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Sentencing Disparity in Illinois' Courts

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SENTENCING DISPARITY IN

ILLINOIS' COURTS

(TITLE)

BY

Maurice Moore

THESIS

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF

Master of Arts in Sociology

IN THE GRADUATE SCHOOL, EASTERN ILLINOIS UNIVERSITY
CHARLESTON, ILLINOIS

1974

YEAR

I HEREBY RECOMMEND THIS THESIS BE ACCEPTED AS FULFILLING
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March 18, 1974

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March 18, 1974

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To my Mother, Bernice, I dedicate this thesis. Without her continued encouragement and support, I would not have reached the stage in formal education study which has allowed me to complete this thesis as part of my degree requirements.

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CHAPTER ONE

STATEMENT OF THE PROBLEM

A. Background

Much has been written on the causes and effect of criminality. The primary focus of most of these studies is on recurrent criminal activity, or recidivism, a factor in modern penological history which, despite the numerous creative programs which have been developed, still is in excess of 30 percent nation-wide.¹

Largely unexplored in the literature is the whole question of what types of people should determine the kinds of treatment that criminals require. Criminal court justices are given the responsibility to decide upon the method and degree of treatment, having as their options either incarceration or other alternatives such as periodic detention and probation. The responsibility of those judges is mandated by the electorate, and almost invariably is intended to be in the hands of legal professionals who have shown in prior years a degree of concern for, and commitment to the welfare of the total community. Also, the philosophy of those judges is likely to be in accord with the general philosophy and objectives of the people who reside in their

¹The President's Task Force on Corrections estimates that among adult offenders, 35 to 45 percent of those released on parole are subsequently returned to prison (Mitford, 1973).

judicial districts.

This thesis will serve to explore some of the significant factors surrounding the issue of criminality as they relate to the court system generally, the various types of communities which are served by these courts, and the manner in which court justices discharge their duties and responsibilities to the people of their districts. In effect, the intention here is to use the relatively long established principles of urban and rural sociology to help us examine some of the many facets of our criminal justice system.² The urban and rural perspective provides a refreshing new focus on factors and causes of criminality.

A number of concepts and theories exist relative to the areas of criminology and penology. They run the gamut, from explanations of deviant behavior in terms of economics and technological factors, to explaining deviancy by human body types. There are ideas on punishing offenders for crimes, to coddling of criminals as an initial step towards eliminating the criminal motivation. Out of the various concepts has come a basic understanding of the elements that must be explored in attempting to deal with problems of criminality. Even more than that, the various theories have provided the judiciary and correctional administrators with possible indicators of causes of criminality. Such informa-

²The criminal justice system includes the following governmental bodies: law enforcement agencies, the court system, local and county jails, state and federal penitentiaries, and post incarceration treatment programs.

tion frequently serves to assist judges and penologists in their attempts to determine the proper kind of treatment the individual convict requires--whether it is punishment or some group of social services aimed at helping him become a functional member of his community. This thesis will address the problem of sentencing as it relates to the concepts and theories alluded to above. A significant discussion will be given to the types of prison sentences that are meted out by the judiciary, and the bases upon which many of those sentences are determined. The larger issue certainly will concern the numerous social and demographic factors bearing on sentencing, and their direct or indirect effect on sentencing decisions.

Ideally, the environments that will be studied should be described as a) totally urban, b) less urban or moderately populated, and c) strictly rural. Because of circumstances which will be revealed later, the research was not conducted along the lines of those three ideal types of environments. Nevertheless, as we shall see, in the chapter on theoretical framework, the demographic environments utilized tend to approximate those more ideal community types. It was determined that regardless of the manner in which the total population is divided for study, the researcher should select three regions which represent northern, central and southern Illinois, and which approach the ideal in terms of highly urban, highly rural and moderately populated areas. Brees (1969) defines an urban area as a place with 20,000 inhabitants or

more. The urban area considered in this study certainly will meet such criteria. On the other hand, rural America today may be defined as farm and non-farm towns and villages of less than 2,500 population (Schultz, 1970). Between those two population ranges would be found the more moderately populated communities which may be on the fringes of urbanity and rurality, but probably not either in the strictest sense.

B. Introduction to the Literature

A considerable amount of literature is available on the subjects of urban and rural sociology. For example, Social Change in Rural Societies, written by Everett Rogers and Rabel Burdage, deals with a number of the elementary questions which must be addressed upon considering the causes and effects of rural criminal activity, and subsequent court dispositions on cases arising out of non-urban crime.

Another book, Urban Society, written by Noel Gist and Sylvia Fava, attempts to view the urban and rural crime question from the perspective of population shifts away from the farm and into the cities. It is expected, according to the authors of Urban Society, that the significant shifts in population contribute in large part to the overwhelming imbalance of crime and crime related problems in the cities as well as the large numbers of offenders from cities who are found in prison populations. In line with the theories of Gist and Fava, Marshall Clinard has written an article which he calls "Urbanization, Urbanism and Deviant Behavior," where

he associates criminal behavior with needs for penological change within the context of urban and rural sociology. Some of Glanard's ideas, along with theories and concepts of a number of other giants in the fields of sociology and law will be incorporated in this study.

Aside from the literature on urban and rural sociology, there are a number of other articles on the autonomy, or lack of autonomy, among criminal court magistrates relative to their responsibilities in setting sentences and determining the extent of correctional treatment required for convicted felons. An article which explores past and present judicial decisions, for example, was written by Peter Low. The article, titled "Reform of the Sentencing Process," reviews the method of determining sentencing decisions in the United States and brings out criticisms and prospective changes which may in the future be implemented by the various states. Another article, "The Emergence of Individualized Sentencing," written by Toni Keller, emphasizes the significant amount of power that judges exercise in their positions. Also, central among the issues discussed by Keller is the tremendous direct influence judges have on the lives of convicted felons, as well as citizens who are affected adversely by activities of those criminals. It is these kinds of issues that will be included in this examination of sentencing disparity in Illinois' courts.

C. Survey of the Literature

The literature suggests that the types of environments in which social relationships are conducted bear heavily upon the presence or absence of criminal activity. Economically depressed areas, for example, particularly those of large cities, send more persons into the criminal justice system than communities offering legitimate economic opportunities. Residents of those depressed communities tend to seek illegitimate means of sustaining themselves. Invariably, their illegitimate activities are at the expense of other citizens. Suttles (1972), in a very articulate statement about the problem of crime and its relation to opportunity structure in America observes the following:

The United States has added to its lawlessness by a series of heavily loaded stereotypes which presume that poverty and low income is such an intolerable condition that disadvantaged people will resort to any means to better their personal situation. The "American Dream" is largely a dream of pecuniary success without reputable alternatives for those who fail to reach a fairly simple level of economic security.

The kind of problems presented by Suttles and other social observers, such as Clinard and Robert Merton, relative to society's expectations from its citizens and the opportunities it provides them as a means of attaining the goals, becomes a most critical part of the analysis of court dispositions in felony offenses.

An analysis of certain prison populations will be done in order to get at the kinds of dispositions that are made relative to inmates' prior living conditions. Hopefully,

reasonable and logical conclusions will be drawn about persons who are incarcerated and the types of environments that have influenced them. It is suggested that there should be some degree of standardized law enforcement and judicial practices in neighboring or like communities if progress is to be made from the standpoint of humane and practical criminal justice administration (Downes and Rock, 1971). Apparent inconsistencies between governmental bodies in the various communities must be addressed in view of potential and existing treatment disparities in criminal arrests and prosecution. This is particularly true in view of ever increasing crime, particularly with regard to ever increasing crime rates.³ Mahn (1971) has suggested that the accelerating fear of crime raises the potential danger that conduct which is legally permissible in one community might be severely punished in another, and that persons living in different sectors of society may be subjected to radically discrepant standards of behavior. The large cities bear evidence of the sort of discrepant behavior which might be exhibited by law enforcement officials, the judiciary, and even penitentiary administrators.

Despite the generally high per capita income level of urban communities, they apparently lend themselves well to criminal activity. Rogers (1960) has suggested that crime is

³Uniform Crime Reports for the United States - 1970, Printed by the U.S. Government Printing Office, Washington, D.C.

usually associated with urban areas, though it also manifests itself in rural areas as well. Crime is a problem of the cities (Morris and Perlman, 1972); the rate of reported serious crime in metropolitan areas in America is four times that of her rural areas. It appears that in the State of Illinois the predominance of indictments, verdicts and prison sentences occur in urban courts.⁴ One might conclude, on that basis, that the sheer nature of cities is the underlying element which dictates frequent and repetitive criminal activity. Clinard (1967), in his discussion of the problems of recent arrivals to the city from urban areas, points out that the new urban dweller, released from the restraints and restrictions of the small town or village, finds that he can do almost anything he likes--or thinks he can. The author further implies that while this freedom may encourage productive and creative activity, it also lays the new urbanite open to temptation to engage in delinquency and crime. Certainly in environments that are conducive to temptations and fewer external controls, a number of societal dysfunctions are bound to be evident. Individuals who succumb to those temptations frequently find themselves at the mercy of a judge and jury which are entrusted with the responsibility of deciding whether anti-social activity has been engaged in by the accused. In those cases where guilt is established, proper correctional treatment must be determined. It is

⁴The 1971 Annual Report to the Supreme Court of Illinois.

expected that there is adequate information available, and enough good judgement on the part of the court to prescribe relevant enough treatment to initiate rehabilitative actions aimed at alleviating conditions that brought on the anti-social behavior of the accused offender. Frequently, the treatment decision translates into a term of imprisonment for the convicted felon.

Factors surrounding the offender's social history should be of particular importance to the judge in his evaluation of a case for sentencing. This implies that differential sentencing should of necessity be a reality in all courts. At least that is the opinion of such notable criminologists as Hans Mattick and Norval Morris who have observed and carefully scrutinized penology from an international base, making conclusive statements about the total value of recognizing individual differences in people and their circumstances.⁵ Burr (1971) makes an important observation regarding judicial sentencing when he states:

The most frequent and perhaps best documented of present judicial sentencing practice pertains to variations in sentences that are not justified by presentence information or the circumstances surrounding the crime. These unjustifiable distinctions are thought to be the result of personal differences in judges and such appropriate influences as prejudices arising during the trial.

