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Using data compiled by the United States Sentencing Commission, we examine the independent and joint effects of race/ethnicity, gender, and age on sentencing decisions in U.S. federal courts. We find that Hispanics and blacks, males, and younger defendants receive harsher sentences than whites, females, and older defendants after controlling for important legal and contextual factors. When these effects are examined in combination, young Hispanic male defendants have the highest odds of incarceration and young black male defendants receive the longest sentences. The findings show considerable variation in the sentencing outcomes of defendants depending on their relative social-structural position in society, and that particularly harsh punishments are focused disproportionately on the youngest Hispanic and black male defendants. Our results reinforce the idea that researchers need to consider the combined impact of multiple defendant statuses on sentencing outcomes because joint effects are considerably larger than the effects of any one defendant characteristic.

Keywords   sentencing; race/ethnicity; gender; age; disparity

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Introduction

Although blacks and Hispanics are numerical minorities within U.S. society, as defendants in the criminal courts and inmates in prisons, they are often majorities and almost always overrepresented (Rossi & Berk, 1997). This disproportionate representation of racial and ethnic minorities remains a source of major concern, largely because it suggests the possibility of discrimination in the criminal justice system (Blumstein, 1982). Given the value we place on equal treatment under the law (Sampson & Lauritsen, 1997) and our increasing understanding of the potentially deleterious effects of incarceration on family formation (Lopoo & Western, 2005; Western & McLanahan, 2000), community organization (Clear, 2002; Clear, Rose, Waring, & Scully, 2003), and participation in a representative democracy (Uggen & Manza, 2002), it is critical that the overrepresentation of blacks and Hispanics in the criminal justice system not be further exacerbated by legal decision-making that unfairly disadvantages racial and ethnic minorities vis-à-vis other racial-ethnic groups.

Over the last three decades, state and federal legislatures have enacted sentencing guidelines designed to reduce the discretion of legal agents in order to assure that persons with comparable criminal records convicted of the same criminal charges receive similar sentences under the law (Tonry, 1996). Central to these guidelines is the notion that defendant characteristics such as race and ethnicity are considered extralegal factors that should not be considered at the sentencing stage. However, even with sentencing guidelines in place, extralegal disparities appear not to have been eliminated (Everett & Wojtkiewicz, 2002).

Although a great deal of research has examined the impact of race and gender on sentencing outcomes (see, for a review, Chiricos & Crawford, 1995; Daly & Bordt, 1995; Spohn 2000), fewer studies focus on the influence of ethnicity (e.g., Albonetti, 1998; Demuth & Steffensmeier, 2004; Everett & Wojtkiewicz, 2002; Steffensmeier & Demuth, 2000) and age (e.g., Champion, 1987; Steffensmeier & Motivans, 2000) at the sentencing stage. Furthermore, only recently have researchers empirically examined the possible joint effects of multiple status characteristics on court decisions (e.g., Spohn & Holleran, 2000; Steffensmeier, Ulmer, & Kramer, 1998).

In the present study, we use data compiled by the United States Sentencing Commission (USSC) to examine the independent and joint effects of race/ethnicity, gender, and age on incarceration and sentence length decisions in U.S. federal courts. In particular, we focus on the treatment of Hispanic defendants relative to black and white defendants. Considering that Hispanics (of all races) now comprise the largest racial-ethnic minority group in the USA (U.S. Census Bureau, 2000), there is a relative paucity of sentencing research that examines the outcomes of Hispanic defendants, especially when compared to the sizeable literature on black–white differences. On theoretical grounds, there are reasons to believe that Hispanic defendants may be treated more harshly than white and even black defendants at the sentencing stage. Hispanics face many of the same social and structural disadvantages as blacks (e.g., poverty, unemployment,

crime, discrimination) as well as additional burdens, such as language barriers and concerns surrounding citizenship and cultural values, which might have implications for their treatment at sentencing (Mata, 1998; Oboler, 1995).

The federal sentencing data are ideally suited for such an analysis because: (1) they contain more detailed legal, extralegal, and contextual information than is often available in state court data sets enabling a more robust test of the existence of extralegal disparities, (2) the large data set provides sufficient numbers of cases to perform a rigorous analysis of all defendant subgroups—in particular, the data include a large number of Hispanic and female defendants who are often excluded because of small sample sizes, and also (3) prior studies examining the joint effects of defendant characteristics on sentencing outcomes (Spohn & Holleran, 2000; Steffensmeier et al., 1998) have focused on state courts (e.g., Pennsylvania) where sentencing guidelines may be more flexible than in federal courts and judges may not be as insulated from community and political forces as their federal counterparts (see discussion in Steffensmeier & Demuth, 2001). The analysis of multiple, combined extralegal disparities in the federal courts undertaken in the present study provides insight into the potential influence of multiple defendant characteristics on sentencing outcomes under a relatively more restrictive guideline system than has been previously examined.

Prior Research

There is a substantial amount of variability in sentences given to convicted offenders. Prior research demonstrates that differences in legally relevant case characteristics such as offense severity, criminal history, multiple charges, and mode of conviction (i.e., guilty plea versus trial) account for the bulk of this sentencing variation (Gottfredson & Gottfredson, 1990; Spohn, 2002). Furthermore, jurisdictional differences in the law, as well as differences in the structural organization and cultural norms of courtroom communities and workgroups, contribute to some of the variation in sentencing outcomes across similarly situated cases (Dixon, 1995; Ulmer, 1997). Nonetheless, even after taking into account these legal and contextual factors, there is evidence that sentencing decisions are also influenced by extralegal factors, including the defendant's race/ethnicity, gender, and age (Spohn, 2002).

Race/Ethnicity Effects

The primary focus of past sentencing disparity research has been on differences in the outcomes of black and white defendants. In a review of past race and (state court) sentencing studies, Chiricos and Crawford (1995) concluded "race is a consistent and frequently significant disadvantage for blacks when in/out decisions are concerned" (p. 297). They report no consistent black disadvantage regarding sentence length decisions. More recent studies of black–white

sentencing differences in state and federal courts also find that black defendants tend to receive harsher sentences than similarly situated white defendants (Albonetti, 1997; Demuth & Steffensmeier, 2004; Mitchell, 2005; Steffensmeier & Demuth, 2000, 2001; Steffensmeier et al., 1998). However, it is important to note that there are some studies that find no main effects of race (e.g., Engen & Gainey, 2000; Miethe & Moore, 1986).

Unfortunately, we know much less about how Hispanic ethnicity influences criminal justice decision-making. Steffensmeier and Demuth (2000) show that white defendants are least likely to be incarcerated in federal court, and they receive shorter sentences than black and especially Hispanic defendants, particularly in drug cases. Albonetti (1997) also finds that Hispanic and black defendants convicted of federal drug crimes receive more severe sentences than white defendants and that Hispanic and black defendants benefit less from guideline departures than white defendants. Everett and Wojtkiewicz (2002) also show that Hispanic and black defendants receive more severe sentences than white defendants in the federal courts after controlling for legally relevant factors.

