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Attitudes Toward the Way Courts Deal with Criminals

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Attitudes Toward the Way Courts Deal with Criminals

Abstract

The way courts treat criminals depends on a variety of factors. This paper examines how age, sex, and race affect an offender's treatment during sentencing. These variables were collected using the 2010 General Social Survey and were tested using the SPSS 20.0 Student Version Statistical Software. The independent variables include age, race, and sex, while the dependent variable is the way courts deal with criminals. The hypotheses that were tested stated that older individuals, nonwhite persons, and men would believe that courts deal too harshly with criminals. The conclusion found that none of the variables showed a significant correlation; therefore, further research must be completed to determine if a correlation has occurred over time.

Keywords

public perception, crime, courts

Attitudes Towards the Way Courts Deal with Criminals
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Abstract

The way courts treat criminals depends on a variety of factors. This paper examines how age, sex, and race affect an offender's treatment during sentencing. These variables were collected using the 2010 General Social Survey and were tested using the SPSS 20.0 Student Version Statistical Software. The independent variables include age, race, and sex, while the dependent variable is the way courts deal with criminals. The hypotheses that were tested stated that older individuals, non-white persons, and men would believe that courts deal too harshly with criminals. The conclusion found that none of the variables showed a significant correlation; therefore, further research must be completed to determine if a correlation has occurred over time.

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Introduction

The criminal justice system is composed of police departments, criminal and civil courts, and the corrections department. The central division of the judicial system is the courts system because they control the convictions of charged offenders. The way the public views the offender is influenced by the way courts deal with criminals (Wilson, 1993). Evidence suggests that young, minority (Black and Hispanic) males will receive much harsher sentences than women will (LaFrentz & Spohn, 2006). Previous studies focus on the way courts sentence criminals based on their age, race, and sex. However, few researchers attempted to show the way the public views harsh sentences. The public's attitudes regarding the way courts deal with criminals affects judicial legitimacy. If the public believes that courts deal too harshly or not harshly enough with a particular criminal, they may believe that courts are incompetent or mistaken. It is important that society believes courts are legitimate in order for the judicial system to run smoothly. Therefore, this research paper will focus on whether or not certain groups of people will think courts deal too harshly or not harshly enough with criminals. The three variables that will be tested using the General Social Survey are age, race, and sex.

Literature Review

Age Groups

Young males receive harsher sentences than their adult counterparts (Hilinski & Freiburger, 2009). Since judges seldom have an adequate amount of information on an individual to accurately weigh the offenders' potential risk towards society, they have developed sentencing habits based on stereotypes such as race, gender, and age (Sample & Spohn, 2008). Similarly,

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when age is considered with race and gender, Black offenders receive the harshest treatment, while young Black and Hispanic offenders have a higher probability of receiving harsh sentences than older White offenders do (Hilinski & Freiburger, 2009). Older offenders are more likely, on average, to receive less harsh sentences than younger offenders (Dhami & Mueller-Johnson, 2010). Therefore, there is evidence to show that courts treat younger offenders more harshly than older offenders are treated.

Racial Groups

Black and Hispanic persons may be more likely to believe that courts will deal more harshly with Black and Hispanic offenders than with White persons. Judges sentence racial minorities much more harshly than they sentence Whites (Sample & Spohn, 2008). This may lead minorities to believe that courts deal too harshly with Black or Hispanic offenders. Judges treat Blacks, Hispanics, and Native Americans more harshly than Whites during the sentencing phase of trial (Everett & Wojkiewicz, 2002). Similarly, Black defendants become incarcerated more often than White defendants (Hilinski & Freiburger, 2009). When sentencing guidelines are absent, judges impose harsh jail sentences on minority defendants (Blacks and Hispanics), while sentencing Whites to much lighter, non-custodial sentences (Dario, Mears, Spohn, & Wang, 2009). The treatment minority offenders face from the judicial system may lead to Black and Hispanic persons being more likely to believe that courts deal too harshly with criminals.

