

FINES AND THE FEDERAL COURT SYSTEM: EXPLORING THE DIFFERENCES
AND INTERSECTION FOR MALE AND FEMALE DEFENDANTS WITH
DEPENDENTS

By

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DEDICATION

I would like to dedicate this thesis to my friends and cohort, for being a source of moral and academic support during my journey. Most of all, I would like to thank my parents for always encouraging me to do anything and everything that I want to do.

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ABSTRACT

Past research has consistently found that women are treated more leniently compared to men in the criminal justice system. Little research has examined gender and its relation to fine amounts imposed in the federal court system, and almost no research has examined if dependents plays a role in determining fines. This thesis operates under focal concerns theory, and addresses a gap by examining if gender and presence of dependents impacts the likelihood and amount of a fine imposed. Using the Monitoring of Federal Criminal Sentences from 2020-2021 data, this thesis examined if men are more likely to get fines imposed than women, if they get higher fine amounts, if the presence of dependents impacts likelihood of receiving a fine, if women with dependents get lower fine amounts relative to women without dependents and if males with dependents get lower fine amounts than men without dependents. Results found that men were more likely to get a fine imposed and received higher fine amounts than women. No significant relationships were found regarding the presence and number of dependents and fine amounts imposed.

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LIST OF ABBREVIATIONS

USSC	United States Sentencing Commission
USSG	United States Sentencing Guidelines
NIBRS	National Incident-Based Reporting System
DUI	Driving Under the Influence
OLS	Ordinary Least Squares

CHAPTER ONE: INTRODUCTION

Most contemporary research examining sentencing differences in regards to gender has found that females tend to receive more lenient sentencing outcomes than similarly situated males (Bontrager et al., 2013; Fridel, 2019; Koons-Witt et al., 2014; Steffensmeier et al., 2017). This thesis begins by addressing how gender disparities can be seen throughout the criminal justice sentencing process: pretrial, guilty pleas, and sentencing. Female defendants are advantaged in the pretrial phase, since they are less likely to be detained pretrial (Freiburger & Hilinski, 2010; Johnson & Larroulett, 2019; Pinchevsky & Steiner, 2016). In the plea-bargaining stage, female defendants are more likely to have their initial charges dropped or reduced (Berdejó, 2019), and receive downward sentencing departures (Bontrager et al., 2013; Doerner, 2012; Holmes et al., 2020). When examining the sentencing outcomes of defendants in the criminal justice system, studies have consistently found that women are less likely to receive a custodial sentence, and when they do, they get shorter sentence lengths than male offenders (Doerner & Demuth, 2014; Farrell et al., 2010; Fernando et al., 2006; Fridel, 2019; Kim et al., 2019; Koons-Witt et al., 2014, Nowacki, 2020; Shields & Cochran, 2020).

In addition, research on gender disparities in the criminal justice system has recently begun to expand to look at gender and how it relates to monetary sanctions. This thesis will add to the growing body of work exploring fines as an outcome in sentencing. The three most common types of monetary sanctions are fines, fees, and bail (White House Council of Economic Advisors, 2015). Fines are given as punishments, fees are

assigned to defendants to cover court activities or treatment programs and bail. A good majority of misdemeanors are resolved via fines, with some studies showing males being more likely to get fines and get higher fine amounts than females (Muñoz & Freng, 2007). Research examining how fines are assigned to individuals in the federal system is limited, but some work has been done examining how fine amounts are applied to organizations sentenced federally (Homer & Higgins, 2020; Piquero & Davis, 2004).

Scholars have examined gender disparities in sentencing under various frameworks, with the most common ones being the chivalry hypothesis, evil women perspective, and focal concerns theory. The focal concerns perspective is one of the most widely used theories to attempt to explain gender differences in sentencing (Bontrager et al., 2013; Doerner & Demuth, 2014; Fridel, 2019; Holmes et al., 2022; Koeppel, 2014; Koons-Witt et al., 2014; Muñoz & Freng, 2007; Reynolds, 2009; Steffensmeier et al., 2017). There are three components of focal concerns: blameworthiness, community protection and practical constraints and concerns. In terms of application to gender, female offenders may be viewed as being less blameworthy and dangerous than men (Demuth & Steffensmeier, 2004; Kim et al., 2019). In addition, females' role within the family may be related to practical constraints. For example, preserving family dynamics is a practical concern that judges may take into consideration during their sentencing decisions. Judges may be hesitant to separate family units and therefore sentence offenders who hold familial roles and care for defendants more leniently (Daly et al., 1987; Freiburger, 2010; Freiburger, 2011; Holmes et al., 2022; Logue, 2011; Tasca et al., 2018).

Limited research has been conducted using fines as a dependent variable (Homer & Higgins, 2020; Muñoz & Freng, 2007; Pfeffer et al., 2018; Piquero & Davis, 2004), with only one study having examined sex, age and race and their impact on fine amounts assigned to defendants in the federal court system (Parks & Nowacki, 2021). This study adds to previous literature and fills a gap by exploring how defendant characteristics, specifically gender and dependents, can impact fine amounts in federal sentencing decisions. Using data from the Monitoring of Federal Criminal Sentences from 2020-2021, information on all cases resolved with fines and sentenced in the federal system from October 1, 2020 to September 30, 2021 is analyzed. Using this data, defendants' characteristics will be examined to see if there was a difference in sentencing between male and female defendants in regards to fines by dependents and crime type. Based on existing studies, the hypotheses are that males will be more likely have a fine imposed than females, males will have higher fine amounts imposed, defendants with dependents will have smaller fine amounts, female defendants with dependents will have lower fine amounts than females without dependents and male defendants with dependents will have lower fine amounts than males without dependents.

Chapter 2 offers a detailed synthesis of past literature surrounding gender and sentencing. It traces the gender sentencing disparity from the pretrial stage, through the guilty plea and plea-bargaining stage and ending at sentencing outcomes. This chapter also introduces the theoretical framework this thesis utilizes and concludes with explaining the research purpose and hypotheses. Chapter 3 presents the methods, independent, dependent, and control variables as well as the analytical plan used to test the expected hypotheses. Chapter 4 reports the descriptive statistics, logistic regression

and linear regression results for each hypothesis. Lastly, Chapter 5 discusses how the findings from this thesis fit with past literature, as well as the limitations, future directions and policy implications this thesis offers.

CHAPTER TWO: LITERATURE REVIEW

This literature review explores the existing research on gender and sentencing, dependents and sentencing, and scholarship surrounding monetary sanctions in the federal criminal justice system. Theoretical explanations for gender sentencing disparities are explored as well, with an emphasis placed on focal concerns.

Gender, Case Processing and Sentencing

A large body of research has found empirical support for sentencing disparities between male and female offenders in both the state and federal criminal justice systems, with females being sentenced more leniently (Bontrager et al., 2013; Doerner, 2012; Doerner & Demuth, 2014; Steffensmeier & Demuth, 2006; Farrell et al., 2010; Fernando et al., 2006; Fridel, 2019; Kim et al., 2019; Koons-Witt et al., 2014, Nowacki, 2019; Shields & Cochran, 2020; Stacey & Spohn, 2006; Spohn, 2013; Steffensmeier et al., 2017; Steffensmeier et al., 1998; Yunmei Lu, 2018). Race, age, and gender have been shown to have an interaction in regards to sentencing, with young Black males being sentenced the harshest (Steffensmeier et al., 1998, Steffensmeier et al., 2017). The gender disparity in the criminal justice system begins sooner than just in sentencing decisions; it can be traced throughout the criminal justice process.