The issue of differential sentencing is examined in

⁵Hans W. Mattick has taught at the University of Chicago Center For Studies In Criminal Justice and written several articles on crime and penal reform. Norval Morris has been Director of the University of Chicago Center For Studies In Criminal Justice and authored numerous books and articles.

the literature primarily from the standpoint of judicial decisions that are based on social background of the offender. In other words, writers on the subject tend to deal with the question of whether the accused are sentenced prior to or after exhaustive presentencing investigations. The greater concern here is whether there is an unreasonable amount of subjectivity among criminal court judges which allows them to apply different sentencing standards in different demographic regions. Ultimately, the question to be answered is whether there is consistency in the standards which govern judges sentencing decisions. It is suggested (D'Esposito, 1969) that subjectivity in sentencing, lack of proper guidelines, and virtual absence of limitations on exercise of judicial discretion have produced unjustified disparity. This leaves the question open as to the extent to which that disparity exists, if it does exist, and the forms in which it is manifested within the criminal justice system. An analysis of those issues will be made later in this study. At this point further observations on the matter of disparities will be cited from the literature.

Toni Keller (1972) acknowledges the strong probability of sentencing disparity and refers to the problems associated with it. He suggests that there are benefits which might be gained for the entire criminal justice system if sociologists and psychologists were actively involved in the sentencing process. Keller states:

. . . the best means of remedying disparity is to place sentencing responsibility in the hands of social scientists, rather than attempt to make social scientists out of judges. For, unless trial judges acquire the expertise of social scientists, it is evident that the sentences they impose will never leave the same potential for success in achieving rehabilitation as the treatment that could be prescribed by those people who know most about human behavior.

Much could be said about innovative changes which have been effected by penal administrators as well as the courts in their attempts to bring realistic rehabilitation programs into the criminal justice process. Enumeration of those changes would serve no constructive purpose here. Nonetheless, it is important to recognize that the offender's future, particularly with regard to the violent offenders and felons, rests to a large extent on the kinds of creative ideas and the degree of objectivity which must of necessity become an integral part of the processes by which logical and rational court dispositions are made. The judge is designated by the community which is served by his court as that person responsible for determining a satisfactory method of treatment for felony offenders who come to the attention of that court. Low (1971) believes it is not too strong a statement to say that effectively the sentencing judge can do whatever he wants, for whatever reason he wants, with no external examiner to review the quality of this product. Thus, the judge is entrusted with the responsibility of protecting his community from persons who are identified by law enforcement agents as criminal types. He is expected, in fact, to determine the kind and degree of supervision required to encourage

the convict to turn negative behavior into socially healthy and responsible citizenship.

The judge's task in felony cases is difficult, at best. This is particularly so when we consider what alternatives are available for treatment and rehabilitation of persons exhibiting criminal tendencies. There is a scarcity of what criminologists and penologists of the twentieth century consider proper alternatives for the sentencing judge. Such alternatives as community based programs are geared toward treating felony offenders in their own environments, and providing skills which would enable them to become self sufficient. A major problem, however, is that community based programs are slow to gain community acceptance. The traditional belief among the general population, that criminals should be locked away and given no opportunity to function again in society, still exists in many communities. Rural communities, particularly, react negatively to rehabilitation and therapeutic treatment efforts. As a natural consequence, one might expect that the courts in those regions reflect the more conservative philosophy with which the traditional custodial methods of treating criminality have left us. Fischer (1971) in discussing the attitudes of urban and rural residents on their general response to delinquency asserts:

Persons in larger communities are more likely to be surrounded by tolerant people than those in small towns. Further, to the degree to which climate of opinion has an effect, persons will be more tolerant

in the city, not because of urban characteristics, per se, but because of the correlated distribution of population.

Much of the urban population is concentrated in relatively small land areas which are commonly identified as ghettos. Those areas are important to this study in that black men and women from regions of large communities constitute the overwhelming ethnic and cultural type among prison populations.⁶ An analysis of unequal numbers of blacks who go through the court and prison systems will be taken up later. At this point some mention needs to be made of the references to blacks and criminality in the literature.

Both urban and rural regions have ghetto communities which have become almost entirely occupied by blacks. Due to the high incidence of crime in those communities, and the few available social welfare agencies to deal with the problems of poor and disparate residents, illegitimate activity frequently becomes an alternative means for reaching their objectives. As a consequence, the specter of prisons looms ever present in the lives of those in the lower economic strata, especially. There is an abundance of evidence available, either in the literature or upon personal observation, that lends credence to the notion that absence of opportunity structure enhances the potentiality for conditions of depression, anxiety and frustration that characterizes many poverty area residents. One might make the general assertion that in all those instances where both legitimate and illegitimate avenues of socio-economic achievement seems blocked, recourse

to aggressive and violent behavior may be perceived as a significant area of achievement (Coser, 1967).

The existence or absence of an economic base, political representation (in fact, not just a theory), and educational resources for certain community residents is crucial to that community's ability to divert potential criminals away from illegitimate activity in their quest for respect, social status, and a whole range of other need satisfying goals. Unfortunately, few of the components which make a community self-sufficient and viable can be found in depressed areas such as urban black ghettos and some Spanish and Latin American communities. Consequently, due in large part to the absence of jobs, standard housing, adequate health resources and social service institutions, an alarming number of the poor and deprived resort to deviant behavior (personal and property crimes) to obtain those satisfactions necessary to make life worthwhile. Merton, in his *Social Theory and Social Structure* (1968), pointed out the value of involving all citizens in the social and economic processes. His theory of anomie provides a tool that helps to explain why exclusion of certain groups of people from the mainstream of economic, political and social life ultimately has an adverse effect on the entire community. In part, Merton's theory states:

Owing to their objectively disadvantaged position in the group, some individuals are subjected more than others to the strains arising from the discrepancy between cultural goals and effective access to their realization. They are consequently more vulnerable

to deviant behavior. In some proportion of cases, again dependent upon the control structure of the group, these departures from institutional norms are socially rewarded by successful achievement of goals. But these deviant ways of achieving the goals occur within social systems. The deviant behavior consequently affects not only the individuals who first engage in it but, in some measure, it also affects other individuals with whom they are inter-related in the system.

From the discussion on deviancy, anomie, and their probable causes, comes a question of whether the numbers of crimes that are actually committed by the socially disadvantaged are proportionate, in fact, to the numbers of those individuals who go into the criminal justice system, hence into prison. The answer will become quite apparent when we get into an analysis of the data in chapter four. The data will deal with relative numbers of whites and blacks in Illinois' penitentiaries. In the meantime, Rogers (1960) attempted to answer the question in part when he observed:

Negroes and other minorities do commit more crime than majority groups, but many people believe that their higher crime rate is due to prejudice on the part of law enforcement.

Rogers' statement means, in effect, that there is a strong probability that in areas away from ghettos where there are relatively small numbers of ethnic and poor minorities, or none at all, law enforcement agents and the courts seek alternatives to incarceration for persons who run afoul of the law. They consider prison as a low priority option, or avenue of last resort apparently. In those communities where depressed characteristics are displayed, however, incarceration might be the more acceptable method of treating crimi-

nality. This allusion to potential discrepancies within the criminal justice process provides a foundation for the kind of analysis to be done in this study.

D. Purpose of the Study

The purpose of this study is to explore three fairly distinct social environments within the State of Illinois to determine whether inmates in the state penal system have been sentenced to minimum terms of incarceration based upon factors that have no bearing on the treatment needs of individual offenders.

Recognition that large numbers of inmates in the Illinois State penal system are from black or other minority cultures, having primarily urban orientation has prompted this study. Examination of raw data indicates that an overwhelming number of felony offenders in the more heinous crimes show up in the selected regions that include urban communities. By looking sample numbers of cases chosen at random from the entire prison population, some basic conclusions can be drawn from an analysis of a fairly substantial amount of data. Those conclusions will relate specifically to indications of sentencing disparity, thus, partiality and inequities in the Illinois court system.

CHAPTER TWO

THEORETICAL FRAMEWORK

A. Social Environment and the Courts

It seems a fair statement to say that the courts of Illinois reflect generally the philosophy of that community's residents. As a significant element of those communities, the courts appear to deal with problems of criminality in some manner that runs parallel to the aims and objectives of the community as a whole. Rural courts, for example, tend to take a hard line in their response to criminality. That approach presumably is an extension of their apparently conservative philosophy. Schultz (1970) explains the rural attitude towards deviancy thusly:

Many rural residents adhere to the old value that sanctifies the work ethic and support the "least government is the best government" charade. Some equate rehabilitation and liberal justice with pampering and coddling and demand "an eye for an eye" in the administration of justice.

This chapter will deal with theories of rurality and urbanity and their relation to the whole question of sentencing disparity in Illinois. Also, the concept of social conflict will be alluded to as one criteria in seeking answers to questions of criminality.

B. The Population Under Study

Three of Illinois five appellate court districts, covering portions of the Northern, Central and Southern

regions of the state, have been selected as the universe from which prison inmates were chosen for study. As previously indicated, each of these inmates were sent into the prison system from the appellate court districts selected for the sample. The appellate districts (to be referred to as regions) include Region V in Southern Illinois, Region III in Central Illinois, and Region I which covers only the county of Cook in Northern Illinois.

The Southern Illinois region consists of 37 counties having a total population of 1,249,500.⁷ This region represents the rural section of the state and includes Madison and St. Clair counties, the only counties in the region having population totals in excess of 40,000 (Table A). The Central Illinois region incorporates 22 of the total 50 counties that make up the central portion of the state. The other 28 counties are in Region IV and will not be included in this study. Total population of the region is 1,417,000. The other region is strictly urban Cook County, which has 5,400,000 inhabitants. Table A provides a listing of each of the counties included in the study, as well as their respective population totals.

C. Urban and Rural Theories

The urban and rural concept enabled the researcher to take into consideration pertinent environmental factors that

⁷Population figures taken from the 1970 Census--
General Population Characteristics for Illinois, issued
October, 1971.

