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THE INTERACTION OF VICTIM AND DEFENDANT RACE IN MURDER CONVICTIONS:
HOW ARE BLACK AND WHITE DEFENDANTS CONVICTED DIFFERENTLY? DOES
ADJUDICATION STYLE PLAY A ROLE?

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ABSTRACT

The Criminal Justice System of the United States impacts a virtually intangible number of individuals every year. Because it is such a far-reaching system, it must be evaluated for fairness and equity. Past researchers have asserted that there are racial disparities in how murder cases are adjudicated. The current study uses a logistic regression method to examine how defendant race, victim race, and defendant and victim race pairs impact a case's likelihood of resulting in a conviction. It examines these measures in all cases that were adjudicated by a trial and within only cases adjudicated by juries and only those adjudicated by a bench trial.

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Chapter 1

Introduction

Overview

The United States claims to be a land of equality of opportunity. Its Criminal Justice System claims to provide due process for all who come in contact with it. There are hundreds, perhaps thousands, of policies, clauses, and statutes in place with the purpose of ensuring equal treatment under the law, regardless of race, color, sex, creed, ethnicity – the list goes on. Because of the immense power that the Criminal Justice System of the United States wields – the power to end a life, the power to imprison, the power to confiscate possessions – the system must be tested frequently for fairness and equity. The present study aims to explore one small aspect of the Criminal Justice System's treatment of homicide cases – how defendants' and victims' race can affect case outcomes. This will be explored using crosstabulations and linear regression models that analyze data on murder cases adjudicated in the year 1988 that was collected by the United States Department of Justice.

Background

Overall, past literature concerning race and murder convictions is inconsistent. This could be due to the overwhelming number of nonracial factors that make up a murder case, including the location where the crime took place, the presence of a weapon, victim cause of death, the presence of drugs, and more. In general, it is agreed upon that black defendants tend to be treated more harshly than white defendants in murder cases through higher prosecution and sentencing rates for the death penalty (Baldus et. al 1997, Bowers et. al 1999, Eberhardt et. al 2006, Keil & Gennaro 1995, Radelet & Pierce 1991, Spoh & Cederblom 1999, and Zeisel 1981), but whether this is because of the race of the defendant or the race of the victim is highly contested.

Zeisel (1981) found that there was a racial discrepancy in the application of the death penalty in Florida, and he studied interactions between defendant and victim race to find a likely cause of the discrepancy. He sought to understand whether black defendants were sentenced to death for killing white victims more often than other defendant-victim combinations because white victims tended to be killed in a more heinous manner than black victims, whether white victims were killed more frequently than black victims, or if the discrepancy was caused by a belief that killing a white person is “worse” or “more deserving of death” than the killing of a black person. His findings revealed that 47% of blacks convicted of killing whites in Florida received the death penalty compared to 24% of whites who killed other whites. Just 1% of blacks convicted of killing other blacks had received the death penalty, and he found no cases of whites convicted of killing blacks being given the death penalty.

Zeisel (1981) proposed three possible explanations for the racialized differences in the administration of the death penalty in these cases. First, he suggested that the prosecutors in the

cases may have wanted to appeal to the public. Black persons, in general, tend to oppose the death penalty as a policy more than white persons, Zeisel claimed. He said that the murder of a white victim would have a greater effect on the public than the murder of black victim. For a prosecutor, Zeisel (1981) explained, it may be difficult or impossible to offer a plea deal to the murderer of a white victim if the public knows about it and whites tend to support the death penalty. Second, Zeisel (1981) argued that the prosecutor may have harbored racial bias against black people, and for this reason is more likely to push a death sentence for them than for whites. Finally, Zeisel (1981) suggested that the racial discrepancies in Florida's dissemination of the death penalty may be explained by insights drawn from Durkheimian sociological theory. Durkheim's theory states that society responds with its most severe punishment when deeply held social norms are breached or broken by individuals. Zeisel expands on this theory, saying that in general, whites are socially "on top" and blacks are socially "on the bottom," simply by virtue of race, though there are a few instances of whites being "on the bottom" and blacks being "on top." Because blacks are typically at the bottom socially, their murders are not as harshly punished. Because whites are typically at the top socially, their murders tend to be more harshly punished. According to Zeisel (1981), when a black individual breaches the social border by killing a white victim, he/she is treated the most punitively.

Other researchers have conducted studies specifically focused on victim or defendant characteristics in the hopes of determining how strongly associated with the case outcome each of these things is. Put simply, *is it the victim's race or the defendant's race that matters more in determining a case outcome?* Zeisel (1981) made arguments to support both being a main factor in case outcomes and suggested that the victim-defendant racial dyad is important as well.

Defendant's Race

Spohn & Cederblom (1991) hypothesized that black defendants in murder cases would be sentenced more harshly than white defendants, but only in less serious cases. This is a test of the Kalvin & Zeisel (1966) Liberation Hypothesis, which states that in the most serious offenses, less discretion is used by prosecutors, resulting in external factors like race and gender having less of an effect on the case. Only in less serious offenses are these external factors particularly important in sentencing, as prosecutors use more of their discretion. The Spohn & Cederblom (1991) study found an indirect link between race and conviction in that black defendants were more likely to be detained before trial and tried by a jury. Both of these factors tend to result in harsher sentences if the defendant is convicted. Because of this, they argued, blacks are more likely to be sentenced to prison than whites. This was true whether or not the victim of the crime was found to be injured (the study did not look specifically at violent crimes like homicide).

