ABSTRACT

Title of Thesis:	EXAMINING NEIGHBORHOOD INCOME DIFFERENCES AND PROSECUTORIAL CHARGE REDUCTIONS
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Recent studies find the socioeconomic status (SES) of a defendant's home neighborhood acts as an extralegal factor in sentencing. However, little is known about how movement between low-SES and high-SES neighborhoods to commit crimes can shape the exercise of prosecutorial discretion. The social class of both a defendant's home neighborhood and victimized neighborhood may be relevant in prosecutorial decision-making. This study examines how the SES of home and victimized neighborhoods influences the likelihood of a defendant receiving a charge reduction. Data from the New York County District Attorney's Office provide detailed information on prosecution and sentencing for a large sample of criminal offenders, many of whom travel to commit crimes in neighborhoods other than their own. Results indicate low to high moving offenders were less likely to receive a charge reduction. Findings are discussed as they relate to theories of prosecutorial decision-making and perspectives on social inequality in punishment.

EXAMINING NEIGHBORHOOD INCOME DIFFERENCES AND
PROSECUTORIAL CHARGE REDUCTIONS

by

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**Points of view or opinions expressed in this thesis are my own and do not
necessarily represent the official position or views of the New York County
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Table of Contents

List of Tables

List of Figures

Chapter 1: Introduction

Criminologists have long been studying the influence of defendant characteristics in courtroom decision-making. However, very little work considers the role that community level factors such as neighborhood socioeconomic status (SES) might play in shaping court actor decision making. Some work is suggestive of a relationship. For example, select studies report that neighborhood SES impacts various court decisions (Auerhahn, Henderson, McConnel, and Lockwood, 2017; Wooldredge and Thistlethwaite, 2004; Wooldredge, 2007). In particular, some recent work indicates that defendants residing in locations with greater neighborhood disadvantage are more likely to receive non-suspended prison sentences (Wooldredge, 2007) and be fully prosecuted (Wooldredge and Thistlethwaite, 2004). Although research on neighborhoods socioeconomic conditions and criminal punishment is fairly limited, the body of research on this topic is growing and scholars are increasingly investigating the contextual role of community characteristics as an extralegal factor in court decisions.

Much of this work suggests that criminal justice officials are influenced by neighborhood characteristics. For example, Smith (1986) found police officers made significantly more arrests in lower income neighborhoods. Gellar and Fagan (2010) found "stop and frisk" policies in New York resulted in disproportionate stops and searches of individuals residing in low-income non-white neighborhoods. Similarly, court actors may be influenced by neighborhood SES. For example, Wooldredge and Thistlethwaite (2004) found defendants from low-income areas were less likely to be

fully prosecuted compared to defendants from high-income areas in a sample of misdemeanor assaults. Later, Wooldredge (2007) found defendants residing in areas of neighborhood disadvantage experienced less favorable sentencing decisions. Auerhahn and colleagues (2017: 30) explained these findings by stating that the "spatial environment is a social signifier that influences perceptions of those who live and spend time there…neighborhood of residence can be a powerful social 'marker' that identifies an individual as having certain characteristics, values, and status." When neighborhood characteristics such as low SES are involved in court cases, perceptions of class can emphasize negative stereotypes such as dangerousness (Auerhahn et al., 2017; Wooldredge, 2007). Consequently, it is possible that the courtroom workgroup may share norms about defendants that reside in certain neighborhoods or victimize certain areas within the community. For example, Sudnow (1965: 261) stated "knowing where an offense took place is thus, for the [public defender], knowledge of the likely persons involved, the kind of scene in which the offense occurred, and the pattern of activity characteristic of such a place."

The SES of the crime-targeted neighborhood may hold implications in courtroom decision-making as well. Although it is widely recognized in environmental criminology that offenders participate in criminal activity near their residence (Brantingham and Brantingham, 1993; Phillips 1980), not all offenders fall into this category. Offenders are differentially motivated to commit crime, and some may travel to neighborhoods unlike their home neighborhood where there are opportunities to engage in different types of criminal activity (Canter and Youngs, 2008; Koppen and Keijser, 1997; Rhodes and Conley, 2008). Scholars have ventured

2

that the social class of the neighborhood in which the offense takes place, the victimized community, may impact court actor's operationalization of focal concerns in sentencing (Omori, 2017; Williams and Rosenfeld, 2016). For example, offenders who commit crimes in disadvantaged areas may be viewed as more dangerous, blameworthy, and threatening to the elite in society. At the same time, affluent communities may establish a greater need for community protection from outsiders through criminal justice responses like harsher sentencing (Williams and Rosenfeld, 2016). However, studies that review the crime-targeted neighborhood in court cases are limited, speculative, and do not fully investigate neighborhoods connected to different types of defendants.

At the same time, most research on extralegal factors in punishment focus disproportionately on the judge's final decision without considering the discretion of other criminal justice actors, predominately prosecutors (Johnson, King, and Spohn, 2016; Piehl and Bushway, 2007; Shermer and Johnson, 2010; Wright and Engen, 2005). More research is therefore needed to understand how the economic standing of both the defendant's home and crime-targeted community impact charging decisions. Kutateladze, Andiloro, Johnson, and Spohn (2014) noted the importance of identifying extralegal disadvantages throughout stages of criminal justice and conducted a study examining race in criminal case processing for defendants in New York County. It was discovered that black and Latino defendants were cumulatively disadvantaged compared to white defendants. Kutateladze and colleagues (2014) highlighted a need to review other extralegal factors, specifically defendant SES, as

well as measures of prosecutorial discretion throughout case processing (i.e., charge reductions) as distinguished priorities for future sentencing research.

This thesis answers that call by investigating whether the SES of the defendant's home and crime-targeted neighborhoods act as extralegal factors that may disadvantage defendants during charging in New York County. Studying this relationship adds to the literature in a few ways. First, scholars argue that case outcomes are significantly shaped by prosecutor decisions (Piehl and Bushway, 2007; Shermer and Johnson, 2010; Wright and Engen, 2005). However, much of the sentencing literature investigating extralegal factors focuses only on the judge's final decision. Investigating charge reductions represents a valuable approach for studying earlier case processes that shape criminal punishment. Second, prosecutorial discretion and neighborhood SES are uniquely addressed in this study. Past research shows the SES of both the defendants home and crime-targeted neighborhoods may add a contextual layer to how prosecutors process defendants (Auerhahn et al., 2017; Omori, 2017; Williams and Rosenfeld, 2016; Wooldredge and Thistlethwaite, 2004). Third, comprehensive data are examined from New York County District Attorney's Office, which contain a large and diverse sample of offenders, many of whom travel to commit crimes in areas outside of their home community. Overall, this thesis seeks to understand the likelihood of offenders receiving charge reductions based on the SES of both the offender's residential neighborhood and crime-targeted neighborhood. The next chapter reviews prior work on prosecutorial decision-making, extralegal factors, community contexts, environmental criminology, and neighborhood SES. Chapter 3 outlines relevant theoretical perspectives on focal

4

concerns and group threat theory processes, and Chapter 4 details the data and

methods used to investigate these research questions.

Chapter 2: Literature Review

Prosecutorial Discretion and Charge Reductions

There are a few challenges involved in studying prosecutorial discretion within the criminal justice system (Forst, 2010; Johnson et al., 2016; Shermer and Johnson, 2010). For one, there are limited data that detail early case processing decisions that involve prosecutorial discretion (Forst, 2010; Johnson et al., 2016). Also, district attorneys may hesitate to share information about their decisions out of fear of political or public scrutiny (Forst, 2010; Johnson et al., 2016). Despite these obstacles, studying prosecutorial discretion is important because prosecutors hold a uniquely powerful role in the criminal justice system.

The influence of the prosecutor is attributable, in part, to their largely unchecked and unreviewable decision-making power (Frase, 2000). Although judges decide the final sentence, legal scholars widely acknowledge that prosecutors often hold greater influence over court case dispositions. For example, sentencing reforms such as mandatory minimums and changes in sentencing guidelines, intended to check judicial discretion, shifted the discretion from the judge to the prosecutor (Forst, 2010; Johnson, 2010). Therefore, understanding the role of the prosecutor is crucial to comprehending the court process in its entirety.

The prosecutor's role exists in the stages that take place prior to the judge's final sentence (Forst, 2010). These crucial decision-making points include determining whether to accept cases, selecting charges, and recommending sentences (Forst, 2010). An important tool that prosecutors use to persuade defendants to plead guilty is charge bargaining, a type of plea negotiation in which the defendant receives

6

a lesser charge in exchange for pleading guilty (Forst, 2010). Wright and Engen (2005) stated that plea negotiations plays a vital role in criminal punishment because it often directs the final sentence. Therefore, examining charge reductions is an important approach to understanding how prosecutors impact sentence severity and influence extralegal disparities (Nagel and Schulhofer, 1992; Piehl and Bushway, 2007; Shermer and Johnson, 2010).

Only a few recent studies have examined prosecutorial charge reductions, and often, individual measures of charge reduction vary (Albonetti, 1992; Kutateladze et al., 2014; Piehl and Bushway, 2007; Shermer and Johnson, 2010; Wright and Engen, 2005). For example, Albonetti (1992) analyzed charge decreases as reduced charges from a felony to a misdemeanor in a sample of Florida burglary cases. Spohn and Homey (1993) operationalized charge reductions as a decrease in charge severity or decrease in the number of charges for defendants involved in rape cases in Detroit. Finally, Shermer and Johnson (2010) analyzed federal charge plea negotiations and reviewed charge reductions as whether a reduction took place in the statutory maximum between initial filing through conviction.

Given the limited prior work on prosecutorial discretion, and the use of charge reductions in particular, additional work is needed to address the paucity of information for one of the most complex and influential actors in the criminal courtroom workgroup. The limited empirical work on the topic suggests extralegal factors can often shape prosecutorial decision-making.

Studies show support for extralegal factors such as defendant race, gender, age, and social class impacting prosecutorial decision-making. In an early study, Bernstein, Kick, Leung, and Schulz (1977) found charges administered to racial minority defendants were more severe at later stages of case processing in a sample of 1,435 defendants charged with robbery in a large metropolitan city. Later, Piehl and Bushway (2007) compared defendants with felony charges that pled down to misdemeanors in both Maryland, a voluntary guideline state, and Washington, a presumptive guideline state. They analyzed factors that predicted charge reductions and found extralegal factors (i.e., race, gender, age) explained more variance in the plea bargain model for the presumptive guideline state. Specifically, prosecutors in Washington considered extralegal factors more often in pleas. These results were interpreted as support for the hydraulic displacement hypothesis in which discretionary power is shifted from the judge to the prosecutor (see Miethe, 1987). Additionally, Shermer and Johnson (2010) found charge reductions decreased sentences by 19% in federal courts. Both legal and extralegal factors were found to impact the likelihood of a charge reduction for drug and violent offenders. For the 12% of cases that involved a reduced charge, results showed charge reductions were favorable for offenders who were female, had serious crimes, accepted responsibility, and had more filing charges. Although no main effects were revealed for race and ethnicity, charge reductions were less favorable for black and Hispanic offenders convicted of weapon charges. Overall, these studies suggest that early case decisions

related to criminal counts, charges, and plea offers can contribute to extralegal disparities in criminal punishment (Spohn, 2000; Ulmer, 2012).

Not all prior work reveals significant disparities however. Some studies show extralegal factors are not linked to case processing decisions. For example, Kingsnorth, Lopez, Wentworth, and Cummings (1998) reported that race did not influence prosecutors' decision to dismiss cases or fully prosecute in a small sample of adult sexual assault cases in a California county. Similarly, Albonetti (1992) reviewed a sample of burglary and robbery cases in Jacksonville, Florida and did not find an effect for differing initial charge offers by defendant gender and race. Despite these mixed findings, more research is needed to unpack different types of extralegal factors that may influence prosecutors' decisions.

Importantly, defendant characteristics such as socioeconomic status may influence the likelihood of defendants receiving a charge reduction across different contexts. However, a common criticism in sentencing literature is the inability to disentangle racial disparity and socioeconomic factors in criminal punishment (Zatz, 2000). Many scholars attempt to address this limitation by including socioeconomic proxies such as education, employment, or attorney type (Kutateladze et al., 2014; Spohn, 2000; Ulmer, 2012).

