

THE PENNSYLVANIA STATE UNIVERSITY  
SCHREYER HONORS COLLEGE

DEPARTMENT OF POLITICAL SCIENCE

Can States Share More Than Just Borders? An Examination of Policy Diffusion of Sentencing  
Legislation

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SPRING 2023

A thesis  
submitted in partial fulfillment  
of the requirements  
for a baccalaureate degree  
in Political Science  
with honors in Political Science

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**ABSTRACT**

Do states influence each other when it comes to sentencing reform legislation? What factors make a state more or less likely to adopt sentencing reform legislation? Sentencing laws change over time due to a number of factors: public opinion, change in needs, and change in leadership. However, something else may affect changes in law—your neighbors. The polarization of a state’s own legislature as well as their neighbors' may affect their likelihood of adopting sentencing reform legislation. In this study, two examples are used: the passage of Three Strikes Legislation and marijuana legislation to represent stricter and more lenient legislation, respectively. Data from the 48 contiguous states from 1960-2020 were used to examine the possible passage of these forms of legislation. The results suggest that polarization is not as significant as expected, especially in comparison to the presence of unions or region. These results require future research and imply location may impact legislation more than previously believed.

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## **ACKNOWLEDGEMENTS**

First, I would like to thank my thesis supervisor, Dr. Michael Nelson, without whom this thesis would not be possible. His endless assistance and knowledge were crucial to my success. I would also like to thank Dr. Marie Hojnacki and Dr. Gretchen Casper for their help and feedback throughout this entire process. Additionally, I would like to thank all my classmates in PLSC 306 and 300 for their feedback and support as we all struggled. Finally, thank you to my friends and family for listening to me complain about this project for multiple years. You all are the best.

## **Chapter 1**

### **Introduction**

This thesis investigates the factors that make a state more or less likely to reform their sentencing policies. Sentencing reform remains an important topic within American politics today. A lot of change in this area can happen through state-level legislation. Our country can also change the lives of millions depending on whether they are sent to jail, face another alternative, or face no consequences due to decriminalization. This can change the outcome of someone's life. Additionally, a state's criminal justice policies can affect important factors, such as the economic wellbeing of a state. (Weisberg, 2019, pp.41-43). This country is starting to completely reverse its sentencing legislation within the span of one adulthood.

The country recently underwent a social crisis examining the legitimacy and humanity of sentencing policies in different states. The death of George Floyd, along with many others, due to police brutality sent waves throughout the country. This led to protests and calls for action to change the issues people saw. An awareness of police brutality led to a wave of reconsiderations about many different aspects of the criminal justice system, including sentencing policies (Reny and Newman, 2021, 1499-1501). This, combined with the effects of the pandemic, led to drastic changes within the criminal justice system within recent years. These changes will have lasting effects on the country. Additionally, the changes in one state during this period led to similar changes in another. Thus, a domino effect is created where new legislation diffuses between states.

For example, these protests invigorated legislative change in order to appease constituents. Previous research has shown that minority-led protests can shape news agendas, lead to changes in voting practices by members of Congress, and change attitudes of coethnic bystanders (Reny

and Newman, 2021, 1499). States and cities have created legislation changing use of police force including use of force and misconduct reporting (Subramanian and Arzy, 2023). Additionally, many states have passed legislation that reduces incarceration through better mental health response and diversion programs that keep people out of prison (Subramanian and Arzy, 2023).

This has gone on for many decades, with the country swinging on a sentencing pendulum between creating stricter laws on crime and more lenient laws. Every few decades, voters and legislators reexamine their policy opinions and make changes as necessary. This major change in criminal justice legislation occurred recently after the Civil Rights Era where policies became more lenient on crime (Porter, 2016, p.6), during the 1980-90's Tough on Crime era (Grossback, et al., 2004, p. 522), and again in the modern day back to more lenient legislation. Stability may be possible one day, but drastic social and legal change seems to be a recurring theme throughout the past few decades of this country. No matter the change, these new laws can drastically affect the lives of residents and the characteristics of a state for many years.

This topic is important because it has undergone many changes throughout even the most recent forty years. The change between strict sentencing legislation and mandatory minimums to the current status of early release has brought many questions as to why this occurs. What factors make states change their policies? Why do some states have such different policies? These sentencing policies have significant effects on the constituents. The outrage that sparked current changes in sentencing legislation were due to the significant impacts incarceration or a lack of incarceration can have on someone's life (Tonry, 2019, pp.16-18).

There have been many previous studies about policy diffusion and its impacts on state-level legislation (Karch and Cravens, 2014, p.483). It has been studied on many different types of legislation, from lotteries and taxes, to sentencing legislation itself. There is a common



understanding about the impacts of certain factors such as similar ideology and incentives for policy adoption (Karch and Cravens, 2014, p.483; Sliva, 2016, p.719). States with legislators of the same party are more likely to pass similar legislation. There has been extensive research on the Tough on Crime era and sentencing reforms throughout the 1980's and 1990's. This has been enlightening on the factors that affect policy diffusion, especially sentencing reform policies.

There is still a lot of research that needs to be done in this area, including research on more recent legislation as well as the long-term effects of previous legislation. Additionally, more research needs to be done including many possible variables affecting sentencing reform legislation. My research seeks to close this gap by examining multiple independent and control variables. This field requires a comprehensive analysis of multiple possibly significant variables. In a departure from Grossback, et. al. (2004) and Karch and Cravens (2014), I seek to examine the effects of both ideological and geographic proximity together. There is also a lack of description in different papers describing how to effectively measure a time period in which one policy can be said to influence the adoption of another. Only two previous studies have (Menon and Mallinson, 2021, p.8). This description needs to be circulated more thoroughly for proper replication of studies.

The main contribution of this paper is to analyze the most common significant and control variables in one analysis. This closes the gap on previous literature that only studied a few variables. Thus, this comprehensive analysis will variables which variables are still significant today, and whether any have changed insignificance levels over the years. Additionally, this paper will use a more extensive time period that studies a timeframe greater than a decade. Instead, this analysis will examine the changes in sentencing legislation throughout the course of decades as sentiments on leniency changed.

Using data from the Correlates of State Policy and the State Policy Innovation and Diffusion database, I investigate the factors throughout recent history that make states more or less likely to adopt sentencing reform legislation. This contains information about the characteristics of different states and different legislation passed that affects others. The analysis of multiple variables, including those which are agreed upon as well as those of disagreement, will allow me to create a more thorough analysis of these factors.