Another study by Eberhardt et. al (2006) studied the effect that looking “stereotypically black” had on the disposition of murder cases. They hypothesized that a black defendant who displayed what they considered to be stereotypical black features, such as a broad nose and thick lips, would be more likely to be sentenced to death than a black defendant who did not display these traits. They found that in cases of a black defendant and a white victim, 24.4% of defendants who did not display strong stereotypical traits were given the death penalty, compared to 57.5% of defendants who did display strong stereotypical traits. In cases with black defendants and black victims, a total of 27% of black defendants - with or without strong stereotypical features - were given the death penalty. In cases with black defendants and white victims, however, a total of 41%, regardless of stereotypical features, were given the death

penalty. They concluded that race and physical stereotypicality were significant predictors of the application of the death penalty.

Victim's Race

More literature exists to suggest that it is the victim's race, not the defendant's race, that is most important in determining the outcome of a murder case. General trends indicate that cases involving a black victim are punished more leniently than cases involving a white victim (Baldus et. al 1997, Baldus et. al 1983, Baumer et. al 2000, Bowers & Pierce 1999, Keil & Gennaro 1995, Radelet and Pierce 1991, Royer et. al 2014, and Stauffer et. al 2006). The specifics of how different racial compositions compare to each other, however, are disputed.

Baldus et. al (1983) studied death penalty cases in the state of Georgia and discovered that for all death penalty eligible cases in the state, the rate of the death penalty being implemented in murder cases that involve a black victim was 0.06 (15/246 cases), while the rate was 0.24 (85/348 cases) in murder cases involving a white victim. They also asserted that a greater level of aggravation was tolerated in the murders of black victims, meaning that in order for a case to result in a death penalty when a black victim was involved, there needed to be significantly more aggravating circumstances in the case than were needed for a case involving a white victim to result in the death penalty.

The Victim/Defendant Racial Dyad

Radelet & Pierce (1991) hypothesized that whites are more likely to receive the death penalty for murder because murders tend to be intraracial, and whites tend to kill other whites. They hypothesized that *anyone* who kills a black victim will be less likely to receive the death penalty. They found that a case involving a white victim was almost six times more likely to result in a death penalty than a case involving a black victim. Black defendants who kill whites are twice as likely to be sentenced to death than whites who kill whites. Among black defendants only, a black defendant who kills a white victim is fifteen times more likely to get the death penalty than a black defendant who kills a black victim. When accompanying felonies are accounted for, these racial disparities gain strength; the same disparities remain when the number of victims and the offender-victim relationship are both controlled for. Lastly, the researchers found that the only cases that have a higher rate of resulting in the death penalty than black offenders with multiple murders against white victims were black offenders killing white female victims (Radelet & Pierce, 1991).

Bowers & Pierce (1999) asserted that death sentences in murder cases are imposed “arbitrarily and discriminatorily,” and are related to minority oppression and the protection of the dominant group. They also asserted that the death sentence will not be associated with relevant legal aggravating or mitigating circumstances. They focused on death sentencing in Florida, Georgia, Texas, and Ohio. In all four states, they found that cases involving black defendants and/or white victims are more likely to receive the death penalty than white defendants and/or black victims. In Florida, they found that blacks who killed whites were almost four times more likely to be sentenced to death than blacks who killed other blacks. Blacks who killed whites

were five times more likely than whites who killed other whites to be sentenced to death.

Georgia had the same general trends, but the likelihood of anyone receiving the death penalty was approximately 30% less than it was in Florida. Texas was just one third as likely as Florida and one half as likely as Georgia to disseminate the death penalty, and yet black defendants with white victims were found to be 87 times more likely to receive the death penalty than black defendants with black victims. Black defendants who killed whites were six times more likely to receive a death sentence than white defendants who killed white victims. Ohio followed similar trends to the other states. Perhaps the most important finding of the Bowers & Pierce (1999) study was that victim race had a more significant impact on the likelihood of a death penalty than offender race did.

Keil & Gennaro (1995) studied the extent to which black defendants who killed white victims faced a higher risk of being charged with a capital crime than other offenders and the extent to which they were more likely to receive a death penalty from a jury. The study found that capital charges were sought by prosecution most in this order (from most often to least often): (1) black defendant kills white victim, (2) white defendant kills white victim, (3) white defendant kills black victim. They found that the effect of a black defendant and a white victim to be present even when external factors were controlled for. Keil & Gennaro (1995) found that blacks who kill whites were more likely to be given the death penalty from a jury. They explained that this was likely because juries considered the murder of a white victim by a black defendant to be more deserving of capital punishment.

Baumer et. al (2000) found that many victim characteristics had strong influences on the final disposition of murder cases. They found that cases involving nonwhite defendants were more likely to move forward through the court system, irrelevant of other variables. They found

no significant interaction between victim and defendant race in the disposition of the case, however. Baldus et. al (1997) found that defendants whose victims are not black have an increased risk of receiving a death sentence than defendants whose victims are black. When studying how race and gender impacted capital murder trials, Stauffer et. al (2006) found that higher proportions of cases involving black female victims were recommended for the death penalty compared to cases involving white male victims. Cases with black male victims were half as likely to receive the death penalty as those with white female victims. Royer (et. al 2014) found that the death penalty was sought less often in cases that involved a black victim of either gender, but that this was especially true for those involving black male victims.

