Factors That Effect Punishment in The Courtroom

Research Methods

Samuel D. Webster

Loras College

Abstract

The purpose of this research paper is to answer the research question “What are some of the main factors that play a role in determining the level of punishment that someone receives?” Through the use of research and statistical data the readers will gain an understanding on the way that courts choose penalties and what factors like socioeconomic status, age and gender; will affects those decisions when studying the correlation between the two. What must be remembered is that socio economic status has always been a topic of discussion when it comes to politics on income inequality, but now we are viewing it from a criminological inequality standpoint. Viewing this issue from a criminal standpoint will open up a broader array of new perspectives to be explored through the research in this paper. Studying the effect that a lower standard of income and health, can have on a judge’s decision between life in prison and capital punishment would be an important topic to research given that the results it bears could have a huge impact in court rooms for many years to come. If there is substantial correlation between the 2 variables, we could see a change in the way these high-level criminal trials are conducted from a judgement standpoint as well as a lawyer’s standpoint.

 Literature Review

In Reflections on the Death Penalty: Human Rights, Human Dignity, and Dehumanization in the Death House. *Seattle Journal for Social Justice*, *13*(2), 14. Johnson attempts to convey the belief that the death penalty is inherently dehumanizing and hence is a violation of human dignity. Through his argument he implores the reader to sympathize with what it means to be human and carry the weight of human nature. Johnson also touches on the idea of what it means to respect one’s human dignity. The author visits the idea of choice of punishment and the dehumanization of death row while pushing the idea of the gentle undoing and humbling of the inmates.

When considering the differences in criminal punishment as a result of socio-economic status it is important to get a wider perspective on the issue. In Capital punishment, international law, and human rights.*International Journal of Criminal Justice Sciences, 14*(2), 298-319. Robinson discusses and examines the importance and connect ability between international law and human dignity and rights surrounding the issue of capital punishment. Although the author tends to mainly focus on the death penalty in the United States he explores the effects of capital punishment cases in the United States in comparison with international law and the ties to human rights. The author not only focuses on just the death penalty as an action but focuses on it from a more logistical standpoint as well concerning the issues with the death penalty about whether it is actually carried out and how people meet the standards and requirements in order to be charged and penalized with the crime of capital punishment. Although there are implications of this article that causes people to think about the morality of the death penalty, like who should wield the power to take another life, and under what context. This article seems to be slightly biased towards the abolition of the death penalty. But it still provides an insight into why it might or might not be wrong for the state to wield the power to take a life; this comes on a broad international viewpoint and a smaller more specific United States standpoint.

When creating a case surrounding an issue of dignity seen in capital punishment, it is very important to acquire a wider base of aged data from at least 30 to 40 years give that the death penalty was much more widely used and as the years went on the death penalty became less and less common to see. Finding an older journal would bring more insight to an issue that occurred just that long ago. In Economic Status and Crime: Implications for Offender Rehabilitation, 72 J. Crim. L. & Criminology 1055 (1981), Thomas discusses the empirical proof that a relationship exists between economic status and recidivism. Although the author tends to focus on rehabilitation programs aimed at enhancing an offender's economic status. He provides an incredible statistical reasoning for why these recidivism programs are designed to target a group of offenders who choose crime as a rational alternative to work. The author not only focuses on just the rehabilitative means of crime but also discusses the evidence relating economic status to crime and rehab. “Indirect evidence based on aggregate data shows that if economic status affects the decision to engage in criminal activity, crime rates should logically be higher among persons who are unemployed and among persons with lower incomes”(Orsagh, 81). Which is why a judge might choose to sentence life or death; this is especially evident when there is no evidence to support the idea that recidivism will be or ever was successful. This article seems to be slightly biased on the evidence and idea that income is a driving factor in crime especially low-income areas. But it still provides an insight and statistical data for why he makes these assumptions about correlations between economic status and crime; this comes on a smaller more specific United States county standpoint it also touches on more broad ideas and country wide viewpoints. The authors opinion is rooted in credible source when examining the theoretical and empirical relationship that exists between economic status and recidivism.

