INDIVIDUAL RESOURCES, SOCIETAL REACTION,

AND SENTENCING DISPARITY: A REPLICATION

by

Stephen M. Jones

Submitted in Partial Fulfillment of the Requirements

for the Degree of

Master of Science

in the

Criminal Justice

Program

Adviser   6/3/77   Date

Dean of Graduate School   6/10/77   Date

YOUNGSTOWN STATE UNIVERSITY

June, 1977

ABSTRACT

INDIVIDUAL RESOURCES, SOCIETAL REACTION, AND SENTENCING DISPARITY: A REPLICATION

Stephen M. Jones

Master of Science

Youngstown State University, 1977

There has been widespread concern among criminologists in recent years involving the problem of inequalities in sentencing. The major focus of the criminologists' concern is that sentencing decisions that are attached to the conviction of a defendant may be being made in a social context that undermines equal treatment before the law. Indeed, some theorists have provided evidence that judicial decisions are made according to a host of extra-legal factors, including the age of the offender, his race, and social class.

However, research bearing on the influence of extra-legal factors in sentencing provides conflicting evidence. On the one hand, studies report sentencing differences by race, socio-economic status, and other legally irrelevant variables. In contrast are research findings that have found the relationship between sentencing and the extra-legal variables removed when the effects of certain legal variables (offense seriousness, the number of prior convictions, and the number of current chrages) are controlled.

The objective of the present study, therefore, is to provide additional information regarding the extent to which extra-legal variables influence the sentencing decision. Specifically, the researcher will attempt to supply a factual and theoretical perspective on the sentencing process in Cumberland County, New Jersey. This will be accomplished by investigating the factors which underlie variation in the gravity of the penalties meted out to convicted high misdemeanor offenders during the years 1974 and 1975.

ACKNOWLEDGEMENTS

I wish to acknowledge the members of my graduate committee: Dr. Richard R. Bennett, major professor; Mr. James W. DeGarmo, Jr.; and Dr. Elmer Foldvary for their advice and assistance extended during the period of this research.

The cooperation provided by Mr. Joseph L. Hackett, Chief Probation Officer, Cumberland County Probation Department, Bridgeton, New Jersey, is sincerely appreciated, for without his help this study would not have been possible.

And, to my wife Patsy, who labored many hours typing the manuscript, I am also grateful.

TABLE OF CONTENTS

LIST OF TABLES

CHAPTER I

INTRODUCTION

"The imposition of sentences on convicted offenders is probably the most critical point in our system of administering criminal justice."[1]

Perhaps no phase of the administration of criminal justice is so obscure and ill-defined as the assessment of individual criminality and the decision, by whoever has the power, as to an appropriate penalty. Although the sixth amendment guarantees the right to a speedy and public trial, most defendants in criminal proceedings plead guilty. Once a criminal conviction has occurred by either a guilty plea or by trial, the law requires that an offender stand before the bench to hear a criminal court judge pronounce a sentence--a societal sanction for breaching the rules our lawmakers have established to protect our persons, our property, and the orderly operation of a government by law. Therefore, the sentencing function becomes the most important part of the event. Also, the decision is usually

---

[1]Judge Marvin E. Frankel, Criminal Sentences-Law Without Order (New York: Wang and Hill, 1973), p. 124.

arrived at in private negotiation and, once made, is subject to little or no review by higher authority.[2]

In spite of limited efforts to delegate some of the responsibility for sentence determination to sentencing panels or to parole boards, the burden of reaching this crucial judicial decision in each case falls primarily on the individual trial judge. Although the judge's authority is limited by the statutory provisions which establish the range of sentencing alternatives, these statutes rarely provide any standards to guide his decision. Hence, no matter who else or what else influences his judgement, the judge enjoys wide discretion in the imposition of criminal sanctions on convicted defendants.

This great degree of power vested in trial judges with relatively little oversight or review by higher authority has been the target of much criticism. Most of the criticism concerning judicial discretion has been directed at the disparities found in sentencing practices. The principal complaints focus upon two closely related issues: the intrusion of legally irrelevant factors into judicial decisions, and grossly disparate sentences for cases of equivalent gravity.[3] Numerous claims have been

[2]Richard A. McGee, "A New Look at Sentencing," Federal Probation, XXXVIII (March, 1974), 3.

[3]Edward Green, Judicial Attitudes in Sentencing (New York: Macmillan and Company, 1961), p. 8.

made by criminologists[4] that such extra-legal factors as political or journalistic pressures, public hysteria, prejudice against minority groups, and the personality of the sentencing judge exert an enormous influence on the judge's sentences. These factors, they complain, are contradictory to the proper goals of criminal justice (fundamental fairness in the protection of the public and the preservation of individual rights) and, as such, should not be influential in judicial decisions.

It is obviously inconsistent to one's sense of justice that the judgement meted out to an offender should be dependent in large part on extra-legal criteria, namely, offender background characteristics and the attitudes of the particular judge before whom the case happens to come for disposition. When serious criminals go unpunished, when minor offenses are excessively punished, when a chosen group receives lesser punishment or a despised group more punishment, it threatens all of society. It suggests a division into privileged and persecuted that is contrary to the fundamental definitions of our democracy, which

---

[4]Ruth S. Cavan, *Criminology* (New York: Thomas Y. Crowell Company, 1955), Edwin H. Sutherland and Donald R. Cressey, *Principles of Criminology*, 5th ed. (Chicago: J. B. Lippincott Company, 1955), Robert G. Caldwell, *Criminology*, (New York: The Ronald Press Company, 1956), and more.

have always held that the President was no more immune from punishments of law than the commonest citizen.[5] A division such as this serves only to antagonize society and to deteriorate its belief that the criminal justice system is indeed fundamentally fair and just.

The severest criticism of sentencing practices in American courts is directed at the disparities in sentences for cases of equivalent gravity. The Institute of Judicial Administration summarizes the general view of this problem as follows:

> While in theory the sentences meted out to two offenders convicted of the identical crime may and should differ depending upon such extrinsic factors as psychiatric and social worker reports, past criminal records, and estimates of future potentialities, there has been for years widespread fear that marked variances in sentences are the result of nothing more than the preferences of individual judges.[6]

It should be noted here that the function of law in our society is not only to preserve the social structure, but also to serve society's ideals and values. According to Gaylin, one of the most important values which our society promises its members is justice.[7] Whatever the definition,

---

[5]Willard Gaylin, _Partial Justice: A Study of Bias in Sentencing_ (New York: Alfred A. Knopf, 1974), p. 4.

[6]_Disparity in Sentencing of Convicted Offenders_, quoted in Edward Green, _Judicial Attitudes in Sentencing_ (London: Macmillan and Company, 1961), p. 7.

[7]Gaylin, p. 5.

an essential ingredient of justice is the sense of fairness and equity.[8] If this sense of fairness is violated, society will not only be antagonized, but that concept of order which is necessary for communal living will be undermined.[9] Excessive disparities in sentencing may threaten that kind of breakdown. Hence, it is in the interests of justice and the public order for judges "to administer justice without respect to persons, and do equal right to the poor and the rich ... according to the best of their ability and understanding."[10]

The objective of the present research, therefore, is to provide evidence which will support the thesis that disparities in sentencing exist. Specifically, the major purpose of this study is to examine the relationship between extra-legal criteria (such as race, education, and marital status) and sentencing practices of the court. The findings of this study will have implications for the generalizability of findings from other studies[11] which

---

[8]Ibid.

[9]Ibid., p. 3.

[10]Judge Theodore Levin, "Sentencing the Criminal Offender," Federal Probation, XIII (March, 1949), 3.

[11]For a good review of those investigations and assumptions, see Terence P. Thornberry, "Race, Socioeconomic Status and Sentencing in the Juvenile Justice System," Journal of Criminal Law and Criminology, LXIV (March, 1973), 90-98.

have provided conflicting information regarding the question

of sentencing disparities. As previously mentioned, this

project was initiated to determine whether criminal justice

is constructed in a social context that undermines equal

treatment before the law. If the evidence supports the

thesis that disparities in sentencing exist, it will further

substantiate the claim that new procedures are needed which

would help to reduce unjustified disparity of sentences

and to ensure the fairness and purposefulness of the court's

sentencing decision.

The present study is a basic replication of John

Hewitt's work done in King County, Washington, during the

year 1973. The importance of testing Hewitt's propositions

on a completely different population should be noted.

Campbell has stated that replication is generic to all

sciences. In fact, it is more important to the social

sciences where the experimental control found in the physical

sciences is totally lacking. "Thus, replications are an

important component in challenging the potential instability

of study results."[12] The present study will either sub-

stantiate or refute Hewitt's study which was limited in

_____

[12]Reforms in Experiments, vol. 24, quoted in H.W.
Smith, Strategies of Social Research: The Methodological
Imagination (Englewood Cliffs, N.J.: Prentice-Hall, Inc.,
1975), p. 70.

its ability to generalize results. Whatever the case, this study will provide a reliability check on data already generated as well as providing a means of confirming the validity of earlier findings.

CHAPTER II

ORIENTATION

General Perspective

For decades criminology attempted to explain crime from the perspective of the offender. In this approach, researchers looked for answers to deviance in the qualities of a person or in the character of his acts. The systematic classification and analysis of deviant forms of behavior is the primary interest of this perspective. Among the questions generated by this perspective are the following: "Who is the deviant?" "How did he become deviant?" "Why does he continue to be deviant despite controls?"[13]

In recent years, however, criminologists have begun to emphasize the importance of society's reaction to crime as a factor in the creation and continuation of criminal and delinquent behavior patterns. This perspective is referred to as societal reaction, labeling, or the interactionist approach to deviant behavior.

[13]Earl Rubington and Martin S. Weinberg, eds., Deviance: The Interactionist Perspective (New York: Macmillan and Company, 1968), p. 3.

CHAPTER II

THEORETICAL ORIENTATION

General Perspective

For decades criminology attempted to explain crime
from the perspective of the offender. In this approach,
researchers looked for answers to deviance in the qualities
of a person or in the character of his acts. The systematic
classification and analysis of deviant forms of behavior
is the primary interest of this perspective. Among the
questions generated by this perspective are the following:
"Who is the deviant?" "How did he become deviant?" "Why
does he continue to be deviant despite controls?"[13]

In recent years, however, criminologists have begun
to emphasize the importance of society's reaction to crime
as a factor in the creation and continuation of criminal
and delinquent behavior patterns. This perspective is re-
ferred to as societal reaction, labeling, or the inter-
actionist approach to deviant behavior.

---

[13]Earl Rubington and Martin S. Weinberg, eds.,
Deviance: The Interactionist Perspective (New York:
Macmillan and Company, 1968), p. 3.

Labeling theory, an outgrowth of the symbolic inter-
action perspective, asserts that deviance is an outcome of
social reaction, or labeling, by official control bodies.[14]
The social audience rather than the individual actor is
utilized as the critical research variable, "since it is
the audience which eventually decides whether or not any
given action will become a visible case of deviation."[15]
Characteristically, in labeling theory, the audience that
designates deviance consists of others who are at least
symbolically interacting with the actor. Erikson suggests
that "... deviance is not a property inherent in certain
forms of behavior; it is a property conferred upon these
forms by the audience[16] which directly or indirectly witness
them."[17] Hence, within the labeling scheme, the audience's
definitions cause deviance, in that the definitions generate
the processes by which actors come to be set aside as neg-

_____

[14]See Howard S. Becker, Outsiders: Studies in the
Sociology of Deviance (Glencoe, Ill.: Free Press, 1963).
    Kai T. Erikson, "Notes on the Sociology of De-
viance," Social Problems, IX (Spring, 1962), 307-14.
    John I. Kituse, "Societal Reaction to Deviant
Behavior: Problems of Theory and Method," Social Problems,
IX (Winter, 1962), 247-56.

[15]Erikson, p. 308.

[16]The meaning of audience here is twofold. In one
sense society at large constitutes the audience. But on
another level the more specific agents of control are the
critical audience, for they implement the definitions in
ongoing social action and through institutionalized procedures.

[17]Erikson, p. 308.

atively categorized, stamped as inferior or morally unfit, and thereby undergo a transformation of status.

Perhaps the second most central concept of the labeling perspective is the idea of reciprocal processes operating between the actor and his audience. Rather than focusing on descriptive data (official records, demographic variables, class attributes, etc.), criminologists and sociologists of this orientation define deviance as being itself problematic in nature. This directs attention to the processes of social interaction that "... must be inspected to ascertain the conditions under which deviance comes into being, how it is defined, and what consequences flow from that definition."[18]

One of the first systematic elaborations on process in deviance analysis was provided by Lemert, who related deviance to processes of social differentiation and social definition. Lemert states: "We start with the idea that persons and groups are differentiated in various ways, some of which result in social penalties, rejection, and segregation. These penalties and segregative reactions of society are dynamic factors which increase deviance, and condition the form which the initial differentiation or

---

[18]Rubington, p. 2.

deviation takes."[19]   And, likewise, he asserts: "The deviant person is one whose role, status, function, and self-definition are importantly shaped by how much deviation he engages in, by the degree of its social visibility, by the particular exposure he has to societal reaction, and by the nature and strength of the societal reactions.[20]

Building on Lemert's earlier work, Becker has emphasized the theme of the deviance label, affixed through processes of differentiation and definition. As he puts it, "social groups create deviance by making rules whose infraction constitutes deviance, and by applying these rules to particular people and labeling them as outsiders. From this point of view, deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an offender. The deviant is one to whom that label has successfully been applied; deviant behavior is behavior that people so label."[21]

Although labeling theory represents a relatively new phenomenon in terms of its applications to research, it provides a very good theoretical model which researchers

___

[19]Edwin M. Lemert, Social Pathology (New York: McGraw-Hill, 1951), p. 22.

[20]Ibid., p. 23.

[21]Becker, p. 9.

can utilize in their study of the criminal justice system.
For the present study, this perspective has significantly
advanced the ability to do a theoretical and empirical
analysis of certain decisions made within the context of
the court system. The present research is specifically
interested in the decisions made regarding the sentence
individuals receive following their conviction in a court
of law.

Labeling Theory Assumptions

In his book entitled Crime and Justice: American
Style, Clarence Schrag identifies what he considers the basic
assumptions that distinguish labeling theory from other
theoretical perspectives.[22] Five of his assumptions[23] relate
to the operation of the criminal justice system and are of
particular importance with regard to the application of
labeling theory to the research setting. Schrag proposes
that a person does not become criminal by violating the law
(Assumption #3) but by being labeled as a violator of the
law; that the labeling of violations of the law is done in

---

[22]Clarence Schrag, Crime and Justice American
Style (Washington, D.C.: Government Printing Office, 1971).

[23]In the formal sense, all five do not qualify as
assumptions, but rather they are hypotheses. Element #3
should be considered an assumption while the others re-
present statements assumed to be established by empirical
observations.

the interest of the powerful and at the expense of the less powerful (Assumption #2); that the condition of the power relates mainly to the conditions of sex, race, social class, and age (Assumptions #5 and #6); that the applications of criminal sanction by the criminal justice system is similarly dependent on sex, race, age, and social class of the offender (Assumption #7).[24]

If it is true that non-crime related, offender characteristics establish patterns of differential criminal justice decision-making, then one would expect (given the theory) that variables such as sex, race, age, and social class will explain the variance which is observed in court decision-making (sentencing) for adults. In return, this will lead to a generally positive conclusion regarding the effectiveness of labeling theory to account for the data reflecting the occurrence of differential decision-making in the criminal justice system.

To summarize, labeling theory views deviance as a process by which the members of a group, community or society (1) interpret behavior as deviant, (2) define persons who so behave as a certain kind of deviant, and (3) accord them the treatment considered appropriate to such deviants.[25] Deviance in this approach is situational

---

[24]Charles Wellford, "Labeling Theory and Criminology: An Assessment," Social Problems, XXII (February, 1975), 332-45.

[25]Kituse, p. 248.

and dependent. In effect, it is an outcome of official decisions in a particular social context. Differential definitions and applications of rules are influenced by class, ethnic background, occupation, sex, and age statuses of various persons who operate in society in opposition to police, legal, and other social control groups.[26] Thus, for the present study, labeling theory will be utilized to explain the relationship between these extra-legal factors and the sentence that an offender receives.

Labeling Theory and Beyond - A Statement of the Political-Conflict Model of Social Control

Before discussing a specific theory of sentencing disparity, it is important to note that labeling theory itself has been modified by some of the early contributors to this perspective--in particular, by a move to what is generally described as the conflict perspective. Some have suggested that labeling theory was only a necessary stage in the development of a radical criminological theory. Conflict theorists maintain that labeling theory, while offering a perspective grounding in micro-analysis of the varieties of deviant categories, does not add up to a cumulative, systematic explanation of social control.[27]

---

[26]Nanette J. Davis, "Labeling Theory in Deviance Research: A Critique and Reconsideration," The Sociological Quarterly, XIII (Fall, 1972), 452.

[27]Ibid., p. 462.

The formulations by Lemert, Becker, and recently, Quinney, however, contain the elements for the development of a political-conflict model of change, which accounts for deviance as the outcome of systematic, bureaucratic control. Under conditions of social change, political-conflict processes within and between organizations have consequences.[28] These may be summarized as the following:

(1) Continuous organizational adaptation to change necessitates new rules and activities to meet competition, contingencies, and organizational technological innovation.