Pretrial Detention

First, gender differences can emerge during the pretrial phase. Didwania (2021) explains that there are two main factors taken into consideration when determining if a defendant should be released or held pretrial: the likelihood of the defendant returning to

court and whether or not the defendant is considered to be a threat to the community. If a defendant is detained pretrial, there may be a variety of collateral consequences including loss of wages, weakened community ties or separating parents from children (Didwania, 2021). Being detained pretrial has been linked to an increased risk of conviction, receiving a custodial sentence, and receiving a longer sentence (Campbell et al., 2020; Donnelly & Macdonald, 2018; Heaton et al., 2017; Kramer & Wang, 2019; Lattimore et al., 2021; Lee, 2019; Neubauer & Fradella, 2018; Oleson et al., 2016; Oleson et al., 2017; St. Louis, 2023). More specifically, Johnson and Larroulett (2019) found that defendants who are detained pretrial are 45% more likely to be incarcerated than those who are released pending trial. Female defendants are in an advantageous position regarding final case outcomes over male defendants since they are less likely to be detained pretrial (Freiburger & Hilinski, 2010; Johnson & Larroulett, 2019; Pinchevsky & Steiner, 2016). However, the leniency offered to women in the pretrial detention phase, may not extend to minority female defendants. In comparison to White defendants, Kramer and Wang (2019) found when examining felony cases from State Court Processing Statistics that Black female defendants are more likely to be detained pretrial, less likely to have their charges dismissed, more likely to receive a jail or prison sentence and get longer sentences.

When examining differences of pretrial detention rate by gender, men have a considerably higher risk of being detained pretrial in comparison to similarly situated females across all racial/ethnic groups (Demuth & Steffensmeier, 2004; Didwania, 2021; Kruttschnitt & Green, 1984; Spohn, 2013). Male defendants in the federal system have approximately twice the odds of pretrial detention (Spohn, 2013). Demuth and

Steffensmeier (2004) used the felony sentencing data of 39,435 Black, White, or Hispanic defendants from the State Court Processing Statistics to estimate that women's odds of being detained pretrial are 37 percent lower than male defendants. Judges may be more inclined to be more lenient in the pretrial phase since they may view female defendants as being less culpable and less dangerous to the community (Demuth & Steffensmeier, 2004). Being detained pre-trial has been linked to numerous negative outcomes later in the criminal justice system, with gender being shown to have a role in these pretrial detention decisions. The gender disparity does not stop there however, it continues forward into the guilty plea phase.

Guilty Pleas and Plea Bargaining

The guilty plea phase allows for prosecutors to hold a large amount of discretion (Johnson & Larroulett, 2019; Piehl & Bushway, 2007; Stemen & Escobar, 2018; Ulmer, 2018), which can potentially lead to disparities in offers made to male and female defendants. There are two phases in the criminal justice system where charges can be modified: when the district attorneys decide the initial charges to prosecute and during the plea-negotiation process (Johnson & Larroulet, 2019). When examining gender effects in the guilty plea phase, Berdejó (2019) found when controlling for defendant and case characteristics, female defendants are 20% more likely to have their initial charge(s) dropped or reduced than male defendants. There were greater gender disparities present in misdemeanor and low-level felony cases in comparison to more serious felony cases (Berdejó, 2019). Lastly, an intersection of race and gender was found, with White female defendants having more than double the charge reduction rate in comparison to Black

male defendants. Black female defendants had similar charge reduction rates that White male defendants did (Berdejó, 2019).

When examining charge reductions, men have a six percent lower chance of getting a severity charge reduction than women, (Romain Dagenhart et al., 2022), and men who committed a violent crime were 19% less likely to get a severity charge reduction than females who had committed a violent offense (Romain Dagenhart et al., 2022). Defendants who receive charge reductions are significantly less likely to be incarcerated, particularly when these charge reductions happen during the pretrial phase (Johnson & Larroulet, 2019). When examining sentencing departures in the federal system, female defendants are more likely to receive downward sentencing departures (Bontrager et al., 2013; Doerner, 2012). When compared to White male defendants, females from all racial and ethnic backgrounds were more likely to get a downward sentencing departure (Holmes et al., 2020). Men also have lower odds of being offered a substantial assistance departure in the federal system, which can affect final sentence severity (Spohn, 2013). Tillyer et al. (2015) found that for narcotics cases, defendants who received a substantial assistance departure got about 50% shorter sentences than those who did not. Considering Spohn's (2013) findings above, this highlights another leniency effect that women may experience in the guilty plea and plea-bargaining phase. Once the plea-bargaining phase is complete, the defendant continues to the next step of the criminal justice process: the sentencing phase. Final sentencing outcomes have also been shown to differ by gender.

Final Sentencing Outcomes

Sentencing outcome research also offers significant support for gender disparities in the criminal justice system. In a meta-analysis of 58 articles, Bontrager and colleagues (2013) identified 143 unique estimates of the relationship between gender and sentencing outcomes from 1991 to 2006. Sixty five percent of these estimates found support that females are less likely to be incarcerated in both the state and the federal system. A plethora of research has focused on gender in regards to the decision to incarcerate and sentence length, with the majority of studies finding that women are less likely to be incarcerated and receive shorter sentence lengths on average across various offense types than their male counterparts (Bontrager et al., 2013; Doerner, 2012; Doerner & Demuth, 2014; Farrell et al., 2010; Fernando et al., 2006; Fridel, 2019; Kim et al., 2019; Koons-Witt et al., 2014, Nowacki, 2019; Shields & Cochran, 2020; Stacey & Spohn, 2006; Spohn, 2013; Steffensmeier et al., 2017; Steffensmeier et al., 1998; Yunmei Lu, 2018). These findings hold consistent in both urban and rural geographical settings (Yunmei Lu, 2018). Kim and colleagues (2019) explain that when female offenders receive custodial sentences in U.S. district courts, they are 25.7% shorter than those given to male offenders.

Steffensmeier and Demuth (2006), found in their analyses of 24,254 federally charged felons, that male defendants have a 71% higher likelihood of incarceration than female defendants. Sentences given to males were around 20% longer than those given to similarly situated females. Similar results were found by Fernando and colleagues (2006) in their examination of convicted violent, property, and drug felony offenders in Texas. Men were over twice as likely than females to receive a custodial sentence than women

were for property and drug offenses and they averaged a 3.22 year longer sentence length. Forty-two percent of the females in the sample received a deferred adjudication versus 25% of the males in the sample. For violent crimes, men received an additional 4.49 years on their custodial sentence, showing support for focal concerns theory that will be discussed in detail later. Shatz and Shatz (2012) examined defendants facing the death penalty for gang murders, rape-murders or domestic-violence and found that women were far less likely to receive the death penalty than men. When looking at drug offenses in Cook County Illinois, Spohn (1999) found that women were less likely to be detained pretrial and less likely to be sentenced to prison than male drug offenders. Males were more than twice as likely to be given custodial sentences and twice as likely to be detained pretrial. Males who had at least one dependent child were more likely to receive a custodial sentence compared to females with dependents. Monetary sanctions (such as fines) are another final sentencing outcome. For this thesis, the intersection between gender, dependents, and fine amounts are explored. From the thesis author's knowledge, this is the first analysis of this to be performed using federal sentencing data.

Monetary Sanctions

As mentioned previously, the majority of sentencing research has focused on the likelihood of incarceration and sentence length decisions for male and female defendants. More modern research has expanded to look at monetary sanctions, specifically fines, as a dependent variable. While research regarding fines is relatively new, there is a base of knowledge regarding fines and their application to expand on. The White House Council of Economic Advisors (2015), identifies three common types of monetary sanctions: fines, fees and bail. Fines are monetary sanctions given as punishments for

misdemeanors, infractions or felonies. Fees are given to defendants to cover the cost of court activities or court-ordered treatment programs (e.g. supervision, substance abuse treatment). Bail is a payment set that if paid will allow a defendant to be released from custody pending their trial date. Another type of monetary sanction is restitution, where a defendant is ordered to pay their victim to compensate them for their loss.

Ruhland and colleagues (2021) explained that the effectiveness of fines, fees and restitution in the court system depends on the intended purpose of punishment. If retribution is the goal, then it is imperative that they are equal to the severity and harmfulness of the crime. If deterrence is the desired impact, then having large monetary sanctions should be given to deter others from offending or deter an offender from reoffending. Monetary sanctions under the restitution framework can be restorative to crime victims. Fines, fees, and restitution can also fall under the rehabilitative framework, since the money may be utilized to cover potential treatment costs for offenders or as a way to motivate offenders to attend the required treatment.

