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Disparities in the Sentencing of African American Men in Wayne County, Michigan

Brian Banks
Walden University

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Walden University
2022

Abstract

Disparities in the Sentencing of African American Men in Wayne County, Michigan

by

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JD, Michigan State University College of Law, 2010

MA, Wayne State University, 2006

BS, Wayne State University, 2004

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Public Policy and Administration

Walden University

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Abstract

The ability of judges in the U.S. criminal justice system to administer penalties based on a defendant's socioeconomic status has resulted in a disproportionate number of African Americans receiving harsher penalties than those of other racial groups and socioeconomic statuses. Currently, there is little evidence demonstrating the effectiveness of harsher sentencing of defendants with lower socioeconomic statuses in preventing crime or lowering recidivism, but more work is needed to clarify what sentencing factors judges use. The purpose of this qualitative study was to explore the factors that Wayne County, Michigan, judges used during the sentencing process of criminal defendants, along with the pros and cons of allowing these factors to be used. The social action theory and rational choice theory provided the theoretical foundation for the study. A case study approach was used to examine the experiences of men offenders in the Wayne County, Michigan, circuit court system. Data were collected from defendants' interviews and a thematic analysis was used to outline the experiences of the offenders. Transcripts were coded and several key findings were found including African American participants receive harsher sentences than Caucasian participants, participants with court-appointed attorneys were more likely to receive prison time and less likely to receive probation as part of their sentence or sentence recommendation, and African Americans with court-appointed attorneys received more prison time. The potential implications for positive social change will result in criminal sentencing that is fair across the board and sentencings that genuinely yield results that lower recidivism, deters crime, lowers crime rates, and makes our communities safe and vibrant.

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Chapter 1: Introduction to the Study

Introduction

The current criminal system, which allows judges to order fines and penalties based on socioeconomic factors, has resulted in a disproportionate number of African Americans receiving harsher penalties than any other race (Bergman, P. & Bergman, S., 2013). This is an alarming societal issue. Judges are making these decisions based on several factors, including social economics (Mauer, 2012). As a result, African Americans have received harsher sentences than their Caucasian counterparts for the same crimes (Pettit & Sykes, 2015). The potential implications for positive social change will result in criminal sentencing that is fair across the board and sentencings that genuinely yield results that lower recidivism, deter crime, lower crime rates, and make our communities safe and vibrant. In this chapter I will give you the background of this societal problem, examine the problem, propose several research questions, and discuss the framework which will be used for this case study.

Background

Education, race, income level, and where a person lives are all part of one's socioeconomic status. These factors should not exist in the U.S. criminal justice system. The U.S. Constitution affords many protections to its citizens, and one of those protections is that "all people shall be treated equally" (as cited in Cheney, 2014). However, the current criminal system, which allows judges to administer penalties based on a defendant's socioeconomic status, has resulted in a disproportionate number of African

Americans receiving harsher punishments compared to individuals in other racial groups (Bergman & Bergman, 2013). Critics view this an alarming societal issue. Judges are making these decisions based on several factors which have nothing to do with the actual crimes. As a result, African Americans have received harsher sentences than their Caucasian counterparts for the same crimes (Pettit & Sykes, 2015). Although current laws allow leniency in punishment, data show that African Americans tend to receive less leniency in criminal sentencing (Mauer, 2012).

In the state of Michigan, the sentencing guidelines process has undergone a significant change. The Michigan Supreme Court ruled in *Lockridge v. Michigan* (2011) that “the state’s sentencing guidelines that mandate prison terms are unconstitutional, and that judges should use them only in an advisory capacity” (pg. 432). Before this ruling, judges received sentencing guidelines that included a range in which the defendant could be sentenced. Following the *Lockridge v. Michigan* ruling, judges in the state exercise a great deal of discretion, which has yielded a significant disparity in criminal sentencing (*Alleyne v. U.S.*, 2013). In this study, I examined the U.S. criminal justice system and the sentencing process of criminal defendants to see if socioeconomic plays a role in the criminal sentencing phase in one Michigan county, Wayne County.

Problem Statement

The current criminal system, which allows judges to mete penalties based on a defendant’s socioeconomic status, has resulted in a disproportioned number of African Americans receiving harsher penalties than those of other races (Bergman & Bergman, 2013). Socioeconomic status for an offender includes the (a) income of the offender; (b)

the race of the offender; (c) the educational level of the offender; (d) the educational level of the offender's parents; and (e) the zip code of the offender (Bergman & Bergman, 2013). As it relates to the sentencing process of a criminal defendant, there are several penalties that a judge can impose on the defendant, including incarceration, probation, supervised monitoring, a warning, alternative sentencing, diversion, and/or community service (Mauer, 2012). A defendant's characteristics, such as perceived attractiveness, politeness, and/or socioeconomic status, are all factors that should not influence the decision-making or the sentencing process of a case. In addition, the Michigan Court Rules instruct that "the only characteristics which should be considered are those relevant to the case such as the defendant's motive" (Eldar, S., & Laist, E., 2017). Yet, according to Bergman and Bergman (2013), individuals have a more favorable impression of those they deem attractive. As a result of considering and using a defendant's socioeconomic status during sentencing, there is an overrepresentation of both African American and indigent defendants who have not received any of the more lenient sentencing penalties contrasted to non-African Americans and upper-class defendants (Bergman & Bergman, 2013).

Researchers have documented that the purpose of sentencing criminal defendants is to deter crime and lower recidivism rates (Bergman & Bergman, 2013).

To date, according to my review of the literature, there is no empirical data or other evidence that supports sentencing defendants with lower socioeconomic statuses more harshly than other defendants prevents crime, lowers recidivism, or is otherwise

successful. The data show that African Americans and poor individuals tend to have less lenient options available to them at sentencing (Bergman & Bergman, 2013).

Moreover, allowing judges to consider a defendant's socioeconomic status creates unfair sentencing across the board.

Purpose of the Study

The purpose of this qualitative study was exploring whether there are disparities in criminal sentencing in Wayne County, Michigan, based on a defendant's socioeconomic status. Additionally, this study provides some recent empirical data regarding the factors that Wayne County, Michigan, judges use during the sentencing process of criminal defendants, along with the pros and cons of allowing these factors to be used. I took an in-depth look at whether consideration of a defendant's socioeconomic status during the sentencing process provides substantive, positive results.

Research Questions

I sought to answer four research questions (RQs)—one main RQ and three sub questions (SQs)—in this study. The questions were as follows:

RQ: Are African Americans males receiving harsher penalties at sentencing than other races when judges are making their decisions based on socioeconomics in Wayne County, Michigan?

SQ1: Whether the defendant received a public offender or not, did it make a difference in the outcome?

SQ2: What were the factors that prosecutors used to determine the sentence recommendation?

SQ3: What were the factors that the sentencing judges used to determine the sentence?

Theoretical Framework

When addressing the problem of disparities in criminal sentencing, I sought to consider the full range of contributing factors that cause this public policy issue to be a societal problem. For this reason, I selected the social action theory as the theoretical foundation for this study. The social action theory is rooted in practical philosophy, and it provides a sociological explanation of why humans engage in collective rule-following (Netedu, 2010). It also is the basis for other theories, including rational choice theory (King, 2010; Schnabel, 2011). This theory aligns directly with the notion of expanding resources to address a societal problem within a community (Netedu, 2010).

There are many inequalities that exist in our criminal justice system; microaggression is one. Microaggression is defined as subtle but offensive comments directed at minorities (Perez-Huber & Solórzano, 2014). Phelps and Pager (2016) suggested that both race and class inequalities are critical for explaining the mass imprisonment of African American men that followed enactment of the Violent Crime and Control and Law Enforcement Act of 1994 (Lussenhop, 2016). Among the factors shaping the policy and judicial trends within the U.S. criminal justice system, race and class are the most prominent. The focus of the U.S. criminal justice system has long on punishment rather than rehabilitation. The failure to rehabilitate is especially notable when examining how African American men have been treated. The failure to rehabilitate incarcerated individuals creates inequalities, most prominently in

employment, education, housing, and voting rights (Lussenhop, 2016). Imprisonment hinders African American men's reintegration into society and may cause mental and emotional harm (Brinkley-Rubinstein, 2013). Incarceration of African American men exacerbates the psychological condition of a disenfranchised population and contributes to the diminished health status of individuals, families, and the entire African American community, which is impacted by hyper-incarceration (Brinkley-Rubinstein, 2013).

The negative social status associated with imprisonment is also harmful to African American men because it can affect the wealth they receive during their lifetime (Brinkley-Rubinstein, 2013). The lack of wealth can influence African American men's well-being and ability to live in better neighborhoods, attend better schools, access better health care, and obtain political power (Maroto, 2014). Lee et al. (2014) noted that imprisonment affects the economy and the family members of those who are incarcerated. The collateral results can leave families in poverty and cause stress and other emotional disorders (Lee et al., 2014). For African American children, the consequences of mass incarceration can include guilt and shame that lead them to drop out of school and lack direction in life (Nichols & Loper, 2012). For these reasons, it is necessary to consider a wide range of factors that contribute to disparities of criminal sentencing of African American men.

Nature of the Study

The nature of this study was qualitative. I used a case study approach to outline the experiences of offenders in the Wayne County, Michigan, circuit court system. I gathered information from the defendant's interviews to research the differences between

imposed sentencing that used socioeconomics and those that did not. In analyzing data, I used a grounded theory approach. Grounded theory research focuses on the researcher's ability to go back and forth from the field, collect and analyze data, and then return to the field to collect more data (Chun Tie, Y., Birks, M., & Francis, K. 2019).

Definitions

African American or African American: Terms used to refer to a person having origins in any of the African American racial groups of African ancestry (U.S. Census Bureau, 2011).

Civil rights: The rights of individuals to receive equal treatment (and to be free from unfair treatment or discrimination) in several settings, including education, employment, and housing, based on legally protected characteristics (Wilderman, 2012).