(2) Changes in rules and strategic actions of organizations enhance the power of some social categories at the cost of loss of power for still other social categories.

(3) Power, whether legitimate or illegitimate, generates opposition.

(4) Opposition, as a regenerative force, creates new organizations and stimulates reorganization along different lines because of the introduction of new interests and powers.

(5) Such opposition within or between organizations or organization-citizen conflict implies that alternative modes of activity prevail in any given behavioral area (e.g., "therapeutic" or illegal abortions).

(6) Persons choosing certain alternative courses of action must assume higher "rise" in achieving goals.

(7) Widespread selection of alternative modes of action may lead to collective change (e.g., legalized abortion).[29]

---

[28]Ibid.

[29]Ibid.

It should be clear that the primary focus of conflict theory is concerned with the conflict process between the actor and his audience. During the conflict process, individuals and agencies with power manufacture and manipulate definitions, procedures, priorities, and administrative instruments of control. The dominant issue in the conflict perspective is the analysis of power arrangements that maintain or modify distribution of political and economic resources. Regulatory agencies create new rules that reflect the interests of certain groups in formulating and administering criminal laws and shaping public policy against the interests of still other groups.[30] The "other" groups are basically different from the power groups with regard to socio-economic status. Quinney suggests that these socio-economic differences have a great impact on the labeling process. In his discussion of the application of criminal definitions, Quinney claims that "the probability that criminal definitions will be applied varies accordingly to the extent to which the behaviors of the powerless conflict with the interest of the power segments."[31] Quinney goes on to suggest the

---

[30]Becker, pp. 147-63.

[31]Richard Quinney, Social Reality of Crime (Boston: Little, Brown and Company, 1970), p. 18.

implications of this viewpoint for the sentencing process:
"Obviously judicial decisions are not made uniformly. De-
cisions are made according to a host of extra-legal factors,
including the age of the offender, his race, and social
class."[32] When differences between the actor and his
audience (police, courts, etc.) exist, the greater status
and power of the audience places the actor at a tremendous
disadvantage in the interaction process. Hence, the
probability of receiving a light or severe sentence varies
according to the extent to which the behaviors of the
powerless conflict with interests of the power segments.

The preceding discourse regarding the progression
from labeling theory to conflict theory can be summarized
in the following manner. Many criminologists have recently
asserted that deviant behavior is less a function of a
person's overt acts than an interpretation and definition
of those acts by others. Advocates of this perspective,
which is referred to as labeling, have identified the
theme of process as being central to this orientation.
They view the labeling conception as mostly a dynamic one
whereby deviant behavior can be understood only by examining
the complex interaction processes that take place between
official control bodies and the individual offender.

---

[32]Ibid., p. 141.

Some authors, however, have been discontented with
labeling theory because it has been more deviance-centered
than control-oriented. A major criticism comes from Davis,
who states that an overview and critique of the labeling
formulation and major research show that the predominantly
interactionist approach tends toward an actor-dominated,
rather than an organization-centered, form of sociology.
The author continues to relate that in emphasizing the
effects of labeling on the actor, the research typically
ignores the processes and consequences of organizational
management of conflict of interest, and the power struggles
within and between bureaucratic settings of control.[33]
Davis suggests a reconsideration of the Lemert-Becker and,
recently, Quinney formulations in which emphasis should
be redirected to a political-conflict model as an orienting
image for a social control perspective within which
theoretical and empirical work can proceed.[34]

The conflict approach asserts that power segments
tend to dominate society's intellectual and idealogical
life, notions of true and false, of good and bad. Con-
sequently it often happens that the relatively powerless
in society, the economically deprived, are more likely to

---

[33]Davis, p. 448.
[34]Ibid.

have their behavior defined as deviant and are less capable
of resisting an imputation of deviance than the affluent
and powerful. Thus, the conflict perspective often parallels
the study of deviance with that of powerlessness.

In attempting to apply these theories, both Quinney
and Schrag maintain that criminal justice decisions are
made in the interest of the powerful and that the condition
of the power relates mainly to the conditions of offender
characteristics rather than offense characteristics. The
implications of these viewpoints for the present research
project are clear. If both Quinney and Schrag's claims
are true, then the present project should expect to find
more unfavorable decisions made againt the powerless.

A Theory of Sentencing Disparity

A problem develops when utilizing the overall
"labeling-conflict" approach as an explanation for differ-
ential decision-making in the court system. Although the
theories assert that the powerful have a greater advantage
in obtaining favorable court decisions, they do not ex-
plicitly state who the powerful people are. In order to
test these perspectives, a specific theory must outline
exactly what it is a powerful person has which enables him
to avoid stigmatization and unfavorable court decisions.
The theory must also attempt to explain how these char-

acteristics function to the advantage of the powerful person. Finally, the theory also must include hypotheses which are testable. The specific theory which will be utilized for this study meets all the preceding criteria.

It is important to mention that previous research studies have indicated that there are many factors which affect the sentence a person receives once he is convicted (see Figure 1).[35] Variables such as prior convictions of the offender, offense seriousness, pre-sentence investigation recommendation, and judicial attitudes have been shown to be correlated to disposition. However, the present research study will test theoretical propositions concerning the

---

[35]Thorsten Sellin, "The Negro Criminal: A Statistical Note," Annals of the American Academy of Political and Social Science, CXL (November, 1928), 52-64.

Edwin M. Lemert and Judy Roseberg, "The Administration of Justice to Minority Groups in Los Angeles County," University of California Publications in Culture and Society, II (1948), 1-28.

Edward Green, Judicial Attitudes in Sentencing (London: Macmillan and Company, 1961).

John Hogarth, Sentencing as a Human Process (Toronto: University of Toronto, 1971).

Peter J. Burke and Austin T. Turk, "Factors Affecting Post-Arrest Dispositions: A Model for Analysis," Social Problems, XXII (February, 1975), 313-31.

John Hagan, "The Social and Legal Construction of Criminal Justice: A Study of the Pre-Sentencing Process," Social Problems, XXII (June, 1975), 620-37.

Robert M. Carter and Leslie T. Wilkins, "Some Factors in Sentencing Policy," Journal of Criminal Law, Criminology, and Police Science, LVIII (December, 1967), 503-14.

Key of Indicators

IR_v = age, sex, race

IR_s = education, work history, and socio-economic status

IR_f = marital status, number of dependents

$LEGAL_{or}$ = prior convictions, offense seriousness, number of current charges

$LEGAL_{cr}$ = pre-sentence invest-igation recommenda-tion, custodial sta-tus (bailed or re-leased on own recog-nizance)

JUDICIAL ATTITUDES = appropriate tests

DISPOSITION = incarceration, fine, probation, jail time, suspended sentence
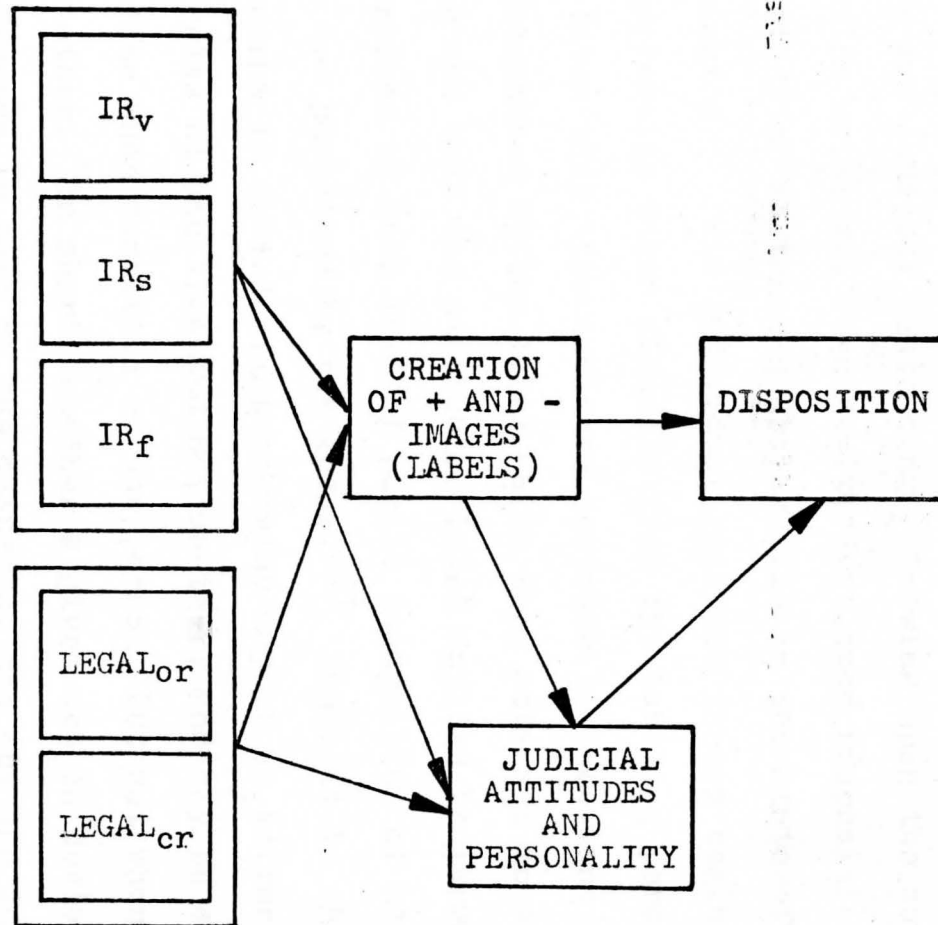
Fig. 1. A General Model of Sentencing

relationship of the individual resources possessed by an actor and judicial sentencing. Drawing upon the societal reaction writings, John Hewitt developed propositions for his study of sentencing disparities in the State of Washington.[36] His individual resource theory begins with an expression taken directly from the labeling perspective. He states that "the audience response to a deviant actor is determined by the label which they attached to that actor and that the particular label applied is largely determined by some form of public recognition of attributes that are possessed by the actor."[37] Implicit in this statement is that deviant behavior may be an infraction of the rules at one time and not another; and may be an infraction when committed by one person, but not when committed by another. In short, whether a given act is deviant or not depends in part on the nature of the act and in part on what other people do about it.

These propositions are supported by empirical evidence. For example, studies of juvenile delinquency have made it clear that rules tend to be applied more to

---

[36]John Hewitt, "Individual Resources, Societal Reaction, and Sentencing Disparity," paper prepared for the Pacific Sociological Association Meetings, Victoria, British Columbia, 17 April 1975.

[37]Ibid., p. 6.

some persons than others. Boys from middle-class areas
do not get as far in the legal process when they are
apprehended as do boys from slum areas. The middle-class
boy is less likely, when apprehended by police, to be taken
to the station; less likely when taken to the station to
be booked; and it is extremely unlikely that he will be
convicted and sentenced.[38] This variation occurs even
though the original infraction of the rule is the same in
the two cases. Another study investigated the effect of
race upon society's inclination to apply particular labels.
It demonstrated that there is differential law application
between Negroes and whites. It is hypothesized that a
Negro who allegedly attacks a white woman is much more
likely to be punished than a white man who commits the
same offense. It is also hypothesized that a Negro who
murders another Negro is much less likely to be punished
than a white man who commits murder.[39]

---

[38]See Robert K. Merton, "Social Problems and
Sociological Theory," in Contemporary Social Problems,
eds. Robert K. Merton and Robert A. Nisbet (New York:
Harcourt, Brace, and World, Inc., 1961), pp. 697-737.

[39]See Harold Garfinkel, "Research Notes on Inter-
and Intra-Racial Homicides," Social Forces, XXVII (May,
1949), 369-81.

The observations cited above are by no means an exhaustive list of those studies[40] which support the proposition that deviance is the product of a process which involves differential responses of other people to a behavior. However, taken together, these studies do not provide a more general explanation as to why society reacts differently in various situations. Hence, the important question for the present research concerns the most significant factor upon which societal reaction depends.

Despite their central concern with the factors which affect societal reaction, labeling theorists have not usually presented systematic propositions concerning those factors. For example, although Becker recognizes that the reaction does not necessarily reflect the commission of deviant acts, his analysis is directed to constructing definitions and typologies in terms of acts and reactions rather than to accounting for variation in reactions.[41] Scheff, however,

---

[40]Henry A. Bullock, "Significance of the Racial Factor in the Length of Prison Sentences," Journal of Criminal Law, Criminology, and Police Science, LII (November-December, 1961), 411-17.

Edward Green, "Inter- and Intra-Racial Crime Relative to Sentencing," in Race, Crime, and Justice, eds. Charles E. Reasons and Jack L. Kuykendall (Pacific Palisades, Calif.: Goodyear Publishing Company, Inc., 1972), p. 284.

Guy Johnson, "The Negro and Crime," Annals of the American Academy of Political and Social Sciences, CCXVII (September, 1941), 93-104.

[41]William A. Rushing, "Individual Resources, Societal Reaction, and Hospital Commitment," American Journal of Sociology, LXXVII (November, 1971), 513.

has provided the present study with a reasonable theoretical statement concerning the contingencies in societal reaction. He suggests that societal reaction depends on several factors, one of which is the social power of the individual.[42] According to this proposition, it is theorized that people with economic and social resources have more power and are in a better position to mobilize legal and family assistance.[43] Furthermore, the greater the individual's social and economic resources, the greater the likelihood that he will be able to deal successfully with others and the less the likelihood that he will be channeled into a deviant role.[44] With regard to sentencing disparity, this means that persons with resources will be more likely to avoid conviction, and that if they are convicted, they will be in a better position to receive a mild sentence.

Utilizing Scheff's theoretical proposition concerning factors affecting societal reaction, Hewitt developed his three propositions concerning a theory of sentencing disparity. They are as follows:

I. The ability of an actor to resist negative labels imposed by legal authorities is a function of the amount of individual (social and economic) resources possessed by that actor.

---

[42]Thomas Scheff, Being Mentally Ill: A Sociological Theory (Chicago: Aldine, 1966), p. 96.

[43]Walter R. Grove and Patrick Howell, "Individual Resources and Mental Hospitalization: A Comparison and Evaluation of the Societal Reaction and Psychiatric Perspectives," American Sociological Review, XXXIX (February, 1974), 88.

[44]Ibid.

II. The sentence that an actor receives will
vary according to the actor's ability to
resist negative images imposed by legal
authorities.

Thus it follows that:

III. The sentence that an actor receives will
vary according to the amount of individual
(social and economic) resources possessed
by that actor.

In the context of these propositions, Hewitt defines
the concept of legal authorities as "officers of the criminal
court." The concept of negative images (or labels) is de-
fined as the "expressed belief by legal authorities that
the actor is unable to function in society without some
form of external controls being imposed." This is the re-
active aspect of what is referred to as societal reaction.[45]

Within the context of the final proposition, the
concept of individual resources needs to be discussed.
Hewitt calls this concept the most problematic one contained
in the theory. He defines individual resources as an actor's
"personal attributes which can be presented to others and
which are socially viewed as supportive of a positive de-
finition of the situation in which the actor is involved.[46]

Individual resources can be best understood by
viewing them as personal attributes which function to create
labels when the legal authorities react to them. "The greater
the amount of individual resources (or positive personal

_____

[45]Hewitt, p. 6.

[46]Ibid.

attributes), the greater the probability of creating a positive image or label. The lesser the amount of individual resources, the greater the probability that an actor will be unable to resist the application of, or reaction of, negative labels.[47]

Personal Variables and Individual Resources

Now that a specific theory of sentencing disparity has been developed, it is incumbent for the researcher to operationalize the theoretical concepts in order to test the stated propositions. For the present study, the first concept to be operationalized is the sentence an individual receives upon conviction. It is defined as the legal sanction imposed by the criminal court. The specific sentence received by an individual may take the form of either incarceration, jail time, probation, or suspended sentence.

The second concept which needs to be operationalized is societal reaction. In the sentencing situation, the negative or positive images (labels) that may have developed tend to be rather vague in any formal expression. That is, they are usually formed in such a way as to not be explicitly stated in public. Under these circumstances, according to Hewitt, we appear to be able only to assume that there is a

---

[47]Ibid., p. 7.

societal reaction process taking place between the presenta-
tion of the actor as guilty defendant and the formal state-
ment of sentence.[48]

Perhaps the concept most difficult to operationalize
is the final concept of individual resources. As it has
already been indicated, individual resources refers essen-
tially to particular attributes of an actor (defendant)
which function to create labels or images when audiences
(legal authorities) react to them. Hewitt notes that an
actor's individual resources are similar to the concept of
"social margin" used by Wiseman. He states, "Social margin
encompasses the human resources a person can call upon in
case of disaster, such as an incapacitating accident, losing
a job, or being arrested. A person with margin can get help
from his family, employer, or friends at such times."[49]
Whereas margin refers to ascribed attributes of the actor,
individual resources should be considered to be attributes
possessed by an actor which serve to elicit reactions from
others. In terms of the theory, this means that the more
resources a person has, the more favorable others will react
in time of need.

With regard to the sentencing process, there are a
host of extra-legal attributes which are good indicators of the
resources an individual possesses. As was already pointed out,

---

[48]Ibid., p. 9.

