



# Regional Differences In Sentencing Practices

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## Introduction

- This study examines various sentencing practices across the U.S. in order to determine if geographical differences exist regarding *punitive* sentencing practices
- Most research focuses on the use of capital punishment, but we wanted to include other punitive practices
- This study draws upon Borg's (1997) "southern subculture of punitiveness"
  - A segment of the population harbors more punitive beliefs than other southern and non-southern respondents
  - Southerners are more politically and religiously fundamental, reflecting long-standing historical differences
  - Show a racial intolerance towards Blacks

## Variables

- The variables examined in our study were those sentencing practices that are commonly characterized as punitive
  - Region- Northeast, Midwest, South, and West, based on the Bureau of Justice Statistics
  - Imprisonment Rate
  - Life Sentences and Life Without the Possibility of Parole (LWOP)
  - Percent of Life Sentences and LWOP Served by Juveniles
  - Capital Punishment
  - Sex offender Registration Rate
  - Civil Commitment of Sex Offenders
  - Juvenile Waivers

## Our Hypothesis

Do southern states use more punitive sentencing practices than other areas of the United States?

## Method

- Permutation testing was used to analyze data, to analyze each state's data as well as to compare the 50 states
- The p-value of the test is the proportion of all the possible permutations of the data that give a test statistic value that is more contradictory to the null hypothesis (no difference than that observed for original data).
- Because of all the possible permutations, or arrangements, in this study the p-value was estimated based on 10,000 random permutations of the data.
- Maximum standard of error was .005.
- Pairwise region-to-region comparisons for qualitative variables were performed, using Fisher's exact test, providing an exact p-value based on all possible permutations.
- Chose to use the test statistic from the Kruskal-Wallis test, which is a rank-based test used to compare the median responses for two or more groups.
- The test statistic from the Kruskal-Wallis test is based on the ranks of observations, and not the observations themselves, and is therefore resistant to the influence of extreme observations, which can lower the power of traditional normal theory tests.
- To compare all 4 regions simultaneously, chi-square statistics were used, and this was followed up with pairwise region-to-region comparisons.
- In order to avoid inflation of type I error, the evaluation of significance was based on a Holm-Bonferroni adjustment of the p-values.
- Since there were 6 pairwise tests per variable, this means that the result of a comparison should be deemed significant only if  $(6-i) \times p_i < .05$ , where, for  $i = 1, 2, \dots, 6$ ,  $p_i$  is the  $i$ -th smallest p-value.

## Results (Overall AND Two-Way Comparisons)

Variable	Region				p-value
	Northeast	Midwest	South	West	
Imprisonment Rate	N = 9 Mean = 277.1 SD = 83.6	N = 12 Mean = 355.8 SD = 107.8	N = 16 Mean = 539.4 SD = 137.7	N = 13 Mean = 397.6 SD = 95.3	0.001*
Percent of Prison Population with Life Sentence	N = 9 Mean = 7.7 SD = 6.0	N = 11 Mean = 6.9 SD = 3.4	N = 16 Mean = 9.9 SD = 3.0	N = 12 Mean = 9.5 SD = 4.9	.1313
Percent of Prison Population with LWOP Sentence	N = 9 Mean = 2.9 SD = 3.6	N = 11 Mean = 2.7 SD = 2.8	N = 16 Mean = 3.7 SD = 3.0	N = 11 Mean = 1.6 SD = 1.1	.3602
Juveniles as Percent of Prison Population with Life Sentence	N = 9 Mean = 3.7 SD = 3.3	N = 11 Mean = 5.2 SD = 3.6	N = 16 Mean = 4.4 SD = 3.2	N = 12 Mean = 5.27 SD = 4.0	.7519
Juveniles as Percent of LWOP Population	N = 9 Mean = 3.7 SD = 3.3	N = 11 Mean = 5.2 SD = 3.6	N = 16 Mean = 4.4 SD = 3.2	N = 12 Mean = 5.3 SD = 4.0	.7544
State Death Row Population as Percent of all Death Row Inmates	N = 4 Mean = 1.93 SD = 3.7	N = 7 Mean = 1.23 SD = 1.9	N = 15 Mean = 3.61 SD = 3.7	N = 11 Mean = 2.74 SD = 6.2	.0384*
Sex Offender Registration Rate	N = 9 Mean = 183.8 SD = 87.4	N = 12 Mean = 251.1 SD = 100.5	N = 16 Mean = 236.0 SD = 86.9	N = 13 Mean = 257.7 SD = 73.7	.0614
States Civilly Commit Sex Offenders	N = 9 Count = 5 SD = 1.5	N = 12 Count = 8 SD = 1.6	N = 16 Count = 4 SD = 1.7	N = 13 Count = 3 SD = 1.5	.0534
States Have Minimum Age Juvenile Can be Tried as Adult	N = 9 Count = 6 SD = 1.4	N = 12 Count = 8 SD = 1.6	N = 16 Count = 9 SD = 2.0	N = 13 Count = 6 SD = 1.8	.7036

		Midwest	South	West
Imprisonment Rate	Northeast	0.093	0.0003*	0.009*
	Midwest		0.001*	0.3989
	South			0.0055*
Percent of state's prison population with life sentences	Northeast	0.712	0.069	0.185
	Midwest		0.051	0.290
	South			0.522
Percent of state's prison population with LWOP sentence	Northeast	0.921	0.295	0.836
	Midwest		0.297	0.990
	South			0.068
Juveniles as percent of state's prison population with life sentence	Northeast	0.461	0.462	0.357
	Midwest		0.538	0.867
	South			0.801
Juveniles as percent of state's prison population with LWOP sentence	Northeast	0.612	0.286	0.250
	Midwest		0.660	0.518
	South			0.568
States Have Minimum Age Juvenile Can be Tried as Adult	Northeast	0.611	1.000	0.674
	Midwest		0.401	0.202
	South			0.716
State Death Row Population as Percent of all Death Row Inmates	Northeast	0.377	0.119	0.488
	Midwest		0.029	0.713
	South			0.025
Sex Offender Registration Rate	Northeast	0.050	0.048	0.017
	Midwest		0.911	0.504
	South			0.234
States Civilly Commit Sex Offenders	Northeast	0.673	0.200	0.187
	Midwest		0.053	0.047
	South			1.000

## Discussion

- Generally, no support for Borg's "southern subculture of punitiveness;" punitive practices are more uniform
- Variables of significance: imprisonment rates and death row population were significantly higher in the South
- Imprisonment rates in the South may be higher due to the push from the Conservatives in the 1960s for harsher sentencing (Applebome, 1996), along with the idea that incarceration rates may be "path dependent" creating a "stickiness" where once certain measures are implemented (when incarceration rates are high for example) it is hard break that path, and there are more risks/costs that may result from switching paths. (Schneider, 2006)
- Death row population may be higher in the South, and this is not surprising considering most executions in the US have occurred in the South, since 1976 (DPIC, 2011a). These rates may be higher due to factors unique to the South, such as the tendency to use the death penalty more disproportionately than other regions (Frank, 1987), especially towards minority groups, which is important considering the South contains a large portion of African Americans.
- Also, there may be historically-based reasons for a high death row population; for instance, Steiker (2002) found that because slavery was a prominent and long standing practice in the South, capital punishment was regarded as a necessary deterrent to control the behavior of slaves.