Many misdemeanors are typically resolved via fines, but there is variation between states on amount and where the money is applied. In Idaho for example, the jurisdiction and offense type determine how the money is divided. For DUI offenses, the department to where the money collected by a fine goes depends on whether it is issued by a state or city law enforcement officer (Office of Performance Evaluations Idaho Legislature, 2019). In Washington, those who are convicted, sentenced to a lesser charge or given deferred prosecution are given a \$250 fine that goes towards the Washington state toxicology lab and the Washington state patrol (Revised Code of Washington, 46.61.5054).

The United States Sentencing Commission (USSC) offers a guideline manual outlining how fines should be distributed for individual defendants in the federal system under federal sentencing guidelines (USSG). USSG §5E1.2 outlines the specific circumstances and considerations when determining fine amounts. Under this guideline, the court assigns a fine in all cases except where the defendant can show they are unable to pay a fine and will not be able to pay in the future. When determining a fine amount, judges do have discretion, but it is limited. Fine guidelines are organized into a fine table outlining the minimum and maximum fines allowed for each offense level. There is a very large range between the minimum and maximum amounts, which allows judges to exercise discretion when determining fine amounts. For example, offense levels scoring a 3 or below have a minimum fine amount of \$200 and a maximum penalty of \$9,500 (United States Sentencing Commission, 2021).

Piquero and Davis (2004) examined how corporate organizations are fined in the federal court system. Before a specific fine amount can be assigned, the range of a fine needs to be determined. Two factors are considered in determining the fine range: base fine and culpability score. Surprisingly, they found that organizations who were financially unable to pay the minimum fine amount were more likely to get higher fine amounts. Organizations who were facing a greater number of charges were more likely to be assigned fines towards the lower end of the fine range. More recently and in contrast to the findings in Piquero and Davis (2004), Homer and Higgins (2020) found that federal judges were following the federal sentencing guidelines and giving corporations fines corresponding with their culpability score. The higher the culpability score, the

higher the fine amount that was given, which is what we should expect to see if the sentencing guidelines are being followed (Homer & Higgins, 2020).

When looking more locally at one state in particular, an examination of 8,289 misdemeanor cases from three counties in Nebraska revealed that 88.8% of offenses were disposed of via fines (Muñoz & Freng, 2007). Consistent with other sentencing research regarding race/ethnicity and sentencing, racial and ethnic minorities received higher fine amounts on average than White offenders did (\$61.33 vs \$47.97). Minorities were also three times more likely to get a fine. Males were more likely than similarly situated females to get a fine, and received higher fines than females did. In prostitution arrests, differences in fine amounts between men and women have also been observed. Males were found to be more likely to be fined than females (41% vs 16%), received higher fine amounts, and had a higher maximum fine limit (\$10,000 vs \$1,000) (Pfeffer et al., 2018). These observed fine differences in males and females highlight another area in the criminal justice system where females are in an advantageous position over males. In an attempt to explain gender differences in the criminal justice system, a wide variety of theories have been applied.

While research using fines as a dependent variable in regards to individual defendants in the federal system is limited, Parks and Nowacki (2021) examined 9,719 offenders state level data, looking at how race, sex and age impact the likelihood a fine will be given and the amount. Contrary to what research has typically found regarding race/ethnicity and sentencing outcomes, Black defendants were less likely than White defendants to be given a fine. Additionally, Hispanic defendants received higher fine amounts than White defendants did. The findings regarding gender were as expected;

women were less likely to receive a fine than males were (Parks & Nowacki, 2021). This research is the closest to this thesis, with it being one of the only studies that has examined fines in the federal system. This thesis expands off of that by using similar analysis with federal data and looking at how defendants may impact fine amounts.

Theory on Gender and Sentencing: Focal Concerns Theory

As described above, gender disparity in sentencing decisions is widely supported and well-established but not all scholars agree on why this relationship is observed. The focal concerns theory, chivalry hypothesis and evil women perspectives are some of the most common theories used in gender disparity in sentencing research (Bontrager 2013; Holmes et al., 2022; Fridel, 2019; Kim et al., 2019; Koons-Witt et al., 2014; Kramer & Wang 2019; Nowacki, 2019; Shields & Cochran, 2020; Siegel & Fix, 2020). The chivalry hypothesis predicts that the more lenient treatment on female offenders stems from the judge's perception that women need to be protected from harsh sentencing since they are the "weaker sex" (Bontrager et al., 2013; Fernando et al., 2006; Fridel, 2019; Goulette et al., 2015; Spohn, 2009). Under this hypothesis, legal characteristics such as offense severity and criminal record would not close the gap in gender sentencing disparities. The evil woman hypothesis believes that when women commit crimes against gender norms, they may be at a disadvantage and be sentenced more harshly than males who commit the same types of crimes (Bontrager et al., 2013; Fernando et al., 2006). Behaviors and offenses that are particularly aggressive, violent, or heinous in nature are all examples of unladylike behavior. Women who break these gender norms and commit more violent "masculine" offenses may no longer benefit from the chivalry hypothesis and get

sentenced harsher (Goulette et al., 2015; Holmes et al., 2022; Newby, 2011; Reynolds, 2009).

This thesis will focus on the focal concerns perspective due to its history in this context and relevance for the current research questions. Steffensmeier and colleagues' (1998) focal concerns perspective has three components: 1) blameworthiness, 2) community protection, and 3) practical constraints and consequences. Due to the limited time constraints that judges may face, they may make quick decisions on a defendant based on perceptions of these three characteristics (Fernando et al., 2006). Since judges need to make sentencing decisions in a limited time frame, they may have to rely on their own past experiences and stereotypes and utilize perceptual shorthand (Albonetti, 1991; Freiburger & Romain, 2018; Steffensmeier et al., 1998).

Blameworthiness

Blameworthiness stems from a retribution standpoint and refers to the culpability of an offender. As the degree of injury and culpability of an offender increases, so should the offender's punishment. Offenders who cause more harm to their victims may be sentenced more harshly (Goulette et al., 2015). Offense severity, criminal history, prior offenses, and aggravating factors are all legal factors that can impact the perceived blameworthiness of an offender (Steffensmeier et al., 1998). The willingness an offender has to participate in treatment or rehabilitation programs can impact their perceived blameworthiness and dangerousness (Goulette et al., 2015). Ideally, legal factors are the only things that should be taken into consideration when determining blameworthiness (Yunmei Lu, 2018). Judges may take into consideration extralegal factors (e.g., gender), both intentionally and subconsciously, when assessing blameworthiness, potentially

sentencing women more leniently by viewing them as less blameworthy and dangerous (Kim et al., 2019).

The types of crime committed by men and women vary, which also impacts an offender's perceived blameworthiness. Males have been found to be more likely to commit crimes compared to females across varying time periods and cultures (Durrant, 2019). Furthermore, women are less likely to commit violent crimes than men are. The 2022 edition of National Incident-Based Reporting System (NIBRS) revealed that out of the 879,013 violent crimes committed that year, 76.8% of perpetrators were male (Federal Bureau of Investigation Crime Data Explorer, n.d.). Unsurprisingly, the size of the gender gap during sentencing is impacted by offense type, with serious and violent crimes showing the largest gap (Durrant, 2019). Again, this can be interpreted to mean that the type of crime committed is related to an offender's perceived blameworthiness. The amount of perceived blameworthiness an offender has can help determine if the community needs to be protected from them.

Community Protection

The second focal concern is community protection. The more dangerous and blameworthy an offender is perceived to be, the more they are seen as needing to be punished, including potential removal from society, in order to protect the community. Factors that are taken into account when determining the potential dangerousness of an offender include crime type, if a weapon was used, and a defendant's educational and employment history (Freiburger & Hilinski, 2010; Freiburger & Romain, 2018). The likelihood of re-offending and the potential of causing more harm to the community helps determine if an offender needs to be removed from the community (Nowacki, 2019).