TABLE A

Population of Counties in Regions I, III & V

REGION I

Cook 5,492,369

REGION III

Whiteside	62,877	Bureau	38,541
Rock Island	166,734	Stark	7,510
Mercer	17,294	Peoria	195,318
Henderson	8,451	Tazewell	118,649
Warren	21,523	Woodford	28,012
Hancock	23,645	Marshall	13,302
McDonough	36,653	Putnam	5,007
Fulton	41,890	LaSalle	111,409
Knox	61,280	Grundy	26,535
Henry	53,217	Will	248,498
Kankakee	97,250	Iroquois	35,532

REGION V

Christian	35,948	Jefferson	31,446	Alexander	12,015	Johnson	7,550
Montgomery	30,260	Wayne	17,004	Clay	14,735	Union	16,071
Bond	14,012	Edwards	7,090	Marion	38,986	Massac	13,889
Madison	250,934	Wabash	12,841	Clinton	28,315		
Fayette	20,752	White	17,312	St. Clair	285,176		
Shelby	22,589	Pulaski	8,741	Monroe	18,831		
Effingham	24,608	Hamilton	8,665	Washington	13,780		
Jasper	10,741	Perry	19,757	Saline	25,721		
Crawford	19,824	Randolph	31,379	Gallatin	7,418		
Lawrence	17,522	Jackson	55,008	Hardin	4,914		
Richland	16,829	Williamson	49,021	Pope	3,857		

contribute to illegitimate criminal activity and its associating anti-social behavior. Hopefully, urban and rural sociology will add further clarity to the seemingly unending search for understanding and explanation of the failures in judicial decision-making relative to sentencing as a rehabilitation mechanism. Low (1971) points up a dilemma that has nagged at penologists, criminologists and other interested personal observers of the criminal justice process when he states:

The question comes down to whether a sentence designed for one type of individual has an unwarranted affect on sentences imposed on other types of individuals. To put it in a concrete setting, the question is, how much of a five-year sentence is due to the arbitrary selection of ten years as the authorized maximum as opposed to more relevant considerations about the particular offender.

Undoubtedly, in order to get at a solution to the problem raised by Low and others, the courts must give tremendous consideration to social and economic background of offenders at the point of sentencing. It would appear, based on the literature, and the facts to be considered later, that an honest approach to the issue of sentencing disparity would entail the environmental characteristics of convicted offender's home communities. Certainly such environmental factors should affect decisions that are made throughout the system of criminal justice--from law enforcement through correctional efforts, and into post-incarceration treatment programs. A question that must be answered in this study is whether there is significant pressure brought to bear on

judges, causing them to temper their sentencing decisions to reflect other than sound and reasonable judgement about treatment needs of convicted felons.

D. Social Conflict Theory

The Social Conflict perspective provides, in addition to the rural and urban concept, a sound basis on which to deal with cause-effect problems in this research project. It helps to make us aware of the fact that environments which are characterized by frustrations and despair invariably contribute disproportionate numbers of persons to the penitentiary system. The Social Conflict concept addresses, to a large extent, the question of why in criminology. This is an issue that has significance in the actual judicial process, but really becomes pertinent at the point of sentencing. The disenfranchisement which leads to dysfunctional behavior of certain groups of people in both rural and urban communities results from social conditions that must be considered by the courts if, in fact, rehabilitation is paramount in treatment of criminal types. Coser (1972) asserts that certain categories of individuals are so located in the social structure that they are barred from legitimate access to the ladder of achievement. He contends further that certain categories of persons may find themselves in structural positions which effectively prevent them from utilizing not only legitimate channels of opportunity but illegitimate channels as well.

Recognition of the type of stressful conditions which

exist in some communities affords the courts the opportunity to realistically evaluate sentencing and treatment needs. It is important that judges recognize that social pressures build up in certain individuals who may not be criminal types at all. Release of those pressures may be expressed in the form of criminal activity. It is suggested by Leinwand (1972) that most crime grows out of mental illness, which is sometimes temporary in nature, but often of deep origin and undisclosed emotional ailments. The social conflict perspective lends itself to at least partial explanation of the phenomena which create those temporary stressful conditions.

There is no intention here to imply that cultural factors which bear on criminality serve to justify or minimize the seriousness of a criminal act. The point is that such factors do exist and are very much pertinent to the issue of sentencing disparity, in that conflict is a real phenomena, and communities that experience continuous conflict may be expected to reflect larger commitments to penitentiaries on that basis alone. It may be wise to recognize that, after all is said and done, when the institutional system is regarded as the barrier to the satisfaction of legitimized goals, the stage is set for rebellion as an adaptive response (Merton, 1968). This, it would seem, is particularly true in the large urban communities. With the foregoing as a foundation, certain hypotheses have been formulated, and will be explored in the following section.

E. Hypotheses

The structure of Illinois' court system affords judges a degree of independence which enables them to sentence felony cases based on their judgment, so long as the sentence is within the legal lower and upper limits prescribed by state law. Penologists, criminologists, psychologists and legal professionals among others have criticized the method in Illinois and other states, of allowing the judge to sentence according to his own discretion. Schultz (1970), points to rural America as a typical indication of the failures, inadequacies and injustices that exist in the court systems:

Judges in rural areas are sometimes poorly trained or not trained in law; they are subject to a personalized decision-making process and chronic re-election anxiety. Most judges are isolated in single-judge courts and may find it inconvenient to consult senior colleagues. Many have neither the time nor the money to keep up with changes in the law and corrections through in-service training, sentencing institutes, refresher courses, or the trial judges college.

There are a number of opinions similar to that of Schultz among the writings of other court observers. It seems that the theme which runs through the works of those individuals points invariably to the belief that there should be a greater emphasis of humanity and justice in the sentencing process. With that in mind, the following hypothesis and sub-hypotheses were developed.

Major Hypothesis: Felony offenders are sentenced differently in the State of Illinois according to regions in

which they are adjudicated. In each of the three felony offenses: Murder, forcible rape and armed robbery, judges sentence differently according to rural, urban or moderately populated regions of court location.

Sub-Hypothesis I: Race of the felony offender is a determinant in the sentencing severity of criminal court justices.

Sub-Hypothesis II: Autonomy of criminal court judges is a determinant of sentencing severity in felony offenses.

Sub-Hypothesis III: Socio-economic background of the convicted felon is a determinant of sentencing severity.

Sub-Hypothesis IV: Prior arrests of the convicted felon has a direct bearing on the length of sentence handed down by criminal court judges.

CHAPTER THREE

RESEARCH METHODOLOGY

A. Identification of the Research Method

In order to test the major and minor hypothesis, a research method encompassing the procedures employed in this project was adopted. The method is called triangulation (Denzin, 1970).

According to Denzin, "no single research method ever adequately solves the problem of rival causal factors; thus no single method will ever permit an investigator to develop causal propositions free of rival interpretations. Further, because each method reveals different aspects of empirical reality, multiple methods of observation must be employed. The combination of multiple methods--each with their own biases--into a single investigation will better enable the sociologist to forge valid propositions that carefully consider relevant rival causal factors."

Webb, et al (1966) contend that "it is too much to ask any one single measurement class that it eliminate all the rival hypothesis subsumed under the population, content and reactive-effects groupings. If no single measurement class is perfect, neither is any scientifically useless . . . for the next fertile search for validity comes from a combined series of different measures, each with its

idiosyncratic weaknesses, each pointed to a single hypothesis. Triangulation combines a number of unobtrusive measures."

B. The Research Investigation

A substantial amount of raw statistical data was obtained from the State of Illinois Department of Corrections. Additional materials were obtained from the State of Illinois Central Library and the State of Illinois Supreme Court Library. The statistical data included materials on all inmates that were incarcerated in Illinois penitentiaries after January 1, 1970, and up to December 31, 1972. Each of the inmates must have entered the correctional system from one of the 60 counties included in Regions I, III and V.

The State Library provided information regarding census reports for each of the 102 counties of Illinois. Those reports also include a breakdown of population by race (Indian, Japanese, Chinese, Filipino, White and Negro). In addition to census information, the library provided an abundance of literature from which pertinent materials on crime and corrections were extracted.

Materials obtained from the Supreme Court Library included numerous articles on judicial procedure, outline of the judicial process in Illinois, and maps describing the appellate and circuit districts. Also, legal materials describing such sentencing factors as plea bargaining, legislative mandates to the courts regarding the correctional

code, and other reference materials were available.

From the statistics on incarcerated felons, two groups of data were compiled and examined. The first, and that which was more pertinent to the study, dealt exclusively with persons convicted in murder, forcible rape and armed robbery. The second group of data combined every other category of offense for which persons were incarcerated (Table B). Separation of these data afforded the researcher an opportunity to compare statistics on the test population, while at the same time examine similar statistics on other inmates in the prison system--statistics on inmates not convicted for murder, forcible rape or armed robbery. Examination of data in offense categories listed in Table B have no direct bearing on the conclusions that will be drawn in the study. The purpose of the comparisons between the two groups of data was to assure that the research is not generalizing about the prison population and the court system erroneously by excluding a large portion of convicted felons. In this case, those who would otherwise be excluded are convicts in categories other than murder, forcible rape and armed robbery. A more detailed discussion of the study populations and outcome of the results of the study will be dealt with later.

C. Study Populations

The population studied was taken from the entire adult inmate population of Illinois' correctional facilities. The criteria for selection included the following: they must

TABLE B

OFFENSES EXCLUDED FROM STUDY

Aggravated Assault	Driving under Influence of Alcohol
Aggravated Battery	Escape from County Facility
Aggravated Kidnapping	Escape while on Bail
Arson	Forgery
Assault	Fraud
Attempted Armed Robbery	Indecent Liberties with child
Attempted Forcible Entry	Interference with Judicial Procedures
Attempted Murder	Involuntary Manslaughter
Attempted Rape	Kidnapping
Auto Theft	Larceny
Burglary	Possession of Burglary Tools
Buy, Receive, Possess Stolen Property	Prostitution
Cannabis Control	Robbery
Contributing to Delinquency of Minor	Resisting/obstructing Peace Officer
Criminal Damage to Property	Sex Offenses (Except Rape)
Criminal Trespass (Vehicles)	Theft
Deceptive Practices	Unlawful Possession of Firearms
Delivery of Controlled Substances/intent	Unlawful Use of Weapons
Deviate Sexual Assault	Voluntary Manslaughter

have been adjudicated in one of the three appellate regions included in the study (Table C); they must have been convicted of murder, forcible rape or armed robbery; they must be categorized as white or black Americans; and they must have been incarcerated during the period January 1, 1970 through December 31, 1972.