Ex-offender: A person who has completed their sentence after being remanded into custody by a court of law. Such a person has served time in either prison or jail (Jones, 2015).

HYTA: Homes Youthful Training Act provides youthful adult offenders (ages 18 but before age 26) with an opportunity to keep a criminal offense, including serious felonies, off of his or her permanent criminal record (Wilderman, 2012).

Lived experience: A term that reflects the expertise that one has acquired or lived through (Manen, 2016).

Mass imprisonment: A term that is defined by comparatively and historically extreme imprisonment rates and by the concentration of incarceration among young

African American men living in neighborhoods of concentrated disadvantage (Wilderman, 2012).

Poor: The state of not having enough money for the basic things that people need to live properly or having very little money and few possessions (Wilderman, 2012).

Racial disparities: The disproportionate contact of racial or ethnic groups with criminal justice institutions in relation to their presence in the general population (Wilderman, 2012). Racial disparities are often calculated at the state or federal level in terms of arrest, jail, and prison rates (National Criminal Justice Reference Services, 2017).

Racial equality: The belief that a person is an individual, regardless of their racial identity, and morally, politically, and legally should be treated as equal to others (Wilderman, 2012). This includes eliminating policies, practices, attitudes, and cultural messages that reinforce differential outcomes by race or fail to eliminate them (Amnesty International, 2015).

Recidivism: A person's relapse into criminal behavior, often after receiving sanctions or undergoing intervention for a previous crime (Wilderman, 2012). Recidivism is measured by criminal acts that result in rearrests, reconvictions, or returns to prison with or without a new sentence during the 3 years following the prisoner's release (National Institute of Justice, 2017).

Socioeconomic status: An individual's or group's position within a social structure. Socioeconomic status has many levels and classes and includes different variables, including, but not limited to, occupation, education, income, wealth, and place

of residence. Psychologists and criminologists often use socioeconomic status to predict behavior (American Psychological Association, 2020).

Assumptions

As a African American male who has personal experiences with the criminal justice system, I have seen first-hand the inequalities in the system and how African Americans are treated compared to their Caucasian counterparts. I assumed that African Americans were treated differently from other races when sentenced in Wayne County, Michigan.

Significance

Over the past several decades, state incarceration rates have dramatically increased in the United States. As a result of more punitive laws and harsher sentencing policies, millions of individuals are currently incarcerated in jails and state prisons in the country (Wright, 2010). The sentencing process has traditionally had many goals, including punishment, deterrence, and rehabilitation (Wright, 2010). However, factors currently being used by nonfederal judges, including socioeconomics, have increased the number of poor and minority defendants who have received harsher penalties (Wright, 2010). Laws allow leniency for punishment. However, due to the consideration of socioeconomics during the sentencing process, African Americans and the poor tend to have less lenient options applied to them during the sentencing process (Wright, 2010).

This research may contribute to the emerging body of knowledge regarding criminal sentencing by providing insight on the factors that judges use to determine

sentencing and the resulting effects. The results of this research may clarify the different sentences imposed on defendants with lower socioeconomic statuses compared to those defendants with higher socioeconomic statuses. In addition, it may add to knowledge on in sentencing disparity for African Americans and poor defendants resulting from their socioeconomic status. I sought provide current data and information about the factors used by judges when deciding what the sentencing of a criminal defendant should be. Positive social change may result from criminal sentencing that is fair. Fair criminal sentencing may lower recidivism, deter crime, lower crime rates, and make communities safe and vibrant (Wright, 2010). In addition, the defendants may perceive the justice system as having treated them fairly, without regard to their racial identity or socioeconomic status.

Summary

In this chapter, I provided an overview of the study, which included the background of the study, the problem statement, the purpose of the study, and the significance of the research. I also presented the RQs and described the theoretical framework and nature of the study. The chapter also included definitions of key terms and discussion of the assumptions of the study. I concluded Chapter 1 with an overview of the research that supports the need for this study as it relates to the disparities African American, male ex-offenders face, based on their socioeconomic status, during their criminal sentencing compared to their Caucasian male counterparts. The study may fill the gap in the literature on the potential obstacles and impact that the use of

socioeconomics may have during the criminal sentencing process. In Chapter 2, I present an in-depth review of the literature on racial and other disparities in criminal sentencing in the United States.

Chapter 2: Literature Review

Introduction

Over the last 10 years, researchers studying disparities in the criminal justice system have found extensive evidence of unequal treatment of racial and ethnic minorities (Hinton, 2018). However, most of the research is more narrowly focused on the areas of capital punishment and sentencing (Hinton, 2018). In this chapter, I review that literature, beginning with a look at the overrepresentation of African Americans within the criminal justice system compared to their percentage of the total population. Specifically, I will examine criminal sentencing disparities based on the socioeconomic status of African American men in Wayne County, Michigan, compared to their Caucasian counterparts.

An extensive review of research literature examining racial disparities at the federal and state level in felony sentencing follows. The section includes research on specific variables that contribute to racial disparities and the effects of sentencing guidelines that have been enacted to reduce or eliminate racial disparities in sentencing.

Literature Search Strategy

I searched for relevant literature from numerous databases including EBSCO. The search wasn't limited to just peer-reviewed scholarly journals. I used the search terms criminal defendant, socioeconomics, sentencing, punishment, and crimes. Next, the search was narrowed to articles published containing the exact same search terms.

Theoretical Framework

In conducting the study, I wanted to consider the full range of contributing factors that account for disparities in the criminal sentencing of African American men and that cause this public policy issue to be a societal problem. Two theories that provided the foundation for this study were the social action theory and rational choice theory. The social action theory is rooted in practical philosophy and provides a sociological explanation of why humans engage in collective rule-following (Netedu, 2010). The social action theory has informed the development of other theories, including rational choice theory (King, 2010; Schnabel, 2011). Netedu (2010) explained that rational choice theory has as its premise “that human beings” consider both individual and societal implications along with the costs and benefits of a particular action” (p. 36). Both theories align directly with the notion of expanding resources to address a societal problem within a community (Netedu, 2010).

Literature Review Related to Key Variables and/or Concepts

The most frequently studied issue regarding disparity in the U.S. criminal justice system is the variances in sentences given to Caucasian and minority offenders (Steffensmeier and Demuth, 2011). Sentencing involves several decisions; the first is whether to send the convicted to prison or put them on probation; next is the length of sentence to be served if incarcerated or if the terms of probation are violated (Steffensmeier and Demuth, 2011). Most of the research on sentencing deals specifically with the disparity between the imprisonment of Caucasian offenders and African American offenders (Austin & Allen, 2000). However, some limited research has

included data on offenders of Hispanic and Native American origin (Austin & Allen, 2000). Most researchers have found evidence of racial disparity in sentencing, although a few have not. I review this research before examining studies on the effect of federally mandated determinate sentencing on racial disparity.

Pennsylvania's criminal justice system has been studied more frequently than that any other state. Kramer and Steffensmeir (1993) extensively examined Pennsylvania, looking at 61,294 criminal cases for the years 1985-1987, to determine the effects of race, prior record, offense severity, and other offender characteristics on incarceration and length of the sentence. They use ordinary least squares regression and logistic regression methods to quantitatively examine data. The results showed that African American defendants were sentenced to longer periods of confinements than their Caucasian counterparts (Kramer & Steffensmeir, 1993). The bivariate correlations between race and the variables of offense severity and prior record were as strong or stronger than the correlations between race and sentence outcomes, and the correlations between sentence outcomes and the two variables were much stronger than the correlation between sentence outcomes, race, and the other variables considered. One notable limitation noted by the authors was the exclusion of consideration of the race of the victim. The authors concluded that higher incarceration rates of African Americans in Pennsylvania represented actual behavior rather than selection bias.

Kramer and Ulmer (1996) also examined Pennsylvania sentencing data to determine the degree to which sentences departed from the state's guideline recommendations. They examined data for 1985 to 1987 and 1989 to 1991 and

considered 24 extralegal differences that might be apparent in sentence, in addition to legally prescribed factors. Independent variables were a combination of legally prescribed variables (severity and type of offense and criminal history), case-processing variables (mode of conviction and court caseload), and offender-related variables (race, gender, and age), analyzed by logistic regression models. The researchers found that criminal history and offense severity had the strongest influences on dispositional departures, but African Americans were significantly less likely to receive dispositional departures than non-African Americans. Ordinary least squares regression results showed that legally prescribed variables accounted for 83% of the variance in determining dispositional departures. Race exerted a moderate influence on downward departures, with African Americans receiving moderately more minor departures than Caucasians, but defendants' race did not impact upward departures. The authors concluded that legally prescribed variables were the primary influences on every type of departure decision, but that dispositional departure also involves differences associated with race and gender.

In a separate study published in 1996, Ulmer and Kramer analyzed three Pennsylvania counties' sentencing decisions, focusing on the decision to incarcerate and the length of incarceration. Ulmer and Kramer used ordinary least squares regression procedures to analyze data. The authors controlled several factors in their analysis, including offense type, the severity of the offense, and prior record. They found that the formal legal aspects of offense type/severity and prior record were the most influential incarceration and sentence length predictors. However, the extralegal factors of the mode

of conviction, gender, and race were also significant. The authors also used qualitative data to answer their research questions; data included semi structured interviews with key court participants in each county. The authors concluded that the looser sentencing guidelines, involving a menu of sentencing options in Pennsylvania, raise the potential for the disparity in sentencing.

Austin and Allen (2000) analyzed Pennsylvania state prison admission data to examine racial disparity in imprisonment versus arrest. Admissions data for 1991-1995 in 10 categories of offenses were compared to arrest data for 1990-1994 to allow for a 1-year commitment lag. Racial disproportionality was calculated as equal to the ratio of expected African American-to-Caucasian commitment based on arrest divided by the actual percentage of African American-to-Caucasian commitment rates. The authors found that only 43.34% of the racial disproportionality in commitments to prison is explained by racial disproportionality at arrest. In comparison, 56.66% of racial disproportionality in commitment to prison cannot be accounted for by racially disproportionate offending, as reflected by the arrest rate. However, the authors did not control for prior criminal records, which other researchers have consistently found to be a significant factor in sentencing length and severity (Austin and Allen, 2000).