Defendants who are racial/ethnic minority males may be viewed by the court under the focal concerns perspective as being more dangerous in comparison to minority or White female offenders (Freiburger & Romain, 2018). Women may be seen as less culpable and dangerous to the community which can potentially explain why they receive more lenient treatment during the criminal justice process than similarly situated males (Demuth & Steffensmeier, 2004; Kim et al., 2019). White women in particular have been known to be associated with having traditional feminine qualities and being good mothers, so they may be viewed as being the ones who need to be protected, not that the community needs to be protected from them (Koons-Witt et al., 2014).

The type of offenses committed and the gender of the offender may also impact the perceived need for community protection. For example, Shields and Cochran (2020) examined sentencing differences in sex offenders and argued that gender impacts the perceived dangerousness of a sex offender even when the offenses are serious, violent, or involve minor victims. When examining sentencing outcomes, even when male sex offenders and female sex offenders committed the same offenses, they were treated differently by the court. Probation was more frequently given to female offenders in comparison to male offenders (42% vs 28%). Ultimately, the court was more likely to sentence male sex offenders to prison across all victim and offense types (Shields & Cochran, 2020). Similar results were found by Beeby and colleagues (2021) in their study of female and male sex offenders in New Zealand. Female sex offenders were less likely to be incarcerated than males. Leniency has also been found in the sentencing of female defendants who committed multiple homicides with a co-defendant. Women were more

likely to get a more lenient sentence than their male counterparts, even when controlling for age and number of previous convictions (Fridel, 2019).

In child abuse and neglect cases, Hanrath and Font (2020) found that even though the majority of offenders in the Pennsylvania Child Protective System were women, men were more likely to be convicted and sentenced harsher. For family violence cases, male defendants were more likely to get an order of bail and were assigned bail amounts that were 51.7% higher than those given to female defendants. Similar to findings in regards to other crime types, males received longer sentence lengths, with their sentences being 107.9% longer than female defendants (Freiburger & Romain, 2018). These findings indicate the possibility that judges may view male defendants as being more dangerous during the pretrial phase, therefore setting higher bail amounts in an attempt to protect the community. However, judges consider more than just community protection and blameworthiness when sentencing an offender. They also likely consider the practical constraints and consequences of their decisions.

Practical Constraints and Consequences

The third concern, practical constraints and consequences is the most robust in this thesis due to the fact that familial responsibility and the presence of dependents, factors which may be particularly salient when judges sentence women, fall under this category. These consequences include an offenders' health, space available in correctional facilities, and potential disruption to an offenders' family dynamic (Nowacki, 2019; Steffensmeier et al., 1998). The more lenient sentencing of female defendants described above can potentially reflect a judge's viewpoint that the social cost of incarcerating women is higher than it is for males (Spohn, 2009).

One particular social cost of choosing to incarcerate females is the potential of negatively impacting children in their care (Nowacki, 2019). Judges may be concerned with the social costs of incarcerating a defendant who has children, even if a defendant is not as actively involved in that child's life (Freiburger, 2011). Family responsibilities and ties are considered to be a component of a defendant's characteristics (Andersen, 2015). In her law review, Andersen (2015) took a unique stance and argued that not only should the Federal Rules of Criminal Procedure be amended to include a family impact assessment in pre-sentence reports, but that the Federal Sentencing Guidelines should be adjusted to require judges to explicitly consider family ties and responsibilities when they are making sentencing decisions. Not everyone agrees with this, but Andersen (2015) further argued that the potential harm done to children in a defendant's care should be taken into consideration.

Daly (1987) coined the term "family paternalism" in an attempt to explain the "sex effect" differences between the sentencing of male and female dependents. Four familial roles were examined: single defendants with dependents, married defendants with dependents, married defendants without dependents, and defendants with no dependents. Both male and female defendants who held a family role (i.e., had dependents in their care) were treated more leniently in both the pretrial and the sentencing process compared to those who were not. Defendants who held a familial role were also found to be treated more leniently during the court process. Both male and female defendants with familial ties were less likely to be detained pretrial, and less likely to get a non-custodial sentence than those with no ties. However, female defendants who held a familial role were overall treated more leniently than similarly

situated males, potentially reflecting the view that child-rearing/emotional caregivers are valued over just economic providers (Daly, 1987). For instance, in a sample of DUI cases in Poland, Mamak et al (2022) found that married defendants had a 45% lower chance of receiving a fine, and a 77% lower chance of getting a limitation of liberty (which is similar to forced labor) in comparison to single defendants.

The presence of dependents could potentially serve as either a mitigating or aggravating factor depending on the case and crime type (Spohn, 1999). Judges may be concerned with preserving a family dynamic, therefore sentencing women more leniently (Daly 1987; Freiburger & Romain, 2018; Spohn 2009). Judges may be reluctant to set high bail amounts or give longer incarceration terms to female defendants who act as a caregiver to children in their home (Freiburger & Romain, 2018). Additionally, judges may view offenders who have family roles and dependents as having more rehabilitation potential (Logue, 2011). If an offender has community and familial ties, they may be more motivated to seek out and comply with any ordered treatment or probation requirements.

In a survey of 360 Court of Common Pleas judges in Pennsylvania, judges were given one of six vignettes on either drug or property offenses and asked to determine what type of sentence they would give to the defendant in their vignette (Freiburger, 2010). Defendants' gender, race, living status, employment and familial role were included in the surveys. Familial roles were also included and divided into four separate categories: financial providers, emotional caregivers, financial and emotional providers, and those not having any children. For defendants who were only financial providers or had no children, no significant impact on incarceration rates were found. However,

defendants who were emotional caregivers or emotional caregivers and financial providers had a significant decrease in their incarceration risk. Defendants who were both emotional and financial providers had the lowest risk of incarceration compared to the other three familial roles examined (Freiburger, 2010). Male defendants who were only emotional caregivers were less likely to be incarcerated in comparison to female defendants who were only emotional caregivers. These findings highlight that judges consider the familial role a defendant has when making sentencing decisions. Judges are more hesitant to remove an emotionally supportive caregiver from a child's life than they are just solely financially supportive caregivers (Freiburger, 2010). One potential explanation for this reasoning could be that judges place importance on children having emotionally supportive figures in their lives.

In a later study, Freiburger (2011) discovered that defendants who had children but were not emotional or financial providers did not have a statistically significant decreased risk of incarceration when compared to defendants who did not have any children in their care. Furthermore, results found that defendants who had dependents living with them had a 48% reduced odds of getting a custodial sentence than defendants without children. Defendants who were paying child support had 75% reduced odds of getting a custodial sentence than those who did not have children.

Gender and familial responsibility can also impact the decision to incarcerate and play a role in determining sentence length. Under the familial paternalism hypothesis, judges may be hesitant to separate or break up families and may sentence those who take on a large family role more leniently. Holmes and colleagues (2022) explored both these thought patterns using federal felony and misdemeanor drug trafficking, firearm, and

economic offenses. Around 60% of the offenders in their sample had at least one dependent, with the average number of dependents being 1-2. The presence and number of dependents were not found to be associated with incarceration in drug and firearm cases, but in economic cases (fraud, embezzlement, tax offense, forgery/counterfeiting or focal larceny), every 1 dependent decreased the odds of incarceration by four percent. Overall, having one or more dependents resulted in 13% lower odds of incarceration in comparison to offenders without dependents.