The initial intention was to concentrate the research on those same offenders, plugging each one into a region which exemplified distinctly urban, rural or moderate population characteristics. It was expected that three counties would sufficiently provide enough cases to satisfy the regional qualification. However, upon investigating the data only one, the County of Cook had sent a sufficient number of persons into the penal system in each of the felony offenses used in order to conduct the study as originally expected. Other counties which exhibited the required characteristics but insufficient numbers of commitments include Peoria, in the central part of the state, and Williamson in the southern section. Available data indicated that there were too few murder, forcible rape and armed robbery commitments from those areas to conduct a reasonable investigation of sentencing disparity. Thus, the decision was made to use larger demographic areas that would reflect, hopefully, fifty⁸ cases of murder, forcible rape and armed robbery for each

⁸The intention to include 50 cases of each felony commitment was suggested by Judge Roy Gulley, Administrator of the State Supreme Court, and Art Huffman, contributing editor for the Journal of Crime, Criminology etc., etc., etc., and former Illinois State Criminologist.

region. Upon searching materials relating to courts in Illinois, it was found that the State Appellate Court Districts incorporate counties having sufficient population totals for a study to be conducted--though the study could not include the ideal 450 felony cases. In fact, if the forcible rape commitments in the entire state were included in the study population, there would not be a sufficient number for the ideal 50 per region.

The numbers of cases actually used were dictated largely by the numbers of offenders in the system from those counties of Supreme Court Regions I, III and V. This is particularly the case for forcible rape and murder offenders in both the third and fifth districts. Specifically, there was a total of ten cases of rape in Region V. Thus, the same number of cases were chosen in Regions I and III. Similarly, the number of murder cases (20) were dictated by available offenders in the correctional system for Region V. Again, a like number of cases were sampled from Regions I and III. However, in the armed robbery category a more sizeable number of offenders were sent into the system from each of the three regions. The ideal 50 cases were used in each region.

The population sample involves a total of 240 inmates: 10 from each of Regions I, III and V in the forcible rape category; 20 from each of the three regions in the murder category; and 50 from each of the three regions in the armed robbery category. This comes to 3% of the approximately 6,000 adult inmates in Illinois' state correctional institutions.

D. Interviews with Criminology Experts

Included in the research are several interviews with experts in the field of criminology. These people contributed pertinent observations regarding past and present sentencing patterns throughout Illinois. Dr. Russell Levy, staff research^r for the Illinois Department of Corrections Research Division provided information relative to patterns in sentencing which saw up to twenty percent more convicted offenders go into state penitentiaries during the years prior to 1965. Dr. Levy indicates that many factors are involved in the change which has taken place in numbers of commitments and length of commitments to Illinois state penitentiaries. Further details will be provided regarding those factors in the analysis in Chapter Five.

Another contributor to the study is Judge Roy Gulley, Administrator of the Supreme Court of Illinois. Judge Gulley drew upon over thirty years experience in Illinois court procedures as he concluded that twenty to thirty years ago judges throughout the state were less lenient in their sentencing decisions than they are in the 1970's. He indicates that there are sociological factors which have determined the course of criminal justice in the past as well as in present day society. The kinds of things which Judge Gulley believes brought about present standard of court justice and procedure will receive attention in the conclusions section.

Henry Petrilli is a twenty-five year employee of the State of Illinois Department of Corrections. The General

Services Administrator worked in the old State Public Safety Department which had responsibility for prison inmates as well as other social services. Mr. Petrilli is among those who has seen evolution in sentencing and incarceration procedure in the state during his tenure. His estimation is that politics, primarily, have played the most instrumental part in the changes that have taken place in criminology and penology. A statement on this observation will be made in Chapter Five.

A fourth contributor of significant ideas about sentencing disparity is Arthur V. Huffman, former Illinois State Criminologist. Mr. Huffman, in his thirty years of correctional work, has acquired an abundance of expertise, both in his relationship to the courts and his involvement with the State legislature. He has been instrumental in assisting state penologists and legislators in setting long range standards for criminal justice as well as sensitizing court administrators to the rehabilitation needs of convicted felons sent into the penal system by local courts.

A final contributor is Anthony Kuharich, Administrator of State Detention Standards for city and county jails throughout the State. Mr. Kuharich has extensive experience with judges, sheriffs, chiefs of police, state's attorneys and other local community officials. He has worked with and observed the system of criminal justice in Illinois for over twenty years, and has synthesized those experiences into a wealth of knowledge about court processes and sentencing

procedures. Much of that knowledge is available to this researcher, and will be alluded to in the conclusions sections of the thesis.

The experts polled for this study have seen the criminal justice and sentencing process in Illinois evolve from a traditional punitive treatment orientation, to a relatively smooth running and progress oriented system whose functions are slowly becoming integrated, and which is recognizing the benefits of future orientation. They realize that the overwhelming numbers of convicted felons who are locked up eventually go back into society.⁹ Thus, they attempt to keep this on the minds of persons within the justice system as a reminder that, among other things, the sentencing decisions that are made become crucial to a community's well-being--whether immediately or in some distant future.

E. Racial Characteristics of the Sample Population

The data supplied pertinent information regarding white, black and other racial types which comprise the approximately 6,000 inmates in the correctional system. Only whites and blacks were selected for this study. Their numbers total 240, of which 152 are black and 88 are white (Table C). Those cases chosen were randomly selected from 1,900 blacks

⁹Illinois Parole and Pardon board figures indicate that in excess of 90% of all incarcerated felons return to their home communities from one to ten years after they enter the prison system.

TABLE C

POPULATION OF ILLINOIS' STATE CORRECTIONAL SYSTEM
BY OFFENSE, RACE AND REGION (Studied)*

	REGION I			REGION III			REGION V			<u>Total</u>
	<u>Murder</u>	<u>Forcible Rape</u>	<u>Armed Robbery</u>	<u>Murder</u>	<u>Forcible Rape</u>	<u>Armed Robbery</u>	<u>Murder</u>	<u>Forcible Rape</u>	<u>Armed Robbery</u>	
Black	14	9	40	9	8	25	13	5	35	157
White	6	1	10	11	2	25	7	5	15	83
Total	20	10	50	20	10	50	20	10	50	240

*This includes only the population sampled.

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and whites that went into the penitentiary system during the years covered by the study. There was no random selection in the forcible rape and murder categories for Region V, however, as only enough cases existed to satisfy the requirement of numbers. The majority of blacks incarcerated are from Region I. White inmates are mainly from central and southern Illinois.

General population statistics indicate that the numbers of blacks in Illinois are fewer than totals for whites.¹⁰ In fact, statistics on population in each of Illinois 102 counties reflect decidedly larger totals for white citizens than for blacks. According to U.S. Department of Commerce figures from 1971, Region I (Cook County) has 4,240,890 white and 1,183,475 blacks. By comparison, black commitments to State correctional institutions from the same region number 55 of the total 80 included in the study. Department of Commerce statistics indicate substantially larger percentages of whites in the population of Region V. However, as with Region I, figures on white and black commitments to State institutions indicate that for Region V, 52, or 65% of the total 80 cases sampled are black offenders. In that region there are 1,149,600 whites and 95,300 blacks. Region III, encompassing twenty-two counties, sent a relatively even number of black and white offenders into the prison system. This occurred in spite of the con-

¹⁰U.S. Department of Commerce, Bureau of The Census statistics on Illinois population published in 1970.

siderably larger white population in counties of that region, just as in all counties of Regions I and V. Undoubtedly, there are a number of factors that contribute to the distinctly higher percentage of blacks in the prison population than in the general population of the area. Some of those factors will be dealt with later in the analysis.

CHAPTER FOUR

ANALYSIS

A. Introduction

This chapter will focus on analysis of data based on the hypotheses set forth in Chapter Two. The objective here is to present substantiation or rejection of those hypotheses, using available data as support. Incorporated in this analysis is a study of several factors that are expected to bear on sentencing decisions made by criminal court judges. Those factors include socioeconomic background of the offender, race of the offender, autonomy of judges, and prior arrests of convicted offenders. It must be stated that another factor--plea bargaining--bears on the degree of sentence handed down by some judges. However, due to limited access to historical court documents, the concept was not considered in the study.

B. Master Hypothesis

Crucial to this study is the impact that place of residence has upon the type of prison sentence received by the convicted felon. Prior to examining and analyzing the data, the researcher hypothesized that judges in rural environments tend to hold the general philosophy that longer sentences are directly associated with rehabilitation and

retribution. In Illinois, the legislative statutes mandate a 14 year minimum sentence in murder cases, for example.¹¹

This implies that at least 14 years imprisonment is required for every individual convicted of murder in the state.

Initially, it was expected that persons adjudicated in urban courts more frequently receive longer minimum sentences (in excess of 14 years). Those in rural areas, or moderately populated communities were expected to receive the minimum or close to minimum sentence. Available statistics provide a comparison by region for sentencing in each of the three felonies of concern in this study (Table II). With regard to specific regions, the median minimum sentence for Regions I and III in the murder category is 20 years (Table III). In Region V however, the median is up to 42.5 years. This indicates at first glance that convictions on murder offenses in Southern Illinois counties bring longer sentences than do murder convictions in the Central and Northern sections of the State. The fact that the Southern region reflects a median minimum sentence of 22.5 years longer indicates that there may be regional disparity in sentencing procedures. Upon examination of the data it is found that included in the twenty murder cases sampled from the Southern region were four death sentences. Interestingly, each of the cases that terminated in death

¹¹Citation from legislative statutes are found in the Illinois Code of Corrections which is published as separate document, and which became effective January 1, 1973.

sentences in Region V were tried on the same day (September 15, 1971) by the same judge, and for their parts in the same crime.

The median sentence in rape cases for Region I is 1.5 years longer than the 4.0 median sentence for Regions III and V. This indicates a striking similarity in the sentencing decisions of judges in each of those regions, and provides sound basis for some sort of conclusion to be drawn relative to rape sentencing throughout the state. Similarly, in the armed robbery category there is only a one year difference between the three regions--Region III having an average sentence of 5 years, Region V an average of 4.5 years, and Region I an average of 4 years.

C. Sub-Hypothesis I

One of the major purposes of this study is to assess the degree to which sentencing dispositions bear on the racial or ethnic background of the offender. As was indicated earlier, only black and white Americans were included in the study. Due to the considerably larger number of whites in the general population, it was originally expected that a substantial percentage of the offenders sent into the prison system during 1970, 1971 and 1972 from Central and Southern Illinois would be white. Also, it was expected that the average minimum sentence for whites would be somewhat less than for blacks. According to the data there is neither a representative proportion of whites in the prison system (relative to their numbers in the general population of

Illinois) nor a pattern of sentencing for the various offense categories which indicate disparate treatment of blacks and whites at the court level.