Steffensmeier and Demuth (2001) analyzed sentencing outcomes for Caucasian, African American, and Hispanic defendants in Pennsylvania between 1991 and 1994. The authors analyzed data from male defendants in counties with at least 3,000 Hispanics, which yielded 96,000 cases from 14 counties. The effects of ethnicity, age, offense severity, criminal history, and mode of conviction (trial or guilty plea) on the

decision to incarcerate and the length of the sentence were analyzed using a logit model, an ordinary least squares model, and a Tobit analysis. The data analysis showed that the 26 Caucasian defendants were least likely to be incarcerated and, on average, received shorter sentences than African Americans and Hispanics. As part of their multivariate analysis, they examined the main effect of ethnicity on sentence outcome, finding that, overall, Caucasian defendants were treated most leniently across both sentencing decisions. African American defendants were in the middle; Hispanics treated most harshly.

Research on sentencing disparities in other states has yielded mixed findings. Klein et al. (1990) examined the effect a defendant's race had on sentencing decisions in California in 1980, a period shortly after California enacted the 1977 Determinate Sentencing Act. This Act stated, "if a judge chose a prison sentence as punishment for a given offense, as opposed to probation, the defendant would have to be sentenced to the middle prison term unless aggravating or mitigating circumstances justified sentencing to the upper or lower term (Klein et al, 1990). The authors controlled for offense, prior record, race, and other offender characteristics. The analysis of the in/out decision, using Fisher's linear discriminant function, indicated that African American and Latino offenders were more likely to go to prison than Caucasians; however, the variables predictive of imprisonment were generally the same for all the crimes studied, and race was not one of the predictive variables. Regarding the length of prison term imposed, ordinary least squares multiple regression results indicated that race did not improve predictive accuracy for any of the crimes. The authors concluded that California courts

were making racially equitable sentencing decisions since the enactment of the 1977 statute, both in the prison or probation decision and in the length of prison terms imposed.

Alvarez and Bachman (1996) examined the extent to which American Indian offenders in Arizona received different sentences than Caucasian offenders, controlling for previous criminal history, age, gender, and educational levels. Multivariate regression analysis revealed that Caucasian defendants received significantly longer sentences for the crime of homicide, with contributing factors such as age, gender, and prior record also affecting the sentence length. The study showed that American Indian defendants received significantly longer sentences for the theft-related crimes of burglary and robbery, and age and prior record also affected the length and severity of the punishment given. A defendant's prior record consistently increased the length of sentence received across all types of crime. The authors concluded that disparity existed between sentences given to Caucasians and those given to American Indians.

Studying sentencing decisions in Maryland, Bushway and Piehl (2001) attempted to isolate the variation in sentencing outcomes caused by the discretion of the judge under the state's sentencing guidelines by calculating the difference between the recommended sentence for a particular offense and the actual sentence outcome as reflecting judicial discretion. The authors analyzed a sample from 1988 through 1995 of 14,633 individuals convicted of a single count of a person offense instead of property or drug offenses. The sample demographics comprised 65% African American, 33% Caucasian, and 2% Hispanic individuals. The authors' statistical analysis, a modified Tobit regression,

indicated that African Americans' sentences were 20% longer than Caucasians when age, gender, and recommended sentence length were held constant. However, sentences for African Americans were only 3% longer than Caucasians when legal factors were simultaneously allowed to control the guidelines and judicial discretion. Although the authors stated their intent was to explore a more effective way of separating warranted from unwarranted disparity, they concluded that judicial discretion was responsible for considerable unwarranted racial disparity in Maryland.

In Washington, Engen and Gainey (2000) examined the impact that offense seriousness and criminal history had on felony sentencing outcomes by analyzing 47,522 cases taken from the population of all felony sentences from July 1989 through June 1992. Ordinary least squares regression models were used to predict the length of confinement ordered, controlling for legally relevant factors such as offense type, offender characteristics, and mode of conviction. The model that controlled for offense seriousness and offender's criminal history explained 51% of the variance in sentence length, and for all four models, the explained variance (94-99%) was almost entirely attributable to legal factors rather than extralegal variables such as offender characteristics and mode of conviction. The authors concluded that the estimated effects of several extralegal characteristics, including sex and race/ethnicity, depend on the method used for modeling the effects of legally relevant variables. They noted that linear additive models show stronger effects for these variables than when researchers control the presumptive sentence and include the interaction between offense seriousness and

offender history. The authors also suggested that a similar problem exists with linear regression models.

Variables Contributing to Racial Disparity in Sentencing

Limited research has been conducted focusing on several specific variables contributing to racial disparity in sentencing. Researchers exploring the relationship between ethnicity and employment status to sentence severity and retention of private counsel in two Texas counties (one urban, one rural) analyzed stratified random samples from noncapital felony cases adjudicated both by trial and plea bargain from 1987 to 1989 (Holmes et al., 1996). The authors used logistic regression to determine the effects of social status variables (age, ethnicity, and employment), legal resource variables (retention of a private attorney and gaining pretrial release), and legally relevant variables (indictment charge severity, conviction charge severity, drug charge, violent charge, number of charges, injury to victim, use of firearm, and prior record) on sentence severity. Additionally, the authors used a subsample analysis with legal resource variables as dependent variables. Results indicated that persons indicted for a drug offense, females, and employed defendants were significantly more likely to have a private attorney.

In contrast, African American and Hispanic defendants were significantly less likely to retain an attorney. Legally relevant variables regarding current offense and prior record greatly affected sentence severity. The analysis also showed that older defendants were sentenced more harshly. Those treated more leniently during sentencing tended to be females, those with stable employment, and private attorneys. In the more urban

county, ethnicity did not significantly affect sentence severity; however, in the more rural county, Hispanics were sentenced more severely than Caucasians or African Americans (Holmes et al., 1996).

State-level capital punishment cases in the United States were studied using historical data to analyze how access to another legal resource, whether the case had been heard on appeal affected racial disparity (Aguirre & Baker, 1994). The data consisted of 5,708 state executions between 1853 and 1967 and 61 state executions between 1977 and 1986. The authors conducted two analyses, examining racial disparity in the imposition of the death penalty. The first reviewed 30 differences between Caucasians and African Americans, and the second examined differences between Caucasians and Hispanics. The authors found that both African American defendants and Hispanic defendants were significantly less likely to file an appeal than Caucasian defendants (Aguirre & Baker, 1994).

Data from Pennsylvania for the years 1991- 1994 were examined to determine the connection between social context and racial disparities in punishment decisions. The author proposed four hypotheses that link social context to racial disparities: (a) the urbanization hypotheses: sentencing decisions depend on the degree of urbanization in the surrounding community; (b) the racial threat hypothesis: where minority populations are a large proportion of the population, they are viewed as a more significant threat, up to the point where they make up the majority when their threat is seen to decline; (c) the economic threat hypothesis: economically disadvantaged populations, usually minorities, are seen as prone to commit crimes and therefore threatening; and (d) the crime control

hypothesis: when crime rates are high, the system responds by increasing severity, and minority offenders may be viewed as mainly responsible for the high crime (Britt, 2000, pp. 712-713). The author conducted two analyses to assess the effects of the dependent variables on the independent variables (sentencing decisions of incarceration versus probation and length of sentence given). The first was an individual-level analysis and the second a county-level analysis; dependent variables used included: offender characteristics such as race and criminal history, case characteristics such as offense severity, and county characteristics such as degree of urbanization, ethnic heterogeneity, racial income inequality, and average index crime rate. When analyzing the decision to incarcerate, the author used a multilevel logit model; for the sentence length, a multilevel regression model was used. Results indicated significant variation across counties in the way offenders were sentenced. The author found mild support for an effect of urbanization, no support for the racial threat or the crime control hypothesis, and mild support for the economic threat hypothesis. Across the jurisdictions, race was found to vary even after controlling for other offender and case characteristics, supporting his hypothesis that the impact of race varies by context. The data and analysis showed that African American prisoners were more likely to be incarcerated overall, yet they tend to receive slightly shorter terms overall. The author concluded that a study of racial disparities in a single jurisdiction or a small number of jurisdictions could be affected by the idiosyncrasies of that area, and, conversely, a study pooling data from several jurisdictions may obtain a null finding, as a result of positive and negative effects canceling out each other (Britt, 2000).

Effect of Guidelines on Racial Disparity

Only two studies were located that specifically examined the effect of federally mandated sentencing guidelines on racial disparity in sentencing, the topic of this research project. The long-term impact of sentencing guidelines in Minnesota on reducing the unwarranted difference in sentencing outcomes was analyzed using an interrupted time-series design (Stolzenberg & D'Alessio, 1994). Baseline, or guideline, data consisted of approximately 50% of convicted offenders for the fiscal year 1978, and post guideline data consisted of all persons convicted of a felony offense from 1980 through 1989. When conducting the analysis, the authors controlled for offense seriousness and 32 criminal histories. Using logistic regression analysis, the results indicated that sentencing guidelines initially reduced disparity for the prison/no prison sentencing decision, but the difference began to revert to guideline levels over time. When an ordinary least squares regression analysis was used, the results indicated that the reduction in disparity for prison length was maintained over time. Overall, the authors found an 18% decline in unwarranted disparity for the prison/no prison decision and an approximate decline of 60% for the length of prison sentence decision. The authors noted a critical limitation: the aggregation of offenses into broader categories rather than comparing specific offenses (Stolzenberg & D'Alessio, 1994).