Contrary to previous research, my analysis revealed that geographic proximity is still a significant factor that has a compounding effect with ideological proximity in increasing the likelihood of policy adoption. Additionally, the economic status of a state remains a significant factor when being controlled for. This leaves room for even further research and investigation into the topic. A more in-depth review of the previous literature will give further explanation on this topic.

## Chapter 2

### Literature Review

#### *Reasons for Change in Sentencing Policy*

How do factors such as salience, economics, and morality affect a state's likelihood of adopting sentencing reform policy? After the Civil Rights Era, some authors cited violent crime rates for harsher federal sentencing policies, supporting a viewpoint that the change in policy was due to social issues and issue saliency (Porter, 2016, p.6). Some scholars feel that these stricter sentencing guidelines after the Civil Rights Era and the riots following the assassination of Martin Luther King, Junior were intentional and racially motivated (Porter, 2016, p.7). Conversely, during this period states reduced their sentencing minimums. Some researchers argue this was due to issue salience and morality as people started to view the criminal justice system as being used for racially motivated purposes (Porter, 2016, p.12). Similarly, during the rise of the Tough on Crime era that sentencing legislation became stricter during this time as a response to rising violent crime rates and national fear from citizens.

Recently, there has been a more compassionate approach to sentencing with an emphasis on reducing sentences and alternative sentencing. Some argue that the change in legislation occurred purely out of economic necessity. Prisons had become so overcrowded that states were forced to build new prisons to account for the booming incarcerated population. However, this population and construction rate became so inflated that it was no longer economically feasible, and instead became a burden (Weisberg, 2019, pp.41-43). Therefore, while the general population or legislators may have wanted to continue harsh sentencing regulations, it was no longer feasible for states, and they needed to change their policies.

Others argue it is a mix of both economics and morality that led to changes in sentencing reforms. Tonry cited the fact that mandatory sentencing is both a cruel punishment for offenders and a waste of money (Tonry, 2019, p.6). Others view the punitive policies as trying to control lower classes (Sliva, 2016, p.522). In the social movement and moral argument, it was found severe racial disparities that need to be fixed within the system (Tonry, 2019, pp.11-12). He argued against universal sentencing regulations, citing that the different cultures and characteristics of areas and offenders necessitate the need for different cases per person. He cited there is no way to create universal, federal sentencing regulations that accommodate everyone (Tonry, 2019, pp.16-18). He also argued parole release is far more cost-effective for states and local communities (Tonry, 2019, p.22).

#### *Differences in Research Methods*

There is an agreement on the lack of research within this specific field. Scholars cite that policy diffusion of criminal sentencing policy needs far more research done (Karch and Cravens, 2014, p.483; Sliva, 2016, p.719). Sentencing policy has undergone many changes throughout history, but there is a lack of research on how and why the policy spreads between states. Research highlights the lack of literature on why politicians choose to adopt reforms that reduce racial inequalities in criminal justice (Donnelly, 2017, p.207).

While most agree on using a quantitative analysis to examine policy diffusion between states, there is some disagreement on exactly how to analyze the data quantitatively (Grossback, et al., 2004, p. 522; Karch and Cravens, 2014, pp.469-471; Nicholson-Crotty, 2009, p.200). Some used an event-history analysis (Donnelly, 2017, p.6; Grossback, et al., 2004, p. 522), time hazard models, and logistic progressions (Redding, et. al. 2011, p.138). The event-history analysis examines longitudinal data about the timing of events, focusing more on the context

around these events. A time hazard model focuses on how each additional variable affects the passage of legislation. There are relative commonalities in the research of the examined period. Most research ranges from the 1980's to the early 2000's during the Tough on Crime area and rise in notable legislation such as Three Strikes Laws (Grossback, et al., 2004, p. 522; Karch and Cravens, 2014, pp.469-471; Nicholson-Crotty, 2009, p.196). This is understandable, considering the drastic changes sentencing legislation underwent during this time. However, it might be more beneficial to study a longer period of time in order to examine the changes throughout different social and economic contexts.

Only two articles explained their time period for policy diffusion and the spread of a policy from one state to another. The beginning of this time period for Nicholson-Crotty was the innovation of the policy and the end is the year in which the change in adoption rate from the previous year has declined or been zero for three years (Nicholson-Crotty, 2009, p.200). This is highly logical reasoning for including the timeframe defining whether a policy diffuses/influences that in another states. The other researchers who explained their timeframe for diffusion/policy adoption were Menon and Mallinson (2021) who used the State Policy and Innovation Diffusion dataset to determine their timeframe for policy adoption. They found a slowly increasing innovation speed throughout the nineteenth and early twentieth centuries using a robust rescaled measure. They then found policy adoption speed increases at an almost constant rate after 1965 (Menon and Mallinson, 2021, p.8). Most other research did not explain their reasoning behind their timeframe of policy adoption and diffusion, creating a lack of validity in their findings. Instead, they simply gave their data and conclusions.

### *Insignificant Variables*

There are some areas of both agreement and disagreement on what control variables to use and whether they are significant. Areas of agreement lie in the lack of necessity to use violent crime rates as a control variable. Most research done has found violent crime rates to be insignificant as both a control and independent variable (Grossback, et. al., 2004, p.540; Sliva, 2016, p.717). This was counterfactual to what some authors hypothesized since they assumed that higher violent crime rates would lead to harsher sentencing policies. However, this was not found to be the case. The only research that found violent crime rates affect sentencing reform legislation were those studying Three Strikes Laws specifically. This makes sense considering Three Strikes Laws are increased sentencing rates for violent offenses specifically (Karch and Cravens, 2014, pp.481-483). Three Strikes Laws increase the prison sentences of those who have been previously convicted of two or more violent crimes, usually forcing the offender into a life sentence without parole.

Researchers also agree that distinct regional differences do not exist in the United States that would affect policy adoption of sentencing reform legislation (Grossback, et. al., 2004, p.537; Redding, et. al., 2011, p.150). This is counter to what some researchers hypothesized as they believed that regional cultures within the United States would lead to different sentencing practices and legislation, with Southern states being more punitive (Redding, et. al., 2011, p.138).

Agreement about the importance of political factors affecting policy adoption is very prevalent (Karch and Cravens, 2014, p.483; Grossback, et al., 2004, p. 538; Donnelly, 2017, p.18). This has many different facets including political polarization, composition of the legislature, and actions the legislature has taken.