Gender Effects

A fairly persistent finding in the sentencing literature is that female defendants are treated more leniently than male defendants (Bickle & Peterson, 1991; Daly & Bordt, 1995; Spohn, 2000, 2002; Steffensmeier, Kramer, & Streifel, 1993); however, there are some researchers who report no differences (Kruttschnitt & Green, 1984). Spohn (2002) shows that the odds of receiving a prison sentence are 2.5 times greater for male offenders than for female offenders after controlling for legally relevant factors. Research on sentencing in Pennsylvania courts by Steffensmeier and colleagues (1993, 2000) indicates that gender, net of other factors, has an effect on sentencing outcomes with female defendants sentenced less harshly than male defendants. Similarly, Griffin and Wooldredge (2006) find that women are sentenced more leniently than men in Ohio courts both before and after recent sentencing reforms (see also Koons-Witt, 2002).

Age Effects

Many prior sentencing studies statistically control for the age of the defendant, but few actually make age the focus of their analyses (see, for an exception, Champion, 1987; Steffensmeier, Kramer, & Ulmer, 1995; Steffensmeier & Motivans, 2000). Overall, the findings suggest that older offenders are sentenced more leniently than younger offenders. For instance, Steffensmeier et al. (1995) find that in Pennsylvania courts older offenders are somewhat less likely to be imprisoned than younger offenders and if imprisoned they receive shorter sentence lengths. Yet, because offenders under the age of 21 also receive some leniency in sentence outcomes in relation to offenders in their

mid-20s, the age-sentencing relationship may not be strictly linear, but curvilinear. They conclude that the peak ages for sentencing severity are 21–27. After this period, severity declines gradually with advancing age (see also Steffensmeier & Demuth, 2000).

The Joint Effects of Race/Ethnicity, Gender, and Age

Zatz (1987) argues that the nature of racial and ethnic biases in sentencing has changed over time. As a society that is now more sensitive socially and legally to the equal treatment of different racial/ethnic groups, it is much less likely that large, uniform differences in the treatment of minority groups in the courts will emerge today than in the past. Instead, biases will emerge in more subtle and indirect ways, some that are detectable as main or direct effects, but others that are only visible through indirect or interaction effects of race/ethnicity with other factors or at certain stages of the criminal justice system (Zatz, 2000; see also for a discussion of the conceptualization of race and ethnicity in studies of crime and criminal justice, Zatz & Rodriquez, 2006). For instance, Provine (2006) discusses the disparate racial impact that may be embedded in our laws (e.g., the different punishments for crack and powder cocaine). And, Demuth (2003) notes that while racial/ethnic differences in pretrial detention may not necessarily be caused by racial bias (although there is evidence of this, as well), de facto racial/ethnic differences may emerge nonetheless due to associated socioeconomic differences. These disadvantages faced at the pretrial release stage may carry forward to later stages in the case process (Foote, 1954; Goldkamp, 1979).

Another way in which race/ethnicity may act to more subtly affect legal outcomes is the focus of the present study: the joint impact of race/ethnicity with other status characteristics. Among the small number of studies that examine the intersection of race/ethnicity and gender or the intersection of race/ethnicity, gender, and age on sentencing outcomes, there is evidence that joint effects are often considerably larger than individual main effects and that they also reveal extralegal disparities that are otherwise hidden when examining only additive models (Spohn & Holleran, 2000; Steffensmeier et al., 1998).

Spohn, Welch, and Gruhl (1985) find that black women are sentenced more leniently than black men, but receive sentences that are comparable to those of white men. However, there were an insufficient number of white females in their analysis to allow for a comparison of white males and white females. Steffensmeier and Demuth (2006) report the existence of important interactive effects of gender and race/ethnicity in the sentencing of criminal defendants in large urban state courts. They find that racial/ethnic differences exist for men, but not for women. Their findings do not support the traditional view that chivalry or leniency in court sanctioning typically bypasses 'women of color' (Belknap, 1996; Klein & Kress, 1976).

Steffensmeier et al. (1998) examine the main and interactive effects of race (black vs. white), gender, and age on sentencing outcomes in Pennsylvania

courts. In addition to finding statistically significant main effects of race, gender, and age, they also report several notable extralegal interaction effects. For instance, within-sex comparisons show that the effect of race is stronger for male defendants than for female defendants—i.e., black males are sentenced more harshly than white males, but black females are sentenced only slightly more harshly than white females. Also, age has a greater effect on the sentencing of males than females. And, race and gender differences are smaller among older defendants and greater among younger defendants. Most importantly, young black males are sentenced considerably more harshly than any other defendant group.

Spohn and Holleran (2000) extend the research done by Steffensmeier et al. (1998) by looking at the effects of race/ethnicity, age, gender, and employment status on sentence outcomes in state courts in Chicago, Miami, and Kansas City. A general pattern emerges whereby defendants who are male, black or Hispanic, aged 21–29, and unemployed are more likely to be incarcerated. Notably, the four defendant characteristics interact to produce harsher sentences for certain offenders. Overall, their results are consistent with the findings of Steffensmeier et al. (1998), but they note that there are 'constellations of characteristics' other than 'young black male' such as Hispanic and unemployed that need to be examined because they may receive especially harsh treatment in the criminal justice system.

Theoretical Framework and Research Expectations

Legal decision-making is complex, repetitive, and frequently constrained by time and resources in ways that may produce considerable ambiguity or uncertainty for arriving at a fully informed decision (Albonetti, 1991; Farrell & Holmes, 1991). To reduce uncertainty, decision-makers may rely not only on the defendant's present offense and prior criminal conduct, but also on attributions linked to the defendant's race, gender, age, or other social positions (Steffensmeier et al. 1998; Ulmer, 1997). Although sentencing guidelines are designed to limit the impact of these extralegal factors on sentencing outcomes through the use of sentencing grids, there remains considerable room for extralegal factors to influence sentencing decisions within the cells of the sentencing grid as well as through the use of departures from the guidelines (Steffensmeier & Demuth, 2000).

The focal concerns perspective developed by Steffensmeier and colleagues (1993, 1998) provides a useful framework for understanding why extralegal factors such as race/ethnicity, gender, and age might continue to influence sentencing decisions despite the implementation of formal guideline systems. They outline three focal concerns that are important to judges and other criminal justice actors in reaching sentencing decisions: blameworthiness, protection of the community, and practical constraints and consequences. Steffensmeier and colleagues argue that defendant status characteristics may influence

sentencing decisions insofar as stereotypes and behavioral expectations linked to these characteristics relate to the focal concerns of legal agents.