Pennsylvania implemented sentencing guidelines in 1982, and a study was conducted using data before and after implementation; the authors analyzed data for 1977, 1983, 1992, and 1993 (Gorton & Boies, 1999). Multiple data sources revealed that African American defendants did indeed get lengthier punishments than their Caucasian

counterparts. However, the data also showed that the same group had higher rates of criminal offenses. During all 4 years analyzed, sentence length was correlated more strongly with offense severity and criminal history than any other variables. The authors concluded that, in 1977, before the implementation of the guidelines, race had a significant impact on the actual length of prison sentences received by felony offenders, but by the early 1990s, the effects of race declined to negligible amounts. However, the authors noted some limitations of doing inferential statistics on such large sample sizes (Gorton & Boies, 1999).³³

Tonry (1996) reviewed research on disparity reduction by both state and federal guidelines in Sentencing Matters. He found plausible evidence that state guidelines had reduced disparity in their early years, noting the extensive independent research done in Minnesota during the first 4 years after implementing the policies that found a reduction in disparity. In addition, he reviewed evaluations by the sentencing commissions of Oregon, Pennsylvania, Washington, and Delaware, which concluded that disparity had declined in each state since the implementation of guidelines. However, Tonry also pointed out that, since guidelines established standards for sentences where none previously existed, some effect on sentencing decisions is inevitable. He concluded that “the evaluation research evidence on this question is less definitive than it appears or than its celebrants claim” (1996, p. 42).

Race, Incarceration, and Probation

A body of literature has revealed that African Americans and Hispanics are overrepresented in the United States’ criminal justice system compared to other ethnic

groups (Wagner & Rabuy, 2017). According to the NAACP (2017), out of 6.8 million people in the correctional system, 2.5 million are African Americans. The Prison Policy Initiative provided an in-depth report on the correctional system in the United States (Rabuy & Wagner, 2017). The report revealed that in 2015, over 55% of people incarcerated in the United States were African Americans or Hispanics (NAACP, 2017). Research has shown that African Americans are more likely to receive differential treatment within the criminal justice system when compared to other racial groups (Lewis, Raynor, Smith, & Wardak, 2013). For instance, compared to individuals of any other race, African Americans are more likely to be apprehended by law enforcement, which increases their chances of being involved in the criminal justice system (Lewis et al., 2013).

In addition, African Americans and other minority groups are more prone to being “stopped and searched” than Caucasians (Lewis et al., 2013). African Americans consistently express discrimination in the criminal justice system, particularly in the probation process (Ho, Breaux, Jannetta, & Lamb, 2014). Probation is minimally constrictive, and it is the typical form of sanction (Ho et al., 2014). Probationers who do not follow the terms of their probation sentences progressively end up being incarcerated (Ho et al., 2014). However, the Bureau of Justice Statistics indicated that 55% of probationers are Caucasians, compared to 30% of African Americans (Kaeble et al., 2015). Past research has revealed that African Americans violate the terms and conditions of probation at considerably higher rates than Caucasians and Hispanics (Ho et al., 2014). Mainly, it is African American males who are repeatedly arrested and incarcerated

(Le'Brian, 2014). African Americans also experience discrimination within the criminal justice system due to social policies that lead to systematic racism (Lockett, 2013). Systematic or structural racism refers to the entirety of methods in which society promote racial bias through mutually supporting systems of residential, schooling, jobs, income, welfare, finances, media, health, and the judicial system (Bailey, Krieger, Agenor, Graves, Linos and Bassett, 2017). Gender and Probation in the United States Research have also shown that the number of females who commit crimes has increased during the past 15 years (Hall, Golder, Conley, & Sawning, 2013; Morash, Kashy, Smith & Cobbina, 2015).

Due to an increase in the number of crimes committed by females between 2002 and 2013, the number of female probationers increased from 22% to 25% (Herberman & Bonczar, 2014). Conversely, during that same time span, the number of male probationers in the United States decreased from 78% to 76% in committing crimes (Herberman & Bonczar, 2014). Although the number of female offenses has increased, males still comprise the vast majority of the population within the United States criminal justice system, almost 85% (Bynum, 2017). Compared to male offenders, female offenders are more likely to be placed on probation instead of incarceration (Phelps, 2017). However, females are placed on probation 7% less than their male counterparts (Philippe, 2017). In 2012, over 950,000 females were on probation, which constituted approximately 25% of the population of all offenders on probation, while males represented 75% of probationers (Morash et al., 2015). Within the United States court

system, females tend to receive more lenient sentences than their male counterparts (Freiburger & Hilinsld, 2013; Goulette, Wooldredge, Frank, & Travis, 2015).

According to the U.S. Federal Sentencing Guidelines, sentences for female offenders tend to be 10% to 30% more lenient than sentences for male offenders (Bagaric & Bagaric, 2016). Also, female offenders tend to have extensive traumatic histories of neglect and abuse; this history may influence judges to give the offender a more lenient sentence such as lighter jail time or probation (Bagaric & Bagaric, 2016). Furthermore, Goulette et al.²⁷ (2015) proposed that female offenders tend to be more responsive to rehabilitation programs and present a lesser risk of recidivism when compared to males. Gould, Pate, and Sarver (2011) conducted a research study to determine whether female offenders were more likely to complete their probation supervision terms than males. The sample consisted of 1000 males and females whose probation cases were closed. The data were collected using records from community corrections and corrections department archived files. The collected data included the variables of race, gender, and age. Results revealed that female probationers compared to male probationers were no more likely to complete the probated sentence successfully, and female probationers were no more or less likely to commit new charges or technical violations compared to males.

The researchers suggested that future studies should address the connections between gender and race when making probation resolutions because more research is needed related to gender. Findings from this study are relevant to this proposed study as it provided empirical findings regarding the demographics of male and female probationers and the likelihood of completion of a probated sentence according to gender.

Attorney Representation and Likelihood of Probation

Attorney representation is essential in making sure offenders have adequate counsel and that due process is followed (Cohen, 2014). It is the responsibility of the court to gather the relevant financial background information of a defendant to make a proper determination regarding what type of legal representation will be provided to criminal offenders (Williams, 2013). In the United States, public defenders are primarily used to represent offenders who cannot obtain private attorneys (Williams, 2013). Serving indigent offenders is fundamentally the responsibility of the criminal justice system, and indigent offenders have the constitutional right to receive legal counsel (Shem-Tov, 2017). However, court-appointed attorneys and public defenders both wrestle with significant caseloads problems (Williams, 2013). Attorneys representing poor offenders tend to lack the necessary resources needed to defend their clients (Williams, 2013) adequately. Overly stretched public attorneys may not correctly examine the case files, and they may encourage defendants to make a plea bargain to avoid having to go to court (Williams, 2013). The right to counsel was established by the Sixth Amendment to the United States Constitution; however, the right only applies to federal court cases (Cohen, 2014). Bronner (2012) noted that counsel has rarely represented defendants in misdemeanor cases.

However, during the seminal case, *Gideon v. Wainwright* (1963), the United States Supreme Court held that indigent offenders facing jail-time in felony or misdemeanor proceedings must be represented by an attorney (Bronner, 2012; T. Cohen, 2014). This decision was rooted in the idea that they're poor and cannot afford an

attorney could be denied a fair court proceeding if counsel is not provided (Natapoff, 2014). Research has shown that offenders who exercise their "right to counsel" and obtain an attorney decrease the likelihood of erroneous convictions (Hashimoto, 2012). In other words, the presence of counsel during legal proceedings increases the chances that defendants will be treated fairly during court hearings (Natapoff, 2014). In addition, some research has revealed that the type of attorney makes a difference in the outcomes for defendants (Natapoff, 2014).²⁹

Attorney Representation and Due Process

Fair treatment provided by the judicial system in ensuring counsel is appropriately provided to defendants is Due Process (Natapoff, 2014). Dolan and Carr (2015) emphasized that an attorney must be present to explain to accusers their sentencing options for due process to occur. If a probationer violates the terms and conditions of probation, the defendant could be ordered to serve jail time (Hashimoto, 2015). Attorneys also make sure that defendants are aware of the outcomes of selecting a sentencing option (Dolan & Carr, 2015). These attorney obligations are essential for poor offenders. If poor offenders are not aware of their sentencing options, they are easily persuaded to make a "plea-bargaining," which may result in a stricter sentence (Bright, 2013). In *Alabama v. Shelton* (2002), the Alabama Supreme Court held in its decision that indigent defendants have a right to be represented by counsel if facing jail time (Cohen, 2014).

The United States Supreme Court upheld the Alabama Supreme Court's ruling that an attorney must be provided when a defendant is confronted with a suspended sentence, such as probation (FindLaw, 2017). This ruling is vital to ensuring due process

because indigent probationers have the right to be represented by counsel (Hashimoto, 2015). Attorney representation is critical because poor offenders who legal counsel does not represent may not understand how the court system works (Bright, 2016). Plashimoto (2012) conducted a quantitative study to determine whether misdemeanants were represented adequately by counsel before sentencing. The sample analyzed consisted of 2789 misdemeanor defendant cases and 2000 felony defendant cases. The authors collected data by utilizing surveys from public attorneys' agency records. The final results showed two themes that emerged from the misdemeanants' representation in court hearings. First, courts were failing to supply defendants with counsel. Secondly, 33% of misdemeanor offenders waived their right to counsel. One limitation of the study was that the data from the 2007 surveys did not account for most of the misdemeanor offenders in that jurisdiction. Therefore, the limited amount of data of offenders with misdemeanor charges may have prevented the researchers from obtaining a significant number of cases where an attorney did not represent the defendant.