In the murder offense category, for example, there is a combined total of 60 felons for the three regions studied (Table V). The cases were divided into two groups according to race--black and white. Each of the groups have sentences that range from 14 years to death. The number of black offenders is 36, the number of white offenders is 24. Average length of sentence was calculated for the two racial groups, with the outcome showing 35 years for blacks and 32 years for whites. Importantly, this indicates that there is no evidence of disparity in the sentencing function with regard to black and white murder convicts. The fact that there is a larger N for blacks (36) than for whites (24) might account for the difference of 3 years in average sentences between the two groups.

For the forcible rape offense category a similar analysis was done, with the expectation that a wide disparity would be evidenced in sentences for blacks and whites. There is a difference of 14 cases available for computing mean averages on blacks and whites (22 for blacks and 8 for whites) in the forcible rape category (Table V). The range of sentences is 2 to 50 years. Average length of sentence is 7 years for blacks and 10 years for whites. Again, as with murder statistics on average length of sentence, there is a 3 year difference between races. Interestingly, though,

in the case of forcible rape the longer sentences were for whites, whereas the additional 3 years was tacked onto sentences for blacks in the murder category. It is noteworthy that in computing the mean sentences for forcible rape there is only one offender who received a minimum sentence above 25 years--he was white and got 50 years. Needless to say, this one sentence creates somewhat of an imbalance in the statistics and may, along with the relatively small number of cases for whites, account for the larger mean sentence.

Data on offenders sentenced in armed robbery convictions indicates that racial disparity is not evident. There were 150 cases of armed robbery offenses studied. Of those, 95 were black and 55 were white (Table V). According to the table, the range of sentences which those offenders received goes from a low of 1 year to a high of 25 years. Average length of sentence for both blacks and whites is 5 years. Though there is a relatively small N for whites in the armed robbery category, it is suspected that the fairly substantial number of cases available in the categories of murder and forcible rape, serves to negate the probability that the mean would be significantly affected by the N. There would be no disparity, in other words, even if a larger and similarly representative sample were used.

D. Sub-Hypotheses II

This hypothesis predicts that the autonomy of criminal court judges has an effect on sentences received by

felony offenders. In an effort to determine who the judges are that sentenced the offenders studied, two sources were explored--the circuit courts and the State Department of Corrections.

The circuit courts keep records on felons sent into correctional facilities for their own private use, and for distribution to governmental agencies only. Thus, they were unable to contribute relevant and pertinent information for analysis in this thesis. Because of that, the researcher was forced to rely on materials obtained from the research division of the state correctional agency. Unfortunately, their information was limited in that names of judges are not available in a comprehensive document on every offender that is included in this study.

Despite the absence of data necessary to do a comprehensive study of the hypothesis being considered here, it is reasonable to expect that information which is available will reveal certain irregularities that may impact on the judicial discretion question. Sentencing decisions which constitutes irregularities are those in which judges grant consistently long or consistently short sentences for offenders in the same offense category. At the very least the analysis done for this hypothesis allows one to conclude that judicial irregularities described above are not evident in Illinois courts.

E. Sub-Hypothesis III

This hypothesis predicts that socioeconomic background of the offender is not a determinant of the length of sentence in felony offenses. The analysis is based on the job classification for which the offender is considered most suitable upon entry into the penal system. Frequently, the employment code which seems most appropriate becomes the job he performed just prior to arrest, or at the time of arrest. The employment data used in this study was obtained from the State Department of Corrections. The data is comprehensive in that each offender sampled was included among those for which occupation data has been accumulated. Table V provides an outline of the various job categories for which sampled felons were found to qualify, and the numbers of offenders for each of those jobs. It must be borne in mind that those employment categories are not the only ones for which persons incarcerated in the state prison system qualify. Others were not included here because of their irrelevance to the study.

The majority of those offenders studied fall in the category of laborer. This suggests a number of things. First, they may have been working in low paying and generally physical types of occupations that require no particular skill, or that they may have been employed at the time of arrest and consider themselves as day to day laborers at any available task. A second reason for the large number of laborers found in Illinois prisons could be that greater

proportions of accused felons who go before the courts in that state are in the lower economic strata. A third reason may be that it is the low or no income types who are not able to pay well trained, experienced legal experts to get them freed from custody of the law or to have their charges lessened. Whatever the reason for many of the felons claiming occupational status of laborer, the effect is that half the persons sampled, and probably at least that number in the general prison population, are in the low economic category.

Because of the potential for discrimination of low status offenders at the levels in the criminal justice system beneath the courts, we are not able, with available resources, to make conclusive statements about discrimination among judges based on socioeconomic status. In addressing the question of discrimination in the criminal justice system prior to sentencing, Kaplan (1963) has suggested that the prosecutor's unrestrained discretion may reinforce his tendency to take advantage of the relatively ineffective bargaining position of defendants unable to provide adequate defense counsel for themselves. He implies further that such practice by prosecutors plays a significant part in perpetuating inequity between the rich and the poor in the criminal process. Comprehensive examination of data available for this study indicates that there is no significant difference between sentences of high and low status inmates. According to Table VII there are 29 persons in the high status category of the three regions. The same table shows 211 persons

in the low status category. More important than the actual numbers in those socioeconomic categories is the average minimum sentences for offenders in the two SES groupings. It is found, among the combined three regions, that little difference exists between average minimum sentences for high and low status offenders. Table VII offers a summary of the average number of years for which felons studied are sentenced in each of the three offense categories.

The Table shows that in murder, for example, the average years sentenced is 20 for offenders in both low and high SES.¹² The averages in the forcible rape category are substantially different relative to low and high SES. Again, the fact that we have a small N for high SES is pertinent to the outcome here. On the other hand, the computation for armed robbery results in a statistical outcome which shows an average of 4 year sentences in the low SES category and 5 year sentences in the high SES category.

The available data indicates that something is happening, either at the law enforcement level or in the courts prior to final adjudication, to indicate that few persons of relatively high economic status should go to prison. Evaluation of information relating to those offenders included in the study, as well as offenders in the prison population, but not in the sample, prompts the researcher to raise the question of sentencing disparity with regard to occupation. Of

¹²Caution: There is a small N for high SES in each of the offense categories--murder, forcible rape and armed robbery.

the 80 persons studied in Region III for example, 10 are in an occupation category that may be considered high socially and economically (Table VII). The other 70 are in jobs such as bartender, janitor, nurses aid, waitress, cook, and others. Each of the occupation categories has traditionally brought low pay and low status employment.

F. Sub-Hypothesis IV

This hypothesis states that there is no relationship between prior arrests recorded and length of sentence imposed on the convicted felon. Available data (Table IV A) shows that 20 percent of those offenders sampled have no previous arrest records. The large majority do have previous arrest records which range from one to twenty four arrests. It must be understood that arrests mean contact with law enforcement agencies, not necessarily jail confinement or conviction of a crime. The point of this hypothesis is that persons having long arrest records were expected to receive considerably longer jail terms than offenders having histories of no previous arrests or only limited prior contact with the law.

The data indicates that there is no evidence of disparity in the sentencing process with regard to previous arrests. Table IV lists the prior arrests next to the sentences for each offender studied according to offense category and Region. The purpose of this table is to point out either consistency or inconsistency in the pattern of sentencing by region and offense category. There is an absence

of consistency in sentencing by prior arrest totals. In other words, there is no indication that few prior arrests determine that convicted offenders receive low sentences, or that offenders having a long history of prior arrests receive distinctively larger sentences.

In the murder category, for example, Region I offenders having no prior arrests received sentences of 14, 15, and 20 years. On the other hand, offenders in Region V for murder received sentences of 20, 50 and 100 years. For the same offense category, offenders having histories of 6 arrests in Region I received sentences of 15 and 30 years. In Region V, those having the same number of prior arrests received sentences of 14, 20, 45 and 199 years and death. Certainly, there is no indication here of consistent patterns in sentencing murder offenders based on the previous arrest history.

For the armed robbery category there is data which substantiates a similar observation. In Region I there are eight cases that reflect no history of previous arrest. Region III has eleven cases of no previous arrest and Region V only five cases. Minimum sentences for Region I offenders was 2, 2, 4, 5, 5, 7, 10 and 10 years. For Region III sentences were 1, 2, 2, 2, 2, 2, 2, 4, 5, 10 and 25 years. And for Region V there are sentences of 1, 2, 2, 3 and 8 years. Clearly, there is no suggestion from the data that only relatively short sentences were given those offenders. The point particularly becomes clear when the greater

number of prior arrest offenders are examined for sentencing consistency in the armed robbery category.

The larger prior arrest totals range from eleven to twenty-four years in the armed robbery category. According to Table IV, Region I has six cases that fall in that range, Region III eight cases and Region V six cases. Sentences for those offenders receiving the relatively longer sentences in Region I were 3, 2, 5, 8, 2 and 5 years. For Region III sentences were 2, 2, 5, 5, 5, 4, 5 and 6 years. Region V sentences were 2, 15, 5, 3, 2 and 8 years. These sentences compare favorably with those given offenders who had histories of no previous arrests.

In the forcible rape category there are not enough cases available to do a comprehensive analysis and to make a valid judgement about the existence or non-existence of court disparity based on sentencing in Illinois courts. Ideally a large number of cases would be included in the sample from which the statistics are derived. Even in the murder and armed robbery categories there was not a thoroughly satisfactory number of cases with which to work. Due to circumstances indicated earlier, however, use of a greater number was impossible.

G. Restatement of Hypothesis and Summary of Analysis

In Chapter Four we have stated four hypotheses which were expected initially to bear directly on the degree of sentence granted 240 convicted felons who went into the Illinois State Prison System during 1970, 1971 and 1972. It

was hypothesized that several factors had direct influence on judges decisions to grant sentences at the minimums allowable for the offense, or for longer periods of time. Those hypotheses included, race of the offender; autonomy of criminal court judges; socioeconomic background of the offender; and prior arrest experiences of offenders.

Analysis of hypothesis I indicated that there is in fact no recognizable disparity in the sentencing decisions handed down by judges in either of the felony offense categories, or in the various distinguishable regions by race. The intensive analysis takes its primary substance from statistics on average length of sentence according to race--the examination made by separating out data on offense and region. Interestingly, the outcome statistics showed extremely close mean figures on length of sentence for murder, forcible rape and armed robbery. Again, one cannot take the relatively small number of cases that were worked with and conclusively state that similar results will come out of this kind of study with other offense categories and other states in the union. Nevertheless, the outcome data does provide a very relevant backdrop on which to perform further and more comprehensive analyses.