Blameworthiness follows the principle that sentences should depend on the offender's culpability and the degree of injury caused. Women are believed to be less dangerous, less blameworthy, less likely to recidivate, and more likely to be deterred than men (Spohn, 2002). Other previous research (Albonetti, 1991; Farrell & Swigert, 1978; Miethe & Moore, 1985; Zatz, 1984) has linked defendant's race/ethnicity to notions of dangerousness and recidivism.

Protection of the community typically focuses on the need to incapacitate the offender or to deter future crime. In recent years, the public's fear of crime and especially the crime of young minority men has increased (Anderson, 1995). Young black males in the U.S. are often portrayed in the mass media as hostile, brutal, aggressive, and violent (Majors & Gordon, 1994), and also as deviant, dangerous, and dysfunctional (Gibbs, 1988). Hispanic offenders evoke similar attributions (Anderson, 1995). In addition, because of the context of Hispanic immigration in the U.S., Hispanic defendants may seem even more culturally dissimilar and unpredictable than their black counterparts (Steffensmeier & Demuth, 2000).

Practical constraints and consequences relate to how sentencing decisions impact the functioning of the criminal justice system as well as the circumstances of individual defendants and their families and communities. Young offenders, especially those who are racial minorities, are less likely to be seen as being harmed by a prison term (Kramer & Steffensmeier, 1993; Steffensmeier, et al. 1998). In addition, the court's concern with breaking up families and protecting the innocent may more often apply to women than men (Daly, 1987).

Guided by the focal concerns framework and the findings of past research on stereotypes and sentencing outcomes, we expect to find independent effects of race/ethnicity, gender, and age on sentencing outcomes, as well as larger joint effects based on multiple defendant characteristics. For example, we expect that defendants who are young, male, black, or Hispanic will receive harsher sentences than those defendants who are older, female, or white. Moreover, we expect that defendants who are young, black or Hispanic, and male will receive sentencing outcomes that are disproportionately severe vis-à-vis other racial/ ethnic-gender-age subgroups.

Data and Methods

In the present study, we use data from the 2001 Monitoring of Federal Criminal Sentences compiled by the USSC. The data include all cases received by the USSC that had sentencing dates between 1 October 2000 and 30 September 2001 and were assessed as constitutional (N = 59,897). These data are especially appropriate for this study as they contain some of the richest and most detailed information available on the processing of cases at the sentencing stage. Indeed, many state-level data sets used in prior studies lack the large number of legal control

variables found in the federal guidelines data that enable us to more adequately rule out alternative explanations for extralegal effects on sentencing outcomes (e.g., Demuth & Steffensmeier, 2004; Spohn & Holleran, 2000). Furthermore, the rigidity (i.e., it is more formal and allows for less judicial discretion) of the federal guidelines vis-à-vis many state guidelines provide a more conservative test of the impact of extralegal factors on sentencing outcomes.

For this analysis, we eliminate several defendant groups from the sample. First, noncitizens are deleted from the analysis (approximately 33% of the sample). The federal cases of noncitizens often differ from those of citizens in substantial ways that make comparisons of sentencing outcomes between them difficult (Demuth, 2002). For example, a large percentage of noncitizen cases involve immigration offenses that cannot be directly compared to citizen cases. Furthermore, because noncitizens can be deported, the sentencing process for noncitizens is often qualitatively different (e.g., its goal is not punishment, per se, but rather to expel the defendant from the country) from that of U.S. citizens. And, case information provided for noncitizens may be incomplete resulting in an underestimation of prior criminal history. Most importantly, noncitizens in the data set are overwhelmingly of Hispanic origin. Because the focus of our study is on the treatment of race and ethnicity in the sentencing process, we do not want to conflate the effects of ethnicity with the effects of citizenship status.

Second, defendants under the age of 18 are excluded from the analysis because their cases are substantively and legally different due to their juvenile status. Third, defendants who indicate their race/ethnicity as 'other' are deleted from the analysis. This is done to better focus the present analysis on white, black, and Hispanic subgroups. Those claiming 'other' as their race/ethnicity make up approximately 4% of the defendant sample. Fourth, using listwise deletion, all cases with missing information for any variable used in the analysis are deleted. The number of missing values is small and the exclusion of these cases from the analysis does not significantly change the findings. The size of the analytical sample used in the present study is 33,505.

Dependent Variables

Sentencing outcomes are the result of a two-stage decision-making process: the decision to incarcerate and, if incarcerated, the sentence length decision (see, for discussion, Spohn, 2002). In the present study, we use logistic regression to model the incarceration (in/out) decision. The in/out decision variable is coded dichotomously, with 1 indicating those defendants who receive a prison sentence and 0 indicating those who receive a non-incarceration sentence (e.g., probation). The sentence length decision is modeled using OLS regression and includes only those defendants who receive a prison sentence. Sentence length is a continuous variable representing the logged length of the prison sentence in months. Logging sentence length helps to normalize the distribution and taking the antilog of the coefficient

in the logged sentence length model provides a useful proportional interpretation. Sentence length is capped at 470 months and is considered life in prison.[1]

Extralegal Variables

The extralegal variables of interest in the present study are race/ethnicity, gender, and age. Race/ethnicity is coded as three dummy variables: white non-Hispanic, black non-Hispanic, and Hispanic of any race. The information provided about the race/ethnicity of the defendant comes from the Presentencing Report (PSR) generated by the defendant's probation officer. Defendant gender is a dummy variable coded 1 if the defendant is female and 0 if the defendant is male. Defendant age is coded consistent with Steffensmeier et al. (1998) as a series of dummy variables with age ranges of 18–20, 21–29, 30-39, 40-49, 50-59, and 60 and over. The reference groups used for much of the analysis are white, male, and 18- to 20-year-old defendants.

Legal Variables

The federal sentencing data include a number of important legal measures that account for much of the variation in sentencing outcomes across cases. The federal courts operate under a guidelines system in which judges sentence defendants according to prescribed ranges but also may depart from the suggested guidelines range (Steffensmeier & Demuth, 2000). Sentence ranges are determined using a grid that takes into account the severity of the current offense on one axis and the defendant's criminal history on the other. In turn, most prior federal sentencing studies include separate variables for criminal history and offense severity in their regression analyses (e.g., Albonetti, 1997; Steffensmeier & Demuth, 2000).