Findings from this study are relevant to this proposed research because they provided empirical findings regarding the lack of attorney representation for misdemeanor offenders in court proceedings. Probationers who an attorney does not represent are denied the opportunity for due process (Bellacicco, 2013). Defendants must be given a chance to be represented by an attorney even if they desire to enter a plea to avoid court (Hashimoto, 2012). Also, probationers should be entitled to an attorney even if they "admit or deny" the violation of probation in revocation proceedings (Hashimoto, 2012). Admission or denial of violating the conditions of probation should not predict

whether or not a probationer will serve jail time (Hashimoto, 2012). According to Bronner (2012), due process is denied, and constitutional rights of indigent probationers are violated when warrants are issued; they are arrested, tried, and convicted while not being provided "right to counsel. There are several conditions of probation including " Maintaining employment" (Chintakrindi et al., 2015). African Americans have experienced increased rates of indigency and joblessness. Additionally, African Americans are at a disadvantage related to work, finances, and schooling, which are factors that place them at an increased risk of criminal activity (Lewis et al., 2013). In Georgia, unemployment is a serious concern, and it is one of the main reasons that cause offenders to repeat crimes (Fo, 2012).

Without employment, it is difficult for indigent probationers to pay their fines and fees as directed by their probation sentence (Bichler & Nitzan, 2014). However, several variables are related to an offenders' lack of employment (Lockwood, Nally & Ho, 2016). Lockwood et al. (2016) conducted a series of examinations of almost 4000 offenders who were released from incarceration. Results from the 5-year follow-up indicated that unemployment had the most significant impact on repeated offenders finding employment regardless of race and educational training. Therefore, it is a considerable financial burden when an indigent or jobless probationer is required to make court-ordered payments (Albin-Laclcey, 2014b). Ergungor and Oliver (2013) estimated that between 60% and 75% of offenders remain unemployed for at least 1 year after being released from incarceration. Findings from past research have shown that released; unemployed offenders were more likely to become repeat offenders because they do not

possess the economic "backing" to support themselves (Nally et al., 2012). Ergungor and Oliver (2013) provided a review of what indigent offenders endure after being released from incarceration. Ergungor and Oliver (2013) found that former offenders tended to work fewer hours, made less money, and had fewer chances of advancement than the general public (Ergungor & Oliver, 2013).³² Employment has been an essential factor in helping probationers be economically sufficient (Cottle, 2017).

However, probationers experience roadblocks that hinder them from obtaining employment (Chintakrindi, Porter, Kim, & Gupta, 2015). The criminal background for probationers can negatively impact their possibilities of acquiring future employment (Chintakrindi et al., 2015). Statistics have revealed that the employment rate for past offenders looking for employment varies from 25% to 40% (Chintakrindi et al., 2015). In reviewing criminal histories, potential employers assume that the offenders are not dependable before considering other factors such as their past employment, skillfulness, and job training (Chintakrindi et al., 2015). Furthermore, probation conditions and extensive enforced supervision may hinder probationers from obtaining employment, particularly when probationers spend various time spans in jail (Chintakrindi et al., 2015). Cottle (2017) emphasized that job stability is a significant factor in reducing the incarceration of repeat offenders. Therefore, if probationers can obtain and maintain gainful employment, it has been demonstrated to be a positive factor in preventing them from committing new offenses. Courts' Responsibility of Fair Treatment Court systems is responsible for ensuring that judges, probation officers, and attorneys provide civil services to court defendants despite difficult situations such as indigency or

unemployment (Geraghty, 2016). The court's responsibility is to determine whether a probationer has willfully declined to make payments by determining and assessing the probationers' financial status (Albin-Lackey, 2014a). Also, it is the court's responsibility to provide alternative sentencing, such as community service work instead of jail time to indigent offenders who cannot pay court fines and fees (Albin-Lackey, 2014a).

However, in revocation hearings, courts allow probation companies to determine what sanctions should be utilized (Albin-Lackey, 2014b). Revocation hearings are conducted by the courts when a probationer has violated the terms of the sentence or when a new charge has been committed (Montecalvo, Maguire & Yingling, 2016). Unfortunately, private agencies use revocation proceedings to incarcerate people solely for their inability to pay fines and fees and not due to the commission of a new offense (Albin-Lackey, 2014b). Consequently, mass incarceration is a result of revocation hearings (Montecalvo et al., 2016). Revocation hearings are also causing a higher level of job loss, poverty, and other structures of financial distress (Albin-Lackey, 2014a). Summary and Conclusion Critics deemed private probation a practice that the courts use to jail people who failed to pay their court fines and fees (Helyar-Caldwell, 2012). Probation should provide the most considerate, reasonable, and economical ways for the court system to keep probationers from being incarcerated (Helyar-Caldwell, 2012).

Private probation companies and local governments are profiting from indigent offenders by imposing costly fines and misdemeanor offenses (Samoff, 2014). Some local government systems rely on the revenue produced by private probation companies by overcharging defendants with the court costs (A. Cohen, 2014). The threat of

incarceration toward poor offenders has made them feel intimidated and exploited by the criminal justice system (Doherty, 2015). The threat of incarceration has been used as a tactic against probationers to persuade them to make payments toward court fines and supervision fees (McCullough, 2016).³⁴

The prison-industrial complex theory (PIC) served as the theoretical foundation for this study. The PIC has provided a foundation for understanding the collaboration of the private sector and governmental corrections departments. African Americans are more likely than any other racial group to be apprehended by law enforcement (Lewis et al., 2013). Consequently, African Americans are more likely to violate the terms and conditions of probation at considerably higher rates than Caucasians and Hispanics (Ho et al., 2014). Although females are more likely to receive a probation sentence than their male counterparts (Phelps, 2017), there is no difference in the rates at which males and females complete terms of probation.

Attorney representation is essential to ensure all parties involved in court proceedings follow "due process." Every defendant should be allowed to be represented by counsel when entering a plea (Hashimoto, 2012). However, attorneys who represent indigent offenders have been cited for failing to provide adequate counsel to those who have the possibility of serving jail time (T. Cohen, 2014). Employment is an essential factor in ensuring probationers make their court-ordered payment towards fines and fees (Bichler & Nitzan, 2014). However, probationers tend to experience difficulties maintaining employment due to recidivism, criminal histories, and the lack of job training (Chintakrindi et al., 2015). When the court orders costly fines and fees on indigent

offenders as part of their sentence, indigent offenders face a greater likelihood of failing to pay their court-ordered obligations (Albin-Lackey, 2014b).

Summary

In this chapter, I reviewed the extensive literature on racial and ethnic disparities in the U.S. criminal justice system. As I noted, most of the research is on capital punishment and sentencing. I found fewer studies that took socioeconomic status into account. Specifically, there are few studies of private probation companies that engage probationers who are poor and cannot afford to make court-ordered payments toward court fines and supervision fees (Bynum, 2017). To some critics, private probation supervision services are regarded as problematic because of their treatment of indigent people (Stillman, 2014). In this chapter, I reviewed specific variables that contribute to racial disparities and examined the effect of sentencing guidelines that have been enacted to reduce or eliminate racial disparities in sentencing. The literature review supports further research on disparities in the criminal sentencing of African American and Caucasian men based on their socioeconomic status. In Chapter 3, I will explore the research methods and design of the study.

Chapter 3: Research Method

Introduction

The current U.S. criminal system, which allows judges to order fines and penalties based on socioeconomics, has resulted in a disproportionate number of African Americans receiving harsher penalties compared to other populations (Bergman & Bergman, 2013). To critics, this is an alarming societal issue. Judges are making these decisions based on several factors, including socio-economic status (Mauer, 2012). As a result, African Americans have received harsher sentences than their Caucasian counterparts for the same crimes (Pettit & Sykes, 2015). In this study, I consider other contributing factors. In particular, I focus on sentencing disparities for African American men in Wayne County, Michigan. The data show that African Americans are less likely to have less lenient sentencing options applied to them, even though current laws allow leniency for punishment (Mauer, 2012).

In this chapter, I describe the methodology used for this study. The sample size, study design, instrumentation, sampling method, data analysis methods, and population are described. In addition, I address ethical considerations, along with study limitations and threats to validity.

Research Design and Rationale

The main RQ and the three SQs for this study were as follows:

RQ: Are African Americans receiving harsher penalties at sentencing than other races when judges are making their decisions based on socioeconomics in Wayne County, Michigan?

SQ1: Whether the defendant received a public offender or not, did it make a difference in the outcome?

SQ2: What were the factors that prosecutors used to determine the sentence recommendation?

SQ3: What were the factors that the sentencing judges used to determine the sentence?

The nature of this study was qualitative. I used a case study approach to outline the experiences of offenders in the Wayne County, Michigan, circuit court system. I interviewed defendants to research the differences between imposed sentencing that incorporated socioeconomics and those that did not. To analyze data, I used a grounded theory approach. This approach focuses on the researcher's ability to 3 (Merriam, 1998).

Methodology

Participant Selection Logic

For this study, the targeted research population were individuals who have been convicted of a felony in Wayne County, Michigan, within the last 10 years. Only individuals who were sentenced and completed all the terms and conditions of the sentence were allowed to participate. In addition, I analyzed only self-reported data from these individuals.

Instrumentation

The method of instrumentation used for this study was interviews. There were numerous safeguards in place to ensure there was no persuasion during this process.

(Sanjari et al., 2014; Yin, 2013). With me having a law degree and experience interviewing clients while working at a law firm, that aided me with ensuring there were no issues with validity or reliability regarding the collection of this data, as well as, this help keep configuration with the research questions.

Procedures for Recruitment, Participation, and Data Collection

In this case study, I interviewed 20 men who had been sentenced in Wayne County Circuit Court and had completed all of the terms of their sentence and probation. Ten interviewees were African American, and the other 10 were Caucasian. I engaged with the Prisoner Re-Entry Program and used social media and word of mouth to locate participants. I met with participants in a conference room at an office which provides services for ex-offenders. Participants were interviewed with a series of open-ended questions regarding their experience of the criminal justice system, including their race, socioeconomic status, and whether they received probation or were sent to jail or prison, among other questions.