Kutateladze and colleagues (2014), for example, showed that minority defendants were more likely than white defendants to receive harsher outcomes progressively throughout criminal justice processing. For individual level SES, defendants who obtained private counsel were less likely to be held in pretrial detention and receive custodial sentence outcomes. In relation to neighborhood SES,

defendants arrested in lower-income neighborhoods were less likely to have their cases dismissed. These findings offer support for individual and neighborhood SES impacting prosecutorial discretion. Academics have long noted the influence of communities as a contextual factor in courtroom decision-making (Johnson, 2006; Myers and Talarico, 1987; Sudnow, 1965; Ulmer and Johnson, 2004; Wooldredge, 2007), but very little work investigates contextual factors that may shape prosecutorial decision-making.

Community Context and Criminal Punishment

Sentencing scholars often discuss community context in terms of the courtroom workgroup. Some of the differences in criminal punishment across courts are attributed to the dynamics of this group (Eisenstein, Flemming, and Nardulli, 1988). The workgroup, made-up of essential courtroom actors, share norms that are specific to each court and corresponding jurisdiction that guide decision-making (Ulmer, 2012). For example, local community characteristics such as socioeconomic status is one factor that has been found to influence courtroom workgroup decisions (Ulmer, 2012). Johnson (2005) observed a multilevel context in criminal sentencing with judge and county-level disparities in a sample of Pennsylvania courts. He found significant differences in the likelihood of defendants receiving a guideline departure sentence across courtroom and community-level social environments which included measures such as court size, caseload pressure, and race. Similarly, Ulmer, Kurlychek, and Kramer (2007) found the racial composition of communities influenced the application of mandatory minimums in a sample of Pennsylvania counties. In both studies, minority defendants in counties with higher populations of

minority individuals received unfavorable sentence decisions compared to predominately white counties in Pennsylvania. Finally, D'Alessio and Stolzenberg (2002) found unemployed defendants being detained more often in areas with higher unemployment rates across a sample of twelve urban cities. These studies show courtroom decision-making varying across different social contexts including SES community characteristics.

Taken together, community context including the SES of a defendant's neighborhood may act as a macro-level extralegal factor that influences courtroom workgroup decisions. This may occur through the courtroom workgroup sharing focal concerns about crimes that take place in certain areas or having stereotypes about defendants that reside in specific parts of the community (Sudnow, 1965; Suttles, 1972). For example, defendants from marginalized communities may be stereotyped with criminality and future offending (Spitzer, 1975; Sudnow, 1965). Finally, despite the literature offering some support for the impact of social context in sentencing, few studies have focused on the influence of a defendant's home neighborhood SES which may be particularly important for charging and sentencing decisions made by the courtroom workgroup (Auerhahn et al., 2017; Omori, 2017; Williams and Rosenfeld, 2016; Wooldredge and Thistlethwaite, 2004).

Neighborhood SES and Criminal Punishment

In one of the earliest studies of neighborhood SES and punishment, Clarke and Koch (1976) examined 798 burglary and larceny defendants in a North Carolina county. Defendant income was measured by identifying the median income of census tracts corresponding to the defendant's residence. Significant results were not found

for the defendant's race, age, and employment status on prison outcomes, but defendants from low-income areas were significantly more likely to be sentenced to prison, especially if these defendants did not obtain bail and did not have an effective attorney. Overall, neighborhood level income was found to be the most influential variable in a defendant's likelihood of being sentenced to prison.

Later, Wooldredge and Thistlethwaite (2004) sought to understand disparities in case processing outcomes involving a defendant's race, individual level SES, and neighborhood level SES. In a sample of misdemeanor intimate assaults in Cincinnati, OH, African-American defendants had fared better in charging, full prosecution, and incarceration length, but not convictions. Defendants who were low SES at the individual level and resided in low-income neighborhoods were treated more leniently in early stages of case processing, but were more likely to be convicted at later stages. Thus, in a sample of misdemeanor intimate assault cases, neighborhood SES appeared to impact case processing decisions for African American defendants from low-income areas with these defendants receiving better outcomes in early charging decisions. Wooldredge and Thistlethwaite (2004) explained these findings by stating that courts in disadvantaged areas are more likely to have higher crime rates and sentence defendants more leniently to process cases quickly to manage higher caseloads.

Similarly, in a study reviewing the relationship between minimum sentence lengths and residential neighborhood composition measured with a social disorganization index including poverty, female headed households, unemployment, racial/ethnic heterogeneity, proportion of Spanish speakers, and Latino residents,

Auerhahn and colleagues (2017) found a negative relationship between neighborhood disadvantage and punitive sentences in a sample of 635 homicide defendants in Philadelphia. Controlling for individual level SES with a measure for private attorney, results indicated that defendants in the sample who resided in disadvantaged neighborhoods received 3.3 fewer months on average compared to defendants that did not reside in disadvantaged neighborhoods. In contrast, Wooldredge (2007) examined a sample of approximately 3,000 African American and White defendants charged with felonies in 24 Ohio counties to review the relationship between a defendant's home neighborhood characteristics and the likelihood of sentence severity and imprisonment. Wooldredge found neighborhood disadvantage was significantly and positively related to prison sentences. Specifically, African American defendants received shorter sentences and defendants from disadvantaged neighborhoods received non-suspended prison sentences more often.

Although scholars have noted that the SES of the defendant's community is one intriguing factor that may influence prosecutorial discretion, these studies did not fully consider various neighborhoods in which the crime occurred. For example, Auerhahn and colleagues did not review the crime-targeted neighborhood because homicides occurred in specific parts of the city and they assumed these incidents occurred close to where the offender resided. However, not distinguishing offenders who may have committed crimes in areas that were outside of their home neighborhoods is one limitation to be addressed in the present study. The court may take characteristics of the crime-targeted neighborhood into account in case processing (Omori, 2017) and punishment can vary depending on the court actor's

perception of the harm done to the community and the social class of the community

in which the crime was committed (Williams and Rosenfeld, 2016). For example,

lower class defendants may be treated more punitively if the crime-targeted

community is part of society's upper-class (Chambliss and Seidman, 1971).

Therefore, the social class of the offense-targeted neighborhood and the social class

of the neighborhood where the offender resides may both jointly affect prosecutorial

decision making.

Overall, court actor's perceptions may lead to contextual level disparities in

case processing for offenders committing crimes in different SES neighborhoods.

The present study will review contextual differences in charging across

neighborhoods in one county by examining the intersection of SES and charging

decisions made by prosecutors. However, to fully understand these macro-level

disparities in court decisions, it is important to consider the characteristics of both the

offender's home neighborhood and crime-targeted neighborhood. Related work in

environmental criminology provides a useful lens for considering this intersection.

Environmental Criminology and Criminal Punishment

An offender's home neighborhood and crime-targeted location have largely

been discussed in environmental criminology as the physical spaces within an

offender's journey to criminal opportunity (Brantingham and Brantingham, 1993;

Rengert, 2004). An offender's journey encompasses three basic elements: the starting

location or anchor point, the direction in which the offender moves toward the crime,

and the distance from the crime scene to the anchor point (Rengert, 2004). For the

purposes of this thesis, research on the distance traveled to criminal opportunity is briefly discussed to elaborate upon the anchor point and crime-targeted location.

First, the literature has predominately noted that offenders do not travel very far from their anchor point. In other words, offenders are more likely to commit crimes near their place of residence (Brantingham and Brantingham, 1993; Phillips 1980; Rengert, 2004). This is known as the distance decay function which explains that the farther away offenders move from their home, a place of familiarity, the less likely offenders are to commit a crime. Although the distance decay function is widely agreed upon, some scholars discuss the possibility of offenders traveling farther away to commit crimes in different communities compared to their home community (Canter and Youngs, 2008; Koppen and Keijser, 1997; Rhodes and Conley, 2008).

Second, understanding community characteristics are important when reviewing criminal patterns such as the suitable target or neighborhood in which the crime is aimed from the anchor point (Rengert, 2004). Specific areas may be considered "attractive" for criminal activity. For example, offenders may target areas where fear of crime is low such as busy shopping streets, student unions, or parking lots (Brantingham and Brantingham, 1993). Crimes in these areas may be offense-specific and occur at different times throughout the day. For instance, researchers have noted hot spots for thefts exist at subway exits or bus stops when traffic flow is high (Brantingham and Brantingham, 1993). Accordingly, criminal activity is most noted in areas aligning with the daily routine activities of offenders and community members (Clarke and Felson, 1993). However, other scholars have noted that

offenders may engage in criminal activity in ecologically different places relative to their home neighborhood based on opportunities to commit specific offense types (Canter and Youngs, 2008; Clarke and Felson, 1993; Hipp, 2016; Rhodes and Conley, 2008).

Offenders motivated to travel to commit crimes in different neighborhoods mainly search for criminal attractors and opportunities to engage in predetermined criminal activity (Canter and Youngs, 2008; Clarke and Felson, 1993; Rhodes and Conley, 2008). For example, crimes take place on physical or perceived edges where change from one community to another is apparent. These include parks, commercial areas, sides of diverse roads, ethnic boundaries in cities, as well as places between neighborhoods of different social status (Brantingham and Brantingham, 1991). However, other criminal attractors include areas that are heavy commercial districts, often located near poor neighborhoods, where offenders may be motivated to travel a long distance to commit crimes. For example, an offender may be interested in committing an instrumental offense like a theft or drug deal in a certain district where the payoff is worth the distance traveled to an area that is different from their home neighborhood (Brantingham and Brantingham, 1993; Canter and Youngs, 2008; Rhodes and Conley, 2008). Therefore, upper and lower-class neighborhoods offer opportunities for different types of crime. This may allow for varying levels of offender motivation to travel outside of home communities.

Finally, criminal punishment is typically discussed in environmental criminology as restorative justice to the environment of the victimized community. Those who hold greater economic power tend to have the upper hand in whether

16

justice is pursued when the environment is purposefully damaged. White (2010: 372)

stated "not only do the powerful have greater scope to shape laws in their collective

interest, they have greater capacity to defend themselves individually if they do break

and bend the existing rules and regulations." Consequently, when offenders travel to

commit crimes in different ecological places, the level of punishment may change

depending on the context of the victimized neighborhood (D'Alessio and

Stolzenberg, 2002; Spohn, 2000; Spohn and Fornango, 2009; Ulmer, 2012). For

example, some work suggests that the race of the defendant becomes more salient in

areas experiencing greater poverty and growth in minority populations. Johnson,

Stewart, Pickett, and Gertz (2011) found that respondents provided greater support

for the use of ethnicity in sentencing in areas where Latinos were perceived to be

criminally and economically more threatening. Thus, it is possible that judges and

prosecutors may treat offenders from low-income areas more punitively if those

offenders victimize higher income neighborhoods (Hawkins, 1987; Williams and

Rosenfeld, 2016). Only recently, have scholars begun to focus on the ecological

context of the offender's crime-targeted neighborhood in sentencing decisions

(Omori, 2017; Williams and Rosenfeld, 2016).

The Role of SES in Crime-Targeted Neighborhoods

Relatively few studies have directly investigated the importance of

neighborhood socioeconomic status in sentencing. Table 1 summarizes the main

findings of recent studies that examine neighborhood SES and criminal punishment.

In a study reviewing both neighborhood disadvantage and racial make-up of the

crime-targeted neighborhood, Omori (2017) studied block groups from the 2010

American Community Survey taken by the US Census to determine whether the

crime-targeted neighborhood characteristics, mostly racial composition, influenced

sentencing outcomes for 17,298 felony drug defendants in Sacramento, California.

Defendants arrested in black communities were more likely to have higher prison

sentences, as well as a lower rate of fine and probation sentences. Defendants

arrested in Latino communities showed similar results, however, higher probation

sentences were more likely and initial filing strongly impacted sentence decisions.

More relatedly, the most consistent and significant variable to affect both sentence

rates and sentence length was neighborhood disadvantage. Defendants arrested in

areas that had greater socioeconomic disadvantage including unemployment, poverty,

single parent households, and median household income had higher rates of

convictions across jail, fines, and probation sentences. Also, crime-targeted

neighborhoods with higher rates of disadvantage and ethnic/racial composition

resulted in greater rates of convictions for felony drug offenders. It is important to

note that this study focused mostly on racial composition and did not review the

economic disadvantage of the home neighborhood in comparison to the arrest

neighborhood.