The Present Study

Much of the aforementioned literature explores the interaction between race and the application of the death penalty in murder cases by prosecutors or at the sentencing phase of the process, and that research has focused on a select group of states. Very little attention has been devoted to the adjudication stage to explore how race may shape decisions about guilt. The current study adds to existing research by examining how victim and defendant race impact the likelihood of conviction in murder trials across more than thirty urban counties within more than twenty states. This is accomplished with data from the US Department of Justice. The following four questions are addressed:

- (1) Are black defendants in murder cases more likely than whites to be convicted?

- (2) Are murder cases involving white victims more likely to result in a conviction than cases involving black victims?
- (3) Are murder cases that contain a black defendant and white victim pair more likely than other racial pairs to result in a conviction?
- (4) Does the impact of victim and defendant race on the likelihood of conviction differ in bench vs jury trials?

The study's hypotheses that map on to these questions are as follows. First, black defendants in murder cases will be more likely than white defendants in murder cases to be convicted (H1). Second, murder cases involving white victims will be more likely to result in a conviction than cases involving black victims (H2). Third, murder cases that involve a black defendant and white victim will be more likely than murder cases with other racial pairs to result in a conviction (H3). Finally, it is hypothesized that victim and defendant race will influence murder cases similarly in murder trials adjudicated by judges (i.e., bench trials) and those governed by community members (i.e., jury trials).

Chapter 2

Data and Methods

Data

The dataset used to address the research questions outlined above comes from a study conducted by the United States Department of Justice with the goal of gaining a better

understanding of the circumstances surrounding murder cases in large urban areas. To do this, the USDOJ ranked the 75 largest counties in the country based on a combination of crime and population data that was created to reflect the size of each county's prosecutors' office. A case was included in the dataset if it (a) included one or more (1+) defendant was arrested for murder and (b) Was adjudicated in the year 1988. If a county had fewer than 200 murder cases that fit the above criteria, then all of the murder cases were used in the dataset. If a county had more than 200 murder cases, then 200 cases were randomly sampled from the county's total cases. Overall, the dataset contains a total of 2,539 cases, 3,119 defendants, and 2,655 victims.

The dataset contains a wide variety of information about the sampled murder cases including - but not limited to - court disposition, the race, sex, age, and ethnicity of both defendants and victims, whether the defendant was a suspected gang member, the type of weapon used, if any, charges at arrest, indictment, and conviction, relationship(s) between defendants and victims, and the circumstances that preceded the murder. More than 80 percent of defendant cases were filed in court, as opposed to being terminated at a case screening. Over 98% of cases contain information on defendants' sex, race, and ethnicity. There was relatively little missing data on key variables considered in the study; over 98% of cases contain information on defendants' race and ethnicity and victims' race and ethnicity. The original dataset was manipulated in order to exclude cases that contained Latino victims and defendants and cases that were adjudicated via negotiated pleas, bringing the final number of cases included for analysis down to 914. These exclusions were made to align the data more strongly with prior research on race and legal outcomes in murder cases.

Dependent and Independent Variables

The dependent variable examined in the study is the defendant's conviction status (*Conviction*), which is a binary variable that measures whether a defendant was convicted or acquitted. A value of 1 means convicted and a value of 0 means acquitted. This variable does not specify how a case was adjudicated (e.g., trial vs. plea negotiation), only the outcome of the case. The key independent variables for the study are the race of the defendant(s), the race of the victim(s), and the racial dyad represented by the defendant and victim. Within the dataset, there are measures of both race and ethnicity for both defendants and victims. Most of the existing literature focuses on comparisons between non-Latino blacks and non-Latino whites, and as such this was the strategy adopted for the present study. Accordingly, any cases that included Latino actors were excluded from the dataset, and the remaining defendants and victims were classified as either non-Latino blacks or non-Latino whites.

Control Variables

Control variables in the study include the number of victims, whether the case was involved in a bench or jury trial, whether the defendant was indicted on a first or second degree murder charge, whether or not the incident was publicly visible, the age and sex of the defendant, whether the defendant has any evidence of prior convictions, if the victim was killed by a gun, whether the defendant has any evidence of being a drug dealer or gang member, if there is evidence of alcohol in the defendant's system at the time of the incident, the type of relationship that the victim and defendant had, the victim's sex, the age of the youngest victim, and whether

or not there was evidence of the victim provoking the incident. With the exception of age (measured in years), the control variables were measured as categorical variables, most often as binary indicators.

Method of Analysis

Variables were analyzed using crosstabulations and binary logistic regressions. A crosstabulation of defendant and victim race shows links between race and likelihood of conviction, but fails to incorporate other variables that may contribute to any individual case's likelihood of resulting in a conviction. A logistic regression is the most appropriate analysis option as it is made specifically to study independent variables' effects on a dichotomous dependent variable (Cook et al., 2001).