However, Engen and Gainey (2000) argue that a more appropriate strategy for modeling the effects of criminal history and offense severity on sentencing

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1. Many sentencing studies model the sentence length decision including a correction term for selection bias stemming from the decision to incarcerate (Berk, 1983). This involves controlling for the "hazard" of incarceration (estimated in the in/out model) in the sentence length model. The hazard variable represents for each observation the instantaneous probability of being excluded from the sample conditional upon being in the pool at risk. However, Stolzenberg and Relles (1997) and Bushway, Johnson, and Slocum (2007) find that this correction term can often introduce more bias into the sentence length model than it eliminates due to high levels of collinearity between the correction term and other predictors of sentence length. This is especially likely when the predictors of incarceration are very similar to the predictors of sentence length as in the present study. The highest correlation we uncovered was between the correction term and the measure of presumptive guideline sentence length (r = 0.6). Also, Stolzenberg and Relles (1997) argue that a correction term is often unnecessary when there is a low level of selection. In the current data, because only 19% of defendants avoid incarceration, it is unlikely that a selection bias will strongly influence the sentence length findings. For these reasons, we do not include a correction term for selection bias in the sentence length model.

outcomes is to instead include a variable representing the presumptive guideline sentence (i.e., the expected sentence prior to any modifications). In essence, the presumptive sentence represents the combined effects of criminal history and offense severity in a single measure. Furthermore, Engen and Gainey (2000) show that the presumptive sentence measure actually explains more of the variation in sentencing outcomes than the sum of the two separate measures. This analytic strategy is also used by the USSC (2004). In the present study, we include a variable representing the guideline minimum sentence, in months. We also include a measure of criminal history using a variable that ranges from 1 to 6 and indicates the final criminal history score of the defendant. According to Ulmer (2000), in a rejoinder to Engen and Gainey, measures of offense severity and prior record have important main, curvilinear, and interactive influences on in/out and length that cannot be reduced to the effect of presumptive sentence measures. This suggests that it is statistically and substantively important to include offense severity and prior record even if one is including a presumptive sentence measure. However, Ulmer also points out that including all three legally prescribed variables results in problematic multicollinearity in the OLS models of sentence length. As a result, an offense severity score variable is not included in the analysis because it is highly collinear with the guideline minimum sentence variable.

The federal sentencing statute includes provisions that permit judges to depart from the sentence prescribed by the guidelines.[2] The dilemma for agents of social control concerns the balance between the principle of uniformity that demands that offenders committing similar crimes receive similar sentences (i.e., formal rational law) and individualized justice that tailors sanctions to the particular characteristics and circumstances of individual offenders (i.e., substantive rational law) (Savelsberg, 1992; Weber, 1968). Departure sentences constitute approximately 35% of all sentences. Downward departures initiated by judges make up about 37% of all departure cases and substantial assistance (SA) downward departures, which are initiated by prosecutors in cases where defendants provide assistance to the government, comprise about 63% of all departure cases. SA departures reflect a unique combination of judicial and prosecutorial discretion that is less constrained by the Sentencing Commission guidelines than regular downward departures. The number of cases involving an upward departure total only 0.6% of the overall sample (N = 213), and are deleted from the sample. As a result, defendant's departure status is coded as a series of dummy variables for no departure (reference group), regular downward departure, and SA downward departure.

2. There is some disagreement among researchers about how to account for departures in the modeling of sentencing outcomes (see Steffensmeier & Demuth, 2000). For example, are departures a simultaneous part of the sentencing decision, a selection process, or simply a predictor of sentences? It has become common practice to treat departures as a predictor and this practice is supported by the USSC in their study on 15 years of sentencing guidelines (2004). Resolving this issue is beyond the scope of the present study, but it is noteworthy that controlling for departure status is likely to produce conservative estimates of extralegal disparities.

Case disposition is a dichotomous variable, which indicates whether the offender's case is settled by plea agreement or trial. It is coded 0 for guilty plea and 1 for trial. We also include a measure of multiple counts. A dummy variable is coded 0 for cases involving a single count and 1 for cases that involve multiple counts. And, prior research suggests that a small portion of the variation in sentencing outcomes is explained by court context (Kautt, 2002; Ulmer & Johnson, 2004). An examination of jurisdictional differences is important, but beyond the scope of the present study. Nonetheless, we include controls for judicial district (see also, Albonetti, 1997). A series of dummy variables representing judicial districts are included in the models, but are not shown in the tables.

Results

In the first stage of our analysis, we examine the independent effects of race/ ethnicity, gender, and age on incarceration and sentence length outcomes after controlling for important legal factors and differences across judicial districts. Second, we investigate whether the effects of race/ethnicity, gender, and age on sentencing outcomes are similar or different across racial/ethnic and gender groups. Third, we examine the joint effects of race/ethnicity and age (e.g., 18–20-year-old black defendants) on sentencing outcomes separately for male and female defendants. Finally, we compare and contrast the sentence outcomes of specific race/ethnic-gender-age-specific defendant subgroups.

Descriptive Statistics

Table 1 presents the percentages and means of all variables used in the analyses. The descriptive statistics are partitioned by race/ethnicity and gender.

Among male defendants, blacks (91%) and Hispanics (89%) are more likely to receive imprisonment than whites (78%). For females, Hispanic (69%) defendants are more likely to receive incarceration sentences than black (59%) and white (62%) defendants. Of those incarcerated, black defendants receive the longest sentence lengths for their respective gender groups (91 and 36 months for males and females, respectively). The racial/ethnic sentence length gap is much smaller for females than males; white and Hispanic females receive average sentences only 4–5 months shorter than black females, but white and Hispanic males receive average sentences that are 30–35 months shorter than black males.

The greater punishment of black and Hispanic defendants compared to white defendants may be explained by differences in legally relevant factors between the groups. Black defendants, and black men in particular, tend to have the most extensive criminal histories, the longest presumptive sentences (although

Table 1 Descriptive statistics for female and male defendants by race/ethnicity

Independent variables	Males				Females			
	Total	White	Black	Hispanic	Total	White	Black	Hispanic
Age								
18–20	5.3%	3.6%	5.5%	9.3%	5.0%	4.0%	4.8%	8.0%
21–29	35.3%	24.1%	45.7%	42.2%	%41.2%	26.4%	41.2%	42.0%
30–39	29.1%	28.4%	30.7%	27.7%	30.5%	31.9%	30.9%	26.4%
40–49	18.1%	24.2%	12.7%	13.6%	20.1%	24.9%	15.5%	16.2%
50–59	8.8%	13.9%	4.3%	5.4%	7.6%	9.6%	6.1%	5.4%
60 and over	3.4%	5.8%	1.1%	1.8%	2.5%	3.3%	1.5%	2.0%
Mean age (years)	34.7	38.5	31.5	31.8	34.5	36.6	32.9	32.2
Prior criminal history (points)	2S.6	2.2	3.2	2.2	1.6	1.6	1.7	1.4
Guideline minimum sentence (in months)	71.6	52.8	95.1	69.8	34.0	33.1	33.5	37.6
No departures	65.9%	64.0%	69.5%	62.9%	61.6%	67.0%	67.0%	55.1%
Downward departure	12.4%	13.3%	8.2%	19.0%	15.9%	16.4%	10.4%	25.1%
Substantial assistance departure	21.7%	22.6%	22.6%	18.1%	22.5%	23.4%	22.6%	19.8%
Trial	4.4%	3.7%	5.8%	3.1%	2.7%	2.6%	3.2%	2.1%
Guilty plea	95.6%	96.3%	94.2%	97.9%	97.3%	97.4%	96.8%	97.9%
Multiple counts	22.7%	23.7%	24.6%	16.2%	15.2%	14.9%	17.2%	12.6%
Dependent variables								
Incarcerated	84.8%	78.0%	91.0%	89.1%	62.0%	61.6%	58.8%	68.9%
Not incarcerated	15.2%	22.0%	9.0%	10.9%	38.0%	38.4%	41.2%	31.1%
Sentence length (months)	70.0	54.1	91.1	60.1	33.1	32.3	35.6	31.1
N	27,550	12,464	10,276	4,810	5,955	2,847	2,024	1,084

this does not hold for black women), and are the group least likely to receive downward departures. Hispanic defendants more closely resemble white defendants on these legal factors, although Hispanics have longer average presumptive sentences than whites. In addition, Hispanics, both male and female, are most apt to receive downward departures, while they are the least likely to receive SA departures.