Table 1. Neighborhood SES and Sentencing Studies

Author(s)	Year	Dataset	DV	Findings
Auerhahn, Henderson, McConnell, & Lockwood	2017	636 Philadelphia homicide defendants (1995 – 2000).	Minimum sentence length (months)	Defendants from disadvantaged neighborhoods received lenient sentences.
Omori	2017	317 felony defendants in Sacramento, CA (2005 – 2010)	Prison sentence length and probation	Socioeconomic disadvantage was most consistent finding for sentence rates and lengths.
Williams & Rosenfeld	2016	136 black males; 79 neighborhoods in a Midwest city	Prison; probation sentences; pretrial	Black males arrested in high income neighborhoods had higher

			confinement; bail amount	bail amounts and spent more time in jail/prison.
Wooldredge	2007	3000 felons from disadvantaged Ohio neighborhoods	Suspended prison sentences; prison sentence length	Felons from low SES neighborhoods were more likely to receive non-suspended prison sentences.
Wooldredge & Thistlewaite	2004	2,498 males convicted of misdemeanor assaults in Ohio	Arrested, charged, convicted, jail/jail length	Black males from disadvantaged areas were less likely to be charged, but more likely to be fully prosecuted compared to white offenders.

Similarly, Williams and Rosenfeld (2016) conducted a study identifying a small sample of black male offenders charged with firearm possession in a large Midwestern city to understand the influence of both SES and racial composition of the crime-targeted neighborhood on case processing decisions. Racial composition did not have an effect on pretrial detention, bail amount, or sentence, however, neighborhood SES impacted the likelihood of prison sentences through a mediated relationship between the final bail amount, pretrial confinement, and neighborhood affluence. Williams and Rosenfeld (2016) found black defendants arrested in higher income neighborhoods were more likely to be sentenced to prison than defendants arrested in lower income neighborhoods. These results were explained by focal concerns and group threat theory implying that legal actors offer more protection to higher-class communities because crimes committed by subordinate lower-class members are perceived to be a greater threat to higher-class communities (Hawkins, 1987; Williams and Rosenfeld, 2016).

In sum, there is some evidence that neighborhood SES may play a role in court decisions. Examining the SES of neighborhoods involved in criminal cases can help to identify contextual sentencing disparities. There is empirical support for the socioeconomic status of the defendant's home neighborhood and crime-targeted

neighborhood separately influencing court decisions, but no studies to date have attempted to review the SES of both neighborhoods potential impact on early case processing. This thesis expands upon current attempts to review the SES of the neighborhoods involved in criminal cases by investigating whether the SES of both the offender's home neighborhood and victimized neighborhood (i.e., offenders from low SES neighborhoods committing crimes in high SES neighborhoods) impacts prosecutorial discretion in charge reductions.

Chapter 3: Theory and Hypotheses

Theory

The focal concerns perspective and theories of group threat processes provide a useful foundation for understanding criminal punishment in the context of offenders who commit crimes in economically different neighborhoods. First, Steffensmeier and colleagues (1998) stated that judicial and prosecutorial decision-making are guided by focal concerns including perceived offender blameworthiness, community protection, and practical constraints/consequences. First, *blameworthiness* refers to the culpability of the offender. Court decision-makers may review biographical and case factors such as offense seriousness, criminal history, and the role that the offender played in committing the offense when evaluating perceptions of risk. In contrast, biographical factors such as whether the offender had been victimized prior to offending can also decrease perception of risk. Second*, community protection* considers the level of harm done to the community and involves a prediction about possible future offending and dangerousness of the offender. The more uncertainty decision-makers have about the future offending behavior of the defendant, the more likely biographical factors will be taken into consideration. Finally, *practical and organizational constraints* as well as offender consequences encompass the third focal concern. Examples include courtroom relationships, available resources, perceived offender ability to be incapacitated, and local community norms and politics.

Steffensmeier and colleagues stated that judges, prosecutors, and other court actors utilize these focal concerns in decisions when there is limited information

21

about the offense and defendant. This is known as the "perceptual shorthand" in the

sentencing process which becomes problematic when the decisions of the judge and

prosecutor are linked to extralegal factors such as race, gender, or social class. For

example, unemployed young minority male offenders may be sentenced more harshly

than other offenders because of stereotypes that have been attributed to this

marginalized group (Chiricos and Bales, 1991; Spitzer, 1975). Therefore, court

actors may connect class stereotypes to case characteristics such as the SES of either

the defendant's home community or crime-targeted neighborhood in the perceptual

shorthand process.

Judges and prosecutors may utilize defendant's individual and neighborhood

characteristics in the perceptual shorthand process when deciding to charge or

sentence defendants (Auerhahn et al., 2017; Omori, 2017; Williams and Rosenfeld,

2016; Wooldredge, 2007; Wooldredge and Thistlethwaite, 2004). For example,

societal expectations of norms and behaviors are associated with demographic

characteristics, "types" or "scripts," which impacts how individuals across different

social classes are treated (Harris, 1977, Harris and Hill, 1986). These characteristic

differences involve neighborhood traits. Sudnow (1965: 261) stated that the

courtroom workgroup applies "going rates" for stereotypical offenders, but also

considers crime to be "ecologically" specified. Court actors remember certain

neighborhoods as hot spots for criminal activity and other areas are considered to

have relatively little crime (Sudnow, 1965). These opinions created from court

actor's cognitive mapping and impressions of different parts of the city can influence

how defendants are processed within the court. For instance, prosecutors may view

defendants from neighborhoods with higher rates of minorities, unemployment, poverty, and crime to be more dangerous or at risk of future offending (Krivo and Peterson, 1996; Sudnow, 1965; Wooldredge, 2007). When this occurs, prosecutors may be less likely to reduce charges for these offenders because of negative stereotypical imagery tied to individuals from lower-status urban neighborhoods (Harris, 1977, Harris and Hill, 1986; Sudnow, 1965; Suttles, 1972; Wooldredge, 2007). Differently, offenders who reside in higher-income communities may be considered archetypal countertypes (Harris, 1977; see also: Sealock and Simpson, 1998) who are characteristically different from the stereotypical offenders who are considered young, minority, males from low SES areas. These characteristic differences may play a role in prosecutors charging decisions with offenders from high-income areas being treated leniently because these offenders are countertype to the negative stereotypes of offenders from low income areas (Harris and Hill, 1986; Hill, et al., 1985). Overall, offender 'types' and the way their neighborhoods are remembered within court actor's cognitive maps can influence charge offers and sentence recommendations (Harris and Hill, 1986; Wooldredge, 2007).

Relatedly, conflict theories offer a theoretical explanation specific to understanding the SES of both the defendant's home and crime-targeted neighborhoods impacting prosecutorial decision-making. To begin with, conflict theorists maintain that the economic elite hold power in a capitalist society by keeping marginalized groups oppressed (Chambliss and Seidman, 1982; Liska, 1992; Spitzer, 1975). These principles, founded in Marxism, explicitly state that individuals in power are threatened by the poor urban masses (Spizter, 1975). For example,

group threat theories, rooted in broader conflict perspectives, have predominately focused on racial and economic stratification or the threat of racial minorities and the poor on the economically powerful white elite. Specifically, economic stratification in society is violated by poor individuals committing crimes against the upper class (Liska, 1992; Spitzer, 1975). When this occurs, social control of lower class individuals takes place in the legal system to protect elite capitalist interests from the low-income groups or "social dynamite" (Spitzer, 1975: 646). For instance, Chambliss and Seidman (1982) stated that economic inequality in society perpetuates a threat to the dominant upper class or the political and economic elite and the legal system is utilized to maintain the status quo. Overall, there are severe criminal sanctions reserved to individuals in the lower class who are perceived as a threat to those in the upper class (Chambliss and Seidman, 1971; Liska, 1992; Spitzer, 1975).

Hawkins (1987) extended these arguments to include victim characteristics and posited that social class differences in criminal punishment such as the race of the victim influences perceptions of threat to social norms in society. Literature reviewing cross-class differences in sentencing between the suspect and victim have primarily focused on racial differences (Hawkins, 1987; Kleck, 1981; Stolzenberg, D'Alessio, and Eitle, 2004). Most notably, studies identify black offenders who victimized whites were treated more harshly, specifically in capital punishment cases (Baldus, Woodworth, and Pulaski, 1990; Baldus, Woodworth, Young, and Christ, 2001; Kleck, 1981; Paternoster and Brame, 2003, 2008; Williams and Holocomb, 2001). Paternoster (1984) found similar results when investigating factors that influence prosecutor's decisions to pursue the death penalty in a sample of 300

24

homicide cases in South Carolina. The victim's race was significantly related to the

prosecutor's decision to seek the death penalty. Specifically, in cases with a black

suspect and white victim, compared to other same-race and cross-race suspect-victim

dyads, the death penalty was most likely to be requested by the prosecutor. The death

penalty was sought three times more often for white victims, members of the elite

group in society, compared to black victims, part of the marginalized population.

Hawkins (1987) utilized group threat processes to explain these findings and stated

that crimes involving a black perpetrator and white victim violates society's social

order of powerful white elites being privileged over poor minorities.

At the same time, related work suggests that white offenders may be protected

against criminal punishment when their cases involve black victims, because violent

crimes committed against black victims are discounted or viewed as less serious than

crimes involving white victims (Hawkins, 1987; Kleck, 1981; Stolzenberg, D'Alessio,

and Eitle, 2004). These findings on cross-race victim-perpetrator differences in

criminal punishment allude to the idea that other cross-class differences exist such as

the impact of the defendant's home neighborhood SES and victimized neighborhood

SES. For instance, the community context where the crime occurred may play a part

in criminal justice case processing with court actors considering greater community

protection for defendants from higher status neighborhoods compared to defendants

from lower status areas (Williams and Rosenfeld, 2016).

Taken together, there is theoretical support for the differential treatment of

defendants according to community context (Omori 2017; Williams and Rosenfeld,

2016). Judges and prosecutors may hold stereotypes and implicit biases, influenced

by society's normative social conditions, that impact the appearance of focal concerns in punishment (Hawkins, 1987; Kleck, 1981). Court actors, members of the elite group in society, may administer stricter criminal sanctions to members of marginalized groups who threaten economically elite communities (Williams and Rosenfeld, 2016). In contrast, offenders from high-income areas who victimize low-income neighborhoods may be treated less severely in sentencing because these crimes do not go against the socially conditioned norms in society (Hawkins, 1987; Williams and Rosenfeld, 2016: 385). Furthermore, literature concerning social class differences in criminal punishment tend to show unfavorable outcomes for marginalized members and favorable outcomes for members of the powerful upper class (Baldus, Woodworth, and Pulaski, 1990; Baldus, Woodworth, Young, and Christ, 2001; Paternoster and Brame, 2003, 2008; Kleck, 1981; Williams and Holocomb, 2001). Likewise, prosecutorial decision-making may vary when prosecutors review the class differences of the victimized neighborhood in relation to the defendant's home neighborhood. Consequently, the SES of neighborhoods involved in criminal cases are predicted to act as an extralegal factor in prosecutorial decision-making.

Hypotheses

Based on past research and theoretical perspectives, the SES of both the defendant's home neighborhood and victimized neighborhood can impact prosecutorial discretion and criminal punishment (Auerhahn et al., 2017; Omori, 2017; Williams and Rosenfeld, 2016; Wooldredge, 2007; Wooldredge and Thistlethwaite, 2004). First, it is hypothesized that variants in neighborhood SES will

influence the likelihood of a charge reduction. In particular, I expect that offenders from low-income areas will be treated more punitively. Utilizing focal concerns, prosecutors may hold negative stereotypes about defendants from low income neighborhoods as being more dangerous and blameworthy (Harris and Hill, 1986; Hill, et al., 1985; Sudnow, 1965; Suttles, 1972; Wooldredge, 2007). Also, offenders from low-income neighborhoods may be viewed as "social dynamite" that threaten the upper class, leading them to be processed more harshly through the legal system (Chambliss and Seidman, 1971; Chiricos and Bales, 1991; Liska, 1992; Spitzer, 1975). Thus, existing theoretical perspectives suggest that court actors may stereotype low-income individuals as more culpable and threatening to the elite (Karp and Clear, 2000; Steffensmeier et al., 1998). As such, it is predicted that low-income defendants will be less likely to receive a charge reduction.