### *Federal Policy Adoption*

The literature disagrees on whether to make federal policy adoption an independent variable or a control variable. Some researchers made it an independent variable because they hypothesized that federal adoption of a policy would influence states to adopt the same policy, especially if there were incentives. Others only controlled for this variable because they wanted to study how a policy spread between states rather than from just the federal to state level. Grossback, et. al. found that lower cost of policy adoption, federal government adoption, and similar ideology make policy adoption more likely (Grossback, et al., 2004, pp. 539-541). The design of their study affects how they view results—whether states require a federal incentive or simply observe trends of federal policies.

### *Economic Status*

There is disagreement on the significance of how economic status impacts policy diffusion. Some researchers use it as an independent variable (Aviram, 2016, p.274) while others used it as a control variable (Sliva, 2016, pp.717-718). This is because some researchers hypothesized that as harsher prison sentencing cost too much on a state, they would change their sentencing policy to be more lenient and push offenders away from incarceration in order to save costs. A state's spending rate on prisons could be significant in affecting sentencing guidelines (Schoenfeld, 2016, pp.160-162). This is because a state may be spending too much on prisons, and needs to save its budget for other purposes as crime rates drop throughout the state. The state revenue and spending per capita on corrections were found to be significant in determining changes in sentencing policies (Sliva, 2016, p.717). Conversely, a state may choose to adopt a policy because they see that one state is performing better economically and want to emulate that state. Rather than coming from a sense of camaraderie, this comes from a place of emulation

competitiveness (Karch, 2007, p.62). However, seeing a neighbor do better can be just what one state performing poorly may need. A study by Aviram (2016) investigated the monetary costs and benefits of policy reform adoption, focusing on economic factors of policy adoption rather than social factors. This article hypothesized the Great Recession of 2008 gave rise to correctional reform (Aviram, 2016, p.263). Due to the stagnation in fiscal capacity, there was a decline in incarceration capacity. Therefore, legislators worked to decarcerate nonviolent and nonserious offenders that were swelling the prison system. By viewing inmates as a burden on the state's economy, a state is more likely to adopt sentencing reforms. Aviram's research is significant in its description of economic factors on legislators' decision-making in regards to sentencing reforms.

### *Unions*

However, there may be more direct influences on legislation, such as unions. Some researchers hypothesized that police officers and prison unions that had enough economic impact in a state would be a significant reason to pass strict sentencing legislation that increases incarceration. Karch and Cravens (2014) found factors of a state, including economic stability and prison officer unions, to be significant in affecting policy adoption (Karch and Cravens, 2014, p.483). These prison officer unions pushed for stricter sentencing regulations to increase their budget and paycheck.

### *Saliency*

Another area of disagreement is the inclusion or exclusion of social issues/saliency of a policy. For example, the effects of the "tough on crime" movement were significant in affecting adoption of Three Strikes Laws and criminal justice reform has been significant in removing these policies (Karch and Cravens, 2014, pp.481-483). A study by Schoenfeld (2016) suggested



the need the need for a sociopolitical perspective when examining sentencing procedures. This study investigated social changes and their impact on sentencing regulations. Schoenfeld hypothesized that the financial crisis of the 1980's led to an increase in harsher sentencing, and the start of the War on Terror marked a move towards lighter sentencing regulations (Schoenfeld, 2016, p.167). In the realm of social aspects, racial threat theories play an important role in determining sentencing reform legislation (Sliva, 2016, p.718). Racial disparity and the presence of judicial sentencing reforms were found to be a strong predictor of policy adoption (Donnelly, 2017, p.7). Some researchers included this as a control variable as the issues grows and shrinks in popularity over time. However, this is usually accompanied with economic effects when sentencing reform becomes more salient.

While an issue becomes more salient, it is more likely to be supported by lobbyist groups and external organizations. This is an issue of relative agreement among scholars, with most controlling for a bill's support by a lobbyist or external group. The support and polarization of a lobbying group can affect a bill's success. This is especially true if this external group is ideologically far from the center of a state's legislature (Olzak, et. al., 2016, p.223). Since sentencing reform legislation is a bipartisan issue, a highly polarized group is likely to make a legislator more adverse to adopting a policy that was written or supported by this group. This is exacerbated by legislatures where one party only holds a narrow majority.

### *Geographic Proximity*

There is a disagreement on the significance of my intended independent variables within the research. Therefore, by including the two most common—yet disagreed upon variables—I hope to close this gap in the literature. Some researchers found geographic proximity of states to be significant in policy diffusion (Karch and Cravens, 2014, p.480) while other researchers found

it to be insignificant (Grossback, et al., 2004, p. 538). Karch argued geographic policy diffusion occurs for several reasons: including improved communication between states, overlapping media consumption between states, and cultural and demographic similarities (Karch, 2007, p.57). However, geographic proximity may become more outdated with the rise of technology and the Internet (Menon and Mallinson, 2021, p.3). This is another gap in the literature that has not yet been researched; technology has made the spread of information easier than ever.

### *Ideological Proximity*

The same disagreements occur for my other independent variable of ideological distance between states, which is states that have similar voting patterns and legislative ratios. Some research found it to be a significant factor (Grossback, et al., 2004, p.537; Sliva, 2016, pp.717-718) while others found it insignificant (Karch and Cravens, 2014, pp.479). After analyzing the data, some researchers found geographic proximity to be much less significant than ideological similarity (Grossback, et al., 2004, pp. 539-541). This study has garnered much support because it studied policy diffusion on multiple policies: lottery adoptions, academic bankruptcy laws, and sentencing guidelines (Grossback, et al., 2004, p.522). Researchers claimed that geographic proximity is less significant because physically neighboring states can have ideologically distant legislators. For example, Democrats in California and New York may feel more similarity and want to adopt similar policies in comparison to Democrats in California and Republicans in Nevada. This research claims that members of the Democratic party are more likely to adopt progressive reform measures (Donnelly, 2017, p.18).