Independent Effects of Race/Ethnicity, Gender, and Age

Table 2 shows the main effects of race/ethnicity, gender, and age on in/out and sentence length outcomes controlling for important legal factors and judicial district. Notably, prior criminal history and guideline minimum are strongly associated with sentencing outcomes and prove to be important statistical controls (standardized coefficients are available from the authors upon request). Defendants with more extensive criminal histories, more serious offense conduct, and conviction at trial are more likely to receive harsher

Table 2 Independent effects model—logistic model of in/out and OLS model of logged sentence length

	In/out	Ln (length)
Variable	Odds ratio	b
Male[1]	—	—
Female	0.583***	−0.285***
White[1]	—	—
Black	1.060	0.051***
Hispanic	1.328***	0.050***
Age 18–20[1]	—	—
Age 21–29	0.970	0.005
Age 30–39	0.903	−0.037*
Age 40–49	0.885	−0.044*
Age 50–59	0.816*	−0.078***
Age 60 and over	0.610***	−0.171***
Prior criminal history	1.819***	0.071***
Minimum sentence	1.080***	0.010***
No departure[1]	—	—
Downward departure	0.306***	−0.337***
Substantial assistance Departure	0.145***	−0.393***
Trial	1.812***	0.005
Multiple counts	1.853***	0.189***
Pseudo/adj. R-squared	0.45	0.67
N	33,505	27,053

*$p < .05$; ***$p < .001$.
[1]Represents the reference category.
Note. Dummy variables for judicial district are included in the models.

sentences than those with less extensive criminal histories, single convictions, or those who plead guilty.

Looking at the effects of race/ethnicity, gender, and age on the incarceration decision, Hispanic defendants are the racial/ethnic group most likely to receive an incarceration sentence. The odds of incarceration are about 33% higher for Hispanic defendants than for white defendants. Female defendants are significantly less likely to receive incarceration sentences than male defendants. The odds of incarceration for female defendants are approximately 42% lower than the odds of incarceration for male defendants. Turning to age effects, the youngest defendants are the most likely to receive prison sentences. The odds of incarceration among defendants ages 60 and over are about 40% lower than those among defendants ages 18–20.

Turning to the sentence length decision, black and Hispanic defendants receive sentences that are about 5% (exp[b]) longer than white defendants. Female defendants receive sentence lengths that are about 25% shorter than male defendants. Consistent with the age-in/out relationship, sentence length decreases with age. Defendants ages 60 and over receive sentences that are approximately 16% shorter than defendants ages 18–20.[3]

Effects of Race/Ethnicity, Gender, and Age by Race/Ethnicity and Gender

Table 3 shows the effects of race/ethnicity, gender, and age on in/out and sentence length outcomes in models partitioned be race/ethnicity and gender. We first examine the effects of race/ethnicity by gender (right side of the table). Among men, Hispanic and black defendants are more likely to receive an incarceration sentence (odds ratios of 1.49 and 1.16, respectively) than white defendants. However, among women, there are no racial/ethnic differences in the likelihood of incarceration. A similar pattern emerges for sentence length outcomes. While black and Hispanic men receive longer sentences than their white male peers (about 7.5% and 5% longer, respectively), there are no statistically significant racial/ethnic differences in sentence length among women. However, it is notable that similar to men, Hispanic women receive sentences

3. We also examined whether race/ethnicity, gender, and age effects were offense-specific. It was difficult (if not impossible) to undertake our full analysis for many of the specific offense types because of the small sample sizes for many of the race-gender-age-specific subgroups. Nonetheless, we explored the data for some general patterns especially in light of prior studies that sometimes find that race effects are larger in drug cases than in nondrug cases. There were an insufficient number of cases to fully explore the analysis of joint effects even for such a broad category as "drugs." However, we did examine the main effects of race/ethnicity, gender, and age and found some differences between drug and nondrug cases. Although the gender and age effects were not considerably different, the race/ethnicity effects were somewhat larger in drug cases than in nondrug cases (but, the race effects remained in nondrug cases). It is important that future studies explore the specific locations of extralegal disparity in the federal courts. But, to fully examine offense-specific differences is beyond the scope of this study.

Table 3 Race/ethnicity, gender, and age effects partitioned by race/ethnicity and gender

	Logistic models of in/out: odds ratio				
Age group	White	Black	Hispanic	Male	Female
18-20[1]	—	—	—	—	—
21-29	0.948	1.081	0.899	1.025	0.861
30-39	0.930	0.995	0.816	0.881	0.927
40-49	1.009	0.832	0.599**	0.830	1.045
50-59	0.956	0.632*	0.575*	0.807	0.826
60 and over	0.669**	0.648	0.581	0.661**	0.369***
Male[1]	—	—	—	—	—
Female	0.682***	0.484***	0.504***	—	—
White[1]	—	—	—	—	—
Black	—	—	—	1.155 *	0.899
Hispanic	—	—	—	1.491***	1.020
N	15,311	12,300	5,894	27,550	5,955
	OLS models of Ln (sentence length): b				
Age group	White	Black	Hispanic	Male	Female
18-20[1]	—	—	—	—	—
21-29	0.092*	−0.092***	0.064*	0.012	−0.003
30-39	0.056	−0.185***	0.103**	−0.037	−0.016
40-49	0.048	−0.204***	0.089*	−0.055**	0.050
50-59	0.025	-0.261***	0.024	−0.085***	0.024
60 and over	−0.079***	−0.260***	−0.120	−0.190***	0.038
Male[1]	—	—	—	—	—
Female	−0.221***	−0.442***	−0.184***	—	—
White[1]	—	—	—	—	—
Black	—	—	—	0.073***	−0.049
Hispanic	—	—	—	0.051***	0.057
N	11,477	10,543	5,033	23,362	3,691

*p < .05; **p < .01; ***p < .001.
[1]Represents the reference category.
Note. All legal, extralegal, and contextual variables are included in the models.

that are about 5% longer than white women. This finding is not statistically significant due, in part, to the reduced power of the model, but helps to explain the similar sizes of the white and Hispanic gender gaps in the race/ethnicity-specific sentence length results discussed next.