Sex

Courts often treat female defendants with leniency during trial, which may cause women to believe courts deal with criminals less harshly (Hilinski & Freiburger, 2009). Women are

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often viewed as passive by their assigned gender roles, which may influence the way courts treat them (Steffensmeier et al., 1998). Societal norms define women as the “weaker sex,” and therefore need protection.

However, when combined with race, it is found that Black and Hispanic women receive lesser sentences than Black and Hispanic men do; white women receive the same sentences compared to White men (LaFrentz & Spohn, 2006). Women are believed to be less dangerous than men are, and therefore courts punish them with less harsh sentences. However, Black and Hispanic women are more prone to receive harsher sentences than White women are (Hilinski & Freiburger, 2009). When gender is the only variable compared, data shows that men are treated more harshly by courts than women are; however, it appears that race has a much bigger impact on the courts treatment of individuals than gender alone.

Hypotheses

1. As age increases, belief that courts deal too harshly with criminals will decrease.
2. Non-white persons will believe the courts deal too harshly with criminals than white persons will.
3. Women will believe that courts deal less harshly with criminals than men will.

Methods

Sample & Delivery

The 2010 General Social Survey was used to test the aforementioned hypotheses (Smith, Marsden, Hout & Kim, 2011). The GSS used full probability sampling to acquire its sample. Full probability sampling allows all United States

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households to have the same chance of selection for the sample. The GSS sample utilized a multi-stage area probability sample. A multi-stage probability sample targets a population through multiple stages and everyone in a population in a given area has an equal chance of inclusion in the sample.

The GSS utilizes Computer Assisted Personal Interviewing (CAPI) to deliver questions to both English and Spanish speaking individuals. The average interview lasted one and a half hours. Interviewers only interviewed one individual per household. After the interview was completed, the data were processed and entered into the National Opinion Research Center (NORC).

Out of the original 2008 GSS sample, 2,044 people agreed to participate for a response rate of 70.3%. The GSS sample attempts to represent both English and Spanish speaking adults. However, based on the questions asked and sample selection, certain sub-sections of the population are underrepresented. For example, individuals between the ages of 18 and 24 who live in dorm rooms or military housing are not represented. Similarly, the elderly who often live in assisted living facilities are underrepresented in the GSS. Similarly, homeless individuals are not represented in the GSS because they lack permanent dwelling. Finally, due to their age the GSS does not represent children.

Variables

Dependent Variables: The dependent variable tested in this project is courts dealing too harshly with criminals. The interviewer's question was, "Do you think courts deal too harshly with criminals in this area?" The answers were coded as 1=not harsh enough, 2=about right, and 3=too harsh.

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Independent Variables: The first independent variable is the person's age. The GSS recorded the respondent's birth date and calculated age. Age ranges from 18-89, with 89 being persons 89 years old or older.

The second independent variable is the person's race. The interviewer asked the respondent, "What race do you consider yourself?" The answers were categorized as 0=Non-White and 1=White.

The third independent variable is the person's sex. The interviewer determined the respondent's sex, which was coded as 0=Male and 1=Female.

Statistics

The SPSS 20.0 Student Version Statistical Software was used for all tests. The first independent variable, age, was tested using the Correlation test. For the second and third independent variables, race and sex, the Cross Tabulation Test was used respectively.

Results

Descriptive Statistics

For the dependent variable, how courts deal with criminals, 65.9% of respondents believe that courts do not deal harshly enough with criminals (Table 1). Age, the first independent variable, had a mean of 47.70 years old and a standard deviation of 17.38 years (Table 2). The second independent variable, race, showed the majority of the sample, 78%, considered themselves White (Table 3). Lastly, the third independent variable, sex, showed that 54% of the sample was female, while 46% were male (Table 3). This shows that majority of the sample in the GSS are White men.