The strict view of the connection between socioeconomic class and the awarding of punishment in a court system can be hard to find without looking through actual court documents and this court case where Bombay HC commutes death penalty of two young men in Bhandara Robbery and Murder case in Bombay HC commutes death penalty of two young men in Bhandara Robbery and Murder case. (2019). *Bar & Bench*, NA. is a perfect example. This article discuss is a case where two young men robbed a family and murdered a wife and attempted to murder an 8-year-old child who is also in the house at the time. The initial sentencing came from Bhandara Sessions Court, in this court the two young men were sentence to death for murder punishable under section 302 And we’re also sentence for life imprisonment under section 307 for attempted murder. The importance of this case surrounds the issue that the High Court around a week later commuted the death penalty and instead sentence both young men to life imprisonment for robbery and murder. The shock doesn’t only come from the change in judgment but it comes from the reasoning behind the change in judgment. The higher courts change in judgement came from the fact that "The present case is not the rarest of rare case awarding death penalty and considering the socio-economic circumstances under which the present appellants were brought-up, they deserve life imprisonment instead of death. They are neither hardened criminals, nor is it impossible to reform them" (Bar and Bench, 2019). It is also important to remember that the bench went on to note that both men are of a young age and had temptation to earn money through what they believe to be an easy action so they attempted it with childish perception. Given that they failed so quickly that they were never able to really reap the benefits of their actions. The Higher court appears to believe that these are the actions of children and should be viewed as such. this not necessarily meaning to lower the punishment but at least change it from death to life imprisonment. An important aspect to this court case is that the Supreme Court noted that “it is not possible to determine public opinion through the evidence recorded in a trial for an offence of murder. Further it was observed that it is even more difficult almost impossible to determine something as amorphous as the collective conscience of the society” (Bar and Bench, 2019). In Layman’s terms this means that it is impossible to prove anything to society in entirety and have it been clear and focused so the people can have clear choice of what is right and wrong. That there is always outside factors taking place when the action is committed. With this in mind the Apex Court “endorsed that socio-economic factors must be taken into consideration while awarding a sentence, particularly the ground realities relating to access to justice and remedies to justice that are not easily available to the poor and the needy” (Bar and bench, 2019).

In *A Culture That Is Hard to Defend* is about all of the other extralegal factors that need to be considered in a death penalty case. The author goes into great depth when describing each idea that could be considered as a factor. The author has broken up this article into a multitude of different parts, all consisting of the individual factors that he believes to extralegal in terms of capital punishment cases. The author provides a paragraph or two length hypotheses for each factor which basically describes is take on the factor also how and why it would be considered an extralegal factor in federal death penalty cases. In one of the authors hypotheses about the relationship of the defendant's and victim's races, the evidence proved to be valid, that “the victim's race, whether on its own or in relationship to that of the defendant, was not statistically connected to defense cost. However, the race of the defendant was statistically significant, as African-Americans were almost 1.7 times more likely than other defendants to receive a lower-cost defense” (Gould, 2019). The author states that these finding hold consistent with other research done on the death penalty concluding that people with lower social power “as measured by race, gender, and socio-economic standing-receive fewer government resources and legal protections than those "valued" more highly” (Gould, 2019). Meaning that the idea of race and gender tie into and play a huge role in the level and amount of defense money that is granted and used by the defense during capital punishment cases. The authors final hypothesis is that “all things being equal, the defense resources devoted to a capital case when the defendant is black would be lower than when the defendant is white” (Gould, 2019).

In this article written by the American Economic Review from VOL. 94, NO. 1. The authors discuss their study that they conducted using Census and FBI data in order to formulate and estimate the “effect of education on participation in criminal activity using changes in state compulsory schooling laws over time” (Lochner, 2004). Compulsory schooling implies that all students are required by law to do specific schooling. The authors do in depth analysis on the factors that play a role in schooling to help deter people from partaking in criminal activity. They use census data and surveys done on inmates to narrow down these mediating factors that can cause a lower chance of creating a criminal mentality. Their study found “that schooling significantly reduces the probability of incarceration and arrest. NLSY data indicate caused by changes in criminal behavior and not differences in the probability of arrest or incarceration conditional on crime. We estimate that the social savings from crime reduction associated with high school graduation (for men) is about 14 -26 percent of the private return” (Lochner, 2004). The authors use graph and tables to help portray their statistical analysis better. One interesting point that the authors make is that early schooling do not have much of an impact on future crime rates due to the fact that the schooling is required, but patterns can be seen in children that do not do the work at a young age because they do not see the future benefit of it. Hence the reason that many people do not pursue a higher level of education. The authors found that “individuals with lower discount factors will engage in more crime, since more impatient individuals put less weight on future punishments. At the same time, individuals with low discount factors choose to invest less in schooling, since they discount the future benefits of schooling more heavily” (Lochner, 2004). This can tie directly to the idea of crime, given that those who commit crime have more trouble seeing past the immediate benefit of the crime they are choosing to commit. They cannot see the future implications of their choices and that has been evident since their childhood whit their choice in partaking in adequate schooling.