[49]Ibid., p. 8.

previous research has revealed that individual attributes are, in many studies, associated with the sentence an offender receives. For this study, eight indicators of individual resources have been selected and grouped into three loosely defined "clusters." The first cluster is the visible resources an individual possesses. Visible resources are defined as those resources which can be more or less discerned from one's appearance in front of the social audience, and include age, race, and sex. The second cluster is the status resources an individual possesses. Status resources are those which define the rank or position of an individual in a group or society, and include education, work history, and level of occupational skill (which is used as a measure of socio-economic status). The final cluster to be utilized is the individual's family resources. Family resources are defined as those which are derived from the tasks commonly performed through the family, namely, the degree of physical, economic, and psychological protection the family offers to its members. Such resources include the marital status of an individual as well as the number of his dependents.

When considering the relationship between the preceding resource clusters and labeling theory, it should be reiterated that the theory has proposed a direct relationship between the creation of positive labels and each of the re-

source clusters. In other words, the greater the amount of resources possessed by an offender the better his chances are for receiving a greater abundance of labels and, therefore, a more lenient sentence.

Hypotheses

In developing the hypotheses for this study, it is helpful to utilize the general model of sentencing found in Figure 1. Because the previously mentioned variables easily elicit a reaction upon presentation to a social audience, they are considered to be good indicators of one's resources. This study proposes several specific hypotheses concerning the relationship between the three individual resource clusters, the creation of labels, and sentencing behavior (reaction).

Visible Resources

Among the visible resources, age would seem to be the best indicator of one's ability to draw on resources which have been accumulating over the years. It is commonly believed that youthful offenders receive greater leniency in court than older offenders because they arouse paternal sentiments within the judge.[50] The reverse is equally

---

[50]Green, Judicial Attitudes, p. 53.

plausible on the basis that judges are likely to have sympathy with the older defendants. However, within the framework of individual resources, the explanation may be that older offenders are least likely to be sentenced harshly when offense is controlled because of their greater ability (by virtue of greater experience, established reputations, and higher incomes) to negotiate relatively lenient treatment by the court.[51] The age of the offender may also indicate his stability and responsibility, and the ability to draw on his established resources.

Racial discrimination in the administration of justice has long been of theoretical and empirical interest to criminologists. Field evidence has generally indicated that public officials, under the influence of their prejudices, tend to make decisions that exaggerate Negro criminality. It is generally concluded that Negroes receive differential treatment in arrest, sentencing, and imprisonment.[52] In terms of the theoretical orientation developed for the present research, it is difficult to ascertain the exact way in which individual resources (such as money, references, and the offender's

---

[51]Burke and Turk, p. 327.

[52]See Theodore G. Chiricos, Phillip D. Jackson, and Gordon P. Waldo, "Inequality in the Imposition of a Criminal Label," Social Problems, XIX (Spring, 1972), 553-71.

ability to verbalize his own perceptions of a situation)

differ for black offenders and white offenders in the same

socio-economic class. However, upon restating Quinney's

formulation, it becomes apparent why black offenders would

have a more difficult time in the interaction process with

their audience than would a white offender. Quinney has

suggested that when differences between an actor and his

audience (police, members of the court, etc.) exist, the

greater status and power of the audience places the actor

at a tremendous disadvantage in the interaction process.

With this in mind, it should be noted what Knowles and

Prewitt claim regarding racism in the administration of

justice. They state that "the written standards of conduct

and the police and the judicial apparatus set up to enforce

them are estáblished and administered by persons with interests

and perspectives similar to those of the majority of white

Americans. Thus, for most Americans, the legal system works

fairly well. But for those who differ substantially in

economic status or culture from the white middle-class norm,

the apparatus breaks down.[53] Not only are these people

---

[53]Louis L. Knowles and Kenneth Prewitt, "Racism
in the Administration of Justice," in Race, Crime, and
Justice, eds. Charles E. Reasons and Jack L. Kuykendall
(Pacific Palisades, Calif.: Goodyear Publishing Company,
Inc., 1972), p. 13.

arrested and prosecuted under laws they had no hand in making, but they are also tried and sentenced by judicial institutions which exclude them both from structural mechanisms and from personnel rolls.[54]

This situation is most acute for those who are poor and culturally and racially different: blacks, Indians, Mexican-Americans, etc. To these citizens the law symbolizes white oppression.[55] In return, the whites who exclusively represent the legal system may view blacks as visibly different from themselves (with regard to color). Hence, an individual's race acts as a resource in and of itself with respect to the amount of positive interaction that is possible between him and his predominantly white audience.

The cultural gulf between black and white Americans is another factor which needs to be discussed with regard to the effect of race on criminal justice decision making. Cul-

---

[54]Although Knowles and Prewitt provide much evidence that those who represent the legal system are almost exclusively white and reflect the prejudices and ignorance of white society, they indicate that the problem is much deeper than the one of participation in judicial functions. They claim that the very structures of the system, because they were created by whites, invariably operate to disadvantage the culturally different, regardless of who is in control. The unequal dispensation of justice is a result both of the origin of legal institutions and their present operation by white citizens who do not recognize the worth of nonwhite cultures. They emphasize the racism of the legal structures themselves because it is more basic than the personal racism of administrators and thus has more profound implications as an obstacle to change.

[55]Knowles and Prewitt, p. 13.

tural differences between black and white Americans may work
to the disadvantage of blacks in the interaction process with
their audience. Black people have developed styles of grooming
and dress, a vocabulary, and a set of traditions that are
strange and incomprehensible to most whites.[56] These black
cultural factors may have an influence upon society's reaction.
For example, it would seem reasonable to conjecture that many
whites would react unfavorably to proud, unconcerned black
youths with tight pants and "naturals," which they associate
with black power and rebellious violence. Whites may subcon-
sciously view this assertion of cultural difference as a threat
to the established order and place negative labels upon the
individuals.

To summarize the discussion regarding race and in-
dividual resources, it would seem that black offenders may not
as a rule enjoy racial anonymity which disguises the white
offender within the criminal justice system. An exclusionary
system based upon race has produced white juries and white
lawyers, judges, sheriffs, deputies, police and clerks.
The non-white has been thrust into the world of the white to
be judged under laws which he has little part in making or
enforcing. Hence, whatever individual resources a black
offender has with regard to money, references, etc., they

---

[56]Ibid., p. 19.

may be negated or be of less importance by the simple fact
that his race (itself considered to be an individual resource)
may cause the creation of negative images or labels in the
minds of the black offenders' predominantly white social
and legal audience. Furthermore, the cultural differences
expressed by the black offender in the presence of his white
audience may be so great as to work at his disadvantage.
It is for these reasons (black offender's inability to
resist the imputation of negative labels) that it is
hypothesized that black offenders will receive more severe
sentences than white offenders.

With regard to sex, it is anticipated that male of-
fenders will receive more severe sentences than will female
offenders. This conjecture is justified in view of the re-
search that has dealt with this question in the past. Studies
of criminality of women have revealed sexual differences in
patterns of criminal behavior accompanied by differences in
rates of arrest and prosecution, with the females receiving
generally more leniency at the hands of the law.[57] In his
study of sentencing disparities, Green stated that females
constituted only 6.3 percent of his cases. He suggests that
this may reflect that there is a favorable bias toward women

---

[57]See Otto Pollak, The Criminality of Women
(Philadelphia: The University of Pennsylvania Press, 1949).

that results in proportionately fewer female cases eventually going to trial, or it may indicate that for cultural and biological reasons women are not as criminally inclined as men.[58]

When comparing penalties imposed upon male and female defendants, Green's study would seem to support the view concerning preferential treatment for females.[59] He attributes this finding to chivalric attitudes on the part of the court, or at least a tendency of the court to react more in the spirit of rehabilitation rather than punitively toward women. However, within the conceptual scheme of the present study, the explanation is different for the hypothesis concerning sex and sentencing decisions. The sex of an individual may suggest his or her degree of stability and responsibility. Females have always been perceived as being more likely to have some sort of family responsibilities which are not attributed to men.[60] This is important because an offender's ability to live a responsible and trustworthy life may have a tremendous influence upon whether the individual receives positive or negative labels from his or her social audience.

---

[58]Green, Judicial Attitudes, pp. 51-52.

[59]Ibid., p. 52.

[60]See Marc Ancel, Suspended Sentence (London: Heinemann, 1971).

George William Babb and William Royal Ferguson, "Texas Sentencing Practices: A Statistical Study," Texas Law Review, XLV (February, 1967), 471-503.

Stuart S. Nagel, "Judicial Backgrounds and Criminal Cases," Journal of Criminal Law, Criminology, and Police Science, LIII (September, 1962), 333-39.

An offender's stability is also influential in the development
of labels. Defined as the state of being firmly established,
the stability of an individual may indicate one's attachment
to the community and, therefore, the possibility of calling
on community resources in time of need. Hence, it is rea-
sonable to hypothesize that men will be dealt harsher sentences
than women.

To summarize, the present study proposes the following
hypotheses concerning the relationship between visible re-
sources and sentencing decisions:

Age: 1.   There will be an inverse relationship
between an offender's age and the
severity of the sentence he receives.

Race: 2.   Black offenders will be found to re-
ceive more severe sentences than will
white offenders.

Sex: 3.   Male offenders will be found to re-
ceive more severe sentences than will
female offenders.

Status Resources

Among the status resources, socio-economic status
would seem to be one of the best indicators of one's ability
to draw on various types of resources. It is widely assumed
that power and the ability to avoid criminal stigma are
positively associated.[61] In this regard, Turk hypothesized

---

[61]Chiricos, Jackson, and Waldo, p. 556.

that the probability of norm-violators being "criminalized"
by norm-enforcers will increase as the power differential
in favor of the latter increases.[62] The socio-economic
status of the offender suggests the ability to draw on
financial, occupational, and perhaps neighborhood resources.
Therefore, it should be a good indicator of the amount of
power an individual has. Furthermore, persons in the
middle and upper classes can generally deal more effectively
with lawyers, judges, and police than persons in the lower
class, and therefore they presumably can present a more
coherent and convincing defense.[63] While empirical evidence
supporting these points has been slow to accumualte, Chambliss
summarizes what is generally known about the issue: the
lower class person is (1) more likely to be scrutinized
and therefore be observed in any violation of the law,
(2) more likely to be arrested if discovered under sus-
picious circumstances, (3) more likely to spend the time
between arrest and trial in jail, (4) more likely to come to
trial, (5) more likely to be found guilty, (6) if found guilty,
more likely to receive harsh punishment than his middle- or
upper-class counterpart.[64]

---

[62]See Austin T. Turk, Criminality and the Legal Order
(New York: Rand McNally, 1969).

[63]Grove and Howell, p. 88.

[64]William J. Chambliss, Crime and the Legal Process
(New York: McGraw-Hill, 1969), p. 86.

It is generally believed that education and social class interact in at least two ways. First, to get a higher education one needs money plus motivation. Lack of money is less of a barrier than it used to be, now that scholarships and student loans are so widely available; yet relatively few students complete college without some financial aid from their families. Second, one's amount and kind of education affects the class rank he will secure. Education is one of the main levers of the ambitious. Higher education not only brings occupational skills; it also brings changes in tastes, interests, goals, etiquette, speech--in one's total way of life.[65]

If this belief concerning the interaction between education and socio-economic status is true, then it is better to measure both as indicators of the status resource variable. Not only is reliability increased by using more than one item, but also validity tends to increase with larger numbers of items used.[66]

The justification for hypothesizing that offenders with a minimum education will receive harsher sentences than their counterparts is the same used for the previous hypothesis dealing with socio-economic status. However, the precise

---

[65]Paul B. Horton and Chester L. Hunt, Sociology (New York: McGraw-Hill, 1972), p. 254.

[66]H. W. Smith, Strategies of Social Research: The Methodological Imagination (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1975), p. 132.

manner in which education comes to influence the court's sentencing decision can be considered complex. There are several plausible explanations for this relationship: (1) the court may be convinced that possessing some education sufficiently enhances one's future prospects as a law-abiding citizen to warrant less severe sentences, (2) attributes related to educational status may afford the offender an appearance and demeanor that pleases rather than antagonizes the court, (3) a better education may provide the offender with sufficient financial resources to secure the best lawyers to speak in his behalf, (4) education is highly related to other measures of social status and it may be that status which affords a measure of immunity from the more severe sentences.[67]

Work history is the final status resource variable to be investigated in the present study. Although the literature has not dealt with this variable to any extent, this researcher strongly believes that it has a great influence on the sentence an offender receives. This is because the work history of an individual, along with other resources, suggests one's degree of stability and responsibility. It may also be an indication of one's attachment to the community and, therefore, the possibility of calling on

---

[67]Chiricos, Jackson, and Waldo, p. 560.

community resources in time of need. Hence, it is included in this study as a status resource.

To summarize, the following hypotheses regarding the association between status resources and sentencing decisions are proposed by this study:

Socio-Economic Status:	1.	The lower class offender will be found to receive more severe sentences than will the upper class offender.
Education:	2.	There will be an inverse relationship between an offender's education and the severity of sentence he receives.
Work History:	3.	Offenders with an unstable work history will be found to receive more severe sentences than will offenders with a stable work history.

Family Resources

As with status-related variables, societal reaction theorists argue that the greater the individual's social or family resources, the greater the likelihood that he will be able to avoid harsh judicial sentencing. Such theorists assume that interested family members will be able to pressure and manipulate the legal profession to prevent harsh sentencing. Furthermore, a family willing to help the offender (while on probation, suspended sentence, etc.) provides an alternative to the more stringent sentences such as incarceration.

Resources are assumed to be highest for the married and lowest for the single, with the divorced in between. Married persons have the support of a spouse, as well as relationships with other persons that result from having a spouse. Since the social network of single persons is usually not as extensive or as interconnected as those of married persons, the single person has fewer social supports in time of need. While the divorced may be without the support of a spouse (and possibly children), remnants of such supports may be available even if these relationships are not as extensive or as viable as for the married.[68] Similarly, one might anticipate that the court will perceive a greater degree of stability and be more lenient the more dependents the offender has. Also, the offender with more dependents has more resources to call upon to present positive labels to the court in his behalf.

To summarize, the present research hypothesizes the following relationships between family resource variables and sentencing decisions:

Marital Status: 1. Single offenders will be found to receive more severe sentences than will married offenders.

Number of Dependents: 2. There will be an inverse relationship between the number of dependents an offender has and severity of sentence.

---

[68]Rushing, p. 513.

Special Resource Variable

The present study will also examine the relationship between sentencing decisions and all of the resource groups taken together. It is hypothesized that there will be an inverse relationship between the amount of resources possessed by an offender and the severity of sentence he receives. This hypothesis is based on the premise that resources, taken as a group, can also be considered personal attributes which function to create labels when the legal authorities react to them. It follows, therefore, that the severity of sentence an individual receives is a function of the amount of positive personal attributes (resources) possessed by the individual.

Summary

The present research concerns disparities in penalties or stigma applied to persons in the same jurisdiction by the same law officials. By focusing upon a particular social audience, namely, criminal court judges, the study hopes to determine if any socio-cultural biases exist in judicial sentencing. Theoretically, the present research utilizes the labeling/conflict perspective in the development of a specific approach which explains why such variables as

a convicted individual's age, race, sex, occupational status, and number of dependents may influence the type and severity of case disposition.

The specific approach of this study is that a person is labeled as a deviant primarily as a consequence of society's reaction to an offender's attributes. According to conflict theorists, the attribute which has the most profound effect on societal reaction is the resources and power of the individual. It is argued that persons with few resources and little power are the ones most likely to have a deviant label imposed upon them. Similarly, the present research hypothesizes that court disposition is a function of the amount of resources an individual has. Specifically, the greater the amount of individual resources an individual possesses, the greater likelihood that he or she will receive a mild sentence.

Resources are operationalized into variables believed to be the basic empirical indicators of an offender's re-sources in the sentencing situation. These indicators are divided into three categories. Visible resources include age, race, and sex. Young, white, and female offenders are hy-pothesized to receive more lenient sentences than their counterparts. Status resources include socio-economic status, education, and work history. The poor and uneducated offenders with unstable work records are believed to receive harsher

sentences than their counterparts. Family resources include an individual's marital status and number of dependents. Offenders who are married and have dependents are believed to have high resources and consequently receive lenient sentences for their crimes. It is also hypothesized that there will be an inverse relationship between severity of sentence and individual resources taken collectively as one group. The reason for this hypothesis is articulated above.

As previously mentioned, this study is a basic replication of Hewitt's work done in King County, Washington, during 1973. The present study was specifically undertaken to determine if Hewitt's findings could be applied to a completely different (geographically and socio-culturally) population. The importance of this kind of information has been alluded to previously.

CHAPTER III

METHODOLOGY

In most social science investigations, it is not possible to manipulate people and events as directly as the physical scientist. For example, if we want to investigate the effect of socio-economic status on the sentence a person receives from a criminal court judge, it would not be feasible for us to vary this individual's socio-economic status. However, we can observe the different sentences individuals receive who fall in different socio-economic status groups, and therefore make ex post facto generalizations about how sentences vary with differences in socio-economic status. The present correlational study will attempt to specify the relationship between the hypothesized variables (e.g., age, race, sex, etc.) and the sentencing practices of the court.

Sample

After the idenity of the most important variables to be studied, the first step in a correlational study is to select a meaningful population from which to sample. For the present study, the population from which the sample

was drawn consisted of all the convicted high misdemeanor cases in Cumberland County, New Jersey during the years 1974 and 1975. A twenty-six percent simple random sample (215 cases) was generated in the following manner: a table of random numbers was used to draw a sample from a numbered list of those convicted of high misdemeanor offenses during the years 1974 and 1975. The list was obtained from the Cumberland County Probation Department.