Table 1: Descriptive Statistics for Courts Dealing with Criminals

		Frequency	%	Valid %	Cumulative %
Valid	Not Harsh Enough	365	59.4	65.9	78.0
	About Right	122	19.9	22.0	100.0
	Too Harsh	67	10.9	12.1	12.1
	Total	554	90.2	100.0	
Missing	Don't Know	58	9.4		
	Not Applicable	2	.3		
	Total	60	9.8		
Total		614	100.0		

Table 2: Descriptive Statistics for Age

	N	Minimum	Maximum	Mean	Std. Deviation
Age of Respondent	614	18	89	47.70	17.383
Valid N (list wise)	614				

Table 3: Descriptive Statistics for Race

		Frequency	%	Valid %	Cumulative %
Valid	White	478	77.9	77.9	77.9
	Non-white	81	13.2	13.2	91.0
	Total	559	100.0	100.0	

Table 4: Descriptive Statistics for Sex

		Frequency	%	Valid %	Cumulative %
Valid	Male	284	46.3	46.3	46.3
	Female	330	53.7	53.7	100.0
	Total	614	100.0	100.0	

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Hypothesis Tests

Age: The correlation tests produced a p value of .872 (Table 5), indicating that the null hypothesis, which states that there is no relationship between age and courts dealing too harshly with criminals, cannot be rejected. This analysis shows that there is no significant correlation between age and courts dealing too harshly with criminals as stated in the first hypothesis.

Table 5: Correlation Between Age and Courts Dealing with Criminals

		Courts Dealing with Criminals	Age of Respondent
Courts Dealing With Criminals	Pearsons Correlation	1	.007
	Sig. (2-tailed)	554	.872**
	N		554
Age of Respondent	Pearsons Correlation	.007	1
	Sig. (2-tailed)	.872**	614
	N	554	

** . Correlation is insignificant at the 0.05 level (2-tailed).

Race: The Cross Tabulation test showed that only 8.4% of Whites believed courts deal too harshly with criminals, while 31.6% of Blacks held the same belief (Table 6). Similarly, the Chi-Square test produced a p value of .000 (Table 6), which is less than the significant value of .05. This indicates that the null hypothesis, which states there is no relationship between race and courts dealing with criminals, can be rejected. These data does not support the original hypothesis, which states that Non-Whites are more likely to believe that courts will deal too harshly with criminals.

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Table 6: Cross Tabs & Chi-Square Tests for Respondents Race

			Courts Dealing with Criminals			
			Not Harsh Enough	About Right	Too Harsh	Total
Race of Respondent	White	Count % within Race of respondent	299 69.7%	94 21.9%	36 8.4%	429 100.0%
	Non-white	Count % within Race of respondent	38 50.0%	14 18.4%	24 31.6%	76 100.0%
Total		Count % within Race of respondent	365 65.9%	122 22.0%	67 12.1%	554 100.0%

Chi-Square Test	Value	df	Asymp. Sig (2-sided)
Pearson Chi-Square	34.745 ^a	4	.000
Likelihood Ratio	28.138	4	.000
Linear-by-Linear Association	2.443	1	.118
N of Valid Cases	554		

a. 0 cells (0.0%) have expected count less than 5.
The minimum expected count is 5.93.

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Sex: The Cross Tabulation test indicates that 69% of female respondents believed courts did not deal harshly enough with criminals, while 63% of male respondents agreed (Table 7). The p value of .240 indicates that there is no significant association between sex and courts dealing with criminals (Table 7). Therefore, the null hypothesis, there is no relationship between sex and courts dealing with criminals, cannot be rejected. Therefore, the research does not support the hypothesis that women are more likely to believe courts deal less harshly with criminals than men.

Table 7: Cross Tabs & Chi-Square Tests for Sex of Respondent

			Courts Dealing with Criminals			Total
			Too Harsh	Not Harsh Enough	About Right	
Respondents Sex	Male	Count % Within Respondents Sex	37 14.2%	163 62.7%	60 23.1%	260 100.0%
	Female	Count % Within Respondents Sex	30 10.2%	202 68.7%	62 21.1%	294 100.0%
Total		Count % Within Respondents Sex	67 12.1%	365 65.9%	122 22.0%	554 100.0%

Chi-Square Test	Value	df	Asymp. Sig (2-sided)
Pearson Chi-Square	2.855 ^a	2	.240
Likelihood Ratio	2.853	2	.240
Linear-by-Linear Association	.173	1	.678
N of Valid Cases	554		

a. 0 cells (0.0%) have expected count less than 5.