Chapter 3

Results

As reported in Table 1, there were 914 cases analyzed in all. 79.8% of all cases resulted in a conviction while the other 20.2% resulted in an acquittal. Overall, 25.3% of defendants were non-Latino white and 74.7% were non-Latino black. The racial make-up of victims was similar: 29.4% of victims were non-Latino white and 70.6% were non-Latino black. Considering the defendant-victim racial dyad in the sampled murder cases, we see that 67.0% of cases included a

black defendant and a black victim, 7.8% included a black defendant and a white victim, 21.7% were made up of a white defendant and a white victim, and the remaining 3.6% involved a white defendant and black victim.

Aside from revealing insights about the overall conviction rates and racial make-up of the sample, Table 1 describes the nature of the murder cases adjudicated at trial. A very small percentage of cases included multiple victims (95.5% of cases involved a single victim; 4.5% involved multiple). More cases were adjudicated by a jury trial than by a bench trial (67.4% VS 32.6%). A first degree murder charge was the most serious charge the defendant was indicted for in almost three quarters of cases (72.5%). For 23.4% of cases it was a second degree murder charge, and the remaining 4.0% of cases included a defendant whose most serious indictment charge was not a murder charge.

Most of the murders were believed to occur in private settings, as 13.0% of cases were publicly visible while the other 87.0% were not. We see also that murder tends to more often be perpetrated and experienced by male. 87.4% of defendants and 78.0% of victims were male. 67.7% of defendants had a previous conviction. 32.3% did not. Most cases did not include evidence that the defendant was a drug dealer (88.6% vs 11.4%). Most cases also did not include evidence that the defendant was a gang member (97.8% vs 2.2%). 75.5% of cases did not have evidence that there was alcohol in the defendant's system at the time of the incident, while the other 24.3% did have evidence of alcohol in the defendant's system at the time of the incident. Most defendants and victims knew each other. Only 17.8% were homicides between strangers. 16.5% of cases were homicides between intimate or romantic partners and 9.5% of cases were homicides between family members. 47.6% of homicides were between parties that knew each other some other way. Just 8.5% of cases had an unknown relationship. Slightly over half of

victims were killed with a gun (56.5% vs 43.5%). Most victims did not possess a gun at the time of the incident (87.4% vs 12.6%). 81.2% of cases lacked evidence of victim provocation. The other 18.8% contained evidence of victim provocation.

Variables	Percentage
Conviction	
Acquitted	20.2%
Convicted	79.8%
Defendant Race	
Non-Latino White	25.3%
Non-Latino Black	74.7%
Victim Race	
Non-Latino White	29.4%
Non-Latino Black	70.6%
Racial Dyads	
Black Defendant and Black Victim	67.0%
Black Defendant and White Victim	7.8%
White Defendant and White Victim	21.7%
White Defendant and Black Victim	3.6%
Number of Victims	
Multiple	4.5%
Single	95.5%
Trial Type	
Bench Trial	32.6%
Jury Trial	67.4%
Indictment Charge	
First Degree Murder	72.5%
Second Degree Murder	23.4%
Manslaughter or Nonmurder	4.0%
Public Visibility	
murder was publicly visible	13.0%
murder was not publicly visible	87.0%
Offender Sex	
Male	87.4%
Female	12.6%
Victim Sex	
Male	78.0%
Female	22.0%
Defendant Previously Convicted	
Previous Conviction	32.3%
No Previous Conviction	67.7%
Evidence that Defendant is a Drug Dealer	
Evidence that Defendant is a Drug Dealer	11.4%
No Evidence that Defendant is a Drug Dealer	88.6%
Evidence that Defendant is a Gang Member	
Evidence that Defendant is a Gang Member	2.2%
No Evidence that Defendant is a Gang Member	97.8%
Defendant Alcohol Presence	
Evidence of Alcohol in the Defendant at the Time of the Incident	24.3%

No Evidence of Alcohol in the Defendant at the Time of the Incident	75.5%
Relationship of Defendant and Victim	
Homicide Between Intimate/Romantic Partners	16.5%
Homicide Between Family Members	9.5%
Homicide Between Other Known Parties	47.6%
Homicide Between Strangers	17.8%
Unknown Relationship	8.5%
Offender Gun Use	
Victim Killed with Gun	56.5%
Victim Killed in Another Way	43.5%
Victim Gun Possession	
Victim Possessed a Gun	12.6%
Victim Did not Possess a Gun	87.4%
Victim Provocation	
Evidence of Victim Provocation	18.8%
No Evidence of Victim Provocation	81.2%

Table 1. Analysis of the Effects of Race on Likelihood of Conviction in Murder Cases (n = 914)

**Defendant age and the age of the youngest victim are not included in the above table as they are continuous variables. The mean defendant age was 29.92 years, while the minimum and maximum ages were 14.00 and 88.00. The mean age of the youngest victim was 33.41 years, while the minimum and maximum ages were 0.00 and 87.00.*