In hypothesis II there was limited information on particular judges who tried cases of those offenders included in the study population. As a consequence, the analysis of judicial sentencing disparity relative to autonomy of judges in these regions studied is not comprehensive. The researcher

was forced to seek relevant conclusions from that information which was available. Such information reveals that there is no discernible pattern which suggests that lenient or severe sentencing decisions are handed down by regional judges. Review of Table VI significantly reveals the absence of judges names in a number of cases--139 to be exact. Where names are available for judges the indication is that there is such a large number of judges for the various regions that it is impossible to project a trend for individual judges. In effect then, among the cases studied there is no evidence of sentencing disparity based on judicial discretion.

The third hypothesis was analyzed from the perspective of occupational background of the offender. The researcher carefully examined the available information on jobs which offenders held prior to their commitment to the prison system. Occupational codes, coupled together with specific sentences that have been determined at the court level were available so as to allow a comprehensive evaluation of average length of sentence according to socioeconomic status (arbitrarily determined by position title). Results of this analysis indicate that some factor other than socioeconomic factor contributes to sentencing disparity--if, in fact, disparity does exist. Those results reveal that persons low in socioeconomic status are not being discriminated against in the courts--at least not according to their social status. Importantly, the absence of disparity shows up according to regional considerations for each

of the offense categories as well as per socioeconomic considerations.

The fourth hypothesis relates to the number of times the convicted offender came to the attention of law enforcement agencies. Included here are numbers of arrests for all offenders studied--those arrests where the offender was taken to the police station and had formal arrest procedures performed and recorded. Of significance in the analysis of this hypothesis is the determination of consistent or inconsistent patterns of sentencing according to numbers of previous arrests compiled for individual offenders. Table IV enumerates prior arrest totals, beginning with a low of 0 and moving to a high of various numbers, according to offense categories. The important element of the previous arrest analysis is that, regardless of region and offense category, there have been both long and short sentences assigned to offenders at each level of prior arrest. This is apparent evidence that sentencing is not being influenced by previous arrest histories of felony offenders in Illinois.

CHAPTER FIVE

SUMMARY AND CONCLUSION

A. Summary of Finding

Analysis of the four hypotheses has led to rejection of the original thesis that there are disparate sentencing decisions in Illinois courts. The analytical data fail to substantiate the notion that judges who serve the Northern, Southern, and Central regions of the state sentence felony offenders on the basis of factors other than circumstances surrounding the crime. Certainly there may be other considerations which enter the decisions. However, comparable data for the three regions do not point out that such is the case.

Despite the findings one might be somewhat presumptuous in thinking that there are no instances where judges discriminate in their sentencing policies. In fact, there is belief among some court observers that disparity not only exists but frequently has a kind of indirect but positive influence on the court system. Burr (1971) makes a comment to that effect in the following statement:

Critics of judicial sentencing frequently point out that it is very difficult for the court to remain entirely objective in the imposition of sentences when a more heinous crime is involved, because the public cries for revenge may be so overwhelming immediately after the trial as to require the imposition of a long sentence in order to maintain faith in law and order.

Even within the state there are persons who are surprised at the contention that disparity might not exist, and that it might not be a necessary part of the sentencing process. Henry Petrilli, who has worked in several capacities throughout the correctional setting in Illinois, is one of those who claims to have seen evidence over the past twenty years of judicial discrimination in the sentencing process. It is his contention that blacks, persons of low economic status, and individuals residing in the Southern portion of the state have over the years received proportionately longer prison sentences. Petrilli admits, however, that the civil rights activity of the 1960's has been a significant factor in changing attitudes of judges and citizens with regard to the sentencing process and criminal justice administration generally. The traditionally conservative and largely racist Southern Illinois counties of Williamson, Monroe and Alexander, areas having fairly significant black populations relative to other surrounding counties, apparently are those that have been most dramatically affected, according to Petrilli. His evidence is in the fact that those counties are approving post-incarceration treatment centers for adults, and group homes and community based correctional programs which act as alternatives to institutionalization for juveniles.

The point of the foregoing discussion on potential existence and benefit of disparity is that many communities, particularly the smaller ones, are of such nature that

communications about criminal activity becomes widespread as the rule. In those communities when news about heinous crimes, particularly, is spread, residents apparently become vocally or actively involved in court activities--frequently to the extent of influencing judges to rule in certain ways that may not be beneficial in the long-run to the rehabilitation potential of the offender. Importantly, for this thesis, disparity of this type was not measured.

1. Racial Disparity

An important issue in this thesis has been the numbers of black versus white inmates in the sample population, and the relative length of their sentences. It has become apparent from the analysis that something is at work in the society to determine that larger numbers of blacks than whites will be committed to penal institutions in Illinois. That observation is made on the basis of an abundance of data made available to the researcher by the state corrections agency. Certainly one cannot logically conclude that because larger numbers of one racial group over another has been committed to prisons the relative length of sentence is proportionately longer. It is important to recognize that it is those relative sentencing outcomes which have been sought in this study. Therefore, the statistics which were accumulated are intended to give us a perspective of the activities which take place at the trial court level with regard to sentencing length for black and

white inmates sent into the prison system during the years covered by the study.

Unfortunately, in the felonies chosen for study there were a limited number of persons incarcerated for forcible rape in each of the regions. Also, there were relatively few whites in the system for all three categories of felony. This is somewhat surprising for Regions III and V due to the fact that the overwhelming numbers of residents of those regions are whites. It becomes apparent upon viewing the general population statistics and the data on Illinois prison population that more blacks than whites commit crimes which carry prison sentences. Clinard (1963) has suggested that Negroes, as well as Spanish speaking people, on the whole are arrested, tried, convicted and returned to prison more often than others who commit comparable offenses. The data on Illinois' prison composition certainly substantiate that claim. The more significant factor, however, is that sentences assigned those blacks coming out of the courts and into the state's prisons are not different from those sentences handed out to whites having similar circumstances.

2. Socioeconomic Disparity

Of considerable significance to the outcome of this study is the bearing which social and economic status has on the sentencing decisions made by Illinois' judges. It is noteworthy that despite the statistical outcome of data which have been examined, there is belief among penologists,

criminologists and other experts in the judicial and correctional areas that discrimination in sentencing according to socioeconomic status serves both useful and harmful purposes. There are those who believe that both society and the criminal benefit from sentences that are based on the ability of that criminal to sustain himself and a family in the free society. The contention is that such convicted offenders should be given relatively longer sentences than individuals who are more emotionally and financially stable. Among those who have attempted to spread that philosophy is Toni Keller (1972) who observes:

Clearly the effort to reform persons convicted of anti-social conduct, in an attempt to combat crime, while at the same time equipping these individuals with the behavioral tools necessary to become functional members of society, falls within the legitimate police powers of the state. Moreover, it is difficult to imagine a less onerous way of achieving the same objectives. If persons convicted of the same offense nevertheless require different rehabilitative techniques in order to enable them to function effectively, it would be imperative that dissimilar sentences be imposed.

The logic of Keller's ideas seems sound on the surface, however, there is a certain facet of the issue that he does not address. That is the problem which penal administrators face with the inmates regarding different sentences for individuals who are put together at the institution. Judge Roy Gulley addresses that issue with a degree of concern when he states, "judges must be careful that they do not assign grossly different sentences to men and women who may be cellmates and question vehemently the reasoning behind the

disparity. We have no way of knowing what rationale judges in varying parts of the state use in making their decisions. We can only send rules to the local courts based on legislative guidance and hope that the judiciary process serves the interest of the total society based on the strictest interpretations that we are able to make."

The data available in Tables VII and VIII presents a picture of the prison population relative to marketable skills of Illinois' inmates. Simply stated, few of those inmates samples are in the relatively high socioeconomic category. Thus few possess marketable skills. The issue of the worth of individual sentencing becomes extremely relevant when one looks at the statistics on education level of inmates and large numbers in low status job classifications. A relevant and pertinent question that should be addressed in later studies is whether the penal system operates for the benefit of society or not. For certain, included in that society are present and future ex-convicts who, in order to become self sufficient and self sustaining, must acquire the tools necessary to function competitively. The point is, if longer prison sentences are required for some in order to lessen the chances that they will return to illegitimate means of attaining their personal objectives, then the proper changes should be forthcoming. Despite all the beautiful philosophies, creative ideas for changes by means of individual sentencing and innovations aimed at restitution by criminals as an alternative to incarceration,

there is still data (compiled in this thesis) which indicates that there are no regional differences in sentencing, nor are there any socioeconomic considerations given by sentencing judges. In the aggregate, all inmates studied are assigned the same kinds of sentences.

3. Disparity Based on Judicial Autonomy

The researcher has attempted to separate out those judges that were responsible for sending the study population into state correctional institutions. The effort has not been a total success due to the absence of information that would associate judges with offenders. Nevertheless, for each offense category covered, there is no indication that sentences of those individuals for whom the sentencing judge is known based their decisions on criteria other than circumstances surrounding the crime.

There is some feeling among penal experts that the courts should consider other circumstances such as environmental factors and emotional health to help them make sentencing decisions. Dr. Russell Levy has attempted, for the past several years, to impress the point that the courts must cooperate to a greater degree with correctional administrators in seeking the more appropriate treatment methods for criminals prior to entrance into prison. He states, "there must be a comprehensive program geared toward service to the offender while in the prison and upon his release. This kind of continuum of service is required if innovative

correctional programs are to attain the potential effectiveness which many in the criminal justice system anticipate."

Judicial autonomy can serve a far more useful purpose than it presently serves. The fact that they are given great latitude in their sentencing decisions means that forward thinking judges are in a natural position to engineer substantial rehabilitation efforts which cooperative activity among the elements of the system could bring. "Recidivism rates," according to Dr. Levy, "must be lowered if meaningful programs are to be operated in correctional facilities." He continues, "the only way to do that is to expand work incentive programs in large penal institutions, expand programs for counseling drug addicts and alcoholics and engage other social oriented agencies in the correctional process from the time the offender is convicted through the parole or post incarceration stage of involvement.

4. Disparity Based on Prior Arrests

Analysis of the data for the Northern, Central and Southern regions of Illinois showed that in no way do prior arrests impact on level of sentencing. This was true for each of the felonies—murder, forcible rape, and armed robbery.