Extreme ideological distance between parties often leads to gridlock (Schaffner, 2011, p.14). This gridlock is a common qualm for legislators and constituents alike who are frustrated with a lack of progress. Research has found polarization of the legislature to be significant in

blocking legislation when neither party has a large majority in government. This is because legislators can cross party lines in their votes on legislation, or filibuster legislation (Jones, 2001, p.137). Those governments that had a minimum majority and low polarization within the legislature were far more effective and far more likely to pass legislation within a given year. (Hicks, 2015, pp.758-59). The lower polarization of a legislature also leads to a lack of passage of legislation sponsored by highly polarizing lobbyists/supporters. This is because the low polarization leads legislators to be further in the middle of the ideological spectrum and therefore shy away from legislation that would take place far on one end of the spectrum (Olzak, et. al., 2016, p.223). High polarization of the legislature was statistically significant in making a legislature less effective. Sentencing reform legislation is also a bipartisan issue, meaning researchers should be observing far more legislation being produced in states than actually occurs (Porter, 2016, p.13). It is possible this lack in new policy and policy diffusion is because state legislatures are so polarized that they experience gridlock on legislation they should be able to successfully pass.

### *Conclusion*

There have been many significant factors affecting policy adoption over time. Some of these factors include political, social, and economic factors. Not only are the variables themselves significant in determining the outcome of the research, but the design of the research itself can be significant in determining results. Lastly, there are areas of disagreement on what to include as an independent or dependent variable, which I hope to reduce with my own research.

## **Chapter 3**

### **Theory**

I will be examining the adoption of sentencing reform policies through the lens of policy diffusion. Policy diffusion states that legislation passes through different states that are similar or approximate in different ways. Some of the ways in which policies may diffuse are through geographic proximity, ideological proximity between states, or federal adoption of a policy. Sentencing reform policies are those which adjust sentencing requirements for different crimes. These policies can increase or reduce sentencing requirements for felons. One of the most renowned sentencing reform policies in American history were Three Strikes Laws, in which harsher punishments were inflicted on repeating offenders in an effort to control crime rates (Karch and Cravens, 2014, pp.481-483). These laws have varied significantly over time, being adjusted and even revoked after changes in opinion. I will use this framework to guide my own research as I examine how different policies spread throughout different states.

### **Polarization Within the Legislature**

An important aspect of whether a new law will be passed is polarization within a state's legislature. A highly polarized legislature is one that has opposing legislators very far apart from each other on the political spectrum. These legislatures are stacked with far-right Republicans and far-left Democrats making a middle ground difficult to find. A gridlocked and polarized legislature make it very difficult for a state to pass any legislation, especially that which could drastically change the justice system within a state (Schaffner, 2011, p.14). Often, these sweeping laws require compromise from both sides of the political aisle or a heavy majority of one party. Therefore, highly polarized legislatures often means a lack of important reforms through legislation. The state's legislators will not want to work together or will find it very

difficult to discover an area of compromise. Therefore, states that have a more polarized legislature will be less likely to pass sentencing reform legislation. Sentencing reform legislation is often one of those significant reforms that require either the majority of one party or compromise between the two. Those states that have a low difference in ideology between their average Republican legislator and their average Democratic legislator are more likely to successfully pass sentencing reform legislation (Hicks, 2015, pp.758-59). This is because it will be easier to pass any legislation, and legislators are more willing to compromise. States with more centrist legislators like this are more likely to be successful in passing this kind of legislation.

*H1: States with higher levels of polarization within their legislature are less likely to pass legislation.*

### **Geographic Proximity**

Even while technological advancement makes physical proximity less of a necessity for many factors, I believe it is still an important factor when it comes to policy diffusion. Geographic proximity means states border each other or are physically near each other. Geographically proximate areas may share similar news outlets and viewpoints. Therefore, they may receive similar information or be affected by the same events. Additionally, many geographically proximate states share similar geographic features, meaning some legislation would be useful to multiple states that are near each other (Karch, 2007, p.57). It is also likely that their legislators often convene or discuss legislation that could be impactful in their area. Creating coalitions between neighboring states would be mutually beneficial. This may also be true when it comes to sentencing reform legislation, especially if geographically proximate states observe similar crime patterns that could be altered with this type of legislation. By trying to

mediate crime levels in one state, it might be helpful for a similar state to attempt the same.

While there is disagreement about this factor, I still believe it will be a significant factor in the diffusion of policy because there remains a high amount of communication and similarities between bordering states.

*H2: After one state passes sentencing reform legislation, neighboring states are more likely to pass similar legislation.*

### **Economic Status**

States that have a stable economy often have no need to change their pattern or their legislation. Voters and legislators feel content with the state of their economy, and feel no need to introduce legislation possibly altering that. Maintaining the status quo may be more beneficial to a state than trying to alter their economy.

Often, the prison system can be a draining factor on a state's economy. It can be highly costly to a state if there are many prisoners overcrowding the system or increased minimum sentencing requirements forcing a state to house them in the prison system for a longer period of time (Schoenfeld, 2016, pp.160-162). Therefore, if they have an overwhelmed economy and a bursting prison population, a state may be more likely to adopt new legislation to reform their system. This would lead to financial relief for the state and tax relief for voters. Voters would want a relief on the economy from spending such a high amount on prisons and would vote for legislators to revoke this pressure on the economy.

*H3: States with a strong economy are less likely to pass sentencing reform legislation.*

### **Unions**

However, these same states that have an overwhelming prison presence will most likely also have a strong presence of prison officers' unions. These unions will most likely have kept strict

sentencing policies to ensure the continuity of their own jobs. These unions will also influence their legislators to ignore new sentencing policy that would reduce jobs. Even if the prison system is a drain on the economy of a state, a legislator may still be interested in appeasing this influential group. Depending on the strength of the union, this can continue for decades. Unions are capable of affecting great change within a state and influencing legislators to pass certain laws (Karch and Cravens, 2014, p.483). Since legislators are looking to satisfy their constituents, a union will be highly influential upon their legislators.

*H4: States with a prison officers' union are more likely to adopt Three Strikes legislation.*

*H5: States with a prison officers' union are less likely to adopt marijuana legislation.*

### **Federal Adoptions**

The federal system is often used as an experimental system for policies, with either federal or state governments adopting a policy to observe its success. There are many cases where the federal government will adopt a policy and states will observe its effects (Grossback, et al., 2004, pp. 539-541). Sometimes, states will follow the federal adoption of a policy if it is successful. A state can observe the outcomes from a new policy and deem it beneficial for themselves. The same can be true for sentencing reform policies, where states observe new federal legislation that changes sentencing laws and see a positive result. Then, these states decide to adopt a similar policy for themselves. Often, there will be federal incentives for adoption of some policies, including funding support from the federal government.