Table 2 shows a crosstabulation that was performed to investigate question one in an exploratory manner – are black defendants more likely to be convicted of homicide than white defendants? Table 2 compares how many black defendants and white defendants were convicted versus how many were acquitted. As described earlier, the first hypothesis (H1) was that black defendants would be more likely than white defendants to experience conviction. The results in Table 2 are not consistent with that hypothesis—the difference in conviction rates are quite similar for non-Latino whites and non-Latino blacks, and the small difference observed is neither in the expected direction nor is it statistically significant. However, it would be premature to draw a definitive conclusion about H1 from this bivariate evidence. A crosstabulation lacks the ability to test the impact that external variables have on the dependent variable. The results

shown in Table 2 do not account for the possibility that murder cases involving black and white defendants differ in a variety of ways (e.g., seriousness, presence of weapons, relationship to victim) that, when considered may reveal different racial patterns for conviction rates. The multivariate logistic regression models reported below account for many other potential confounders, and thus provide a more definitive test of the study's hypothesis. Before presenting those results, however, it is instructive to consider bivariate patterns of conviction for victim race and the defendant-victim racial dyad, which are reflected in hypotheses 2 and 3.

Conviction Status	Defendant Race		Total
	Non-Latino Black	Non-Latino White	
Acquitted	21.1%	17.7%	20.2%
Convicted	78.9%	82.3%	79.8%
Tot	100.00%	100.00%	100.00%

Table 2. Crosstabulation of Defendant Race and Conviction Status

Table 3 is a crosstabulation of victim race and conviction. It was performed to investigate question two – are cases involving white victims more likely to lead to a conviction than cases involving black victims? Crosstabulations cannot analyze the effect that external variables have on a dependent variable, and as such Table 3 is considering only the effect that victim race has on likelihood of conviction. Table 3 shows that a greater proportion of cases including white victims result in conviction than cases including black victims. The results are statistically significant (Pearson Chi Square sig = 0.027), meaning that cases involving white victims are more likely to result in a conviction than cases involving black victims. This finding is consistent with H2, but as noted above, the crosstabulation does not incorporate information about the

myriad other ways murder cases involving black and white victims may differ. The logistic regression models reported below examine the role of victim race in a more comprehensive and rigorous manner.

Conviction Status	Victim Race		Total
	Non-Latino Black	Non-Latino White	
Acquitted	21.6%	17.1%	20.2%
Convicted	78.4%	82.9%	79.8%
Total	100.00%	100.00%	100.00%

Table 3. Crosstabulation of Victim Race and Conviction Status

Table 4 is a crosstabulation of conviction and possible defendant-victim race combinations. It was performed to investigate question three – are black defendants accused of killing white victims more likely than other racial pairings to be convicted of murder? Table 4 shows that, contrary to H3, cases involving black defendants accused of killing white victims are not the most likely to yield a conviction. Instead, white defendants accused of killing other white victims are the most likely to be convicted. Black defendants accused of killing white victims are second most likely. Third most likely are black defendants accused of killing black victims, and the least likely are white defendants accused of killing black victims. These results are statistically significant (Pearson's Chi Square sig = 0.046), indicating meaningful differences across racial dyads, but not in the direction anticipated by H3. The logistic regression models described next examine these patterns while also controlling for other factors that may account for the observed differences.

Conviction Status	Racial Dyad				Total
	Black Defendant and Black Victim	Black Defendant and White Victim	White Defendant and White Victim	White Defendant and Black Victim	
Acquitted	21.4%	18.3%	16.7%	24.2%	20.2%
Convicted	78.6%	81.7%	83.3%	75.8%	79.8%
Total	100.00%	100.00%	100.00%	100.00%	100.00%

Table 4. Crosstabulation of Defendant and Victim Racial Dyads and Conviction Status

Model 1 (Table 5 – No Race) analyzed only the control variables of the study, as such providing a baseline for Models 2 and 3. It did not address any research questions. When analyzing only these control variables, it was found that a jury trial is 56.1% less likely than a bench trial to lead to a conviction (sig = 0.002, exp(B) = 0.561), a case with evidence of victim provocation was slightly over twice as likely to lead to a conviction as a case without evidence of victim provocation (sig = 0.002, exp(B) = 2.081), and a case in which there was evidence of alcohol in a defendant’s system at the time of the incident was 52.6% less likely to lead to a conviction than a case without evidence of alcohol in the defendant’s system (sig = 0.005, exp(B) = 0.526).

Model 2 (Table 5 – Defendant and Victim Race) addresses whether victim and defendant race influence conviction outcomes in murder cases when analyzed alongside the baseline control variables. This model found that a jury trial is 55.8% less likely than a bench trial to lead to a conviction (sig = 0.002, exp(B) = 0.558), a case containing evidence of victim provocation was, again, just slightly over twice as likely as a case without evidence of victim provocation to lead to a conviction (sig = 0.002, exp(B) = 2.039), and a case in which there was evidence of a

defendant having alcohol in his/her system at the time of the incident was 52.1% less likely to lead to a conviction than one without this evidence (sig = 0.005, exp(B) = 0.521).

Contrary to the first and second hypotheses made in the study – (H1) black defendants will be more likely to be convicted for murder than white defendants, (H2) murder cases involving white victims will be more likely to lead to a conviction than those involving black victims – defendant and victim race do not have a significant impact on the likelihood of conviction.