In this article called *The Relationship between Educational Attainment and the Type of Crime Committed by Incarcerated Offenders,* the author; Kristina M. Veselak does an in-depth statistical analysis on understanding crime surrounding the issues that she is studying while also mainly focusing her attention to people in a schooling scenario. Then conducting research on how different levels education that criminals receive will inherently affect the different types of crimes that they would choose to commit. “Using data from the Suffolk County Correctional Facility in Riverhead, New York, the results show support for this hypothesis, showing that offenders with high school diplomas are more likely to be incarcerated for fraud and drug-related crimes” (Veselak, 2015). This article proves that education can be seen as the overall mitigating factor in the idea between socio economic correlation to crime committed. As the role that education can play in life, from helping a person to get a job and raising them up economically in the eyes of society; it also gives people something that they can fear to lose hopefully deterring them from committing more serious crime or from committing crimes at all. Although her research does seem to back up the idea that even students that do successfully receive a high school diploma, they are still very likely to partake in some form of hard crime. Although the crime she found to be more aligned was drug related, many different crimes can come from getting involved with drugs. With this in mind even having the most basic educational degree there still is a statistical difference in the level of crime being committed.

This information that the author provides is not super in depth but it provides a brief yet strong basis for the purpose that the paper is written about. This paper called *Social Class and Capital Punishment: A Theoretical and Empirical Analysis* is a thesis written to compare the effects that social class play in the criminal courtroom. Given that this is a thesis, the author touches on the aspect of socioeconomic status a multitude of time throughout her paper. One of which being more towards the middle. The author discusses the fact that “Since the decision to seek the death penalty rests mostly with the prosecution, the socioeconomic status of the defendant and his or her capacity to obtain effective representation, as well as the perceived likelihood of conviction, play a substantial role in determinations of death eligibility and subsequent legal processing” (Tilley, 2014). Which makes a lot of sense given that Those who have court appointed legal counsel are often judged to be an easier case to prosecute, as opposed to those who privately retain counsel. Tilly believes that the latter are typically extended a plea bargain, thus resulting in the disproportionate representation of court appointed counsel cases in capital trials” (Tilley, 2014). This idea would logically make more sense given that the latter would have more money at the ready to be able to throw in the way of the court system. The author pulls a few other sources to back up her points but her argument does provide a strong basis for how individual biases, or factors such as political elections, financial budgets, and media attention, can influence and contribute to disproportionate treatment in the courtroom.