*H6: States are more likely to pass sentencing reform legislation if there is recent federal adoption of a similar policy.*

## Chapter 4

### Data

To test my hypotheses, I gathered data about state-level adoption of sentencing reform policy for each year between 1960 and 2020. This is because states control sentencing regulations within themselves and can change them as they see fit. I want to examine how sentencing reform legislation spreads between states, especially since some states prefer difference policies on how strict or lenient sentencing guidelines should be. Since I examine state-level policy diffusion, I will not be including federal adoption of a policy. Instead, I will control for this variable in case there were incentives in state adoption of this policy.

My time period for this analysis is the past sixty years from 2020 (1960-2020). This is because I want to examine sentencing reform legislation as it has changed throughout recent history and the changing dynamics that accompany this time period. I want to examine this legislation as it has changed throughout the Civil Rights Era where sentencing became more lenient, during the Tough on Crime era where sentencing became more rigid and prison populations rose, and into the modern era as we experience another criminal justice reform era and sentencing regulations are become more lenient again.

I am selecting cases from the forty-eight contiguous states. This is because part of my analysis is related not only to ideological proximity between states, but also geographic proximity between states. Hawaii and Alaska do not physically border any other states and would therefore be inapplicable for the scenario of influence due to spatial proximity. It is highly unlikely that these two states would be influenced by the other forty-eight. Also, these two states become official states far more recently (1959). Since the time period begins in 1960, these states would likely lack the infrastructure, resources, and same need for sentencing regulations that the



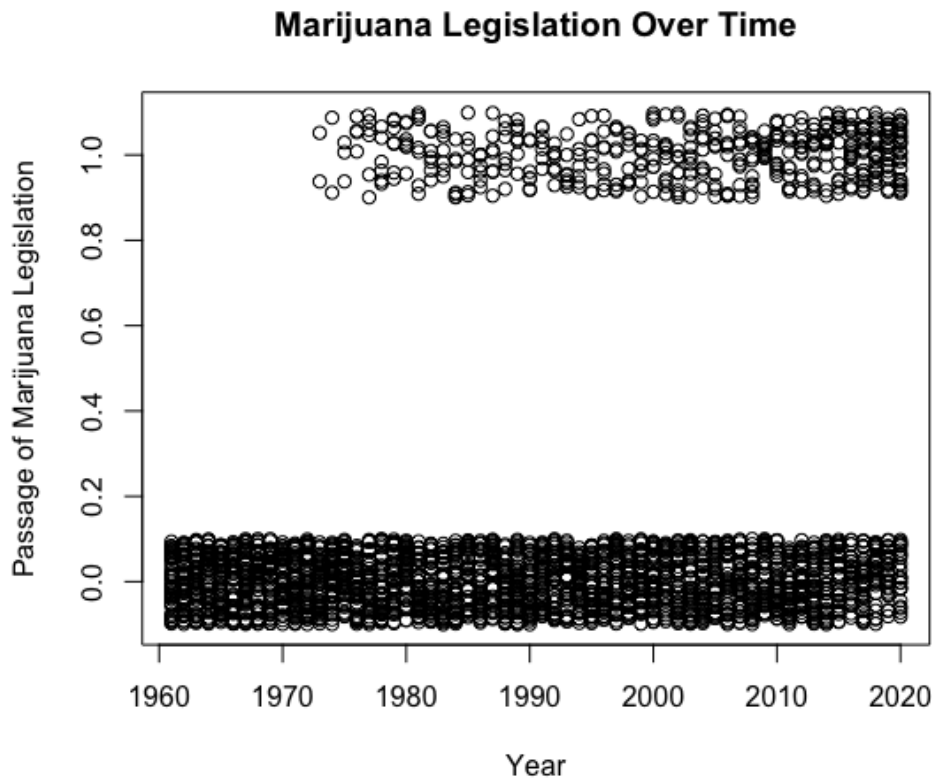
other forty-eight states do. Alaska and Hawaii are also two of the least-populated states, making their imprisonment rates much lower and their need for sentencing legislation much lower as well. They would likely create unfortunate outliers in this research.

### **Dependent Variables**

To examine the dependent variable of whether a state has successfully passed sentencing reform legislation, I will also be using the National Conference of State Legislatures and OpenStates dataset. I will investigate the passage of Three Strikes Laws to account for stricter sentencing legislation and the passage of legislation decriminalizing or reducing sentencing for marijuana to account for more lenient sentencing legislation. This is being used as an example of more stricter sentencing legislation being passed. I chose this example because it was passed in many states and is a good example of legislation from the Tough on Crime era. There are a few data resources on these sites that contribute to my research, specifically the Civil and Criminal Justice page (National Conference of State Legislatures). Additionally, they have a page about state-level and federal marijuana legislation that I used to track whether marijuana was legalized in some capacity in a state and during what year this occurred. These data are also publicly available and the Conference itself is composed of bipartisan members in order to compile accurate data without political biases. The time period of this database is more recent, with legislation ranging from 2019 to the present. This dataset is highly useful to me because of the breadth of legislation it provides that is freely available to the public. I can use the legislation found from the National Conference of State Legislatures and insert it into the OpenStates legislation tracking application. The dependent variable will be measured dichotomously, with the passage of sentencing reform legislation being “1” and the absence of sentencing reform legislation being passed being “0.”



The other dependent variable of whether a state has successfully passed marijuana legislation was done through research and coding done by myself. This is my example of more lenient sentencing reform legislation. I chose this example because it is also being passed by many states and is a good example of a more recent wave of lenient legislation. I looked up states' legal codes and examined whether they have passed legislation that lowers the criminal requirements for marijuana in regards to sentencing minimums. This variable is coded "0" for years where this legislation was not passed, and was coded "1" for any years this legislation was passed in the state and all future years.



I will not be including the death penalty as part of my data/variables. While this may seem surprising considering the prevalence of arguments, polarization, and legislation around the death penalty, I believe this topic warrants research of its own. There is enough previous research and legislation about the death penalty alone that including it would drastically inflate my dataset and distract from the goals of my research (McCann, 2008, p.913). Rather than contribute to a topic that already contains a vast amount of research, I would rather fill in current gaps and areas that have less literature. The death penalty is also something that has been largely controlled at the federal level, with it even being deemed unconstitutional by the Supreme Court at one point. The death penalty is also something that does not apply to some of my other variables, such as its economic impacts on a state. Also, few states actually use the death penalty and it instead is mostly used by the federal government (Gramlich, 2020).