Model 3 (Table 5 – Racial Dyad) analyzed the effect that the combination of a white victim and black defendant had on likelihood of conviction. It found that a jury trial was 56.0% less likely to lead to a conviction than a bench trial was (sig = 0.002, exp(B) = 0.560), a case with evidence of victim provocation was slightly over twice as likely to lead to a conviction as a case without this evidence (sig = 0.002, exp(B) = 2.035), and a case with evidence of alcohol in the defendant's system was found to be 52.4% less likely to lead to conviction as a case without evidence of alcohol in the defendant's system (sig = 0.005, exp(B) = 0.524).

The results in model 3 contradict the third hypothesis of this study – (H3) cases involving black defendants and white victims will be more likely than other racial pairings to lead to conviction – showing that murder cases including black defendants and white victims are not significantly more likely to lead to a conviction than other racial dyads.

Variables	Model 1 - No Race`		Model 2 - Defendant and Victim Race		Model 3 - Racial Dyad		
	B Coefficient	SE	B Coefficient	SE	B Coefficient	SE	Exp(B)
Black Defendant and White Victim	X	X	X	X	0.323	0.612	1.381
Black Defendant	X	X	-0.266	0.305	-0.461	0.475	0.631
Black Victim	X	X	-0.27	0.297	-0.491	0.51	0.612
Jury Trial	-0.579*	0.185	-0.583*	0.189	-0.53*	0.189	0.56
Indicted for Second Degree Murder	-0.216	0.434	-0.213	0.436	-0.255	0.437	0.799
Indicted for First Degree Murder	-0.251	0.419	-0.243	0.404	-0.255	0.405	0.775
Homicide Between Intimate/Romantic Partners	-0.71	0.419	-0.753	0.422	-0.734	0.424	0.48
Homicide Between Family Members	-0.12	0.362	-0.057	0.365	-0.037	0.367	0.964
Homicide Between Other Known Parties	-0.125	0.242	-0.159	0.245	-0.149	0.246	0.861
Unknown Relationship	0.127	0.341	0.83	0.344	0.101	0.346	1.106
Evidence that Defendant has a Previous Conviction	-0.384	0.199	-0.385	0.199	-0.385	0.199	0.681
Evidence that Defendant is a Gang Member	0.713	0.526	0.719	0.529	0.721	0.528	2.057
Evidence that Defendant is a Drug Dealer	-0.292	0.305	-0.288	0.306	-0.282	0.307	0.755
Evidence that There was Alcohol in the Defendant at time of Incident	-0.642*	0.23	-0.653*	0.231	-0.646*	0.232	0.524
Defendant Sex	-0.178	0.293	-0.166	0.294	-0.165	0.295	0.848
Defendant Age	-0.006	0.009	-0.006	0.009	-0.006	0.009	0.994
Public Visibility	0.423	0.243	0.432	0.244	0.424	0.244	1.528
Multiple Victims	-0.55	0.668	-0.621	0.674	-0.699	0.694	0.497
Victim Sex	0.413	0.246	0.418	0.246	0.422	0.246	1.526
Victim Killed with a Gun	0.077	0.195	0.067	0.197	0.066	0.197	1.068
Victim Provocation	0.733*	0.23	0.713*	0.233	0.711*	0.233	2.053
Youngest Victim's Age	-0.006	0.006	-0.006	0.006	-0.006	0.006	0.994
Victim Possessed a Gun	-0.055	0.316	-0.059	0.317	-0.054	0.318	0.948

Table 5. Logistic Regression on Black Defendants and White Victims

*denotes $p \leq 0.05$

The fourth and final hypothesis was that racial patterns would be similar across jury and judicial (i.e., bench) trials. To test this, cases adjudicated by a bench trial were excluded and Models 2 and 3 were repeated for the remaining sample, which contained only cases that were adjudicated in jury trials. The new sample included 616 cases. When this sample was analyzed for how victim and offender race affected the likelihood of conviction (Table 6 Model 2 – Defendant and Victim Race), two significant factors were found: evidence of the defendant having a previous conviction and evidence of victim provocation in the case. Evidence of a previous conviction had a significance value of 0.024 and made defendants almost twice as likely to be convicted than defendants that didn't have evidence of a previous conviction ($\exp(B) = 1.826$). Evidence of victim provocation had a significance value of 0.000 and made a case slightly under 30% less likely to lead to a conviction ($\exp(B) = 0.270$). When the black defendant and white victim racial dyad was introduced (Table 6 Model 3 – Racial Dyad), the same two variables remained significant. No other variables were found to be significant. If a case contained evidence that the defendant had a previous conviction, the case was nearly twice as likely to lead to a conviction than if there was no evidence of a previous conviction ($\text{sig} = 0.023$, $\exp(B) = 1.828$). If there was evidence of victim provocation, the case was slightly under 30% less likely to lead to a conviction than if there was not evidence of victim provocation ($\text{sig} = 0.000$, $\exp(B) = 0.270$).