Apparently, the courts have found through the years that offenders given longer sentences, based in large part on the number of times they were brought to the attention of law enforcement officials, do not become better citizens

once they are released. In other words, longer prison terms do not necessarily mean greater potential for rehabilitation if those lengthy sentences are assigned for the purpose of penalizing a convict for his history of contact with the law. It has been asserted (Frankel, 1972) that most judges take the view that having "paid the price" for prior offenses, the defendant should not pay again now. The evidence provided by the data and supporting statistics that were reviewed in chapter four indicates that Frankel's observation is certainly pertinent to Illinois.

Anthony Kuharich, a long time penologist, has had substantial contact with the courts and law enforcement personnel. It is his contention that the judges throughout Illinois were extremely strict on repeated offenders as well as those not previously convicted but who have come before the courts on numerous occasions. "The whole attitude of criminal justice administrators was to punish any semblance of criminality and avoid kind and understanding treatment," suggests Mr. Kuharich.

B. Limitations of the Study

A study of the type undertaken in this thesis raises questions for further research. This one is no exception. The first question that arises concerns the potential for finding sentencing disparity among judges who sentence felony offenses other than those considered in this study. To answer this question it would be necessary to do a sampling

of other selected offenses and possibly each of the remaining offenses (which number close to 100) for which people are incarcerated in state institutions. Of some importance also would be to spread the study years over a longer period of time—say five years from the most recent year studies. In that way judicial decision making might be tested irrespective of variable factors such as political mood of the country and crime wave considerations. Also, the mix of judges is likely to be somewhat greater than for fewer years.

A second concern that should get future attention is the impact of plea bargaining on felony convictions and subsequent incarceration. This is a cooperative agreement between the prosecutor, defense attorney and the judge. It is used to minimize the numbers of cases that are placed on the daily court docket, and to lessen the numbers of convicted offenders who actually spend time in jail. Theoretically, the plea bargaining process benefits the offender and the society. However, there are no available statistics in Illinois which indicate that the process has actually helped to lower recidivism, or served to keep normally law abiding citizens who happened to stray outside the law from being adversely affected by the justice system. A study dealing with felons who have received lesser sentences through plea bargaining could reveal information which would point up the social good or evil in the much accepted but yet questioned process. "It seems," states Arthur V. Huffman, "that minority group members commit a disproportionate number

of felonies and misdemeanors." He submits, however, that "the greater numbers of the lower or less serious felonies are committed by whites." This could be a direct effect of the plea bargain process.

A third consideration which needs to be explored further is the whole area of diversion of adult delinquents away from penal institutions. Some study needs be done on the types of persons who receive no prison sentence upon committing and being found guilty of all categories of crime. We saw in this study that, by and large, in murder, forcible rape, and armed robbery convictions offenders receive sentences simply based on the circumstances of that crime, and not because of who they may be. Aside from the plea bargaining question there may be persons who are given suspended sentences in heinous crimes. This study should be extended to include such research and information.

The above points argue for further research into considerations which impact on the issue of sentencing disparity. Surely if such areas as those above are explored the many gains that are presently being made in criminology and penology will continue.

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APPENDIX OF TABLES

TABLE I

SENTENCING BY RACE (AND REGION)

REGION I				REGION III				REGION V			
Order	Forcible Rape	Armed Robbery		Murder	Forcible Rape	Armed Robbery		Murder	Forcible Rape	Armed Robbery	
-16 B	3-6 B	2-3 B	4-8 W	14-20 B	2-3 W	1-10 B	5-10 W	14-20 W	2-5 W	1-7 W	5-6 B
-20 B	4-8 B	2-3 B	4-8 W	14-25 W	2-6 B	2-3 W	5-10 B	14-45 B	4-6 W	2-3 W	5-6 B
-20 W	4-10 W	2-4 B	4-10W	14-25 B	4-6 B	2-4 W	5-10 B	14-45 B	4-8 B	2-3 B	5-6 B
-20 B	4-12 B	2-4 B	4-12B	14-30 W	4-7 B	2-4 B	5-10 W	15-25 B	4-8 W	2-4 W	5-8 W
-24 W	5-8 B	2-4 W	4-12B	14-35 B	4-10 B	2-5 W	5-10 W	20-25 B	4-10 B	2-4 B	5-10 W
-30 B	6-12 B	2-4 B	5-8 B	15-30 B	4-12 B	2-5 B	5-10 B	20-30 W	4-10 B	2-4 B	5-10 B
-40 B	7-21 B	2-4 W	5-8 B	15-30 W	5-20 W	2-5 W	5-10 B	20-40 B	4-10 B	2-4 W	5-10 B
-40 B	8-12 B	2-5 B	5-10B	16-40 W	7-21 B	2-5 W	5-10 W	25-40 B	8-25 B	2-5 W	5-10 B
-30 B	10-20 B	2-5 B	5-10B	16-45 B	15-25 B	2-5 W	5-14 B	40-60 W	15-25 W	2-5 B	5-10 W
-40 B	20-30 B	2-6 W	5-10B	20-30 W	25-35 B	2-6 W	5-15 W	40-60 W	50-100W	2-5 B	5-12 W
-40 W		2-7 B	5-10B	20-40 W		2-6 W	5-20 W	45-90 W		2-10W	5-15 B
-50 B		2-14B	5-12B	20-50 W		2-7 B	5-20 B	50-100B		2-10W	5-15 B
-40 W		2-15B	5-12B	20-60 B		2-8 B	5-20 W	99-100B		2-15W	5-15 B
-40 B		3-4 B	6-8 W	21-40 B		2-10 B	6-8 B	99-100B		3-5 B	6-12 B
-40 B		3-5 B	6-8 W	25-50 W		2-10 B	6-18 B	100-101B		3-5 W	8-10 B
-40 B		3-6 B	7-10B	30-50 W		3-7 B	7-14 B	199-200B		3-6 B	8-15 B
-100B		3-6 B	8-10W	30-50 W		3-7 B	7-20 B	Death W		3-8 B	8-20 B
-150W		3-6 W	8-10W	90-150B		3-10 B	7-21 W	Death B		3-10B	8-20 B
-125W		3-6 W	8-12B	90-150B		4-8 B	8-16 W	Death B		3-10B	8-25 B
ath B		3-6 W	8-20B	200-300W		4-8 B	8-20 W	Death W		3-10B	10-15 B
		3-8 B	8-20B			4-10 W	10-14 B			3-10B	10-20 B
		3-9 B	10-15B			4-12 W	10-14 B			4-5 B	10-20 W
		3-10W	10-15W			5-7 B	10-15 B			4-10B	15-20 B
			10-20W			5-7 W	10-30 W			4-10B	15-45 B
			10-20W			5-10 W	25-50 W			4-14W	
			10-20W							5-6 B	

B - Black
W - White

TABLE II

COMPARATIVE SENTENCES BY REGION

<u>MURDER</u>			<u>FORCIBLE RAPE</u>			<u>ARMED ROBBERY</u>					
Region I	Region III	Region V	Region I	Region III	Region V	Region I	Region III	Region V		Region V	Region V
14-16	14-20	14-20	3-6	2-3	2-5	2-3	4-10	1-10	5-10	1-7	5-6
14-20	14-25	14-45	4-8	2-6	4-6	2-3	4-12	2-3	5-10	2-3	5-6
14-20	14-25	14-45	4-10	4-6	4-8	2-4	4-12	2-4	5-10	2-3	5-6
14-20	14-30	15-25	4-12	4-7	4-8	2-4	5-8	2-4	5-10	2-4	5-6
14-24	14-35	20-25	5-8	4-10	4-10	2-4	5-8	2-5	5-10	2-4	5-8
15-30	15-30	20-30	6-12	4-12	4-10	2-4	5-10	2-5	5-10	2-4	5-10
15-40	15-30	20-40	7-21	5-20	4-10	2-4	5-10	2-5	5-10	2-4	5-10
18-40	16-40	25-40	8-12	7-21	8-25	2-5	5-10	2-5	5-10	2-5	5-10
20-30	16-45	40-60	10-20	15-25	15-25	2-5	5-10	2-5	5-14	2-5	5-10
20-40	20-30	40-60	20-30	25-35	50-100	2-6	5-12	2-6	5-15	2-5	5-10
20-40	20-40	45-90				2-7	5-12	2-6	5-20	2-10	5-12
20-50	20-50	50-100				2-14	6-8	2-7	5-20	2-10	5-15
25-40	20-60	99-100				2-15	6-8	2-8	5-20	2-15	5-15
25-40	21-40	99-100				3-4	7-10	2-10	6-8	3-5	5-15
25-40	25-50	100-101				3-5	8-10	2-10	6-18	3-5	6-12
30-40	30-50	199-200				3-6	8-10	3-7	7-14	3-6	8-10
40-100	30-50	Death				3-6	8-12	3-7	7-20	3-8	8-15
40-150	90-150	Death				3-6	8-12	3-10	7-21	3-10	8-20
74-125	90-150	Death				3-6	8-20	4-8	8-16	3-10	8-20
Death	200-300	Death				3-6	8-20	4-8	8-20	3-10	8-25
						3-8	10-15	4-10	10-14	3-10	10-15
						3-9	10-15	4-12	10-14	4-5	10-20
						3-10	10-20	5-7	10-15	4-10	10-20
						4-8	10-20	5-7	10-30	4-10	15-20
						4-8	10-20	5-10	25-50	4-14	15-45

TABLE III

MINIMUM SENTENCE
(Median)

REGION I				REGION III			
	<u>Number of Offenses</u>	<u>Low-High</u>	<u>Median</u>		<u>Number of Offenses</u>	<u>Low-High</u>	<u>Median</u>
Murder	20	14 yrs. to Death	20.0 yrs.		20	14 yrs. to 200 yrs.	20.0 yrs.
Forcible Rape	10	3 yrs. to 20 yrs.	5.5 yrs.		10	2 yrs. to 25 yrs.	4.0 yrs.
Armed Robbery	50	2 yrs. to 10 yrs.	4.0 yrs.		50	1 yr. to 25 yrs.	5.0 yrs.

REGION V			
	<u>Number of Offenses</u>	<u>Low-High</u>	<u>Median</u>
Murder	20	14 yrs. to Death	42.5 yrs.
Forcible Rape	10	2 yrs. to 50 yrs.	4.0 yrs.
Armed Robbery	50	1 yr. to 15 yrs.	4.5 yrs.

