	ns	ns	0.203904
Accptpsr	ns	ns	1.07722
Adjustme	ns	ns	1.368658
Downward	1(-)	1(-)	-1.73545*
Probatio	10(-)	7(-)	0.492123
Career	ns	ns	0.838819
Offensec	---	ns	n/a
Xfolsor	3(+)	2(+)	0.020422
Monsex	15(-)	14(-)	0.60217
Age	ns	ns	-0.43811
Numdepen	ns	18(-)	0.323316
USCitize	---	11(-)	n/a
Hispanic	ns	ns	0.839986
Educcatn	7(-)	ns	-1.79997*
Docplea	ns	17(+)	-0.28264
Trial	ns	ns	-0.57075
1st	ns	ns	-0.66018
2nd	ns	12(-)	1.250399
3rd	9(-)	16(-)	-0.15071
4th	ns	5(-)	1.139038
5th	ns	6(-)	1.033277
7th	ns	ns	0.820516
8th	ns	8(-)	1.92652*
9th	6(-)	3(-)	-0.74037
10th	---	10(-)	n/a
11th	ns	ns	1.342628
DC	4(-)	15(-)	1.377699

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE C24G
VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTSACROSS RACE SPECIFIC 21844 DRUG STATUTE MODELS OF INCARCERATION

	Black	White	Z
Crack	ns	ns	0.041499
Heroin	ns	ns	-0.24911
Marijuana	ns	ns	-1.58122
Metham	---	---	n/a
LSD	---	ns	n/a
Other	---	ns	n/a
Xcrhissr	1(+)	1(+)	1.84467*
Crimhist	ns	ns	-0.18184
Statmin	ns	ns	-0.3519
Nocounts	3(+)	ns	2.459077**
Accptpsr	ns	ns	-1.15818
Adjustme	ns	3(+)	-0.20098
Downward	---	ns	n/a
Probatio	2(-)	ns	-1.49827
Career	ns	ns	-0.72896
Xfolsor	ns	ns	0.303067
Monsex	ns	ns	-0.24332
Age	ns	ns	-0.77018
Numdepen	ns	ns	0.188761
USCitize	ns	ns	-0.35878
Hispanic	---	ns	n/a
Educcatn	4(-)	2(-)	-2.8893
Docplea	ns	ns	1.351211
Trial	ns	ns	0.356889
1st	---	ns	n/a
2nd	---	ns	n/a
3rd	---	ns	n/a
4th	---	ns	n/a
5th	---	ns	n/a
7th	---	ns	n/a
8th	---	ns	n/a
9th	---	ns	n/a
10th	---	ns	n/a
11th	---	ns	n/a
DC	---	ns	n/a

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE C24H

VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS RACE SPECIFIC "OTHER" DRUG STATUTE MODELS OF INCARCERATION

	Black	White	Z
Crack	ns	ns	0.519301
Heroin	3(+)	ns	2.228533*
Marijuana	10(-)	7(-)	-0.59644
Metham	---	8(-)	n/a
LSD	---	ns	n/a
Other	---	5(-)	n/a
Xcrhissr	4(+)	3(+)	-1.22203
Crimhist	ns	ns	-0.595
Statmin	7(-)	ns	-1.39365
Nocounts	ns	ns	1.002525
Accptpsr	ns	ns	0.188817
Adjustme	1(+)	ns	2.14086*
Downward	---	1(-)	n/a
Probatio	---	4(-)	n/a
Career	ns	ns	0.449098
Xfolsor	2(+)	2(+)	-1.58997
Monsex	5(-)	12(-)	-1.63489
Age	ns	ns	-0.64299
Numdepen	ns	ns	1.345862
USCitize	---	ns	n/a
Hispanic	ns	ns	-0.91247
Educcatn	ns	ns	-0.58288
Docplea	ns	11(+)	-1.36744
Trial	ns	ns	0.90757
1st	ns	ns	-0.44549
2nd	ns	ns	0.325485
3rd	6(-)	9(-)	-0.59424
4th	ns	6(-)	0.740884
5th	ns	ns	-0.26071
7th	ns	ns	-1.28231
8th	9(-)	10(-)	-0.47598
9th	---	ns	n/a
10th	---	ns	n/a
11th	ns	ns	0.525714
DC	8(-)	---	n/a

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE C24I
VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS RACE SPECIFIC MODELS OF "OTHER" FIREARM STATUTE INCARCERATION

	Black	White	Z
Xcrhissr	2(+)	3(+)	0.718589
Crimhist	ns	7(+)	-1.27403
Statmin	ns	ns	-0.27341
Nocounts	ns	4(+)	0.655279
Accptpsr	ns	ns	-1.6274
Adjustme	ns	ns	-1.10969
Downward	3(-)	2(-)	-1.37665
Probatio	---	5(-)	-0.56691
Career	ns	ns	-0.34343
Xfolsor	1(+)	1(+)	-0.20958
Monsex	ns	ns	-1.76811*
Age	ns	ns	-0.35295
Numdepen	ns	6(-)	-0.88834
USCitize	ns	---	-0.94532
Educcatn	ns	8(-)	0.1823
Docplea	ns	ns	2.058325*
2nd	ns	ns	1.722459*
3rd	ns	ns	1.083565
4th	ns	ns	0.616865
5th	ns	ns	2.258562*
7th	ns	ns	1.515918
8th	---	ns	1.641608
9th	---	ns	1.925756
10th	ns	ns	0.423861
11th	ns	ns	1.896322*
DC	ns	---	-0.13761

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE C24J

VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS RACE SPECIFIC MODELS OF 182113 ROBBERY INCARCERATION

	Black	White	Z
Xcrhissr	---	2(+)	n/a
Crimhist	ns	ns	-0.83614
Statmin	ns	ns	-0.0261
Nocounts	---	ns	n/a
Accptpsr	---	ns	n/a
Adjustme	ns	ns	0.360685
Downward	---	3(-)	n/a
Probatio	---	---	n/a
Career	3(-)	ns	-1.1243
Xfolsor	1(+)	1(+)	-3.04051**
Monsex	ns	ns	-1.47199
Age	ns	ns	-0.71286
Numdepen	ns	ns	-0.08785
Educcatn	2(-)	ns	-1.93733*
Docplea	ns	ns	2.174728*
Trial	---	ns	n/a
2nd	---	6(-)	n/a
3rd	---	ns	n/a
4th	---	ns	n/a
5th	---	5(-)	n/a
7th	---	ns	n/a
8th	---	ns	n/a
9th	---	ns	n/a
10th	---	ns	n/a
11th	---	4(-)	n/a

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE C25A
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FULL AND OFFENSE SPECIFIC MODELS OF SENTENCE LENGTH WITH HAZARD RATE BLACK OFFENDERS

	FULL	DRUGS	FIREARMS	ROBBERY	OTHER
Xcrhissr	5(+)	6(+)	2(+)	5(+)	4(+)
Crimhist	16(+)	ns	ns	ns	13(+)
Statmin	4(+)	4(+)	3(+)	1(+)	5(+)
Nocounts	12(+)	12(+)	11(+)	3(+)	ns
Accptpsr	23(+)	15(+)	ns	16(+)	17(-)
Adjustme	6(+)	5(+)	ns	9(+)	10(+)
Downward	2(-)	2(-)	4(-)	4(-)	3(-)
Upward	11(+)	ns	7(+)	7(+)	8(+)
Probatio	10(+)	ns	8(+)	---	6(+)
Career	ns	ns	ns	12(+)	ns
Offensec	13(+)	14(+)	10(+)	6(+)	14(+)
Xfolsor	1(+)	1(+)	1(+)	2(+)	1(+)
Monsex	18(-)	16(-)	ns	15(+)	16(-)
Age	ns	ns	13(+)	ns	ns
Numdepen	ns	17(+)	12(-)	ns	ns
USCitize	22(-)	ns	ns	ns	ns
Hispanic	ns	ns	ns	ns	ns
Educcatn	19(-)	ns	ns	14(-)	15(-)
Docplea	ns	11(-)	ns	ns	ns
Trial	8(+)	13(+)	6(+)	11(+)	ns
1st	ns	ns	ns	---	ns
2nd	14(+)	9(+)	ns	ns	ns
3rd	ns	ns	ns	10(-)	ns
4th	ns	ns	ns	ns	ns
5th	ns	ns	ns	ns	ns
7th	ns	ns	ns	ns	ns
8th	ns	ns	ns	ns	17(+)
9th	ns	ns	ns	13(-)	ns
10th	ns	ns	ns	ns	ns
11th	21(+)	8(+)	9(+)	ns	12(-)
DC	9(-)	7(-)	ns	---	ns
Hazard Rate	3	3	5	8	2

*--these models are compared on the common included variables
ns = non-significant

TABLE C25B

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS: THE DRUG OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH WITH THE HAZARD RATE BLACK OFFENDERS

	DRUGS	21841	21844	21960	OTHER
Crack	ns	ns	ns	---	15(+)
Heroin	ns	ns	ns	---	12(+)
Marijuana	ns	ns	4(+)	---	ns
Othrdrg	10(+)	ns	ns	---	ns
LSD	ns	---	ns	---	ns
Xcrhissr	6(+)	4(+)	3(+)	---	6(+)
Crimhist	ns	ns	ns	---	ns
Statmin	4(+)	3(+)	ns	---	5(+)
Nocounts	12(+)	9(+)	ns	---	ns
Accptpsr	15(+)	ns	ns	---	16(+)
Adjustme	5(+)	5(+)	5(-)	---	3(+)
Downward	2(-)	2(-)	2(-)	---	2(-)
Upward	ns	ns	ns		ns
Probatio	ns	11(+)	ns	---	17(+)
Career	ns	ns	ns	---	ns
Offensec	14(+)	7(+)	---	---	ns
Xfolsor	1(+)	1(+)	1(+)	---	1(+)

Monsex	16(-)	ns	ns	---	14(-)
Age	ns	10(+)	ns	---	ns
Numdepen	17(+)	ns	ns	---	13(+)
USCitize	ns	ns	ns	---	ns
Hispanic	ns	ns	ns	---	ns
Educcatn	ns	ns	ns	---	ns
Docplea	11(-)	ns	ns	---	10(-)
Trial	13(+)	ns	ns	---	7(+)
1st	ns	ns	---	---	ns
2nd	9(+)	ns	ns	---	9(+)
3rd	ns	ns	ns	---	ns
4th	ns	ns	ns	---	ns
5th	ns	ns	ns	---	ns
7th	ns	ns	ns	---	ns
8th	ns	ns	ns	---	ns
9th	ns	ns	ns	---	ns
10th	ns	ns	ns	---	ns
11th	8(+)	12(+)	ns	---	11(+)
DC	7(-)	8(-)	ns	---	8(-)
Hazard Rate	3	6	ns	---	4

*--these models are compared on the common included variables

ns = non-significant

TABLE C25C

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FIREARM OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH WITH HAZARD RATE BLACK OFFENDERS

	FIREARMS	18924	OTHER
Xcrhissr	2(+)	---	2(+)
Crimhist	ns	---	ns
Statmin	3(+)	---	3(+)
Nocounts	11(+)	---	11(+)
Accptpsr	ns	---	ns
Adjustme	ns	---	12(+)
Downward	4(-)	---	4(-)
Upward	7(+)		8(+)
Probatio	8(+)	---	7(+)
Career	ns	---	ns
Offensec	10(+)	---	9(+)
Xfolsor	1(+)	---	1(+)
Monsex	ns	---	ns
Age	13(+)	---	ns
Numdepen	12(-)	---	12(-)
USCitize	ns	---	ns
Hispanic	ns	---	ns
Educcatn	ns	---	ns
Docplea	ns	---	ns
Trial	6(+)	---	6 (+)
1st	ns	---	ns
2nd	ns	---	ns
3rd	ns	---	ns
4th	ns	---	ns
5th	ns	---	ns
7th	ns	---	ns
8th	ns	---	ns
9th	ns	---	ns
10th	ns	---	ns
11th	9(+)	---	10(+)
DC	ns	---	ns
Hazard Rate	5	---	5

ns = non-significant

TABLE C25D

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE ROBBERY OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH WITH HAZARD RATE BLACK OFFENDERS

	ROBBERY	182113	OTHER ROBBERY OFFENSES
Xcrhissr	5(+)	3(+)	---
Crimhist	ns	ns	---
Statmin	1(+)	1(+)	---
Nocounts	3(+)	4(+)	---
Accptpsr	16(+)	ns	---
Adjustme	9(+)	11(+)	---
Downward	4(-)	6(-)	---
Upward	7(+)	12(+)	---
Probatio	---	---	---
Career	12(+)	7(+)	---
Offensec	6(+)	5(+)	---
Xfolsor	2(+)	2(+)	---
Monsex	15(+)	ns	---
Age	ns	ns	---
Numdepen	ns	ns	---
USCitize	ns	ns	---
Hispanic	ns	ns	---
Educcatn	14(-)	14(-)	---
Docplea	ns	ns	---
Trial	11(+)	8(+)	---
1st	---	ns	---
2nd	ns	ns	---
3rd	10(-)	13(-)	---
4th	ns	ns	---
5th	ns	10(+)	---
7th	ns	ns	---
8th	ns	ns	---
9th	13(-)	ns	---
10th	ns	ns	---
11th	ns	ns	---
DC	---	ns	---
Hazard Rate	8	9	-

TABLE C26A

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FULL AND OFFENSE SPECIFIC MODELS OF SENTENCE LENGTH WITH HAZARD RATE WHITE OFFENDERS

	FULL	DRUGS	FIREARMS	ROBBERY	OTHER
Xcrhissr	4(+)	6(+)	3(+)	3(+)	4(+)
Crimhist	13(+)	ns	ns	ns	11(+)
Statmin	5(+)	4(+)	2(+)	2(+)	6(+)
Nocounts	15(+)	12(+)	11(+)	7(+)	ns
Accptpsr	ns	15(+)	ns	ns	ns
Adjustme	6(+)	5(+)	9(+)	10(+)	ns
Downward	3(-)	2(-)	4(-)	5(-)	3(-)
Upward	11(+)	ns	6(+)	8(+)	8(+)
Probatio	17(+)	ns	11(+)	---	5(+)
Career	ns	ns	ns	ns	ns
Offensec	10(+)	14(+)	8(+)	4(+)	7(+)
Xfolsor	1(+)	1(+)	1(+)	1(+)	1(+)
Monsex	19(-)	16(-)	ns	ns	ns
Age	ns	ns	13(-)	ns	15(-)
Numdepen	23(-)	17(+)	12(-)	ns	ns
USCitize	16(-)	ns	ns	ns	9(-)
Hispanic	ns	ns	ns	ns	ns
Educcatn	25(-)	ns	ns	ns	17(-)
Docplea	ns	11(-)	ns	ns	ns
Trial	7(+)	13(+)	7(+)	9(+)	10(+)
1st	ns	ns	ns	---	ns
2nd	ns	9(+)	ns	ns	12(-)
3rd	18(-)	ns	ns	ns	ns
4th	ns	ns	ns	ns	ns
5th	ns	ns	ns	ns	ns
7th	ns	ns	ns	ns	ns
8th	ns	ns	ns	ns	ns
9th	20(-)	ns	ns	ns	14(-)
10th	ns	ns	10(+)	ns	ns
11th	21(+)	8(+)	ns	ns	ns
DC	22(-)	7(-)	---	---	ns
Hazard Rate	2	3	5	6	2

*--these models are compared on the common included variables

ns = non-significant

TABLE C26B

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS: THE DRUG OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH WITH THE HAZARD RATE WHITE OFFENDERS

	DRUGS	21841	21844	21960	OTHER
Crack	ns	ns	3(+)	---	20(+)
Heroin	ns	16(-)	ns	---	ns
Marijuana	13(-)	10(-)	ns	---	11(-)
Metham		11(+)	ns		ns
Othrdrg	16(-)	9(-)	ns	---	16(-)
LSD	ns	ns	ns	---	ns
Xcrhissr	5(+)	5(+)	ns	---	5(+)
Crimhist	15(+)	ns	ns	---	17(+)
Statmin	4(+)	4(+)	ns	---	3(+)
Nocounts	9(+)	7(+)	4(+)	---	14(+)
Accptpsr	ns	ns	ns	---	ns
Adjustme	6(+)	6(+)	ns	---	6(+)
Downward	2(-)	2(-)	ns	---	2(-)
Upward	12(+)	ns	5(+)		9(+)
Probatio	7(-)	ns	2(-)	---	ns
Career	23(+)	ns	7(+)	---	ns
Offensec	21(+)	14(+)	---	---	ns
Xfolsor	1(+)	1(+)	ns	---	1(+)

Monsex	14(-)	20(-)	ns	---	15(-)
Age	22(+)	ns	ns	---	18(+)
Numdepen	ns	18(-)	ns	---	ns
USCitize	18(+)	17(-)	ns	---	ns
Hispanic	ns	ns	ns	---	ns
Educcatn	ns	15(-)	ns	---	ns
Docplea	ns	ns	ns	---	ns
Trial	8(+)	ns	ns	---	8(+)
1st	ns	ns	ns	---	ns
2nd	ns	19(-)	ns	---	13(+)
3rd	11(-)	13(-)	ns	---	12(-)
4th	ns	ns	ns	---	ns
5th	10(+)	ns	ns	---	7(+)
7th	ns	ns	ns	---	19(+)
8th	20(-)	12(-)	ns	---	ns
9th	ns	8(-)	ns	---	10(+)
10th	ns	ns	6(+)	---	ns
11th	8(+)	ns	8(+)	---	ns
DC	19(-)	21(-)	ns	---	---
Hazard Rate	3	3	1	---	4

ns = non-significant

TABLE C26C
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FIREARM OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH WITH HAZARD RATE WHITE OFFENDERS

	FIREARMS	18924	OTHER
Xcrhissr	3(+)	---	3(+)
Crimhist	ns	---	ns
Statmin	2(+)	---	2(+)
Nocounts	11(+)	---	ns
Accptpsr	ns	---	ns
Adjustme	9(+)	---	9(+)
Downward	4(-)	---	4(-)
Upward	6(+)		6(+)
Probatio	11(+)	---	10(+)
Career	ns	---	ns
Offensec	8(+)	---	8(+)
Xfolsor	1(+)	---	1(+)
Monsex	ns	---	ns
Age	13(-)	---	12(+)
Numdepen	12(-)	---	11(-)
USCitize	ns	---	ns
Hispanic	ns	---	ns
Educcatn	ns	---	ns
Docplea	ns	---	ns
Trial	7(+)	---	7(+)
1st	ns	---	ns
2nd	ns	---	ns
3rd	ns	---	ns
4th	ns	---	ns
5th	ns	---	ns
7th	ns	---	ns
8th	ns	---	ns
9th	ns	---	ns
10th	10(+)	---	ns
11th	ns	---	ns
DC	---	---	ns
Hazard Rate	5	---	5

ns = non-significant

TABLE C26D

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE GENERAL AND STATUTE SPECIFIC MODELS OF ROBBERY SENTENCE LENGTH WITH HAZARD RATE WHITE OFFENDERS

	ROBBERY	182113	OTHER
Xcrhissr	3(+)	3(+)	---
Crimhist	ns	ns	---
Statmin	2(+)	2(+)	---
Nocounts	7(+)	7(+)	---
Accptpsr	ns	ns	---
Adjustme	10(+)	9(+)	---
Downward	5(-)	5(-)	---
Upward	8(+)	10(+)	---
Probatio	---	---	---
Career	ns	ns	---
Offensec	4(+)	4(+)	---
Xfolsor	1(+)	1(+)	---
Monsex	ns	ns	---
Age	ns	ns	---
Numdepen	ns	ns	---
USCitize	ns	ns	---
Hispanic	ns	ns	---
Educcatn	ns	ns	---
Docplea	ns	ns	---
Trial	9(+)	8(+)	---
1st	---	ns	---
2nd	ns	ns	---
3rd	ns	ns	---
4th	ns	ns	---
5th	ns	ns	---
7th	ns	ns	---
8th	ns	ns	---
9th	ns	ns	---
10th	ns	ns	---
11th	ns	ns	---
DC	---	---	---
Hazard Rate	6	6	-

*--these models are compared on the common included variables ns = non-significant

TABLE C27A
VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS RACE SPECIFIC SENTENCE LENGTH MODELS

	BLACK	WHITE	Z
Violent	ns	8(+)	-4.71612**
Robbery	ns	24(+)	-0.48816
Property	20(+)	21(+)	1.091289
White Collar	7(+)	9(+)	2.523275**
Firearms	17(+)	14(+)	-0.08495
Immigration	15(+)	12(+)	1.177707
Other Offense	ns	ns	1.037589
Xcrhissr	5(+)	4(+)	2.410439**
Crimhist	16(+)	13(+)	0.197241
Statmin	4(+)	5(+)	3.735391**
Nocounts	12(+)	15(+)	2.223365*
Accptpsr	23(+)	ns	2.212864*
Adjustme	6(+)	6(+)	7.545358**
Downward	2(-)	3(-)	-7.20526**
Upward	11(+)	11(+)	0.368726
Probatio	10(+)	17(+)	1.851844*
Career	ns	ns	-0.81692
Offensec	13(+)	10(+)	-1.90998*
Xfolsor	1(+)	1(+)	9.555069**
Monsex	18(-)	19(-)	-1.06534
Age	ns	ns	1.365278
Numdepen	ns	23(-)	2.665085**
USCitize	22(-)	16(-)	-0.2458
Hispanic	ns	ns	-0.28734
Educcatn	19(-)	25(-)	-1.89615*
Docplea	ns	ns	-1.31975
Trial	8(+)	7(+)	0.29637
1st	ns	ns	-0.3644
2nd	14(+)	ns	3.112488**
3rd	ns	18(-)	1.742767*
4th	ns	ns	0.394281
5th	ns	ns	-0.46338
7th	ns	ns	-0.72344
8th	ns	ns	0.060724
9th	ns	20(-)	0.122358
10th	ns	ns	-0.53168
11th	21(+)	21(+)	2.347511**
DC	9(-)	22(-)	-0.85378
Hazard	3	2	-4.03382**

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE C27B

VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS RACE SPECIFIC MODELS OF DRUG OFFENSE SENTENCE LENGTH WITH HAZARD RATE

	BLACK	WHITE	Z
Crack	ns	ns	-2.04637*
Heroin	ns	ns	0.839695
Marijuana	ns	13(-)	0.07211
Metham	---	17(+)	N/A
Otherdrg	10(+)	16(-)	4.422542**
LSD	ns	ns	0.519559
Xcrhissr	6(+)	5(+)	1.410485
Crimhist	ns	15(+)	-0.98956
Statmin	4(+)	4(+)	-2.60046**
Nocounts	12(+)	9(+)	1.059343
Accptpsr	15(+)	ns	1.578337
Adjustme	5(+)	6(+)	4.172941**
Downward	2(-)	2(-)	-2.44102**
Upward	ns	12(+)	-2.89196**
Probatio	ns	7(-)	-0.17964
Career	ns	23(+)	-0.75458
Offensec	14(+)	21(+)	0.712791
Xfolsor	1(+)	1(+)	6.067154**
Monsex	16(-)	14(-)	0.504621
Age	ns	22(+)	-0.72735
Numdepen	17(+)	ns	1.522013
USCitize	ns	18(+)	0.516634
Hispanic	ns	ns	0.521246
Educcatn	ns	ns	-1.43142
Docplea	11(-)	ns	-2.14527*
Trial	13(+)	8(+)	-1.89674*
1st	ns	ns	-0.94115
2nd	9(+)	ns	0.436788
3rd	ns	11(-)	1.613591
4th	ns	ns	0.803684
5th	ns	10(+)	-2.79898**
7th	ns	ns	-0.12804
8th	ns	20(-)	0.318802
9th	ns	ns	-1.57522
10th	ns	ns	-0.60522
11th	8(+)	8(+)	2.48088**
DC	7(-)	n/a	n/a
Hazard	3	3	-0.46254

*p < .05 (one-tailed)   **p < .01(one-tailed)   ns = non-significant

TABLE C27C
VARIABLE SIGNIFICANCE AND Z TEST FOR EQUALITY OF COEFFICIENTS ACROSS RACE SPECIFIC MODELS OF FIREARMS SENTENCE LENGTH WITH HAZARD RATE

	Black	White	Z
Xcrhissr	2(+)	3(+)	1.642609
Crimhist	ns	ns	-1.27783
Statmin	3(+)	2(+)	-3.51862**
Nocounts	11(+)	11(+)	1.673179*
Accptpsr	ns	ns	0.529857
Adjustme	ns	9(+)	-1.83938*
Downward	4(-)	4(-)	-2.33899**
Upward	7(+)	6(+)	-0.62474
Probatio	8(+)	11(+)	1.48824
Career	ns	ns	0.139275
Offensec	10(+)	8(+)	-0.03361
Xfolsor	1(+)	1(+)	1.33677
Monsex	ns	ns	-0.5263
Age	13(+)	13(-)	2.935541**
Numdepen	12(-)	12(-)	-0.05989
USCitize	ns	ns	1.468247
Hispanic	ns	ns	0.530891
Educcatn	ns	ns	0.868433
Docplea	ns	ns	1.302315
Trial	6(+)	7(+)	1.553991
1st	ns	ns	0.786228
2nd	ns	ns	0.092392
3rd	ns	ns	-1.04339
4th	ns	ns	-0.79708
5th	ns	ns	0.423095
7th	ns	ns	-0.54097
8th	ns	ns	0.821547
9th	ns	ns	0.569057
10th	ns	10(+)	-0.97107
11th	9(+)	ns	1.667434*
DC	ns	---	n/a
Hazard Rate	5	5	-0.68098

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE C27D

VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS RACE SPECIFIC MODELS OF ROBBERY SENTENCE LENGTH WITH HAZARD RATE

	Black	White	Z
Xcrhissr	5(+)	3(+)	1.132639
Crimhist	ns	ns	0.930464
Statmin	1(+)	2(+)	1.637707
Nocounts	3(+)	7(+)	6.048966**
Accptpsr	16(+)	ns	1.46447
Adjustme	9(+)	10(+)	0.904507
Downward	4(-)	5(-)	-1.36589
Upward	7(+)	8(+)	1.456596
Career	12(+)	ns	1.64746
Offensec	6(+)	4(+)	-1.00934
Xfolsor	2(+)	1(+)	0.197576
Monsex	15(+)	ns	2.009454*
Age	ns	ns	0.027237
Numdepen	ns	ns	-0.6682
USCitize	ns	ns	-0.61686
Hispanic	ns	ns	0.244234
Educcatn	14(-)	ns	-2.10497*
Docplea	ns	ns	0.195359
Trial	11(+)	9(+)	-0.54363
2nd	ns	ns	-1.15034
3rd	10(-)	ns	-2.37608*
4th	ns	ns	-0.72471
5th	ns	ns	0.846137
7th	ns	ns	0.519194
8th	ns	ns	-0.68389
9th	13(-)	ns	-0.82795
10th	ns	ns	0.59162
11th	ns	ns	-1.09621
Hazard Rate	8	6	-1.27856

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE C27E

VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS RACE SPECIFIC MODELS OF "OTHER" OFFENSE SENTENCE LENGTH WITH HAZARD RATE