Variables	Model 2 - Defendant and Victim Race		Model 3 - Racial Dyad		
	B Coefficient	SE	B Coefficient	SE	Exp(B)
Black Defendant and White Victim	X	X	-0.587	0.775	0.556
Defendant Race	-0.37	0.39	0.021	0.629	1.022
Victim Race	0.101	0.364	0.542	0.673	1.719
Indicted for Second Degree Murder	-0.111	0.719	-0.097	0.718	0.908
Indicted for First Degree Murder	-0.1	0.699	-0.087	0.699	0.917
Homicide Between Intimate/Romantic Partners	0.745	0.587	0.715	0.591	2.045
Homicide Between Family Members	0.312	0.555	0.284	0.557	1.328
Homicide Between Other Known Parties	0.066	0.298	0.054	0.299	1.055
Unknown Relationship	-0.067	0.45	-0.095	0.452	0.909
Evidence that Defendant has a Previous Conviction	0.602*	0.266	0.603*	0.266	1.828
Evidence that Defendant is a Gang Member	-0.403	0.639	-0.404	0.638	0.668
Evidence that Defendant is a Drug Dealer	0.043	0.366	0.029	0.366	1.029
Evidence that There was Alcohol in the Defendant at time of Incident	0.44	0.301	0.418	0.303	1.518
Defendant Sex	0.245	0.448	-0.245	0.451	1.277
Defendant Age	-0.005	0.012	-0.005	0.012	0.995
Public Visibility	-0.352	0.308	-0.354	0.309	0.702
Multiple Victims	0.589	0.929	0.728	0.953	2.07
Victim Sex	-0.378	0.33	-0.385	0.33	0.68
Victim Killed with a Gun	-0.066	0.262	-0.058	0.262	0.944
Victim Provocation	-1.311*	0.336	-1.311*	0.336	0.27
Youngest Victim's Age	-0.007	0.008	-0.006	0.008	0.994
Victim Possessed a Gun	0.836	0.457	0.817	0.458	2.264

Table 6. Logistic Regression for Black Defendants and White Victims in Jury Trials (n = 616)

* $p \leq 0.05$

In order to fully investigate the fourth hypothesis, bench trials also needed to be examined and the results compared to the results found when jury trials were analyzed. To do

this, the original sample of cases ($n = 914$) was restored and cases that were adjudicated via jury trial were excluded, leaving 298 cases, all of which were adjudicated with a bench trial. They were then analyzed in the same manner as the jury trials were. First, defendant and victim races were analyzed alongside control variables (Table 7 Model 2 – Defendant and Victim Race), but not including any racial dyads. The following variables were significant: Defendant race, evidence that there was alcohol in the defendant's system at the time of the incident, and whether or not the victim possessed a gun at the time of the incident. A black defendant was over four times more likely to be convicted than a white defendant ($\text{sig} = 0.012$, $\text{exp(B)} = 4.255$). If a case contained evidence that there was alcohol in the defendant's system at the time of the incident, that case was almost 2.5 times more likely to result in a conviction than if that case did not contain this evidence ($\text{sig} = 0.022$, $\text{exp(B)} = 2.468$). If the victim possessed a gun, then the case was approximately 30% less likely to result in a conviction than if the victim did not ($\text{sig} = 0.028$, $\text{exp(B)} = 0.301$).

Next, the racial dyad of a black defendant and a white victim was added to the analysis (Table 7 Model 3 – Racial Dyad). The same three variables were found to be statistically significant. Black defendants were now over 5 times more likely to be convicted than white defendants ($\text{sig} = 0.036$, $\text{exp(B)} = 5.268$), cases with evidence that there was alcohol in the defendant's system at the time of the incident remained almost 2.5 times more likely to result in a conviction than those that did not contain this evidence ($\text{sig} = 0.022$, $\text{exp(B)} = 2.467$), and if the victim possessed a gun, a case was slightly under 30% less likely to result in a conviction than if the victim did not possess a gun ($\text{sig} = 0.027$, $\text{exp(B)} = 0.297$).

The fourth hypothesis stated that victim and defendant race will influence murder cases similarly in murder trials adjudicated by judges (bench trials) and those governed by community

members (jury trials). Had the results of analysis of only bench trials been similar to the results of only jury trials been similar in nature, this hypothesis would have been supported. Instead, analysis of jury trials showed no significant racial differences at all, while analysis of bench trials showed that black defendants were significantly more likely to be convicted. Both analyses showed no difference between racial dyads.

Variables	Model 2 - Defendant and Victim Race		Model 3 - Racial Dyad		
	B Coefficient	SE	B Coefficient	SE	Exp(b)
Black Defendant and White Victim	X	X	0.486	1.197	1.626
Defendant Race	1.448*	0.578	1.176*	0.882	3.24
Victim Race	0.65	0.561	0.336	0.954	1.399
Indicted for Second Degree Murder	0.283	0.638	0.259	0.641	1.296
Indicted for First Degree Murder	0.283	0.537	0.26	0.54	1.297
Homicide Between Intimate/Romantic Partners	0.727	0.686	0.755	0.689	2.128
Homicide Between Family Members	0.033	0.587	0.068	0.594	1.07
Homicide Between Other Known Parties	0.36	0.475	0.375	0.477	1.455
Unknown Relationship	-0.042	0.626	-0.19	0.628	0.981
Evidence that Defendant has a Previous Conviction	0.221	0.329	0.22	0.33	1.246
Evidence that Defendant is a Gang Member	-1.138	1.106	-1.12	1.11	0.326
Evidence that Defendant is a Drug Dealer	0.911	0.608	0.923	0.609	2.517
Evidence that There was Alcohol in the Defendant at time of Incident	0.903*	0.394	0.903*	0.394	2.467
Defendant Sex	-0.009	0.418	-0.001	0.417	0.999
Defendant Age	-0.006	0.014	-0.005	0.014	0.995
Public Visibility	-0.567	0.446	-0.598	0.452	0.55
Multiple Victims	0.708	1.198	0.67	1.19	1.953
Victim Sex	-0.631	0.399	-0.629	0.399	0.533
Victim Killed with a Gun	0.182	0.32	0.193	0.321	1.213
Victim Provocation	-0.149	0.347	-0.148	0.347	0.862
Youngest Victim's Age	-0.004	0.01	-0.005	0.01	0.996
Victim Possessed a Gun	-1.202*	0.548	-1.212*	0.55	0.297