In Michigan, court officials use a scoring system which is called sentencing guidelines (Engen, R. L., & Gainey, R. R. (2000). The process includes the probation department completing a presentence report after staff interview the defendant and then making the recommendation for sentencing. In Michigan, if prosecutors object to the sentence recommendation, they must put their objection on the court record. However, judges can take the recommendation or depart from the recommendation of the probation department. I was only interested in the judges who placed their findings on the record as

this would assist in understanding why the judge made the decision that they made regarding sentencing.

All 20 participants signed a consent form, as well as confirmed their consent on the audio recording of the interview. I kept all of their identifying information confidential. The interviews were recorded with both a tape recorder and through the Otter program. The interviews were later transcribed for data analysis. After the recorded interviews were transcribed, I returned the transcribed interviews to the participants to verify the accuracy of their statements. Once the participants confirmed accuracy, I then proceeded with data analysis of the interview data.

Data Analysis Plan

I entered the data into the NVivo software program for analysis. First, I calculated descriptive statistics. Frequencies and percentages were run for categorical data, including the defendant's race, whether the defendant was employed, whether the defendant used a retained or court-appointed attorney, and so forth.

Issues of Trustworthiness

All data used in the study are part of public record; however, to adhere to IRB requirement and to ensure confidentiality, I received consent from each participant before conducting the in-person interviews. I also assigned an anonymous number to each participant for identification purposes. To analyze the data, I used NVivo, a qualitative data analysis computer software package produced by QSR International. The validity and reliability of the study were based on the use of grounded theory and the statistical analysis of the participant's data.

Ethical Procedures

Ethical considerations are fundamental and important links to research. As noted in the *Belmont Report*, respect for persons, autonomy, justice, and beneficence are key aspects of ethical research (U.S. Department of Health and Human Services, 1979). IRB approval was requested and approved (10-13-21-0310664) before starting any research and speaking with any participant. I redacted all personal information involving the defendant, as well as, a participant number was given to each defendant to ensure their confidentiality. The name of the participating organization was also kept confidential. The public use data that were analyzed did not contain identifiable information; this information was redacted to protect confidentiality. There should be no potential ethical concerns during the data collection, considering the lack of personal identifiers and usage of archival data sets.

Summary

In summary, I conducted one-on-one interviews to obtain data to answer the study's RQs. I entered the data into the NVivo software program for analysis and calculated descriptive characteristics for the sample. Frequencies and percentages were run for categorical data, including the defendant's race, whether the defendant was employed, whether the defendant used a retained or court-appointed attorney, and so forth. Using the NVivo database assisted in ensuring there were no biases in the analysis. I will further report on the data collection process and results in Chapter 4.

Chapter 4: Results

Introduction

In this chapter, I present the research findings of the data collected from the case study interviews. The purpose of this qualitative study was exploring whether there are disparities in criminal sentencing in Wayne County, Michigan, based on a defendant's socioeconomic status. The findings from this study could provide insight into the effects of socioeconomics during the sentencing process.

I conducted 20 interviews with individuals convicted of a felony in Wayne County, Michigan, within the last 10 years. Each interview participant answered similarly analyzed and reported questions that were used to uncover themes and patterns in participants' perceptions. I present the findings in relation to the four RQs stated in the study, with supporting evidence presented in tables.

The findings include data confirming and contradicting previously held notions and assertions to present a complete picture of the findings. The interview transcripts and analysis confirm the themes and patterns identified in the data. In analyzing the data, I focused on the perceptions of the sample groups interviewed. These data served as a basis for the identification of themes and patterns. In this chapter, I have organized the findings to connect to the problem statement identified at the beginning of the research. They are analyzed through the conceptual framework, social action theory and rational choice theory. I then present the findings to answer the four RQs for the study.

Setting

There were no known organizational conditions that may have influenced the participants. Each participant had been convicted of a felony in Wayne County, Michigan, within the last 10 years. I allowed only individuals who completed all the terms and conditions of their sentence to participate in the study.

Demographics

The results of this qualitative study are based on interviews of 20 male individuals who had been convicted of a felony in Wayne County, Michigan, within the last 10 years. All participants voluntarily agreed to be interviewed, and all had completed all the terms and conditions of their sentences. Table 1 provides a demographic overview of all the participants. Participants answered questions about their age, race, education, marital status, and number of children and whether they receive state assistance.

Table 1*Demographic Characteristics of Case Study Participants*

Demographic category	Frequency	%
Age		
20-25	4	20
26-30	10	50
31-35	6	30
Race		
African American	10	50
Caucasian	10	50
Marital status		
Married	6	30
Single	12	60
Divorced	2	10
Education		
High School graduate or less education	13	65
Some college	2	10
College graduate or higher degree obtained	5	25
Children		
Yes	15	75
No	5	25
Receives state assistance		
Yes	11	55
No	9	45

Data Collection

In this case study, I interviewed 20 men who were sentenced in Wayne County Circuit Court and had completed all of the terms of their sentence and probation. Ten of these interviewees were African American, and the other 10 were Caucasian. I worked with the Prisoner Re-Entry Program and used social media and word of mouth to locate these participants. I met with participants in a private location in a conference room at an office. Participants were interviewed with a series of open-ended questions regarding their experience in the criminal justice system. Questions included their race, socioeconomic status, whether they received probation or were sent to jail or prison, among other questions.

All participants signed a consent form, as well as recorded their consent on the recorder permitting their answers and responses to be included. All of their identifying information was kept confidential. The roughly 90-minute interviews were recorded with both a tape recorder and through the Otter program. The interviews were later transcribed for data analysis. After the recorded interviews were transcribed, I returned the transcribed interviews to the participants to verify the accuracy of their statements. I then used the interviews from the 20 participants and the data collected to begin my data analysis.

Data Analysis

I performed thematic analysis to outline the experiences of offenders in the Wayne County, Michigan, circuit court system. Transcripts were uploaded into a computer software program, NVivo 12, and coded manually using the software. First, I

reduced data into more manageable units by summarizing, paraphrasing, and outlining each interview recording (Boyatzis, 1998; Miller & Crabtree, 1992; Weitzman & Miles, 1995). Then, two coding phases were conducted: (a) open coding to develop initial categories and (b) focused coding to identify central themes. (Boyatzis, 1998; Lofland & Lofland, 1995; Strauss & Corbin, 1990).

Open coding is the process of breaking down, examining, comparing, conceptualizing, and categorizing qualitative data (Strauss & Corbin, 1990). I compared and contrasted the frequency of the themes and keywords of the reported events, listing similarities and differences to identify emergent themes and keywords that distinguished between the initial codes. NVivo's word frequency query generated word frequency outliers for comparison.

Focus coding involves examining the codes to determine how useful they are and thus helps ensure that the differentiation between each experience was maximized (Boyatzis, 1998; Lofland & Lofland, 1995). I conducted focus coding by noting the number of times a preliminary theme was present in the subsample data. As a result, codes were eliminated that were not used frequently, redundant or overlapping codes were collapsed, and vague codes were elaborated upon. NVivo's cluster analysis feature visualizes patterns across interview transcripts and nodes.

Analysis of Participant Responses

I coded interview questions using the open and focus coding process and analyzed the findings independently. In this section, I discuss the responses by interview question. Tables are provided wherever coding exposed distinct categories.

Question 1: Were You Employed at the Time of Your Charge(s)?

Most respondents ($n = 12$) were not employed when they were charged. Eight participants were employed. Of the eight employed, five worked in manual labor or service industry. The other two worked as professionals in IT and engineering.

Question 2: During Any Time of Unemployment, What Did You Do for Money?

Participants made money during unemployment from either parent ($n = 5$), on the streets ($n = 10$), or both ($n = 4$). One participant commented that they had never been unemployed. When participants spoke about making money on the streets, they also referenced selling drugs or illegal things, "the hood," and hustling.

Question 3: What Crime(s) Were You Charged Within Wayne County?

The chief criminal charges listed fell into three groups: statutory crimes ($n = 16$), financial crimes ($n = 3$), and crimes against property ($n = 1$). The most statutory crime charge was possession of marijuana, followed by carrying a concealed weapon, narcotic opioid possession, driving under the influence, and last, intent to deliver. The most frequent financial crime was a fraud. Fraud included retail fraud, uttering and publishing, and cashing insufficient fund checks.

Table 2*Criminal Charges Amongst Participants*

Category	Properties	Dimensions
Criminal charge	Statutory crimes	Possession of marijuana Narcotic-opioid possession Intent to deliver DUI Carrying a concealed weapon
	Financial crimes	Fraud Embezzlement
	Crimes against property	Theft Malicious destruction of property Breaking and entering

Question 4: Did You Have Any Prior Convictions?

Eleven out of 20 participants did not have prior convictions. Nine out of 20 participants did have prior convictions.

Question 5: Did You Retain an Attorney or Appoint a Court-Appointed :lawyer?

Fourteen out of 20 participants were appointed a court-appointed attorney. Six out of 20 participants retained an attorney.

Question 6: Can You Share What the Prosecutor and Probation Department Recommended for Your Sentencing?

The prosecutor and probation department gave five different recommendations to participants: attending a treatment or education program ($n = 2$), probation ($n = 15$), prison time ($n = 11$), paying fines or restitution ($n = 2$), and supervised release ($n = 1$).

Question 7: What Sentence Did the Judge Impose on You? Can You Describe How You Felt About the Sentencing? Do You Think It Was Fair? Did the Judge State Anything on the Record About Your Past, Upbringing, etc.? Do You Think Your Socioeconomics Played a Part in the Sentencing? If So, Why?

Judges imposed nine sentences on participants. Five were similar to the recommendations of prosecutors and the probation department: attending treatment or education programs ($n = 7$), probation ($n = 16$), prison time ($n = 7$), and paying fines and restitution ($n = 7$). Four were different from the recommendations: tether ($n = 4$), parole ($n = 1$), HYTA ($n = 2$), and job restraints ($n = 1$).