Hypothesis 1: Offenders who reside in low-income areas will be less likely to receive a charge reduction.

Second, integrating conflict perspectives with focal concerns theory suggests that high-income offenders may be viewed as less blameworthy and less dangerous because they are part of the elite class (Chambliss and Seidman, 1971; Liska, 1992; Spitzer, 1975). Compared to low-income offenders, crimes committed by high-income individuals may be viewed as countertype offenders who do not fit the stereotypical offender script (Harris and Hill, 1986; Hill, et al., 1985; see also: Sealock and Simpson, 1998), and they may appear to be less damaging to the social order in society (Hawkins, 1987; Farrell and Holmes, 1991). Relatedly, prosecutors may view offenders from affluent communities as less culpable or less at risk for

27

future offending (Sudnow, 1965; Suttles, 1972). Thus, it is hypothesized that offenders who reside in the highest socioeconomic status neighborhoods will be more likely to receive a charge reduction.

Hypothesis 2: Offenders who reside in high-income areas will be more likely to receive a charge reduction.

In addition, there are theoretical reasons to expect that court actors may be influenced by both the home and crime-targeted neighborhoods of offenders. Both focal concerns and group threat processes suggest that the community context of the home and crime-targeted neighborhoods may play a role in case processing. Applying group threat perspectives, the perceived threat and need for community protection may be more pronounced in higher SES neighborhoods for crimes committed by individuals from lower-income neighborhoods (Chambliss and Seidman, 1971; Liska, 1992; Williams and Rosenfeld, 2016). Utilizing focal concerns, prosecutors may view culpability and community protection differently depending on the SES of both the defendant's home and crime-targeted communities. This can lead to a perceptual shorthand based on class-related stereotypes that may result in a smaller likelihood of reduced charges for low income offenders committing crimes in higher income communities. In particular, low-income offenders who commit crimes against high-income communities are likely to be perceived as out of place (Harris and Hill, 1986) and may be considered special threats to elite interests (Hawkins, 1987; Stolzenberg, D'Alessio, and Eitle, 2004). Members from marginalized groups who victimize high-income neighborhoods will likely be viewed as more dangerous and blameworthy (Chambliss and Seidman, 1982; Liska, 1992).

Therefore, offenders from low-income areas who commit crimes in high-income neighborhoods may be less likely to receive a charge reduction.

Hypothesis 3: Offenders who travel from low-income to high-income areas to commit crimes will be less likely to receive a charge reduction.

Finally, these same theoretical perspectives suggest that offenders from high income areas who victimize low-income neighborhoods may be treated less punitively because of upper-class advantages over marginalized groups (Hawkins, 1987). Crimes committed against marginalized members of society are often discounted (Hawkins, 1987; Kleck, 1981). In other words, high-income offenders, part of the elite group in society, may be viewed as less culpable when the victim is part of a low-income group that is not protected by elite interests (Hawkins, 1987; Kleck, 1981). Also, high-income individuals offending in low-income areas may be countertype to the stereotypical low-income offender which could potentially result in lenient charging (Harris and Hill, 1986; Hill, et al., 1985). Therefore, prosecutors who are members of the elite group in society will be more likely to reduce charges for individuals from high-income neighborhoods who victimize low-income neighborhoods.

Hypothesis 4: Offenders who travel from high-income to low-income areas to commit crimes will be more likely to receive a charge reduction.

These hypotheses are tested using unique data from New York County that include information on both the home location of offenders and the neighborhoods where they committed their crime. The data, sample and analytical strategy are outlined next in Chapter 4.

Chapter 4: Data and Method

Current Research Context

Data are utilized from the New York County District Attorney's Office (DANY) which includes over 500 assistant district attorneys (ADAs) and nearly 100,000 cases processed annually (Kutateladze et al., 2014). DANY consists of two offices located in Harlem and lower Manhattan (main office).[1] Cases are originally brought to the DANY's Early Case Assessment Bureau (ECAB) where ADAs decide to accept or decline cases (Kutateladze et al., 2014). When cases are accepted, ADAs decide what charges to bring against the defendant which may increase or decrease in severity during processing.

These data were collected over a 20-month period from 2010-2011 in partnership with the Vera Institute of Justice (VERA) to analyze factors that influence discretionary decision making in case processing. These data include N = 122,695 offenders consisting of 91,518 misdemeanors and 16,093 felonies.[2] This study will focus on offenders who travel to different income neighborhoods to commit crimes.[3] For offenders who travel to different zip codes, approximately 73.07% (n = 46,829) of offenders with known home zip codes travel to different income zip codes to commit crimes. The DANY partnership with attorneys and researchers in the

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[1] DANY offices appear to be community based in which resources are provided to the residents that live near the office locations (Manhattan District Attorney's Office, 2018). In 2015, DANY opened a Washington Heights Office location in northern Manhattan (Manhattan District Attorney's Office, 2018).

[2] The original data include 222,542 offenders. However, after accounting for cases that were adjourned in contemplation of dismissal (ACD), declined for prosecution, and dismissed, there are 122,695 offenders.

[3] The zip code of the offender's arrest location is utilized as a proxy for the location in which the crime took place.

collection process allows for unique and comprehensive data that provide more

information on decision making points and case outcomes in a large and diverse

sample of offenders in an urban city in the Northeast.

Dependent and Independent Variables

Dependent Variable: Charge Reduction

The dependent variable, *charge reduction*, is measured by examining whether

the seriousness of charge(s) are reduced from initial screening and arraignment to

disposition (see Kutateladze and Andiloro, 2014: 212; Kutateladze, Andiloro, and

Johnson, 2016: 407). It is operationalized as a dichotomous variable and measured as

"1" if the defendant received a charge reduction and "0" if the defendant did not

receive a charge reduction.

Independent Variables

The primary independent variables focus on neighborhood SES.

Neighborhood SES is measured as the median income of the zip code in New York

County.[4] The Department of Housing and Urban Development (HUD) (2011)

calculated the Area Median Income (AMI) in New York City. HUD (2011: 8)

defined very low-income families as "…families whose incomes do not exceed 50 per

centum of the median family income." In the present study, this is the threshold used

to calculate low income. Low income is calculated as up to $40,900, moderate

income is measured between $40,900 and $98,160, and high income is above

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[4] In these data, there are approximately 60 home and arrest zip codes. The average population of the top ten arrest zip codes is 45,059 people. Because of the high concentration of individuals that live in Manhattan, the zip codes are smaller per square mile (approximately 1.26 square miles) compared to the average zip code size in the US (approximately 90 square miles). Therefore, although census tracts, approximately 0.1 square miles (Federal Communications Commission, 2015), are not utilized in this thesis, zip codes in Manhattan are a proxy for smaller tract levels.

$98,160.[5]$ Figure 1 displays a map of the median household income in New York

County (Manhattan) by zip code.

Figure 1. Median Household Income - New York County, 2011
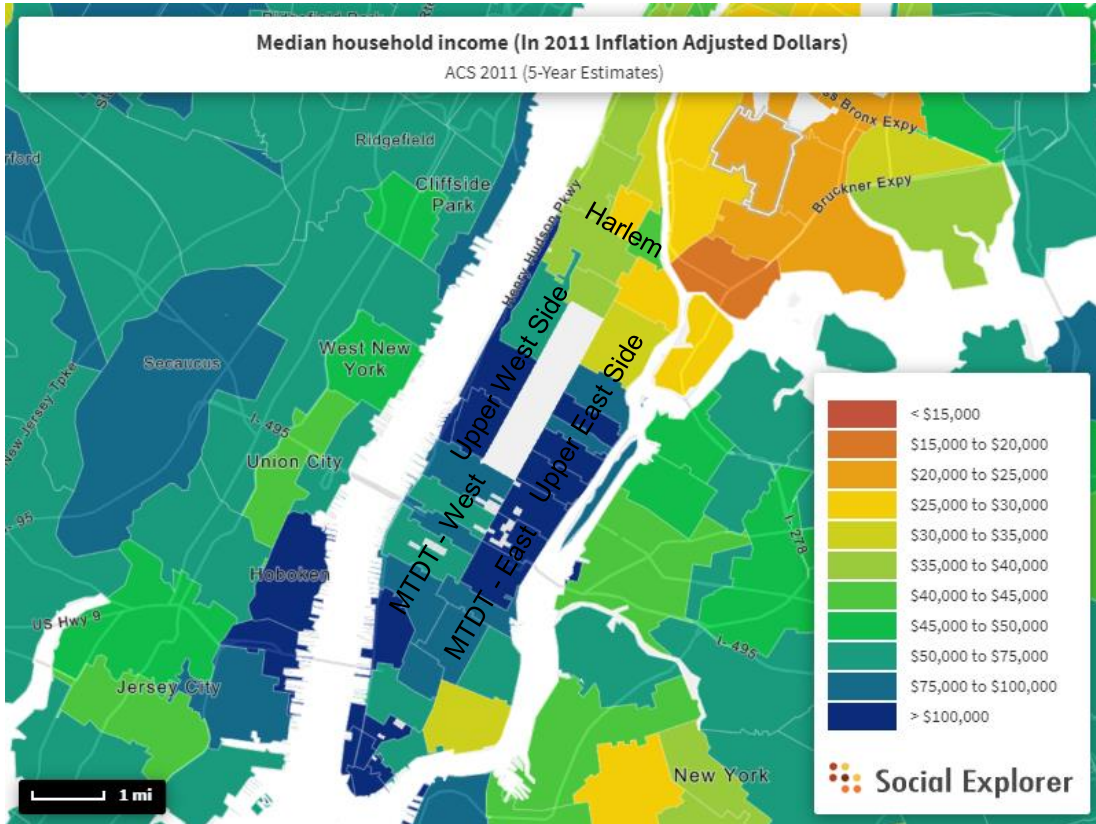
For the present study, four different measures of neighborhood SES are

examined. First, *low home* is measured as "1" for offenders who reside in low

median income neighborhoods and "0" if offenders do not reside in low median

income neighborhoods. Second, *high home* is measured as "1" for offenders who

reside in high median income neighborhoods and "0" if offenders do not reside in

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[5] For a four-person household in New York City in 2011, very low-income is $40,900 (50% of AMI) and low-income is calculated up to $65,450 (80% of AMI). Moderate-income is between $65,450 and $98,160. High-income is above $98,160. However, since these present data are skewed with most offenders from very low-income areas, the income range is identified as HUD's very low income measured as low income, HUD's high income as high income, and moderate income between HUD's very low and high-income categories.

high median income neighborhoods. Third, *low to high* and *high to low* are two

dummy variables that measure offenders who travel to either a low or high median

income neighborhood (relative to the low or high median income of their home

neighborhood) to commit crimes. Specifically, *low to high*-income equals "1" when

offenders live in a low median income neighborhood and travel to a high median

income area to offend. Inversely, *high to low*-income equals "1" when offenders who

reside in high median income areas commit crimes in low median income

neighborhoods. Finally, two variables are created to account for offenders who *travel*

to other and *travel to similar* income areas. People who *travel to other* income areas

are coded "1" for offenders who are not in the low-to-high or high-to-low offender

categories but still travelled outside their own income areas to commit a crime (i.e.,

low to middle, middle to low, high to middle, and middle to high).[6] Offenders who

travel to similar income locations are coded "1" when individuals commit crimes in

neighborhoods with the same or similar income as their home neighborhood income

(i.e., low to other low, middle to other middle, and high to other high).

<u>Legal Variables</u>

Several variables are used to control for legal characteristics. The defendant's

number of charges and criminal *counts*, recorded at screening, are included as

continuous variables. Also, the statutory severity of the criminal offense is controlled

by measuring the top charge. First charge category (violation, infraction,

misdemeanor, felony) and class type (violations/infractions, felony E, D, C, B, A) are

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[6] *Low to high* and *high to low* are excluded from this variable because these interactions are already
controlled for and included in the model as dummy variables.