	Black	White	Z
Property	9(+)	16(-)	2.946629**
Whtcollr	7(+)	13(-)	3.250898**
Immigrat	11(+)	ns	1.928365*
Xcrhissr	4(+)	4(+)	0.528838
Crimhist	13(+)	11(+)	0.502983
Statmin	5(+)	6(+)	6.777302**
Nocounts	ns	ns	-0.54055
Accptpsr	17(-)	ns	1.341365
Adjustme	10(+)	ns	2.219289*
Downward	3(-)	3(-)	-0.84179
Upward	8(+)	8(+)	-0.2433
Probatio	6(+)	5(+)	0.287197
Career	ns	ns	0.322466
Offensec	14(+)	7(+)	-5.51039**
Xfolsor	1(+)	1(+)	1.378501
Monsex	16(-)	ns	-1.87409*
Age	ns	15(-)	0.18187
Numdepen	ns	ns	0.872806
USCitize	ns	9(-)	1.128443
Hispanic	ns	ns	-1.51447
Educcatn	15(-)	17(-)	-1.01664
Docplea	ns	ns	-0.54447
Trial	ns	10(+)	-1.17165
1st	ns	ns	2.052452*
2nd	ns	12(-)	1.336238
3rd	ns	ns	2.448097**
4th	ns	ns	0.693791
5th	ns	ns	1.117276
7th	ns	ns	-1.90768*
8th	17(+)	ns	2.349162**
9th	ns	14(-)	2.187038*
10th	ns	ns	0.162175
11th	12(-)	ns	-0.9395
DC	ns	ns	0.879121
Hazard Rate	2	2	1.038709

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE C27F
VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS RACE SPECIFIC MODELS OF 21841 DRUG OFFENSE SENTENCE LENGTH WITH THE HAZARD RATE

	Black	White	Z
Crack	ns	ns	0.384437
Heroin	ns	16(-)	0.397229
Marijuana	ns	10(-)	0.643117
Metham	---	11(+)	n/a
LSD	ns	ns	0.424071
Other	---	9(-)	n/a
Xcrhissr	4(+)	5(+)	0.347392
Crimhist	ns	ns	0.393175
Statmin	3(+)	4(+)	1.007973
Nocounts	9(+)	7(+)	-0.22037
Accptpsr	ns	ns	0.303728
Adjustme	5(+)	6(+)	3.212222**
Downward	2(-)	2(-)	-1.01141
Upward	ns	ns	-0.54422
Probatio	11(+)	ns	3.281054**
Career	ns	ns	-0.63493
Offensec	7(+)	14(+)	2.477035**
Xfolsor	1(+)	1(+)	3.736942**
Monsex	ns	20(-)	-0.27176
Age	10(+)	ns	2.963439**
Numdepen	ns	18(-)	-0.02884
USCitize	ns	17(-)	1.639696
Hispanic	ns	ns	0.647041
Educcatn	ns	15(-)	-0.12718
Docplea	ns	ns	-1.59943
Trial	ns	ns	0.049096
1st	ns	ns	0.959358
2nd	ns	19(-)	1.48185
3rd	ns	13(-)	2.190576*
4th	ns	ns	0.993838
5th	ns	ns	0.258002
7th	ns	ns	0.763012
8th	ns	12(-)	0.926575
9th	ns	8(-)	0.280425
10th	ns	ns	0.426632
11th	12(+)	ns	2.351616**
DC	8(-)	21(-)	-0.0497
Hazard Rate	6	3	0.619708

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE C27G
VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS RACE SPECIFIC MODELS OF 21844 DRUG OFFENSE SENTENCE LENGTH WITH THE HAZARD RATE

	Black	White	Z
Crack	ns	3(+)	-3.15652**
Heroin	ns	ns	-0.83774
Marijuana	4(+)	ns	2.457972**
Metham	---	ns	n/a
LSD	---	ns	n/a
Other	ns	ns	-0.64589
Xcrhissr	3(+)	ns	3.768693**
Crimhist	ns	ns	n/a
Statmin	ns	ns	0.69714
Nocounts	ns	4(+)	0.554507
Accptpsr	ns	ns	-0.47264
Adjustme	5(-)	ns	-2.38788**
Downward	2(-)	ns	-4.10695**
Upward	ns	5(+)	0.479625
Probatio	ns	2(-)	1.787265
Career	ns	7(+)	0.474051
Xfolsor	1(+)	ns	14.12523**
Monsex	ns	ns	-1.00231
Age	ns	ns	-1.10558
Numdepen	ns	ns	1.262777
USCitize	ns	ns	0.392153
Educcatn	ns	ns	0.988242
Docplea	ns	ns	-0.34348
Trial	ns	ns	1.13145
1st	---	ns	n/a
2nd	ns	ns	0.417486
3rd	ns	ns	0.324725
4th	ns	ns	-0.30575
5th	ns	ns	-1.93262
7th	ns	ns	0.201269
8th	ns	ns	1.440651
9th	ns	ns	-0.31219
10th	ns	6(+)	-0.64652
11th	ns	8(+)	-0.21437
DC	ns	ns	1.619041
Hazard Rate	ns	1	-2.41835**

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE C27H

VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTSACROSS RACE SPECIFIC MODELS OF "OTHER" DRUG OFFENSE SENTENCE LENGTH WITH THE HAZARD RATE

	Black	White	Z
Crack	15(+)	20(+)	-1.11427
Heroin	12(+)	ns	1.888851*
Marijuana	ns	11(-)	0.749656
Metham	---	ns	n/a
LSD	ns	ns	n/a
Other	ns	16(-)	n/a
Xcrhissr	6(+)	5(+)	2.070518*
Crimhist	ns	17(+)	-1.40758
Statmin	5(+)	3(+)	-2.26754*
Nocounts	ns	14(+)	-0.12706
Accptpsr	16(+)	ns	1.830006*
Adjustme	3(+)	6(+)	3.538656**
Downward	2(-)	2(-)	-1.4613
Upward	ns	9(+)	-1.396
Probatio	17(+)	ns	1.724022*
Career	ns	ns	0.080477
Offensec	ns	ns	0.080279
Xfolsor	1(+)	1(+)	8.71324**
Monsex	14(-)	15(-)	-0.9131
Age	ns	18(+)	-1.65146*
Numdepen	13(+)	ns	2.773409**
USCitize	ns	ns	1.079144
Hispanic	ns	ns	0.101897
Educcatn	ns	ns	-1.45978
Docplea	10(-)	ns	-2.46076**
Trial	7(+)	8(+)	0.492162
1st	ns	ns	-1.59693
2nd	9(+)	13(+)	1.004386
3rd	ns	12(-)	0.467138
4th	ns	ns	0.470786
5th	ns	7(+)	-1.44083
7th	ns	19(+)	-0.11988
8th	ns	ns	-0.96386
9th	ns	10(+)	-0.65595
10th	ns	ns	-1.17987
11th	11(+)	ns	1.92779*
DC	8(-)	---	-4.0474**
Hazard Rate	4	4	-3.76343**

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

TABLE C27I

VARIABLE SIGNIFICANCE AND Z TESTS FOR EQUALITY OF COEFFICIENTS ACROSS THE RACE SPECIFIC "OTHER" FIREARM STATUTE SPECIFIC MODELS OF SENTENCE LENGTH WITH HAZARD RATE

	Black	White	Z
Xcrhissr	2(+)	3(+)	1.630297
Crimhist	ns	ns	-1.27752
Statmin	3(+)	2(+)	-4.0303**
Nocounts	11(+)	ns	1.216304
Accptpsr	ns	ns	0.685191
Adjustme	12(+)	9(+)	-1.87099*
Downward	4(-)	4(-)	-2.29066*
Upward	8(+)	6(+)	-0.65293
Probatio	7(+)	10(+)	1.815593*
Career	ns	ns	-0.1655
Offensec	9(+)	8(+)	0.206006
Xfolsor	1(+)	1(+)	1.339787
Monsex	ns	ns	-0.19095
Age	ns	12(+)	2.701858**
Numdepen	12(-)	11(-)	-0.15204
USCitize	ns	ns	1.377681
Hispanic	ns	ns	0.226549
Educcatn	ns	ns	0.975033
Docplea	ns	ns	1.138455
Trial	6 (+)	7(+)	1.716728*
1st	ns	ns	0.63357
2nd	ns	ns	-0.17315
3rd	ns	ns	-1.03085
4th	ns	ns	-0.87645
5th	ns	ns	0.361225
7th	ns	ns	-0.59565
8th	ns	ns	0.694778
9th	ns	ns	0.528787
10th	ns	ns	-1.29813
11th	10(+)	ns	1.603142
DC	ns	ns	n/a
Hazard Rate	5	5	-0.64697

*p < .05 (one-tailed) **p < .01(one-tailed) ns = non-significant

APPENDIX D

NINTH CIRCUIT PARTITIONINGS

TABLE D1A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— NINTH CIRCUIT FULL MODEL

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
VIOLENT*	1.1114	0.4358	0.572851991	3.0385
ROBBERY	0.7559	0.5061	0.626791971	2.1295
PROPERTY	0.2125	0.2417	0.131766991	1.2367
WHTCOLLR*	0.3699	0.1756	0.423875393	1.4476
FIREARMS	-0.4394	0.2944	-0.301604586	0.6444
IMMIGRAT**	1.1378	0.2954	1.092579063	3.12
OTHERO	-0.2719	0.2282	-0.172143896	0.7619
XCRHISSR**	0.7659	0.1024	3.736588415	2.151
CRIMHIST	0.0596	0.1407	0.085319977	1.0614
STATMIN*	-0.0017	0.0009	-1.312531422	0.9983
NOCOUNTS	0.048	0.065	0.282547031	1.0492
ACCPTPSR	-0.0411	0.1616	-0.059096166	0.9597
ADJUSTME*	0.1082	0.0481	0.490399596	1.1143
DOWNWARD**	-3.3636	0.2338	-4.067439224	0.0346
PROBATIO**	-1.9857	0.2443	-2.623015578	0.1373
CAREER	-0.0965	0.1593	-0.142779133	0.908
OFFENSEC	0.0964	4.581	0.044149099	1.1012
XFOLSOR**	0.198	0.0156	5.782749987	1.219
MONSEX**	-0.5692	0.1335	-0.622533398	0.566
AGE	0.0001	0.0058	0.003013302	1.0001
NUMDEPEN	-0.0102	0.0169	-0.072489529	0.9898
USCITIZE**	-0.8325	0.1858	-1.211822036	0.435
BLACK	0.1973	0.2318	0.179885793	1.2181
HISPANIC	0.333	0.2041	0.479848452	1.3952
EDUCCAT**	-0.1555	0.0564	-0.552557216	0.856
DOCPLEA	0.2844	0.1464	0.399696571	1.3289
TRIAL	0.5349	0.3641	0.478619901	1.7073
ARIZONA*	-0.4746	0.2013	-0.515404961	0.6221
CALNOR	0.4286	0.3202	0.23820422	1.535
CALCEN	0.5363	0.2839	0.599793228	1.7097
CALSOU	0.1084	0.2401	0.129172697	1.1145
HAWETAL*	0.8049	0.3725	0.477277376	2.2366
IDAMONT	0.0755	0.2649	0.044239271	1.0784
NEVADA	0.0314	0.2562	0.021448261	1.0319
OREGON	0.4285	0.286	0.353929305	1.535
WASHEAST*	1.1066	0.5232	0.663828991	3.0239
WASHWEST	0.2986	0.2554	0.20017255	1.348
Constant	1.086	0.5517		

-2 log likelihood: 1955.174		**Model Chi-Square:**	1724.755
R^2_L: .469	R^2: .450		Φ_p: .614
N = 4606	DF = 37	*p < .05	**p < .01

TABLE D1B
OLS SENTENCE LENGTH ESTIMATES—NINTH CIRCUIT ALL OFFENSES WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Score
VIOLENT**	40.81744	4.688627	0.086567	8.705627
ROBBERY	1.197168	3.496217	0.003792	0.342418
PROPERTY	7.44492	4.713885	0.016991	1.57936
WHTCOLLR*	7.277536	3.067515	0.031143	2.372453
FIREARMS	2.350604	4.019377	0.006049	0.584818
IMMIGRAT	6.281531	4.089943	0.018721	1.535848
OTHERO	-0.00857	4.310333	-2E-05	-0.00199
XCRHISSR**	11.42811	0.796181	0.203877	14.35366
CRIMHIST	2.794112	2.346457	0.014312	1.190779
STATMIN**	0.198113	0.009738	0.211953	20.34413
NOCOUNTS**	5.42276	0.42176	0.127346	12.85745
ACCPTPSR	-3.07305	2.053818	-0.01458	-1.49626
ADJUSTME**	4.718974	0.606212	0.081035	7.784363
DOWNWARD**	-54.7205	2.375556	-0.26954	-23.0348
UPWARD**	21.46747	5.63652	0.036041	3.808639
PROBATIO*	6.90637	3.448408	0.031705	2.002771
CAREER	4.433386	2.44867	0.024351	1.810528
OFFENSEC**	18.85885	6.158034	0.032507	3.062479
XFOLSOR**	6.541073	0.164661	0.702172	39.72451
MONSEX**	-7.67168	2.584335	-0.02975	-2.96853
AGE	0.111029	0.087969	0.012421	1.262141
NUMDEPEN	-0.5458	0.342791	-0.01505	-1.59222
USCITIZE**	-11.1724	2.768382	-0.05827	-4.03573
BLACK	4.485384	2.988037	0.014544	1.501114
HISPANIC	0.727357	2.858524	0.003817	0.254452
EDUCCAT*	-1.89643	0.832749	-0.02495	-2.27732
DOCPLEA	-1.40941	2.277889	-0.00693	-0.61873
TRIAL	22.83087	3.466207	0.077688	6.5867
ARIZONA	1.127334	3.257698	0.004932	0.346052
CALNOR	-3.11333	4.822832	-0.00673	-0.64554
CALCEN	4.372089	3.667586	0.014321	1.192089
CALSOU	2.496176	3.33475	0.010672	0.748535
HAWETAL	8.953174	5.119601	0.018351	1.748803
IDAMONT	6.320434	4.547666	0.015048	1.389819
NEVADA	3.141289	3.881672	0.009267	0.809262
OREGON	6.375546	3.748052	0.02002	1.701029
WASHEAST	2.107351	5.312723	0.004136	0.396661
WASHWEST	-5.17582	3.947756	-0.0148	-1.31108
Hazard Rate**	-109.82	7.057286	-0.27271	-15.5613
Constant	10.14844	9.48344		1.070122

R^2 .625 **Adjusted R^2** .622 ***p < .05** ****p< .01**

TABLE D2A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— NINTH CIRCUIT DRUG OFFENSES

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
CRACK	-1.3949	0.8589	-0.936346343	0.2479
HEROIN	-0.1451	0.584	-0.138645458	0.865
MARIJUAN	0.2624	0.3003	0.476380449	1.3001
METHAM	0.5731	0.4481	0.735257353	1.7737
ODRG	0.057	0.5593	0.039350907	1.0587
XCRHISSR**	0.6107	0.1805	2.646755223	1.8417
CRIMHIST	-0.0276	0.2459	-0.049159342	0.9728
STATMIN	0.0014	0.0018	1.025486638	1.0014
NOCOUNTS	-0.1108	0.0888	-0.760785402	0.8951
ACCPTPSR	0.1649	0.2738	0.298801206	1.1793
ADJUSTME	0.0369	0.0781	0.22585791	1.0376
DOWNWARD**	-3.6586	0.5586	-6.309874185	0.0258
PROBATIO**	-4.4416	0.6262	-5.917394232	0.0118
CAREER	0.3403	0.2875	0.620169368	1.4054
XFOLSOR**	0.0924	0.0215	3.179264741	1.0968
MONSEX**	-0.8384	0.2427	-1.005943484	0.4324
AGE	0.0019	0.0115	0.066276256	1.0019
NUMDEPEN	-0.0051	0.0423	-0.04039669	0.9949
USCITIZE**	-1.2415	0.3439	-2.282120065	0.2889
BLACK	0.4841	0.6541	0.433022422	1.6227
HISPANIC	0.1768	0.3514	0.324974414	1.1934
EDUCCAT	-0.1222	0.0985	-0.525189163	0.885
DOCPLEA	0.2979	0.2302	0.527680554	1.347
TRIAL	0.1706	0.612	0.211526654	1.186
ARIZONA**	-1.6964	0.3839	-2.468111021	0.1833
CALNOR	-1.0225	0.8117	-0.589257402	0.3597
CALCEN	1.4732	1.2036	1.628309397	4.3631
CALSOU	-0.6434	0.4137	-1.089641381	0.5255
HAWETAL	0.6844	0.7034	0.53230293	1.9825
IDAMONT	-0.0115	0.5739	-0.007414905	0.9886
NEVADA**	-2.1463	0.6279	-1.481734253	0.1169
OREGON	-0.9918	0.5465	-1.084413014	0.3709
WASHWEST	-0.2959	0.6487	-0.22359282	0.7439
Constant	4.3624	1.085		

-2 log likelihood: 706.785 **Model Chi-Square:** 622.013
R^2_L: .468 **R^2:** .430 Φ_p: .576
N = 2073 **DF =** 33 ***p < .05** ****p < .01**

TABLE D2B
OLS SENTENCE LENGTH ESTIMATES—NINTH CIRCUIT DRUG OFFENSES WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Score	VIF
CRACK	5.283231	9.576414	0.008567	0.551692	1.399009
HEROIN	-9.01267	5.605337	-0.02328	-1.60787	1.215772
MARIJUAN*	8.353475	3.85837	0.041001	2.165027	2.08065
METHAM**	21.00326	4.741683	0.074451	4.429495	1.638974
ODRG	1.174617	8.648535	0.00197	0.135817	1.220085
XCRHISSR**	13.40853	1.649581	0.158834	8.128447	2.215202
CRIMHIST	3.558128	3.561772	0.016892	0.998977	1.658823
STATMIN**	0.242597	0.017077	0.224721	14.20571	1.45178
NOCOUNTS**	13.63261	0.77489	0.264364	17.59296	1.309987
ACCPTPSR	-3.59908	3.135942	-0.01646	-1.14769	1.193923
ADJUSTME**	6.316435	0.902521	0.105806	6.998657	1.32596
DOWNWARD**	-53.4513	3.54155	-0.26052	-15.0926	1.728568
UPWARD**	56.45305	14.18747	0.053815	3.979078	1.061165
PROBATIO*	-24.5407	10.33702	-0.06909	-2.37406	4.913347
CAREER**	14.02029	3.985529	0.06903	3.517799	2.233966
OFFENSEC	-7.31954	12.31964	-0.00916	-0.59414	1.380138
XFOLSOR**	5.245504	0.261445	0.474336	20.06353	3.242623
MONSEX*	-11.7282	4.621312	-0.03724	-2.53786	1.24893
AGE**	0.416856	0.152099	0.039208	2.740686	1.187313
NUMDEPEN	-1.14898	0.626469	-0.02536	-1.83405	1.10914
USCITIZE**	-11.6475	4.483916	-0.05778	-2.59761	2.869961
BLACK*	15.24409	6.608508	0.036287	2.306737	1.435601
HISPANIC**	12.47236	4.615986	0.062006	2.701993	3.055151
EDUCCAT	-0.21618	1.313247	-0.00252	-0.16462	1.363256
DOCPLEA	-0.04067	3.491543	-0.00019	-0.01165	1.523579
TRIAL**	17.79953	5.163835	0.060436	3.44696	1.783425
ARIZONA	-11.4434	5.885382	-0.04861	-1.94437	3.626281
CALNOR**	-27.0318	9.167852	-0.04421	-2.94854	1.304424
CALCEN	7.326566	7.231242	0.01684	1.013182	1.602612
CALSOU	-6.46438	5.379327	-0.02837	-1.20171	3.233923
HAWETAL	-8.8052	8.475671	-0.01602	-1.03888	1.378957
IDAMONT*	19.78878	7.965823	0.039024	2.48421	1.431593
NEVADA*	-18.6024	8.054676	-0.0371	-2.30951	1.497032
OREGON	1.059456	6.113171	0.003169	0.173307	1.939222
WASHEAST	-6.12743	8.402232	-0.01115	-0.72926	1.355164
WASHWEST*	-14.721	7.147914	-0.03438	-2.05948	1.616532
Hazard Rate**	-122.078	16.71348	-0.23249	-7.30417	5.877724
(Constant)	15.32664	19.92262		0.769308	

R^2 .654 **Adjusted R^2** .647 ***p < .05** ****p< .01**

TABLE D3A

INCARCERATION ESTIMATES—NINTH CIRCUIT FIREARM OFFENSES

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
XCRHISSR	0.9294	0.516	5.553788952	2.5329
CRIMHIST	1.8222	1.3973	2.433884196	6.1857
STATMIN	0.0668	0.4462	52.11648507	1.069
NOCOUNTS	-0.4516	0.5863	-2.367087905	0.6366
ACCPTPSR	-0.3619	1.1853	-0.533414068	0.6963
ADJUSTME	-0.0612	0.7336	-0.229999579	0.9406
DOWNWARD**	-5.3664	1.3871	-5.74525958	0.0047
PROBATIO	-1.7402	1.2957	-1.73802201	0.1755
CAREER	-0.9909	1.1563	-1.235728838	0.3712
XFOLSOR*	0.3676	0.1519	9.891674515	1.4442
MONSEX	0.293	1.639	0.158131519	1.3405
AGE	-0.0312	0.0454	-0.871127213	0.9693
NUMDEPEN	-0.2279	0.2744	-1.225840565	0.7962
USCITIZE*	-4.0464	1.7233	-5.149946623	0.0175
HISPANIC	0.7321	1.3412	0.923330188	2.0794
EDUCCAT	-0.3023	0.4233	-0.915887379	0.7391
DOCPLEA	-0.596	1.2562	-0.902503749	0.551
ARIZONA	-0.6337	1.3061	-0.689054296	0.5306
CALCEN	2.4347	1.8523	2.706342133	11.4123
CALSOU	-0.898	1.6763	-0.860595912	0.4074
IDAMONT	-0.5641	1.5026	-0.423622178	0.5689
NEVADA	-0.2569	1.7873	-0.181206203	0.7734
OREGON	3.491	2.567	3.766918625	32.8199
WASHWEST	1.4241	2.1574	1.004498846	4.1542
Constant	4.336	4.2359		

-2 log likelihood: 56.755 **Model Chi-Square:** 134.752

R^2_L: .703 **R^2:** .721 **Φ_p:** .837

N = 266 **DF =** 24 ***p < .05** ****p < .01**

TABLE D3B
OLS SENTENCE LENGTH ESTIMATES—NINTH CIRCUIT FIREARM OFFENSES WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Score
XCRHISSR**	13.15938	1.762644	0.344703	7.465707
CRIMHIST	-3.24144	7.877945	-0.01514	-0.41146
STATMIN**	0.088761	0.020963	0.148825	4.234234
NOCOUNTS	-3.53651	2.140708	-0.05865	-1.65203
ACCPTPSR	-3.56473	5.418907	-0.02095	-0.65783
ADJUSTME	2.058202	2.321344	0.031374	0.886642
DOWNWARD**	-39.0765	7.446255	-0.20307	-5.24781
UPWARD	-3.72074	11.52119	-0.00991	-0.32295
PROBATIO	13.85201	8.272797	0.063887	1.674404
CAREER	-2.80026	7.64422	-0.01553	-0.36632
OFFENSEC	20.32357	11.14966	0.059048	1.822797
XFOLSOR**	5.682542	0.377737	0.645309	15.04365
MONSEX	-0.32035	12.36026	-0.00081	-0.02592
AGE	0.28164	0.242556	0.036088	1.161134
NUMDEPEN	0.867868	1.350593	0.020253	0.642583
USCITIZE	-13.1472	6.995772	-0.0664	-1.87931
BLACK	1.907128	6.631007	0.009336	0.287608
HISPANIC	-0.60353	6.66242	-0.00332	-0.09059
EDUCCAT	-0.11838	2.412505	-0.00158	-0.04907
DOCPLEA	-7.27977	5.868017	-0.04711	-1.24058
TRIAL*	20.58546	8.431437	0.097351	2.441513
ARIZONA	-4.72317	9.628444	-0.02477	-0.49054
CALNOR	6.928752	21.70089	0.010244	0.319284
CALCEN	-12.6388	10.04809	-0.05161	-1.25783
CALSOU	5.055135	10.27818	0.021708	0.491832
HAWETAL	0.748711	11.25701	0.002563	0.066511
IDAMONT	-6.6402	11.09717	-0.02334	-0.59837
NEVADA	6.585644	10.48207	0.024854	0.628277
OREGON	-2.84314	9.308779	-0.01361	-0.30543
WASHEAST	-8.80618	9.604043	-0.04008	-0.91692
WASHWEST	-9.11831	11.66001	-0.0285	-0.78202
Hazard Rate**	-37.8974	12.66579	-0.14283	-2.9921
(Constant)	-26.0973	22.59398		-1.15506

R^2 .812 **Adjusted R^2** .786 ***p < .05** ****p< .01**

TABLE D4A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— NINTH CIRCUIT "OTHER" OFFENSES

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
PROPERTY	0.3629	0.2903	0.28323317	1.4375
WHTCOLLR*	0.4777	0.2277	0.595819663	1.6124
IMMIGRAT**	1.7838	0.3654	2.016597655	5.9523
XCRHISSR**	0.9469	0.1418	4.058142022	2.5776
CRIMHIST	0.1587	0.204	0.197779054	1.172
STATMIN	-0.0033	0.0018	-2.542833712	0.9967
NOCOUNTS	0.2158	0.1363	1.190332005	1.2408
ACCPTPSR	-0.097	0.2266	-0.117072574	0.9076
ADJUSTME**	0.218	0.0746	0.818818749	1.2436
DOWNWARD**	-4.0042	0.3202	-3.240218449	0.0182
PROBATIO**	-0.8235	0.3032	-1.036408716	0.4389
CAREER	-0.2855	0.2169	-0.358863897	0.7517
XFOLSOR**	0.4171	0.0363	7.004090393	1.5176
MONSEX*	-0.4023	0.1787	-0.439455271	0.6688
AGE	-0.0029	0.0075	-0.080710217	0.9971
NUMDEPEN	-0.01	0.0187	-0.071100732	0.9901
USCITIZE*	-0.5029	0.2495	-0.620678283	0.6048
BLACK	0.2783	0.2863	0.222295786	1.3209
HISPANIC	0.0465	0.291	0.055498503	1.0476
EDUCCAT*	-0.1934	0.0783	-0.622195943	0.8241
TRIAL	0.3576	0.548	0.232578244	1.4299
DOCPLEA	0.2577	0.2231	0.3022677	1.294
ARIZONA	-0.2481	0.273	-0.213611319	0.7802
CALNOR	0.5615	0.3696	0.303702978	1.7534
CALCEN	0.3365	0.3274	0.342758929	1.4
CALSOU	-0.098	0.3565	-0.084467425	0.9067
HAWETAL	0.378	0.4892	0.18473026	1.4593
IDAMONT	0.0743	0.3415	0.042410341	1.0771
NEVADA	0.3671	0.3153	0.236101591	1.4436
OREGON*	0.8557	0.3817	0.517894754	2.3531
WASHEAST	1.2455	0.7811	0.68042406	3.4748
WASHWEST	0.5538	0.3052	0.338652391	1.7398
Constant	-1.7452	0.8261		

-2 log likelihood:		1008.290		**Model Chi-Square:**		895.895	
R^2_L:	.470	**R^2:**	.504	**Φ_p:**		.650	
N =	1847	**DF** = 32		***p < .05**		****p < .01**	