In regards to sentence length, in drug trafficking cases, the number of dependents led to a one percent increase to the sentence length per dependent. In firearm cases, the number of dependents led to a decrease of one percent in sentence length per dependent. In economic cases, the number of dependents led to a decrease of 0.5% in sentence length per dependent. Across all three offense types, women were less likely to be incarcerated (43% for drug trafficking, 60% for firearm and 21% for economic offenses, OR = 0.57 for drug trafficking, 0.40 for firearm, and 0.79 for economic offenses) and received shorter sentences. For economic offenses, the presence of dependents decreased the odds of incarceration for both genders. Holmes et al. (2022) findings show that the number of dependents and gender plays a role in both the odds of incarceration and in sentence length. While having dependents decreased the overall risk of being incarcerated, when looking at dependent and crime interaction by gender, no significant effect was found for female defendants. For sentence length, those who had committed drug trafficking or firearm cases and had dependents got slightly longer sentence lengths. The sentencing guidelines may dictate the sentence lengths for these offenses, without leaving discretionary room for judges to consider dependents. When looking at drug offenses,

Freiburger (2011) found that those who committed drug offenses and property offenses but had children had a decreased risk of being incarcerated. Only defendants who had committed property offenses and had children living with them had decreased odds of incarceration in comparison to defendants who did not live with children.

Gender, family ties and dynamics can also influence the likelihood of a defendant being awarded a sentencing departure. Using federal sentencing data, Logue (2011) found that not only did females have a greater likelihood of getting a downward departure, but single or cohabiting offenders with dependents were less likely to get a downward departure across both genders. White, Black and Hispanic offenders who were single and had dependents were less likely to get a downward sentencing departure than non-familied offenders. White and Hispanic cohabiting offenders who had at least one dependent or who were married with at least one dependent were less likely to get a downward departure (Logue, 2011). One potential explanation could be that being an unmarried female with a child goes against traditional gender norms, therefore defendants are not awarded the same leniency under the chivalry and paternalism hypothesis. Tasca et al. (2018) suggests that instead of just using parental status to predict court outcomes, parental involvement (living together, providing financial support, living together and providing financial support and uninvolved) should be considered as well. In their study, they found that defendants who lived with their dependents prior to being incarcerated had sentence lengths 15% shorter than those who did not. The level of parental involvement was not significant in regards to sentencing male defendants, but mothers who lived with their children before becoming incarcerated had a 30% shorter sentence than mothers who were uninvolved with their children. Similar findings were found in

Cho and Tasca's (2018) examination of 419 incarcerated mothers in Arizona. Sentences for mothers who lived with their children pre-sentencing received 18% shorter sentences than those who did not (3.8 years vs 4.5 years).

While, as demonstrated above, much research indicates that women are treated more leniently than men throughout the criminal justice system, some research has yielded results that do not support the notion that women are sentenced more leniently. For example, Sandler and Freeman (2011) found that female sex offenders had an increased odds of getting a fine or an unconditional release than male sex offenders. Similarly, Tillyer et al., (2015) found that for federal narcotics cases, female defendants who had more serious criminal histories received longer sentences compared to male defendants with similar severe criminal histories. In the Mamak et al., (2022) study mentioned above, while differences were found in the sentencing of married versus single defendants, no significant differences were found when examining sentencing between males and females. Testa and Hartley (2021) also found opposite results than they expected when they examined how the presence of dependents impacts sentencing decisions. Having to provide for dependents was found to increase the risk of incarceration by 10%. No significant differences in sentences were found between females who had dependents and males who had dependents. Overall, the number of dependents was found to be positively associated with the likelihood of receiving a custodial sentence. Racial differences were found in sentencing and the number of dependents, with Hispanic and Black defendants who had multiple dependents receiving harsher and lengthier sentences than White defendants (Testa and Hartley, 2021). Contradicting previous literature that minorities (particularly minority males) are

typically sentenced harsher than White offenders. Freiburger and Sheeran (2020) found that when examining 5,907 misdemeanor or felony cases in Wisconsin, Black female and male defendants received the shortest jail sentences. These studies highlight the circumstances where being female does not place defendants in an advantageous position over males.

Under the three parts of focal concerns perspective (blameworthiness, community protection and practical constraints and consequences), females typically receive more lenient treatment. Crime type, criminal history, culpability, aggravating factors are all factors that impact a defendant's blameworthiness and perception of community danger. Familial responsibility, presence of dependents and disruption to family dynamic all fall under practical constraints and consequences.

Conclusion

Overall, research into gender disparity has offered evidence that women are treated more leniently in every stage of the criminal justice system, beginning with the pre-trial phase through to final sentencing outcomes. Many theories have been developed in an attempt to explain these disparities, with the one most pertinent to this thesis being the focal concerns theory. The three components of Steffensmeier and colleagues' (1998) focal concerns theory, blameworthiness, community protection and practical constraints and consequences, can offer a theoretical framework to attempt to explain why women may be sentenced differently than their male counterparts with regards to fines.

While an abundance of research has examined gender in the criminal justice process, little attention has been turned to seeing if there are gender differences in the way fines are applied in the federal court system. Research on dependents and their effect

on defendants' outcomes has shown that the presence of dependents and an offender having a familial responsibility may lead to a decreased likelihood of incarceration and shorter sentence lengths. The information we know about how fines are applied in the federal system is extremely limited, with little research using fines as a dependent variable.

Hypotheses

This study will focus on testing sentencing differences between male and female defendants in the federal court system, with a focus on fine amounts as the outcome. This is an important topic to examine since little work has investigated if there is an interaction between defendant gender and fine amounts, particularly in the federal system.

Hypothesis 1: Male defendants will be more likely to be given a fine than female defendants.

Hypothesis 2: Among defendants with a fine imposed, male defendants will be given higher fine amounts than females.

Hypothesis 3: Among defendants with a fine imposed, defendants who have dependents will be given smaller fine amounts than defendants with no dependents.

Hypothesis 4: Among defendants with a fine imposed, female defendants who have dependents will have lower fine amounts than female defendants with no dependents

Hypothesis 5: Among defendants with a fine imposed, male defendants with dependents will have lower fine amounts than male defendants with no dependents.

CHAPTER 3: DATA AND METHODS

Data Source

This study used data from the Monitoring of Federal Criminal Sentences from 2020-2021 (<https://www.icpsr.umich.edu/web/ICPSR/studies/38552/datadocumentation#>) and qualifies for exempt status through IRB (IRB23-198-01). The original data collection was funded by the United States Department of Justice, Office of Justice Programs and the Bureau of Justice Statistics. This dataset included all cases received by the United States Sentencing Commission and were sentenced between October 1, 2020 and September 30, 2021 and were determined to be constitutional.

The full sample of cases included in this data set, prior to any listwise deletion, was 57,287 defendants. For this particular study, the unit of analysis is the individual defendant. The descriptive statistics reported in this proposal are based on each analytic sample, which were created after listwise deletion (see Table 1). For the first hypothesis, the sample was all defendants without any missing data (51,744). For the second, third, fourth, and fifth hypotheses, the sub-sample includes only defendants who received a fine as part of their sentence. The original analytic sample two (i.e., defendants sentenced to a fine) made up 6.28% of the total sample size and consisted of 3,600 cases ($n = 3,600$). After using listwise deletion, the final analytical sample for the second, third, fourth, and fifth hypotheses is $n=2,753$.

Table 1: Dependent and Independent Variable Descriptive Statistics

Variable	Mean/proportion : Full sample (analytic sample 1) (N=51,744) (Hypothesis 1)	SD	Min - Max	Mean/proportion: Subsample (analytic sample 2) (N=2,753) (Hypotheses 2-4)	SD	Min- Max
Fines						
Fine Imposed	.05	.22	0-1	-	-	0-1
Amount Fine	280.27	109.6 3	0-25,000	5267.81	576. 01	1-25,000
Dependents						
Has any Dependents	.62	.48	0-1	.54	.50	0-1
Number of Dependents	1.58	1.74	0-10	1.25	1.58	0-10
Sex						
Female	.13	.34	0-1	.16	.37	0-1
Male	.87	.34	0-1	.84	.37	0-1

Dependent Variable

The dependent variable in this study was fines. Fines were measured in two different ways. One: as a dummy variable for whether someone was sentenced to a fine at all – “fine imposed” (0 = no fine, 1 = fine). As mentioned above, after listwise deletion, 2,753 defendants received a fine as a part of their sentence, which is 5.32 percent of the overall analytic sample. Two: as a continuous variable – “fine amount”. This variable originally ranged from \$0-568,000,000. To reduce skew in the data, this variable was capped at \$25,000. Twenty-three observations fell outside of this range and were capped. Conditional on receiving a fine, the average fine was \$5267.81, with a standard deviation

of \$7576.01. In this data set, defendants could receive a fine as their main sentencing outcome or have received prison and a fine.