To provide an alternative perspective, we also examine the effect of gender in models partitioned by race/ethnicity (left side of the table). We find that the gender gap for incarceration decisions is the largest (and similar) for black and Hispanic defendants and the smallest for white defendants. For black and Hispanic defendants, the odds of receiving an incarceration sentence (for both groups) are about 50% lower for women than they are for men; for whites, the

odds are about 32% lower for women than men. Regarding sentence length outcomes, the gender gap is largest for black defendants (i.e., women's sentences are 36% shorter than men's) and smallest for Hispanic (17%) and white defendants (20%).

Next, we examine the effect of age on sentencing outcomes by race/ethnicity and by gender. Looking first at the effect of age on sentencing outcomes by gender (right side of the table), there are few age differences among female defendants for either in/out or sentence length outcomes. The only statistically significant difference is the lower likelihood of incarceration (odds ratio = 0.37) among women ages 60 and over compared to the youngest defendants. For men, the pattern of age differences in the likelihood of incarceration is similar to that of women; only the oldest male defendants have a lower odds (odds ratio = 0.66) of receiving a prison sentence. But, age differences in sentence length among men are larger than among women and punishment is more concentrated among younger defendants. For instance, male defendants ages 60 and over receive sentences about 17% shorter than the youngest male defendants.

Turning to the effect of age on incarceration (in/out) outcomes across racial/ethnic groups (left side of the table), the age pattern for white and black defendants is very similar. Results indicate that only the oldest defendants are treated more leniently; whites 60 and over and blacks 50 and over are treated more leniently than their younger counterparts. However, among Hispanics a different pattern emerges. Not only do the odds of incarceration for Hispanic defendants decline at a younger age (40 years old), but the likelihood of incarceration also drops off more precipitously. Hispanic defendants ages 40 and over already have incarceration odds that are about 40% lower than those of Hispanic defendants 18–20 years old.

Looking at sentence length, white and Hispanic defendants more closely resemble each other. There are few statistically significant age differences, although there does appear to be somewhat of an inverted-U shape to the age-sentence length profiles of white and Hispanic defendants. Except for the oldest defendants, white and Hispanic defendants ages 18–20 (i.e., the youngest defendants) receive the shortest sentences, net of controls. Among black defendants, harsher sentences are heavily concentrated among the youngest defendants with sentences dropping off sharply with increasing age. The oldest black defendants receive sentences that are about 23% shorter than the youngest black defendants; for whites and Hispanics, the 'youngest–oldest' sentence length gaps are considerably smaller (about 7 and 11%, respectively).

Joint Effects of Race/Ethnicity and Age by Gender

Tables 4 and 5 present the results of analyses that examine the joint effects of race/ethnicity and age on sentence outcomes separately for males and females. Looking at the results for males (Table 4), there is a high degree of uniformity in sentencing outcomes across most racial/ethnic-age subgroups; however, there

Table 4 Males: race-age groups—logistic model of in/out and OLS model of Ln (sentence length)

Variable	In/out Odds ratio	Ln (Length) b
White 18-20[1]	—	—
White 21-29	1.002	0.116***
White 30-39	0.927	0.102**
White 40-49	0.951	0.082*
White 50-59	0.970	0.040
White 60 and over	0.711*	−0.081
Black 18-20	1.169	0.351***
Black 21-29	1.398*	0.235***
Black 30-39	1.199	0.116**
Black 40-49	0.942	0.085*
Black 50-59	0.686	0.051
Black 60 and over	0.739	0.091
Hispanic 18-20	1.897**	0.073
Hispanic 21-29	1.819***	0.141***
Hispanic 30-39	1.364	0.198***
Hispanic 40-49	1.083	0.160***
Hispanic 50-59	0.951	0.167**
Hispanic 60 and over	1.343	−0.042
N	27,550	23,362

*p < .05; **p < .01; ***p < .001.
[1]Represents the reference category.
Note. All variables are included in the models.

are some notable pockets of punishment and leniency (Note: the reference category is white males ages 18-20 years old). First, young Hispanic defendants are the most likely to receive prison sentences. The odds of incarceration for Hispanic men ages 18-20 are almost double the odds for white men ages 18-20; Hispanic men ages 21-29 also have a higher likelihood of receiving a prison sentence (odds ratio = 1.82). Black men ages 21-29 are more likely to receive prison sentences than the youngest white men (odds ratio = 1.40), as well.

Second, only the oldest white male defendants are significantly less likely to receive prison sentences compared to the youngest white male defendants. Third, looking at sentence length outcomes, the youngest black men (ages 18-20 and ages 21-29) receive sentences that are between 26 and 42% longer than white men ages 18-20. Similarly, yet less severely than young black men, a broad age range of Hispanic men (ages 21-59) receives sentences 15 to 22% longer than the youngest white men.

Table 5 replicates the above analysis for female defendants and reveals few notable findings (Note: white female defendants ages 18-20 serve as the

Table 5 Females: race-age groups—logistic model of in/out and OLS model of Ln (sentence length)

	In/out	Ln (Length)
Variable	Odds ratio	b
White 18-20[1]	—	—
White 21-29	0.790	−0.041
White 30-39	0.941	−0.039
White 40-49	1.220	−0.025
White 50-59	0.898	−0.022
White 60 and over	0.401*	0.022
Black 18-20	0.823	−0.078
Black 21-29	0.850	−0.113
Black 30-39	0.845	−0.114
Black 40-49	0.867	0.023
Black 50-59	0.727	−0.079
Black 60 and over	0.436	0.032
Hispanic 18-20	1.247	−0.041
Hispanic 21-29	0.985	0.036
Hispanic 30-39	1.070	−0.031
Hispanic 40-49	0.782	0.095
Hispanic 50-59	0.723	0.078
Hispanic 60 and over	0.247*	−0.148
N	5,955	3,691

*$p < .05$.

[1]Represents the reference category.

Note. All variables are included in the models.

reference category). First, there are fewer statistical differences among females than among males; however, this is partly due to the reduced statistical power in the regression model examining female defendants. Nonetheless, with the exception of the oldest defendant groups, the sentence outcomes of females of all ages are not significantly different from the reference category. Second, there are few black-Hispanic-white differences. One notable (although not statistically significant) finding is that young black women who receive an incarceration sentence are sentenced to terms about 8% shorter than similarly aged white women.