Although there seems to be no doubt that the present project has a clearly conceived and accessible working universe from which to sample, there is still a question of generalizing project results. The researcher would surely like to make inferences about a larger, more general population than the one sampled. However, subjects from the working universe may be completely different from subjects comprising some more general universe. For example, individual resources (which are hypothesized to effect sentencing patterns of judges) of those convicted of high misdemeanors in the population of one part of the country may operate in a different fashion for another population in another part of the country. H. W. Smith states that "the only way this question (of generalizability) normally can be settled is through replications of the study temporally and cross-culturally. Similarities and

differences in several similar populations could be used
to show the boundaries of the general universe; replication
similarities would show universe inclusions while differences
would show universe exclusions."[69] In view of Smith's
statement as well as the fact that the present study is a
replication of research done in the State of Washington, it
is necessary at this time to describe the areas from which
the samples in each of the research projects were selected.

Cumberland County, New Jersey

Cumberland County is located at the center of the
southern portion of New Jersey and borders the Delaware Bay
on the South. The County covers a land area of 502 square
miles, fifth largest in the State. Due to its distance
from metropolitan areas, 130 miles from New York, 120 miles
from Washington, D.C., and 40 miles from Philadelphia, the
County is predominantly rural in character. The total
population of Cumberland County in 1970[70] was 121,374.
The largest municipalities in the County, in terms of
population, were Vineland, 47,399, Millville, 21,366, and

---

[69]Smith, p. 109.

[70]Although 1970 Census data is not the most current,
it is the only available data at this time. Furthermore, in
comparing certain data from one part of the country to the
other, it is probably the most accurate data and therefore
the best.

Bridgeton, 20,435. The remaining eleven municipalities are much smaller. Clearly, the Tri-City area dominates the County's population.

With regard to racial characteristics, the 1970 Census indicates that of the 121,374 persons residing in Cumberland County at that time, whites made up 85.2 percent while for the State as a whole, they accounted for 88.6 percent. Cumberland County has a larger proportion of minority groups than does the State. For example, blacks represented 13.6 percent of the County population and only 10.7 percent of the State's. The educational achievement in Cumberland County is generally lower than that for the State and the Nation. Within the County, only 40 percent of the population has finished four years of high school or more as compared to 52.5 percent for the State as a whole. The number of median school years completed for the County is 10.7 while for the State and the Nation it is 12.1 years. This perhaps indicates that the qualified, or better educated, portion of the population migrates from the County in search for higher paying job opportunities elsewhere, leaving the less educated to find work within the County.[71] This low County achievement level may also relate to the County's low proportion of professional high paying occupations.

---

[71]N.J. Department of Labor and Industry, Economic Development and Research Department, An Economic Profile of Cumberland County (Trenton, N.J.: N.J. Department of Labor and Industry, 1975), p. 20.

The average family income in 1969 was $10,407, and in the State it was $13,025. Thus, the average family income for the County was 25.2 percent less than that for the State.[72] The existence of a poverty problem within the County is evident by the higher percent of families with incomes below the poverty level in 1969, while for the State only 6.1 percent of the families were below this level.[73]

King County, Washington

It is unfortunate that considerably less information is at the researcher's disposal with regard to the description of King County, the area which Hewitt used for his study of sentencing disparity. However, some basic facts concerning this County is available from the 1970 Census Summary. King County is located in the center of the western part of the State of Washington. The County covers a land area of 2,128 square miles. The total population in 1970 was 1,156,633. This yields a population density of 543.5 persons per square mile as compared to Cumberland's density of 242.7 persons per square mile. Of the total population in King County in 1970, 92.5 percent were considered to be residing in urban areas.

---

[72]Ibid., p. 24.

[73]Ibid.

Although this description of King County is brief, it seems to indicate that the County is larger and more urbanized than Cumberland. Therefore, if any comparison of results is made between the two studies, it will be necessary to caution against the fact that the two areas are considerably different in size and urbanization and could very well be different in regard to racial and socio-economic characteristics. Although the present study will limit its generalizations to the population sampled, it should definitely have implications for other populations similar to the one used here. Additional generalizations regarding sentencing disparity will be made when additional studies are completed utilizing various populations.

Instrumentation

Data for the present study was collected by utilizing archival records. The researcher personally observed and recorded pertinent data contained in pre-sentence investigation reports prepared by Cumberland County Probation Officers. Data collection took place in the Probation Department immediately following sample selection and was facilitated through the use of an instrument especially prepared for this project (see Appendix A). The data were in their original form and access to them was gained through the cooperation of the Chief Probation Officer.

For the present investigation, the nature of the research model employed provided the conceptual framework which dictated the type of data to be collected. This simply means when the variables most logically related to sentencing behavior were determined, so were the types of data that had to be collected in order to test the theoretical model. In view of the model and the analyses needed to investigate the hypotheses for the present study, the following data were collected from the records. First, a series of demographic or background data were collected for each subject. These included age, sex, race, education, socio-economic status, number of dependents, current marital status, and work history. In addition, data on the following legal variables were collected: prior convictions, number of current charges, legal seriousness of the offense (measured as the maximum statutory sentence), whether the offender was released on bail or on his own recognizance, and the offender's plea (see Appendix A). This information was also hypothesized to have an effect on the disposition received by an offender and consequently was needed to be collected on each subject.

The relative severity of the different types of sentences (dependent variable) was measured according to the degree of deprivation of civil freedom which they entail. Thus, the various penalties in the order of their severity are the following:

1. Imprisonment: cases in which the court sentences the individual to spend a certain period of time in a state correctional institution.

2. Jail Time: cases in which the court sentences the individual to spend a certain period of time in the county jail.[74]

3. Probation: cases in which the sentencing court places the individual on probation for a certain period of time.[75]

4. Fine and/or Restitution: cases in which the individual pays a fine, makes restitution to the victim, or both.[76]

5. Suspended Sentence: cases in which the sentencing court suspends the execution of an individual's sentence.[77]

---

[74]According to the State of New Jersey Sentencing Manual for Judges (published in 1975 by the Administrative Office of the Courts), sentences to the State Prison must establish a minimum term of one year or more, and a maximum term which must be for no more than the maximum term permitted by statute (except in the case of a life sentence). However, sentences to the County Jail must be for no longer than 365 days. For these reasons, it is believed that the two categories of confinement (imprisonment and jail time) represent gradations in the severity of punishment.

[75]In New Jersey, the sentencing court may, when the best interests of the public as well as of the defendant will be subserved thereby, place the defendant upon probation for not less than one year nor more than five years.

[76]Although the New Jersey Penal Code provides for the imposition of fines as an alternative sanction for most crimes and as a supplementary sanction for all crimes, sentences of fines alone at the County Court level are not generally imposed, especially for high misdemeanor offenses. However, the maximum amount of the fine is prescribed by statute seriousness of the crime as measured by its maximum term of imprisonment.

[77]This sentence is generally regarded as the mildest form of penalty. The courts in New Jersey have the common law power to suspend the imposition of sentence. If the court imposes a custodial sentence but suspends part or all of it, the court may place the defendant on probation. For this reason, the proportion of cases disposed of by suspended sentences alone is quite small.

Because the researcher believes there is virtually little difference in the degree of restraint suffered by convicted offenders when they are given a suspended sentence or fine, these types of sentences will be combined for the analysis of the data. Furthermore, the frequency in which each category was used alone as a sentence alternative was so small that it would not be practical to analyze each separately.

The fact that many of the cases were charged with more than one type of offense or penalized with more than one sentence posed problems in assigning cases to their proper categories. The method used in resolving this problem was to utilize the following procedure, which was adapted by Green in 1961:[78]

1. Where a case resulted in a conviction of more than one offense, the sentence was tabulated according to the highest crime.

2. Where a case resulted in more than one type of sentence, such as incarceration and find or probation and fine, the tabulation was made according to the more severe type of penalty.

A Variable Called Resources

When the researcher began to design the present study, the aim of which is to test a theoretical proposition regarding resources and sentencing behavior, it became very

[78]Green, Judicial Attitudes, p. 26.

evident that a number of things had to be done before the
test could be made. Take, for example, the following pro-
position which was made in the theoretical orientation of
this project (see Chapter II): "The sentence that an actor
receives will vary according to the amount of individual
resources possessed by that actor." Although the concept
of resources is theoretically defined in this context as
an actor's personal attributes which can be presented to
others, this definition does not actually spell out the
procedures used in its measurement. Hence, an operational
definition of resources is needed which will indicate
exactly how the resources of an individual are to be
measured. In order to operationalize the variable re-
sources, a scaling technique had to be employed.

For the present study, scaling allows the researcher
to operationalize resources by combining more than two
indicators of the variable into a single measurement
through some procedural rules. The resulting variable is
called an index. The index for the present study was
developed by giving weights to sex, race, age, education,
socio-economic status, work history, current marital status,
and dependents. The weights were assigned according to the
variable's relative importance in establishing resources
as determined by the literature review.

The specific method of scaling utilized in this study gives each of the 215 individuals in the sample an overall resource score based on how they scored on each of the eight background variables (indicators) hypothesized to be related to the dependent variable. A high number of points is assigned to a particular characteristic of an individual which is hypothesized to be helpful to him in the sentencing situation. For example, it is hypothesized that females receive less severe sentences than men; that is, females have greater resources than men.[79] Because of this hypothesis, each female is given two points and each male is given one point. Based on this procedure, two hundred fifteen offenders received a resource score which later is tested for relationship strength between it and the dependent variable.[80]

Scaling Technique

The following operation was utilized for assigning points to those being studied in order to develop individual resource scores:

    1. Sex: male   = 1 point

              female = 2 points (higher resources)

---

[79]See Chapter II.

[80]It was hypothesized in Chapter II that an inverse relationship would be found between this resource score and severity of sentence.

2. Race: black = 1 point

           white = 2 points (higher resources)

3. Age: 17 - 19 = 1 point

           20 - 24 = 2 points

           25 - 29 = 3 points

           30 - 34 = 4 points

           35 - over = 5 points (older persons
                                  hypothesized
                                  to have higher
                                  resources)

4. Education: 8 years/less = 1 point

                9 - 11 years = 2 points

                12 years = 3 points

                13 years/more = 4 points (higher
                                            resources)

5. Socio-Economic
        Status: laborer = 1 point

                 non-laborer = 2 points (higher
                                          resources)

6. Work History: Unstable = 1 point

                   Stable = 2 points (higher
                                        resources)

7. Current Marital
        Status: Illicit = 1 point
                 Never Married = 2 points
                 Divorced = 3 points
                 Separated = 4 points
                 Married/Living = 5 points
                 With Spouse   (higher
                                    resources)

8. Dependents: No = 1 point

Yes = 2 points (higher resources)

In addition to the resource index, three legal variables need to be operationalized in order to carry out the planned partial correlational analysis. This analysis will be discussed in a later section. The operation utilized for assigning points to those being studied in order to develop scores on the three independent legal variables includes the following:

1. Legal Seriousness
   of the Offense: 30 years = 10 points

   15 years = 9 points

   14 years = 8 points

   12 years = 7 points

   10 years = 6 points

   7 years = 5 points

   5 years = 4 points

   3 years = 3 points

   2 years = 2 points

   1 year = 1 point

2. Prior Convictions: 3/more = 4 points

   2 = 3 points

   1 = 2 points

   0 = 1 point

3. **Number of Current Charges:**

6/more	=	6 points
5	=	5 points
4	=	4 points
3	=	3 points
2	=	2 points
1	=	1 point

The sentence an individual receives (dependent variable) was operationalized in the following manner:

1. Sentence Received:

Incarceration	=	4 points
Jail Time	=	3 points
Probation	=	2 points
Fine, Suspended Sentence, etc.	=	1 point

To summarize, data for this study was collected by utilizing archival records secured through the cooperation from officials of the Cumberland County, New Jersey Probation Department. Information collected for this research depended upon the analyses needed in order to investigate the hypotheses developed by the theory and included the following background data: age, sex, race, education, socio-economic status, current marital status, number of dependents, and work history. Data on the following legal variables also needed to be collected: prior convictions, number of current charges, legal seriousness of offense (measured as the maximum

statutory sentence), as well as the sentence each individual received. A scaling technique was then used in order to operationalize the independent variable called Resources. This technique consisted in giving each person in the sample a resource score ranging from eight points minimum to twenty-four points maximum. The score (or index) was based on assigned weights given to the eight resource indicators according to their relative importance in establishing individual resources. The purpose of this operation was to make it possible to test the relationship that has been hypothesized throughout this research, namely, the greater amount of resources individuals have (as measured by their resource score), the less severe sentences they will receive.

Analysis Section

Goodman and Kruskal's Tau

The basic objective of the present correlational analysis is to obtain a measure of the degree of association between the dependent variable (sentence) and the various independent variables (age, sex, race, etc.). In these analyses interest centers on the strength of the relationship between the variables, or in other words, how well the variables are correlated. For the present study, the first technique to be used is Goodman and Kruskal's Tau. It is used because it has

a known meaning, enabling one to interpret values intermediate between zero and one, making it a more superior measure to those based on chi-square.[81] The problem with measures based on chi-square is that there is no real precise interpretation. The coefficient of contingency, for example, is simply an index number. No comparisons can be made directly. Hence, when a researcher has several tables of varying sizes, C's cannot be meaningfully compared.[82]

Tau is one of many measures of association which can be used with contingency tables and involves what has been referred to as a probabilistic interpretation. When tau is computed, it is interpreted as the proportional reduction-in-errors when the independent variable is known. This simply means that tau represents the proportional amount of errors a researcher can eliminate in assigning individuals to one of the dependent categories by knowing the independent variable. For example, suppose a tau value of .20 is computed between race and sentence. This would mean that knowledge of race would reduce by 20 percent the number of errors made in assigning the individuals of the sample to sentence categories by knowledge of its own distribution.

---

[81]Hubert M. Blalock, Jr., Social Statistics (New York: McGraw-Hill, 1960), p. 232.

[82]Dean J. Champion, Basic Statistics for Social Research (Scranton, Pa.: Chandler Publishing Company, 1970), p. 207.

The formula utilized for computing Goodman and Kruskal's Tau can be found in Appendix B. For the method of calculating the number of expected errors when the independent variable is both known and unknown, the researcher suggests that Blalock be consulted.[83]

Statistical Significance

It is indeed rare in social science research to study every member of a specified population. Generally measurements are made only on a sample of subjects randomly drawn from a defined population. Researchers then use tests of significance to help them decide whether an observed difference between a sample statistic and a population parameter, or between two sample statistics, may be attributed to chance or not. If the observed difference is so large that it can not be ascribed to chance, then the difference is significant. This means differences actually exist. If the observed difference is so small that it may be attributed to chance, it is not statistically significant. The differences may be attributed simply to sample variation, and the null hypothesis is not rejected. It should be noted, however,

[83]Ibid., pp. 232-33.

to use tests of significance properly, the researcher should use them only with samples that have been both randomly selected from a specified population and assigned to treatment groups. The reason for these conditions is enumerated below.

As previously mentioned, the present study makes use of random sampling techniques to make various measurements on approximately twenty-six percent of the defined population. For this correlational study, statistical significance describes whether or not the correlation coefficient obtained is significantly different from zero at a given level of significance.[84] If the correlation is not significantly different from zero, it must be assumed that the correlation differed from zero entirely by chance (sampling error). If the correlation is said to be significantly different from zero, it means that the coefficient is high enough for the researcher to be reasonably confident that it can not be ascribed to chance alone.[85] For instance, if a coefficient is significantly different from zero at the five percent

---

[84]Walter R. Borg and Meredith D. Gall, Educational Research (New York: David McKay Company, Inc., 1971), p. 357.

[85]Ibid.

level, it may be interpreted as indicating that there are
only five chances in one hundred that the correlation is
due to chance errors in sampling. In other words, only
five times in one hundred would the researcher be wrong
in saying there is an actual difference between the
correlation and zero.

In order to determine whether or not the computed
taus (r_b) in the present study are significant, the chi-
square test of statistical significance is utilized.[86]
The chi-square test is a very robust test which can be
used whenever the researcher wants to evaluate whether
or not frequencies which have been empirically obtained
differ significantly from those which would be expected
by chance. Before the first chi-square is computed, however,
the logic of statistical inference dictates that a decision
be made regarding the probability level at which the
hypothesis of no difference (between the coefficient
and zero) will be rejected. For this study, the null
hypothesis is rejected at the .05 level of significance.
In addition, since the theoretical orientation of this pro-
ject provides evidence to support research (directional)
hypotheses (H_1), only one end of the x^2 distribution is
used in hypothesis testing.

_____

[86]For the method of computing chi-square, consult
Blalock, pp. 212-21.

At this point, it is necessary to discuss a problem which arises when the researcher interprets the tests of significance in the present study. As previously mentioned, a random sampling technique is utilized in this project. This technique permits each member of the defined population to have an equal and independent chance of being selected to take part in the study. When doing a research study, however, another type of randomization needs to be considered, namely, random assignment of persons to treatment groups. A technique such as this gives each person an equal chance of being exposed to different treatments, thereby insuring internal validity of the experiment.