33

measured at screening. One dummy variable is created to account for each felony

(*class A* to *class E felonies*), misdemeanor (*class A* and *class B misdemeanors*). The

reference category is *violations and infractions.* Additionally, the type of offense is

controlled for using three dummy variables: *person, property*, and *drug offenses.* The

omitted reference category is *other offenses.*[7] The defendant's criminal history is

operationalized by the *number of prior arrest(s)* and *prior prison sentence(s)* (see

Kutateladze and Andiloro, 2014: 33). Both *prior arrests* and *prior prison sentences*

are commonly measured in studies as indicators for defendant prior record (Welch,

Gruhl, and Spohn, 1984). *Bench warrants*, a document that is issued when the

defendant does not show up to their court date, is included as a control and indicator

for flight risk. Moreover, *prosecutor caseload* is a continuous variable that measures

the number of open cases assigned to the assistant district attorney (ADA) at

arraignment. Other legal variables include whether the defendant was in *pretrial*

detention (1 = yes, 0 = no) and whether the defendant obtained *private counsel* (1 =

yes, 0 = no).

Extralegal Variables

The extralegal variables are demographic measures including race, age, and

gender. Race is operationalized into four dummy variables including *black, Hispanic,*

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[7] Missing cases for offense type (n=14,575) are combined with "other" offense types to prevent the
loss of cases. Felony offense types and statutory levels overlapped, so broader offenses such as
person, property, drug, and other categories were included in these data to capture statutory severity
(see Kutateladze, Andiloro, Johnson, and Spohn, 2014). The specific offenses included in each
category are available in the following statutes: Person offenses—New York Penal Law §120.00–
135.75 (Title H); property offenses—§140.00–165.74 (Title I and Title J); drug offenses—§220.00–
221.55 (Title M), and offenses grouped in the "other" category include Title K (fraud), Title L (official
misconduct, bribery, perjury, judicial proceedings), M2 (gambling, prostitution, obscenity), N (public
order, animals, privacy), O (marriage, children), and P (firearms related to public safety, unauthorized
recordings).

Asian, and *other*.[8] *White* is the reference category. Defendant's *age* is a continuous

variable measured at disposition. Gender is coded as a dummy variable using "1" for

male and "0" for *female*.

<u>*Analytic Strategy*</u>

   To test the hypotheses, a logistic regression is used to determine the effect of

defendant SES and offenders traveling from *low to high* and *high to low*-income

neighborhoods on the likelihood of receiving a charge reduction. Since the dependent

variable is binary with "1" indicating charge reduction and "0" indicating no

reduction, a logistic regression is utilized. The logistic regression technique

calculates the log odds of an event occurring. The equation below shows the impact

of the main independent variables and control variables on the likelihood of a

defendant receiving a reduced charge. In the equation, j stands for charge reduction,

the dependent variable, and the log odds of the charge reduction are predicted with

covariates and their corresponding coefficients:

$$\log \left(\frac{j}{1-j}\right) = \alpha + \beta_1 x_1 + \cdots + \beta_k x_k + \varepsilon$$

   The covariates include the main independent variables and controls for legal

and extralegal factors. There are three models with different independent variables.

Model 1 includes variables for offenders who reside in *low home* and *high home*

income areas. Model 2 includes interaction terms for offenders who travel from *low*

to high and *high to low* income locations. Model 3 adds additional controls to capture

offenders who *travel to other* income areas and offenders who *travel to similar*

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[8] Defendants in the "other" race category are identified as either "American Indian" or defendants with
a combination of racial categories (see Kutateladze and Andiloro, 2014: 42).

income areas to commit crimes.[9] These variables are included to account for the possibility of all offenders who travel could be viewed differently by prosecutors when deciding charge reductions.

Finally, standard errors are clustered around prosecutors because some attorneys may be consistently more or less likely to reduce charges than other attorneys. For example, defendants handled by the same prosecutor are likely to have similar outcomes, and this is accounted for by clustering on DANY's assistant district attorneys (ADAs) identification numbers provided in these data. Descriptive statistics and results of multivariate analyses are reported in the next chapter, Chapter 5.

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[9] The reference category for Model 3 is offenders who commit crimes in their own neighborhoods (i.e., offenders who did not travel out of their zip code).

Chapter 5: Results

Descriptive Statistics

The goal of this study is to examine the likelihood of a charge reduction for offenders who commit crimes in economically different neighborhoods in New York County. Table 2 reports correlation coefficients for all main independent variables, and this suggests there are no concurringly high correlations. Table 3 shows the descriptive statistics for all variables. There are 55% of offenders who received a charge reduction between screening and disposition. Approximately 15% of offenders were held in pretrial detention. Offenders have an average of 1.82 charges and 1.96 counts. Most offenders in these data were charged with a misdemeanor, 70% with a Class A misdemeanor and 9% with a Class B misdemeanor. For offense types, 6% committed person-related offenses, 36% involved property, and 21% engaged in drug crimes. The average amount of prior arrests is 3.19. Most offenders in the sample are minority males approximately 35 years of age.

Table 2. Correlations between the Dependent Variable and Main Independent Variables

Measures	1.	2.	3.	4.	5.	6.	7.	8.	9.
1. Charge Reduced	1.000	—	—	—	—	—	—	—	—
2. Low Home	-0.043	1.000	—	—	—	—	—	—	—
3. High Home	-0.011	-0.308	1.000	—	—	—	—	—	—
4. Low Arrest	-0.046	0.369	-0.115	1.000	—	—	—	—	—
5. High Arrest	0.031	-0.148	0.254	-0.300	1.000	—	—	—	—
6. Low to High	0.007	0.141	-0.043	-0.182	0.606	1.000	—	—	—
7. High to Low	-0.011	-0.153	0.497	0.119	-0.036	-0.022	1.000	—	—
8. Traveled to Other	-0.007	-0.051	0.020	-0.338	0.027	-0.127	-0.082	1.000	—
9. Traveled to Similar	0.009	-0.066	-0.163	0.128	-0.213	-0.137	-0.089	-0.523	1.000

Table 3. Descriptive Statistics

	Mean (SD)									
	All Cases **n = 59, 685**		**Low Home** **n = 39,999**		**High Home** **n = 3,440**		**Low to High** **n = 2,043**		**High to Low** **n = 893**	
Dependent Variable										
Charge Reduced	0.55	(0.50)	0.54	(0.50)	0.53	(0.50)	0.58	(0.49)	0.52	(0.50)
Independent Variables										
Low Home	0.62	(0.48)	—	—	—	—	—	—	—	—
High Home	0.05	(0.23)	—	—	—	—	—	—	—	—
Low to High	0.03	(0.18)	—	—	—	—	—	—	—	—
High to Low	0.01	(0.12)	—	—	—	—	—	—	—	—
Travel to Other	0.33	(0.47)	—	—	—	—	—	—	—	—
Travel to Similar	0.36	(0.48)	—	—	—	—	—	—	—	—
Legal Variables										
Pretrial Detention	0.15	(0.36)	0.16	(0.36)	0.18	(0.39)	0.18	(0.39)	0.15	(0.36)
Bench Warrant(s)	0.10	(0.30)	0.10	(0.30)	0.08	(0.28)	0.10	(0.29)	0.08	(0.28)
Prosecutor Caseload	135.13	(100.51)	135.31	(100.11)	131.10	(101.15)	128.67	(99.29)	133.90	(101.31)
Private Counsel	0.03	(0.18)	0.02	(0.15)	0.07	(0.25)	0.03	(0.17)	0.05	(0.21)
Charging Characteristics										
Number of Charges	1.82	(0.83)	1.80	(0.83)	1.86	(0.86)	1.99	(0.77)	1.86	(0.84)
Number of Counts	1.96	(2.45)	1.93	(2.69)	2.06	(3.25)	2.18	(1.44)	2.01	(2.10)
Statutory Severity										
Class A Felony	0.001	(0.04)	0.001	(0.03)	0.002	(0.05)	0.0005	(0.02)	0.004	(0.07)
Class B Felony	0.03	(0.16)	0.03	(0.17)	0.03	(0.17)	0.01	(0.11)	0.03	(0.17)
Class C Felony	0.02	(0.12)	0.02	(0.13)	0.02	(0.13)	0.02	(0.14)	0.02	(0.13)
Class D Felony	0.04	(0.20)	0.04	(0.20)	0.06	(0.23)	0.08	(0.26)	0.03	(0.18)
Class E Felony	0.03	(0.16)	0.02	(0.15)	0.03	(0.17)	0.05	(0.22)	0.02	(0.14)
Class A Misdemeanor	0.70	(0.46)	0.68	(0.47)	0.70	(0.46)	0.75	(0.43)	0.73	(0.45)
Class B Misdemeanor	0.09	(0.29)	0.11	(0.31)	0.08	(0.27)	0.04	(0.20)	0.09	(0.28)
Violations/Infractions	0.10	(0.29)	0.10	(0.30)	0.08	(0.27)	0.05	(0.21)	0.08	(0.27)

Offense Type										
Person	0.06	(0.23)	0.06	(0.23)	0.09	(0.29)	0.05	(0.22)	0.08	(0.27)
Property	0.36	(0.48)	0.34	(0.47)	0.38	(0.49)	0.55	(0.50)	0.32	(0.47)
Drug	0.21	(0.41)	0.24	(0.43)	0.21	(0.41)	0.08	(0.27)	0.27	(0.44)
Other	0.26	(0.44)	0.26	(0.44)	0.20	(0.40)	0.21	(0.41)	0.22	(0.41)
Prior Record										
Prior Arrest(s)	3.19	(3.77)	3.43	(3.79)	3.60	(3.92)	2.85	(3.69)	3.89	(3.98)
Prior Prison Sentence	0.12	(0.33)	0.14	(0.34)	0.13	(0.34)	0.13	(0.34)	0.15	(0.35)
Demographic Variables										
Age	35.24	(12.67)	34.78	(12.74)	37.14	(12.88)	33.83	(12.17)	37.44	(13.20)
Male	0.85	(0.36)	0.86	(0.34)	0.81	(0.39)	0.81	(0.40)	0.82	(0.38)
White	0.10	(0.30)	0.04	(0.21)	0.27	(0.44)	0.11	(0.31)	0.21	(0.41)
Black	0.53	(0.50)	0.59	(0.49)	0.37	(0.48)	0.54	(0.50)	0.45	(0.50)
Hispanic	0.33	(0.47)	0.35	(0.48)	0.32	(0.47)	0.33	(0.47)	0.31	(0.46)
Asian	0.04	(0.20)	0.01	(0.10)	0.04	(0.20)	0.02	(0.13)	0.03	(0.16)
Other	0.001	(0.04)	0.001	(0.03)	0.002	(0.04)	0.001	(0.03)	0.001	(0.03)

NOTE: Statistics are based on the final sample (n = 59,685) which excludes cases with missing zip codes.

SD = Standard Deviation

Table 3 also displays the descriptive statistics for all variables according to those offenders who reside in *low home* income areas, *high home* income areas, travel from *low to high* income areas, and travel from *high to low* income areas. For offenders from *low home* income areas, 54% received a charge reduction. For offenders from *high home* income areas, 53% received a charge reduction. For offenders who travel, 58% of *low to high* moving offenders received a charge reduction and 52% of *high to low* moving offenders received charge reductions. For legal variables, 18% of *low to high* income offenders were held in pretrial detention compared to 15% held in pretrial detention for *high to low* income offenders. For *high home* and *high to low* income offenders, private counsel was obtained more often compared to offenders from low income areas.

For charging characteristics, offenders who travel from *low to high* income areas to commit crimes hold a slightly higher number of both charges (n = 1.99) and counts (n = 2.18) than offenders who travel from *high to low* income areas to commit crimes. Furthermore, there are little differences regarding statutory severity across income groups. Offenders who travel from *high to low* received fewer Class A (73%) misdemeanors and more Class B (9%) misdemeanors than offenders who travel from *low to high* income areas. For offense types, most *low to high* offenders commit property crimes (55%) and *high to low* offenders commit mostly property (32%) or drug (27%) offenses. Both *low home* and *high home* offenders commit property crimes most often. Considering prior record across different income groups, offenders who travel from *high to low* income areas have the most priors with 3.89 *prior arrests* and 15% with at least one *prior prison sentence*. Finally, demographic

40

characteristics differ slightly across offenders who commit crimes in different income areas relative to their home income area. For those who travel from *high to low* income areas, offenders are 82% male, 21% white, 45% black, 31% Hispanic, and 3% Asian. For those who travel from *low to high* income areas, offenders are 81% male, 11% white, 54% black, 33% Hispanic, and 2% Asian.