TABLE IV A
PREVIOUS ARRESTS

PRIOR ARRESTS	NUMBER OF OFFENDERS	PRIOR ARRESTS	NUMBER OF OFFENDERS
0	50	11	5
1	29	12	4
2	25	13	3
3	22	14	2
4	19	15	2
5	15	16	1
6	21	17	1
7	12	18	1
8	12	21	1
9	7	24	1
10	5		

TABLE V

AVERAGE LENGTH OF SENTENCE
(by race)

<u>MURDER</u>				<u>FORCIBLE RAPE</u>				<u>ARMED ROBBERY</u>			
Minimum	Number of Offenders	(X ₁) Black	(X ₂) White	Minimum	Number of Offenders	(X ₁) Black	(X ₂) White	Minimum	Number of Offenders	(X ₁) Black	(X ₂) White
4 yrs	13	8	5	2 yrs	3	1	2	1 yrs	2	1	1
5 yrs	5	4	1	3 yrs	1	1	0	2 yrs	39	21	18
6 yrs	2	1	1	4 yrs	13	10	3	3 yrs	21	17	4
8 yrs	1	1	0	5 yrs	2	1	1	4 yrs	13	7	6
10 yrs	11	6	5	6 yrs	1	1	0	5 yrs	38	25	13
11 yrs	1	1	0	7 yrs	2	2	0	6 yrs	5	3	2
15 yrs	5	3	2	8 yrs	2	2	0	7 yrs	4	3	1
20 yrs	3	1	2	10 yrs	1	1	0	8 yrs	13	9	4
25 yrs	3	1	2	15 yrs	2	1	1	10 yrs	12	7	5
30 yrs	1	0	1	20 yrs	1	1	0	15 yrs	2	2	0
35 yrs	2	1	1	25 yrs	1	1	0	25 yrs	<u>1</u>	<u>0</u>	<u>1</u>
40 yrs	1	0	1	50 yrs	<u>1</u>	<u>0</u>	<u>1</u>	Totals	150	95	55
45 yrs	2	2	0	Totals	30	X ₁ = 22	X ₂ = 8				
50 yrs	2	2	0								
55 yrs	2	2	0								
60 yrs	1	1	0								
65 yrs	1	1	0								
70 yrs	1	1	0								
75 yrs	1	0	1								
Death*	<u>5</u>	<u>3</u>	<u>2</u>								
Totals	60	36	24								

Blacks $\bar{x} = 35$ yrs.

Whites $\bar{x} = 32$ yrs.

Blacks $\bar{x} = 7$ yrs.

Whites $\bar{x} = 10$ yrs.

Blacks $\bar{x} = 5$ yrs.

Whites $\bar{x} = 5$ yrs.

Note: Death not included in mean averages for blacks and whites. Nearly equal number for both, however.

TABLE VI
SENTENCING JUDGE

MURDER

FORCIBLE RAPE

Region I		Region III		Region V		Region I		Region III		Region V	
Sent.	Judge	Sent.	Judge	Sent.	Judge	Sent.	Judge	Sent.	Judge	Sent.	Judge
14-16	Epton	14-20	Poole	14-20	Monroe	3-6	Denis	2-3	N.A.	2-5	N.A.
14-20	Fitzg'd	14-25	N.A.	14-45	Beatty	4-8	Bailey	2-6	N.A.	4-6	N.A.
14-20	Epton	14-25	N.A.	14-45	N.A.	4-10	Wilson	4-6	N.A.	4-8	N.A.
14-20	Wilson	14-30	N.A.	15-25	Lewis	4-12	Dunn	4-7	Cadosi	4-8	N.A.
14-24	Bailey	14-35	N.A.	20-25	N.A.	5-8	Massey	4-10	N.A.	4-10	N.A.
15-30	Wilson	15-30	N.A.	20-30	N.A.	6-12	Ryan	4-12	N.A.	4-10	N.A.
15-40	Downs	15-30	N.A.	20-40	N.A.	7-21	Wilson	5-20	N.A.	4-10	N.A.
18-40	Strayh'n	16-40	N.A.	25-40	Cagen	8-12	Fitzg'd	7-21	Engleh'n	8-25	N.A.
20-30	Meier	16-45	Stone	40-60	N.A.	10-20	Wilson	15-25	N.A.	15-25	N.A.
20-40	Wilson	20-30	Massieon	40-60	N.A.	20-30	Dolezal	25-35	N.A.	50-100	N.A.
20-40	Bailey	20-40	N.A.	45-90	N.A.						
20-50	Epton	20-50	N.A.	50-100	N.A.						
25-40	Strayh'n	20-60	Stone	99-100	N.A.						
25-40	Fitzg'd	21-40	N.A.	99-100	N.A.						
25-40	Downing	25-50	N.A.	100-101	Farmer						
30-100	Wilson	30-50	N.A.	199-200	N.A.						
40-100	Fitzg'd	30-50	N.A.	Death	N.A.						
40-150	N.A.	90-150	N.A.	Death	N.A.						
74-125	Epton	90-150	N.A.	Death	N.A.						
Death	Bailey	200-300	N.A.	Death	N.A.						

TABLE VI - 2.

SENTENCING JUDGE

ARMED ROBBERY

Region I		Region III		Region V	
Sent. Judge	Sent. Judge	Sent. Judge	Sent. Judge	Sent. Judge	Sent. Judge
2-3 Bailey	4-10 Hach'ngr	1-10 N.A.	5-10 N.A.	1-7 N.A.	5-6 Farmer
2-3 Downing	4-12 Collins	2-3 N.A.	5-10 Burns	2-3 N.A.	5-6 Michael
2-4 Wilson	4-12 N.A.	2-4 N.A.	5-10 Johnson	2-3 N.A.	5-6 Farmer
2-4 Romiti	5-8 Dunn	2-4 N.A.	5-10 N.A.	2-4 N.A.	5-6 Cost'le
2-4 N.A.	5-8 Georgaris	2-5 N.A.	5-10 N.A.	2-4 N.A.	5-8 N.A.
2-4 N.A.	5-10 Massey	2-5 N.A.	5-10 N.A.	2-4 N.A.	5-10 N.A.
2-4 N.A.	5-10 Bailey	2-5 N.A.	5-10 N.A.	2-4 N.A.	5-10 N.A.
2-5 Bailey	5-10 Downing	2-5 Stengel	5-10 Immel	2-5 N.A.	5-10 Flem'g
2-5 Colli	5-10 Downing	2-5 Cardos	5-14 Immel	2-5 Gitchoff	5-10 N.A.
2-6 Garippi	5-12 Aspen	2-6 Poole	5-15 Yontz	2-5 Farmer	5-10 N.A.
2-7 Dunn	5-12 Collins	2-6 N.A.	5-20 N.A.	2-10 Barr	5-12 Flem'g
2-14 N.A.	6-8 Fitzg'd	2-7 Spant	5-20 Cardos	2-10 N.A.	5-15 N.A.
2-15 Massey	6-8 N.A.	2-8 N.A.	5-20 Stone	2-15 N.A.	5-15 Cung'm
3-4 Garippi	7-10 Scater	2-10 N.A.	6-8 Patton	3-5 N.A.	5-15 N.A.
3-5 Collins	8-10 N.A.	2-10 N.A.	6-18 N.A.	3-5 N.A.	6-12 Gitc'h'f
3-6 Barrett	8-10 N.A.	3-7 N.A.	7-14 N.A.	3-6 N.A.	8-10 N.A.
3-6 Fitzg'd	8-12 N.A.	3-7 N.A.	7-20 N.A.	3-8 N.A.	8-15 Oros
3-6 N.A.	8-12 N.A.	3-10 N.A.	7-21 N.A.	3-10 N.A.	8-20 Farmer
3-6 N.A.	8-20 N.A.	4-8 N.A.	8-16 N.A.	3-10 N.A.	8-20 N.A.
3-6 N.A.	8-20 N.A.	4-8 N.A.	8-20 N.A.	3-10 N.A.	8-25 Farmer
3-8 N.A.	10-15 Mackoff	4-10 N.A.	10-14 N.A.	3-10 N.A.	10-15 Becker
3-9 N.A.	10-15 Stayh'n	4-12 N.A.	10-14 N.A.	4-5 Gitchoff	10-20 N.A.
3-10 N.A.	10-20 N.A.	5-7 N.A.	10-15 N.A.	4-10 N.A.	10-20 N.A.
4-8 N.A.	10-20 Dunn	5-7 Stengel	10-30 Heiple	4-10 Prosser	15-20 N.A.
4-8 N.A.	10-20 N.A.	5-10 Stengel	25-50 N.A.	4-14 Gitchoff	15-45 N.A.

**Socio-Economic Factor
(Employment Status)**

Employment Codes	Number in Sample Region I	Number in Sample Region III	Number in Sample Region V
High SES			
Auditor	0	0	1
Barber	1	2	0
Bookkeeper	1	0	0
Designer	1	0	0
Electrician	3	4	1
Horticulture	0	1	0
Medicine & Health	2	0	0
Musician	0	1	0
Painter	2	1	1
Plumber	1	1	0
Printer	1	0	1
Salesman	<u>2</u>	<u>0</u>	<u>1</u>
	14	10	5
Low SES			
Bench Work	4	1	0
Balliff	0	1	0
Bartender	0	1	1
Carpenter	2	4	2
Cook	4	0	3
Clerk	7	2	2
Factory	1	7	2
Janitor	1	2	1
Laborer	35	40	36
Laundress	3	0	0
Launderer	0	0	1
Machinist	3	2	4
Mechanic	1	3	6
Nurses Aid	2	2	1
Repairman	0	0	2
Student	1	1	8
Truck Driver	0	1	2
Waitress	2	3	0
Welder	<u>0</u>	<u>0</u>	<u>4</u>
	66	70	75

**Average Length of Sentence
by Offense and SES**

		Murder	Forcible Rape	Armed Robbery
Socio- Economic Status	HIGH	\bar{x} = 20 yrs n = 10	\bar{x} = 10 yrs. n = 3	\bar{x} = 5 yrs. n = 13
	LOW	\bar{x} = 20 yrs n = 47*	\bar{x} = 4 yrs. n = 27	\bar{x} = 4 yrs n = 137

*Excludes offenders with sentences above 100 years. There are 7 of these.

Percentages By Levels Of Education