TABLE D4B
OLS SENTENCE LENGTH ESTIMATES—NINTH CIRCUIT "OTHER" OFFENSES WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Score
PROPERTY	0.148594	4.910107	0.000606	0.030263
WHTCOLLR	-0.09434	3.604	-0.00061	-0.02618
IMMIGRAT	1.967725	5.406459	0.010141	0.363958
XCRHISSR**	9.853696	1.133297	0.206647	8.69472
CRIMHIST	0.370988	3.458521	0.002294	0.107268
STATMIN**	0.166688	0.013924	0.208373	11.97117
NOCOUNTS	-0.28767	0.530343	-0.00933	-0.54242
ACCPTPSR	-3.90078	3.227132	-0.02019	-1.20874
ADJUSTME*	2.258497	0.934541	0.045034	2.416691
DOWNWARD**	-51.9609	4.194585	-0.24988	-12.3876
UPWARD	11.28651	6.7279	0.028267	1.677569
PROBATIO**	23.45179	3.80162	0.150096	6.168893
CAREER	-3.06002	3.526106	-0.01964	-0.86782
XFOLSOR**	8.649444	0.291913	0.77153	29.63021
MONSEX	-5.03931	3.291937	-0.02662	-1.5308
AGE*	-0.23719	0.120528	-0.03395	-1.96797
NUMDEPEN	0.043383	0.418632	0.001685	0.10363
USCITIZE*	-8.21249	4.145302	-0.04821	-1.98116
BLACK	2.79988	4.430659	0.010619	0.631933
HISPANIC	-8.78133	4.554738	-0.05015	-1.92796
EDUCCAT	-2.35983	1.218185	-0.03879	-1.93716
TRIAL**	23.65712	5.743683	0.083622	4.118807
DOCPLEA	-2.36504	3.592367	-0.01277	-0.65835
ARIZONA	7.952679	4.569866	0.03884	1.740243
CALNOR	1.996553	6.271015	0.005829	0.318378
CALCEN	3.416789	5.049725	0.013787	0.676629
CALSOU	1.551686	5.260163	0.00654	0.294988
HAWETAL*	17.09215	7.378006	0.042224	2.316635
IDAMONT	-0.40194	5.956909	-0.00127	-0.06747
NEVADA	8.323558	5.102492	0.033289	1.631273
OREGON	8.339646	6.072147	0.025813	1.373426
WASHEAST	-2.86632	8.935168	-0.00557	-0.32079
WASHWEST	-7.14182	5.330176	-0.02645	-1.33989
Hazard Rate**	-80.976	7.599353	-0.29418	-10.6556
(Constant)	-7.24901	12.62593		-0.57414

R^2 .551 Adjusted R^2 .543 *p < .05 **p< .01

TABLE D5A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— NINTH CIRCUIT 21 USC § 841 DRUG OFFENSES

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
CRACK	-1.2494	1.0571	-1.1121336	0.2867
HEROIN	-0.649	0.761	-0.713559941	0.5226
MARIJUAN	-0.29	0.4852	-0.539212871	0.7483
METHAM	1.6564	0.9424	2.348434523	5.2402
ODRRUG	-0.8776	0.8542	-0.639907655	0.4158
XCRHISSR	0.4146	0.2473	1.958530923	1.5138
CRIMHIST	-0.0657	0.3797	-0.12322578	0.9365
STATMIN**	0.019	0.0058	13.80465577	1.0192
NOCOUNTS*	-0.3237	0.1326	-1.878530927	0.7235
ACCPTPSR	0.7853	0.4046	1.47580827	2.193
ADJUSTME	-0.0322	0.12	-0.195840177	0.9683
DOWNWARD**	-4.3245	0.852	-8.215823099	0.0132
PROBATIO**	-5.2238	1.0996	-3.575037317	0.0054
CAREER	0.2896	0.4343	0.56262358	1.3359
XFOLSOR	0.0075	0.036	0.215193498	1.0075
MONSEX**	-1.8661	0.383	-2.198465434	0.1547
AGE	0.0069	0.0182	0.250521129	1.0069
NUMDEPEN**	-0.1529	0.0584	-1.261525126	0.8582
USCITIZE**	-1.3234	0.4934	-2.573747856	0.2662
BLACK	0.0686	0.9596	0.072197142	1.071
HISPANIC	0.2324	0.503	0.452830474	1.2617
EDUCCAT	-0.2913	0.1568	-1.334630825	0.7473
DOCPLEA	0.0631	0.3646	0.11077732	1.0652
TRIAL	-0.078	0.9263	-0.096910005	0.925
ARIZONA	0.2694	0.6731	0.454301215	1.3092
CALNOR	-0.1015	1.1999	-0.063128693	0.9035
CALEAS**	2.5885	1.2875	2.454804589	13.3092
CALCEN	1.2149	1.4598	1.412960577	3.3699
CALSOU	0.5693	0.7806	0.826430725	1.7671
HAWETAL	1.7876	1.3643	1.477745921	5.975
IDAMONT**	3.5228	1.3564	2.543811485	33.878
NEVADA	-0.6885	0.9871	-0.539067982	0.5023
OREGON	1.4089	0.8319	2.100733739	4.0913
WASHEAST	1.8472	1.2337	1.252344232	6.3423
Constant	5.9116	1.6545		

-2 log likelihood: 305.989 **Model Chi-Square:** 247.599
R^2_L: .4472 **R^2:** .379 **Φ_p:** .5161
N = 1070 **DF** = 34 ***p < .05** ****p < .01**

TABLE D5B
OLS SENTENCE LENGTH ESTIMATES—NINTH CIRCUIT 21841 DRUG OFFENSES WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Score
CRACK	4.386986	7.955299	0.012803	0.551455
HEROIN	-6.66827	5.340862	-0.02504	-1.24854
MARIJUAN	2.700144	3.822567	0.018371	0.706369
METHAM**	17.9511	4.891401	0.087933	3.669929
ODRRUG	1.450407	8.612164	0.003449	0.168414
XCRHISSR**	10.03028	1.639925	0.170655	6.116304
CRIMHIST	0.347363	3.546969	0.002295	0.097932
STATMIN**	0.194354	0.028729	0.162298	6.76503
NOCOUNTS**	12.7215	0.903473	0.284685	14.08067
ACCPTPSR	-0.48926	3.094987	-0.00309	-0.15808
ADJUSTME**	4.393907	0.974683	0.091602	4.508036
DOWNWARD**	-45.3357	3.511329	-0.31335	-12.9113
PROBATIO	14.54784	10.40429	0.035115	1.398254
CAREER	5.158293	3.934376	0.035691	1.311083
OFFENSEC	18.89285	11.07069	0.038256	1.706564
XFOLSOR**	4.477651	0.276839	0.451661	16.17422
MONSEX	-6.78393	5.208134	-0.02744	-1.30256
AGE	-0.10076	0.154202	-0.01291	-0.65344
NUMDEPEN	-0.11156	0.658378	-0.00333	-0.16945
USCITIZE*	-8.9349	4.368321	-0.06178	-2.04538
BLACK	12.05982	6.556595	0.04298	1.839342
HISPANIC	6.129335	4.416205	0.042602	1.387919
EDUCCAT	-0.484	1.304035	-0.00792	-0.37116
DOCPLEA	-3.45108	3.500772	-0.02118	-0.9858
TRIAL	0.64086	5.327236	0.002749	0.120299
ARIZONA	-0.3595	5.638235	-0.00228	-0.06376
CALNOR	-1.29785	9.152912	-0.00294	-0.1418
CALCEN	-2.16785	7.6686	-0.00626	-0.28269
CALSOU	-8.18815	5.741728	-0.04216	-1.42608
HAWETAL	-8.72529	8.498251	-0.02283	-1.02672
IDAMONT	12.8897	8.136638	0.035733	1.584155
NEVADA	-14.7473	7.649368	-0.04386	-1.92791
OREGON	-1.33005	5.545894	-0.00691	-0.23983
WASHEAST	5.049201	8.257531	0.01288	0.611466
WASWEST	-10.6267	7.606256	-0.03161	-1.39711
Hazard Rate	-24.8559	13.74954	-0.05476	-1.80776
(Constant)	-31.9684	18.70819		-1.70879

R^2 .669 **Adjusted R^2** .658 ***p < .05** ****p< .01**

TABLE D6A
LOGIT ESTIMATIONS OF THE DETERMINANTS OF INCARCERATION— NINTH CIRCUIT
"OTHER" DRUG OFFENSES

Variable	Unstandardized Coefficient	Standard Error	Standardized Coefficient	Exp(B)
HEROIN	0.4983	1.1927	0.634505084	1.6459
MARIJUAN	0.368	0.5756	0.868768387	1.4449
METHAM	0.0739	0.6885	0.130203346	1.0767
ODRRUG	-0.4644	0.9216	-0.464594602	0.6285
XCRHISSR*	0.8357	0.412	4.720434856	2.3065
CRIMHIST	0.3348	0.5112	0.781427747	1.3977
STATMIN**	0.0186	0.007	16.7934159	1.0187
NOCOUNTS	1.044	0.8066	12.29398301	2.8406
ACCPTPSR	-0.4907	0.4923	-1.177204477	0.6122
ADJUSTME	0.1828	0.1354	1.701117855	1.2006
DOWNWARD**	-4.9093	1.2499	-11.35493742	0.0074
PROBATIO*	-3.2093	1.274	-3.104668372	0.0404
CAREER	0.6594	0.5769	1.577538719	1.9336
XFOLSOR	0.0421	0.0416	1.70350794	1.043
MONSEX	-0.4619	0.5	-0.749183704	0.6301
AGE	0.0162	0.0237	0.761990991	1.0163
NUMDEPEN	0.1648	0.1473	1.550435705	1.1792
USCITIZE	-0.4157	0.6909	-1.002442549	0.6599
BLACK	0.6323	1.1687	0.713132556	1.882
HISPANIC	1.4286	0.7622	3.444511251	4.1727
EDUCCAT	-0.2366	0.2002	-1.328290131	0.7893
DOCPLEA	0.3809	0.4772	0.892274642	1.4635
Constant	2.7555	2.2749		

-2 log likelihood: 76.4545 **Model Chi-Square:** 118.716

R^2_L: .4082 **R^2:** .249 **Φ_p:** .2299

N = 879 **DF = 22** ***p < .05** ****p < .01**

TABLE D6B
OLS SENTENCE LENGTH ESTIMATES—NINTH CIRCUIT "OTHER" DRUG OFFENSES WITH HAZARD RATE

	b Coefficient	Standard Error	Beta Weight	T-Score
HEROIN	-2.45795	11.41207	-0.0049	-0.21538
MARIJUAN	11.07752	7.927834	0.042279	1.397295
METHAM	16.29626	8.90362	0.047413	1.830296
ODRRUG	14.84229	17.53706	0.018831	0.846338
XCRHISSR**	12.72113	2.953957	0.116081	4.306472
CRIMHIST	8.953425	7.19741	0.033055	1.243979
STATMIN**	0.272807	0.026433	0.253586	10.32067
NOCOUNTS**	14.16762	1.286249	0.262188	11.01468
ACCPTPSR	-7.99665	6.136728	-0.0295	-1.30308
ADJUSTME*	7.503367	1.606573	0.113989	4.670419
DOWNWARD**	-54.4584	7.037355	-0.20684	-7.73848
PROBATIO	13.19553	17.53263	0.01804	0.752627
CAREER**	21.48182	7.981985	0.082107	2.691287
XFOLSOR**	5.650283	0.502718	0.367195	11.23946
MONSEX	-5.50656	8.81837	-0.01406	-0.62444
AGE**	1.120615	0.304868	0.084527	3.675739
NUMDEPEN	-2.5451	1.443464	-0.03863	-1.76319
USCITIZE	-1.8055	8.963965	-0.00698	-0.20142
BLACK	21.03949	12.58813	0.037572	1.671376
HISPANIC*	23.90921	9.433446	0.092337	2.534514
EDUCCAT	0.434638	2.678667	0.00389	0.162259
DOCPLEA	1.944924	7.076387	0.007274	0.274847
TRIAL**	33.19611	9.806413	0.099579	3.385143
ARIZONA	-4.29511	12.20488	-0.01131	-0.35192
CALNOR**	-47.6847	17.6135	-0.06406	-2.70728
CALCEN	11.26935	13.50962	0.023272	0.834172
CALSOU	6.205231	10.50219	0.023588	0.590851
HAWETAL	-18.0894	17.24393	-0.02515	-1.04903
IDAMONT	23.90035	16.38927	0.034848	1.458293
NEVADA	0.405345	16.54197	0.000591	0.024504
OREGON**	51.7009	19.57131	0.060023	2.641668
WASHEAST	-12.8279	16.45166	-0.01926	-0.77973
WASHWEST	-15.5423	13.3356	-0.03253	-1.16547
Hazard Rate**	-146.995	34.40488	-0.11785	-4.2725
(Constant)	-19.9834	39.11625		-0.51087

R^2 .655 **Adjusted R^2** .641 ***p < .05** ****p< .01**

TABLE D7A
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FULL AND OFFENSE SPECIFIC MODELS OF INCARCERATION* NINTH CIRCUIT

	FULL	DRUGS	FIREARMS	ROBBERY	OTHER
Xcrhissr	3(+)	4(+)	ns	---	2(+)
Crimhist	ns	ns	ns	---	ns
Statmin	5(-)	ns	ns	---	ns
Nocounts	ns	ns	ns	---	ns
Accptpsr	ns	ns	ns	---	ns
Adjustme	13(+)	ns	ns	---	6(+)
Downward	2(-)	1(-)	2(-)	---	3(-)
Probatio	4(-)	2(-)	---	---	5(-)
Career	ns	ns	ns	---	ns
Offensec	ns	---	---	---	---
Xfolsor	1(+)	3(+)	1(+)	---	1(+)
Monsex	9(-)	8(-)	ns	---	11(-)
Age	ns	ns	ns	---	ns
Numdepen	ns	ns	ns	---	ns
USCitize	6(-)	6(-)	3(-)	---	8(-)
Black	ns	ns	---	---	ns
Hispanic	ns	ns	ns	---	ns
Educcatn	11(-)	ns	ns	---	7(-)
Docplea	9(+)	ns	ns	---	ns
Trial	ns	ns	---	---	ns
Arizona	12(+)	5(-)	ns	---	ns
Calnor	ns	ns	--	---	ns
Calcen	ns	ns	ns	---	ns
Calsou	ns	ns	ns	---	ns
Hawetal	14(+)	ns	---	---	ns
Idamont	ns	ns	ns	---	ns
Nevada	ns	7(-)	ns	---	10(+)
Oregon	ns	ns	ns	---	ns
Washeast	8(+)	---	---	---	ns
Washwest	ns	ns	ns	---	ns

*--these models are compared on the common included variables
ns = non-significant

TABLE D7B
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE DRUG OFFENSE AND STATUTE SPECIFIC MODELS OF INCARCERATION NINTH CIRCUIT

	DRUGS	21841	21844	21960	OTHER
Crack	ns	ns	---	---	--
Heroin	ns	ns	---	---	ns
Marijuana	ns	ns	---	---	ns
Metham	ns	ns	---	---	ns
Odrug	ns	ns	---	---	ns
Xcrhissr	4(+)	ns	---	---	3(+)
Crimhist	ns	ns	---	---	ns
Statmin	ns	1(+)	---	---	1(+)
Nocounts	ns	8(-)	---	---	ns
Accptpsr	ns	ns	---	---	ns
Adjustme	ns	ns	---	---	ns
Downward	1(-)	2(-)	---	---	2(-)
Probatio	2(-)	3(-)	---	---	4(-)
Career	ns	ns	---	---	ns
Offensec	---	---	---	---	---
Xfolsor	3(+)	ns	---	---	ns
Monsex	8(-)	7(-)	---	---	5(-)
Age	ns	ns	---	---	ns
Numdepen	ns	9(-)	---	---	ns
USCitize	6(-)	4(-)	---	---	ns
Black	ns	ns	---	---	ns
Hispanic	ns	ns	---	---	ns
Educcatn	ns	ns	---	---	ns
Docplea	ns	ns	---	---	ns
Trial	ns	ns	---	---	---
Arizona	5(-)	ns	---	---	---
Calnor	ns	ns	---	---	---
Calcen	ns	ns	---	---	---
Calsou	ns	ns	---	---	---
Caleas	---	6(+)	---	---	---
Hawetal	ns	ns	---	---	---
Idamont	ns	5(+)	---	---	---
Nevada	7(-)	ns	---	---	---
Oregon	ns	ns	---	---	---
Washeast	---	ns	---	---	---
Washwest	ns	ns	---	---	---

ns = non-significant

TABLE D8A
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FULL AND OFFENSE SPECIFIC MODELS OF SENTENCE LENGTH WITH HAZARD RATE NINTH CIRCUIT

	FULL	DRUGS	FIREARMS	ROBBERY	OTHER
Xcrhissr	5(+)	6(+)	2(+)	---	5(+)
Crimhist	ns	ns	ns	---	ns
Statmin	4(+)	5(+)	4(+)	---	4(+)
Nocounts	6(+)	2(+)	ns	---	ns
Accptpsr	ns	ns	ns	---	ns
Adjustme	8(+)	7(+)	ns	---	8(+)
Downward	3(-)	3(-)	3(-)	---	3(-)
Upward	11(+)	14(+)	ns	---	ns
Probatio	13(+)	9(-)	ns	---	6(+)
Career	ns	10(+)	ns	---	ns
Offensec	12(+)	ns	ns	---	---
Xfolsor	1(+)	1(+)	1(+)	---	1(+)
Monsex	15(-)	19(-)	ns	---	ns
Age	ns	17(+)	ns	---	10(-)
Numdepen	ns	ns	ns	---	ns
USCitize	10(-)	13(-)	ns	---	ns
Black	ns	21(+)	ns	---	ns
Hispanic	ns	11(+)	ns	---	ns
Educcatn	16(-)	ns	ns	---	ns
Docplea	ns	ns	ns	---	ns
Trial	9(+)	12(+)	6(+)	---	7(+)
Arizona	ns	ns	ns	---	ns
Calnor	ns	15(-)	ns	---	ns
Calcen	ns	ns	ns	---	ns
Calsou	ns	ns	ns	---	ns
Hawetal	ns	ns	ns	---	9(+)
Idamont	ns	18(+)	ns	---	ns
Nevada	ns	20(-)	ns	---	ns
Oregon	ns	ns	ns	---	ns
Washeast	ns	ns	ns	---	ns
Washwest	ns	22(-)	ns	---	ns
Hazard Rate	2	4	5	---	2

*--these models are compared on the common included variables

ns = non-significant

TABLE D8B

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS: THE DRUG OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH WITH THE HAZARD RATE NINTH CIRCUIT

	DRUGS	21841	21844	21960	OTHER
Crack	ns	ns	---	---	---
Heroin	ns	ns	---	---	ns
Marijuana	16(+)	ns	---	---	ns
Metham	8(+)	7(+)	---	---	ns
Odrug	ns	ns	---	---	ns
Xcrhissr	6(+)	4(+)	---	---	7(+)
Crimhist	ns	ns	---	---	ns
Statmin	5(+)	5(+)	---	---	3(+)
Nocounts	2(+)	3(+)	---	---	2(+)
Accptpsr	ns	ns	---	---	ns
Adjustme	7(+)	6(+)	---	---	8(+)
Downward	3(-)	2(-)	---	---	5(-)
Upward	14(+)	---	---	---	---
Probatio	9(-)	ns	---	---	ns
Career	10(+)	ns	---	---	12(+)
Offensec	ns	ns	---	---	---
Xfolsor	1(+)	1(+)	---	---	1(+)
			---	---	
Monsex	19(-)	ns	---	---	ns
Age	17(+)	ns	---	---	11(+)
Numdepen	ns	ns	---	---	ns
USCitize	13(-)	8(-)	---	---	ns
Black	21(+)	ns	---	---	ns
Hispanic	11(+)	ns	---	---	ns
Educcatn	ns	ns	---	---	ns
Docplea	ns	ns	---	---	ns
Trial	12(+)	ns	---	---	9(+)
Arizona	ns	ns	---	---	ns
Calnor	15(-)	ns	---	---	13(-)
Calcen	ns	ns	---	---	ns
Calsou	ns	ns	---	---	ns
Hawetal	ns	ns	---	---	ns
Idamont	18(+)	ns	---	---	ns
Nevada	20(-)	ns	---	---	ns
Oregon	ns	ns	---	---	14(+)
Washeast	ns	ns	---	---	ns
Washwest	22(-)	ns	---	---	ns
Hazard Rate	4	ns	---	---	6

*--these models are compared on the common included variables

ns = non-significant

TABLE D9A
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FULL MODELS OF INCARCERATION*

		ALL CIRCUITS	NINTH CIRCUIT
Xcrhissr		3(+)	3(+)
Crimhist		16(+)	ns
Statmin		7(-)	5(-)
Nocounts		5(+)	ns
Accptpsr		10(-)	ns
Adjustme		9(+)	13(+)
Downward		2(-)	2(-)
Probatio		4(-)	4(-)
Career		ns	ns
Offensec		6(-)	ns
Xfolsor		1(+)	1(+)
Monsex		11(-)	9(-)
Age		ns	ns
Numdepen		ns	ns
USCitize		8(-)	6(-)
Black		ns	ns
Hispanic		ns	ns
Educcatn		23(-)	11(-)
Docplea		12(+)	9(+)
Trial		15(+)	ns
1st	**Arizona**	ns	12(+)
2nd	**Calnor**	21(-)	ns
3rd	**Calcen**	20(-)	ns
4th	**Calsou**	22(-)	ns
5th	**Hawetal**	ns	14(+)
7th	**Idamont**	ns	ns
8th	**Nevada**	ns	ns
9th	**Oregon**	17(-)	ns
10th	**Washeast**	ns	8(+)
11th	**Washwest**	24(-)	ns
DC		18(-)	

*--these models are compared on the common included variables

ns = non-significant

TABLE D9B
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FULL AND OFFENSE SPECIFIC MODELS OF DRUG INCARCERATION*

		ALL CIRCUITS	NINTH CIRCUIT
Xcrhissr		3(+)	4(+)
Crimhist		ns	ns
Statmin		13(-)	ns
Nocounts		ns	ns
Accptpsr		ns	ns
Adjustme		ns	ns
Downward		1(-)	1(-)
Probatio		4(-)	2(-)
Career		ns	ns
Offensec		8(-)	---
Xfolsor		2(+)	3(+)
Monsex		9(-)	8(-)
Age		ns	ns
Numdepen		ns	ns
USCitize		5(-)	6(-)
Black		ns	ns
Hispanic		ns	ns
Educcatn		16(-)	ns
Docplea		17(+)	ns
Trial		ns	ns
1st	**Arizona**	ns	5(-)
2nd	**Calnor**	14(-)	ns
3rd	**Calcen**	12(-)	ns
4th	**Calsou**	6(-)	ns
5th	**Hawetal**	ns	ns
7th	**Idamont**	ns	ns
8th	**Nevada**	15(-)	7(-)
9th	**Oregon**	7(-)	ns
10th	**Washeast**	ns	---
11th	**Washwest**	ns	ns
DC		11(-)	

TABLE D9C

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE MODELS OF FIREARM INCARCERATION*

		ALL CIRCUITS	NINTH CIRCUIT
Xcrhissr		3(+)	ns
Crimhist		ns	ns
Statmin		ns	ns
Nocounts		4(+)	ns
Accptpsr		ns	ns
Adjustme		ns	ns
Downward		2(-)	2(-)
Probatio		6(-)	---
Career		ns	ns
Offensec		---	---
Xfolsor		1(+)	1(+)
Monsex		9(-)	ns
Age		ns	ns
Numdepen		7(-)	ns
USCitize		5(-)	3(-)
Black		ns	---
Hispanic		ns	ns
Educcatn		8(-)	ns
Docplea		ns	ns
Trial		---	---
1st	**Arizona**	ns	ns
2nd	**Calnor**	ns	--
3rd	**Calcen**	ns	ns
4th	**Calsou**	ns	ns
5th	**Hawetal**	ns	---
7th	**Idamont**	ns	ns
8th	**Nevada**	ns	ns
9th	**Oregon**	ns	ns
10th	**Washeast**	ns	---
11th	**Washwest**	ns	ns
DC		ns	

TABLE D9D
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE 'OTHER' OFFENSE MODELS OF INCARCERATION*

		ALL CIRCUITS	NINTH CIRCUIT
Xcrhissr		3(+)	2(+)
Crimhist		8(+)	ns
Statmin		ns	ns
Nocounts		5(+)	ns
Accptpsr		6(-)	ns
Adjustme		ns	6(+)
Downward		2(-)	3(-)
Probatio		ns	5(-)
Career		ns	ns
Offensec		---	---
Xfolsor		1(+)	1(+)
Monsex		12(-)	11(-)
Age		ns	ns
Numdepen		ns	ns
USCitize		7(-)	8(-)
Black		ns	ns
Hispanic		ns	ns
Educcatn		ns	7(-)
Docplea		15(+)	ns
Trial		ns	ns
1st	Arizona	ns	ns
2nd	Calnor	9(-)	ns
3rd	Calcen	13(-)	ns
4th	Calsou	ns	ns
5th	Hawetal	11(-)	ns
7th	Idamont	ns	ns
8th	Nevada	ns	10(+)
9th	Oregon	ns	ns
10th	Washeast	ns	ns
11th	Washwest	14(-)	ns
DC		ns	

TABLE D9E
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE GENERAL DRUG MODELS OF INCARCERATION

		ALL CIRCUITS	NINTH CIRCUIT
Crack		ns	ns
Heroin		ns	ns
Marijuana		10(-)	ns
Metham		ns	ns
LSD		ns	--
Other		18(-)	ns
Xcrhissr		3(+)	4(+)
Crimhist		ns	ns
Statmin		13(-)	ns
Nocounts		ns	ns
Accptpsr		ns	ns
Adjustme		ns	ns
Downward		1(-)	1(-)
Probatio		4(-)	2(-)
Career		ns	ns
Offensec		8(-)	---
Xfolsor		2(+)	3(+)
Monsex		9(-)	8(-)
Age		ns	ns
Numdepen		ns	ns
USCitize		5(-)	6(-)
Black		ns	ns
Hispanic		ns	ns
Educcatn		16(-)	ns
Docplea		17(+)	ns
Trial		6(+)	ns
1st	**Arizona**	ns	5(-)
2nd	**Calnor**	14(-)	ns
3rd	**Calcen**	12(-)	ns
4th	**Calsou**	6(-)	ns
5th	**Hawetal**	ns	---
7th	**Idamont**	ns	ns
8th	**Nevada**	15(-)	7(-)
9th	**Oregon**	7(-)	ns
10th	**Washeast**	ns	ns
11th	**Washwest**	ns	---
DC		11(-)	

ns = non-significant

TABLE D9F
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE USC 21 § 841 MODELS OF INCARCERATION

		ALL CIRCUITS	NINTH CIRCUIT
Crack		8(-)	ns
Heroin		ns	ns
Marijuana		11(-)	ns
Metham		ns	ns
LSD		ns	---
Other		19(-)	ns
Xcrhissr		3(+)	ns
Crimhist		ns	ns
Statmin		ns	1(+)
Nocounts		ns	8(-)
Accptpsr		ns	ns
Adjustme		20(+)	ns
Downward		1(-)	2(-)
Probatio		9(-)	3(-)
Career		ns	ns
Offensec		ns	---
Xfolsor		2(+)	ns
Monsex		15(-)	7(-)
Age		ns	ns
Numdepen		ns	9(-)
USCitize		5(-)	4(-)
Black		14(+)	ns
Hispanic		ns	ns
Educcatn		17(-)	ns
Docplea		22(+)	ns
Trial		ns	ns
1st	**Arizona**	21(-)	ns
2nd	**Calnor**	10(-)	ns
3rd	**Caleas**	16(-)	ns
4th	**Calcen**	7(-)	ns
5th	**Calsou**	12(-)	6(+)
7th	**Hawetal**	ns	ns
8th	**Idamont**	13(-)	5(+)
9th	**Nevada**	4(-)	ns
10th	**Oregon**	18(-)	ns
11th	**Washeast**	ns	ns
DC	**Washwest**	6(-)	---

ns = non-significant

TABLE D9I
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE 'OTHER' DRUG OFFENSE MODELS OF INCARCERATION

		ALL CIRCUITS	NINTH CIRCUIT
Crack		ns	--
Heroin		ns	ns
Marijuana		11(-)	ns
Metham		14(-)	ns
LSD		ns	---
Other		7(-)	ns
Xcrhissr		3(+)	3(+)
Crimhist		ns	ns
Statmin		ns	1(+)
Nocounts		ns	ns
Accptpsr		ns	ns
Adjustme		10(+)	ns
Downward		1(-)	2(-)
Probatio		4(-)	4(-)
Career		ns	ns
Offensec		ns	---
Xfolsor		2(+)	ns
Monsex		9(-)	5(-)
Age		ns	ns
Numdepen		ns	ns
USCitize		5(-)	ns
Black		ns	ns
Hispanic		ns	ns
Educcatn		ns	ns
Docplea		ns	ns
Trial		ns	---
1st	Arizona	15(-)	---
2nd	Calnor	ns	---
3rd	Caleas	8(-)	---
4th	Calcen	6(-)	---
5th	Calsou	ns	---
7th	Hawetal	ns	---
8th	Idamont	12(-)	---
9th	Nevada	ns	---
10th	Oregon	ns	---
11th	Washeast	ns	---
DC	Washwest	13(-)	---

ns = non-significant

TABLE D10A
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THEGENERAL OFFENSE MODELS OF SENTENCE LENGTH WITH HAZARD RATE