In experimental designs, it is usually possible for the researcher to randomly assign persons to treatments. However, random assignment is frequently not possible in social science investigations. In fact, the design of the present study made it impossible to utilize the random assignment technique. The reason is that persons selected for the study could not be dealt with as individuals, but rather as members of intact groups. These intact groups were defined in terms of particular characteristics, including sex, age, race, etc. In other words, when a person was selected into the sample, his background characteristics automatically assigned him to a treatment group. For instance,

after a 30 year old black female was selected to participate
in the study, that person was automatically assigned to
various treatment groups based on her characteristics. It
should be noted that in this study, treatment refers to
the eight resource variables and the one combined resource
score used in this research. Although treatment is not
usually thought of in these terms and seems to be artificial,
it is indeed real and, more importantly, makes random
assignment impossible.

The problem which arises with nonrandom assignment
to treatment groups is that observed differences between
groups on the dependent variable may be due to some rival
explanation (such as self-selection) or hypotheses rather
than to the independent variable. Thus, because random
assignment to treatment groups was impossible in this
study, all tests of significance (indicating that frequencies
between groups are an effect of the treatment) must be
interpreted with great caution.

Product-Moment Correlation

The second measure of association to be utilized in
this study is the Pearson r or product-moment correlation
coefficient. It is used to gauge the degree of relationship
between disposition and the resource variable specifically

developed for this study. When the assumptions underlying
its use are met, the Pearson r is perhaps the best coefficient
of association to use. For this reason, the Pearson r is
utilized in this particular analysis instead of tau. The
researcher can demonstrate that the data for this analysis
meets the two important assumptions which underlie r.[87]
First, the data meets the interval level of measurement
assumption because exact distances between numbers may be
specified. For instance, a person who obtains a resource
score of fifteen is exactly five points higher on the scale
than a person who obtains a resource score of ten. With
interval data, therefore, the researcher can say how much
more an individual's resource score is as compared to another's
score. Another important assumption which must be made
before r can be used is that the association between the
two variables is linear. Linearity exists when the inter-
sectional points between the two variables lie roughly in
a straight line.[88] The present study utilized a scatter
plot to determine whether a straight line best describes
the relationship between resources and sentence. The result
of the scatter plot indicated there was a degree of negative

---

[87]These two assumptions could not be made in the
first analysis undertaken in this study. Therefore, tau
became the most appropriate technique given the type of
data available.

[88]Champion, p. 200.

correlation between the two variables. The intersectional points between resources and sentence were found to lie roughly in a straight line, slanting down from left to right. Therefore, linearity was assumed.

The Pearson r is generally interpreted as the degree of magnitude of relation between two variables. Other interpretations have been suggested, however, which seem to fit better with respect to predicting one variable from another. As indicated earlier, one way of interpreting the relation between two variables is in terms of the proportional reduction-in-error made possible by using one of the variables as a predictor variable. As an illustration, suppose a researcher designated education as the predictor variable in his study and sentence as the variable to be predicted. If a Pearson r is computed, then r^2 becomes a measure of the proportional reduction-in-error which may attribute to the relation between the variables, sentence and education. Thus, if r is .50, r^2 becomes $(.50)^2$ or .25. The researcher in the example would now be able to say that 25 percent of the variation in sentence has been accounted for by using education as the independent or predictor variable. The present study utilizes this same proportional reduction-in-error interpretation when analyzing the relationship between disposition and the resource variable especially developed for this research.

The formula used to compute the Pearson r or product-moment correlation coefficient can be found in Appendix B.

Statistical Significance

In order to determine whether or not the computed Pearson r is significant, the F test of statistical significance is utilized.[89] It should be reiterated that when pertaining to a correlational study, statistical significance describes whether or not the correlation coefficient obtained is significantly different from zero at a given level of probability. A description such as this allows the researcher to determine how probable it is that the observed difference between sample statistics differ by chance alone. The F test, which is also known as Analysis of Variance, was chosen to be used in determining the significance of the product-moment correlation coefficient. When the assumptions underlying the F test can be met (i.e., interval data, random sample selection, and normally distributed elements), it is the most robust test of significance which can be used in relation to the type of data generated.

---

[89]For the method of computing F, consult Blalock, pp. 304-305.

Before proceeding further it is necessary to discuss the limits of significance tests. First, a statistically significant difference does not necessarily indicate a cause-and-effect relationship. In rejecting the null hypothesis, the researcher concludes only that the observed difference would be unlikely if the null hypothesis were true and hence that sampling variation alone probably is not responsible for the observed difference.[90] Within the framework of the present study, there are rival explanations which could account for an observed difference rather than the assumption that resources have the effect of reducing the severity of sentence an individual receives. These other alternative explanations would have to be discredited before the researcher could determine whether an actual effect has been observed.[91]

The second limitation of significance tests is that they can tell the researcher only that certain sample differences would not occur very frequently by chance if there were no differences whatsoever in the population. Significance tests reveal nothing directly about the magnitude or importance of these differences. Thus, the researcher cautions against the possibility of confusing statistical significance with practical significance.

---

[90]John H. Mueller, Karl F. Schuessler, and Herbert L. Costner, Statistical Reasoning in Sociology (New York: Houghton Mifflin Company, 1970), p. 409.

[91]Ibid.

The final limitation of significance tests which needs to be mentioned concerns the generalizability of project results. "The statistical inference to be drawn from a test of the null hypothesis is limited to the population sampled; the extension of this conclusion to some larger target population should not be made on the basis of a rejection of the null hypothesis alone."[92] Thus, for the present study, the researcher must limit the generalizability of project results to all those convicted of high misdemeanor offenses in Cumberland County, New Jersey during the years 1974 and 1975. Generalizing results to populations other than the population sampled would necessarily dictate that the researcher first make an assumption that those other pouplations are similar in all crucial respects to the population sampled.[93]

Three-Variable Relationships

The general theoretical model developed for this study suggests that there are factors other than individual resources which may be associated with the sentence an individual receives. Such factors include prior convictions, offense seriousness, number of current charges, and a host of court-related legal variables (see Figure 1). For this

---

[92]Ibid.

[93]Ibid.

reason, the present study also utilizes partial correlation
analysis in order to control for the effects of these other
variables while examining the relationship of the independent
and dependent variables. Resources may indeed be highly
correlated to sentence. However, a rival explanation may
be that both resources and sentence correlate well with the
certain legal variables mentioned above. The implication
of this is that the legal variables may coterminously be
effecting the sentence as well as individual resources.
To investigate this possibility, partials of the 1st, 2nd,
and 3rd order are computed and the results are analyzed
separately.[94]

To summarize, the data in the present study is
first analyzed by correlating (1) measures (independent var-
iables) hypothesized to be related to the complex behavior
pattern (dependent variable) with (2) a measure of the
behavior pattern itself. This is accomplished by utilizing
Goodman and Kruskal's Tau. The second analysis is performed
in order to investigate the relationship between disposition
and the special resource variable developed especially for
this study. The product-moment correlation is used for this
investigation. Finally, utilizing partial correlation

---

[94]For the method of computing partial correlation
coefficients as well as the computation of their significance,
refer once again to Blalock, p. 334 and pp. 354-57.

techniques, the relation between the resource variable and sentence is determined with the effects of three legal variables partialed out. Tests of statistical significance are utilized in each analysis to determine what inferences can be made of project results back to the defined population. It is noted, however, that tests of significance must be interpreted with caution due to the impossibility of randomly assigning individuals to treatment groups.

Problems in the Use of Archival Data

As already noted, this study utilized pre-sentence investigation reports which were prepared by trained pro-bation officers for examination by criminal court judges. Such archival records have fundamental limitations for social-psychological research, and a word of caution concerning these limitations must be presented. The fundamental limitations of archival data arise from the fact that they are not generally collected for the specific purpose of such research. The definitions and tabulations used in calculating and processing the data may differ from those which the researcher would use in collecting data for his own purposes. For example, the detail with which occupational data are recorded in the files may not be ideal for the investigator who wishes to use occupation as an index of social class. In fact, the present

study encountered this problem. Many pre-sentence reports
listed an individual's occupation as falling in the general
category of laborer without specifically stating his or
her occupation. Hence, the researcher was not able to use
his own definitions and classifications of occupational
status.

Information concerning an individual's work history
is another example in which the data was not ideally stored
in the pre-sentence report. Many cases did not contain a
statement regarding the stability of an individual's work
history. Hence, the researcher had to make objective
decisions about stability based on the information provided
concerning employment history.

Most limitations of archival data come from the
basic fact that the investigator can not impose his own
standards of validity and reliability on the data. Therefore,
it is important to have a discussion concerning these two
topics in relation to the present study.

Reliability of Data

Criminal statistics collected by numerous agencies
for various purposes have traditionally served as primary
forms of data for criminological research. At the same time,
however, the use of these statistics has been a source of
considerable controversy among criminologists. Most of the

controversy has centered on the issue of the reliability of such statistics. Since the present study is utilizing data derived from an administrative agency within the criminal justice system, the reliability of that data must be considered.

It has previously been mentioned that data for this study was obtained from pre-sentence investigation reports prepared by trained probation officers. Such reports are basic to the functioning of both judicial and correctional administrations. With regard to reliability of data, it is the content of these reports which needs to be reviewed. When convicted offenders arrive for their initial interview with the probation officer, the information they present to the officer for inclusion in the pre-sentence report may not be entirely correct. Without proper investigation, this information may go unchecked and become part of the official record.

Upon viewing the present workload of probation departments in the United States, one realizes that intensive investigation of each offender's statements may not be possible in all cases. There is no doubt that most of the information contained in the pre-sentence report is quite reliable. Such evident conditions of race, sex, and age can be determined with a fair degree of accuracy. Also, legal variables such

as prior convictions and the number of current charges are usually investigated thoroughly. However, data such as education, occupation, work history, number of dependents, and current marital status should probably be considered less reliable. This is because these particular variables will not be investigated (and therefore determined to be true) with the same intensity as the others.

Indeed in some cases, the pre-sentence reports used for this study read, "Subject claims to have never been married; subject claims to have no dependents; etc." Even if the researcher could assume that offenders were cooperative and truthful in their responses, unreliability of data may have entered because of errors of memory, perception, and interpretation. Due to the nature of archival data retrieval, this particular problem can not be solved. Therefore, a cautious approach to the study must be adopted. This means that when we analyze and interpret the present study's results, it will be necessary to recognize that there are potential threats to the reliability of data operating within the framework of this research study.

Validity of Data

Utilizing archival records as a source of data for research have the advantage of being relatively complete and quick to examine since all the relevant information is stored

in one location. However, according to H. W. Smith, the main advantage of using archival records is "the general mitigation of reactive effects found in more traditional methods such as interview response set, observer fatigue, and so on."[95] This is important because methods of measurement sometimes modify or otherwise affect the subject's behavior or attitudes during the measurement process.[96]

Along with the advantages associated with utilizing archival records, there are serious disadvantages which must be enumerated. The present research employs the one-shot correlational study. Although this design is the one most frequently used in the social sciences, it allows many threats of validity to be operative within the context of the study. The reason why these threats of validity are important is that they may cause confounding of the experimental treatment and other, non-identified variables. They can offer plausible, rival interpretations to the researcher's findings if they are unaccounted for in the study design. Hence, an examination of these threats and how they may affect the present study's results is necessary and must take place before the researcher proceeds to analyze the data.

---

[95]Smith, p. 218.

[96]Ibid., p. 70.

Internal Validity

Internal validity is concerned with the question
of whether the study would have obtained different results
if different methods had been employed.[97] Within the
framework of the present study, there are operative at
least four different threats to internal validity. Each
one must be considered:

1. History. Over the time span of original data
collection, many events occur in addition to the study's
independent variables. The history factor refers to the
possibility that any one of these events rather than the
hypothesized independent variable might have caused observed
changes in the dependent variable.[98]

The present study utilized archival data which was
recorded over a time span of two years. It is conceivable
that judicial policy changes during this time period could
have accounted for the study results. For example, sentencing
policies concerning drug offenders may have changed in the
middle of the time period during which data was collected.
A change such as this could act in a way which causes
observed changes in the dependent variable (disposition).
However, this researcher has been assured by various court

---

[97]Ibid., p. 62.

[98]Ibid.

personnel in the County that no major policy changes (similar to the one described above) were made during the years 1974 and 1975.

2. Instrumentation. Changes in the measurement process may be falsely attributed to the dependent variable. For example, where interviewers or observers become increasingly sloppy, fatigued, or more competent and experienced, study results may be changed profoundly.[99]

There would seem to be no doubt that the threat of instrumentation is operative in this study's results. When collecting data from an offender, one probation officer will see, hear, and record information differently from that of another officer. For example, given the employment history of an offender, one probation officer may classify it as a stable history while another may believe that it is unstable. Hence, we must consider this problem of multiple respondents when interpreting study results.

3. Differential Selection of Subjects. A biased selection of subjects may also contribute to spurious interpretations of findings. According to Smith, randomization is the usual key to overcoming the effects of differential selection and assignment of subjects.[100] However, sampling within a

_____

[99]Ibid., p. 63.

[100]Ibid., p. 64.

selected population may nevertheless bring about systematic differences or bias. DeFleur has identified two general sociological factors which are operative in this study and are considered to be sources of bias in official records.[101] Because the present study utilizes official records for the selection of subjects, it is imperative for the researcher to outline the nature of the potential distorting factors.

The first factor DeFleur mentions is the nature of deviant activities. She states that the characteristics of deviant acts influence whether the behavior is discovered, reported, and recorded. Some offenses are more likely to be discovered than others. Thus street crime, in contrast to white-collar crime, calls attention to itself. Also, crimes with victims are more likely to come to the attention of authorities.[102] With regard to this study, it may be that the types of crime committed by those with relatively little power or resources are also the types of crime which have a greater tendency of being discovered and reported. Hence, this study may have a greater representation of the powerless in the sample.

---

[101]See Lois B. DeFleur, "Biasing Influences on Drug Arrest Records: Implications for Deviance Research," American Sociological Review, XL (February, 1975), 88-103.

[102]Ibid., p. 89.

Another factor discussed by DeFleur is the manner
in which social control activities influence sample selection.
She states that cultural definitions of control practices
appropriate for specific offenses influence official policies
and actions. In general, these definitions change slowly
over time, but short-term changes in public opinion, political
or economic decisions may lead to official crackdowns on
certain kinds of offenses.[103] This factor also has impli-
cations for this study. It may be that during the two years
sampled, law enforcement personnel were pressured and in-
fluenced in "cracking down" on the kinds of offenses committed
most by those with few resources. Although it would be
difficult to determine if such pressure and "cracking down"
took place, it must be realized that this factor may indeed
have affected the representation of the powerless in the
present study's sample.

In general, then, the sample selected is subject to
forces which may have influenced the internal validity of
the research. Criminal or official records can not be
assumed to reflect a system of criminal justice functioning
as ideally conceived. Law enforcement simply can not appre-
hend all persons who have committed a criminal act as de-
fined by the statutes. Although nothing can be done for the

---

[103]Ibid.

present study with regard to these influential factors, it should be recognized when analyzing the results of the study that the factors are operative within the study design.

4. Differential Mortality. Anytime subjects drop out of a study in a nonrandom fashion, comparison on the dependent variable across groups might be accounted for by these differential "mortality" rates rather than by actual effects of the independent variable.[104] The present study experienced a loss of subjects due to the fact that for one reason or another, subject files were not available. However, although no specific criteria was used, the researcher believes that the loss of the seven subjects experienced by the present research should be considered insignificant. Nevertheless, it is important to remember that a small loss may have an influence on study results.

External Validity

External validity concerns a different type of question than internal validity. It asks, "How representative of, or generalizable to, particular populations, settings, independent variables, and dependent variables is the study?"[105] With regard to the research design of the present study, the major rival causal explanation in

---

[104]Smith, p. 64.

[105]Ibid., p. 70.

terms of external validity which needs to be mentioned is
the threat of interaction of selection and experimental
variable. This rival explanation suggests that samples
differentially selected from the group they are to be
compared with may give responses unrepresentative of the
group.[106] For instance, the present study is investigating
the effect of resources on sentence. The population from
which the sample for this investigation was drawn includes
all convicted cases in Cumberland County, New Jersey during
the years 1974 and 1975. Although the researcher might
wish to generalize study results to the population of "all"
high misdemeanor convicts, strictly speaking he can only
generalize to the population from which the sample was
drawn--namely, high misdemeanor convicts in Cumberland
County, New Jersey. Not until other studies are carried
out will the researcher be able to accurately assert
whether or not individual resources have an effect on
disposition in other counties or states. Without additional
information it simply would be impossible to determine if
the social power of an individual functions differently in
other districts. For instance, an individual's social power
may be beneficial in this County while acting as a possible

---

[106]Ibid., p. 71.

detriment (for whatever reasons) in another. However, with findings that are similar to other studies, such as Hewitt's, it would be reasonable to assume, with much caution, that the present results may be indicative of what is occurring in other localities.

Content Validity

"Content validity refers to the degree that the measurement being used represents the concept about which generalizations are to be made."[107] It is one of several strategies which the researcher has for investigating and improving the validity of his measurements. Since individual resources is the only concept used in the present study which is subject to various interpretations, interest centers upon its measurement.