Figures 2 through 6 provide histograms and bar charts regarding offender's home and crime-targeted area median income. Figure 2 shows most offenders reside in low-income areas. Figure 3 shows the income of the crime-targeted area is spread out in the distribution with some offenders committing crimes in higher median income areas. Similarly, Figure 4 confirms that most offenders are from *low home* income areas (62.41%) and fewer offenders are from *high home* income areas (5.37%). For offenders who travel to different income neighborhoods, 3.19% offenders travel from *low to high* income areas and 1.39% are *high to low* offenders.

Figure 2. Median Income of Home Zip Code
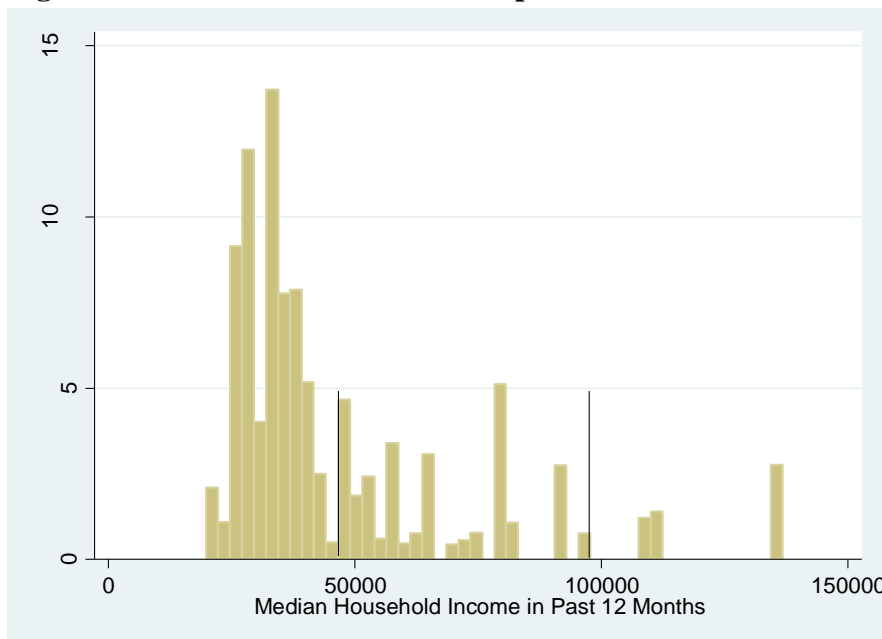
NOTE: Low-income is measured as $40,900 or below. Moderate-income is between $40,900 to $98,160. High-income is above $98,160.

Figure 3. Median Income of Arrest Zip Code
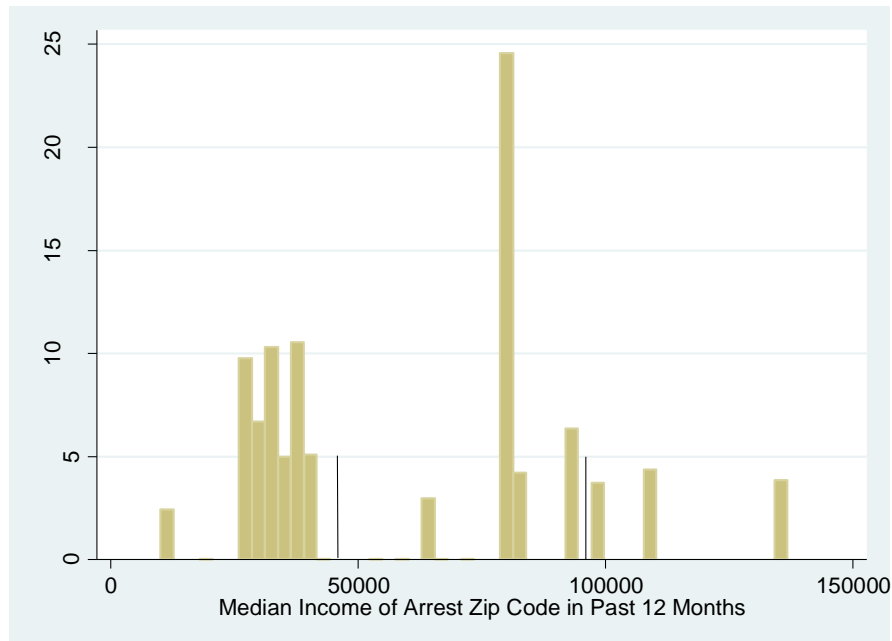
NOTE: Low-income is measured as $40,900 or below. Moderate-income is between $40,900 to $98,160. High-income is above $98,160.

Figure 5 provides a bar chart that displays offense type across the main independent variables. Property crimes are the most common for *low home*, *high home, low to high,* and *high to low*-income offenders. For example, for *low to high* income offenders, 55.26% committed property crimes and 7.64% committed drug crimes. Also, drug (26.65%) and property (32.14%) crimes are the most common offense for *high to low* income offenders. Moreover, Figure 6 presents a bar chart of the distribution of races across the main independent variables. Offenders from *low home* income areas are 4.45% white, 59.48% black, and 34.92% Hispanic. *High home* income offenders are 26.86% white, 36.60% black, and 32.28% Hispanic. Lastly, offenders who travel from *low to high*-income or *high to low*-income areas to commit crimes are mostly black and Hispanic. However, there are slightly more

white offenders who travel from *high to low*-income areas compared to offenders who travel from *low to high*-income areas to commit crimes.

Figure 4. Frequency of *Low, High, Low to High,* and *High to Low* Offenders
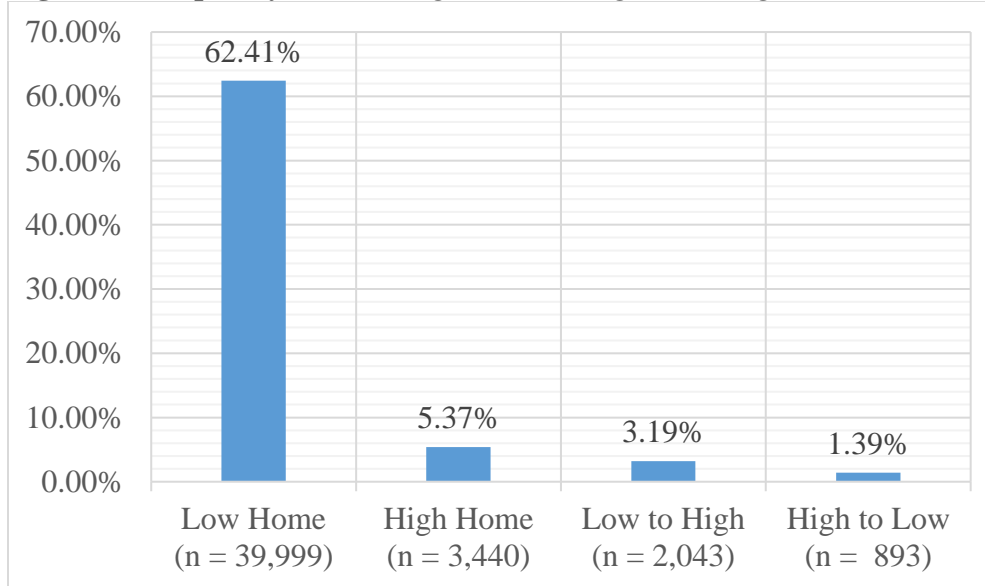
NOTE: Middle income offenders are excluded from Figures 4 - 5.

Figure 5. Frequency of Offense Types Across *Low, High, Low to High,* and *High to Low* Offenders
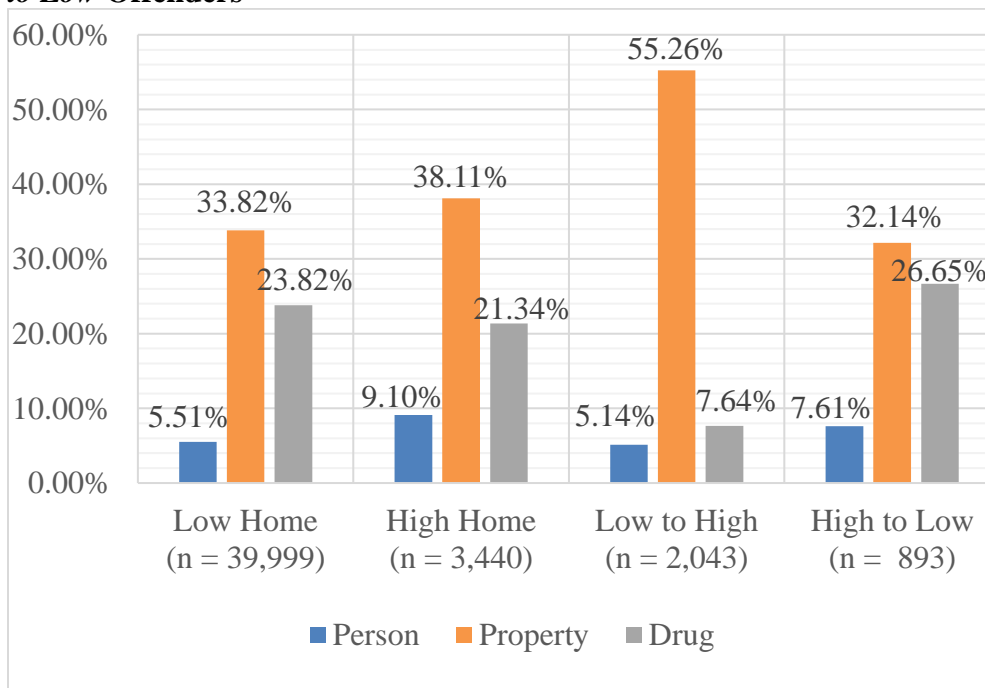
NOTE: Other offenses and middle-income offenders are not included in the figure above.

Figure 6. Frequency of Races Across *Low, High, Low to High,* and *High to Low* Offenders

NOTE: Asian, other-race, and middle-income are not included in the figure above.

Also, offenders who travel to similar and other-income areas are alike across offense types and race. For offenders who travel to other-income areas, 4.33% commit per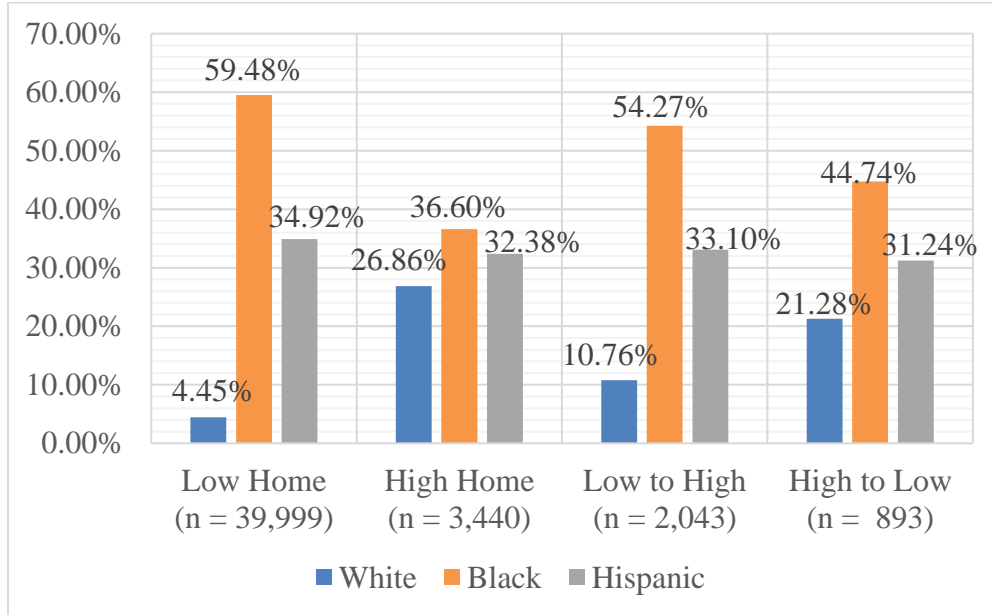son offenses, 41.82% property crimes, and 13.26% drug offenses. For offenders who travel to similar-income areas, 4.90% commit person offenses, 35.63% commit property crimes, and 19.84% drug offenses. Further, offenders who travel to other-income areas are 10.68% white, 57.47% black, and 28.57% Hispanic. Offenders who travel to similar-income areas are 9.76% white, 52.08% black, and 32.43% Hispanic.