Methodology

The theory being used throughout the research is the Social Conflict theory. The social conflict theory is a belief that society focuses on the competition between specific groups over limited resources, these groups can stem include age, gender, race, sex, social class etc. “One of conflict theory's most important premises is that the justice system is biased and designed to protect the wealthy, but research has not been unanimous in supporting this point” (Seigel, 2000). This point made above creates a large argument that most of the research in this paper will be attempting to either prove or disprove. The database being used is the survey of inmates in state and federal correctional facilities. this is a federal survey that is used and conducted by the Bureau of justice statistics they use this survey in order to symbolize the records of the inmates that are being held in both national, state and federal prisons. The surveys were done in order to receive a multitude of unknowns and data from the inmates pulling from there private history and their situation of life that they were in before being incarcerated. The survey of data is collected on a regular basis which ends up being every couple of years. The inmates are presented with a survey of questions that they fill out to the best of their abilities. According to the Bureau of justice statistics the first survey was conducted in 1974. The surveys have then conducted it every five to six years since 1974 in order to keep as up-to-date with information about inmates as possible given that inmates are constantly changing and rotating in and out. The most recent survey the Bureau of justice statistics as available to the public is the 2016 survey. The main basis for information was collected through means of surveying method in prisons between the months of January and October. Their method for surveying was collected through face to face interviews with prisoners. Although some prisoners who were unable to have face to face conversations whether that was due to prison restrictions or court restrictions; they were opted to use computer assisted personal interviewing options. Now keeping in mind that prisoners had the option opt out of these surveys there were a significant number of missing responses in the database does result of obtaining incomplete interviews with inmates they're both stages of the survey well also two state facilities and one federal facility refused to participate in the first stage of both surveys which caused the data to become Askew and accounts for many of the missing responses. The non-response rate for the second stage of the SISCF survey was 10.23% and 13.33% for the SIFCF survey. For the first stage of the survey the non-response rate was 10.88% for the SISCF, and 15.38% for the SIFCF survey. Given that there was a choice the fact that there was only an average of 12.45% of inmates that chose to not partake or not respond on the survey is quite remarkable and shows that the survey can have great promise in providing accurate data. Some of the variables that were included in the database were age and sentence length. In order to do the survey, the inmate had to be 18 years or older and they must have been held in his state or federal prison and be serving a sentence to that federal prison during the year the survey is taking place. Some demographic variables that might change would be a gender variable given that federal prisons and state prisons are broken up by gender the results of the surveys would have to be separated as to not mix as long as the factor is mentioned then gender is not a demographic that matters in the overall idea of the survey and results that are being concluded. In the study, the comparison between socioeconomic status and criminal punishment between life imprisonment and capital punishment is important for consideration. But the most important variables to be studied would be the socioeconomic status of the inmate possibly even their annual income or how many people were in their household when they were arrested. Other important variables would be job status and the number of jobs the inmate has had in recent years and where those were located. Looking at other side of the variables, towards the criminal side, the manner of the crime and the intent would be a driving variable, also whether or not a weapon was used in the commission of the crime and the number of victims that were harmed in the commission of the crime.

Analytic Strategy

Statistical analysis was used to test the following hypotheses:

* H1. The severity of legal punishment would depend on the interplay between an offender's socioeconomic status, age and gender.
* H2. Gender and age play an equal role in determining criminal penalty.
* H3. Socio-economic status of the is a major determining factor for the specific length of sentence that a criminal will receive.

Results

The results are comprised of crosstabulations, descriptive statistics, standardized T- Tests and bivariate analysis. These are used in order to describe the statistical similarities between the variables of Age, gender and socio-economic class and their causal relationships and correlation with the given hypotheses and research question.

Age



This Recoded age crosstabulation was created to provide representation of the age groups throughout the prison system and is broken down and separated into more specific groups of Life imprisonment, Life plus additional years and life without parole. The relationship is most similarly represented in the shape of a bell curve. At the age increases you can see there is also an increase in people who report as life or life plus or without parole. But then after you pass the middle you can see another decrease in the length of sentence.  According to the statistical study, as age increases, to a point, the percentage of inmates in prison for life increases as well but in the shape of a bell curve. As the age gets to the range of 60 to 80 years old you can see that there is a significant decrease of inmates that are still there for a life imprisonment. The percentage drops from nearly 35% to a mere 5.6%. It is evident that the results of the ages are spread relatively evenly among the age groups but it is clear that the younger a defendant is, the more likely it is for them to receive a lesser sentence or to even be sentenced at all.



This recoded crosstabulation is a statistical description of the age groups in the prison systems. Group 1 is made up of inmates between the ages of 19 and 29 and that makes up 25% of the surveyed inmates. Group 2 is made up of inmates between ages of 30 and 40 which makes up 41% of the inmates that were surveyed. Group 3 is inmates between the ages of 41 and 51 which makes up 25 % of the inmates. Group 4 is the inmates between the ages of 52 and 62 and that makes up 7.7%. group 5 is made up of ages between 63 and 79 and that makes up only 1.2% of the inmates.

Gender

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| **S4Q1A1\_1: LENGTH OF SENTENCE (FLAT) \* SEX Crosstabulation** |
| % within S4Q1A1\_1: LENGTH OF SENTENCE (FLAT)  |
|  | SEX | Total |
| Male | Female |
| S4Q1A1\_1: LENGTH OF SENTENCE (FLAT) | Life | 88.9% | 11.1% | 100.0% |
| Life plus additional years | 87.5% | 12.5% | 100.0% |
| Life without parole | 100.0% |  | 100.0% |
| Total | 91.2% | 8.8% | 100.0% |

 The number of inmates that received life were inherently male and had a positive relationship in terms of the length of the sentence compared to the sex. The relationship is most similarly represented in the shape of a bell curve. According to the cross tabs, males make up 100% of all the inmates that are in prison for life without parole. Yet the females still make up some portion of the inmates for life, they still do not even make up 1/3rd of them. It was found that as the age gets to the range of 60 to 80 years old you can see that there is a significant decrease of inmates that are still there for a life imprisonment. The percentage drops from nearly 35% to a mere 5.6%. The rest of the age quartiles make a bit of a slope where they start lower and peak around the age of 41-51 and then they begin to level off again.