Independent Variables

Two key independent variables were included in this study: gender and dependents. Gender was measured as a dummy variable (0 = male, 1 =female). In the full sample, 5.32 % of the sample was sentenced to a fine. In the subsample of defendants who received fines, 310 were male (N= 310) and 443 were female (N= 443).

Presence of dependents was measured as both a dummy variable (0= no dependents, 1 = dependents) and a continuous variable. For the first analytical sample, 62% (N=32,310) of defendants had at least one dependent, with 28,404 men having dependents (88%) and 3,906 females having dependents (12%). 19,434 defendants did not have dependents, with 16,612 being male (85%) and 2,822 (15%) being female.

The values for the continuous variable originally ranged from 1-57. A total of 74 cases (which represents only .01% of the data) had more than 10 dependents. These observations were capped at 10 dependents to reduce skew in the data. For defendants who were sentenced to a fine, 53.54% had at least one reported dependent (N =1,474) with men having an average of 1.61 dependents and women having an average of 1.37 dependents. In the subsample, 1,229 males (83%) had dependents and 245 females (17%) had dependents.

Control Variables

Several control variables were included in this study: age, race/ethnicity, criminal history, guideline minimum sentence, multiple counts, offense type, disposition type, education level, citizenship, and other punishment (probation or prison). The control

variables for this study were chosen based on those commonly used in previous literature (Berdejó, 2019; Cho & Tasca, 2018; Daly, 1987; Didwania, 2021; Doerner, 2012; Doerner & Demuth, 2014; Farrell et al., 2010; Fernando et al., 2006; Freiburger & Romain, 2018; Freiburger 2011; Goulette et al., 2015; Kim et al., 2019; Kramer & Wang., 2019).

Age was measured continuously (18- 88 years). Race/Ethnicity was measured as a series of dummy variables: 1) White; 2) Black; 3) Hispanic; 4) other. Criminal history was measured as both a dummy variable (0 = no, 1 = yes) and as a continuous scale (1-6), as calculated by the federal guidelines (United States Sentencing Commission, 2021). The guideline minimum sentence was measured continuously (0 to life), with a life sentence being capped at 360, in line with previous research using federal sentencing data (Holmes, et al 2022). Number of counts were measured as a continuous variable (1-101). Offense type was separated into eight dummy variables: 1) violent; 2) property; 3) drug possession; 4) drug distribution; 5) white collar; 6) sex offenses; 7) weapons; 8) other (for a full list, see Appendix A).

Trial disposition is measured as a dummy variable (0 = plea, 1 = trial). Education level was measured in a series of four dummy variables: 1) less than high school, 2) high school graduate, 3) some college, 4) college graduate, with the reference category being less than high school. Citizenship status is measured as a dummy variable (0 = non-U.S. citizen, 1 = U.S citizen). Prison was measured as dummy variable (0 = no 1 = yes).

Analysis Plan

Both descriptive statistics and regressions were conducted in this thesis. First, descriptive statistics are presented on the dependent and independent variables. To

properly analyze whether a person was sentenced to a fine at all, as a binary variable, a logistic regression model is used. Logistic regressions are based on cumulative logistic probability distribution and are used to estimate the probability of a binary outcome based on at least one independent variable (Bachman et al., 2021). When measuring fines as a continuous variable, an ordinary least squares regression is used (OLS). Due to heteroskedasticity, robust standard errors are used throughout and some variables were capped as described above in this chapter due to outliers.

CHAPTER FOUR: RESULTS

Descriptive Statistics

Table 1 reports the descriptive statistics for the independent and dependent variables included in this study. Looking at the full sample ($N = 51,744$), the mean fine received was \$280, with 5.32% of defendants receiving a fine ($N = 2,753$). For analytic sample two, those who received a fine, the mean fine amount was \$5267. Looking at the presence and number of dependents for the full sample, 62% of defendants had dependents, with the average number of dependents being 1.58. Fifty four percent of defendants who received a fine had dependents, with the average number of dependents being 1.25. For both analytic samples, 87% of the total sample was male, and 84% of those who received a fine were male.

Pearson's R Correlations were conducted for the studies independent and dependent variables, shown in Appendix C. Having a fine imposed and fine amount were positively correlated ($r = .05$ $p < .05$), as were having dependents and number of dependents ($r = .70$ $p < .05$), being female and having a fine imposed ($r = .04$, $p < .05$), being male and having dependents ($r = .03$, $p < .05$) and being male and having dependents ($r = .06$, $p < .05$). Having dependents and getting a fine were negatively correlated ($r = -.04$ $p < .05$), as were number of dependents and getting a fine ($r = -.05$. $p < .05$), being female and having dependents ($r = -.03$, $p < .05$), being female and number of dependents ($r = -.05$, $p < .05$) and being male and having a fine imposed ($r = -.04$, $p < .05$).

The descriptive statistics for the control variables are reported in Table 2. The average age for all defendants in the sample was 37.1 years, with the average age for

defendants who received a fine being 40.6 years. When examining race/ethnicity, 48% of the full sample was Hispanic, 24% were Black and 23% were White and 0.4% identified as another race/ethnicity. Forty one percent of defendants who received a fine were White, with 26% being Black, 26% being Hispanic and .07% Other race/ethnicity. Sixty nine percent of the full sample held US citizenship, compared with 94% of those receiving a fine. Approximately half of the defendants had a less than high school education level (43%) followed by high school education level (34%), some college education (17%) and college graduates (.06%). For those who received a fine, most of the defendants were high school graduates (35%), followed by those having some college education (25%), less than high school education (21%) and college graduates.

Table 2: Control Variables Descriptive Statistics

Variable	Mean/proportion: Full sample (analytic sample 1) (N=51,744)	SD	Min-Max	Mean/proportion: Subsample (analytic sample 2) (N=2,753)	SD	Min-Max
Age	37.10	11.04	18-88	40.63	13.58	18-85
Race/Ethnicity						
White	0.23	0.42	0-1	.41	.50	0-1
Black	0.24	0.43	0-1	.26	.44	0-1
Hispanic	0.48	0.5	0-1	.26	.44	0-1
Other	0.04	0.21	0-1	.07	.26	0-1
Criminal History						
Any Criminal History	0.87	0.34	0-1	0.76	0.42	0-1
Criminal History Score	2.67	1.72	1-6	2.20	1.67	1-6
Guideline Minimum Sentence	63.69	78.02	0-470	59.88	78.67	0-470
Disposition						
Plea	0.98	.13	0-1	.97	.17	0-1
Trial	0.02	.13	0-1	.03	.17	0-1
Education						
Less than high school	0.43	0.50	0-1	.21	.41	0-1
High school grad	0.34	0.47	0-1	.35	.48	0-1
Some college	0.17	0.38	0-1	.25	.44	0-1
College Grad	0.06	0.23	0-1	.18	.38	0-1
Citizenship						
US Citizen	.69	.46	0-1	.94	.24	0-1
Sentenced to Prison	.92	.27	0-1	.75	.43	0-1

Eighty seven percent of defendants in the whole sample had any criminal history, compared with 76% of those who received a fine having any criminal history. The average number of counts for the full sample was 1.39 compared with 1.44 for just

defendants who received a fine. Examining disposition types, similar to what previous literature has shown, the majority of cases were disposed of via pleas (98% of analytic sample 1 and 97% analytic sample 2). Looking at additional sentences besides receiving a fine, .08% of defendants received probation and 92% were sentenced to prison. For defendants who received a fine, 25% also received probation and 75% also received a prison sentence. When examining sentence length, the average sentence was 63.7 years in the full sample and 59.9 years for defendants who had a fine imposed.