According to G. W. Bohrnstedt, the best method of insuring a high degree of content validity in one's study is to construct a series of items which measure each of the meanings associated with the concepts one is dealing with. Of course, the researcher first needs to search the literature carefully to determine how various authors have used the concept. "Moreover, he should rely on his own

---

[107]Ibid., p. 76.

observations and experiences and ask whether they yield any new facets to the concept under consideration."[108]

An extensive search of the literature for the present study revealed that the authors who have used the concept of resources view them as personal attributes which serve to elicit reactions from others. The literature search also revealed that authors who have used the concept believe that the personal attributes possessed by an individual can be subdivided into social, economic, and familial attributes. Relying on his own observations, this researcher believes attributes should be further divided into the visible attributes possessed by an individual. The reason for this is that previous research has indicated that certain "visible" characteristics possessed by an individual have the ability to elicit reactions from others. Hence, the scale which was developed for the measurement of individual resources in this study included social, economic, familial, and visible dimensions of an individual's personal attributes.

Unlike the other types of validity, the degree of content validity is not expressed in numerical terms as a correlation coefficient. Instead, content validity is appraised usually by a subjective comparison of the scale items

---

[108]G. W. Bohrnstedt, "Reliability and Validity Assessment in Attitude Measurement," in Attitude Measurement, ed. G. F. Summers (Chicago: Rand McNally, 1970), pp. 91-92.

with the various meanings associated with the concepts being
measured.[109] Because the concept of resources was measured
by a multi-dimensional scale which was developed through an
extensive literature review, the researcher estimates that
the present study has a high degree of content validity.

Summary

The methodology of the present research study is de-
signed to investigate the effect of individual resources on
the sentence a person receives from a criminal court judge in
Cumberland County, New Jersey. The research sample consists
of 215 subjects selected in a random fashion from a list of
those convicted of high misdemeanor offenses during the years
1974 and 1975. Data for the present study was obtained by
utilizing pre-sentence investigation reports prepared by
Cumberland County Probation Officers. It includes the
following: demographic or background information, data on
various legal variables which were also hypothesized to
have an effect on disposition, and the sentence received
by the offender. The first analysis performed in this study
attempts to specify the relationship between sentence and
each of the individual resource indicators taken indiv-
idually. The measure of association used for this analysis

---

[109]Borg and Gall, p. 137.

is Goodman and Kruskal's Tau. The second analysis completed in this study strives to specify the relationship between disposition and the special resource variable which was developed by utilizing an appropriate scaling technique. The Pearson r is used to describe this relationship.

Tests of significance are performed in each analysis to determine whether or not the correlation coefficients obtained are significantly different from zero at the .05 probability level. If they are, it means that the researcher can be reasonably confident that the correlation coefficients can not be ascribed to chance alone. However, if the correlation coefficients are found to be insignificant, the researcher must assume that they differ from zero entirely by chance errors in sampling. Hence, significance tests help the researcher to make more informed decisions regarding his observations and findings.

It is recognized that there are many threats to reliability and validity operating within the framework of the present study. These threats have been enumerated throughout Chapter III. The nature of the study design does not permit the researcher to account for some of the potential distorting factors. Therefore, when interpreting the findings of the present study, one must observe a cautious approach.

CHAPTER IV

RESEARCH FINDINGS

The method of presenting the present study's results
is to organize the discussion around each of the hypothesis
dealing with the relationship between individual resources
and sentencing decisions. A method such as this can be
simple in design yet thorough in effect. In addition, the
researcher attempts to identify and interpret the major
findings, explain their occurrence and make theoretical
interpretations.

Bivariate Analysis Utilizing Tau

The analysis which follows presents the computed tau
value between categories of the sentencing variable and
categories of each independent variable. In addition,
however, this section first takes each category within the
particular resource variable and reviews the proportion of
cases which fall into each of the sentencing categories.
This is done for each of the eight resource variables. This
particular analysis, which represents each independent
variable in relation to each of the sentencing categories,
is used as a preliminary attempt to detect any relationship
which may exist in the data.

This first indicator of resources considered in this study is the sex of the offender. It was hypothesized in Chapter II that male offenders would receive more severe sentences than female offenders. This hypothesis was based on the assumption that the ability of females to present evidence to court personnel that they have a higher degree of social anf family responsibility than males would create a favorable image and lead to more lenient sentences. Table 1 shows the relationship between sex and sentence in two ways. First, each sex category (male and female) is reviewed to determine the proportion of cases which fall into each of the sentencing categories (suspended sentence, probation, etc.). Fifty-one percent of the males receive probation as a disposition, while 79 percent of the females receive probation. Few females receive jail time (3 percent), or incarceration (3 percent), but males are more likely to receive these sentences, 11 percent receive jail time, and 22 percent are incarcerated. Both males and females receive the same amount of suspended sentences (approximately 15 percent).

Another method of stating the relationship between sex and sentence is to specify the amount of errors the researcher can expect to eliminate in assigning individuals to one of the sentencing categories having knowledge of sex. Table 1 also presents the proportional reduction-in-errors made knowing sex.

TABLE 1

RELATIONSHIP BETWEEN SEX AND SENTENCE

Sentence	Male		Female	
	No.	%	No.	%
Suspended Sentence, Fine, Restitution, or Combination	27	14.8	5	15.2
Probation	93	51.2	26	78.8
Jail Time	21	11.5	1	03.0
Incarceration	41	22.5	1	03.0
	182	100.0	33	100.0

Goodman and Kruskal's Tau

r_b = .026

x^2 = 11.28 and is significant at p. $\leq$ .05

df = 3

The resulting tau value is .026, which indicates that know-ledge of sex reduces by approximately 2.5 percent the number of errors made in assigning the individuals of the sample to sentencing categories. In other words, knowledge of sex improves the accuracy of predicting sentence by about 2.5 percent. It appears from the first analysis that the re-lationship between sex and sentence stems primarily from

the higher incidence of probation sentences among females,
and secondarily to the higher incidence of more severe
sentences among males. However, the size of the correlation
coefficient in this case shows that the degree of relation-
ship between sex and sentence is slight.[110] This seems
to indicate that there is no substantial value in utilizing
the sex variable when attempting to improve the accuracy
of predicting sentence.

The second indicator of resources to be considered is
race. Based on the assumption that a black offender's ability
to resist the imputation of negative labels (by his pre-
dominately white social and legal audience) is weak, it was
hypothesized that the black offenders would receive more
severe sentences than white offenders. This variable has
traditionally been considered to be a critical element in
the explanation of sentence. However, it appears to be
somewhat less than critical in this study. Table 2 shows
the relationship between race and sentence. While slightly

---

[110]The computed tau value in this instance is
statistically significant at the .05 probability level.
That is, the difference between it and the coefficient of
.00 (which indicates there is no relationship between the
two variables) is greater than would be expected by chance
errors in sampling. However, it should be re-emphasized
that tests of significance are concerned with the inferences
we wish to make from sample statistics to population param-
eters. Therefore, to use the test of significance properly,
the researcher should use it only with samples that have been
both randomly selected from a specified population and assigned
to treatment groups. As stated previously, the design of the
present study did not permit the researcher to randomly assign
individuals to treatment groups. Consequently, caution must
be observed when interpreting all tests of significance in
the present study.

less than half (48.7 percent) of the blacks are given probationary terms, nearly 60 percent of the whites receive such sentences. Whites are more likely to receive suspended sentences than blacks (19 percent to 7.7 percent respectively). These findings seem to depart from Hewitt's results. He found that non-whites[111] were more likely to receive suspended sentences than whites (11.6 percent to 9.4 percent respectively) and less likely to receive jail time (17.7 percent and 20 percent respectively). However, both studies report a large difference concerning the likelihood of incarceration. While only twelve and one-half percent of the whites in the present study are incarcerated, almost 33 percent of the blacks are sentenced to prison. It would appear that the relationship between race and sentence is largely derived from the much higher incidence of blacks receiving sentences of incarceration and the higher incidence of suspended sentences and probationary terms among whites.

---

[111]It should be noted at this point that extra caution is needed when interpreting the findings of the present study with regard to race. This is due to the fact that the pre-sentence reports from which the raw data were collected classified Puerto Ricans as white. This eliminated the possibility of an analysis of the variation in sentences including Puerto Ricans as another major minority group toward which biases could have been directed. In addition, classifying Puerto Ricans as whites may have had the effect of reducing the strength of relationship between race and sentence because it may have acted as a balance between the black group and the white group with regard to the amount of resources each group has.

Table 2 also presents the proportional reduction-in-errors made in assigning individuals to sentencing categories having knowledge of race. The observed tau value is .023, which indicates that knowledge of race reduces by a little better than 2 percent the number of errors made in assigning the individuals of the sample to sentencing categories.[112]

TABLE 2

RELATIONSHIP BETWEEN RACE AND SENTENCE

Sentence	Black		White	
	No.	%	No.	%
Suspended Sentence, Fine, Restitution, or Combination	6	7.7	26	19.0
Probation	38	48.7	81	59.1
Jail Time	9	11.5	13	9.5
Incarceration	25	32.1	17	12.4
	78	100.0	137	100.0

Goodman and Kruskal's Tau

r_b = .023

x^2 = 15.24 and is significant at $p. \leq .05$

df = 3

---

[112]Refer to footnote #110.

Once again, this means that knowledge of race slightly im-
proves the accuracy of predicting sentence. Although the
first analysis suggests that there is a tendency for blacks
to receive slightly more severe sentences than whites, there
would seem to be no substantial value in utilizing the race
variable for improving the accuracy of predicting sentence.

The age of the offender is the third indicator of re-
sources considered in this study. It was hypothesized that
older offenders would least likely be sentenced harshly
because of their greater ability (by virtue of greater ex-
perience, established reputations, and higher incomes) to
negotiate relatively lenient treatment by the court. Table 3
presents the relationship between age and sentence. More
than any other age category, it is the 25 to 29 year olds
who are most likely to receive probation as a disposition
(64.3 percent). However, the 17-19 and the 30-34 year old
groups run close behind (62.8 percent and 56.3 percent
respectively). While only 11 percent of the 17-19 group
received suspended sentences, the 35 and over group had 31
percent receiving such sentences. This finding is likely
due to the fact that the court perceives older individuals
as those who are less likely in need of some form of super-
vision. However, it should be noted that the sample size
in the 35 and over group is very small (N = 19). Jail time
appears to be applied approximately the same across age

groups with the 25-29 category receiving slightly more than others (14.2 percent). Finally, more 35 and over individuals are incarcerated (31.6 percent) than individuals in any other age category, with the smallest proportion found among the 17-19 age group. However, it must be reiterated that the sample size in the 35 and over group is very small.

Table 3 also presents the proportional reduction-in-errors made in assigning individuals to sentencing categories having knowledge of age. The resulting tau value is .027. However, it is not significant at the .05 probability level. This indicates that the correlation is not significantly different from zero and therefore it must be assumed that the relationship between the two variables is attributed to chance errors in sampling. Hence, it can be seen that this analysis provides no support for the individual resource theory. Although the younger defendants are slightly more likely to receive probation as a disposition, this appears to be the result of a structural policy of the courts designed to protect the first offender rather than from any recognition that age defines the individual.

The fourth resource indicator that shall be considered is the education of the defendant. It was hypothesized that there would be an inverse relationship between an offender's education and the severity of sentence he receives. This hypothesis was based on the assumption that those with a

TABLE 3

RELATIONSHIP BETWEEN AGE AND SENTENCE

Sentence	17-19		20-24		25-29		30-34		35-Over	
	No.	%	No.	%	No.	%	No.	%	No.	%
Suspended Sentence, Fine, Resitution, or Combination	5	11.6	16	16.8	2	4.8	3	18.7	6	31.6
Probation	27	62.8	51	53.7	27	64.3	9	56.3	5	26.3
Jail Time	4	9.3	9	9.5	6	14.2	1	6.3	2	10.5
Incarceration	7	16.3	19	20.0	7	16.7	3	18.7	6	31.6
	43	100.0	95	100.0	42	100.0	16	100.0	19	100.0

Goodman and Kruskal's Tau

r_b = .027

x^2 = 13.99 and is <u>not</u> significant at p. $\geq$ .05

df = 12

higher education would have a greater ability to draw on various types of resoucres which would be helpful in the sentencing situation. Table 4 indicates the relationship between education and sentence. Almost two-thirds of those with a high school diploma (62.8 percent) and 80 percent of those with more than a high school diploma were given probation sentences. It should be noted, however, that the sample size in the education category of thirteen years or more is very small (N = 10). On the other hand, 55 percent of those in the lowest educational category and only 49 percent of those with between nine and eleven years of education received such sentences. While those with greater education were likely to receive probation sentences, defendants with less than a high school diploma were more likely to be sentenced to incarceration. Almost 29 percent of those with nine to eleven years of education and 21 percent of those with less than nine years were incarcerated, while only 4 percent of the defendants with a high school diploma and none of the defendants with more than the diploma ended up going to prison.

Suspended sentences appear to be given more often to those with a high school diploma (25.5 percent) than to those in the lower educational categories. It also appears that as one moves up in education, the likelihood of receiving a sentence of jail time goes down. This ranges from a high

TABLE 4

RELATIONSHIP BETWEEN EDUCATION AND SENTENCE

Sentence	8/Less		9 - 11		12		13/More	
	No.	%	No.	%	No.	%	No.	%
Suspended Sentence, Fine, Resitution, or Combination	5	8.9	12	12.2	13	25.5	2	20.0
Probation	31	55.4	48	49.0	32	62.8	8	80.0
Jail Time	8	14.3	10	10.2	4	7.7	0	0.0
Incarceration	12	21.4	28	28.6	2	4.0	0	0.0
	56	100.0	98	100.0	51	100.0	10	100.0

Goodman and Kruskal's Tau

r_b = .038

x^2 = 22.86 and is significant at p. $\leq$ .05

df = 9

of 14 percent of those with eight or fewer years to almost
8 percent of those with twelve years being sentenced to
some jail time. None of those with thirteen or more years
of education received such sentences. However, it should
be reiterated that the sample size in this educational
category is very small.

The tau value resulting from the relationship between
education and sentence is .038, indicating that knowledge of
education improves the accuracy of predicting an individual's
sentence by almost 4 percent.[113] This relationship is
relatively higher than those which have already been in-
vestigated and appears to stem from the higher incidence of
probation dispositions among those with twelve years or
more education and from the higher incidence of incarceration
sentences for those with less than twelve years of education.
However, the size of the correlation coefficient in this
case shows that the relationship between education and
sentence is still too low. This seems to indicate, therefore,
that the use of education in the attempt to improve the
accuracy of predicting sentence is of little value in the
present study.

The fifth resource indicator considered in relation
to sentence is the socio-economic status of the offender.

----

[113]Refer to footnote #110.

It was hypothesized that lower class offenders would receive more severe sentences than upper class offenders. This hypothesis was based on the assumption that upper class offenders have a greater ability to draw on various types of resources which would be helpful in the sentencing situation. The socio-economic status of the sample originally was measured utilizing Edward's Index. However, the index was collapsed to include only laborers and non-laborers. This was done because 75 percent of those in sample were laborers with the remaining 25 percent widely dispersed among the other five categories in the index.

The relationship between socio-economic status and sentence is shown in Table 5. As expected, those in the highest SES category (non-laborers) are most likely to receive either a suspended sentence or probation (83 percent) while 66 percent of the laborers receive such sentences. Additionally, non-laborers are least likely to be given jail time as well as incarceration. Only 9.5 percent of those in the highest SES category are sentenced to prison while almost 23 percent of the defendants in the lower category receive such a sentence. With regard to jail time, 11 percent of the laborers and 7.5 percent of the non-laborers are given some time in jail.

TABLE 5

RELATIONSHIP BETWEEN SOCIO-ECONOMIC STATUS AND SENTENCE

Sentence	Laborer		Non-Laborer	
	No.	%	No.	%
Suspended Sentence, Fine, Restitution, or Combination	16	9.9	16	30.2
Probation	91	56.2	28	52.8
Jail Time	18	11.1	4	7.5
Incarceration	37	22.8	5	9.5
	162	100.0	53	100.0

Goodman and Kruskal's Tau

r_b = .018

x^2 = 15.32 and is significant at p. $\leq$ .05

df = 3

Table 5 also presents the proportional reduction-in-errors made in assigning individuals to sentencing categories when socio-economic status is known. The computed tau value is .018, which indicates that knowledge of SES can improve the accuracy of predicting sentence by almost 2 percent.[114]

---

[114]Refer to footnote #110.

This coefficient is somewhat low and signifies a rather weak relationship when compared with the results already discussed. This finding suggests that the use of socio-economic status is also of little value in the attempt to improve the accuracy of predicting sentence. The relationship which does exist between the two variables appears to stem from the higher incidence of suspended sentences among defendants in the higher status category and to the lower incidence of such sentences among those in the lower SES category.

The sixth resource indicator is the work history of the defendant which was simply dichotomized on the basis of whether or not the individual had a stable or unstable work record as recorded on the pre-sentence reports. It was hypothesized that offenders with an unstable work history would receive more severe sentences than offenders with a stable work history. This hypothesis was based on the assumption that a stable work record is an indication of one's attachment to the community and, therefore, the possibility of calling on community resources in time of need. The relationship between work history and sentence is presented in Table 6. Almost 64 percent of those with stable work histories were granted probation and almost 17 percent were given suspended sentences. In comparison, only 38 percent of those with unstable work histories received probation while 11 percent were given

Finally, Table 6 presents the computed tau between work history and sentence. The tau value is .045, which indicates that knowledge of work history can improve the accuracy of predicting sentence by 4.5 percent.[115] This coefficient is relatively high when compared with the findings already discussed. It signifies that those defendants who are able to show evidence of responsibility and consistent ties to a job are less likely to receive the more severe sentences. Once again, however, the strength of the coefficient in this case indicates that there is no substantial utility in using the work history variable to improve the accuracy of predicting sentence. Improving the prediction accuracy by 4.5 percent is simply too small of an increase to have any practical value when applied to the problem the researcher is currently addressing.