		ALL CIRCUITS	NINTH CIRCUIT
Xcrhissr		5(+)	5(+)
Crimhist		16(+)	ns
Statmin		4(+)	4(+)
Nocounts		14(+)	6(+)
Accptpsr		24(+)	ns
Adjustme		6(+)	8(+)
Downward		3(-)	3(-)
Upward		11(+)	11(+)
Probatio		17(+)	13(+)
Career		ns	ns
Offensec		10(+)	12(+)
Xfolsor		1(+)	1(+)
Monsex		18(-)	15(-)
Age		ns	ns
Numdepen		ns	ns
USCitize		15(-)	10(-)
Black		20(+)	ns
Hispanic		ns	ns
Educcatn		21(-)	16(-)
Docplea		ns	ns
Trial		7(+)	9(+)
1st	Arizona	ns	ns
2nd	Calnor	ns	ns
3rd	Calcen	ns	ns
4th	Calsou	ns	ns
5th	Hawetal	22(+)	ns
7th	Idamont	ns	ns
8th	Nevada	ns	ns
9th	Oregon	ns	ns
10th	Washeast	ns	ns
11th	Washwest	ns	ns
DC		13(-)	
Hazard Rate		2	2

*--these models are compared on the common included variables

ns = non-significant

TABLE D10B
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE DRUG MODELS OF SENTENCE LENGTH WITH HAZARD RATE

		ALL CIRCUITS	NINTH CIRCUIT
Xcrhissr		5(+)	6(+)
Crimhist		22(+)	ns
Statmin		4(+)	5(+)
Nocounts		7(+)	2(+)
Accptpsr		26(+)	ns
Adjustme		6(+)	7(+)
Downward		2(-)	3(-)
Upward		14(+)	14(+)
Probatio		9(-)	9(-)
Career		ns	10(+)
Offensec		18(+)	ns
Xfolsor		1(+)	1(+)
Monsex		12(-)	19(-)
Age		ns	17(+)
Numdepen		ns	ns
USCitize		15(-)	13(-)
Black		16(+)	21(+)
Hispanic		ns	11(+)
Educcatn		23(-)	ns
Docplea		24(-)	ns
Trial		8(+)	12(+)
1st	**Arizona**	ns	ns
2nd	**Calnor**	17(+)	15(-)
3rd	**Calcen**	19(-)	ns
4th	**Calsou**	ns	ns
5th	**Hawetal**	11(+)	ns
7th	**Idamont**	21(+)	18(+)
8th	**Nevada**	ns	20(-)
9th	**Oregon**	18(+)	ns
10th	**Washeast**	ns	ns
11th	**Washwest**	13(+)	22(-)
DC		10(-)	
Hazard Rate		3	4

*--these models are compared on the common included variables

ns = non-significant

TABLE D10C
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FIREARM MODELS OF SENTENCE LENGTH WITH HAZARD RATE

		ALL CIRCUITS	NINTH CIRCUIT
Xcrhissr		3(+)	2(+)
Crimhist		ns	ns
Statmin		2(+)	4(+)
Nocounts		11(+)	ns
Accptpsr		ns	ns
Adjustme		10(+)	ns
Downward		4(-)	3(-)
Upward		6(+)	ns
Probatio		12(+)	ns
Career		ns	ns
Offensec		8(+)	ns
Xfolsor		1(+)	1(+)
Monsex		ns	ns
Age		ns	ns
Numdepen		13(-)	ns
USCitize		ns	ns
Black		ns	ns
Hispanic		ns	ns
Educcatn		ns	ns
Docplea		ns	ns
Trial		7(+)	6(+)
1st	**Arizona**	ns	ns
2nd	**Calnor**	ns	ns
3rd	**Calcen**	ns	ns
4th	**Calsou**	ns	ns
5th	**Hawetal**	ns	ns
7th	**Idamont**	ns	ns
8th	**Nevada**	ns	ns
9th	**Oregon**	ns	ns
10th	**Washeast**	14(+)	ns
11th	**Washwest**	9(+)	ns
DC		ns	
Hazard Rate		5	5

*--these models are compared on the common included variables
ns = non-significant

TABLE D10D

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN 'OTHER' OFFENSE MODELS OF SENTENCE LENGTH WITH HAZARD RATE

		ALL CIRCUITS	NINTH CIRCUIT
Xcrhissr		4(+)	5(+)
Crimhist		10(+)	ns
Statmin		5(+)	4(+)
Nocounts		ns	ns
Accptpsr		17(-)	ns
Adjustme		ns	8(+)
Downward		3(-)	3(-)
Upward		9(+)	ns
Probatio		6(+)	6(+)
Career		ns	ns
Offensec		7(+)	---
Xfolsor		1(+)	1(+)
Monsex		17(-)	ns
Age		12(-)	10(-)
Numdepen		ns	ns
USCitize		16(-)	ns
Black		ns	ns
Hispanic		ns	ns
Educcatn		14(-)	ns
Docplea		ns	ns
Trial		8(+)	7(+)
1st	**Arizona**	ns	ns
2nd	**Calnor**	13(-)	ns
3rd	**Calcen**	ns	ns
4th	**Calsou**	ns	ns
5th	**Hawetal**	ns	9(+)
7th	**Idamont**	ns	ns
8th	**Nevada**	ns	ns
9th	**Oregon**	ns	ns
10th	**Washeast**	ns	ns
11th	**Washwest**	15(-)	ns
DC		ns	
Hazard Rate		2	2

*--these models are compared on the common included variables

ns = non-significant

TABLE D10E
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS: DRUG OFFENSE MODELS OF SENTENCE LENGTH WITH THE HAZARD RATE

		ALL CIRCUITS	NINTH CIRCUIT
Crack		15(+)	ns
Heroin		ns	ns
Marijuana		24(-)	16(+)
Metham		ns	8(+)
LSD		ns	---
Other		ns	ns
Xcrhissr		5(+)	6(+)
Crimhist		22(+)	ns
Statmin		4(+)	5(+)
Nocounts		7(+)	2(+)
Accptpsr		26(+)	ns
Adjustme		6(+)	7(+)
Downward		2(-)	3(-)
Upward		14(+)	14(+)
Probatio		9(-)	9(-)
Career		ns	10(+)
Offensec		18(+)	ns
Xfolsor		1(+)	1(+)
Monsex		12(-)	19(-)
Age		ns	17(+)
Numdepen		ns	ns
USCitize		15(-)	13(-)
Black		16(+)	21(+)
Hispanic		ns	11(+)
Educcatn		23(-)	ns
Docplea		24(-)	ns
Trial		8(+)	12(+)
1st	**Arizona**	ns	ns
2nd	**Calnor**	17(+)	15(-)
3rd	**Calcen**	19(-)	ns
4th	**Calsou**	ns	ns
5th	**Hawetal**	11(+)	ns
7th	**Idamont**	21(+)	18(+)
8th	**Nevada**	ns	20(-)
9th	**Oregon**	18(+)	ns
10th	**Washeast**	19(+)	ns
11th	**Washwest**	13(+)	22(-)
DC		10(-)	
Hazard Rate		3	4

*--these models are compared on the common included variables ns = non-significant

TABLE D10F
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS: USC 21 § 841 MODELS OF SENTENCE LENGTH WITH THE HAZARD RATE

		ALL CIRCUITS	NINTH CIRCUIT
Crack		ns	ns
Heroin		17(-)	ns
Marijuana		ns	ns
Metham		12(+)	7(+)
LSD		ns	---
Other		14(-)	ns
Xcrhissr		4(+)	4(+)
Crimhist		ns	ns
Statmin		3(+)	5(+)
Nocounts		7(+)	3(+)
Accptpsr		ns	ns
Adjustme		6(+)	6(+)
Downward		2(-)	2(-)
Upward		ns	---
Probatio		ns	ns
Career		19(+)	ns
Offensec		8(+)	ns
Xfolsor		1(+)	1(+)
Monsex		13(-)	ns
Age		20(+)	ns
Numdepen		16(-)	ns
USCitize		18(-)	8(-)
Black		10(+)	ns
Hispanic		ns	ns
Educcatn		11(-)	ns
Docplea		ns	ns
Trial		15(+)	ns
1st	**Arizona**	ns	ns
2nd	**Calnor**	ns	ns
3rd	**Calcen**	ns	ns
4th	**Calsou**	ns	ns
5th	**Hawetal**	ns	ns
7th	**Idamont**	ns	ns
8th	**Nevada**	ns	ns
9th	**Oregon**	ns	ns
10th	**Washeast**	ns	ns
11th	**Washwest**	17(+)	ns
DC		9(-)	
Hazard Rate		5	ns

*--these models are compared on the common included variables ns = non-significant

TABLE D10G

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS: THE 'OTHER' DRUG OFFENSE MODELS OF SENTENCE LENGTH WITH THE HAZARD RATE

		ALL CIRCUITS	NINTH CIRCUIT
Crack		9(+)	---
Heroin		ns	ns
Marijuana		ns	ns
Metham		ns	ns
LSD		ns	---
Other		ns	ns
Xcrhissr		5(+)	7(+)
Crimhist		ns	ns
Statmin		3(+)	3(+)
Nocounts		13(+)	2(+)
Accptpsr		21(+)	ns
Adjustme		6(+)	8(+)
Downward		2(-)	5(-)
Upward		14(+)	---
Probatio		ns	ns
Career		ns	12(+)
Offensec		ns	---
Xfolsor		1(+)	1(+)
Monsex		15(-)	ns
Age		ns	11(+)
Numdepen		20(+)	ns
USCitize		19(-)	ns
Black		ns	ns
Hispanic		ns	ns
Educcatn		ns	ns
Docplea		17(-)	ns
Trial		7(+)	9(+)
1st	**Arizona**	ns	ns
2nd	**Calnor**	10(+)	13(-)
3rd	**Calcen**	18(-)	ns
4th	**Calsou**	ns	ns
5th	**Hawetal**	8(+)	ns
7th	**Idamont**	ns	ns
8th	**Nevada**	ns	ns
9th	**Oregon**	11(+)	14(+)
10th	**Washeast**	ns	ns
11th	**Washwest**	16(+)	ns
DC		12(-)	
Hazard Rate		4	6

*--these models are compared on the common included variables
ns = non-significant

APPENDIX E

SENTENCE LENGTH MODELS WITHOUT THE HAZARD RATE: OFFENSE AND STATUTE PARTITIONINGS

TABLE E1
OLS SENTENCE LENGTH ESTIMATES—ALL OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Score
VIOLENT**	22.4773	2.547706	0.032599	8.822564
ROBBERY*	3.846532	1.875658	0.007854	2.050764
PROPERTY**	10.51918	1.65868	0.028133	6.3419
WHTCOLLR**	7.715053	1.199643	0.03237	6.431123
FIREARMS**	6.545878	1.528504	0.017575	4.282538
IMMIGRAT*	4.929624	2.189031	0.009583	2.251966
OTHERO**	5.314997	1.87463	0.011347	2.835225
XCRHISSR**	9.51168	0.340799	0.144182	27.90996
CRIMHIST	0.339043	1.005554	0.001563	0.337171
STATMIN**	0.214033	0.004316	0.200214	49.59122
NOCOUNTS**	0.78357	0.122058	0.023964	6.41963
ACCPTPSR**	4.22709	0.933991	0.016487	4.525837
ADJUSTME**	5.714284	0.24643	0.098359	23.1883
DOWNWARD**	-46.4547	0.950469	-0.19265	-48.8755
UPWARD**	25.04734	2.965806	0.030553	8.445374
PROBATIO**	37.95215	1.16671	0.164412	32.52922
CAREER	1.588372	1.015419	0.007903	1.564253
OFFENSEC**	37.63677	2.736253	0.055859	13.75486
XFOLSOR**	6.4671	0.063626	0.66307	101.6431
MONSEX	0.771049	1.036033	0.002826	0.744232
AGE	0.014412	0.036283	0.001515	0.397203
NUMDEPEN	-0.1157	0.175136	-0.00242	-0.66065
USCITIZE	-1.82268	1.233623	-0.00727	-1.4775
BLACK**	3.710609	0.890424	0.016924	4.16724
HISPANIC	-1.41067	1.256673	-0.00577	-1.12254
EDUCCAT**	-0.93543	0.338785	-0.01087	-2.76113
DOCPLEA**	-5.77606	0.935231	-0.02734	-6.17608
TRIAL**	20.72855	1.396921	0.070646	14.83874
CIRC1ST	-1.90416	2.369686	-0.00327	-0.80355
CIRC2ND	1.223742	1.792377	0.003144	0.682748
CIRC3RD	-0.34379	1.809398	-0.00085	-0.19
CIRC4TH	2.347188	1.550309	0.007394	1.514013
CIRC5TH**	3.486148	1.489465	0.0125	2.340537
CIRC7TH	-0.01494	1.887115	-3.4E-05	-0.00792
CIRC8TH	-3.54263	1.872828	-0.00822	-1.8916
CIRC9TH	1.296712	1.522474	0.004534	0.851713
CIRC10TH	2.090685	1.908313	0.004774	1.095567
CIRC11TH**	4.883807	1.489417	0.016802	3.279007
CIRCDC**	-21.0498	3.137895	-0.02583	-6.70827
(Constant)	-85.8261	3.255916		-26.36

R^2 .597 **Adjusted R^2** .597 ***p < .05** ****p< .01**

TABLE E2
OLS SENTENCE LENGTH ESTIMATES—DRUG OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Score
CRACK**	8.978172	2.336406	0.029397	3.842727
HEROIN	-0.68752	2.720505	-0.00154	-0.25272
MARIJUAN	2.054175	1.853526	0.007539	1.108253
METHAM*	8.569463	3.360894	0.015395	2.549757
LSD	-2.91324	5.316403	-0.00306	-0.54797
OTHERDR	0.348346	4.224566	0.000483	0.082457
XCRHISSR**	11.61987	0.714935	0.130353	16.25304
CRIMHIST	1.975743	1.855455	0.007517	1.064829
STATMIN**	0.262447	0.007876	0.211708	33.32361
NOCOUNTS**	2.874224	0.272086	0.060503	10.56365
ACCPTPSR**	5.404468	1.582837	0.018897	3.414419
ADJUSTME**	8.376113	0.412927	0.136447	20.28472
DOWNWARD**	-59.2558	1.552351	-0.2317	-38.1716
UPWARD**	33.22642	8.65305	0.020979	3.839851
PROBATIO**	53.96502	3.148816	0.116806	17.13819
CAREER	2.125627	1.902945	0.00898	1.11702
OFFENSEC**	26.91984	4.895509	0.035462	5.498883
XFOLSOR**	6.375498	0.111526	0.494744	57.16599
MONSEX	-0.1573	2.048607	-0.00043	-0.07678
AGE	0.13963	0.072211	0.011285	1.933643
NUMDEPEN	0.266702	0.308242	0.004881	0.865238
USCITIZE	-3.0177	2.03595	-0.01123	-1.48221
BLACK**	5.791849	2.011423	0.022872	2.879478
HISPANIC	-0.3191	2.11803	-0.00124	-0.15066
EDUCCAT	-0.67302	0.628709	-0.00625	-1.07047
DOCPLEA**	-6.84372	1.753601	-0.02788	-3.90267
TRIAL**	18.23595	2.351428	0.059037	7.755265
CIRC1ST	2.63529	4.294695	0.00397	0.613615
CIRC2ND**	14.94825	3.419633	0.033818	4.371302
CIRC3RD	-3.84441	3.499692	-0.00763	-1.0985
CIRC4TH**	6.859363	2.889001	0.018875	2.374303
CIRC5TH**	10.59264	2.834163	0.032913	3.737486
CIRC7TH**	7.559881	3.621423	0.014171	2.087544
CIRC8TH	-0.56265	3.467754	-0.00112	-0.16225
CIRC9TH**	10.46399	2.979847	0.030703	3.511585
CIRC10TH**	8.75962	3.842486	0.015163	2.279675
CIRC11TH**	13.55189	2.83398	0.040364	4.78193
CIRCDC**	-32.8263	4.98383	-0.04104	-6.58655
(Constant)	-101.834	6.070999		-16.7739

R^2 .571 **Adjusted R^2** .570 ***p < .05** ****p< .01**

TABLE E3
OLS SENTENCE LENGTH ESTIMATES—FIREARM OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Score
XCRHISSR**	9.293238	0.637991	0.204229	14.56641
CRIMHIST	1.882194	3.634472	0.006518	0.517873
STATMIN**	0.266959	0.011602	0.275417	23.01023
NOCOUNTS**	1.654653	0.610547	0.028225	2.710117
ACCPTPSR	2.282218	2.502452	0.009377	0.911992
ADJUSTME**	2.627491	0.824593	0.03836	3.186411
DOWNWARD**	-32.0615	2.693188	-0.12539	-11.9047
UPWARD**	37.09141	4.6888	0.081436	7.91064
PROBATIO**	25.81821	2.736353	0.117843	9.435262
CAREER	2.269023	3.139442	0.009977	0.722747
OFFENSEC**	31.81744	5.031976	0.07124	6.323051
XFOLSOR**	5.655452	0.148133	0.546638	38.17807
MONSEX	1.419462	4.427482	0.003268	0.320603
AGE	0.059	0.095201	0.006437	0.619738
NUMDEPEN**	-1.04558	0.482056	-0.02236	-2.16901
USCITIZE	-0.55101	3.781033	-0.0017	-0.14573
BLACK	0.859257	1.961572	0.004869	0.438045
HISPANIC	2.393225	3.414541	0.008514	0.700892
EDUCCAT	-0.28706	0.935472	-0.00324	-0.30686
DOCPLEA	0.22441	2.23898	0.001248	0.100229
TRIAL**	19.03641	3.293894	0.079479	5.779303
CIRC1ST	5.537757	5.191507	0.012097	1.066695
CIRC2ND	-2.6733	4.447152	-0.00721	-0.60113
CIRC3RD	6.34674	4.671334	0.015748	1.358657
CIRC4TH	4.62768	3.327333	0.019158	1.390808
CIRC5TH	3.264539	3.377349	0.013728	0.966598
CIRC7TH	2.530072	4.125015	0.007459	0.613349
CIRC8TH	-1.49278	4.607258	-0.00377	-0.32401
CIRC9TH	-1.97947	3.722806	-0.00703	-0.53171
CIRC10TH	6.037812	4.195748	0.017426	1.439031
CIRC11TH**	12.982	3.439379	0.050962	3.774518
CIRCDC	-7.37151	9.824112	-0.00786	-0.75035
(Constant)	-80.6336	8.061456		-10.0024

R^2 .739 **Adjusted R^2** .736 ***p < .05** ****p< .01**

TABLE E4
OLS SENTENCE LENGTH ESTIMATES—"OTHER" OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Score
PROPERTY	0.290523	1.34982	0.001904	0.215231
WHTCOLLR**	-5.48765	1.107564	-0.04586	-4.9547
IMMIGRAT	-3.14265	1.915566	-0.01548	-1.64058
XCRHISSR**	6.343148	0.363428	0.150106	17.45367
CRIMHIST	0.048037	0.980591	0.000395	0.048988
STATMIN**	0.119246	0.004485	0.170652	26.58972
NOCOUNTS	-0.14294	0.103349	-0.00927	-1.38304
ACCPTPSR**	3.199483	1.048498	0.019786	3.051493
ADJUSTME	-0.03329	0.283413	-0.00089	-0.11746
DOWNWARD**	-23.6005	1.151914	-0.1396	-20.488
UPWARD**	20.75795	2.69364	0.049602	7.706283
PROBATIO**	27.64487	1.075904	0.232201	25.69456
CAREER	1.498708	1.004222	0.01259	1.492407
OFFENSEC**	62.89343	6.119034	0.067526	10.27833
XFOLSOR**	6.614396	0.087421	0.720467	75.66145
MONSEX	1.058336	0.941292	0.007576	1.124345
AGE**	-0.14712	0.035047	-0.02835	-4.19776
NUMDEPEN	-0.34687	0.182937	-0.01215	-1.89611
USCITIZE	-0.88911	1.433781	-0.0056	-0.62012
BLACK	0.392794	0.954956	0.002832	0.411322
HISPANIC	-1.33241	1.52101	-0.008	-0.876
EDUCCAT**	-0.97349	0.339198	-0.02024	-2.86997
TRIAL**	10.14295	1.697844	0.04713	5.974016
DOCPLEA**	-5.75354	0.959722	-0.04478	-5.995
CIRC1ST	-3.51958	2.597949	-0.00951	-1.35475
CIRC2ND	-3.56073	1.838872	-0.01519	-1.93637
CIRC3RD	0.326544	1.770119	0.001482	0.184476
CIRC4TH	-2.33256	1.643464	-0.01162	-1.4193
CIRC5TH	-1.45959	1.527314	-0.00875	-0.95566
CIRC7TH	-1.28822	1.913073	-0.00515	-0.67338
CIRC8TH	-3.66233	1.933204	-0.01431	-1.89444
CIRC9TH	-0.46102	1.561307	-0.00266	-0.29528
CIRC10TH	-0.98636	1.857524	-0.00412	-0.53101
CIRC11TH	-2.81022	1.528533	-0.0158	-1.83851
CIRCDC	-3.20109	3.887808	-0.00546	-0.82337
(Constant)	-62.4654	3.509039		-17.8013

R^2 .475 **Adjusted R^2** .474 ***p < .05** ****p< .01**

TABLE E5
OLS SENTENCE LENGTH ESTIMATES—ROBBERY OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Score
XCRHISSR**	10.66113	0.934355	0.223552	11.41014
CRIMHIST	-6.26286	4.391767	-0.02271	-1.42604
STATMIN**	0.391522	0.015391	0.32902	25.43813
NOCOUNTS**	8.683303	0.723219	0.161909	12.00646
ACCPTPSR	4.733863	3.067964	0.018745	1.542998
ADJUSTME**	6.424898	1.034491	0.090217	6.210686
DOWNWARD**	-33.2354	3.153301	-0.13295	-10.5399
UPWARD**	73.88859	8.099649	0.112573	9.122443
CAREER	6.635474	3.941086	0.031632	1.683666
OFFENSEC**	53.861	4.675929	0.193792	11.51878
XFOLSOR**	4.58196	0.233346	0.333137	19.63592
MONSEX	7.52014	4.278621	0.02344	1.757608
AGE*	-0.26513	0.13332	-0.02565	-1.98865
NUMDEPEN	-1.01988	0.781981	-0.01604	-1.30423
USCITIZE	5.853443	6.810169	0.011067	0.859515
BLACK	2.195868	2.559737	0.011195	0.857849
HISPANIC	2.715783	4.958541	0.007292	0.547698
EDUCCAT	-2.31508	1.291007	-0.02249	-1.79323
TRIAL**	32.99102	4.78425	0.108553	6.895756
DOCPLEA	-2.90675	3.011527	-0.01405	-0.96521
CIRC2ND	-0.3074	5.619749	-0.00082	-0.0547
CIRC3RD*	-15.7661	6.544708	-0.0336	-2.40898
CIRC4TH	0.816623	4.845208	0.002639	0.168542
CIRC5TH	9.814359	5.114947	0.02902	1.918761
CIRC7TH	2.161995	6.226912	0.004859	0.347202
CIRC8TH	-0.28156	6.02544	-0.00066	-0.04673
CIRC9TH*	-9.49847	3.985942	-0.045	-2.38299
CIRC10TH	3.12658	5.675868	0.008034	0.550855
CIRC11H	-1.30995	4.485145	-0.0048	-0.29206
(Constant)	-52.6189	12.35454		-4.25907

R^2 .771 **Adjusted R^2** .767 ***p < .05** ****p< .01**

TABLE E6
OLS SENTENCE LENGTH ESTIMATES—21841 DRUG OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Score
CRACK	3.271089	2.30713	0.016093	1.417818
HEROIN**	-8.10943	2.949069	-0.0214	-2.74983
MARIJUAN	0.061295	1.811045	0.000321	0.033845
METHAM**	10.28373	3.383266	0.024956	3.039586
LSD	-0.66546	5.042236	-0.001	-0.13198
OTHERDR	-4.43554	4.458341	-0.00787	-0.99489
XCRHISSR**	10.92335	0.674895	0.176564	16.18527
CRIMHIST	1.262293	1.851776	0.006448	0.681666
STATMIN**	0.237001	0.009312	0.218603	25.45049
NOCOUNTS**	5.777835	0.434251	0.10361	13.30529
ACCPTPSR	1.901094	1.532458	0.009268	1.240552
ADJUSTME**	7.043848	0.452682	0.135452	15.56024
DOWNWARD**	-44.9134	1.509079	-0.23807	-29.7621
UPWARD	14.67393	9.722471	0.011109	1.50928
PROBATIO**	35.88418	3.514592	0.084978	10.21006
CAREER	3.081271	1.865622	0.017963	1.651605
OFFENSEC**	35.29738	4.494776	0.069802	7.85298
XFOLSOR**	5.294349	0.111437	0.500885	47.50963
MONSEX	0.367417	2.148192	0.001297	0.171035
AGE*	0.169685	0.070936	0.018987	2.392093
NUMDEPEN*	-0.68539	0.314753	-0.0166	-2.17754
USCITIZE	-1.40876	2.034369	-0.00709	-0.69248
BLACK	3.839055	2.113189	0.021155	1.816712
HISPANIC	0.834028	2.104882	0.004552	0.396235
EDUCCAT*	-1.58439	0.619253	-0.02039	-2.55856
DOCPLEA	-2.88324	1.687058	-0.01605	-1.70903
TRIAL**	6.58842	2.273024	0.028934	2.898527
CIRC1ST	-0.76197	4.072543	-0.00169	-0.1871
CIRC2ND	-0.66342	3.691979	-0.00164	-0.17969
CIRC3RD	-3.65847	4.099599	-0.00763	-0.8924
CIRC4TH	-0.21525	2.95905	-0.00074	-0.07274
CIRC5TH	5.103269	2.68321	0.02455	1.901927
CIRC7TH	-1.72138	3.518868	-0.0045	-0.48919
CIRC8TH	-3.74013	3.271099	-0.01079	-1.14339
CIRC9TH	1.772556	2.864239	0.007596	0.618858
CIRC10TH	4.318632	3.347174	0.012485	1.290232
CIRC11TH*	7.507788	2.914926	0.027294	2.575636
CIRCDC**	-24.2341	4.202355	-0.05057	-5.76679
(Constant)	-75.5784	5.888096		-12.8358