In sum, most offenders in these data who commit crimes in different neighborhoods are low-income minority offenders. These offenders commit mainly property or drug crimes. For offenders who travel to different income areas, offense type and race are similar. *Low to high* and *high to low*-income offenders are mainly black and Hispanic. *Low to high*-income offenders commit mainly property crimes

44

while *high to low*-income offenders commit mostly property and drug crimes.

Offenders who travel to other and similar-income areas are mostly black and Hispanic

who commit property and drug crimes.

Missing Data

Among the 122,695 offenders in the original dataset, 58,576 are missing home

zip codes and 191 are missing arrest zip codes. Given the large amount of missing

data for zip codes (n = 58,767), an attrition analysis is included to determine if these

data are missing nonrandomly. T-tests are conducted to understand whether zip

codes are missing systematically (Table 4). The results of the attrition analysis in

Table 4 show offenders who are *not missing* home and arrest zip codes are slightly

more likely to be *black, Hispanic, Asian*, and have more *prior arrests* than offenders

who are missing zip codes. Offenders who are *missing* home and arrest zip codes are

slightly *older,* and more likely to be *white* and *male*. There are no significant

differences regarding *prior prison sentences* and being a member of *other* race.

Finally, *charge reduced* is statistically significantly related to missing zip codes.

However, it should be noted that the significance of t-tests is dependent on the sample

size, and the current study has a very large sample size. Practically speaking, these

comparisons do not reveal large substantive differences. To address missing data in

analyses, listwise deletion was utilized to exclude cases with missing zip code

information.

Table 4. T-tests: Missing Home and Arrest Zip Codes

Variables	**Not Missing Zip Codes (0)**	**Missing Zip Codes (1)**	**Difference**	**T**	
Charge Reduced	0.554	0.470	0.084	29.413	***
Prior Arrest(s)	3.186	2.918	0.267	12.480	***

Prior Prison Sentence(s)	0.123	0.126	-0.003	-1.665	
Age	35.245	36.956	-1.712	-24.268	***
Male	0.845	0.878	-0.033	-16.714	***
White	0.097	0.169	-0.072	-36.912	***
Black	0.531	0.507	0.024	8.395	***
Hispanic	0.331	0.290	0.041	15.498	***
Asian	0.040	0.033	0.007	6.400	***
Other	0.001	0.001	0.000	-0.459	

Note: ***$p<.001$ **$p<.01$ *$p<.05$

Results from Logistic Regressions

The results for Models 1 through 3 are displayed in Table 5. In Model 1 offenders from high home and low home income areas were not statistically significantly different compared to offenders from middle income areas in terms of the likelihood of a charge reduction.[10] Regarding other predictors, defendants held in pretrial detention were less likely to receive a charge reduction while defendants with one or more bench warrants were more likely to receive a charge reduction. Prosecutors with higher caseloads were less likely to grant charge reductions. As expected, defendants who obtained private counsel were significantly more likely to receive a charge reduction. Additionally, the number of charges and counts were not statistically significantly related to charge reductions. For statutory severity, offenders of all statutory levels were more likely to receive a charge reduction relative to offenders charged with violations or infractions. Offenders charged with felonies had higher odds of a reduced charge than offenders with misdemeanor top

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[10] In these data, offenders are nested within home neighborhoods and crime-targeted neighborhoods. Supplemental analyses were conducted using multilevel analysis to account for the hierarchal nature of these data, with the second level of analysis home neighborhoods for Model 1 and arrest neighborhoods for Models 2 and 3. Results from the multilevel models produced parallel findings to those in Table 5, so the single level results are presented in the interest of simplicity.

charges. For offense types, offenders who committed property and drug offenses were less likely to receive a charge reduction relative to other offenses. Person offenses were not statistically significant. Also, offenders with prior arrests and prior prison sentences were less likely to receive a charge reduction. Furthermore, a one-unit increase in an offender's age was associated with a decreased likelihood of receiving a charge reduction. Finally, males, blacks, and Hispanics were less likely to receive a charge reduction relative to whites, while Asians were more likely to receive a charge reduction.[11]

The results of the second model in Table 5 demonstrate that offenders who travel from low to high income areas to commit crimes were less likely to receive a charge reduction relative to offenders who travel to other and similar-income locations, as well as offenders who did not travel. Specifically, the odds of a charge reduction were reduced by 12% for low to high moving offenders compared to offenders who travel to commit crimes in other or similar-income areas and offenders who stayed in their home neighborhood to commit crimes. Although offenders who travel from high to low income areas were in the predicted direction, high to low offenders were not statistically significantly related to charge reduced.

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[11] All predictors (i.e., legal variables, charging characteristics, statutory severity, offense type, prior record, and demographics) display similar results across Models 1, 2, and 3.

Table 5. Logistic Regression Predicting the Log Odds of Charge Reduction for Low Home, High Home, and Offenders Who Travel (n = 59,685)

Independent Variables	Model 1			Model 2			Model 3		
	b	(S.E.)	Odds	b	(S.E.)	Odds	b	(S.E.)	Odds
Low Home	0.07	(0.04)	1.07	0.07	(0.05)	1.07	0.06	(0.05)	1.07
High Home	-0.04	(0.04)	0.96	-0.07	(0.05)	0.94	-0.11	(0.05)	0.90**
Low Arrest	—	—	—	0.03	(0.04)	1.03	-0.02	(0.05)	0.98
High Arrest	—	—	—	0.07	(0.06)	1.07	0.04	(0.06)	1.04
Low to High	—	—	—	-0.13	(0.06)	0.88**	-0.26	(0.07)	0.77***
High to Low	—	—	—	0.03	(0.09)	1.03	-0.03	(0.09)	0.97
Traveled to Other	—	—	—	—	—	—	-0.18	(0.04)	0.83***
Traveled to Similar	—	—	—	—	—	—	-0.16	(0.03)	0.85***
Legal Variables									
Pretrial Detention	-0.76	(0.08)	0.47***	-0.75	(0.08)	0.47***	-0.76	(0.08)	0.47***
Bench Warrant(s)	0.20	(0.04)	1.22***	0.20	(0.04)	1.22***	0.19	(0.04)	1.21***
Prosecutor Caseload	-0.001	(0.0001)	1.00***	-0.001	(0.0001)	1.00***	-0.001	(0.0001)	1.00***
Private Counsel	0.40	(0.11)	1.50***	0.41	(0.11)	1.50***	0.41	(0.11)	1.50***
Charging Characteristics									
Number of Charges	0.02	(0.02)	1.02	0.02	(0.02)	1.02	0.02	(0.02)	1.02
Number of Counts	-0.01	(0.01)	0.99	-0.01	(0.01)	0.99	-0.01	(0.01)	0.99
Statutory Severity									
Class A Felony	2.42	(0.41)	11.25***	2.42	(0.41)	11.22***	2.42	(0.41)	11.22***
Class B Felony	2.34	(0.35)	10.36***	2.33	(0.36)	10.32***	2.33	(0.36)	10.27***
Class C Felony	2.24	(0.32)	9.36***	2.23	(0.32)	9.33***	2.23	(0.32)	9.34***
Class D Felony	3.00	(0.37)	20.01***	3.00	(0.37)	20.02***	3.00	(0.37)	20.17***
Class E Felony	3.11	(0.41)	22.49***	3.11	(0.42)	22.50***	3.12	(0.42)	22.66***
Class A Misdemeanor	1.97	(0.25)	7.15***	1.96	(0.25)	7.13***	1.97	(0.26)	7.15***
Class B Misdemeanor	1.80	(0.27)	6.05***	1.80	(0.27)	6.03***	1.79	(0.27)	6.01***
Offense Type									
Person	0.01	(0.06)	1.01	0.01	(0.06)	1.01	-0.01	(0.06)	0.99
Property	-0.75	(0.16)	0.47***	-0.74	(0.16)	0.48***	-0.74	(0.17)	0.48***

48

Drug	-0.57	(0.06)	0.57***	-0.57	(0.05)	0.56***	-0.59	(0.06)	0.55***
Prior Record									
Prior Arrest(s)	-0.17	(0.03)	0.84***	-0.17	(0.03)	0.84***	-0.17	(0.03)	0.84***
Prior Prison Sentence	-0.42	(0.16)	0.66**	-0.42	(0.16)	0.66**	-0.42	(0.16)	0.66**
Demographic Variables									
Age	-0.03	(0.005)	0.97***	-0.03	(0.005)	0.97***	-0.03	(0.005)	0.97***
Male	-0.30	(0.09)	0.74**	-0.30	(0.09)	0.74**	-0.30	(0.09)	0.74**
Black	-0.27	(0.03)	0.76***	-0.28	(0.03)	0.76***	-0.27	(0.03)	0.76***
Hispanic	-0.09	(0.03)	0.91**	-0.10	(0.03)	0.91**	-0.10	(0.03)	0.91**
Asian	1.26	(0.20)	3.53***	1.26	(0.20)	3.54***	1.25	(0.19)	3.48***
Other	-0.05	(0.28)	0.96	-0.05	(0.28)	0.95	-0.04	(0.28)	0.96
Constant	0.90	(0.11)	2.47**	0.90	(0.12)	2.45**	1.05	(0.14)	2.85***

Note: ***p<.001 **p<.01 *p<.05

SE = Standard Error

The results of the third model in Table 5 demonstrate that the effect for offenders who travel from low to high income areas to commit crimes remain statistically significantly related to charge reduced and in the predicted negative direction relative to offenders who did not travel to different zip codes (i.e., stayed in their home neighborhood) to commit crimes.[12] Moreover, the effect of low to high moving offenders increased in the negative direction with approximately 23% lower odds of a charge reduction compared to offenders who did not travel. Also, offenders who travel (e.g., travel to other income locations and similar income locations) were less likely to receive a charge reduction compared to offenders who stayed in their home neighborhoods to commit crimes. Offenders who travel to other income areas had approximately 17% lower odds of a charge reduction and offenders who travel to similar income areas had 15% lower odds of a charge reduction relative to offenders that did not travel. Finally, offenders who travel from high to low-income neighborhoods to commit crimes were not significantly related to the dependent variable. Overall, these results provide some support for the expectation that offenders from low income areas who travel to high income areas are less likely to receive charge reductions. Findings are discussed and further elaborated upon in the final chapter.

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[12] Scholars have suggested that offenders travel to commit crimes in locations near or contiguous to their home neighborhood (see Bernasco and Block, 2009). Additional analyses included a control for offenders who committed crime in a contiguous zip code and the main findings remained unchanged.

Chapter 6: Discussion and Conclusions

Overview

Scholars state that there is theoretical support for differences in criminal punishment according to community context (Omori 2017; Williams and Rosenfeld, 2016). Recent empirical studies show defendant's home and arrest neighborhood SES influences criminal punishment (Auerhahn et al., 2017; Omori, 2017; Williams and Rosenfeld, 2016; Wooldredge and Thistlethwaite, 2004). However, these studies mostly focused on the relationship of either home or arrest neighborhood SES and final sentencing decisions. No prior work considers the impact of both neighborhoods on prosecutorial decision-making. This thesis examined the relationship of both home and arrest neighborhood SES on the likelihood of a defendant receiving a charge reduction.