Evidence of Trustworthiness

All data used in the study are part of public record; however, the individuals all consented to be interviewed and consented after the interviews were transcribed. I assigned an anonymous number to each interviewee for identification purposes. I analyzed data using NVivo, a qualitative data analysis computer software package produced by QSR International.

Results

The RQ and SQs for the study were as follows:

RQ: Are African Americans receiving harsher penalties at sentencing than other races when judges decide based on socioeconomics in Wayne County, Michigan?

SQ1: Whether the defendant received a public offender or not, did it make a difference in the outcome?

SQ2: What were the factors that prosecutors used to determine the sentence recommendation?

SQ3: What were the factors that the sentencing judges used to determine the sentence?

Research Question 1

Prosecutor and probation department recommendations and judges' sentences were analyzed across the racial demographics of the participants. The results show harsher sentences for African Americans than Caucasian participants compared to the recommendations given. The prosecutor or probation department and judges gave prison time as a recommendation or sentence to more African American than Caucasian participants. Although the number of African Americans receiving prison time as a recommendation or sentence was the same, only African Americans were given prison time as a sentence. No Caucasian participants received prison time as a sentence compared to the four recommendations from the probation department and prosecutors.

More Caucasian participants were given the option of probation as a recommendation and sentence. The number of African American participants with the option of parole in their recommendation and their sentence was the same (n=7); however, more Caucasian participants were given the option of probation at their sentence (n=9) than was recommended (n=8).

The sentence of paying fines or restitution was given to more African American than Caucasian participants differing from the recommendations where fines and restitution were recommended equally to the two groups.

More Caucasian participants were sentenced to treatment or education programs than African American participants. Treatment and education programs were not recommendations given to Caucasian participants by the prosecutors or probation department. This recommendation was only given to African American participants.

Lastly, only African American participants received a job constraint as a sentence. Although it was not a frequent option, only Caucasian participants received the option for HYTA. Lastly, only more Caucasian participants received treatment or education as a part of their sentence.

Table 3

Prosecutor and Probation Department Recommendations by Defendant's Race

	African American (10)	Caucasian (10)	Total (20)
Treat programs, education	2	0	2
Probation	7	8	15
Prison time	7	4	11
Fines, restitution	1	1	2
1 year supervised released	1	0	1

Table 4*Judicial Sentence by Defendant's Race*

	African American (10)	Caucasian (10)	Total (20)
Treatment, education	2	5	7
Tether	2	2	4
Probation	7	9	16
Prison time	7	0	7
Parole	1	0	1
Option for HYTA	0	2	2
Job restraints	1	0	1
Fines, restitution	4	3	7

Sub question 1

Sentence recommendations and sentences imposed were analyzed across participants with different attorneys. The results showed that participants with retained attorneys were less often given harsher penalties and more often given more rehabilitative sentences.

A higher percentage of participants with a court-appointed attorney received prison time as a recommendation. In contrast, only 2 out of the 6 participants with

retained attorneys received prison time as a recommendation. Similarly, a higher percentage of participants with a court-appointed attorney received prison time, while only 1 participant with a retained attorney received prison time. Probation was the most common sentence and recommendation amongst both groups; however, a higher percentage of participants with retained attorneys received probation as a sentence. More participants with retained attorneys received fines or restitution and treatment and education as a sentence than participants with court-appointed attorneys.

Table 5

Attorney Type by Prosecutor and Probation Department Recommendations

	Court Appointed (14)	Retained (6)	Total (20)
Treat programs, education	1	1	2
Probation	10	5	15
Prison time	9	2	11
Fines, restitution	1	1	2
1 year supervised released	1	0	1

Table 6*Attorney Type by Judicial Sentence*

	Court Appointed (14)	Retained (6)	Total (20)
Treatment, education	3	4	7
Tether	3	1	4
Probation	11	5	16
Prison time	6	1	7
Parole	1	0	1
Option for HYTA	1	1	2
Job restraints	1	0	1
Fines, restitution	3	4	7

African American participants with court-appointed attorneys are more likely to receive prison time and less likely to receive probation as part of their sentence or sentence recommendation.

6 out of the 7 African Americans with court-appointed attorneys received prison time as a recommendation compared to 1 out of 3 African Americans with retained attorneys.

Additionally, only African Americans with court-appointed attorneys received fines, restitution, or supervised release as a sentence recommendation. There were no

significant differences between Caucasian participants with court-appointed attorneys and

retained attorneys. A majority of Caucasian participants in both groups received probation as a sentence recommendation.

6 out of 7 African Americans with court-appointed attorneys received prison time as a sentence.

6 out of 7 African Americans with court-appointed attorneys received prison time as a sentence. Only one out of 3 Africans with retained attorneys received prison time as a sentence. The exact number of African Americans in both groups received treatment or education as a sentence (n=1). More Caucasian participants received treatment and education as a sentence in both groups than African Americans. The majority of all participant groups received probation as a sentence. Parole was only granted to African Americans with a court-appointed attorney (n=1).

Table 7*Probation Department Recommendations by Attorney Type and Defendant's Race*

	Court Appointed (14)		Retained (6)		Total (20)
	African American (7)	Caucasian (7)	African American (3)	Caucasian (3)	
Treat programs, education	1	0	1	0	2
Probation	4	6	3	2	15
Prison time	6	3	1	1	11
Fines, restitution	1	0	0	1	2
1-year supervised release	1	0	0	0	1

Table 8*Judicial Sentence by Attorney Type and Defendant's Race*

	Court Appointed (14)		Retained (6)		Total (20)
	African American (7)	Caucasian (7)	African American (3)	Caucasian (3)	
Treatment, education	1	2	1	3	7
Tether	2	1	0	1	4
Probation	4	7	3	2	16
Prison time	6	0	1	0	7
Parole	1	0	0	0	1
Option for HYTA	0	1	0	1	2
Job restraints	1	0	0	0	1
Fines, restitution	3	0	1	3	7

Sub question 2

Older participants were given less harsh recommendations than younger participants.

Although probation and prison time was the most frequent recommendations for each group, all participants age 31-35 were given the option of recommendation, compared to the 60% of participants 25-30 and 50% of participants ages 20-24. Additionally, participants age 31-35 had a lower percentage of participants recommended prison time

than the other two age groups. Older participants were also the only group given the rehabilitative sentence recommendation: treatment and education programs. Fines and restitution were only recommended for ages 20-30 and not the oldest age group of 31-35.

Table 9

Prosecutor and Probation Department Recommendations by Defendant's Age

	20-24 (4)	25-30 (10)	31-35 (6)	Total (20)
Treat programs, education	0	1	1	2
Probation	3	6	6	15
Prison time	2	6	3	11
Fines, restitution	1	1	0	2
1 year supervised released	0	1	0	1

Treatment and supervised release were only recommended for singles. Singles were also the only group to receive recommendations in each category. Married individuals were only offered probation prison time, and fines as recommendations and divorcees were only offered probation and prison time. Probation was the most frequent recommendation amongst singles and married individuals, followed by prison time. Probation and prison time were equally recommended for divorcees

Table 10*Prosecutor and Probation Department Recommendations by Defendant' Marital Status*

	Single (12)	Married (6)	Divorced (2)	Total (20)
Treat programs, education	2	0	0	2
Probation	8	5	2	15
Prison time	6	3	2	11
Fines, restitution	1	1	0	2
1-year supervised released	1	0	0	1

There was more diversity in sentence recommendations for those receiving state assistance. All five-sentence recommendations were given out to those with state assistance. Those not receiving state assistance only received probation, prison, and fines as recommendations. More participants that received state assistance were given probation than prison time. In comparison, those not on state assistance received prison time and probation an equal number of times. One participant from each group received fines, and restitution was a sentence recommendation.

Table 11

Prosecutor and Probation Department Recommendations by Defendant's Receipt of State Assistance

	No (9)	Yes (11)	Total (20)
Treat programs, education	0	2	2
Probation	6	9	15
Prison time	6	5	11
Fines, restitution	1	1	2
1-year supervised released	0	1	1

Individuals with prior convictions received three recommendations: probation, prison time, and fines. Those with no prior convictions were given every other recommendation except fines. The most frequent recommendation for those without convictions was probation. The second was prison time. Prison time and probation were given equally to those with prior convictions. Only individuals without prior convictions were recommended to get treatment programs and education.

Table 12

Prosecutor and Probation Department Recommendations by Defendant's Prior Conviction Status

	No (11)	Yes (9)	Total (20)
Treat programs, education	2	0	2
Probation	9	6	15
Prison time	5	6	11
Fines, restitution	0	2	2
1-year supervised released	1	0	1

Probation was the most frequent recommendation for participants with kids, followed by prison time. Individuals without children received probation and prison times as recommendations equally. Treatment and fines were equally recommended for both groups/ Supervised release was only recommended to an individual with a child.

Table 13*Prosecutor and Probation Department Recommendations by Defendant's Parental Status*

	Yes (15)	No (5)	Total (20)
Treat programs, education	1	1	2
Probation	12	3	15
Prison time	8	3	11
Fines, restitution	1	1	2
1-year supervised released	1	0	1

Probation was given more often to those who were not employed at the time; Prison time was the second most frequent. Individuals who were employed received probation and prison time equally. Treat programs and fines were equally given out to those employed and those who rent at the time of charge.

Table 14

Prosecutor and Probation Department Recommendations by Defendant's Employment Status at Time of Charge

	Yes (8)	No (12)	Total (20)
Treat programs, education	1	1	2
Probation	5	10	15
Prison time	5	6	11
Fines, restitution	1	1	2
1-year supervised released	0	1	1

Those charged with financial crimes received probation and prison time the most. Property crime got probation and fines. Statutory crimes received probation (n=12) more than prison time (n=9).