Joint Effects of Race/Ethnicity, Gender, and Age on Sentencing

Table 6 displays the incarceration and sentence length outcomes for all racial/ethnic-age-gender subgroups ranked from most severe to least severe. White male defendants ages 18-20 are the reference category. Importantly, the results reveal the existence of joint effects that are considerably larger than the effect

Table 6 Race-age-gender groups—logistic model of in/out and OLS models of Ln (sentence length) rank ordered in terms of sentence severity

In/out		Odds Ratio	Ln (length)		b
Rank		Odds Ratio	Rank		b
(1)	Hispanic males 18-20	1.803**	(1)	Black males 18-20	0.348***
(2)	Hispanic males 21-29	1.757***	(2)	Black males 21-29	0.222***
(3)	Black males 21-29	1.405*	(3)	Hispanic males 30-39	0.179***
(4)	Hispanic males 30-39	1.344	(4)	Hispanic males 50-59	0.150**
(5)	Hispanic males 60 and over	1.342	(5)	Hispanic males 40-49	0.143***
(6)	Black males 30-39	1.206	(6)	Hispanic males 21-29	0.124***
(7)	Black males 18-20	1.192	(7)	White males 21-29	0.111**
(8)	Hispanic males 40-49	1.064	(8)	Black males 30-39	0.102**
(9)	White males 21-29	1.021	(9)	White males 30-39	0.097**
(10)	White males 18-20[1]	—	(10)	Black males 60 and over	0.087
(11)	Hispanic females 18-20	0.990	(11)	White males 40-49	0.079*
(12)	White males 50-59	0.989	(12)	Black males 40-49	0.077*
(13)	White males 40-49	0.968	(13)	Hispanic males 18-20	0.062
(14)	White males 30-39	0.945	(14)	Black Males 50-59	0.045
(15)	Black males 40-49	0.944	(15)	Hispanic females 40-49	0.042
(16)	Hispanic males 50-59	0.942	(16)	White males 50-59	0.039
(17)	White females 40-49	0.838	(17)	Hispanic females 50-59	0.039
(18)	Hispanic females 30-39	0.820	(18)	White males 18-20[1]	—
(19)	Black males 60 and over	0.758	(19)	Hispanic females 21-29	−0.051
(20)	Hispanic females 21-29	0.744	(20)	Hispanic males 60 and over	−0.057
(21)	White males 60 and over	0.722	(21)	White males 60 and over	−0.081
(22)	White females 18-20	0.692	(22)	Hispanic females 30-39	−0.096
(23)	Black males 50-59	0.686	(23)	Black females 40-49	−0.113*
(24)	White females 30-39	0.655**	(24)	White females 60 and over	−0.116
(25)	White females 50-59	0.647*	(25)	White females 30-39	−0.151***
(26)	Black females 30-39	0.607**	(26)	Hispanic females 18-20	−0.154
(27)	Hispanic females 40-49	0.604*	(27)	White females 18-20	−0.158*
(28)	Black females 40-49	0.596*	(28)	White females 21-29	−0.168***
(29)	Black females 18-20	0.593	(29)	White females 40-49	−0.181***
(30)	Hispanic females 50-59	0.576	(30)	Black females 18-20	−0.193*
(31)	Black Females 21-29	0.593**	(31)	Hispanic females 60 and over	−0.201
(32)	White Females 21-29	0.564***	(32)	White Females 50-59	−0.237***
(33)	Black Females 50-59	0.525*	(33)	Black Females 30-39	−0.242***
(34)	Black Females 60 and over	0.323*	(34)	Black Females 60 and over	−0.242
(35)	White Females 60 and over	0.303***	(35)	Black Females 50-59	−0.250**
(36)	Hispanic Females 60 and over	0.188**	(36)	Black Females 21-29	−0.266***
N		33,505			27,053

*p < .05; **p < .01; ***p < .001.

[1]Represents the reference category.

Note. All legal, extralegal, and contextual variables are included in the models.

of any one defendant characteristic and bring to light extralegal disparities that are otherwise hidden when examining only additive models. We highlight here some of the important findings.

First, it is readily apparent that the youngest Hispanic and black men receive the harshest sentence outcomes among all defendant subgroups. Young Hispanic men are the most likely to be sent to prison (odds ratio = 1.80 compared to young white men) and young black men receive the longest prison sentences (42% longer than young white men) after taking into account important legal and contextual factors. Importantly, racial/ethnic differences are considerably larger among the youngest men than is apparent when examining the average effects of race/ethnicity across all defendants (see Table 2). Indeed, analyses that do not consider the joint effects of multiple statuses risk underestimating the influence of race/ethnicity for specific subgroups of defendants.

Second, when taking into account multiple defendant statuses, there is considerable variation in the sentences received by defendants. Comparing the most disparately sentenced groups, the odds are about six times greater that a young Hispanic male will receive a prison sentence as compared to the oldest white female defendants. Similarly, the youngest black males (between the ages of 18 and 20) receive prison sentences that are about 80% longer than black female defendants in their 50s. It is important to point out that the sample sizes for female defendants ages 60 and over, especially blacks and Hispanics, are quite small (*n* = 30 and 22, respectively). Therefore, comparisons involving these defendant groups should be undertaken with caution.

Third, although sentence severity rankings for incarceration are higher on average for male defendants (and especially Hispanic male defendants) than female defendants, there are some exceptions. For instance, Hispanic female defendants ages 18‑20 rank 11th in terms of incarceration sentence severity. That is, they are as likely to receive a prison sentence as similar-aged white males. In contrast, black female defendants appear to receive sentencing benefits that are not as readily available for Hispanic female defendants. All age groups of black female defendants are found at the bottom of the rank ordering. A similar relative ordering between Hispanic and black women exists for sentence length outcomes. On average, black women receive shorter sentences than Hispanic women after controlling for legal and contextual factors. This is particularly notable given that black men receive the longest sentences overall.

Discussion

This work contributes to a growing body of research that considers the combined impact of multiple defendant statuses on sentencing outcomes. In this paper, we examine both the independent and joint effects of race/ethnicity, gender, and age on incarceration and sentence length outcomes using federal court data collected by the USSC. Importantly, the data used in the present study are some of the best available for this kind of examination

because they are rich with important legal control variables and contain sufficient numbers of female and Hispanic defendants to enable a more robust analysis of defendant subgroup than has been previously performed.

Consistent with prior research on sentencing, we find that legal factors are the most important predictors of sentencing outcomes; defendants with more extensive criminal histories and more serious offense conduct are more likely to receive harsher sentences than those with less extensive criminal histories and less serious offense conduct. However, we also determine that, net of legal and contextual controls, race/ethnicity, gender, and age have significant independent effects on sentencing outcomes. Furthermore, when examined in combination, the findings reveal that there is a considerable amount of variation in the sentencing outcomes of defendants depending on their relative social-structural position in society, and that particularly harsh punishments are focused disproportionately on select defendant groups.