In both samples, many of the cases were drug trafficking; 32% in the full sample and 29% of defendants who had a fine imposed. Notably, 13% of analytic sample one had white collar offenses as their main charge, but 26% of those that received a fine had their main charge as white collar crime. Fifteen percent of the analytic sample one had a weapons charge, compared with 16% of those who received a fine. Defendants who were convicted with other offenses (see Appendix A) made up 30% of analytic sample one and 20% of those in analytical sample 2.

Table 3: Crime Type Descriptive Statistics

Variable	Mean/proportion: Full sample (analytic sample 1) (N=51,744)	SD	Mean/proportion: Subsample (analytic sample 2) (N=2,753)	SD
Crime type				
Violent	.05	.22	.03	.18
Property	.001	.03	.0003	.02
Drug Possession	.002	.04	.02	.12
Drug Trafficking	.32	.47	.29	.45
White Collar	.13	.33	.26	.44
Sex Offenses	.05	.22	.04	.20
Weapons	.15	.36	.16	.37
Other	.30	.46	.20	.40

Hypothesis 1

To test hypothesis 1, that male defendants will be more likely to be given a fine in comparison to females, a logistic regression model was calculated. Table 4 outlines the regression results for the full sample. The odds for men receiving a fine are 50% higher than the odds for women (OR= 1.50, $p < .001$), demonstrating support for hypothesis 1. The odds of receiving a fine are increased by 1.01 times with one unit increase in age (OR = 1.01, $p < .001$). White defendants were 33% more likely to receive a fine relative to Hispanic (OR= 1.33, $p < .001$). Being a college graduate increased the likelihood of receiving a fine by 2.87 times (OR= 2.87, $p < .001$), relative to those who had some high school experience but did not graduate. High school graduates and those who had some college education were 23% and 53% more likely to have a fine imposed, respectively

(OR= 1.23, $p < .001$ and OR= 1.53, $p < .001$). The odds of receiving a fine are increased by 5.57 (OR = 5.57, $p < .001$) times if the defendant is a US citizen. Defendants who had a past criminal history were 34% less likely to receive a fine (OR= .66, $p < .001$), relative to those without any criminal history.

When looking at crime types, for drug possession crimes, the odds of receiving a fine are increased by 5.59 times (OR= 5.59, $p < .001$) relative to drug trafficking. Defendants charged with violent crimes and sex offenses were both significantly less likely to receive a fine (52% and 46% respectively) than drug trafficking. Defendants who accepted a plea deal were 36% (OR=.64, $p = .001$) less likely to receive a fine. The odds of receiving a fine are decreased by 90% (OR = .10, $p < .001$) if a defendant received prison as their final sentencing outcome.

Table 4: Logistic Regression (Hypothesis 1; n = 51,744)

Variable	OR	Std. Err.	Z-score	P-value
Dependents	.97	.013	-2.08	0.039*
Male	1.5	.09	6.78	0***
Age	1.01	.001	5.62	0***
White	1.33	.08	4.80	0***
Black	1.04	.06	0.64	0.58
Other Race/Ethnicity	1.5	.14	4.38	0***
High School Grad	1.23	.07	3.59	0***
Some College	1.54	.098	6.72	0***
College Grad	2.87	.23	13.28	0***
US Citizen	5.57	.55	17.47	0***
Number of Counts	.97	.12	-2.48	.013*
Any Criminal History	.66	.04	-7.34	0***
Guideline Minimum	.999	.0004	-2.11	0.035*
Plea	.65	.09	-3.24	.001***
Prison	.40	.02	-16.10	0***
Violent	.52	.06	-5.68	0***
Property	.25	.24	-1.46	.143
Drug Possession	5.59	1.28	7.50	0***

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

Hypotheses 2-5

To test hypotheses 2-5, four different linear regressions were conducted, and results are depicted in table 5. The only changes in these regressions were which reference category is included.

Hypothesis 2

Among defendants who receive a fine, men on average were fined \$1543.31 ($p < .001$) more than women when controlling for all of the other variables, finding support for hypothesis two (Table 5, Model 1). One unit of increase in age is associated with an average increase of \$126.34 ($p < .001$) in fine amounts. Black defendants on average got fined \$1195.67 less ($p < .001$) relative to Hispanic defendants. Those who had a criminal history got significantly less fine amounts compared to those who did not have a criminal history ($\beta = -1957.22$, $p < .001$). One unit increase in guideline minimum is associated with an increase of \$10.93 in fine amount ($p < .001$). Defendants charged with property crimes received an average of \$11064.53 ($p < .001$) less relative to drug trafficking. Drug possession charges resulted in defendants receiving significantly less fine amounts relative to drug trafficking ($\beta = -1251.97$, $p < .05$). White collar crimes were significantly likely to get fines on average that were \$3950.80 ($p < .001$) more relative to drug trafficking. Defendants who had some college education on average received \$1498.98 ($p < .001$) more and those who had graduated college received \$4927.77 ($p < .001$) more relative to those who did not graduate high school. Defendants who received a prison sentence got higher fine amounts compared to those who did not ($\beta = 1660.01$, $p < .001$).

Hypothesis 3

For hypothesis three (Table 5, Model 2), having dependents did not have any significant effect on fine amounts for defendants who received a fine, demonstrating no support for hypothesis 3 ($\beta = 231.42$, $p = 0.33$). Male defendants received higher fine amounts than females did by \$1547.62 ($p < .001$). A defendant's age impacted the amount of the imposed fine, with each additional year of age associated with getting a \$127.03 higher fine amount ($p < .001$). In this model, Black defendants got smaller fine amounts ($\beta = -1207.71$, $p < .001$) in comparison to Hispanics. White defendants got higher fine amounts by \$758.99 ($p < .05$) in comparison to Hispanics. Those charged with property crimes and drug possession had smaller fine amounts relative to drug trafficking cases ($\beta = -10973.76$, $p < .001$ and $\beta = -1239.19$, $p < .05$). White collar crimes were on average assigned higher fine amounts by \$3944.71 ($p < .001$), in comparison to those charged with drug trafficking charges. Those with a criminal history had fine amounts imposed that were significantly lower compared to defendants without a criminal history ($\beta = -1967$, $p < .001$). Defendants in this model who had some college experience or graduated college were more likely to get higher fine amounts by \$1513.79 ($p < .001$) and \$4938.02 ($p < .001$) respectively, compared to defendants who have some high school education but did not graduate. Defendants in this model who received a prison sentence got higher fine amounts compared to those who did not ($\beta = 1666.36$, $p < .001$).

Hypothesis 4

For hypothesis four (Table 5, Model 3), women with dependents did not have different fine amounts than women without dependents ($\beta = -275.82$, $p = .59$), therefore no support was found for hypothesis 4. Interestingly, both male defendants with

dependents and male defendants with no dependents received higher fine amounts than women without dependents did ($\beta = 1548.65, p < .01$ and $\beta = 1218.89, p < .01$ respectively). Age again was associated with higher fine amounts by \$126.56 ($p < .001$). White defendants got higher fine amounts ($\beta = 751.99, p < .05$) whereas Black defendants got lower fine amounts ($\beta = -1229.68, p < .001$) in comparison to Hispanic defendants. Defendants with a criminal history in reference to those without a criminal history received on average \$1978.64 lower fine amounts ($p < .001$). Guideline minimum was associated with getting higher fine amounts ($\beta = 10.88, p < .01$). When examining crime types in this model, property crimes ($\beta = -10925.23, p < .001$) and drug possession ($\beta = -1250.54, p < .05$) received lower fine amounts, whereas defendants charged with white collar crimes received higher fine amounts by \$3954.48 ($p < .001$) relative to drug trafficking. Defendants who had attended some college or were college graduates got higher fine amounts in comparison to defendants who had not graduates high school ($\beta = 1510, p < .001$ and $\beta = 4939, p < .001$ respectively). Again, defendants who received prison got an average of \$1662.47 ($p < .001$) more relative to those who did not receive prison.