## **Independent Variables**

The independent variable of political polarization of the state legislature is measured using multiple variables. The Correlates of State Policy dataset contains variables to measure how far the median of the parties are from each other in the state house and state senate, respectively. This variable is measured continuously with 0 being the least distant and 4 being the most distant. Other variables measure the average ideological distance between any two members in the state house and senate, respectively (Correlates of State Policy Project Variable Codebook, p.56). They are measured continuously on a scale of 0 to 2 with 0 being the least ideologically distant and 2 being the most ideologically distant. I used multiple variables as a robustness check ensuring multiple variables to measure polarization.

Since political polarization of the legislature is far more significant when there is a slight majority within the government, I will also be controlling for the ratio of one party to another within the legislature. I will be using multiple variables to measure the ratio of parties within a state's legislature (Correlates of State Policy Project Variable Codebook, p.56). Two are the proportion of state senate seats held by Democrats and Republicans, respectively. These variables are measured on a scale of 0-1. Others are the proportion of state house seats that are held by Democrats and Republicans, respectively. These variables are measured on a scale of 0.01-1. I will use these data continuously, with higher ratios meaning that a party controls more of the legislature and is less likely to be effected by polarization. These variables all range from 1937 to 2011, making them almost part of the entirety of my studied time period.

**Table 1. Univariate Statistics**

	<b>Average</b>	<b>Range</b>	<b>IQR</b>	<b>Percent</b>
<b>Innovativeness</b>	0.05176398	0.85567	0.0620945	
<b>House Diff</b>	1.5	3.7	0.758	
<b>Senate Diff</b>	1.4	2.8	0.665	
<b>House Distance</b>	0.9	2.2	0.3183851	
<b>Senate Distance</b>	0.9	1.7	0.3867713	
<b>Union</b>				25
<b>Region-South</b>				33
<b>Region-West</b>				23
<b>Region-Midwest</b>				25
<b>Region-Northeast</b>				19
<b>Average Income</b>				
<b>Federal Strikes Legislation</b>				82
<b>Federal Marijuana Legislation</b>				0
<b>Proportion of Dems. In Senate</b>	0.5766	0.143	0.2932331	
<b>Proportion of Reps. In Senate</b>	0.4207	0.9143	0.2945076	
<b>Proportion of Dems. In House</b>	0.5754	0.8714	0.26	
<b>Proportion of Reps. In House</b>	0.4218	0.8714	0.2597542	
<b>Party Control in Senate</b>	0.4218			

My independent variable of geographic proximity is measured through two ways. The first being self-coded for states that physically border each other. If a neighboring state passes sentencing reform legislation, it will be coded “1” for that year and future years and “0” for previous years before neighboring sentencing reform legislation. There is a category for each of the two forms of legislation: Three Strikes legislation and marijuana legislation. I will also be using the variable “region” to account for states that are in the same region. They are organized into South, West, Midwest, and Northeast.

The control variable of a state’s innovativeness is measured through the Correlate of State Policy variable. This is a policy innovativeness score based on 180 policies. The dates range from 1913-2005, therefore encompassing almost my entire time period. This variable ranges from 0-0.86, which 0.86 being the highest (Correlates of State Policy Project Variable Codebook, p.118). I use this scale continuously when controlling for a state’s innovativeness. A

highly innovative state will skew the data, especially if it produces progressive sentencing reform legislation that similar states do not want to adopt. This is also based on research that found other states unlikely to adopt policies of a highly innovative state (Olzak, et. al., 2016, p.213).

My control variable of the economic status of a state is measured with several variables. The first variable measures the median of all household incomes in a state. I also measure this variable continuously with its range from 38,882 to 86,420 (Correlates of State Policy Project Variable Codebook, p.12). Those states that have a higher median household income are performing better economically and those that have a lower median household income are doing worse economically. I also use the variable which measures GDP of a state as the sum of the GDP originating in all the industries in a state. This variable ranges from 993 to 2,622,731 and will be used continuously (Correlates of State Policy Project Variable Codebook, p.26). I use these measures as a more comprehensive robustness check against one another in my measure of a state's economic status. I want to use this as a control variable because there is conflicting research on whether or not economic status is significant as an independent variable. However, it is often at least included as a control variable since a state in economic turmoil may seek alternative methods to alleviate this turmoil. Also, corrections can take up a large portion of a state's budget. This may lead states to use alternative sentencing means in order to reduce their prison populations and relieve economic stress on the corrections budget.

Alternatively, corrections could be a significant positive economic factor of a state's budget to the extent that corrections and prison guard unions contribute significant influence with legislators. This would lead legislators to create strict sentencing guidelines that continue to fill prisons in order to make money and appease constituents.

The control variable of unions is self-coded through research on individual corrections officers' unions within each of the 48 states of this study. If a state creates a corrections officers' union or adds corrections officers to a state-wide union in a given year, that year and future years are coded as "1." If a state does not create a corrections officers' union or add corrections officers to a state-wide union, those years are coded as "0."

My control variable of the passage of federal legislation on this same topic is measured dichotomously as to whether the federal government has passed sentencing reform legislation on the same topic as a state in the same year. I used the Library of Congress U.S. Code sources for these data under the subjects of Title 18: Crimes and Criminal Procedure and Judiciary and Judicial Procedure (*United States Code: General Provision, 18 U.S.C, 3*). This is the most useful category to me because it contains information about sentencing guidelines passed in a given year. If the federal government passes legislation within a specific category of sentencing reform in a given year, they are coded "1" for yes in that category and in future years. If they do not pass legislation in a given year, they will be coded "0" for no. This coding requires more content analysis.

The Library of Congress U.S. Code dataset will be used for my control variable of passed federal sentencing reform legislation. This dataset contains laws passed by the federal government throughout the United States' history. I will be using the most recent codebook which contains legislation since 1946. Specifically, I will be using the Title 18: Crimes and Criminal Procedure section to narrow my search. I will be looking at legislation passed within the same timeframe of 1960-2020 that was passed at the federal level and coding it in the same manner as my independent variable. I will code it according to what category of sentencing reform legislation it belongs to. I will therefore be coding according to year and category. If the

federal government passes sentencing reform legislation of a given category within a given year, it will be coded “1” for yes. If it does not pass sentencing reform legislation of a given category within a given year, it will be coded “0” for no.