The minimum expected count is 31.44.

Conclusions and Discussion

None of the original three hypotheses were supported in this study. The findings produced in this study do not suggest a relationship between the independent variables age, race and sex, and the dependent variable courts dealing with criminals. Past research suggests that Non-Whites are more likely to believe courts deal too harshly with criminals. In addition, the literature review suggests that younger individuals will believe courts deal too harshly with criminals because they often receive harsher sentences. Similarly, the literature review predicted that women would believe that courts deal less harshly with criminals because they often receive lighter sentences. Therefore, more research must be done before any conclusion can be made.

The way the public views the way courts deal with criminals will continue to change as the judicial system changes. The only finding provided in this study showed that there was a very

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significant relationship between the way Non-Whites and Whites believe courts deal with criminals (Table 6). In general, both Whites and Non-Whites often believe courts deal too harshly with criminals. A racial divide in the way people view court systems may affect voting patterns. The racial divide between Whites and Blacks can cause tension during voting because their respective views on courts are vastly different. In addition, if a Non-White suspect goes to court, he or she will more likely believe they are receiving a harsher sentence than their White counterpart. However, there was no significant relationship between any of the variables tested and therefore further research should be conducted in the future in case of a change in correlation.

References

- Dario, L., Mears, D., Spohn, C., & Wang, X. (2009). Assessing the differential effects of race and ethnicity on sentence outcomes under different sentencing systems. *Crime & Delinquency*, 59(1), 114.
- Dhami, M., & Mueller-Johnson, K. (2010). Effects of offenders' age and health on sentencing decisions. *The Journal of Social Psychology*, 150(1), 77-97.
- Everett, R. S., & Wojkiewicz, R. A. (2002). Difference, disparity, and race/ethnic bias in federal sentencing. *Journal of Quantitative Criminology*, 18, 189-211.
- Hilinski, C. M., & Freiburger, T. L. (2009). An examination of the interactions of race and gender on sentencing decisions using a trichotomous dependent variable. *Crime & Delinquency*, 59(1), 59-86.

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- LaFrentz, D., & Spohn, C. (2006). Who is punished more harshly in federal courts? The interaction of race/ethnicity, gender, age, and employment status in the sentencing of drug offenders. *Justice Research and Policy*, 8, 25-56.
- Sample, L., & Spohn, C. (2008). The dangerous drug offender in federal court: Intersections of race, ethnicity, and culpability. *Crime & Delinquency*, 59(1), 3-31.
- Smith, T.W., Marsden, P.V., Hout, M., & Kim, J. (2011) *General Social Surveys, 1972-2010* [machine-readable data file]. Principal Investigator, Tom W. Smith; Co Principal Investigators, Peter V. Marsden and Michael Hout, NORC ed. Chicago: National Opinion Research Center, producer, 2005; Storrs, CT: The Roper Center for Public Opinion Research, University of Connecticut, distributor. 1 data file (55,087 logical records) and 1 codebook (3,610pp).
- Smith, T.W., Marsden, P.V., Hout, M., & Kim, J. (2011) *General Social Surveys 1972-2010*. (2010 ed., pp. 1-3610).
- Steffensmeier, D., Ulmer, J., & Kramer, J. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment cost of being young, black, and male. *Criminology*, 36(4), 763-793.
- Wilson, J.G. (1993). The role of public opinion in constitutional interpretation. *Birgham Young University Law Review*, 1993(4), 1037-1138.

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Chelsea van Aken will graduate from San Jose State University in spring 2014 with her bachelor's degree in Justice Studies and a minor in Human Rights. Her research interests include the correctional system and criminal law in the United States. She plans to pursue a master's degree in Justice Studies, and then to attend law school. After school, she intends to become a prosecutor focusing in criminal law.

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