R^2 .645 **Adjusted R^2** .643 ***p < .05** ****p< .01**

TABLE E7
OLS SENTENCE LENGTH ESTIMATES—21844 DRUG OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Score
CRACK	0.059111	1.902989	0.001201	0.031062
HEROIN*	-5.67915	2.446197	-0.06123	-2.32163
MARIJUAN**	5.372409	1.12412	0.150363	4.779212
METHAM*	6.553871	2.693413	0.061975	2.433296
LSD	-0.45395	3.765233	-0.00286	-0.12056
OTHERDR	2.611136	1.942003	0.033878	1.344558
XCRHISSR**	2.603367	0.438523	0.191298	5.936671
CRIMHIST	0.412209	1.119152	0.010748	0.368323
STATMIN	-3.3E-05	0.004837	-0.00016	-0.0069
NOCOUNTS**	4.164767	1.075935	0.08886	3.870834
ACCPTPSR	2.316337	1.553808	0.034225	1.490749
ADJUSTME**	-1.85925	0.486663	-0.09058	-3.82041
DOWNWARD**	-14.9772	3.027552	-0.12312	-4.94696
UPWARD**	8.481558	2.824595	0.06972	3.002753
PROBATIO	1.128103	1.849513	0.021523	0.609946
CAREER	1.96005	1.176464	0.054798	1.666051
XFOLSOR**	3.160364	0.130841	0.918819	24.15424
MONSEX	-0.55414	1.002692	-0.01337	-0.55265
AGE	0.01773	0.050295	0.008399	0.352514
NUMDEPEN	0.176573	0.184786	0.022138	0.955553
USCITIZE*	3.441859	1.749088	0.070945	1.967802
BLACK	1.208438	1.245408	0.031102	0.970315
HISPANIC*	3.591422	1.672003	0.08156	2.147976
EDUCCAT	0.703267	0.421918	0.043169	1.666832
DOCPLEA	0.697711	0.930635	0.019117	0.749716
TRIAL*	4.138909	1.888312	0.057587	2.191857
CIRC1ST	3.994965	6.704722	0.013532	0.595844
CIRC2ND	1.606672	2.518042	0.016922	0.638064
CIRC3RD	0.883159	2.269788	0.010735	0.389093
CIRC4TH	1.317569	1.74995	0.025283	0.752918
CIRC5TH*	-3.66177	1.787157	-0.06986	-2.04893
CIRC7TH	0.930019	2.878539	0.008794	0.323087
CIRC8TH*	4.238406	2.1243	0.055817	1.995202
CIRC9TH	2.691653	1.690734	0.063031	1.592003
CIRC10TH*	4.642824	2.345904	0.052289	1.97912
CIRC11TH	1.796887	1.934495	0.027704	0.928866
CIRCDC	0.808519	2.091715	0.01386	0.386534
(Constant)	-37.1681	4.859758		-7.64814

R^2 .757 **Adjusted R^2** .739 ***p < .05** ****p< .01**

TABLE E9
OLS SENTENCE LENGTH ESTIMATES—"OTHER" DRUG OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Score
CRACK**	22.11011	4.038843	0.054904	5.474368
HEROIN	1.568105	4.359274	0.003286	0.359717
MARIJUAN	0.307991	3.251298	0.00089	0.094729
METHAM	5.181792	5.592782	0.008025	0.926514
LSD	-5.01279	9.345703	-0.00427	-0.53637
OTHERDR	3.014387	7.166943	0.003576	0.420596
XCRHISSR**	13.21949	1.273676	0.119489	10.379
CRIMHIST	2.120329	3.12839	0.006858	0.67777
STATMIN**	0.280949	0.012073	0.211078	23.27069
NOCOUNTS**	1.702837	0.367408	0.037917	4.634727
ACCPTPSR**	8.089019	2.679937	0.023846	3.018362
ADJUSTME**	8.440298	0.657985	0.130501	12.82749
DOWNWARD**	-70.431	2.608404	-0.23673	-27.0016
UPWARD**	59.54438	14.81106	0.03138	4.020264
PROBATIO**	56.31657	6.612417	0.075262	8.51679
CAREER	1.851794	3.250715	0.006521	0.569657
OFFENSEC*	19.44858	8.646145	0.020733	2.249393
XFOLSOR**	7.172706	0.194105	0.434556	36.95269
MONSEX	-1.47189	3.419814	-0.00347	-0.4304
AGE	0.130479	0.122878	0.008822	1.06186
NUMDEPEN	0.998153	0.51129	0.015729	1.952227
USCITIZE	-2.29595	3.404343	-0.0073	-0.67442
BLACK	5.24125	3.299467	0.017148	1.588514
HISPANIC	-1.53165	3.58461	-0.0049	-0.42729
EDUCCAT	-0.339	1.066582	-0.00262	-0.31784
DOCPLEA**	-9.24086	3.166118	-0.03166	-2.91867
TRIAL**	29.78756	4.067124	0.083288	7.323986
CIRC1ST	5.302886	7.403481	0.00651	0.716269
CIRC2ND**	25.17411	5.613049	0.054985	4.484927
CIRC3RD	-1.10653	5.477027	-0.00214	-0.20203
CIRC4TH**	13.28158	4.819189	0.03265	2.755979
CIRC5TH**	22.49437	5.159532	0.05042	4.359769
CIRC7TH*	15.38604	6.16055	0.024268	2.497511
CIRC8TH	4.880509	6.157248	0.007753	0.792644
CIRC9TH**	20.22773	5.307143	0.045639	3.811417
CIRC10TH	7.690869	8.010622	0.008424	0.960084
CIRC11TH**	15.08436	4.690753	0.041093	3.215765
CIRCDC**	-44.9579	13.77737	-0.0266	-3.26317
(Constant)	-129.746	10.50282		-12.3535

R^2 .557 **Adjusted R^2** .554 ***p < .05** ****p< .01**

TABLE E11
OLS SENTENCE LENGTH ESTIMATES—"OTHER" FIREARM OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Score
XCRHISSR	9.845262	0.614022	0.223443	16.03405
CRIMHIST	2.213775	3.513781	0.007851	0.630026
STATMIN	0.250602	0.011021	0.268958	22.73845
NOCOUNTS	0.437266	0.591876	0.007641	0.73878
ACCPTPSR	2.777807	2.403826	0.01181	1.155577
ADJUSTME	1.74879	0.801038	0.026193	2.183153
DOWNWARD	-30.7324	2.61227	-0.12306	-11.7646
UPWARD	34.45182	4.467362	0.078803	7.711893
PROBATIO	25.87638	2.64551	0.120913	9.781243
CAREER	3.557688	3.028186	0.016053	1.174858
OFFENSEC	31.47952	4.885674	0.072004	6.44323
XFOLSOR	5.538274	0.143779	0.545687	38.51937
MONSEX	1.730305	4.301577	0.004078	0.402249
AGE	0.082411	0.091385	0.009307	0.9018
NUMDEPEN	-1.13702	0.460133	-0.02531	-2.47108
USCITIZE	-1.08601	3.629665	-0.00344	-0.2992
BLACK	-0.57481	1.884312	-0.00336	-0.30505
HISPANIC	2.438497	3.282802	0.008887	0.74281
EDUCCAT	0.431876	0.896585	0.00505	0.481689
DOCPLEA	-1.37595	2.150336	-0.00793	-0.63988
TRIAL**	22.67299	3.167623	0.098553	7.15773
CIRC1ST	5.724077	4.926336	0.013093	1.161934
CIRC2ND	-3.62444	4.228599	-0.01024	-0.85712
CIRC3RD	7.091803	4.404219	0.018609	1.61023
CIRC4TH	5.100203	3.227185	0.021175	1.580387
CIRC5TH	3.263073	3.224074	0.014138	1.012096
CIRC7TH	2.525047	3.918945	0.007786	0.644318
CIRC8TH	-1.94136	4.376431	-0.00513	-0.4436
CIRC9TH	-2.63705	3.543783	-0.00978	-0.74414
CIRC10TH	3.985604	4.003011	0.011959	0.995652
CIRC11TH**	10.40737	3.287295	0.042398	3.165938
CIRCDC	-12.4158	10.14155	-0.01269	-1.22425
(Constant)	-82.0636	7.720097		-10.6299

R^2 .754 **Adjusted R^2** .751 ***p < .05** ****p< .01**

TABLE E13
OLS SENTENCE LENGTH ESTIMATES—182113 ROBBERY OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Score	VIF
XCRHISSR**	11.01999	0.957049	0.244101	11.51456	2.730421
CRIMHIST	-2.48984	4.406909	-0.00972	-0.56499	1.798373
STATMIN**	0.358625	0.015366	0.318585	23.33936	1.132024
NOCOUNTS**	7.600139	0.738734	0.146421	10.28806	1.230623
ACCPTPSR	1.829979	3.128734	0.007599	0.584894	1.025635
ADJUSTME**	4.687211	1.151487	0.06336	4.07057	1.472004
DOWNWARD**	-28.8088	3.231117	-0.11984	-8.91605	1.097578
UPWARD**	53.12556	8.829653	0.079371	6.016722	1.057275
PROBATIO**	49.08469	6.82746	0.162629	7.189304	3.108911
CAREER	6.500294	3.977495	0.032997	1.634268	2.476826
OFFENSEC**	39.46582	5.147423	0.15117	7.667103	2.361853
XFOLSOR**	6.300306	0.348315	0.486174	18.08795	4.389222
MONSEX	3.214936	4.343138	0.01072	0.740233	1.274183
AGE	-0.1691	0.135153	-0.01708	-1.25118	1.1322
NUMDEPEN	-1.22175	0.816875	-0.01964	-1.49564	1.047898
USCITIZE	-0.19557	7.479594	-0.00035	-0.02615	1.099405
BLACK	-0.63234	2.593785	-0.00339	-0.24379	1.174719
HISPANIC	0.041406	5.272773	0.000115	0.007853	1.310251
EDUCCATN*	-2.62862	1.323013	-0.02673	-1.98684	1.099456
DOCPLEA	-5.29806	3.043352	-0.0266	-1.74086	1.417996
TRIAL**	32.82031	5.182375	0.10516	6.333063	1.675157
CIRC1ST	6.357319	8.830343	0.011286	0.71994	1.493088
CIRC2ND	-3.56425	6.28511	-0.00963	-0.56709	1.751887
CIRC3RD	-9.97172	6.800172	-0.02253	-1.46639	1.43479
CIRC4TH	1.839144	5.19278	0.006285	0.354173	1.912945
CIRC5TH*	11.18865	5.671061	0.033483	1.972937	1.749829
CIRC7TH	3.454573	6.410229	0.008448	0.538916	1.492838
CIRC8TH	0.809358	6.287081	0.002043	0.128734	1.530129
CIRC9TH	-7.47865	4.395113	-0.03813	-1.70158	3.050077
CORC10TH	6.297585	6.029039	0.017192	1.044542	1.645823
CIRC11TH	-1.85753	4.958695	-0.00705	-0.3746	2.153551
CIRCDC	-22.1225	22.21559	-0.01306	-0.99581	1.045736
(Constant)	-89.809	13.96657		-6.43028	

R^2 .769 **Adjusted R^2** .764 ***p < .05** ****p< .01**

TABLE E14A
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FULL AND OFFENSE SPECIFIC MODELS OF SENTENCE LENGTH*

	FULL	DRUGS	FIREARMS	ROBBERY	OTHER
Xcrhissr	5(+)	5(+)	3(+)	3(+)	4(+)
Crimhist	ns	ns	ns	ns	ns
Statmin	2(+)	3(+)	2(+)	2(+)	3(+)
Nocounts	15(+)	7(+)	11(+)	5(+)	ns
Accptpsr	19(+)	19(+)	ns	ns	13(+)
Adjustme	6(+)	4(+)	10(+)	9(+)	ns
Downward	3(-)	2(-)	4(-)	6(-)	5(-)
Upward	11(+)	18(+)	6(+)	7(+)	7(+)
Probatio	4(+)	6(+)	5(+)	-----	2(+)
Career	ns	ns	ns	ns	ns
Offensec	8(+)	11(+)	8(+)	4(+)	6(+)
Xfolsor	1(+)	1(+)	1(+)	1(+)	1(+)
Monsex	ns	ns	ns	ns	ns
Age	ns	ns	ns	12(-)	11(-)
Numdepen	ns	ns	12(-)	ns	ns
USCitize	ns	ns	ns	ns	ns
Black	17(+)	17(+)	ns	ns	ns
Hispanic	ns	ns	ns	ns	ns
Educcatn	22(-)	20(-)	ns	ns	12(-)
Docplea	13(-)	16(-)	ns	ns	10(-)
Trial	7(+)	8(+)	7(+)	8(+)	8(+)
1st	ns	ns	ns	ns	ns
2nd	ns	12(+)	ns	ns	ns
3rd	ns	ns	ns	11(-)	ns
4th	ns	20(+)	ns	ns	ns
5th	20(+)	13(+)	ns	ns	ns
7th	ns	23(+)	ns	ns	ns
8th	ns	ns	ns	ns	ns
9th	ns	14(+)	ns	10(-)	ns
10th	ns	22(+)	ns	ns	ns
11th	18(+)	10(+)	9(+)	ns	ns
DC	14(-)	9(-)	ns	ns	ns

*--these models are compared on the common included variables
ns = non-significant

TABLE E14B

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE DRUG OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH*

	DRUGS	21841	21844	21960	OTHER
Powder*	---	---	---	ns	---
Crack	12(+)	ns	ns	---	9(+)
Heroin	ns	13(-)	12(-)	ns	ns
Marijuana	ns	ns	3(+)	---	ns
Metham	ns	12(+)	11(+)	---	ns
LSD	ns	ns	ns	---	ns
Other	ns	ns	ns	---	ns
Xcrhissr	5(+)	4(+)	2(+)	3(+)	5(+)
Crimhist	ns	ns	ns	ns	ns
Statmin	3(+)	3(+)	ns	ns	3(+)
Nocounts	7(+)	6(+)	6(+)	ns	13(+)
Accptpsr	19(+)	ns	ns	ns	19(+)
Adjustme	4(+)	5(+)	9(-)	ns	4(+)
Downward	2(-)	2(-)	4(-)	2(-)	2(-)
Upward	18(+)	ns	10(+)	---	16(+)
Probatio	6(+)	7(+)	ns	ns	7(+)
Career	ns	ns	ns	ns	ns(+)
Offensec	11(+)	8(+)	---	---	20(+)
Xfolsor	1(+)	1(+)	1(+)	1(+)	1(+)
Monsex	ns	ns	ns	ns	ns
Age	ns	16(+)	ns	ns	ns
Numdepen	ns	15(-)	ns	ns	ns
USCitize	ns	ns	8(+)	ns	ns
Black	17(+)	ns	ns	ns	ns
Hispanic	ns	ns	7(+)	ns	ns
Educcatn	20(-)	14(-)	ns)	ns	ns
Docplea	16(-)	ns	ns	ns	15(-)
Trial	8(+)	10(+)	13(+)	ns	6(+)
1st	ns	ns	ns	ns	ns
2nd	12(+)	ns	ns	ns	8(+)
3rd	ns	ns	ns	ns	ns
4th	20(+)	ns	ns	ns	14(+)
5th	13(+)	ns	9(-)	ns	10(+)
6th*	---	---	---	ns	---
7th	23(+)	ns	ns	---	18(+)
8th	ns	ns	14(+)	---	ns
9th	14(+)	ns	ns	---	11(+)
10th	22(+)	ns	15(+)	ns	ns
11th	10(+)	11(+)	ns	ns	12(+)
DC	9(-)	9(-)	ns	---	17(-)

*--this is the reference category for all except the 21960 model. See discussion of this model in Chapter Six for details ns = non-significant

TABLE E14C
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FIREARM OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH

	FIREARMS	18924	OTHER
Xcrhissr	3(+)	ns	3(+)
Crimhist	ns	ns	ns
Statmin	2(+)	1(+)	2(+)
Nocounts	11(+)	7(+)	10(+)
Accptpsr	ns	ns	ns
Adjustme	10(+)	6(+)	10(+)
Downward	4(-)	3(-)	4(-)
Upward	6(+)	ns	7(+)
Probatio	5(+)	ns	5(+)
Career	ns	ns	ns
Offensec	8(+)	ns	8(+)
Xfolsor	1(+)	2(+)	1(+)
Monsex	ns	ns	ns
Age	ns	ns	ns
Numdepen	12(-)	ns	11(-)
USCitize	ns	ns	ns
Black	ns	ns	ns
Hispanic	ns	ns	ns
Educcatn	ns	ns	ns
Docplea	ns	ns	ns
Trial	7(+)	ns	6(+)
1st	ns	ns	ns
2nd	ns	ns	ns
3rd	ns	---	ns
4th	ns	ns	ns
5th	ns	---	ns
6th*	---	ns	---
7th	ns	ns	ns
8th	ns	ns	ns
9th	ns	ns	ns
10th	ns	ns	ns
11th	9(+)	5(+)	9(+)
DC	ns	ns	ns

*--this is the reference category for all except the 21960 model. See discussion of this model in Chapter Six for details ns = non-significant

TABLE E14D

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE ROBBERY OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH

	ROBBERY	182113	OTHER
Xcrhissr	3(+)	3(+)	7(+)
Crimhist	ns	ns	ns
Statmin	2(+)	2(+)	1(+)
Nocounts	5(+)	6(+)	5(+)
Accptpsr	ns	ns	ns
Adjustme	9(+)	10(+)	ns
Downward	6(-)	7(-)	4(-)
Upward	7(+)	9(+)	3(+)
Probatio	-----	4(+)	---
Career	ns	ns	ns
Offensec	4(+)	5(+)	9(+)
Xfolsor	1(+)	1(+)	2(+)
Monsex	ns	ns	ns
Age	12(-)	ns	ns
Numdepen	ns	ns	ns
USCitize	ns	ns	ns
Black	ns	ns	ns
Hispanic	ns	ns	ns
Educcatn	ns	12(-)	ns
Docplea	ns	ns	ns
Trial	8(+)	8(+)	6(+)
1st	---	ns	10(-)
2nd	ns	ns	ns
3rd	11(-)	ns	8(-)
4th	ns	ns	ns
5th	ns	11(+)	ns
7th	ns	ns	ns
8th	ns	ns	ns
9th	10(-)	ns	ns
10th	ns	ns	ns
11th	ns	ns	ns
DC	---	ns	---

ns = non-significant

APPENDIX F

SENTENCE LENGTH MODELS WITHOUT THE HAZARD RATE: RACIAL PARTITIONINGS

TABLE F1
OLS SENTENCE LENGTH ESTIMATES—FULL DATA SET BLACK PARTITIONING

	b Coefficient	Standard Error	Beta Weight	T-Score
VIOLENT	0.595497	7.317521	0.000541	0.08138
ROBBERY	3.535362	3.757142	0.00656	0.940971
PROPERTY**	16.02778	3.794718	0.036729	4.223706
WHTCOLLR**	15.0192	2.92446	0.048312	5.135717
FIREARMS**	7.273179	3.193729	0.017628	2.277331
IMMIGRAT**	15.69275	7.251381	0.01576	2.164106
OTHERO	8.526909	5.264089	0.011382	1.619826
XCRHISSR	10.47431	0.716266	0.140762	14.62349
CRIMHIST	1.091623	2.530669	0.003741	0.431357
STATMIN**	0.238449	0.008712	0.20203	27.37065
NOCOUNTS**	1.048041	0.308588	0.022877	3.396242
ACCPTPSR**	8.215738	2.15622	0.025071	3.810251
ADJUSTME**	8.559618	0.555353	0.123597	15.41293
DOWNWARD**	-60.7768	2.233571	-0.19425	-27.2106
UPWARD**	27.49719	6.656887	0.027149	4.130638
PROBATIO**	47.39745	2.79199	0.159705	16.97622
CAREER	2.267151	2.437683	0.00889	0.930043
OFFENSEC**	31.12081	5.03491	0.046633	6.181007
XFOLSOR**	7.61115	0.138749	0.668864	54.85557
MONSEX	1.43924	2.264694	0.004515	0.635512
AGE	0.157899	0.088157	0.012019	1.791097
NUMDEPEN	0.323175	0.387418	0.005526	0.834176
USCITIZE	0.746958	2.938915	0.001996	0.254161
HISPANIC	4.792942	5.156652	0.007078	0.929468
EDUCCAT	-1.59481	0.828389	-0.01326	-1.92519
DOCPLEA**	-8.30623	2.101859	-0.03298	-3.95185
TRIAL**	17.89866	2.924589	0.055255	6.120061
CIRC1ST	-6.2709	7.03975	-0.00673	-0.89078
CIRC2ND*	7.789942	3.905687	0.016716	1.994513
CIRC3RD	3.343038	3.678657	0.007113	0.908766
CIRC4TH	2.362147	2.899189	0.007252	0.814761
CIRC5TH	1.672225	3.202537	0.004335	0.522156
CIRC7TH	0.418535	3.777637	0.00086	0.110793
CIRC8TH	-5.9802	4.361951	-0.01	-1.37099
CIRC9TH	-1.57738	4.381083	-0.00268	-0.36004
CIRC10TH	0.389759	5.348818	0.00051	0.072868
CIRC11TH**	10.20454	2.9417	0.030784	3.468925
CIRCDC**	-24.6597	4.405878	-0.04152	-5.597
(Constant)	-114.09	7.390879		-15.4367

R^2 .608 **Adjusted R^2** .606 ***p < .05** ****p< .01**

TABLE F2
OLS SENTENCE LENGTH ESTIMATES—FULL DATA SET WHITE PARTITIONING

	b Coefficient	Standard Error	Beta Weight	T-Score
VIOLENT**	40.9671	3.304649	0.058264	12.39681
ROBBERY**	6.936855	2.076193	0.016638	3.341142
PROPERTY**	8.2609	1.770673	0.026116	4.665401
WHTCOLLR**	4.583569	1.256999	0.023631	3.646436
FIREARMS**	7.73448	1.69875	0.02378	4.553043
IMMIGRAT	0.921853	2.32472	0.002205	0.396544
OTHERO	1.198099	1.896482	0.0033	0.631748
XCRHISSR**	8.46038	0.379707	0.144443	22.28133
CRIMHIST	0.894448	1.051517	0.004973	0.850626
STATMIN**	0.201232	0.005266	0.198664	38.21689
NOCOUNTS**	0.507856	0.120482	0.020306	4.215201
ACCPTPSR*	2.519528	1.005027	0.011801	2.506925
ADJUSTME**	4.27618	0.271574	0.085175	15.74594
DOWNWARD**	-39.8465	1.023758	-0.19795	-38.9218
UPWARD**	26.30436	3.210919	0.038191	8.19216
PROBATIO**	30.79857	1.23259	0.161173	24.98686
CAREER	1.900368	1.066424	0.011212	1.782
OFFENSEC**	43.36834	3.305232	0.067858	13.12112
XFOLSOR**	5.766588	0.071544	0.672792	80.60145
MONSEX	1.334489	1.135495	0.005679	1.175249
AGE	0.060547	0.03822	0.007735	1.584177
NUMDEPEN	-0.31742	0.192476	-0.00779	-1.64912
USCITIZE	-2.27665	1.55749	-0.01045	-1.46174
HISPANIC	0.559658	1.508259	0.002738	0.371062
EDUCCAT	-0.41738	0.360264	-0.00596	-1.15854
DOCPLEA**	-4.37786	1.026032	-0.02381	-4.26679
TRIAL**	18.19124	1.595267	0.068171	11.40326
CIRC1ST	-0.28021	2.483475	-0.0006	-0.11283
CIRC2ND	0.869943	2.126215	0.002294	0.409151
CIRC3RD	-2.28424	2.070841	-0.0063	-1.10305
CIRC4TH	1.552989	1.793437	0.005348	0.865929
CIRC5TH	2.912743	1.63438	0.013208	1.78217
CIRC7TH	-0.73188	2.111948	-0.00195	-0.34654
CIRC8TH	-2.52282	2.026881	-0.00709	-1.24468
CIRC9TH	-0.22816	1.638999	-0.00099	-0.13921
CIRC10TH	1.675062	1.977877	0.004936	0.846899
CIRC11TH	1.160537	1.660298	0.004764	0.698993
CIRCDC	-8.2511	7.620288	-0.00504	-1.08278
(Constant)	-73.765	3.5658		-20.6868

R^2 .601 **Adjusted R^2** .600 ***p < .05** ****p< .01**

Table F3
OLS Sentence Length Estimates—Drug Offenses Black Offenders

	b Coefficient	Standard Error	Beta Weight	T-Score
CRACK*	7.612307	3.570848	0.02595	2.131793
HEROIN	7.559844	5.971803	0.01581	1.265923
MARIJUAN	14.69367	7.950075	0.019801	1.848243
LSD	11.5394	18.11322	0.006272	0.637071
OTHRDRG**	13.78245	3.185999	0.047056	4.325941
XCRHISSR**	13.1294	1.382768	0.135051	9.495013
CRIMHIST	1.302207	4.625605	0.00369	0.281521
STATMIN**	0.262545	0.015115	0.191518	17.36975
NOCOUNTS**	1.98656	0.612356	0.032937	3.244128
ACCPTPSR**	10.66778	3.571477	0.029079	2.986939
ADJUSTME**	11.57108	0.90453	0.163744	12.79237
DOWNWARD**	-74.6337	3.529974	-0.2274	-21.1428
UPWARD	11.97546	18.21604	0.0064	0.657413
PROBATIO**	81.54822	8.260102	0.113938	9.872545
CAREER	-0.76818	4.383332	-0.00256	-0.17525
OFFENSEC**	32.49414	8.918867	0.041757	3.643303
XFOLSOR**	7.924047	0.240005	0.478375	33.01619
MONSEX	0.782394	4.347857	0.001822	0.179949
AGE	0.321955	0.16726	0.019836	1.924875
NUMDEPEN	1.088459	0.703789	0.015522	1.546571
USCITIZE	5.406626	5.081554	0.013337	1.063971
HISPANIC	10.08122	8.221654	0.014183	1.22618
EDUCCAT	-0.93839	1.519984	-0.00625	-0.61737
DOCPLEA**	-13.0963	3.917783	-0.04442	-3.34278
TRIAL**	14.30592	4.875914	0.041475	2.933998
CIRC1ST	-4.03116	12.40478	-0.0036	-0.32497
CIRC2ND**	23.25715	7.25136	0.044939	3.20728
CIRC3RD	4.350989	6.789962	0.007448	0.640797
CIRC4TH	6.485171	5.051403	0.017805	1.283835
CIRC5TH	4.328699	5.868204	0.009109	0.737653
CIRC7TH	7.969959	7.410067	0.012184	1.075558
CIRC8TH	-2.87696	7.273219	-0.00445	-0.39555
CIRC9TH	-0.75569	9.647633	-0.00083	-0.07833
CIRC10TH	-0.1529	10.31588	-0.00015	-0.01482
CIRC11TH**	22.44617	5.355349	0.056705	4.191356
CIRCDC**	-29.5668	7.028252	-0.04971	-4.20685
(Constant)	-151.542	13.07718		-11.5883