## Chapter 5

### Results

**Table 2. Analysis Results for Three Strikes Legislation**

<b>Region-West</b>	-0.223**	-0.087
<b>Region-Midwest</b>	-0.486***	-0.074
<b>Region-Northeast</b>	-0.175***	-0.064
<b>House Diff</b>		0.137
<b>Senate Diff</b>	-0.339**	-0.215
<b>House Distance</b>		-0.167
<b>Senate Distance</b>		0.497
<b>Proportion of Dems. In Senate</b>	3.324*	-0.374
<b>Proportion of Reps. In Senate</b>	4.338**	0.144
<b>Proportion of Dems. In House</b>	0.676**	-0.282
<b>Union</b>		-1.747
<b>Average Income</b>	0.00000*	-1.736
<b>Party Control in Senate</b>		-0.285
<b>Innovativeness</b>		0.068
<b>Passage in Bordering States</b>	-0.323***	-0.051
<b>Year</b>		0
<b>Constant</b>		0.059
		-0.087
		-0.061
		-0.262
		-0.083
		-0.004
		-0.005
		-10.193
<b>Observations</b>		484
<b>R2</b>		0.184
<b>Adjusted R2</b>		0.156
<b>Residual Std. Error</b>	0.458 (df = 467)	
<b>F Statistic</b>	6.600*** (df = 16; 467)	
<b>Note:</b>	*p<0.1; **p<0.05; ***p<0.01	

**Table 3. Analysis Results for Marijuana Legislation**

<b>Region-West</b>		0.084
		-0.061
<b>Region-Midwest</b>	0.332***	
		-0.048
<b>Region-Northeast</b>	0.277***	
		-0.043
<b>House Diff</b>	0.609***	
		-0.138
<b>Senate Diff</b>	-0.560***	
		-0.105
<b>House Distance</b>	-0.780***	
		-0.239
<b>Senate Distance</b>	0.921***	
		-0.179
<b>Proportion of Dems. In Senate</b>		-0.829
		-1.147
<b>Proportion of Reps. In Senate</b>		0.068
		-1.139
<b>Proportion of Dems. In House</b>	0.891***	
		-0.183
<b>Union</b>	-0.292***	
		-0.034
<b>Average Income</b>	0.00000*	
		0
<b>Party Control in Senate</b>	0.099*	
		-0.059
<b>Innovativeness</b>		-0.08
		-0.167
<b>Passage in Bordering States</b>	-0.193***	
		-0.035
<b>Year</b>		-0.004
		-0.005
<b>Constant</b>		-0.054
		-1.146
<b>Observations</b>		469
<b>R2</b>		0.345
<b>Adjusted R2</b>		0.325
<b>Residual Std. Error</b>	0.302 (df = 454)	
<b>F Statistic</b>	17.078*** (df = 14; 454)	
Note:	*p<0.1; **p<0.05; ***p<0.01	

The hypothesis of whether higher levels of polarization inhibit the passage of legislation does not find support. Table 2 presents a mix of both positive and negative factors of polarization being significant in predicting the passage of three strikes legislation. The difference of average Senate members, proportion of Republicans in the Senate, and proportion of Democrats in the House are all statistically significant. With greater ideological distance between members in the Senate comes a lower likelihood of passing legislation. This supports my hypothesis. However, a greater proportion of Republicans in the Senate leads to a higher likelihood of the passage of their legislation. Additionally, a higher proportion of Democrats in the House also leads to a greater likelihood of passing three strikes legislation. This suggests that both Democrats and Republicans support this legislation and therefore, polarization is not a highly significant issue for this case.

There is a lack of support for this hypothesis regarding the dependent variable of marijuana legislation as well. There are also mixed results seen in Table 3. Differences between House and Senate members, average distance between members in the House and Senate, and proportion of Democrats in the House are all statistically significant for the passage of marijuana legislation. An increased difference in members of the House made the passage of legislation more likely while an increased difference in members of the Senate made the passage of legislation less likely. An increased distance between members of the House makes passing legislation less likely while increased distance between members of the Senate makes passing legislation more likely. Additionally, an increased proportion of Democrats made the passage of marijuana legislation more likely. These mixed results for both dependent variables do not suggest support for my first hypothesis.

My second hypothesis suggests that after one state passes legislation, neighboring states are more likely to pass similar legislation. This hypothesis does not appear to find support. Table 2 shows that as more states pass three strikes legislation, the likelihood of neighboring states passing similar legislation decreases by 0.323. This statistic is significantly significant, showing that as states pass this legislation, neighboring states are less likely to do so. The same is true for marijuana legislation, with a one unit increase in the passage of this legislation leading to a 0.193 unit decrease in neighboring states passing similar legislation. This is a statistically significant finding as seen in Table 3. These findings suggest that legislation in neighboring states may not be as significant a predictor as previously thought. Instead, states may focus on the issues within their own state rather than ongoing issues in other states. Alternatively, a neighboring state may not have a significant portion of their income that comes from the prison industry or marijuana industry.

I hypothesized that states with a better economy are less likely to pass sentencing reform legislation. This hypothesis does not find support for either dependent variable. Table 2 and Table 3 exhibit that the average income of a state's residents is not statistically significant. This may be because a significant portion of the state's income comes from the prison system or the marijuana industry. If this is true, then the economic status of a state would not matter when deciding to pass these forms of legislation.

The prediction that states with a corrections officers' union are more likely to adopt three strikes legislation does not appear to find support. Table 2 presents statistically insignificant results for the passage of three strikes legislation. The presence of a corrections officers' union was insignificant in the passage of Three Strikes legislation. This might be because Three Strikes

legislation was popular enough with citizens and legislators alone that the presence of a union was not necessary to pass it.

I also hypothesized that states with a corrections officers' union are less likely to adopt marijuana sentencing reform legislation. This hypothesis finds support from the regression results. Table 3 shows that the presence of a union leads to a 0.292 unit decrease in the likelihood of the passage of this legislation. The presence of a corrections' officers union made a state statistically less likely to adopt marijuana legislation. This may be due to the fact that this legislation would reduce the prison population and risk losing jobs for members of this union.

Lastly, I hypothesized that states are more likely to pass sentencing reform legislation if there is recent federal adoption of a similar policy. This hypothesis does not find support. Federal adoption was not statistically significant for Three Strikes legislation. This may be because there were no incentives for states to adopt this legislation from the federal government. There has been no federal marijuana legislation. Therefore, I was unable to test this hypothesis for that type of legislation.