The data shows that in all cases, men had the higher amount of crimes involving victims on all level and of all amounts. Although given that there were only 123 women that were surveyed compared to 651 men, it is still evident that in the case of the men, most crimes did not involve a victim at all. 90.1% of males did not involve a victim while only 9.9% of females did not involve victims in their crime. Yet looking at the percentages, from the total there are many more females that commit crimes involving victims compared to the men.

After doing further research it was concluded that the court system tends to treat females differently than males (Miller, 2015). The information shows that the reason for the disparity in judgement is due to the fact that “Women offenders are often seen by the legal system as less responsible for their actions and rather than be punished, they need to be protected” (Miller, 2015). This information found by Miller, April, "The Effects of Gender, Race, and Age on Judicial Sentencing Decisions" directly disagrees with the study that was just done with the Federal and State Prison Inmate Survey. In regards to hypothesis two there is no significant data to suggest that gender plays a large role in determining sentencing punishment in the courtroom.

Socio-Economic Status

3,501 inmates that answered either yes or no when they were interviewed, only 4% or 146 inmates said that they were homeless. 91% said they were not homeless. The homeless question is an attribute to the aspect of low economic status.



Given that the database being used was acquiring information from inmates, it was profoundly difficult for information to be collected about the inmates economical standing. Many reports were either left unanswered or answered with “IDK”. Yet while doing further research on the issue, it was discovered that “Since the decision to seek the death penalty rests mostly with the prosecution, the socioeconomic status of the defendant and his or her capacity to obtain effective representation, as well as the perceived likelihood of conviction, play a substantial role in determinations of death eligibility and subsequent legal processing” (Tilley, 2014). Which makes a lot of sense given that Those who have court appointed legal counsel are often judged to be an easier case to prosecute, as opposed to those who privately retain counsel. Tilly believes that the latter are typically extended a plea bargain, thus resulting in the disproportionate representation of court appointed counsel cases in capital trials” (Tilley, 2014). This idea would logically make more sense given that the latter would have more money at the ready to be able to throw in the way of the court system. It was also discovered through other research that that “the victim's race, whether on its own or in relationship to that of the defendant, was not statistically connected to defense cost. However, the race of the defendant was statistically significant, as African-Americans were almost 1.7 times more likely than other defendants to receive a lower-cost defense” (Gould, 2019). The author states that these finding hold consistent with other research done on the death penalty concluding that people with lower social power “as measured by race, gender, and socio-economic standing-receive fewer government resources and legal protections than those "valued" more highly” (Gould, 2019). Given that homelessness is not the best soured for direct coordination with SES; the other research done on the topic has helped to formulate a conclusion that in terms of the judge’s opinion of the criminal, the socio-economic status defendant came into play more heavily when focusing on chances of recidivism or ability to pay court fines. These findings do support hypothesis 1 and hypothesis 3.

Discussion

The purpose of this paper was to figure out what factors effected decisions in the courtroom the most. The three hypotheses that were formatted, predicted and required the testing of Socio-economic status, age and gender as the three mitigating factors. The results of extensive research and statistical experimenting aim towards the standpoint that age and socio-economic status play the largest role in determining the penalty which will be received by the defendant. While gender was tested, there was not enough statistical significance to back up the claim in the conducted statistical experiments. Although research was found that there was correlation between gender and punishment, much of the research was opinionated except for very obscure research. The data was just not significant enough to be meaningful. There were many limiting factors throughout this research experiment. The database which was being used had many missing entries. It was difficult to find data for the inmates economic standing before incarceration as well. The database had much incomplete data which made it hard to find variable to use for the research. If the research experiment could be done over again in the future, either an entirely different database should be used or another base should be used alongside this one. There just was not enough complete data to work out this experiment without using other variables.

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