R^2 .568 **Adjusted R^2** .565 ***p < .05** ****p< .01**

TABLE F4
OLS SENTENCE LENGTH ESTIMATES—DRUG OFFENSES WHITE OFFENDERS

	b Coefficient	Standard Error	Beta Weight	T-Score
CRACK*	12.9756	5.821756	0.016736	2.228812
HEROIN	-4.65206	3.473376	-0.01011	-1.33935
MARIJUAN**	-5.74247	1.782101	-0.02803	-3.22231
METHAM**	11.21782	2.995372	0.030114	3.745051
LSD	-7.43762	4.862916	-0.01134	-1.52946
OTHERDR	-5.69033	3.854564	-0.01157	-1.47626
XCRHISSR**	9.90661	0.83538	0.121588	11.85881
CRIMHIST	2.606123	1.963268	0.011934	1.327441
STATMIN**	0.281915	0.009693	0.247327	29.08322
NOCOUNTS**	2.223699	0.286481	0.058246	7.762121
ACCPTPSR*	3.445591	1.726135	0.014596	1.99613
ADJUSTME**	6.952978	0.468017	0.127001	14.85624
DOWNWARD**	-52.9097	1.696346	-0.24911	-31.1904
UPWARD**	44.01356	9.66601	0.032604	4.553436
PROBATIO**	38.20718	3.2268	0.109665	11.84058
CAREER	3.352083	2.03276	0.016837	1.64903
OFFENSEC**	22.96469	6.005726	0.032239	3.823799
XFOLSOR**	5.319215	0.12684	0.499779	41.93652
MONSEX	-0.12766	2.286373	-0.00041	-0.05584
AGE**	0.240149	0.078696	0.023189	3.051595
NUMDEPEN	-0.23429	0.330812	-0.00526	-0.70823
USCITIZE	-2.74841	2.513055	-0.01214	-1.09365
HISPANIC	0.011736	2.446752	5.56E-05	0.004796
EDUCCAT	-0.28365	0.672936	-0.00329	-0.42152
DOCPLEA*	-3.95982	1.953894	-0.01853	-2.02663
TRIAL**	17.25258	2.717949	0.061653	6.347645
CIRC1ST	2.580338	4.778774	0.004771	0.539958
CIRC2ND**	11.27133	4.344556	0.024116	2.594358
CIRC3RD**	-12.4186	4.309818	-0.02631	-2.88147
CIRC4TH	4.825634	3.615543	0.013876	1.334691
CIRC5TH**	10.8345	3.292944	0.044041	3.290217
CIRC7TH	3.392778	4.161323	0.007609	0.815312
CIRC8TH	-0.95329	3.947324	-0.00233	-0.2415
CIRC9TH	6.250375	3.34191	0.023853	1.8703
CIRC10TH	7.846908	4.07419	0.018365	1.926004
CIRC11TH	4.763792	3.347566	0.017389	1.423061
CIRCDC	-27.3203	15.92926	-0.01282	-1.7151
(Constant)	-76.356	6.768718		-11.2807

R^2 .586 **Adjusted R^2** .584 *p < .05 **p< .01

TABLE F5
OLS SENTENCE LENGTH ESTIMATES—FIREARM OFFENSES BLACK OFFENDERS

	b Coefficient	Standard Error	Beta Weight	T-Score
XCRHISSR**	10.51813	1.123498	0.215853	9.361955
CRIMHIST	-0.41543	7.862624	-0.00109	-0.05284
STATMIN**	0.21872	0.01842	0.229151	11.87422
NOCOUNTS	2.105874	1.104815	0.031608	1.906087
ACCPTPSR	7.646513	4.403344	0.028397	1.736524
ADJUSTME	-0.63364	1.447226	-0.00871	-0.43783
DOWNWARD**	-37.9079	4.915922	-0.13019	-7.71125
UPWARD**	31.20881	7.332348	0.069872	4.256318
PROBATIO**	25.35436	5.001457	0.104593	5.069394
CAREER	8.380459	6.344295	0.029991	1.320944
OFFENSEC**	26.053	7.638356	0.062341	3.410812
XFOLSOR**	5.814392	0.240444	0.55439	24.18191
MONSEX	5.131662	7.632318	0.011211	0.67236
AGE**	0.42515	0.163423	0.042959	2.601538
NUMDEPEN*	-1.73885	0.706388	-0.04057	-2.4616
USCITIZE	10.15802	7.395164	0.024556	1.373603
HISPANIC	15.90757	12.58661	0.022112	1.263849
EDUCCATN	1.193314	1.683644	0.011963	0.708769
DOCPLEA	2.416512	3.804103	0.013237	0.635238
TRIAL**	29.40843	5.158774	0.133917	5.700663
CIRC1ST	12.92498	10.97287	0.020689	1.177904
CIRC2ND	-1.16574	7.789148	-0.00273	-0.14966
CIRC3RD	3.634065	7.183388	0.009379	0.505898
CIRC4TH	1.643458	5.006998	0.007185	0.328232
CIRC5TH	3.675841	5.693649	0.013257	0.645604
CIRC7TH	-1.49138	6.058507	-0.00484	-0.24616
CIRC8TH	1.896021	8.585473	0.003927	0.220841
CIRC9TH	1.137215	8.241269	0.002484	0.13799
CIRC10TH	-2.21969	8.263347	-0.00473	-0.26862
CIRC11TH**	17.7178	5.299257	0.073648	3.343449
CIRCDC	-9.66163	11.85669	-0.01386	-0.81487
(Constant)	-121.512	14.24612		-8.5295

R^2 .768 Adjusted R^2 .760 *p < .05 **p< .01

TABLE F6
OLS SENTENCE LENGTH ESTIMATES—FIREARM OFFENSES WHITE OFFENDERS

	b Coefficient	Standard Error	Beta Weight	T-Score
XCRHISSR**	8.520301	0.759463	0.202009	11.21885
CRIMHIST	2.631211	4.09445	0.01059	0.642629
STATMIN**	0.323581	0.014921	0.339556	21.68652
NOCOUNTS	0.341753	0.706408	0.006663	0.48379
ACCPTPSR	1.006924	3.022874	0.004573	0.333101
ADJUSTME**	3.389455	0.988599	0.053581	3.428543
DOWNWARD**	-26.5436	3.157059	-0.11654	-8.4077
UPWARD**	37.05173	5.864278	0.08594	6.318208
PROBATIO**	22.86611	3.261963	0.114655	7.009923
CAREER	-0.14863	3.596342	-0.00075	-0.04133
OFFENSEC**	29.0146	6.752464	0.063267	4.296891
XFOLSOR**	5.15562	0.187071	0.52061	27.55973
MONSEX	0.82554	5.287709	0.002073	0.156124
AGE	-0.17214	0.114153	-0.02042	-1.50796
NUMDEPEN	-0.73768	0.664911	-0.01513	-1.10944
USCITIZE	-3.64158	5.138545	-0.0121	-0.70868
HISPANIC	3.339995	4.500242	0.01304	0.742181
EDUCCAT	0.536293	1.084784	0.006894	0.494378
DOCPLEA	-1.65964	2.722329	-0.00966	-0.60964
TRIAL**	19.45101	4.379844	0.077868	4.441028
CIRC1ST	3.191622	5.70015	0.008637	0.559919
CIRC2ND	1.010308	5.396021	0.002949	0.187232
CIRC3RD	12.79012	5.825984	0.033642	2.195357
CIRC4TH	8.288312	4.304597	0.03371	1.925456
CIRC5TH	2.863494	4.017005	0.013955	0.712843
CIRC7TH	5.288485	5.350643	0.015527	0.988383
CIRC8TH	-2.97369	5.318667	-0.00873	-0.5591
CIRC9TH	-2.49343	4.357245	-0.01011	-0.57225
CIRC10TH	8.606449	4.707817	0.030364	1.828119
CIRC11TH	4.553533	4.305158	0.018568	1.057692
(Constant)	-58.8616	9.878112		-5.95879

R^2 .756 **Adjusted R^2** .750 ***p <.05** ****p<.01**

TABLE F7
OLS SENTENCE LENGTH ESTIMATES—"OTHER" OFFENSES BLACK OFFENDERS

	b Coefficient	Standard Error	Beta Weight	T-Score
PROPERTY	0.832542	2.344945	0.007489	0.355037
WHTCOLLR	4.557646	2.610992	0.036298	1.745561
IMMIGRAT	6.276708	4.506455	0.02391	1.392826
XCRHISSR**	6.253754	0.631766	0.174585	9.898846
CRIMHIST	0.340346	1.894807	0.002916	0.179621
STATMIN**	0.136908	0.007526	0.231	18.19021
NOCOUNTS	-0.22158	0.210523	-0.01371	-1.05253
ACCPTPSR**	5.619356	2.031206	0.035549	2.766512
ADJUSTME*	1.18116	0.55195	0.031996	2.139977
DOWNWARD**	-25.7728	2.423656	-0.1432	-10.6339
UPWARD**	22.60538	5.34761	0.053935	4.227194
PROBATIO**	24.30034	1.988389	0.2205	12.22112
CAREER	3.279488	1.926702	0.029711	1.702125
OFFENSEC**	39.62372	7.994542	0.067146	4.956346
XFOLSOR**	6.442558	0.170827	0.704884	37.71386
MONSEX	-0.83452	1.583476	-0.00711	-0.52702
AGE*	-0.14633	0.070762	-0.0265	-2.06786
NUMDEPEN	-0.07316	0.318109	-0.00291	-0.22998
USCITIZE	2.193313	2.621324	0.012941	0.836719
HISPANIC	-4.64412	5.176582	-0.0139	-0.89714
EDUCCAT	-1.16752	0.66921	-0.02312	-1.74462
DOCPLEA**	-6.25051	1.719809	-0.05427	-3.63442
TRIAL	0.906669	3.10818	0.004508	0.291704
CIRC1ST	2.918101	6.413684	0.007083	0.45498
CIRC2ND	-3.31028	3.249681	-0.01559	-1.01865
CIRC3RD	3.490455	2.946549	0.018374	1.184591
CIRC4TH	0.077166	2.650457	0.000471	0.029114
CIRC5TH	0.552442	2.633546	0.003408	0.209771
CIRC7TH	-0.0737	3.009176	-0.00038	-0.02449
CIRC8TH	4.908443	4.150091	0.016201	1.182731
CIRC9TH	3.876302	3.501148	0.015951	1.107152
CIRC10TH	1.254914	4.391431	0.003876	0.285764
CIRC11TH	-3.34225	2.461946	-0.02305	-1.35756
CIRCDC	-3.92439	4.332557	-0.01248	-0.90579
(Constant)	-66.9869	6.636774		-10.0933

R^2 .506 Adjusted R^2 .501 *p < .05 **p< .01

TABLE F8
OLS SENTENCE LENGTH ESTIMATES—"OTHER" OFFENSES WHITE OFFENDERS

	b Coefficient	Standard Error	Beta Weight	T-Score
PROPERTY	-1.98577	1.526167	-0.01423	-1.30115
WHTCOLLR**	-7.80769	1.235685	-0.07323	-6.31851
IMMIGRAT*	-5.76346	2.246411	-0.03208	-2.56563
XCRHISSR**	6.032862	0.418999	0.153818	14.39826
CRIMHIST	0.017711	1.074028	0.000166	0.01649
STATMIN**	0.074486	0.005817	0.103707	12.80518
NOCOUNTS	-0.01119	0.106412	-0.0009	-0.10514
ACCPTPSR	2.237553	1.156215	0.015974	1.935239
ADJUSTME	0.058505	0.312251	0.00182	0.187367
DOWNWARD**	-20.5563	1.25492	-0.14214	-16.3806
UPWARD**	22.58225	3.00752	0.061609	7.508593
PROBATIO**	24.33683	1.205279	0.230367	20.19186
CAREER	0.721894	1.100118	0.006836	0.656197
OFFENSEC**	101.5755	8.985193	0.093	11.30476
XFOLSOR**	6.144586	0.10216	0.728747	60.14654
MONSEX**	1.786744	1.085872	0.013921	1.645446
AGE	-0.12048	0.038087	-0.02698	-3.16336
NUMDEPEN	-0.25181	0.211403	-0.00971	-1.19112
USCITIZE	-3.38353	1.939699	-0.0226	-1.74436
HISPANIC	-1.10934	1.980579	-0.00741	-0.56011
EDUCCAT*	-0.80466	0.379083	-0.01929	-2.12264
TRIAL**	7.011518	1.936678	0.036361	3.620384
DOCPLEA**	-4.7751	1.089101	-0.0413	-4.38444
CIRC1ST	-4.53597	2.758268	-0.01473	-1.6445
CIRC2ND	-3.34182	2.154532	-0.01488	-1.55107
CIRC3RD	-2.07738	2.024899	-0.01033	-1.02592
CIRC4TH	-2.99887	1.856076	-0.01666	-1.61571
CIRC5TH	-2.36508	1.710088	-0.01671	-1.38301
CIRC7TH	-0.13287	2.189056	-0.00058	-0.0607
CIRC8TH*	-4.22133	2.145892	-0.01879	-1.96717
CIRC9TH	-2.59494	1.745568	-0.01682	-1.48659
CIRC10TH	-1.09089	2.014304	-0.00537	-0.54157
CIRC11TH	-2.18541	1.72269	-0.0138	-1.2686
CIRCDC	-4.48817	7.151063	-0.00511	-0.62762
(Constant)	-52.1798	4.052892		-12.8747

R^2 .453 **Adjusted R^2** .451 ***p < .05** ****p< .01**

TABLE F9
OLS SENTENCE LENGTH ESTIMATES—ROBBERY OFFENSES BLACK OFFENDERS

	b Coefficient	Standard Error	Beta Weight	T-Score	VIF
XCRHISSR**	11.6724	1.773174	0.213127	6.582775	2.964112
CRIMHIST	6.048754	8.440876	0.01689	0.716603	1.570856
STATMIN**	0.441766	0.024993	0.375946	17.67564	1.279195
NOCOUNTS**	16.8177	1.527918	0.253425	11.00694	1.498996
ACCPTPSR*	12.34294	5.504562	0.044092	2.242312	1.093374
ADJUSTME**	8.342263	1.974022	0.107242	4.226024	1.820983
DOWNWARD**	-38.6372	5.707887	-0.13585	-6.76909	1.138909
UPWARD**	84.92811	12.36295	0.134334	6.869568	1.081314
CAREER*	17.74212	7.117949	0.071782	2.492589	2.345094
OFFENSEC**	50.31074	8.471128	0.171682	5.939083	2.362908
XFOLSOR**	4.447886	0.457508	0.268657	9.721991	2.159347
MONSEX**	27.49857	9.012989	0.063027	3.050993	1.206709
AGE	-0.18131	0.275895	-0.0137	-0.65716	1.229597
NUMDEPEN	-1.85171	1.187721	-0.03037	-1.55904	1.072706
USCITIZE	-6.67858	14.02292	-0.00994	-0.47626	1.231845
HISPANIC	8.449119	20.3038	0.011278	0.416135	2.076862
EDUCCATN*	-5.05262	2.435413	-0.04101	-2.07465	1.104939
DOCPLEA	-4.28669	5.572559	-0.01897	-0.76925	1.719964
TRIAL**	22.61226	8.396586	0.075753	2.69303	2.237469
CICR1ST	6.862068	23.15215	0.007953	0.29639	2.035958
CIRC2ND	-10.6608	9.935846	-0.02563	-1.07296	1.61313
CIRC3RD**	-36.4411	10.08717	-0.08559	-3.61262	1.587361
CIRC4TH	-5.25145	7.808764	-0.01768	-0.67251	1.953461
CIRC5TH	14.77888	8.601205	0.041905	1.718233	1.681922
CIRC7TH	7.880551	9.450633	0.019365	0.833865	1.524977
CIRC8TH	-7.37152	11.70725	-0.01377	-0.62965	1.352027
CIRC9TH	-14.7119	7.582516	-0.05276	-1.94025	2.090667
CIRC10TH	10.25356	13.00969	0.016674	0.788148	1.265606
CIRC11TH	-9.54884	8.109323	-0.03137	-1.17751	2.007063
CIRCDC	-38.6839	25.32558	-0.03002	-1.52746	1.092151
(Constant)	-60.8847	24.88721		-2.44642	

R^2 .804 **Adjusted R^2** .794 ***p < .05** ****p< .01**

TABLE F10
OLS SENTENCE LENGTH ESTIMATES—ROBBERY OFFENSES WHITE OFFENDERS

	b Coefficient	Standard Error	Beta Weight	T-Score
XCRHISSR**	9.89699	1.039753	0.227412	9.518598
CRIMHIST	-6.11207	5.03323	-0.02509	-1.21434
STATMIN**	0.391221	0.021181	0.299523	18.47045
NOCOUNTS**	6.176017	0.850756	0.12225	7.259446
ACCPTPSR	3.248565	3.594591	0.013701	0.903737
ADJUSTME**	5.766213	1.165453	0.085997	4.947613
DOWNWARD**	-31.8932	3.672451	-0.13657	-8.68444
UPWARD**	65.83121	10.25493	0.099116	6.419467
CAREER	3.801307	4.531878	0.01983	0.838793
OFFENSEC**	60.73482	5.390638	0.229531	11.26672
XFOLSOR**	4.457044	0.265526	0.358992	16.78569
MONSEX	3.572456	4.607368	0.013053	0.775379
AGE*	-0.32608	0.144857	-0.03583	-2.25108
NUMDEPEN	-0.76994	1.032447	-0.01142	-0.74574
USCITIZE	3.007594	8.334664	0.005877	0.360854
HISPANIC	-0.13384	5.796169	-0.00039	-0.02309
EDUCCATN	-0.11587	1.447074	-0.00126	-0.08007
TRIAL**	30.87835	5.700584	0.100203	5.4167
DOCPLEA	-2.05548	3.457212	-0.01055	-0.59455
CIRC2ND	5.219309	6.978524	0.013733	0.74791
CIRC3RD	-6.65689	8.838341	-0.01279	-0.75318
CIRC4TH	2.459679	6.164873	0.007631	0.398983
CIRC5TH	3.915303	6.265033	0.011928	0.624945
CIRC7TH	2.584845	8.319315	0.005298	0.310704
CIRC8TH	2.73327	6.719	0.007437	0.406797
CIRC9TH	-7.8371	4.648013	-0.04237	-1.68612
CIRC10TH	0.119578	6.143799	0.000378	0.019463
CIRC11TH	2.676301	5.270176	0.010732	0.50782
(Constant)	-44.9191	14.25401		-3.15133

R^2 .787 **Adjusted R^2** .781 ***p < .05** ****p< .01**

TABLE F11
OLS SENTENCE LENGTH ESTIMATES—21841 DRUG OFFENSES BLACK OFFENDERS

	b Coefficient	Standard Error	Beta Weight	T-score
CRACK	1.035177	3.360942	0.004957	0.308002
HEROIN	-9.02879	7.010729	-0.01797	-1.28785
MARIJUAN	4.760574	8.203783	0.007998	0.58029
ODRUG	-3.03191	10.223	-0.00395	-0.29658
XCRHISSR**	11.13204	1.16405	0.177229	9.56319
CRIMHIST	3.839776	4.525897	0.014223	0.848401
STATMIN**	0.2429	0.015251	0.227988	15.92666
NOCOUNTS**	4.722378	1.055351	0.060591	4.474698
ACCPTPSR	2.23031	3.218642	0.008916	0.692935
ADJUSTME**	9.126018	0.930435	0.153843	9.808335
DOWNWARD**	-52.8635	3.257694	-0.22271	-16.2273
UPWARD	5.887672	18.2022	0.004151	0.323459
PROBATIO**	51.05489	9.748458	0.072242	5.237227
CAREER	0.047379	4.067491	0.000222	0.011648
OFFENSEC**	43.83334	7.195282	0.094263	6.091956
XFOLSOR**	6.16521	0.215391	0.488351	28.62331
MONSEX	-3.34827	4.235524	-0.01049	-0.79052
AGE**	0.614375	0.148461	0.056791	4.138283
NUMDEPEN	-0.98048	0.631482	-0.02038	-1.55266
USCITIZE	5.04477	5.362506	0.014566	0.940749
HISPANIC	3.290335	8.154269	0.00672	0.403511
EDUCCATN	-1.144	1.409708	-0.01081	-0.81151
DOCPLEA	-5.63368	3.432654	-0.02797	-1.6412
TRIAL	5.675346	4.200332	0.024359	1.351166
CIRC1ST	9.306722	11.70154	0.011963	0.795341
CIRC2ND	2.564429	7.820769	0.004682	0.3279
CIRC3RD	5.067997	7.177796	0.010089	0.706066
CIRC4TH	-0.86676	4.535129	-0.00338	-0.19112
CIRC5TH	2.998552	4.843885	0.010517	0.619039
CIRC7TH	-1.80119	6.595025	-0.00411	-0.27311
CIRC8TH	-6.93817	5.69865	-0.01862	-1.21751
CIRC9TH	-4.78182	7.870356	-0.00867	-0.60757
CIRC10TH	-0.23738	7.891147	-0.00042	-0.03008
CIRC11TH**	11.03464	4.916267	0.0386	2.244516
CIRCDC**	-26.5385	5.536057	-0.07747	-4.79376
(Constant)	-106.601	12.12707		-8.79032

R^2 .648 **Adjusted R^2** .642 ***p < .05** ****p< .01**

TABLE F12
OLS SENTENCE LENGTH ESTIMATES—21841 DRUG OFFENSES WHITE OFFENDERS

	b Coefficient	Standard Error	Beta Weight	T-Score
CRACK	-5.053	5.938042	-0.00909	-0.85095
HEROIN**	-10.8807	3.728406	-0.03155	-2.91833
MARIJUAN**	-5.63672	1.892375	-0.03766	-2.97865
METHAM**	13.44728	3.274073	0.047258	4.107202
LSD	-3.92272	5.122311	-0.00812	-0.76581
OTHERDR*	-8.93356	4.417765	-0.02276	-2.02219
XCRHISSR**	10.30795	0.890418	0.170794	11.57653
CRIMHIST	-0.60186	2.099724	-0.00366	-0.28664
STATMIN**	0.228279	0.012691	0.217423	17.98813
NOCOUNTS**	4.641603	0.514859	0.096939	9.015287
ACCPTPSR	1.027432	1.802701	0.005929	0.56994
ADJUSTME**	5.987146	0.552304	0.128438	10.84031
DOWNWARD**	-43.0788	1.767684	-0.26874	-24.3702
UPWARD	13.4408	12.16471	0.011215	1.104901
PROBATIO**	28.25242	3.709099	0.090753	7.617057
CAREER	3.035088	2.163549	0.020442	1.402829
OFFENSEC**	22.36444	6.333577	0.043105	3.531091
XFOLSOR**	4.89953	0.139037	0.53849	35.23914
MONSEX	2.978401	2.638168	0.011836	1.128965
AGE	0.097477	0.084278	0.01243	1.156617
NUMDEPEN	-0.64172	0.388968	-0.01758	-1.64981
USCITIZE	-2.71642	2.51103	-0.01614	-1.0818
HISPANIC	-0.93737	2.476774	-0.00609	-0.37847
EDUCCAT	-1.1672	0.71261	-0.01842	-1.63792
DOCPLEA	-0.87974	2.072208	-0.00538	-0.42454
TRIAL	5.600266	2.969549	0.025382	1.885898
CIRC1ST	-3.18582	5.05061	-0.00814	-0.63078
CIRC2ND	-3.86601	5.068941	-0.00942	-0.76269
CIRC3RD*	-12.6683	5.521069	-0.02736	-2.29453
CIRC4TH	0.504874	4.301297	0.001583	0.117377
CIRC5TH	3.973423	3.467446	0.024185	1.145922
CIRC7TH	-5.13445	4.479734	-0.01516	-1.14615
CIRC8TH	-3.91827	4.225612	-0.01275	-0.92727
CIRC9TH	-4.17568	3.563757	-0.02179	-1.17171
CIRC10TH	1.986383	3.960572	0.007539	0.50154
CIRC11TH	-0.06317	3.809783	-0.00026	-0.01658
CIRCDC	-10.2327	15.00344	-0.00722	-0.68202
(Constant)	-56.3684	7.167902		-7.864

R^2 .634 **Adjusted R^2** .630 ***p < .05** ****p< .01**

Table F13
OLS Sentence Length Estimates—21844 Drug Offenses Black Offenders

	b Coefficient	Standard Error	Beta Weight	T-Score	VIF
CRACK	-4.04921	3.451668	-0.06941	-1.17312	3.910974
HEROIN	-7.63723	4.970964	-0.07539	-1.53637	2.689532
MARJUAN**	9.656291	3.5244	0.14209	2.73984	3.00437
OTHDRUG	-4.68194	6.688976	-0.02473	-0.69995	1.393857
XCRHISSR**	3.861264	0.987752	0.210998	3.909145	3.254377
STATMIN	0.009708	0.013628	0.026467	0.71234	1.542037
NOCOUNTS	4.313012	2.390394	0.060608	1.80431	1.260425
ACCPTPSR	1.143384	3.033523	0.011935	0.376916	1.12
ADJUSTME**	-3.31521	1.01218	-0.11662	-3.27531	1.416119
DOWNWARD**	-30.6236	5.63236	-0.21193	-5.43707	1.697262
UPWARD	10.53575	7.890277	0.048334	1.335283	1.463638
PROBATIO	1.162091	3.485962	0.018009	0.333363	3.260155
CAREER	3.737859	2.508084	0.06365	1.490325	2.03757
XFOLSOR**	3.91816	0.222197	1.016591	17.63369	3.712616
MONSEX	-2.0777	2.451027	-0.03031	-0.84769	1.428053
AGE	-0.08481	0.13558	-0.02422	-0.62555	1.674018
NUMDEPEN	0.930473	0.752588	0.043824	1.236365	1.403462
USCITIZE	2.859102	5.287245	0.019787	0.540755	1.49564
EDUCCATN	1.205294	1.24018	0.035172	0.97187	1.463034
DOCPLEA	0.29991	2.160735	0.005144	0.1388	1.53441
TRIAL	3.547174	3.456266	0.039751	1.026302	1.675812
CIRC2ND	5.189918	12.99912	0.013831	0.399252	1.340555
CIRC3RD	1.002231	4.289914	0.009893	0.233625	2.003054
CIRC4TH	0.654835	3.898337	0.008192	0.167978	2.656807
CIRC5TH	-7.1495	4.002902	-0.07264	-1.78608	1.84786
CIRC7TH	0.162346	7.082254	0.001043	0.022923	2.314752
CIRC8TH	14.56466	7.941669	0.066817	1.833955	1.482767
CIRC9TH	-0.81256	8.686551	-0.00305	-0.09354	1.189941
CIRC10TH	0.066406	6.625083	0.000351	0.010023	1.367356
CIRC11TH	1.503593	4.099244	0.016095	0.366798	2.150851
CIRCDC	2.280019	3.364358	0.036905	0.677698	3.312628
(Constant)	-42.8072	10.35151		-4.13536	

R^2 .881 **Adjusted R^2** .853 ***p < .05** ****p< .01**

TABLE F14
OLS SENTENCE LENGTH ESTIMATES—21844 DRUG OFFENSES WHITE OFFENDERS

	b Coefficient	Standard Error	Beta Weight	T-Score
CRACK**	9.802969	2.209462	0.256472	4.436812
HEROIN	-0.1496	2.182551	-0.00332	-0.06855
MARIJUAN	-0.42044	0.737746	-0.03757	-0.5699
METHAM	1.98184	1.518137	0.074946	1.305442
LSD	0.33769	2.09483	0.008192	0.161202
OTHERDR	-1.10053	1.120536	-0.05286	-0.98215
XCRHISSR**	0.9976	0.297608	0.203752	3.352058
CRIMHIST*	1.66149	0.706421	0.141578	2.351984
STATMIN	0.005783	0.004898	0.057936	1.180577
NOCOUNTS**	2.743752	0.760643	0.177007	3.607147
ACCPTPSR	1.365299	1.177059	0.057735	1.159924
ADJUSTME	-0.09049	0.357343	-0.0127	-0.25324
DOWNWARD*	-5.87095	2.295464	-0.13022	-2.55763
UPWARD**	7.90299	1.757046	0.220693	4.497885
PROBATIO**	-7.43609	1.485345	-0.32951	-5.0063
CAREER*	1.861178	0.750559	0.167014	2.479722
XFOLSOR	0.183468	0.154478	0.08297	1.187666
MONSEX	-0.25585	0.630802	-0.02058	-0.4056
AGE	0.038692	0.032581	0.058126	1.187585
NUMDEPEN	0.114148	0.10321	0.0539	1.105976
USCITIZE	0.814013	1.410621	0.05162	0.57706
HISPANIC	2.106964	1.231751	0.152865	1.710543
EDUCCAT	0.203497	0.264225	0.043455	0.770164
DOCPLEA	0.547151	0.612182	0.046833	0.893773
TRIAL	-0.97865	1.520918	-0.03456	-0.64346
CIRC1ST	3.397901	3.414217	0.047888	0.995221
CIRC2ND	1.545049	1.454547	0.062002	1.062221
CIRC3RD	0.743497	1.795881	0.021987	0.414001
CIRC4TH	1.72699	1.121409	0.107542	1.540018
CIRC5TH*	2.50216	1.188908	0.160065	2.104587
CIRC7TH	-1.3368	1.856259	-0.04161	-0.72016
CIRC8TH	1.625966	1.237898	0.08224	1.313489
CIRC9TH	1.366451	1.035387	0.109545	1.319749
CIRC10TH**	4.192363	1.382632	0.172835	3.032162
CIRC11TH	1.772852	1.272597	0.086696	1.393098
CIRCDC*	-10.9486	4.253698	-0.1543	-2.5739
(Constant)	-5.01372	3.833727		-1.30779