## Chapter 6

### Conclusion

The results of this analysis suggest some very important findings for future research: the insignificance of polarization and neighbors' legislation, insignificance of economic status, and presence of a corrections officers' union. Contrary to previous research, the polarization of a state's legislature was not a significant factor in predicting the passage of sentencing reform legislation. The results were mixed on whether polarization made a state more or less likely to pass legislation. Therefore, it is not possible to say that polarization has a significant impact on blocking or supporting passing legislation.

Contrary to my hypothesis, states were statistically less likely to pass either form of legislation if a neighbor had passed it. This was true for both Three Strikes legislation and marijuana legislation. Perhaps states do not allow their neighbors to affect their legislation as much as predicted.

Contrary to my hypothesis, the economic status of a state was insignificant in predicting the passage of either form of legislation. It was not a significant predictor of making a state more or less likely to pass either form of legislation.

The presence of a corrections officers' union in a state provided interesting results. For the passage of Three Strikes legislation, this variable was insignificant. I hypothesized this variable would be a significant factor in predicting the passage of this legislation. However, it was not a statistically significant factor. However, my hypothesis regarding the passage of marijuana legislation appears to be correct. The presence of a corrections officers' union was a statistically significant factor in predicting that marijuana legislation would not be passed.

While these analyses were helpful, the research could be improved. A better analysis may be produced through more robust data. There were no preexisting datasets that contained corrections officers' unions or marijuana legislation that has passed. A more robust measure of the economic status of a state may be beneficial. The lack of data present for this variable may be the reason that the economic status was insignificant as a variable.

In the future, it may be more beneficial to measure the marijuana variable continuously to differentiate when legislation was passed to reduce sentencing minimums and when legislation was passed to completely rid sentencing regulations for marijuana. The same may be true for the passage of legislation by neighboring states. It could be helpful to measure this variable continuously to differentiate whether only one neighboring state has passed a form of legislation in comparison to two or more. These measurements would provide more detail and specificity within results.

Examining this time period was helpful in understanding the change in opinions and patterns of sentencing reform legislation. However, focusing on the recent future may be more helpful for research. There has been a significant amount of research on Three Strikes sentencing reform legislation. However, there exists a lack of research on more recent sentencing reform legislation, such as that which reduces sentencing requirements for marijuana violations.

Examining this dependent variable in more depth would be very beneficial.

Due to the nature of these dependent variables, I am unsure how generalizable these findings are. I believe they are generalizable to their time periods. For example, the results for the Three Strikes legislation is generalizable to the 1980's-1990's because of the Tough on Crime era. Similarly, the results of the marijuana legislation analysis are generalizable to the current era that is more lax on crime. However, I would not suggest that these results are

generalizable to sentencing reform legislation in general. This analysis is easily replicable as all of the data are publicly available and mostly come from one dataset.

Lawmakers who want to examine the likelihood of passing sentencing reform legislation may be able to use several factors from this research. They should be aware of the presence of unions and their potential impact on the passage of legislation. These unions may have significant lobbying power halting the passage of legislation that reduces sentencing regulations. Lawmakers should be aware that the actions of their neighbors tend not to affect the legislation within their own state. Therefore, they need to focus on the issues within their state rather than their region. Lawmakers should also be aware that the economic status of their state does not affect the passage of sentencing reform legislation. Instead, they are able to focus more on the current trends within sentencing reform legislation rather than external factors such as neighboring states or polarization of the legislature.

Within the field, political scientists should more closely examine different factors that could affect the passage of sentencing reform legislation or policy diffusion. Since the polarization of the legislature appears to be inconclusive, it may be better to focus on other variables. Examining the effects of public opinion could be significant since the passage of both Three Strikes legislation and marijuana legislation coincide with the trends of their years.

These analyses suggest the need for further research on this topic, especially in the near future as states continue to pass similar marijuana legislation. Legislation trends continue to change and research needs to keep up with these trends.



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## Academic Vita

### EDUCATION

**The Pennsylvania State University | Schreyer Honors College** **University Park, PA**  
*College of Liberal Arts / Bachelor of Arts in Political Science with Honors, Bachelor of Arts in Sociology* *Class of 2023*  
*College of Liberal Arts / Minor in Spanish*

### EXPERIENCE

#### **Office of Congressman Dutch Ruppersberger**

*Summer Intern*

- Provided excellent customer service to calling constituents
- Analyzed and responded to over 300 constituent emails
- Aided office functions including mailings, stocking supplies, and constituent cases

**Timonium, MD** *Jun*

*2021 – Aug 2021*

#### **Penn State Department of Political Science**

*Summer Research Assistant*

- Investigated beginnings and ends of various Asian-Pacific democracies and concisely compiled data

*May 2021 – Aug  
2021*

#### **Penn State Campus Recreation**

*Building Supervisor*

- Address medical and weather emergencies, patron concerns, and organized scheduling throughout facilities
- Guide other employees in training, cleaning procedures, and safety procedures

*May 2020 – Present*

*Facility Attendant*

- Maintained cleanliness throughout facilities with attention to detail
- Prioritized customer experience at all facilities through excellent communication and customer service

*Aug 2019 – May 2020*

### LEADERSHIP AND INVOLVEMENT

#### **Schreyer for Women**

*Director of Service / EveryVoice Coalition Campus Partner Liaison*

- Developed new service initiatives and annual budget with organizations including CentreSafe, Habitats for Humanity, and EveryVoice Coalition of Pennsylvania
- Extended current Schreyer for Women service initiatives including those with Oxford Circle Christian Community Development Association (OCCDA), Days for Girls, and Girl Scouts

*Mar 2021 – Mar 2023*

#### **THON**

*Donor and Alumni Relations Development Captain – Organization Liaison*

- Communicated and aided organizations to fundraise through corporations, alumni, and others to eradicate childhood cancer
- Created and implemented new fundraising initiatives to increase fundraising

*Mar 2022 – Feb 2023*

#### **Empowering Women in Law**

*Co-Founder*

- Established a chapter of Empowering Women in Law at Penn State by finding an advisor, writing a constitution, and recruiting over 25 members

*Jan 2021 – Present*

*Professional Development and Outreach Chair*

- Singlehandedly developed a mentorship program for mentors, scheduled guest speakers, created professional development events, and organized study events

*Jan 2021 – May 2023*