The seventh resource indicator considered in relation to sentence is marital status, which according to Hewitt, is infrequently examined. It was hypothesized that single offenders would receive more severe sentences than married offenders. This hypothesis is based on the assumption that single offenders have a limited social network and therefore have fewer social supports in time of need than married offenders. It is observed in Table 7 that there is relatively little difference between marital status categories in all

---

[115]Refer to footnote #110.

four sentence categories, except for those defendants in the illicit category. The sample size in this category was simply too small to make any meaningful analysis (N = 3). Therefore, the illicit category was eliminated in the calculation of the marital status statistic. If there was an observed difference across marital categories which could be considered significant (after eliminating the illicit category), it would probably concern the number of persons in the married category receiving incarceration. Only 14.6 percent of those individuals go to prison while 20.4 percent of those separated, 23 percent of those divorced, and 21.1 percent of those never married receive a prison term.

The computed tau for the relationship between marital status and sentence is .016 and it is not significant at the .05 probability level. This indicates that the correlation is not significantly different from zero and therefore it must be assumed that the observed relationship between the two variables is the result of chance errors in sampling. It can be seen, therefore, that this analysis provides no support for the individual resource theory.

The final indicator of resources to be analyzed separately is the dependents of the defendant which was simply dichotomized on the basis of whether or not the individual had dependents. It was hypothesized that those

TABLE 7

RELATIONSHIP BETWEEN CURRENT MARITAL STATUS AND SENTENCE

Sentence	Illicit[a] No.	Illicit[a] %	Never Married No.	Never Married %	Divorced No.	Divorced %	Separated No.	Separated %	Married/Spouse No.	Married/Spouse %
Sus. Sent., Fine, Etc.	0	0.0	13	11.9	3	23.1	5	10.2	11	26.8
Probation	3	100.0	61	56.0	6	46.1	29	59.2	20	48.8
Jail Time	0	0.0	12	11.0	1	7.7	5	10.2	4	9.8
Incarceration	0	0.0	23	21.1	3	23.1	10	20.4	6	14.6
	3	100.0	109	100.0	13	100.0	49	100.0	41	100.0

Goodman and Kruskal's Tau

r_b = .016

x^2 = 7.36 and is not significant at p. $\geqq$ .05

df = 9

[a]The illicit category was eliminated in the calculation of the relationship between marital status and sentence. This was done because the sample size in this category is very small and would tend to depress the correlation between the two variables.

with dependents would receive a more lenient sentence than those without dependents. The relationship between having dependents and sentence was tested on the assumption that the ability of the defendant to present evidence to court personnel that he or she had some sort of family ties or responsibilities, even in the broadest sense (i.e., living with parents, making support payments, etc.) would create a favorable image and lead to a more lenient sentence. Table 8 shows the relationship between dependents and sentence. It is observed in this Table that there is relatively little difference between the two categories of dependents and all four sentencing categories. In fact, the hypothesis that those with dependents would receive more lenient sentences was not supported. While almost 73 percent of those with no dependents received either probation or a suspended sentence, only 67 percent of those with dependents received such sentences. Furthermore, the computed tau value of .001 was found to be insignificant at the .05 probability level. Since the data indicates that those with no dependents are more likely to receive less severe sentences, it is in sharp contrast to what was predicted. Therefore, the analysis seems to lend no support for the individual resource theory developed in Chapter II.

TABLE 8

RELATIONSHIP BETWEEN DEPENDENTS AND SENTENCE

Sentence	No		Yes	
	No.	%	No.	%
Suspended Sentence, Fine, Restitution, or Combination	20	17.0	12	12.4
Probation	66	56.0	53	54.6
Jail Time	11	9.2	11	11.3
Incarceration	21	17.8	21	21.7
	118	100.0	97	100.0

Goodman and Kruskal's Tau

r_b = .001

x^2 = 1.38 and is not significant at p. $\geq$ .05

df = 3

Summary

The preceding analysis indicates that the variables which can best improve the accuracy of predicting sentence are the work history of the defendant (4.5 percent), the education of the defendant (3.8 percent), and the sex of the defendant (2.6 percent). All were statistically significant at the .05 probability level. Females, those

with a high school education or better, and those with a
stable work history are most likely to receive the more
lenient sentences, while males, those without a high school
education and a steady work history are most likely to be
given harsher sentences. These findings were predicted by
the theory developed in Chapter II. However, the computed
tau values do not seem to be high enough to have any con-
siderable effect in improving the accuracy of predicting
the various sentences. For instance, considered in the
bivariate case, the independent variable which best
correlated with sentence was the work history of the defendant.
Knowledge of it improved the accuracy of predicting sentence
by 4.5 percent. Although this was the highest recorded
percentage increase in prediction accuracy, it is too small
to have any practical value in predicting sentence.
Correlations this low may have limited meaning in exploratory
research where relationships are being sought using crude
measures. However, correlations at this level show very
slight relationships between the variables, although these
relationships may be statistically significant at a particular
probability level.

Other resource indicators found to be related to dis-
position were the race and the socio-economic status of the
offender. It was established that knowledge of race improved
the accuracy of predicting sentence by only 2.3 percent.

This finding coincides well with Hewitt's finding on race. However, when considering most of the literature on this subject, it would seem that knowledge of race would have improved the accuracy of predicting sentence by a higher percentage than it did. The socio-economic status of the defendant (laborer vs. non-laborer) was found to have a minimal relationship with sentence (tau = 1.8 percent) while age, current marital status, and the dependents of the offender were all found to have no significant relationship with sentence.

Generally speaking, therefore, it can be concluded that most of the hypotheses generated for the present analysis were supported by the findings. However, the degree of support (or relationship) in each case was very minimal. Improving the accuracy of predicting sentence by a few percentage points is unsubstantial. In fact, the correlations were so low that it would be difficult to conclude that individual resources had a considerable effect on the sentence individuals receive. This seems to imply that the findings do not strongly support the theory on which the present study is based. In spite of this, however, it should be reiterated that low correlations have limited value, that is, they can be useful in giving the researcher clues about the nature of the behavior being studied. Therefore, every research finding should be considered an important one.

Bivariate Analysis Utilizing
The Product-Moment Correlation

Taken individually, none of the preceding individual resource variables accounted for a large increase in the accuracy of predicting sentence. However, the present study also examines the amount of variance in sentencing categories accounted for by all the individual resource variables taken together. The hypothesis for this analysis states that there will be an inverse relationship between individual resources and severity of sentence. The hypothesis is tested by generating a Pearson correlation coefficient between all the sentencing categories and the individual resource variable specifically developed for this study.[116] The resulting correlation is -.2517. The r^2 is .0633, which indicates that resources can account for 6.3 percent of the variance in the sentencing categories.

This finding, which is significant at the .05 probability level,[117] offers some support for the individual resources theory. It suggests that the effect of resources (taken as a group) on the sentence an individual receives is large enough to advance the researcher's interest.

-----

[116]See Chapter III for the method in which the resource variable and sentence were operationalized for this particular analysis.

[117]Once again, caution must be observed when interpreting tests of significance due to the inability of the researcher to utilize random assignment techniques within the design of the study.

Moreover, this finding initially signifies that non-crime related, offender characteristics play a role in establishing patterns of differential criminal justice decision-making, as suggested by the sentencing model developed in Chapter II. This leads to a generally positive conclusion regarding the effectiveness of the theory to account for the data reflecting the occurrence of such differential decision-making. However, it must be noted that the observed relationship is weak and caution must be exercised in its interpretation.

Multivariate Analysis

It should be clear that the preceding analysis only considers the bivariate relationship between the individual resource variable and sentence. This was done to enable the researcher to detect if there was any relationship between those two variables. Considered in this manner, resources seems to account for some of the variance in the sentencing categories. However, the existing body of literature suggests that there may be a number of variables that intervene between the resource variable and the sentence one receives. Offense-related factors such as prior convictions, offense seriousness, and the number of current charges have been found in many studies to mediate the effects of the individual resource

variables (Green, 1961; Babb and Ferguson, 1967; Burke and Turk, 1975; Hagan, 1975). Additionally, certain court-related variables are considered to further mediate the effect of resources. These include: whether or not the offender was granted bail, the plea of the offender, the judge's overall attitude towards the offender, and others. Since the existing literature indicates that the offense-related variables mentioned above have the most potential in mediating the effect of resources, the present study examines the relationship between resources and sentence while controlling for those specified legal variables.

Partial Correlational Analysis

First Order Partial

The first offense-related variable which is con-trolled for while examining the relationship between re-sources and sentence is the legal seriousness of the offense. As previously mentioned, legal seriousness is measured as the maximum statutory sentence for the stated offense. The hypothesis for this analysis states that offense seriousness will mediate the effect of resources on sentence. The re-sulting correlation between resources and sentence is -.1782. The r^2 is .0317, which indicates that resources can only account for about 3 percent of the variance in the sentencing

categories when offense seriousness is partialled out. This finding is significant in that it seems to diminish the minimal support established in the preceding analysis for the individual resources theory. Although the resulting coefficient is statistically significant at the .05 probability level,[118] it is considerably less than the coefficient obtained when offense seriousness in not held constant (the coefficients are -.2517 and -.1782, respectively).

This finding appears to indicate that the correlation between resources and sentence was high (.2517) because of the intervening effect of legal seriousness. That is, when the researcher controls for seriousness, the correlation between resources and sentence diminishes because the third variable (seriousness) is not given the opportunity to effect the relationship.

Second Order Partial

The second offense-related (legal) variable which is controlled for while examining the relationship between resources and sentence is the prior record of the offender. It is a well established principle in criminal law and broadly

---

[118]Refer to footnote #110.

recognized in judicial custom that a judge should consider an offender's prior criminal record in determining an appropriate disposition. The variable by which this research study investigates the effect of the prior criminal record upon variation in the severity of sentences is the number of prior convictions. This variable includes: (1) the number of convictions in criminal court, (2) the number of convictions in municipal court, and (3) the number of times an individual was adjudicated juvenile delinquent in the juvenile court. The hypothesis for the analysis states that prior convictions will also mediate the effect of resources on sentence. The resulting correlation between resources and sentence while controlling for both offense seriousness and the number of prior convictions is $-.1780$.[119] The r^2 is .0316, which indicates that prior record has little additional intervening effect on the relationship between resources and sentence.

As previously mentioned, the existing literature suggests that prior convictions should have a relatively strong mediating effect on resources. For this reason, the above finding was totally unanticipated. The researcher expected to find a substantial reduction in the computed relationship between resources and sentence when prior convictions was utilized along with offense seriousness as a

---

[119]Refer to footnote #110.

control factor. However, a substantial reduction did not occur. The addition of prior convictions as a control variable reduced the relationship by only .002, from -.1782 to -.1780. It could be contended that those with more prior convictions also committed more severe offenses. Thus, a lack of change in the partial coefficient could be due to the high positive correlation between prior convictions and offense seriousness.

Upon reviewing the method in which prior convictions was operationalized in the present study, the researcher detected a possible cause for the minimum degree of effect which prior convictions has on the relationship between resources and sentence. When data collection took place, an individual was scored as having either, zero, one, two, or three or more prior convictions. In addition, prior convictions included those which occurred not only in the criminal courts, but also those less severe convictions which occurred in both the municipal and juvenile courts. This is where the problem lies. For instance, an individual who had three or more prior convictions in municipal court (for disorderly offenses) was scored in the same manner as those with three or more prior convictions in criminal court (for indictable offenses). Therefore, those with past convictions which were less severe in nature were not distinguished from those with past convictions which were more severe in nature. The result is that any relationship that exists between sentence and the offender's prior con-

victions may be undetectable due to the methodology. For this reason, the researcher suggests that all further studies in this area operationalize the prior record in a manner which would permit a true relationship between the variables to be manifested.

Third Order Partial

The final offense-related variable which this research study controls for while examining the relationship between resources and sentence is the number of current charges contained in the indictment. The indictment is the legal document drawn up by the Prosecutor charging the defendant with the particular crime(s) of which he stands accused. The number of charges included in the indictment provides a measure of the extensiveness of the criminal activity with which an offender is charged. In cases involving convictions of two or more distinct separate offenses, it is at the discretion of the judge to impose separate sentences for each to run concurrently or consecutively, or to impose one sentence for all of the convictions. In any case, the effect of this variable upon the severity of sentence is quite noticeable. In fact, the hypothesis for this analysis states that the number of current charges contained in the indictment will also mediate the effect of resources on sentence. The resulting correlation between resources and sentence with the number of current charges acting as the third control variable is

-.1480.[120] The r^2 is .0219, which means that when all three legal variables are used as control factors, resources can only account for about 2 percent of the variance in the sentencing categories.

This finding further diminishes the preliminary support established for the theory developed in Chapter II. It indicates that the addition of current charges as a third control variable reduces the relationship between resources and sentence by .03, from -.1780 to -.1480. In the final analysis, therefore, when the contributing effects of the three control variables are held constant, resources are weakly associated (.1480) with sentence severity. Hence, it would appear that the theory of individual resources was not substantially supported in this study.

Summary

In addition to examining the effect of each individual resource indicator upon sentencing categories, the present study also examines the amount of variance in sentencing categories accounted for by all the individual resource variables taken together. The technique utilized to perform this operation is the Pearson correlation coefficient. The resulting relationship is -.2517, which indicates that re-

---

[120]Refer to footnote #110.

sources accounts for almost 6.5 percent of the variance
observed in the sentencing. Although this figure is not
as high as that which has been found in other studies, it
offers some support for the resource theory. However, a
review of the literature indicates that certain legal
variables may have a significant effect upon the type of
disposition an individual receives. For this reason, the
researcher decided to control for these legal offense-related
variables while examining the relationship between resources
and sentences. The first test variable introduced is
offense seriousness. When it is partialled out, a -.1782
correlation is established. The coefficient of determination
(r^2) is .0317, which indicates that offense seriousness has
a substantial mediating effect upon resources. It also re-
duces the support for the resources theory. The second
test factor introduced in prior convictions. The resulting
correlation is -.1780. The coefficient of determination
is .0316, which indicates that the addition of prior con-
victions as a second controlling variable has no substantial
effect on resources. This seems to be contradictory to
what most other studies have found. However, the researcher
recognizes that there may be a weakness in the method of
measuring prior convictions. This may have caused a re-
latively strong relationship between prior convictions and
sentence to be concealed. The third and final offense-related

variable which is controlled for along with the first two variables is the number of current charges. When all three factors are partialled out, a -.1480 correlation is computed. The coefficient of determination is .0219, which indicates that the addition of the number of charges as a third controlling variable has a minimal mediating effect on resources. It also tends to reduce any support established earlier for the theory. In brief, then, whatever support for the theory substantiated beforehand is weakened by the introduction of certain legal variables as controls. When these variables are utilized as controls, the coefficient of determination is considerably less than when the variables are not held constant.

In the final analysis, when the effects of the three legal variables are held constant, the relationship between resources and sentence is extremely slight and would seem to be of no practical value in helping to predict sentence from individual resource indicators. However, in a negative sense, a correlation coefficient this small (.1480) may have theoretical significance. For instance, it may indicate to researchers that future investigations of the relationship between the two variables under study would not be warranted, thus saving research time and money. Also, since a weak relationship was found when a strong one had been predicted by the theory, the finding might have the effect of leading

future researchers to revise the theory. Whatever the conclusion, the results of the present study suggest that the offense-related legal variables presented in Figure 2 (A General Model of Sentencing) play an important role in determining disposition. This is contrary to the predictions made by the individual resource theory developed in Chapter II.

CHAPTER V

SUMMARY AND CONCLUSIONS

The objective of the present research study was to provide additional information which would either support or refute the thesis that disparities exist in sentences for cases of equivalent gravity. The interest which initiated this project was that criminal justice might be constructed in a social context that undermines equal treatment before the law, especially in the sentencing situation. Prior research studies had provided conflicting evidence regarding the question of sentencing disparities. Specifically, the major purpose of this study was to examine the relationship between extra-legal criteria (such as sex, age, race, etc.) and sentencing practices of the court. The theoretical orientation presented in Chapter II had predicted a strong relationship between the independent and dependent variables.

The sample utilized in this study was drawn from a population consisting of all convicted high misdemeanor cases in Cumberland County, New Jersey during the years 1974 and 1975. Data for the study were collected by utilizing information contained in pre-sentence investigation reports prepared by Cumberland County Probation Officers.

First, a series of demographic or background data were collected for each subject. These included: age, sex, race, education, socio-economic status, number of dependents, current marital status, and work history. This information was needed because the theoretical model hypothesized that it was related to sentencing behavior. In addition, data on the following legal variables were collected and analyzed: offense seriousness, prior convictions, and the number of charges for which the offender was currently appearing in court. This information was also hypothesized to have an effect on the disposition received by an offender and consequently needed to be collected on each subject.