R^2 .398 **Adjusted R^2** .323 ***p < .05** ****p< .01**

TABLE F17
OLS SENTENCE LENGTH ESTIMATES—"OTHER" DRUG OFFENSES BLACK OFFENDERS

	b Coefficient	Standard Error	Beta Weight	T-Score
CRACK*	14.16145	6.104942	0.038765	2.31967
HEROIN	13.41809	9.361309	0.02762	1.433356
MARJUAN*	30.8193	14.13612	0.033176	2.18018
XCRHISSR**	16.19168	2.673288	0.126415	6.05684
CRIMHIST	-3.63719	7.766607	-0.00899	-0.46831
STATMIN**	0.270631	0.024457	0.176338	11.0656
NOCOUNTS	0.930517	0.825154	0.016467	1.127689
ACCPTPSR**	19.07365	6.23128	0.042809	3.060952
ADJUSTME**	11.01563	1.49254	0.147968	7.380455
DOWNWARD**	-89.054	6.033448	-0.23273	-14.7601
UPWARD	30.93075	31.83926	0.013672	0.971466
PROBATIO**	91.96362	20.19393	0.069952	4.554024
CAREER	0.928776	7.63861	0.002568	0.12159
OFFENSEC	22.44456	17.47143	0.021177	1.284644
XFOLSOR**	9.838647	0.434124	0.447647	22.66319
MONSEX	5.308621	7.377662	0.01049	0.719553
AGE	0.02592	0.300859	0.001277	0.086152
NUMDEPEN*	2.565443	1.228823	0.030283	2.087725
USCITIZE	10.00472	8.014792	0.023017	1.248282
HISPANIC	7.184743	13.55368	0.008459	0.530095
EDUCCATN	-2.48154	2.62547	-0.01389	-0.94518
DOCPLEA*	-18.8002	7.467023	-0.05193	-2.51777
TRIAL**	28.67916	9.152544	0.067935	3.133463
CIRC1ST	-10.9316	20.50572	-0.00841	-0.5331
CIRC2ND**	37.02944	11.94151	0.071941	3.1009
CIRC3RD	8.66769	11.04936	0.013782	0.784452
CIRC4TH	14.31115	8.967889	0.033038	1.595822
CIRC5TH	4.747391	11.73772	0.006844	0.404456
CIRC7TH	14.37232	13.21518	0.017765	1.087562
CIRC8TH	-1.96021	15.29993	-0.00197	-0.12812
CIRC9TH	2.74822	18.99465	0.002179	0.144684
CIRC10TH	-15.9631	23.88972	-0.00961	-0.6682
CIRC11TH**	26.56059	9.398946	0.057555	2.825911
CIRCDC*	-45.9711	19.57171	-0.03497	-2.34885
(Constant)	-198.67	23.34309		-8.51087

R^2 .562 **Adjusted R^2** .555 ***p < .05** ****p< .01**

TABLE F18
OLS SENTENCE LENGTH ESTIMATES—"OTHER" DRUG OFFENSES WHITE OFFENDERS

	b Coefficient	Standard Error	Beta Weight	T-Score
CRACK**	28.29019	9.740635	0.029694	2.904348
HEROIN	0.677474	5.674094	0.001283	0.119398
MARIJUAN**	-7.71715	3.002666	-0.03084	-2.5701
METHAM	7.244568	4.851039	0.01709	1.493405
LSD	-11.7788	8.109586	-0.01516	-1.45245
OTHERDR	-5.91081	6.383526	-0.01045	-0.92595
XCRHISSR**	10.17646	1.392529	0.106542	7.307895
CRIMHIST	5.594599	3.248516	0.021849	1.722201
STATMIN**	0.306689	0.014174	0.258522	21.63789
NOCOUNTS**	1.374379	0.376357	0.038802	3.651798
ACCPTPSR	4.683343	2.84603	0.016993	1.64557
ADJUSTME**	7.029805	0.721601	0.122028	9.741956
DOWNWARD**	-59.8299	2.788491	-0.24543	-21.456
UPWARD**	81.65962	16.2251	0.050853	5.032921
PROBATIO**	37.13958	6.304092	0.069112	5.891344
CAREER	3.582536	3.369789	0.015298	1.063134
OFFENSEC*	21.47541	9.715075	0.02639	2.210524
XFOLSOR**	5.750978	0.209806	0.43319	27.41097
MONSEX	-2.94082	3.723855	-0.00822	-0.78972
AGE**	0.370004	0.12946	0.030812	2.858045
NUMDEPEN	0.158638	0.519878	0.003188	0.305144
USCITIZE	-1.49165	4.37545	-0.00564	-0.34091
HISPANIC	1.743341	4.274786	0.006897	0.407819
EDUCCAT	0.398927	1.116763	0.003866	0.357217
DOCPLEA	-5.18457	3.358923	-0.02096	-1.54352
TRIAL**	26.73705	4.393674	0.086466	6.085352
CIRC1ST	8.365084	7.789009	0.013272	1.07396
CIRC2ND**	22.90739	6.931431	0.045941	3.304858
CIRC3RD	-7.30388	6.523918	-0.01536	-1.11955
CIRC4TH*	11.5872	5.704314	0.031469	2.031304
CIRC5TH**	24.53018	5.677769	0.073289	4.320391
CIRC7TH	10.47559	6.760029	0.020613	1.549637
CIRC8TH	5.563723	6.576451	0.011504	0.846007
CIRC9TH**	17.5983	5.646456	0.054967	3.116699
CIRC10TH	10.6618	7.930039	0.016267	1.344482
CIRC11TH	7.678878	5.323525	0.026505	1.442443
(Constant)	-102.686	11.30897		-9.08009

R^2 .572 **Adjusted R^2** .568 ***p < .05** ****p< .01**

TABLE F21
OLS SENTENCE LENGTH ESTIMATES—"OTHER" FIREARM OFFENSES BLACK OFFENDERS

	b Coefficient	Standard Error	Beta Weight	T-Score
XCRHISSR**	10.48644	1.160549	0.212993	9.035756
CRIMHIST	-1.12496	8.464565	-0.00287	-0.1329
STATMIN**	0.217522	0.018811	0.229619	11.56345
NOCOUNTS	2.157713	1.164513	0.03185	1.852888
ACCPTPSR	7.538515	4.593763	0.027837	1.641033
ADJUSTME	-0.58526	1.515332	-0.00798	-0.38623
DOWNWARD**	-38.0093	5.090144	-0.13107	-7.46724
UPWARD**	30.44801	7.557561	0.068332	4.028814
PROBATIO**	25.24047	5.356312	0.099015	4.712285
CAREER	8.544445	6.783779	0.029851	1.259541
OFFENSEC**	27.11936	7.823707	0.065828	3.466306
XFOLSOR**	5.762876	0.249374	0.54504	23.1094
MONSEX	5.227031	8.118957	0.011139	0.643806
AGE*	0.395014	0.170055	0.039777	2.322858
NUMDEPEN*	-1.70928	0.726316	-0.04011	-2.35335
USCITIZE	9.720544	7.686512	0.023595	1.264624
HISPANIC	12.03217	13.21679	0.016413	0.91037
EDUCCATN	1.421895	1.749978	0.014193	0.812522
DOCPLEA	2.139707	3.958426	0.011666	0.540545
TRIAL**	30.37246	5.354605	0.138373	5.672213
CIRC1ST	10.92755	11.32411	0.017316	0.964981
CIRC2ND	-1.05653	7.953912	-0.00251	-0.13283
CIRC3RD	3.880354	7.326665	0.010157	0.529621
CIRC4TH	1.74896	5.270327	0.007295	0.33185
CIRC5TH	4.28458	5.816168	0.015646	0.736667
CIRC7TH	-1.46564	6.226402	-0.00477	-0.23539
CIRC8TH	2.326801	8.761643	0.00489	0.265567
CIRC9TH	1.461033	8.503223	0.003197	0.171821
CIRC10TH	-1.97962	8.520728	-0.00422	-0.23233
CIRC11TH**	17.84301	5.478541	0.073857	3.256891
CIRCDC	-10.3115	12.47159	-0.01455	-0.8268
(Constant)	-119.321	14.85267		-8.03366

R^2 .763 **Adjusted R^2** .754 ***p < .05** ****p< .01**

TABLE F22
OLS SENTENCE LENGTH ESTIMATES—"OTHER" FIREARM OFFENSES WHITE OFFENDERS

	b Coefficient	Standard Error	Beta Weight	T-Score
XCRHISSR**	8.663612	0.774072	0.205941	11.19226
CRIMHIST	2.796615	4.177933	0.011199	0.669378
STATMIN**	0.31171	0.015075	0.329521	20.67774
NOCOUNTS	-0.1501	0.714918	-0.00295	-0.20995
ACCPTPSR	1.540476	3.067867	0.007046	0.502133
ADJUSTME**	3.221569	1.023313	0.050411	3.148176
DOWNWARD**	-25.709	3.249255	-0.11161	-7.91227
UPWARD**	37.57521	5.869148	0.089019	6.402157
PROBATIO**	23.82631	3.326264	0.11976	7.163084
CAREER	-0.27584	3.662034	-0.00138	-0.07533
OFFENSEC**	30.4379	6.978444	0.065517	4.361704
XFOLSOR**	5.233193	0.191935	0.524856	27.26541
MONSEX	1.413028	5.424391	0.003535	0.260495
AGE	-0.15728	0.115566	-0.0188	-1.36094
NUMDEPEN	-0.81487	0.677634	-0.01671	-1.20252
USCITIZE	-4.03526	5.262399	-0.0132	-0.76681
HISPANIC	3.143774	4.600503	0.012037	0.683354
EDUCCAT	0.593937	1.103336	0.007655	0.53831
DOCPLEA	-2.34293	2.777	-0.01372	-0.84369
TRIAL**	19.34701	4.469935	0.078343	4.328254
CIRC1ST	3.049349	5.720673	0.008426	0.53304
CIRC2ND	-0.91256	5.496716	-0.00267	-0.16602
CIRC3RD**	12.65444	5.847234	0.03399	2.164176
CIRC4TH	7.252817	4.39802	0.029289	1.64911
CIRC5TH	2.270616	4.087302	0.010955	0.555529
CIRC7TH	5.063352	5.373179	0.015177	0.942338
CIRC8TH	-3.9668	5.408226	-0.01168	-0.73348
CIRC9TH	-3.40116	4.407272	-0.01396	-0.77172
CIRC10TH	5.643365	4.79424	0.019934	1.177114
CIRC11TH	3.898598	4.361683	0.016085	0.893829
CIRCDC	-23.0923	28.31006	-0.01114	-0.81569
(Constant)	-59.8331	10.02299		-5.96959

R^2 .754 Adjusted R^2 .749 *p < .05 **p< .01

TABLE F23
OLS SENTENCE LENGTH ESTIMATES—182113 ROBBERY OFFENSES BLACK OFFENDERS

Variable	b Coefficient	Standard Error	Beta Weight	T-Score	VIF
XCRHISSR**	13.14949	1.849796	0.266489	7.108616	3.145101
CRIMHIST	5.994899	8.299691	0.019372	0.722304	1.609711
STATMIN**	0.402162	0.024976	0.375439	16.1021	1.21663
NOCOUNTS**	15.43484	1.522019	0.254618	10.14102	1.410774
ACCPTPSR	10.06414	5.593285	0.040117	1.799325	1.112427
ADJUSTME**	6.103806	2.128457	0.080855	2.867715	1.779044
DOWNWARD**	-37.7556	5.847637	-0.14565	-6.45655	1.138896
UPWARD**	42.54723	13.37409	0.070426	3.181319	1.096714
CAREER**	20.93756	7.239139	0.09534	2.892272	2.431715
OFFENSEC**	47.98795	8.771924	0.18421	5.47063	2.53745
XFOLSOR**	3.980593	0.466108	0.270034	8.540074	2.237479
MONSEX**	23.17767	8.852183	0.060719	2.6183	1.203517
AGE	-0.00764	0.274114	-0.00064	-0.02786	1.196873
NUMDEPEN*	-2.54009	1.293079	-0.04311	-1.96437	1.077688
USCITIZE	-12.5009	13.28814	-0.02218	-0.94075	1.2442
HISPANIC	10.34106	19.16993	0.016462	0.539442	2.084092
EDUCCATN	-4.33392	2.441948	-0.03946	-1.77478	1.106133
DOCPLEA	-9.29989	5.595992	-0.04516	-1.66188	1.652796
TRIAL*	21.6435	8.792347	0.076296	2.46163	2.149819
CIRC1ST	17.16509	21.9129	0.023735	0.783333	2.054686
CIRC2ND	-7.42931	10.09714	-0.01973	-0.73578	1.60851
CIRC3RD*	-22.8224	10.07875	-0.05979	-2.26441	1.560144
CIRC4TH	-1.1214	7.812075	-0.00417	-0.14355	1.889508
CIRC5TH**	28.57529	9.234456	0.082499	3.09442	1.590682
CIRC7TH	14.39346	9.170812	0.041555	1.569486	1.568831
CIRC8TH	-1.95734	12.06647	-0.00389	-0.16221	1.289025
CIRC9TH	-7.20602	7.434263	-0.0297	-0.9693	2.101179
CIRC10TH	20.96242	12.96381	0.038377	1.616995	1.260602
CIRC11TH	-7.33744	8.151644	-0.02668	-0.90012	1.965526
CIRCDC	-33.7596	23.93202	-0.03128	-1.41064	1.100107
(Constant)	-56.442	24.90335		-2.26644	

R^2 .786 **Adjusted R^2** .773 ***p < .05** ****p< .01**

Table F24
OLS Sentence Length Estimates—182113 Robbery Offenses White Offenders

	b Coefficient	Standard Error	Beta Weight	T-Score
XCRHISSR**	10.19327	1.105911	0.23594	9.217082
CRIMHIST	-7.47847	5.252703	-0.0313	-1.42374
STATMIN**	0.37837	0.021991	0.294196	17.20543
NOCOUNTS**	6.109738	0.928325	0.116421	6.581463
ACCPTPSR	1.359355	3.813213	0.00574	0.356486
ADJUSTME**	6.33686	1.347246	0.087127	4.703566
DOWNWARD**	-30.3209	3.863424	-0.13022	-7.8482
UPWARD**	59.53394	11.39891	0.085936	5.222774
CAREER	4.321634	4.732125	0.022884	0.913255
OFFENSEC**	59.98305	5.738153	0.228969	10.45337
XFOLSOR**	4.485418	0.282511	0.36922	15.87694
MONSEX	4.084244	4.91342	0.015025	0.831243
AGE*	-0.30882	0.154291	-0.0336	-2.00156
NUMDEPEN	-0.64705	1.072394	-0.0098	-0.60337
USCITIZE	-0.04001	10.3995	-6.4E-05	-0.00385
HISPANIC	-4.87944	6.40315	-0.01374	-0.76204
EDUCCATN	-0.40746	1.56831	-0.00439	-0.25981
DOCPLEA	-2.82072	3.617383	-0.01432	-0.77977
TRIAL**	32.2084	6.489122	0.095817	4.963445
CIRC1ST	12.23168	10.12138	0.023895	1.208499
CIRC2ND	11.41186	8.05826	0.029307	1.416169
CIRC3RD	-1.05821	9.539983	-0.00207	-0.11092
CIRC4TH	6.489948	6.957957	0.020527	0.932738
CIRC5TH	5.749606	7.224266	0.017475	0.795874
CIRC7TH	6.194994	9.186857	0.012759	0.674332
CIRC8TH	5.416206	7.398794	0.015382	0.732039
CIRC9TH	-4.36303	5.54053	-0.02402	-0.78748
CIRC10TH	5.646699	7.008171	0.017973	0.805731
CIRC11TH	5.978081	6.280539	0.023428	0.951842
(Constant)	-41.9006	15.80985		-2.65029

R^2 784 **Adjusted R^2** .777 ***p < .05** ****p< .01**

TABLE F25A
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FULL AND OFFENSE SPECIFIC MODELS OF SENTENCE LENGTH* BLACK OFFENDERS

	FULL	DRUGS	FIREARMS	ROBBERY	OTHER
Xcrhissr	5(+)	5(+)	3(+)	4(+)	4(+)
Crimhist	ns	ns	ns	ns	ns
Statmin	2(+)	3(+)	2(+)	1(+)	2(+)
Nocounts	16(+)	14(+)	ns	3(+)	ns
Accptpsr	15(+)	15(+)	ns	13(+)	9(+)
Adjustme	6(+)	4(+)	ns	8(+)	10(+)
Downward	3(-)	2(-)	5(-)	6(-)	5(-)
Upward	14(+)	ns	8(+)	7(+)	8(+)
Probatio	4(+)	6(+)	6(+)	-----	3(+)
Career	ns	ns	ns	11(+)	ns
Offensec	9(+)	12(+)	9(+)	5(+)	6(+)
Xfolsor	1(+)	1(+)	1(+)	2(+)	1(+)
Monsex	ns	ns	ns	12(-)	ns
Age	ns	ns	10(+)	ns	11(-)
Numdepen	ns	ns	11(-)	ns	ns
USCitize	ns	ns	ns	ns	ns
Hispanic	ns	ns	ns	ns	ns
Educcatn	ns	20(-)	ns	14(-)	ns
Docplea	12(-)	11(-)	ns	ns	7(-)
Trial	7(+)	13(+)	4(+)	10(+)	ns
1st	ns	ns	ns	---	ns
2nd	18(+)	10(+)	ns	ns	ns
3rd	ns	ns	ns	9(-)	ns
4th	ns	ns	ns	ns	ns
5th	ns	ns	ns	ns	ns
7th	ns	ns	ns	ns	ns
8th	ns	ns	ns	ns	ns
9th	ns	ns	ns	ns	ns
10th	ns	ns	ns	ns	ns
11th	13(+)	7(+)	7(+)	ns	ns
DC	10(-)	8(-)	ns	---	ns

*--these models are compared on the common included variables

ns = non-significant

TABLE F25B
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE DRUG OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH* BLACK OFFENDERS

	DRUGS	21841	21844	21960	OTHER
Crack	16(+)	ns	ns	---	12(+)
Heroin	ns	ns	ns	---	ns
Marijuana	ns	ns	4(+)	---	14(+)
Otherdrg	9(+)	ns	ns	---	ns
LSD	ns	---	---	---	ns
Xcrhissr	5(+)	4(+)	3(+)	---	5(+)
Crimhist	ns	ns	ns	---	ns
Statmin	3(+)	2(+)	ns	---	3(+)
Nocounts	14(+)	9(+)	ns	---	ns
Accptpsr	15(+)	ns	ns	---	11(+)
Adjustme	4(+)	5(+)	5(-)	---	4(+)
Downward	2(-)	3(-)	2(-)	---	2(-)
Upward	ns	ns	ns	---	ns
Probatio	6(+)	8(+)	ns	---	7(+)
Career	ns	ns	ns	---	ns(+)
Offensec	12(+)	6(+)	---	---	ns
Xfolsor	1(+)	1(+)	1(+)	---	1(+)
Monsex	ns	ns	ns	---	ns
Age	ns	10(+)	ns	---	ns
Numdepen	ns	ns	ns	---	15(+)
USCitize	ns	ns	ns	---	ns
Hispanic	ns	ns	ns	---	ns
Educcatn	20(-)	ns	ns	---	ns
Docplea	11(-)	ns	ns	---	10(-)
Trial	13(+)	ns	ns	---	8(+)
1st	ns	ns	---	---	ns
2nd	10(+)	ns	ns	---	6(+)
3rd	ns	ns	ns	---	ns
4th	ns	ns	ns	---	ns
5th	ns	ns	ns	---	ns
7th	ns	ns	ns	---	ns
8th	ns	ns	ns	---	ns
9th	ns	ns	ns	---	ns
10th	7(+)	ns	ns	---	ns
11th	8(-)	11(+)	ns	---	9(+)
DC	9(-)	7(-)	ns	---	13(-)

ns = non-significant

TABLE F25C
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FIREARM OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH BLACK OFFENDERS

	FIREARMS	18924	OTHER
Xcrhissr	3(+)	ns	3(+)
Crimhist	ns	ns	ns
Statmin	2(+)	ns	2(+)
Nocounts	11(+)	5(+)	ns
Accptpsr	ns	ns	ns
Adjustme	10(+)	2(+)	ns
Downward	4(-)	ns	5(-)
Upward	6(+)	ns	8(+)
Probatio	5(+)	ns	6(+)
Career	ns	ns	ns
Offensec	8(+)	ns	9(+)
Xfolsor	1(+)	1(+)	1(+)
Monsex	ns	ns	ns
Age	ns	ns	11(+)
Numdepen	12(-)	ns	10(-)
USCitize	ns	ns	ns
Black	ns	ns	ns
Hispanic	ns	ns	ns
Educcatn	ns	4(+)	ns
Docplea	ns	ns	ns
Trial	7(+)	ns	4(+)
1st	ns	ns	ns
2nd	ns	ns	ns
3rd	ns	---	ns
4th	ns	ns	ns
5th	ns	---	ns
6th*	---	ns	---
7th	ns	ns	ns
8th	ns	ns	ns
9th	ns	ns	ns
10th	ns	ns	ns
11th	9(+)	3(+)	7(+)
DC	ns	ns	ns

ns = non-significant

TABLE F25D

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE ROBBERY OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH BLACK OFFENDERS

	ROBBERY	182113	OTHER
Xcrhissr	4(+)	3(+)	7(+)
Crimhist	ns	ns	ns
Statmin	1(+)	1(+)	1(+)
Nocounts	3(+)	4(+)	5(+)
Accptpsr	13(+)	ns	ns
Adjustme	8(+)	9(+)	ns
Downward	6(-)	6(-)	4(-)
Upward	7(+)	11(+)	3(+)
Probatio	-----	---	ns
Career	11(+)	7(+)	ns
Offensec	5(+)	5(+)	9(+)
Xfolsor	2(+)	2(+)	2(+)
Monsex	12(-)	12(+)	ns
Age	ns	ns	ns
Numdepen	ns	14(-)	ns
USCitize	ns	ns	ns
Hispanic	ns	ns	ns
Educcatn	14(-)	ns	ns
Docplea	ns	ns	ns
Trial	10(+)	10(+)	6(+)
1st	---	ns	10(-)
2nd	ns	ns	ns
3rd	9(-)	13(-)	8(-)
4th	ns	ns	ns
5th	ns	8(+)	ns
7th	ns	ns	ns
8th	ns	ns	ns
9th	ns	ns	ns
10th	ns	ns	ns
11th	ns	ns	ns
DC	---	ns	ns

ns = non-significant

TABLE F26A
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FULL AND OFFENSE SPECIFIC MODELS OF SENTENCE LENGTH* WHITE OFFENDERS

	FULL	DRUGS	FIREARMS	ROBBERY	OTHER
Xcrhissr	5(+)	5(+)	3(+)	4(+)	3(+)
Crimhist	ns	ns	ns	ns	ns
Statmin	2(+)	3(+)	2(+)	2(+)	5(+)
Nocounts	15(+)	8(+)	ns	6(+)	ns
Accptpsr	17(+)	19(+)	ns	ns	ns
Adjustme	6(+)	4(+)	9(+)	9(+)	ns
Downward	3(-)	2(-)	4(-)	5(-)	4(-)
Upward	10(+)	10(+)	6(+)	8(+)	8(+)
Probatio	4(+)	6(+)	5(+)	-----	2(+)
Career	ns	ns	ns	ns	ns
Offensec	8(+)	11(+)	8(+)	3(+)	6(+)
Xfolsor	1(+)	1(+)	1(+)	1(+)	1(+)
Monsex	ns	ns	ns	ns	ns
Age	ns	16(+)	ns	10(-)	12(-)
Numdepen	ns	ns	ns	ns	ns
USCitize	ns	ns	ns	ns	ns
Hispanic	ns	ns	ns	ns	ns
Educcatn	ns	ns	ns	ns	13(-)
Docplea	12(-)	17(-)	ns	ns	9(-)
Trial	7(+)	7(+)	7(+)	7(+)	10(+)
1st	ns	ns	ns	---	ns
2nd	ns	15(+)	ns	ns	ns
3rd	ns	14(-)	ns	ns	ns
4th	ns	ns	ns	ns	ns
5th	ns	9(+)	ns	ns	ns
7th	ns	ns	ns	ns	ns
8th	ns	ns	ns	ns	14(-)
9th	ns	ns	ns	ns	ns
10th	ns	ns	ns	ns	ns
11th	ns	ns	ns	ns	ns
DC	ns	ns	ns	---	ns

*--these models are compared on the common included variables

ns = non-significant

TABLE F26B
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE DRUG OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH* WHITE OFFENDERS

	DRUGS	21841	21844	21960	OTHER
Crack	18(+)	ns	2(+)	---	16(+)
Heroin	ns	ns	ns	---	ns
Marijuana	13(-)	10(-)	ns	---	14(-)
Metham	---	8(+)	ns	---	ns
Otherdrg	ns	13(-)	ns	---	ns
LSD	ns	ns	ns	---	ns
Xcrhissr	5(+)	4(+)	4(+)	---	5(+)
Crimhist	ns	ns	10(+)	---	ns
Statmin	3(+)	3(+)	ns	---	2(+)
Nocounts	8(+)	6(+)	5(+)	---	ns
Accptpsr	19(+)	ns	ns	---	12(+)
Adjustme	4(+)	5(+)	ns	---	4(+)
Downward	2(-)	2(-)	11(-)	---	3(-)
Upward	10(+)	ns	3(+)	---	10(+)
Probatio	6(+)	7(+)	1(-)	---	8(+)
Career	ns	ns	7(+)	---	ns
Offensec	11(+)	9(+)	---	---	17(+)
Xfolsor	1(+)	1(+)	ns	---	1(+)
Monsex	ns	ns	ns	---	ns
Age	16(+)	ns	ns	---	15(+)
Numdepen	ns	ns	ns	---	ns
USCitize	ns	ns	ns	---	ns
Hispanic	ns	ns	ns	---	ns
Educcatn	ns	ns	ns	---	ns
Docplea	17(-)	ns	ns	---	18(-)
Trial	7(+)	ns	ns	---	6(+)
1st	ns	ns	---	---	ns
2nd	15(+)	ns	ns	---	11(+)
3rd	14(-)	12(-)	ns	---	ns
4th	ns	ns	ns	---	13(+)
5th	9(+)	ns	8(+)	---	7(+)
7th	ns	ns	ns	---	ns
8th	ns	ns	ns	---	ns
9th	ns	ns	ns	---	9(+)
10th	ns	ns	6(+)	---	ns
11th	ns	ns	ns	---	ns
DC	ns	ns	9(-)	---	---

ns = non-significant

TABLE F26C

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FIREARM OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH WHITE OFFENDERS

	FIREARMS	18924	OTHER
Xcrhissr	3(+)	---	3(+)
Crimhist	ns	---	ns
Statmin	2(+)	---	2(+)
Nocounts	ns	---	ns
Accptpsr	ns	---	ns
Adjustme	9(+)	---	9(+)
Downward	4(-)	---	5(-)
Upward	6(+)	---	6(+)
Probatio	5(+)	---	4(+)
Career	ns	---	ns
Offensec	8(+)	---	8(+)
Xfolsor	1(+)	---	1(+)
Monsex	ns	---	ns
Age	ns	---	ns
Numdepen	ns	---	ns
USCitize	ns	---	ns
Hispanic	ns	---	ns
Educcatn	ns	---	ns
Docplea	ns	---	ns
Trial	7(+)	---	7(+)
1st	ns	---	ns
2nd	ns	---	ns
3rd	ns	---	10(+)
4th	ns	---	ns
5th	ns	---	ns
7th	ns	---	ns
8th	ns	---	ns
9th	ns	---	ns
10th	ns	---	ns
11th	ns	---	ns
DC	ns	---	ns

ns = non-significant

TABLE F26D
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE ROBBERY OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH WHITE OFFENDERS