Table 15

Prosecutor and Probation Department Recommendations by Defendant's Type of Criminal Charge

	Financial crimes (3)	Property crimes (1)	Statutory crimes (16)	Total (20)
Treat programs, education	1	0	1	2
Probation	2	1	12	15
Prison time	2	0	9	11
Fines, restitution	0	1	1	2
1-year supervised released	1	0	0	1

Sub question 3

Participants not receiving state assistance received harsher sentences. More participants that did not receive state assistance received treatment and education program, tether, prison time, job restraints, and fines and restitution as part of their sentence. More participants with state assistance received probation.

Table 16*Judicial Sentence by Defendant's Receipt of State Assistance*

	No (9)	Yes (11)	Total (20)
Treatment, education	4	3	7
Tether	3	1	4
Probation	6	10	16
Prison time	4	3	7
Parole	0	1	1
Option for HYTA	1	1	2
Job restraints	1	0	1
Fines, restitution	5	2	7

Having prior convictions did not impact the severity of the sentences. More participants with prior convictions, treatment and education programs as part of their sentence. 2 participants from each group received a tether. More participants with no prior convictions received probation and prison time. Only participants with prior convictions received the option of HYTA. Only participants without prior conviction received job constraints and parole. More participants without prior convictions had to pay fines and restitution.

Table 17*Judicial Sentence by Defendant's Prior Convictions*

	No (11)	Yes (9)	Total (20)
Treatment, education	3	4	7
Tether	2	2	4
Probation	9	7	16
Prison time	5	2	7
Parole	1	0	1
Option for HYTA	0	2	2
Job restraints	1	0	1
Fines, restitution	4	3	7

People without children received fewer sentence options than those with children. Participants without children had sentences that only included treatment and education programs, probation, prison time, and fines and restitution. Additionally, a lower percentage of participants without children received treatment and education as a part of their sentence compared to participants with children. An equal percentage of participants in both groups received probation as part of their sentence, but more participants without children received prison time as a part of their sentence.

Table 18*Judicial Sentence by Defendant's Parental Status*

	Yes (15)	No (5)	Total (20)
Treatment, education	6	1	7
Tether	4	0	4
Probation	12	4	16
Prison time	5	2	7
Parole	1	0	1
Option for HYTA	2	0	2
Job restraints	1	0	1
Fines, restitution	6	1	7

Participants employed at the time of their charge receive harsher sentences. A smaller percentage of participants employed at the time they were charged received probation as part of their sentence, whereas all but 1 participant who wasn't employed did receive probation. 50% of participants who were employed received a prison sentence whereas only 25% of non-employed participants received a prison sentence. Also, 50% of employed participants were required to pay fines or restitution whereas only 25% of non-employed participants had to pay fines or restitution. Only non-employed participants received parole as part of their sentence.

Table 19*Judicial Sentence by Defendant's Employment Status at Time of Charge*

	Yes (8)	No (12)	Total (20)
Treatment, education	3	4	7
Tether	2	2	4
Probation	5	11	16
Prison time	4	3	7
Parole	0	1	1
Option for HYTA	1	1	2
Job restraints	0	1	1
Fines, restitution	4	3	7

Participants charged with financial crimes received harsher sentences in comparison to those charged with property crimes and statutory crimes. A higher percentage of participants charged with financial crimes received prison time as a sentence (66.67%), while only 31.25% of participants charged with statutory crimes received a prison sentence. A lower percentage of participants charged with financial crimes (66.67%) received probation as part of their sentence, compared to 81.25% of participants charged with statutory crimes. Participants charged with financial crimes were the only participants to have job restraints.

Table 20*Judicial Sentence by Defendant's Type of Criminal Charge*

	Financial crimes (3)	Property crimes (1)	Statutory crimes (16)	Total (20)
Treatment, education	1	1	5	7
Tether	0	0	4	4
Probation	2	1	13	16
Prison time	2	0	5	7
Parole	1	0	0	1
Option for HYTA	0	0	2	2
Job restraints	1	0	0	1
Fines, restitution	1	1	5	7

Conclusion

This study sought to explore the disparities in the sentencing process of Wayne County, Michigan, and their causes. The following conclusions were derived from the data (a) African- American participants receive harsher sentences than Caucasian participants compared to the recommendations given by prosecutors and probation departments; (b) participants with court-appointed attorneys are more likely to receive prison time and less likely to receive probation as part of their sentence or sentence recommendation; (c) African American participants with court-appointed attorneys are

more likely to receive prison time and less likely to receive probation as part of their sentence or sentence recommendation; and (d) prosecutors and judges used age, marital status, state assistance, prior convictions, children, employment at the time of charge, and type of crime to determine sentence recommendation. Chapter 5 discusses the results and gives recommendations for future research. Societal implications of the results are also presented.

Chapter 5: Discussion, Conclusions, and Recommendations

Introduction

The purpose of this qualitative study was to investigate the factors used by Wayne County, Michigan, judges during the sentencing process of criminal defendants, along with the pros and cons of allowing these factors to be used. In this chapter, I further discuss the study's key findings related to the literature discussed in Chapter 2 and the conceptual framework, social action theory and rational choice theory. I also consider the limitations of the study, present areas for future research, and provide a conclusion to the study. I sought to answer the following RQs:

RQ. Are African Americans receiving harsher penalties at sentencing than other races when judges make their decisions based on socioeconomics in Wayne County, Michigan?

SQ1. Whether the defendant received a public offender or not, did it make a difference in the outcome?

SQ2. What were the factors that prosecutors used to determine the sentence recommendation?

SQ3. What were the factors that the sentencing judges used to determine the sentence?

Interpretation of the Findings

I concluded the following about the sample population with regard to the RQs of this study: (a) African American participants receive harsher sentences than Caucasian participants compared to the recommendations given by prosecutors and probation

departments; (b) participants with court-appointed attorneys are more likely to receive prison time and less likely to receive probation as part of their sentence or sentence recommendation; (c) African American participants with court-appointed attorneys are more likely to receive prison time and less likely to receive probation as part of their sentence or sentence recommendation; and (d) prosecutors and judges used age, marital status, state assistance, prior convictions, children, employment at the time of charge, and type of crime to determine sentence recommendations.

These conclusions affirm much of what has been written about the sentencing disparities and the root cause. Kramer and Steffensmeir (1993) saw a strong correlation between race and offense severity. Comparatively, a study done by Steffensmeier & Demuth (2001) showed that Caucasian defendants were least likely to be incarcerated and received shorter sentences than African Americans and Hispanics. I also found that Caucasian defendants were treated most leniently across both the recommendation and sentencing periods. Greater leniency was reflected in the decreased number of Caucasian participants that received prison time. Klein et al. (1990) showed similar results, in that African American and Latino offenders were more likely to go to prison than Caucasians.

The findings of this study support that having a retained attorney instead of a court-appointed attorney leads to more leniency in sentencing decisions. This matches up with Natapoff's (2014) finding that the type of attorney makes a difference in the outcomes for defendants. Prior research shows that African American and Hispanic defendants are significantly less likely to retain an attorney (Natapoff, 2014). Current offense and prior record affect sentence severity, research also shows. Older defendants

were sentenced more harshly, and those treated more leniently during sentencing tended to be women and those with stable employment and private attorneys (Natapoff, 2014). In contrast, I found that prior convictions did not adversely affect sentencing. Older age affected recommendations, but not the judge-imposed sentence. Participants who were employed prior to being charged received harsher sentences.

Limitations of the Study

Several potential limitations of the study exist. Bracketing personal experiences and biases may be challenging to achieve in qualitative research due to my own typically strong interest in the phenomenon under study (Creswell, 2007, p. 62). Also, the specific regional context binds the results of this study. Although the participants offer critical insights into Wayne County criminal justice system, these results are not necessarily transferable to other counties, regions, or states. Additionally, this study's relatively small sample size prevents me from generalizing results outside Wayne County. Issues of accessibility may have created a gender bias in the results, as there were no female respondents; thus, it is only possible to explore experiences from the perspective of male participants.

Recommendations

One approach to overcome the data collection limitations would be for researchers to broaden their research to include more diverse data collection variables. By expanding those efforts, future researchers would be able to collect much more data, which might, in turn, provide additional findings and insight that would further expose the numerous inequities in the U.S. criminal justice system, especially around sentencing

and social economics (Creswell, 2007). In addition, not limiting further research to one county and one court may provide more diverse data, and it could potentially further the study's impact to address the societal issue of disparities in criminal sentencing.

Implications

It is not necessarily true especially that everyone is treated equal especially in the criminal justice system. It is imperative that socioeconomic factors, including employment status, race, or age, not determine the sentence of defendants. One area that this research could be helpful in is the drafting of new policies and legislation to ensure that each defendant is treated with fairness in the criminal justice system. This includes those defendants who have a strong belief that they would have received a fairer trial or experience in the criminal justice system if they had been able to retain their own representation. Additionally, this research could serve as a catalyst to foster mutual trust and respect between an attorney and a defendant especially if the defendant believes the attorney is qualified and representing their best interest.

Moreover, this research could initiate some form of policy debate with legislators, criminal justice reform experts, and all stakeholders to create a more uniform sentencing process that might eliminate the use of one's socioeconomic status in sentencing determinations. The results of this qualitative study could be disseminated to those involved in the criminal justice system including judges, lawmakers, prosecution and defense attorneys, and probation officers. It is crucial to keep at the forefront of these stakeholders' minds that all people should be treated equally.

Conclusion

Education, race, income level, and where a person lives are all a part of one's socioeconomic status. Critics contend that socioeconomic status should not play a role in judicial sentencing (Cheney, 2014). In this study, I took an in-depth look at the U.S. criminal justice system and the sentencing process of criminal defendants and provided data that showed that socioeconomic status plays a critical role in the criminal sentencing phase in Wayne County, Michigan. Despite the U.S. Constitution affording many protections to its citizens, inequality in criminal sentencing persists.

Immediate actions by lawmakers and courts are necessary to ensure that all persons going through the criminal justice system have a fair and unbiased chance while dealing with their criminal matters regardless of their socioeconomic status.

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