Data analysis was accomplished through the use of two statistical techniques, Goodman and Kruskal's Tau and the Pearson $\dot{r}$ or product-moment correlation. The first technique was used to obtain a measure of the degree of association between the dependent variable (sentence) and each of the independent variables (age, sex, race, etc.). When a tau value was computed, it was interpreted as the proportional reduction-in-errors when the independent variable is known. This means that a tau value represented the extent to which knowledge of the independent variable improved the accuracy of predicting the dependent variable. The Pearson r was used to gauge the degree of relationship between disposition and the resource variable[121] specifically

[121]See Chapter III for a detailed discussion of this variable.

developed for this study. In addition, partial correlation techniques were utilized in order to control for the effects of the legal variables while examining the relationship between disposition and the resource variable. Tests of significance were then performed to determine whether the correlation coefficients were significant at the .05 probability level.

The findings of the present study indicated that there was generally a weak relationship between disposition and the non-legal variables. The following list presents each of the hypothesis and the corresponding results:

Hypothesis #1. Male offenders will receive more severe sentences than female offenders.

Result #1. Generally, this hypothesis was supported by the data. However, the relation-ship between sex and sentence was found to be weak. The tau value computed between the two variables was .026, indicating that knowledge of sex reduces by 2.6 percent the number of errors in assigning the individuals of the sample to sentencing categories.

Hypothesis #2. Black offenders will re-ceive more severe sentences than white of-fenders.

Result #2. Although this hypothesis was supported, the computed tau value between race and sentence was also weak. It was found that knowledge of race improved the accuracy of predicting sentence by only 2.3 percent.

Hypothesis #3. Older offenders will receive more lenient sentences than younger offenders.

Result #3. This hypothesis was not at all supported by the data. Although a tau value of .027 was computed between age and sentence, the statistic was found to be insignificant at the .05 probability level. It was concluded, therefore, that the observed relationship between the two variables was the result of chance errors in sampling.

Hypothesis #4. There will be an inverse relationship between an offender's level of education and the severity of sentence he receives.

Result #4. This hypothesis was supported by the data. The tau value resulting from the relationship between education and sentence was .038, indicating that knowledge of education improves the accuracy of predicting an individual's sentence by almost 4 percent. The size of the correlation coefficient in this case shows that the relationship between the two variables is still too low to have any practical value.

Hypothesis #5. Lower class offenders will receive more severe sentences than upper class offenders.

Result #5. Although the data supports this hypothesis, the relationship between socio-economic status and sentence is very weak. The computed tau value between the two variables is .018, which indicates that knowledge of SES can improve the accuracy of predicting sentence by only 1.8 percent.

Hypothesis #6. Offenders with unstable work records will receive more severe sentences than offenders with stable work records.

Result #6. This hypothesis was also supported by the data. Moreover, the tau value computed between work record and sentence was .045. This indicates that knowledge of work record can improve the accuracy of predicting sentence by 4.5 percent. The coefficient in this case is relatively high when compared to the findings already discussed. However, improving the prediction accuracy by 4.5 percent is simply too small of an increase to have any practical value when applied to the problem the researcher was addressing.

Hypothesis #7. Single offenders will receive more severe sentences than married offenders.

Result #7. This hypothesis was not at all
supported by the data. Although a tau value of
.016 was computed between marital status and
sentence, the statistic was found to be in-
significant at the .05 probability level. It
was concluded, therefore, that the observed
relationship between the two variables was
the result of chance errors in sampling.

Hypothesis #8. Offenders with dependents
will receive more lenient sentences than of-
fenders without dependents.

Result #8. This hypothesis was not supported
either. In fact, the data indicates that those
with no dependents were more likely to receive
less severe sentences.

The present study also examined the amount of variance
in sentencing categories accounted for by all the individual
resource variables taken together:

Hypothesis #9. There will be an inverse re-
lationship between individual resources and
severity of sentence.

Result #9. This hypothesis was well supported
by the data in the bivariate analysis. The resulting
correlation coefficient was -.2517, indicating that
resources accounts for nearly 6.5 percent of the
variance in the sentencing categories. However,
considered in the multivariate case, the data

suggests that the correlation between resources and sentence was high because of the intervening effect of certain legal variables. Specifically, when offense seriousness, prior convictions, and the number of current charges were held constant, the correlation between resources and sentence was reduced from -.2517 to -.1480. This indicates that resources can account for only 2 percent of the variance in the sentencing categories when the effect of the above mentioned legal variables are partialled out.

The results of the present research study appear to offer very little support for the individual resources theory developed in Chapter II. In comparison, the results of Hewitt's study provided what he termed "strong" support for the theory.[122] He found that resources could account for nearly 20 percent of the observed variance in the sentencing categories. Additionally, Hewitt established that males, non-whites, the young, those with less education, those with lower socio-economic status, those not currently married and living with their spouses, those without dependents, and those with unsteady work histories tend to receive more severe sentences than their counterparts at the opposite ends of each of their respective categories.[123]

---

[122]Hewitt, p. 22.

[123]Ibid.

It should be noted at this point that Hewitt's analysis considered only the bivariate relationship between each of the individual resource variables and the sentencing categories. Considered in this manner, resources appear to account for a rather large portion of the variance in the sentencing categories. However, the existing body of literature suggests and indeed the present study has revealed that a number of variables intervene between the individual resource variable and sentence. Hence, it is conceivable that the introduction of such control variables as offense seriousness, prior record, and current charges may have reduced the strength of the relationship between resources and sentence established in Hewitt's study. Consequently, the inclusion of a multivariate analysis in his study may have also provided information which would tend to weaken the support he found for the individual resources theory. This factor should be considered when interpreting the overall results of the present study.

Implications

The results of the present investigation, given the articulated limitations, offer the reassurance that the deliberations of the sentencing judges in Cumberland County, New Jersey are not at the mercy of passions and prejudices but rather mirror the operation of rational processes. The

criteria for sentencing recognized in law, the nature of the offense, and the offender's prior criminal record make a decisive contribution to the determination of the weight of the penalties; and in applying these criteria, the judges seem to display a sensibility for the relative importance of each.

While it is true, as some contend in reviewing the literature on criminal justice decision-making, that differences can be observed in decision-making with regard to certain basic characteristics of the offender as they affect court disposition, the evidence provided by the present research is in the direction of minimal differential application of sanctions. In the area of judicial decision-making, the findings seem to indicate that legal variables are more important than non-legal variables in affecting the sentencing decision. This is not to imply that offender characteristics are of no consequence, but that in terms of the explanation of variance in court dispositions, legal variables are far more important.[124]

Finally, the present findings should be related to the proposition found in the theoretical orientation of this

---

[124]Some theorists on justice would probably argue that such characteristics should not explain any of the variance. The researcher believes that a position such as this is irrational simply because reasonable men applying the same standards will not always reach precisely the same results. Therefore, even if an attempt was made, unjustified disparity cannot be eliminated completely.

project, namely, that the sentence an actor receives varies according to the amount of individual resources possessed by that actor. Clearly, the findings of the present study provide rather weak support for that proposition. And to the degree that this proposition can be taken to be basic to resource theory, the perspective must be seriously questioned. But to conclude that this study absolutely refutes the theory would perhaps be to make a generalization beyond the scope of the data. This study should, however, be used as another piece of evidence in the more general process of confirming or disconfirming that theory.

APPENDIX A

Data Collection Instrument

DATE COLLECTION INSTRUMENT

SUBJECT # _____

SEX	A. Male
	B. Female
RACE	A. Black
	B. White
	C. Other
AGE	A. 17-19
	B. 20-24
	C. 25-29
	D. 30-34
	E. 35 and over
EDUCATION	A. 8 years/less
	B. 9-11
	C. 12
	D. 13/more
EDWARDS INDEX SOCIO-E STATUS	A. Professional, Technical, and Related
	B. Business Managers, Officials, and Proprietors
	C. Clerical, and Related Workers
	D. Craftsmen, and Foremen, and Related
	E. Operatives, and Related
	F. Laborers
WORK HISTORY	A. Stable
	B. Unstable
CURRENT MARITAL STATUS	A. Never Married
	B. Married/Spouse
	C. Separated
	D. Divorced
	E. Illicit
DEPENDENTS	A. Yes
	B. No

PRIOR CONVICTIONS
A. One
B. Two
C. Three/More

NUMBER OF CURRENT CHARGES
A. One   D. Four
B. Two   E. Five
C. Three   F. Six/More

LEGAL SERIOUSNESS OF OFFENSE

A. 6 Months   F. 5 Years
B. 12 Months   G. 7 Years
C. 18 Months   H. 10 Years
D. 2 Years   I. 14 Years
E. 3 Years   J. Life/Death

DISPOSITION

A. Suspended Sentence
B. Fine
C. Restitution
D. Combination
E. Probation
F. Jail Time
G. Incarceration

BAILED OR ROR'D

A. Yes   B. No

PLEA

A. Guilty   B. Not Guilty

CHARGES:

APPENDIX B

Generic and Computational Statistical Formulas

GENERIC AND COMPUTATIONAL STATISTICAL FORMULAS

#1

Goodman and
Kruskal's Tau (r_b) $=$ $\dfrac{\text{number of errors expected not knowing the independent variable - number of errors expected knowing the independent variable}}{\text{number of errors expected not knowing the independent variable}}$

where r_b = the percentage of errors a

researcher can expect to reduce in pre-

dicting the dependent variable (b classes)

by having knowledge of the independent

variable (a classes).

#2

Pearson r $=$ $\dfrac{\text{Product of the Variance}}{\text{Product of the Co-Variance}}$

BIBLIOGRAPHY

Books

Ancel, Marc. Suspended Sentence. London: Heinemann, 1971.

Becker, Howard S. Outsiders: Studies in the Sociology of Deviance. Glencoe, Ill.: Free Press, 1963.

Blalock, Hubert M., Jr. Social Statistics. New York: McGraw-Hill, 1960.

Bohrnstedt, G. W. "Reliability and Validity Assessment in Attitude Measurement." In Attitude Measurement, pp. 80-89. Edited by G. F. Summer. Chicago: Rand McNally, 1970.

Borg, Walter R. and Gall, Meredith D. Educational Research. New York: David McKay Company, Inc., 1971.

Caldwell, Robert G. Criminology. New York: The Ronald Press Company, 1956.

Cavan, Ruth S. Criminology. New York: Thomas Y. Crowell Company, 1955.

Chambliss, William J. Crime and the Legal Process. New York: McGraw-Hill, 1969.

Champion, Dean J. Basic Statistics for Social Research. Scranton, Pa.: Chandler Publishing Company, 1970.

Disparity in Sentencing of Convicted Offenders. Quoted in Edward Green, Judicial Attitudes in Sentencing, p. 7. London: Macmillan and Company, 1961.

Frankel, Judge Marvin E. Criminal Sentences-Law Without Order. New York: Hill and Wang, 1973.

Gaylin, Willard. Partial Justice: A Study of Bias in Sentencing. New York: Alfred A. Knopf, 1974.

Green, Edward. "Inter- and Intra- Racial Crime Relative to Sentencing." In Race, Crime, and Justice, pp. 284-297. Edited by Charles E. Reasons and Jack L. Kuykendall, Pacific Palisades, Calif.: Goodyear Publishing Company, Inc., 1972.

_____. Judicial Attitudes in Sentencing. New York:
       Macmillan and Company, 1961.

Hogarth, John. Sentencing as a Human Process. Toronto:
       University of Toronto, 1971.

Horton, Paul B. and Hunt, Chester L. Sociology. New York:
       McGraw-Hill, 1972.

Knowles, Louis L. and Prewitt, Kenneth. "Racism in the
       Administration of Justice." In Race, Crime, and
       Justice, pp. 13-27. Edited by Charles E. Reasons
       and Jack L. Kuykendall. Pacific Palisades, Calif.:
       Goodyear Publishing Company, Inc., 1972.

Lemert, Edwin M. Social Pathology. New York: McGraw-
       Hill, 1951.

Merton, Robert K. "Social Problems and Sociological Theory."
       In Contemporary Social Problems, pp. 697-737.
       Edited by Robert K. Merton and Robert A. Nisbet.
       New York: Harcourt, Brace, and World, Inc., 1961.

Mueller, John H.; Schuessler, Karl F.; and Costner, Herbert L.
       Statistical Reasoning in Sociology. New York:
       Houghton Mifflin Company, 1970.

Pollak, Otto. The Criminality of Women. Philadelphia:
       The University of Pennsylvania Press, 1949.

Quinney, Richard. Social Reality of Crime. Boston:
       Little, Brown and Company, 1970.

Reforms in Experiments, vol. 24. Quoted in H. W. Smith,
       Strategies of Social Research: The Methodological
       Imagination, p. 70. Englewood Cliffs, N.J.:
       Prentice-Hall, Inc., 1975.

Rubington, Earl and Weinberg, Martin S., eds. Deviance:
       The Interactionist Perspective. New York:
       Macmillan and Company, 1968.

Scheff, Thomas. Being Mentally Ill: A Sociological Theory.
       Chicago: Aldine, 1966.

Schrag, Clarence. Crime and Justice American Style.
       Washington, D.C.: Government Printing Office, 1971.

Smith, H. W. Strategies of Social Research: The Methodological
       Imagination. Englewood Cliffs, N.J.: Prentice-Hall.
       Inc., 1975.

Sutherland, Edwin H. and Cressey, Donald R. <u>Principles of Criminology</u>, 5th ed. Chicago: J. B. Lippincott Company, 1955.

Turk, Austin T. <u>Criminality and the Legal Order</u>. New York: Rand McNally, 1969.

Articles

Babb, George William and Ferguson, William Royal. "Texas Sentencing Practices: A Statistical Study." <u>Texas Law Review</u>, XLV (February, 1967), 471-503

Bullock, Henry A. "Significance of the Racial Factor in the Length of Prison Sentences." <u>Journal of Criminal Law, Criminology, and Police Science</u>, LII (November-December, 1961), 411-17

Burke, Peter J. and Turk, Austin T. "Factors Affecting Post-Arrest Dispositions: A Model for Analysis." <u>Social Problems</u>, XXII (February, 1975), 313-31

Carter, Robert M. and Wilkins, Leslie T. "Some Factors in Sentencing Policy." <u>Journal of Criminal Law, Criminology, and Police Science</u>, LVIII (December, 1967), 503-14

Chiricos, Theodore G.; Jackson, Phillip D.; and Waldo, Gordon P. "Inequality in the Imposition of a Criminal Label." <u>Social Problems</u>, XIX (Spring, 1972), 553-71

Davis, Nanette J. "Labeling Theory in Deviance Research: A Critique and Reconsideration." <u>The Sociological Quarterly</u>, XIII (Fall, 1972), 447-74

DeFleur, Lois B. "Biasing Influences on Drug Arrest Records: Implications for Deviance Research." <u>American Sociological Review</u>, XL (February, 1975), 88-103

Erikson, Kai T. "Notes on the Sociology of Deviance." <u>Social Problems</u>, IX (Spring, 1962), 307-14

Garfinkel, Harold. "Research Notes on Inter- and Intra-Racial Homicides." <u>Social Forces</u>, XXVII (May, 1949), 369-81

Grove, Walter R. and Howell, Patrick. "Individual Resources and Mental Hospitalization: A Comparison and Evaluation of the Societal Reaction and Psychiatric Perspectives." <u>American Sociological Review</u>, XXXIX (February, 1974), 86-100

Hagan, John. "The Social and Legal Construction of Criminal Justice: A Study of the Pre-Sentencing Process." Social Problems, XXII (June, 1975), 620-37

Hewitt, John. "Individual Resources, Societal Reaction, and Sentencing Disparity." Paper prepared for the Pacific Sociological Association Meetings, Victoria, British Columbia, 17 April 1975.

Johnson, Guy. "The Negro and Crime." Annals of the American Academy of Political and Social Sciences, CCXVII (September, 1941), 93-104

Kituse, John I. "Societal Reaction to Deviant Behavior: Problems of Theory and Method." Social Problems, IX (Winter, 1962), 247-56

Lemert, Edwin M. and Roseberg, Judy. "The Administration of Justice to Minority Groups in Los Angeles County." University of California Publications in Culture and Society, II (1948), 1-28

Levin, Judge Theodore. "Sentencing the Criminal Offender." Federal Probation, XIII (March, 1949), 3-6

McGee, Richard A. "A New Look at Sentencing." Federal Probation, XXXVIII (March, 1974), 3-8

Nagel, Stuart S. "Judicial Backgrounds and Criminal Cases." Journal of Criminal Law, Criminology, and Police Science, LIII (September, 1962), 333-39

N.J. Department of Labor and Industry, Economic Development and Research Department. An Economic Profile of Cumberland County. Trenton: N.J. Department of Labor and Industry, 1975.

Rushing, William A. "Individual Resources, Societal Reaction, and Hospital Commitment." American Journal of Sociology, LXXVII (November, 1971), 511-525

Sellin, Thorsten. "The Negro Criminal: A Statistical Note." Annals of the American Academy of Political and Social Science, CXL (November, 1928), 52-64

State of New Jersey, Division of Criminal Practices. Sentencing Manual for Judges. Trenton: Administrative Office of the Courts, 1975.

Thornberry, Terence P. "Race, Socioeconomic Status and Sentencing in the Juvenile Justice System." Journal of Criminal Law and Criminology, LXIV (March, 1973), 90-98