	ROBBERY	182113	OTHER
Xcrhissr	4(+)	3(+)	---
Crimhist	ns	ns	---
Statmin	2(+)	2(+)	---
Nocounts	6(+)	6(+)	---
Accptpsr	ns	ns	---
Adjustme	9(+)	8(+)	---
Downward	5(-)	5(-)	---
Upward	8(+)	9(+)	---
Probatio	-----	---	---
Career	ns	ns	---
Offensec	3(+)	4(+)	---
Xfolsor	1(+)	1(+)	---
Monsex	ns	ns	---
Age	10(-)	10(-)	---
Numdepen	ns	ns	---
USCitize	ns	ns	---
Hispanic	ns	ns	---
Educcatn	ns	ns	---
Docplea	ns	ns	---
Trial	7(+)	7(+)	---
1st	---	ns	---
2nd	ns	ns	---
3rd	ns	ns	---
4th	ns	ns	---
5th	ns	ns	---
7th	ns	ns	---
8th	ns	ns	---
9th	ns	ns	---
10th	ns	ns	---
11th	ns	ns	---
DC	---	ns	---

ns = non-significant

APPENDIX G

NINTH CIRCUIT PARTITIONINGS

OLS WITHOUT HAZARD RATE

TABLE G1
OLS SENTENCE LENGTH ESTIMATES—NINTH CIRCUIT ALL OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Score
VIOLENT**	33.6261	4.789347	0.071315	7.021019
ROBBERY	0.563995	3.588553	0.001787	0.157165
PROPERTY	4.599809	4.835067	0.010498	0.951343
WHTCOLLR	2.368819	3.13205	0.010137	0.756316
FIREARMS	3.67707	4.124882	0.009463	0.891437
IMMIGRAT	-6.11422	4.117847	-0.01822	-1.48481
OTHERO	5.153959	4.411346	0.012297	1.168342
XCRHISSR**	10.40223	0.814457	0.185575	12.77198
CRIMHIST	0.010202	2.401581	5.23E-05	0.004248
STATMIN**	0.212867	0.009948	0.227737	21.39692
NOCOUNTS**	5.436212	0.432928	0.127662	12.55686
ACCPTPSR	-2.91179	2.108176	-0.01382	-1.38119
ADJUSTME**	4.565986	0.622183	0.078408	7.33866
DOWNWARD**	-38.9782	2.206302	-0.19199	-17.6667
UPWARD**	17.63172	5.780239	0.029601	3.050344
PROBATIO**	36.03581	2.972794	0.165428	12.12186
CAREER**	7.323554	2.50627	0.040225	2.922093
OFFENSEC**	26.21629	6.30244	0.045188	4.159706
XFOLSOR**	5.63629	0.158133	0.605045	35.64269
MONSEX	1.66118	2.580344	0.006442	0.643782
AGE	0.112144	0.090298	0.012546	1.241929
NUMDEPEN	-0.36434	0.351665	-0.01005	-1.03606
USCITIZE	-4.82819	2.810704	-0.02518	-1.71779
BLACK	3.041332	3.065681	0.009861	0.992058
HISPANIC	0.995545	2.934164	0.005224	0.339294
EDUCCAT	-0.57743	0.85036	-0.0076	-0.67905
DOCPLEA	-4.42148	2.32975	-0.02174	-1.89783
TRIAL**	22.9881	3.557977	0.078223	6.461002
ARIZONA	3.519454	3.340237	0.015397	1.053654
CALNOR	-7.64096	4.941523	-0.01651	-1.54628
CALCEN	-0.4368	3.751315	-0.00143	-0.11644
CALSOU	-1.4902	3.412938	-0.00637	-0.43663
HAWETAL	-2.28873	5.202583	-0.00469	-0.43992
IDAMONT	4.381608	4.666336	0.010432	0.938983
NEVADA	-1.09913	3.974628	-0.00324	-0.27654
OREGON	2.749912	3.83986	0.008635	0.716149
WASHEAST	-6.53101	5.423552	-0.01282	-1.2042
WASHWEST	-7.56932	4.049215	-0.02165	-1.86933
Constant	-80.3014	7.691784		-10.4399

R^2 .605 **Adjusted R^2** .601 ***p < .05** ****p< .01**

TABLE G2
OLS SENTENCE LENGTH ESTIMATES—NINTH CIRCUIT DRUG OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Score
CRACK	11.34591	9.663756	0.018398	1.174068
HEROIN	-8.59754	5.677536	-0.0222	-1.51431
MARIJUAN	5.489282	3.888032	0.026943	1.411841
METHAM**	18.27101	4.788036	0.064766	3.815971
ODRG	5.370953	8.741032	0.009006	0.614453
XCRHISSR**	11.12177	1.640544	0.131746	6.77932
CRIMHIST	3.806003	3.60767	0.018069	1.054975
STATMIN**	0.241275	0.017297	0.223497	13.94873
NOCOUNTS**	14.04106	0.782865	0.272285	17.93548
ACCPTPSR	-3.93136	3.176163	-0.01798	-1.23777
ADJUSTME**	6.344439	0.914185	0.106275	6.939998
DOWNWARD**	-42.8559	3.272625	-0.20888	-13.0953
UPWARD**	47.80871	14.32086	0.045575	3.338396
PROBATIO**	32.44506	6.868969	0.091342	4.723425
CAREER**	12.21881	4.029334	0.060161	3.032463
OFFENSEC	-2.96463	12.46434	-0.00371	-0.23785
XFOLSOR**	4.797242	0.257426	0.433801	18.6354
MONSEX	-0.17826	4.398514	-0.00057	-0.04053
AGE*	0.354766	0.153825	0.033368	2.30629
NUMDEPEN	-0.90699	0.633683	-0.02002	-1.43129
USCITIZE	-4.69886	4.438505	-0.02331	-1.05866
BLACK*	13.2546	6.688284	0.031551	1.981763
HISPANIC**	12.25541	4.675585	0.060927	2.621149
EDUCCAT	0.701679	1.324127	0.008191	0.529918
DOCPLEA	-2.15141	3.524564	-0.00999	-0.6104
TRIAL**	16.10912	5.22536	0.054696	3.082873
ARIZONA	1.809943	5.671098	0.007689	0.319152
CALNOR*	-19.9139	9.233804	-0.03257	-2.15663
CALCEN	8.19771	7.323764	0.018842	1.11933
CALSOU	-2.98921	5.427541	-0.01312	-0.55075
HAWETAL	-15.5763	8.533777	-0.02833	-1.82525
IDAMONT*	20.14156	8.068693	0.039719	2.49626
NEVADA	-7.65061	8.016237	-0.01526	-0.95439
OREGON	6.127742	6.15221	0.018326	0.996023
WASHEAST	-4.22541	8.506805	-0.00769	-0.49671
WASHWEST	-12.8675	7.23579	-0.03005	-1.77831
(Constant)	-97.422	12.75792		-7.6362

R^2 .644 **Adjusted R^2** .638 ***p < .05** ****p< .01**

TABLE G3
OLS SENTENCE LENGTH ESTIMATES—NINTH CIRCUIT FIREARM OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Score
XCRHISSR**	12.63167	1.783732	0.330879	7.081595
CRIMHIST	-8.47448	7.812458	-0.03959	-1.08474
STATMIN**	0.086384	0.021305	0.144838	4.054568
NOCOUNTS	-3.15968	2.173475	-0.0524	-1.45375
ACCPTPSR	-5.321	5.478969	-0.03127	-0.97117
ADJUSTME	2.43746	2.357442	0.037155	1.033942
DOWNWARD**	-27.5037	6.47154	-0.14293	-4.24995
UPWARD	-6.8063	11.6708	-0.01812	-0.58319
PROBATIO**	23.03661	7.813349	0.106248	2.948366
CAREER	-1.31958	7.758383	-0.00732	-0.17008
OFFENSEC*	22.61829	11.31311	0.065715	1.999299
XFOLSOR**	5.381386	0.370295	0.611109	14.53271
MONSEX	4.408507	12.46803	0.011159	0.353585
AGE	0.426447	0.241735	0.054642	1.764107
NUMDEPEN	1.456403	1.358999	0.033988	1.071673
USCITIZE	-6.35644	6.73034	-0.0321	-0.94445
BLACK	0.442103	6.725774	0.002164	0.065733
HISPANIC	-0.7424	6.775969	-0.00409	-0.10956
EDUCCAT	0.443957	2.446225	0.00594	0.181487
DOCPLEA	-7.862	5.96489	-0.05087	-1.31805
TRIAL**	22.76758	8.543205	0.107671	2.664993
ARIZONA	-7.47032	9.748158	-0.03917	-0.76633
CALNOR	-3.49366	21.7851	-0.00517	-0.16037
CALCEN	-16.6106	10.13002	-0.06783	-1.63974
CALSOU	0.980196	10.36143	0.004209	0.0946
HAWETAL	-4.5588	11.30611	-0.01561	-0.40322
IDAMONT	-8.67834	11.2653	-0.03051	-0.77036
NEVADA	2.985224	10.5905	0.011266	0.281878
OREGON	-7.40567	9.339774	-0.03544	-0.79292
WASHEAST	-13.116	9.65748	-0.0597	-1.35812
WASHWEST	-9.2264	11.85896	-0.02884	-0.77801
(Constant)	-59.8114	19.91811		-3.00286

R^2 .804 **Adjusted R^2** .778 ***$p < .05$** ****$p < .01$**

TABLE G4
OLS SENTENCE LENGTH ESTIMATES—NINTH CIRCUIT "OTHER" OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Score
PROPERTY	-0.64635	5.063133	-0.00264	-0.12766
WHTCOLLR	-4.02293	3.69725	-0.02586	-1.08809
IMMIGRAT	-8.02092	5.491148	-0.04134	-1.4607
XCRHISSR**	9.348318	1.167727	0.196049	8.005567
CRIMHIST	-3.77501	3.544075	-0.02335	-1.06516
STATMIN**	0.19054	0.014173	0.23819	13.44392
NOCOUNTS	-0.48159	0.546612	-0.01563	-0.88105
ACCPTPSR	-3.54212	3.32791	-0.01833	-1.06437
ADJUSTME	1.269293	0.959011	0.02531	1.323544
DOWNWARD**	-29.1257	3.718637	-0.14006	-7.83236
UPWARD	11.16314	6.938368	0.027958	1.6089
PROBATIO**	37.09049	3.691659	0.237387	10.04711
CAREER	2.841195	3.591287	0.018233	0.791136
XFOLSOR**	7.458439	0.278103	0.665293	26.81897
MONSEX	0.914227	3.345669	0.00483	0.273257
AGE*	-0.24426	0.124296	-0.03496	-1.96518
NUMDEPEN	0.140826	0.431626	0.005469	0.326269
USCITIZE	-4.12427	4.256636	-0.02421	-0.9689
BLACK	0.482655	4.563763	0.001831	0.105758
HISPANIC	-7.97932	4.696589	-0.04557	-1.69896
EDUCCAT	-0.87395	1.248038	-0.01437	-0.70026
TRIAL**	23.01219	5.923042	0.081342	3.885198
DOCPLEA	-4.70671	3.697813	-0.02541	-1.27284
ARIZONA	6.013099	4.709091	0.029368	1.276913
CALNOR	-5.60293	6.425241	-0.01636	-0.87202
CALCEN	-4.14948	5.15596	-0.01674	-0.80479
CALSOU	-1.07037	5.418785	-0.00451	-0.19753
HAWETAL	6.706668	7.54214	0.016568	0.889226
IDAMONT	-4.11552	6.132745	-0.01305	-0.67107
NEVADA	0.5404	5.207925	0.002161	0.103765
OREGON	-0.10242	6.20858	-0.00032	-0.0165
WASHEAST	-13.0286	9.162059	-0.02531	-1.42202
WASHWEST*	-12.3272	5.47397	-0.04565	-2.25197
(Constant)	-66.2448	11.70226		-5.66085

R^2 .523 **Adjusted R^2** .514 **$*p < .05$** **$**p < .01$**

TABLE G5
OLS SENTENCE LENGTH ESTIMATES—NINTH CIRCUIT ROBBERY OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Score
XCRHISSR**	11.46338	1.328011	0.341058	8.631988
CRIMHIST	-4.59172	8.064157	-0.01869	-0.5694
STATMIN**	0.177339	0.022328	0.206538	7.942306
NOCOUNTS**	8.42371	1.336256	0.196153	6.303962
ACCPTPSR	-1.58421	4.613561	-0.009	-0.34338
ADJUSTME	2.647454	2.01254	0.041268	1.315479
DOWNWARD**	-28.7368	4.45163	-0.17769	-6.45535
CAREER	5.309324	6.690656	0.031326	0.793543
OFFENSEC**	26.20428	8.189415	0.144372	3.199774
XFOLSOR**	6.173443	0.784022	0.378465	7.87407
MONSEX	12.83646	7.054817	0.048296	1.819531
AGE	0.209067	0.199916	0.028909	1.045773
NUMDEPEN*	-2.57553	1.234302	-0.05485	-2.08663
USCITIZE	5.583963	9.584168	0.0159	0.582624
BLACK	3.683978	4.298019	0.023952	0.857134
HISPANIC	6.151119	6.881397	0.02467	0.893876
EDUCCAT	-3.87554	2.082994	-0.04909	-1.86056
TRIAL**	28.21055	8.324075	0.106139	3.389031
DOCPLEA	-8.19608	4.757232	-0.0531	-1.72287
ARIZONA	13.51001	7.469796	0.060823	1.808618
CALNOR	2.585274	8.643611	0.009206	0.299096
CALCEN	6.152895	6.050582	0.041059	1.01691
CALSOU	3.961053	7.075255	0.019325	0.559846
HAWETAL	20.08915	15.21413	0.036582	1.320427
IDAMONT	19.32454	20.50668	0.024974	0.942354
NEVADA	11.0803	6.835266	0.055495	1.621049
OREGON*	15.2356	6.871332	0.076945	2.21727
WASHEAST	8.977165	18.09978	0.01338	0.495982
WASHWEST	5.939703	7.978793	0.023822	0.744436
(Constant)	-112.717	25.32861		-4.45016

R^2 **Adjusted R^2** ***p < .05** ****p< .01**

TABLE G6
OLS SENTENCE LENGTH ESTIMATES—NINTH CIRCUIT 21841 DRUG OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Score
CRACK	5.270231	7.949044	0.01538	0.663002
HEROIN	-6.24798	5.341688	-0.02346	-1.16966
MARIJUAN	2.467845	3.824622	0.016791	0.645252
METHAM**	16.68355	4.846227	0.081724	3.442585
ODRRUG	3.69749	8.531392	0.008793	0.433398
XCRHISSR**	9.762059	1.635001	0.166092	5.970673
CRIMHIST	0.569018	3.548761	0.00376	0.160343
STATMIN**	0.187802	0.028531	0.156827	6.582367
NOCOUNTS**	12.92621	0.897338	0.289266	14.40507
ACCPTPSR	-0.82908	3.092682	-0.00524	-0.26808
ADJUSTME**	4.310292	0.97466	0.089859	4.422356
DOWNWARD**	-42.5636	3.162273	-0.29419	-13.4598
PROBATIO**	23.83125	9.058627	0.057523	2.630779
CAREER	4.889549	3.935905	0.033832	1.242293
OFFENSEC	19.13872	11.08207	0.038754	1.726998
XFOLSOR**	4.418501	0.275202	0.445694	16.0555
MONSEX	-2.37596	4.607153	-0.00961	-0.51571
AGE	-0.12106	0.153962	-0.01551	-0.78628
NUMDEPEN	0.16021	0.641691	0.004786	0.249668
USCITIZE	-6.9962	4.239307	-0.04838	-1.65032
BLACK	11.25267	6.548593	0.040104	1.718334
HISPANIC	6.178979	4.420994	0.042947	1.397645
EDUCCAT	-0.2077	1.296476	-0.0034	-0.1602
DOCPLEA	-3.78315	3.499808	-0.02322	-1.08096
TRIAL	0.554979	5.332903	0.002381	0.104067
ARIZONA	1.045449	5.590578	0.006632	0.187002
CALNOR	0.204293	9.125175	0.000463	0.022388
CALCEN	-1.68971	7.672496	-0.00488	-0.22023
CALSOU	-7.75407	5.743035	-0.03993	-1.35017
HAWETAL	-10.4604	8.453196	-0.02737	-1.23744
IDAMONT	10.78104	8.061481	0.029888	1.337352
NEVADA	-13.3148	7.616608	-0.0396	-1.74812
OREGON	-0.99876	5.548982	-0.00519	-0.17999
WASHEAST	4.680662	8.264124	0.01194	0.566383
WASWEST	-9.50734	7.589376	-0.02828	-1.25272
(Constant)	-56.7249	12.75984		-4.44558

R^2 .668 **Adjusted R^2** .657 ***p < .05** ****p< .01**

TABLE G7
OLS SENTENCE LENGTH ESTIMATES—NINTH CIRCUIT "OTHER" DRUG OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Score
HEROIN	-4.52381	11.51945	-0.00901	-0.39271
MARIJUAN	9.917281	8.004916	0.037851	1.238899
METHAM	16.63447	8.995113	0.048397	1.849278
ODRRUG	25.12665	17.55028	0.03188	1.431695
XCRHISSR**	10.80346	2.949777	0.098582	3.662468
CRIMHIST	6.576689	7.249906	0.02428	0.907141
STATMIN**	0.264028	0.026625	0.245426	9.916578
NOCOUNTS**	14.334	1.298922	0.265267	11.0353
ACCPTPSR	-7.08486	6.196284	-0.02614	-1.1434
ADJUSTME**	7.286127	1.622333	0.110689	4.491142
DOWNWARD**	-41.1606	6.376781	-0.15633	-6.45476
PROBATIO	29.49942	17.28884	0.04033	1.70627
CAREER*	19.37193	8.048878	0.074043	2.406787
XFOLSOR**	5.268882	0.499833	0.342409	10.5413
MONSEX	3.16785	8.669992	0.00809	0.365381
AGE**	1.074544	0.30782	0.081052	3.490817
NUMDEPEN*	-2.88171	1.45618	-0.04373	-1.97895
USCITIZE	-0.00218	9.046392	-8.4E-06	-0.00024
BLACK	17.05824	12.68309	0.030462	1.344959
HISPANIC*	20.94418	9.504936	0.080886	2.203506
EDUCCAT	1.291033	2.698713	0.011554	0.478388
DOCPLEA	0.234868	7.137941	0.000878	0.032904
TRIAL**	34.7216	9.901006	0.104155	3.506876
ARIZONA	-5.40484	12.32799	-0.01423	-0.43842
CALNOR**	-47.7337	17.79519	-0.06412	-2.68239
CALCEN	9.940128	13.64536	0.020527	0.728462
CALSOU	3.619556	10.5929	0.013759	0.341696
HAWETAL	-21.5977	17.40206	-0.03003	-1.2411
IDAMONT	25.5128	16.55395	0.037199	1.541192
NEVADA	2.202201	16.70721	0.003211	0.131811
OREGON*	47.1648	19.74409	0.054757	2.388806
WASHEAST	-15.9708	16.60475	-0.02397	-0.96182
WASHWEST	-16.9796	13.46888	-0.03554	-1.26065
(Constant)	-149.399	25.00538		-5.97469

R^2 .648 **Adjusted R^2** .634 ***p < .05** ****p< .01**

TABLE G8
OLS SENTENCE LENGTH ESTIMATES—NINTH CIRCUIT 182113 ROBBERY OFFENSES

	b Coefficient	Standard Error	Beta Weight	T-Score	VIF
XCRHISSR	11.68172	1.267296	0.336735	9.217828	2.55227
CRIMHIST	-7.23462	7.492927	-0.03139	-0.96553	2.022061
STATMIN	0.168852	0.021159	0.190304	7.980154	1.087628
NOCOUNTS	8.176163	1.21666	0.185201	6.720172	1.452557
ACCPTPSR	-1.27654	4.376548	-0.00695	-0.29168	1.086332
ADJUSTME	2.424824	1.965155	0.03435	1.23391	1.482176
DOWNWARD	-26.731	4.274633	-0.15807	-6.25339	1.221979
UPWARD	38.10424	11.85996	0.076999	3.212848	1.098503
PROBATIO	44.93184	12.80564	0.130904	3.508754	2.661976
CAREER	9.27556	6.503612	0.054353	1.426217	2.777714
OFFENSEC	32.90473	7.362986	0.171392	4.468939	2.813066
XFOLSOR	5.918873	0.623983	0.472856	9.48563	4.752625
MONSEX	14.08165	6.326857	0.054429	2.225694	1.14376
AGE	0.025037	0.189313	0.00336	0.13225	1.234452
NUMDEPEN	-2.17447	1.186599	-0.04391	-1.83253	1.098083
USCITIZE	-8.07557	9.884197	-0.01989	-0.81702	1.13337
BLACK	2.04301	4.105555	0.012729	0.497621	1.251312
HISPANIC	1.832787	6.713034	0.006759	0.273019	1.172005
EDUCCAT	-3.31264	1.973675	-0.04038	-1.67841	1.106817
DOCPLEA	-4.9525	4.566636	-0.03016	-1.0845	1.479373
TRIAL	34.63188	8.40816	0.118836	4.118842	1.592048
ARISONA	7.271194	7.149596	0.032919	1.017008	2.003785
CALNOR	0.820278	8.488372	0.002815	0.096635	1.622568
CALCEN	3.532036	6.171753	0.02239	0.572291	2.927467
CALSOU	2.211486	7.097722	0.010112	0.311577	2.014325
HAWAII	0.74016	16.79413	0.001063	0.044073	1.112029
IDAMONTN	7.598521	6.871229	0.036998	1.105846	2.140759
OREGON	8.323888	6.714342	0.041189	1.239718	2.1112
WASHING	2.801783	7.435056	0.01174	0.376834	1.856165
ALASKA	-10.2745	10.4293	-0.02727	-0.98515	1.464913
(Constant)	-88.2852	21.79372		-4.05094	

R^2 .797 **Adjusted R^2** .781 ***p < .05** ****p< .01**

TABLE G9A
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE FULL AND OFFENSE SPECIFIC MODELS OF SENTENCE LENGTH* NINTH CIRCUIT

	FULL	DRUGS	FIREARMS	ROBBERY	OTHER
Xcrhissr	4(+)	5(+)	2(+)	2(+)	4(+)
Crimhist	ns	ns	ns	ns	ns
Statmin	2(+)	3(+)	3(+)	3(+)	2(+)
Nocounts	6(+)	2(+)	ns	4(+)	ns
Accptpsr	ns	ns	ns	ns	ns
Adjustme	7(+)	6(+)	ns	ns	ms
Downward	3(-)	4(-)	4(-)	5(-)	5(-)
Upward	12(+)	12(+)	ns	----	ns
Probatio	5(+)	7(+)	6(+)	-----	3(+)
Career	11(+)	10(+)	ns	ns	ns
Offensec	10(+)	ns	7(+)	6(+)	---
Xfolsor	1(+)	1(+)	1(+)	1(+)	1(+)
Monsex	ns	ns	ns	ns	ns
Age	ns	ns	ns	ns	8(-)
Numdepen	ns	ns	ns	9(-)	ns
USCitize	ns	ns	ns	ns	ns
Black	ns	16(+)	ns	ns	ns
Hispanic	ns	9(+)	ns	ns	ns
Educcatn	ns	ns	ns	ns	ns
Docplea	ns	ns	ns	ns	ns
Trial	8(+)	11(+)	5(+)	7(+)	6(+)
Arizona	ns	ns	ns	ns	ns
Calnor	ns	15(-)	ns	ns	ns
Calcen	ns	ns	ns	ns	ns
Calsou	ns	ns	ns	ns	ns
Hawetal	ns	ns	ns	ns	ns
Idamont	ns	13(+)	ns	ns	ns
Nevada	ns	ns	ns	ns	ns
Oregon	ns	ns	ns	8(+)	ns
Washeast	ns	ns	ns	ns	ns
Washwest	ns	ns	ns	ns	7(-)

*--these models are compared on the common included variables

ns = non-significant

TABLE G9B
VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE DRUG OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH* NINTH CIRCUIT

	DRUGS	21841	21844	21960	OTHER
Powder*	---	---	---	---	---
Crack	ns	ns	---	---	---
Heroin	ns	ns	---	---	ns
Marijuana	ns	ns	---	---	ns
Metham	8(+)	7(+)	---	---	ns
Odrg	ns	ns	---	---	ns
Xcrhissr	5(+)	4(+)	---	---	7(+)
Crimhist	ns	ns	---	---	ns
Statmin	3(+)	5(+)	---	---	3(+)
Nocounts	2(+)	3(+)	---	---	2(+)
Accptpsr	ns	ns	---	---	ns
Adjustme	6(+)	6(+)	---	---	5(+)
Downward	4(-)	2(-)	---	---	4(-)
Upward	12(+)	ns	---	---	---
Probatio	7(+)	8(+)	---	---	ns
Career	10(+)	ns	---	---	10(+)
Offensec	ns	ns	---	---	---
Xfolsor	1(+)	1(+)	---	---	1(+)
Monsex	ns	ns	---	---	ns
Age	ns	ns	---	---	8(+)
Numdepen	ns	ns	---	---	13(+)
USCitize	ns	ns	---	---	ns
Black	16(+)	ns	---	---	ns
Hispanic	9(+)	ns	---	---	9(+)
Educcatn	ns	ns	---	---	ns
Docplea	ns	ns	---	---	ns
Trial	11(+)	ns	---	---	6(+)
Arizona	ns	ns	---	---	ns
Calnor	15(-)	ns	---	---	11(-)
Calcen	ns	ns	---	---	ns
Calsou	ns	ns	---	---	ns
Hawetal	ns	ns	---	---	ns
Idamont	13(+)	ns	---	---	ns
Nevada	ns	ns	---	---	ns
Oregon	ns	ns	---	---	12(+)
Washeast	ns	ns	---	---	ns
Washwest	ns	ns	---	---	ns

*--this is the reference category for all except the 21960 model. See discussion of this model in Chapter Six for details ns = non-significant

TABLE G9C

VARIABLE SIGNIFICANCE AND RANK ORDER COMPARISONS BETWEEN THE ROBBERY OFFENSE AND STATUTE SPECIFIC MODELS OF SENTENCE LENGTH NINTH CIRCUIT

	ROBBERY	182113	OTHER
Xcrhissr	2(+)	3(+)	---
Crimhist	ns	ns	---
Statmin	3(+)	1(+)	---
Nocounts	4(+)	4(+)	---
Accptpsr	ns	ns	---
Adjustme	ns	ns	---
Downward	5(-)	6(-)	---
Upward	-----	9(+)	---
Probatio	-----	7(+)	---
Career	ns	ns	---
Offensec	6(+)	5(+)	---
Xfolsor	1(+)	1(+)	---
Monsex	ns	10(+)	---
Age	ns	ns	---
Numdepen	9(-)	ns	---
USCitize	ns	ns	---
Black	ns	ns	
Hispanic	ns	ns	---
Educcatn	ns	ns	---
Docplea	ns	ns	---
Trial	7(+)	6(+)	---
Arizona	ns	ns	---
Calnor	ns	ns	---
Calcen	ns	ns	---
Calsou	ns	ns	---
Hawetal	ns	ns	---
Idamont	ns	ns	---
Nevada	ns	ns	---
Oregon	8(+)	ns	---
Washeast	ns	ns	---
Washwest	ns	ns	---

ns = non-significant