Interpretations of Findings

Overall, the hypotheses are partially supported. The first hypothesis states that offenders who reside in low income areas may be *less likely* to receive a charge reduction. Although the results of bivariate analyses (not reported) supported this expectation, with offenders from low income areas being less likely to receive charge reductions compared to offenders from middle income areas, this relationship did not hold when other predictors were included in the model. Therefore, I found no support for hypothesis one when other predictors of charge reductions were controlled which is inconsistent with theoretical reasoning in past literature (Harris, 1977, Harris and Hill, 1986; Sudnow, 1965; Suttles, 1972; Wooldredge, 2007). For example, scholars have suggested that individuals who reside in low-income areas may be more

susceptible to harsher punishment because of negative stereotypes (Wooldredge, 2007). Specifically, judges and prosecutors may view offenders from low-income or marginalized neighborhoods as dangerous, culpable, and threatening (Chambliss and Seidman, 1982; Liska, 1992). Court actors may link these negative class stereotypes to offenders who reside in low-income neighborhoods which may lead to harsher treatment in sentencing and case processing (Omori, 2017; Williams and Rosenfeld, 2016; Wooldredge, 2007; Wooldredge and Thistlewaite, 2004). Bivariate analyses showed support for this extant literature with prosecutors being less likely to grant charge reductions; potentially stereotyping offenders who live in low-income areas. However, multivariate models did not support this argument and perhaps statistically significant variables such as offender's race may be influencing the relationship between offenders from low-income areas and charge reductions. Furthermore, it is also possible that prosecutors may not treat offenders from low-income locations more punitively or leniently because they are considered 'typical' offenders that receive the court's going rate (Sudnow, 1965).

The second hypothesis states that offenders who reside in high income areas may be *more likely* to receive a charge reduction. Findings indicated that the second hypothesis was not supported, and this was the case in both bivariate and multivariate analyses. There was no evidence that offenders from high income areas are more likely to receive charge reductions relative to middle income offenders. Therefore, although bivariate analyses showed some theoretical support of disadvantages in charging decisions for offenders from low-income neighborhoods, I found no support for offenders from high-income neighborhoods potentially holding favorable

52

outcomes in charging decisions. These results do not comport with literature that

suggests high-income individuals may be less culpable and more protected because

they are part of the elite group in society (Chambliss and Seidman, 1971; Hawkins,

1987; Liska, 1992; Spitzer, 1975) and not considered stereotypical offenders (Harris

and Hill, 1986; Hill, et al., 1985; Sudnow, 1965; Suttles, 1972). Overall, however,

analyses did not support the prediction that prosecutors may attach more favorable

views on offenders who reside in high-income locations (Williams and Rosenfeld,

2016) which may reflect sparseness in these data with relatively few offenders

residing in high-income areas.

The third hypothesis states that offenders who reside in low-income areas and

travel to high-income areas to commit crime may be *less likely* to receive a charge

reduction. The third hypothesis was supported with low to high moving offenders

being significantly less likely to receive a charge reduction across all model

specifications. Low to high moving offenders had 23% lower odds of receiving a

charge reduction relative to offenders who did not travel.[13] These results are

consistent with focal concerns, group threat processes, and typescript theory which

suggest that offenders from low-income areas may be stereotyped as dangerous,

threatening, and out of place in more protected high-income neighborhoods

potentially leading to harsher punishments in prosecutorial decision-making

(Chambliss and Seidman, 1971; Harris and Hill, 1986; Liska, 1992; Williams and

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[13] This finding is consistent with separate multilevel analyses and also found in both bivariate and
multivariate regression analyses.

Rosenfeld, 2016). Therefore, support was provided for this extant literature with evidence of disadvantage in charge reductions for low to high moving offenders.

The fourth hypothesis states that offenders who reside in high-income areas and travel to low-income areas to commit crime may be *more likely* to receive a charge reduction. The fourth hypothesis was supported in bivariate analyses (not shown), but this relationship, although in the predicted direction in the second model, did not hold when other predictors were included in multivariate models. Therefore, bivariate analyses show support for theoretical perspectives that suggest high to low offenders are treated leniently in case processing relative to offenders that do not travel (Harris, 1977; Hawkins, 1987; Kleck, 1981; Suttles, 1972). For example, high-income offenders may be protected by the elite (Liska, 1992; Williams and Rosenfeld, 2016) and are countertype to stereotypical low-income offenders (Harris, 1977; Harris and Hill, 1986). Additionally, crimes may be discounted when victims are lower-class individuals or members of the marginalized group (Hawkins, 1987; Kleck, 1981). Thus, although bivariate analyses provided support for the prediction that offenders who reside in high-income locations and commit crimes in low-income areas may have advantages in charge reductions compared to offenders that stayed in their home neighborhoods to commit crimes, high to low moving offenders were not statistically significantly related to charge reductions in multivariate models. Results may again reflect data limitations with too few high to low offenders available in these data. Approximately 1.39% of offenders who live in high-income neighborhoods commit crimes in low-income areas.

There were several limitations in this study. First, t-tests suggested that cases with missing zip code information may be missing nonrandomly which could bias analyses. Therefore, although the study sample was taken from the total population of cases in DANY from 2010-2011, utilizing listwise deletion to exclude cases with missing zip code information is not ideal. It is possible that missing data may be due to homelessness or offenders who move regularly between short-term housing facilities. However, these data do not provide this information and future work is needed to investigate the sources of missingness in additional detail and perhaps implement different missing data techniques such as multiple imputation. Furthermore, although zip codes in Manhattan are notably smaller than the average US zip code, census tracts would arguably be a better unit of analysis. Also, the arrest zip code is used as a proxy for the crime-targeted neighborhood, so it is possible that offenders may have committed crimes in areas outside of the arrest neighborhood location. In the future, researchers need to take greater care to collect data that includes both home, arrest, and crime-targeted neighborhood information.

Second, these data are hierarchal with cases nested within home neighborhoods, crime-targeted neighborhoods, and DANY prosecutor offices. Supplemental multilevel analyses were examined to account for cases nested within home and crime-targeted neighborhoods; however, cases nested within prosecutor offices were not analyzed. Given the multiple levels of analysis, and the complex ways that they overlap with one another, future research will be needed that replicates these results using more complex multilevel methods, especially methods that

properly capture variation between the two prosecutor offices in Manhattan. One promising approach might be to utilize cross-classified models (Johnson, 2012) that allow for multiple overlapping data structures to be analyzed simultaneously.

Third, there may be an underlying relationship between offenders who travel to commit crimes in residential or commercial areas. Literature points to crime concentrating at attractor locations (Block and Block 1995; Sherman, Gartin, and Buerger 1989) and scholars suggest there is a relationship with the distribution of crimes committed near crime attractors (Reid, Frank, Iwanski, Dabbaghian, and Brantingham, 2013). For example, offenders traveling to these attractors move through neighborhoods where they become more aware of criminal opportunities (Reid et al., 2013). Although the present study does not control for residential and commercial areas, it is important to note that offenders may recognize opportunities to commit crime at criminal nodes that exist between residential and commercial locations. Additionally, offenders may commit crimes in different areas that are located next to their home neighborhood (Bernasco and Block, 2009). To investigate this potential relationship in these data, a supplemental analysis was conducted using a dummy variable for crimes committed in contiguous zip codes as a proxy to identify whether crimes occurred in neighboring areas. Findings showed a large amount of offender's target zip codes next to their home zip code. Therefore, future work can utilize GIS technology to look at exact locations and distance traveled between defendant's home and crime-targeted areas and also identify whether crimes in Manhattan occur at these criminal nodes between residential and commercial locations.

Additionally, other factors may be correlated with charge reductions and offenders who travel to commit crimes in areas outside of their home neighborhood. For example, traveling offenders may disproportionately commit stranger offenses or crimes in which the victim is not an acquaintance, friend, family member, or intimate partner. Traveling offenders committing crimes against strangers may have implications on prosecutorial charging decisions. For example, Spohn and Holleran (2001) found prosecutors were more likely to file charges in cases involving stranger crimes, especially if the stranger used a weapon or the victim was white. Thus, victim characteristics may be an underlying mechanism in this study and future work should consider the defendant's relationship to the victim.

Fifth, this study utilized median income-levels to identify neighborhood SES. Neighborhood income and individual-level income could not be properly distinguished with only private attorney as a crude proxy for individual level SES. For example, part of the effect captured in analyses may be that poor offenders live in lower-income areas. Therefore, although it is a common limitation in the literature that studies lack proper measures for SES, it is particularly limiting for this study and scholars should continue to find ways to address this limitation (Zatz, 2000). Moreover, it is crucial to acknowledge ways that neighborhoods may vary other than income. Sampson (2012) stated that neighborhood stratification, gentrification, and racial segregation have impacted urban neighborhoods and contributed to inequality in Chicago. Similarities exist in New York City with increased gentrification in low-income communities (NYU Furman Center, 2016), as well as racially and ethnically segregated neighborhoods (NYU Furman Center, 2012). Thus, these community

57

characteristics such as racial and ethnic neighborhood composition may matter more in prosecutorial decision-making. For example, an individual from a minority community that commits crime in a predominately white neighborhood may have a stronger impact than income-level on charge reductions. Future research could explore the potential relationship and interactions between these various neighborhood characteristics and criminal punishment.

Finally, studies examining the influence of offender traits, mainly race and gender, on criminal punishment are often examined in isolation (Steffensmeier et al., 2017; see also: McCall 2005). However, scholars recognize individuals consist of a constellation of characteristics which impact societal labels (Steffensmeier, Painter-Davis, and Ulmer, 2017). For instance, research on intersectionality focuses on how social statuses intersect to create either harsher or lenient criminal punishments across groups (Steffensmeier et al., 2017; Steffensmeier et al., 1998; Warren, Chiricos, and Bales 2012). Also, according to Sampson (2012) although "scripts" are important in recognizing differences across persons, it does not fully consider characteristics across social settings in neighborhoods where powerful effects exist in ecologically disadvantaged locations. Therefore, it is possible that the effect of neighborhood SES on charging may interact with other defendant and community characteristics such as race, ethnicity, gender, employment, education, and other social traits. For example, an employed Hispanic female from a low-income area who travels to commit crime in a predominately white and upper-class neighborhood may have different implications on prosecutorial decision-making relative to other contextually different offenders.

Conclusions

This thesis adds to the recent literature on community context and prosecutorial decision-making by being the first study to provide support for the ecological context of both the defendant's home and crime-targeted neighborhood impacting charge reductions. Specifically, findings show charge reductions were less likely for offenders who reside in low-income neighborhoods and travel to high-income areas to commit crimes. Also, offenders who travel to other and same-income neighborhoods to commit crime generally seemed to be disadvantaged in charging decisions. These findings have implications on social inequality and contextual level disparities in criminal punishment.

First, findings indicated that there are broader processes taking place within these findings not just for offenders who travel from low to high income locations, but also people who travel to different and similar income locations to commit crimes. In other words, situational characteristics include not only the socioeconomic status of the neighborhood, but individual level processes that are related to how, when, and why offenders travel to different neighborhoods. For example, prosecutors may scrutinize offenders who travel outside of their home neighborhoods to commit crimes because these offenders stand out as countertypes (Harris, 1977) who are more motivated (Felson and Cohen, 1980) to engage in criminal activity which may impact focal concerns in charging decisions. For instance, offenders who travel to buy drugs may be viewed differently from offenders who travel to different areas to sell drugs. Therefore, although this study found offenders who travel from low to high-income areas to commit crimes were disadvantaged in charge reductions, these results should

be interpreted with caution because individual-level characteristics that add more context to the complexities of offenders who travel and their impact on prosecutorial charging decisions such as the cost or harm done to the victim and the various crimes within each offense type are not completely captured in this study.

In sum, the criminal justice system responds to the SES of both the offender and victim within ecological contexts (Forman, 2017; Laub, 2014; Pfaff, 2017; Sampson, 2012; Wacquant, 2000) and the structure and location of communities may influence how low-income individuals are stereotyped and treated by criminal justice actors (Forman, 2017; Pfaff, 2017; Wacquant, 2000). In sentencing research, minority offenders are noted as being disadvantaged in criminal punishment (Kutateladze et al., 2014). However, Forman (2017) alluded to the idea that class differences may condition race differences when he discussed the history of criminal justice responses in poor black neighborhoods in the US. For example, predominately middle and upper-class judges, prosecutors, and political leaders took increased punitive stances toward black offenders from lower-class areas as one way to prevent the deterioration of poor black neighborhoods. Still, more research is needed to review the separate and interactive contextual effects of race and income in case processing and sentencing. Overall, future work can review social inequality in punishment by identifying potential disadvantages not only for offenders from low-income communities, but offenders who travel to commit crimes as well.

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