More specifically, our results show that (1) Hispanic defendants and black defendants receive harsher sentences than white defendants, (2) males receive harsher sentences than females, (3) younger defendants receive harsher sentences than older defendants, (4) race/ethnicity differences in sentencing are larger among men than among women, (5) harsher sentences are more concentrated among the young for Hispanic defendants (for in/out) and black defendants (for sentence length) than for white defendants, (6) harsher sentences tend to be more concentrated among the young for male defendants than for female defendants, (7) harsher sentences are more concentrated among young black and Hispanic defendants for males than for females, and (8) defendants who are young, Hispanic or black, and male receive the harshest sentences of all racial/ethnic-gender-age subgroups. Overall, our results from the federal courts are consistent with those of other researchers examining the impact of multiple defendant statuses on sentencing outcomes in state courts (Spohn & Holleran, 2000; Steffensmeier & Demuth, 2006; Steffensmeier et al. 1998). That is, even in a sentencing system with a relatively rigid set of formal guidelines (i.e., compared with many state systems), unexplained extralegal disparities persist and are, in many cases, quite large.

Several findings are particularly noteworthy. First, across all the comparisons, young Hispanic male defendants are the most likely to be sentenced to prison and young black male defendants receive the longest sentence lengths. Apparently, similar to young black males, young Hispanic males also pay an "imprisonment penalty" at sentencing (see Spohn & Holleran, 2000). In other words, there is a significant interrelationship among race/ethnicity, gender, and age that produces substantially harsher sentences for these categories of defendants. Second, although racial/ethnic differences are smaller overall among women than among men, it is notable that the youngest Hispanic women receive sentences that are more similar to those received by male defendants than to other female defendants. In contrast, compared to the harsher punishments given to black men vis-à-vis white men, black women are treated similar to or more leniently than white women. In this sense, Hispanic

defendants are more broadly subjected to harsh punishments than black defendants. Third, substantial differences in sentencing outcomes exist when comparisons are made between the most dissimilar groups. For example, the odds of incarceration are over six times greater for young Hispanic males than for the oldest female defendants. And, the youngest black males receive prison sentences that are 80% longer than similarly situated older black females.

The results of the present study are consistent with the focal concerns perspective (Steffensmeier et al. 1998) that argues that legal decision-making is organized around concerns of blameworthiness, dangerousness, and other practical constraints. Indeed, the primary determinants of sentencing decisions are the past and present criminal behaviors of defendants. However, it is also possible that legal attributions of culpability and criminal risk are influenced by commonly held perceptions of membership in various racial/ethnic, gender, and age groups. That we find unexplained extralegal sources of sentencing disparity is suggestive that stereotypes may be influential and inequalities in the application of the law may occur in court proceedings despite the existence of structured guidelines designed to avoid such unequal treatment.

It is important to emphasize that we are not suggesting that these disparities necessarily result from a conscious or overt hostility toward certain defendant groups or that these disparities are even unwarranted. For instance, it is possible that the limited time and information available to legal agents at sentencing may result in sentencing disparities that unconsciously and unintentionally disadvantage some defendants relative to others. It is also possible that the disparities uncovered in our analysis are an artifact of model misspecification (e.g., omitted variable bias). That is, we may be lacking relevant information that, if included in our models, would explain the racial/ethnic, gender, and age disparities in our models. For example, women may be sentenced more leniently than men because they are, on average, more remorseful than men. If we have not adequately controlled for these gender differences in remorse in our models, then any apparent gender disparity may not be "real." Nonetheless, these data are among the best suited for the analysis undertaken here.

One limitation of this study is that socioeconomic status (SES) information is not included in the analysis. Prior research indicates that social class may play a role at the sentencing stage (e.g., see impact of unemployment, Spohn & Holleran, 2000). However, it is not unusual for measures of SES to be absent in sentencing studies. In prior years of federal data, over 50% of defendants list their incomes as $0, making it difficult to disentangle the effects of race/ethnicity (or gender or age) and social class (see Steffensmeier & Demuth, 2000). In the data set used in the present study, a variable representing defendant income is not even available. Being able to differentiate between race/ethnicity and SES would help us to "fine tune" our theoretical explanations, but would not reduce the significance of our findings in that both racial and social class disparities are unwarranted under the guidelines. Future research needs to

explore the extent to which racial/ethnic disparities are truly a function of racial perceptions versus economic constraints that limit the ability of defendants to resist legal sanctions. In addition, future research should explore the use of education as a predictor for defendant income/SES to determine if this extralegal factor further influences sentencing outcomes.

A final limitation of the present study is that we only examine the outcomes of citizen defendants. Noncitizen defendants are eliminated from the analysis because information provided for them may be incomplete, and there is often an underestimation of prior criminal history. In addition, the federal cases against noncitizen defendants differ significantly from citizen defendants, which make comparisons of sentencing outcomes difficult. Our understanding of the treatment of Hispanic defendants (which comprise the majority of noncitizens in the federal system) would benefit from the exploration of differences not only between citizens and noncitizens, but also between illegal aliens and residential aliens. It is important to examine these differences because of the potential for perceptions surrounding ethnic threat and foreign status (i.e., notion of being an illegal alien) to influence the treatment of Hispanics, U.S. citizens or not.

Despite the limitations that we have discussed here, all of the results point in one direction—to the robust findings that (1) defendants appear to be treated differently based on race/ethnicity, gender, and age to the detriment of Hispanic, black, male and young defendants and that (2) the interactive effects of race/ethnicity, gender, and age have a larger combined impact than the independent effects such that young black and Hispanic males bear the disproportionate brunt of sentencing in the federal courts.

Conclusion

The analysis of extralegal sentencing disparities in the federal courts undertaken in the present study provides insight into the combined influence of multiple defendant characteristics on sentencing outcomes under a relatively more restrictive guideline system than has been previously examined. Our findings are consistent with those of past studies that demonstrate the importance of considering joint effects of race/ethnicity, gender, and age on sentencing outcomes and, furthermore, suggest that particularly harsh sentences are focused on a narrow segment of the defendant population—that is, young Hispanic and black males. The harsher treatment of young male racial/ethnic minorities at sentencing is consistent with the focal concerns perspective on judicial decision-making and supports the notion that differences in criminal punishment are only partially explained by differences in criminal behavior. Not only is there a great deal of variation in the sentencing outcomes of different racial/ethnic-gender-age subgroups, but the findings of the present study add new information to a growing body of literature on sentencing that suggests that Hispanic defendants, like black defendants, may be disadvantaged within state and federal court systems.

Although recent investigations have improved our knowledge of the extralegal, legal, and contextual determinants of sentencing outcomes, our understanding of the impact of these factors on the broader case process remains incomplete. There is still a need to examine the multiple decision-making stages that both precede and follow sentencing. For example, future research would benefit from applying the methods used in the present study to the pretrial release stage and to parole/violation decisions. Furthermore, it is important that future studies of legal decision-making explore the role of underexamined defendant characteristics such as unemployment, education, poverty, and citizenship status. Future research should also take advantage of qualitative techniques, such as gathering more detailed interview and observational information from judges and other court personnel (e.g., see Smith, Rodriguez, & Zatz, 2006, for a study on the role of extralegal attributions in juvenile court decision-making). This would help us to better understand court decisions, including how information is processed, how extralegal factors might influence case outcomes, and whether the focal concerns of legal agents influence decision-making.

Acknowledgments

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