Table 7. Logistic Regression for Black Defendants and White Victims in Bench Trials (n = 298)

* $p \leq 0.05$

Review of Hypotheses

The first hypothesis of the current study stated that black defendants in murder cases will be more likely than white defendants in murder cases to be convicted. The current study found no support for this hypothesis, as offender race was not found to be a statistically significant predictor of conviction likelihood. The second hypothesis stated that murder cases involving white victims will be more likely to result in a conviction than cases involving black victims. Again, there is no support for this hypothesis, as victim race was never found to be a statistically significant predictor of conviction likelihood. The final hypothesis stated that murder cases that involve a black defendant and white victim will be more likely than other racial pairs to result in a conviction. This hypothesis was also unsupported. No racial pairing was found to be statistically different than any other racial pairing; all dyads were statistically insignificant in predicting conviction.

The fourth hypothesis stated that victim and defendant race will influence murder cases similarly in murder trials adjudicated by judges (bench trials) and those governed by community members (jury trials). The current study also did not find support for this hypothesis. In order for it to have been supported, analysis of bench trials alone and jury trials alone would have had to yield the same results; either race was insignificant in both analysis or race was found to be significant in the same way in both (i.e. black defendants were more likely than white defendants to be convicted in both bench and jury trials). In jury trials, race was not found to be significant in predicting likelihood of conviction. In bench trials, black defendants were found to be more likely to be convicted than white defendants. This contradicts the fourth hypothesis as race was found to be insignificant in jury trials and significantly predictive in bench trials.

Implications

This study does not fall in line with previous studies in that it does not show significant interaction between race and likelihood of conviction. It has, however, shown that there may be racial differences in the ways that cases are adjudicated. Black defendants were much more likely to be convicted than white defendants if the case was adjudicated in a bench trial, indicating that judges may have bias against black defendants. In jury trials and when analyzing both jury and bench trial concurrently, however, race has not been found to be a significant predictor of the likelihood of conviction.

Limitations and Potential Error

The current study excluded from its dataset cases that were plead and cases that involved Latino agents. As such, it doesn't provide any information about the role that ethnicity plays in homicide cases. It also doesn't describe who is the most likely to plead guilty, therefore being convicted of a crime, or how racial factors may play a role in guilty pleas. Because of the exclusions, the final dataset used for the current study contained just 914 cases. Analysis of a larger sample size may lead to different conclusions about race and its role in homicide cases. Similarly, when only cases adjudicated by juries were analyzed, there were only 616 cases in the sample, and when only cases adjudicated in bench trials were analyzed, the sample size

decreased even further to 298. Both of these are small sample sizes, which has the potential to lead to inaccurate results.

The age of the dataset is also important to consider. These cases were adjudicated in the year 1988. The current study was performed between 2018 and 2019 – approximately 30 years after the adjudication of these cases and the collection of the data for them. Several things have changed in that time, not only in the Criminal Justice System, but in other areas that may affect cases such as these. One such issue is the way that race is described. In this dataset, there are only two racial categories – “black” or “white” – but this leaves space for error when an agent in a case does not fall neatly into either of those categories. If a person is mixed race, then there is uncertainty about where he or she belongs in the data and he or she will not be coded entirely accurately into the data; furthermore, perhaps being mixed race has a significant influence on the outcome of homicide cases. Similarly, if a person is Asian, Indian, or from an island in the Pacific, his or her race may not be accurately recorded when using the simple “black or white” dichotomy. This dataset cannot describe how any of these races affect conviction because it includes only two race categories.

The study also did not address how gender may intersect with race to influence conviction. Stauffer et. Al (2006) found that cases involving black male victims were less likely than those that involved white female victims to receive the death penalty. The current study was not concerned with the death penalty specifically, but it would not be unreasonable to infer that gender could combine with race to have an impact on conviction in general as well. Perhaps if gender were applied to the race dyads analyzed in the current study, more detailed information would be available to determine what factors have the greatest impact on likelihood of conviction.

Moving Forward

As previously stated, the dataset used in the current study does not account for ethnicity or for races beyond the binary “black or white” categories. In the future, studies that deal with races other than black and white may reveal something about how race impacts conviction likelihoods that current and past research has not found. Studies concerned with ethnicity may also reveal something new. Perhaps ethnicity is important in ways that we do not yet recognize. Gender should also be considered in conjunction with race and ethnicity. The current study also had interesting results regarding victim provocation; the fact that victim provocation was significant in race-based analysis is quite interesting and deserves further investigation in the future.

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- Supervise and plan activities for minors attending an academic summer program
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