Hypothesis 5

When examining the fine amount imposed for male defendants with dependents and male defendants with no dependents, no significant effect was found ($\beta = 329.77, p = .214$), finding no support for hypothesis five (Table 5, Model 4). Both female defendants who had dependents ($\beta = -1494.71, p < .001$) and those who did not ($\beta = -1218.89, p < .01$) had significantly lower fine amounts in comparison to males without dependents. Age again was associated with higher fine amounts by \$126.56 ($p < .001$). Examining

race/ethnicity in this model, White defendants got higher fine amounts ($\beta = 751.99$, $p < .05$) whereas Black defendants got lower fine amounts ($\beta = -1229.68$, $p < .001$) in comparison to Hispanic defendants. Defendants with criminal history also received lower fine amounts by \$1978.64 in comparison to those without any criminal history ($p < .001$). With every one unit increase in guideline minimum, the fine amount imposed increased by \$10.88 ($p < .001$). Relative to drug trafficking, property crimes and drug possession crimes had lower fine amounts imposed ($\beta = -10925.23$, $p < .001$ and $\beta = -1250.54$, $p < .05$ respectively). Defendants charged with white collar crimes received higher fine amounts ($\beta = 3954.48$, $p < .001$) relative to drug trafficking. Lastly, relative to defendants who only had some high school education, defendants who had some college education got fines that were \$1511.34 higher ($p < .001$), and those who had graduated college received fines that were on average \$4939.41 higher ($p < .001$).

Table 5: Linear Regression Results (Hypotheses 2-5, n = 2,753)

Variable	Model 1, Hypothesis 2			Model 2, Hypothesis 3			Model 3, Hypothesis 4			Model 4, Hypothesis 5		
	Coef	Std Er.	T- Value	Coef	Std Er.	T-value	Coef	Std Er.	T-value	Coef	Std Er.	T-value
Dependents	-	-	-	231.42	236.03	0.98	-	-	-	-	-	-
Men w/ Dependents	-	-	-	-	-	-	1548.65	448.34	3.45***	329.77	265.32	1.24
Men w/ No Dependents	-	-	-	-	-	-	1218.89	448.48	2.72**	-	-	-
Women w/ Dependents	-	-	-	-	-	-	-275.83	506.95	-0.54	-1494.71	385.63	-3.88***
Women w/ No Dependents	-	-	-	-	-	-	-	-	-	1218.89	48.48	-2.72**
Male	1543.31	303.47	5.09***	1547.62	303.97	5.09***	-	-	-	-	-	-
Age	1.26.34	11.09	11.39***	127.03	11.06	11.49***	126.56	11.05	11.45***	126.56	11.05	11.45***
White	739.81	325.52	2.27*	756.99	325.22	2.33*	751.99	324.78	2.32*	751.99	324.78	2.32*
Black	-1195.67	300.95	-3.97***	-1207.71	301.57	-4.00***	-1229.68	303.20	-4.06***	-1229.67	303.19	-4.06***
Other Race/Ethnicity	721.96	592.15	1.22	721.27	591.72	1.22	711.07	591.27	1.20	711.07	591.27	1.20
High School Grad	-5.51	236.18	-0.02	7.14	237.14	0.03	7.55	237.36	0.03	7.55	237.36	0.03
Some College	1498.98	311.72	4.81***	1513.79	312.41	4.85***	1511.24	312.40	4.84***	1511.34	312.4	4.84***
College Grad	4921.77	501.13	9.83***	4938.02	501.72	9.84***	4939.41	501.89	9.84	4939.41	501.89	9.84***
US Citizen	-814.89	555.34	-1.47	-802.44	555.90	-1.44	-792.56	557.03	-1.42	-792.56	557.03	-1.42

Number of Counts	204.09	117.07	1.74	208.11	116.92	1.78	206.60	116.83	1.77	206.6	116.83	1.77
Any Criminal History	-1957.22	362.38	-5.40***	-1967.48	362.26	-5.43***	-1978.64	362.41	-5.46***	-1978.64	362.41	-5.46***
Guideline Minimum	10.93	1.94	5.63***	10.88	1.95	5.59***	10.88	1.95	5.58***	10.88	1.95	5.58***
Plea	-202.59	877.44	-0.23	-191.94	879.08	-0.22	-212.74	879.42	-0.24	-212.75	879.42	-0.24
Prison	1660.01	353.83	4.69***	1666.36	353.69	4.71***	1662.47	353.32	4.71***	1662.47	353.32	4.71***
Violent	-111.62	563.2	-0.20	-91.57	563.17	-0.16	-77.49	563.10	-0.14	-77.49	563.10	-0.14
Property	-11064.53	587.39	-18.84***	10973.76	591.29	-18.56***	-10925.23	595.45	-18.35***	-10925.23	595.45	-18.35***
Drug Possession	-1251.97	516.57	-2.42*	-1239.18	515.83	-2.40*	-1250.54	516.65	-2.42*	-1250.54	516.65	-2.42*
White Collar	3950.80	413.28	9.56***	3944.708	413.39	9.54***	3954.476	414.21	9.55***	3954.476	414.21	9.55***
Sex Offense	-682.91	741.62	-0.92	-635.21	743.8	-0.85	-615.23	744.26	-0.83	-615.23	744.26	-0.83
Weapons	111.26	272.49	0.41	112.48	272.33	0.41	118.69	272.39	0.44	118.69	272.39	0.44
	*p < .05; **p < .01; ***p < .001; R ² = 0.36			R ² = 0.36			R ² = 0.36			R ² = 0.36		

CHAPTER 5: DISCUSSION AND CONCLUSION

The purpose of this thesis was to examine the sentencing differences between male and female defendants in the federal court system, with the main focus being on fine amounts as the outcome variables. This thesis addressed a gap in research by exploring the intersection between gender, dependents and fines in the federal system (as opposed to state courts – see Parks & Nowacki, 2021). A total of five hypotheses were tested and mixed support was found regarding what focal concerns theory would predict in its application to gender, dependents and fines, with only some hypotheses being supported (Table 6).

Table 6: Hypothesis Findings

Hypothesis	Support	No Support
Hypothesis 1: Male defendants will be more likely to be given a fine than females.	X	
Hypothesis 2: Among defendants with a fine imposed, male defendants will be given higher fine amount	X	
Hypothesis 3: Among defendants with a fine imposed, defendants who have dependents will be given smaller fines		X
Hypothesis 4: Among defendants with a fine imposed, female defendant with dependents will have lower fine amounts than female defendants with no dependents		X
Hypothesis 5: Among defendants with a fine imposed, male defendants with dependents will have lower fine amounts than male defendants with no dependents.		X

All cases received by the USSC and sentenced between October 1, 2020 and September 30, 2021 were analyzed in two analytic samples, using listwise deletion for any missing data. While much research has examined the sentencing disparity between males and females throughout the criminal justice process (Berdejó, 2019; Bontrager et al., 2013; Demuth & Steffensmeier, 2004; Didwania, 2021; Doerner, 2012; Doerner & Demuth, 2014; Steffensmeier & Demuth, 2006; Farrell et al., 2010; Fernando et al., 2006; Fridel, 2019; Holmes et al., 2020; Kim et al., 2019; Koons-Witt et al., 2014, Kruttschnitt & Green, 1984; Nowacki, 2019; Shields & Cochran, 2020; Stacey & Spohn, 2006; Spohn, 2013; Steffensmeier et al., 2017; Steffensmeier et al., 1998; Yunmei Lu, 2018), limited research has been conducted looking at fine amounts given to individual defendants (compared to organizations – see Homer & Higgins, 2020; Piquero & Davis, 2004) in the federal system. Additionally, limited research has examined how the presence of dependents impacts the likelihood or fine amount imposed to defendants. This thesis addresses both of these gaps by looking at the likelihood of getting a fine imposed and whether the amount imposed varies by gender and the presence of dependents. Literature discussing gender disparities, monetary sanctions and focal concerns perspective is discussed, and connections between this study's findings and previous literature is explored. This thesis found that men were more likely to receive a fine and got higher fine amounts than women, but dependents did not impact the fine amounts given.

Gender and Sentencing

Most research has consistently found when looking at sentencing decisions for male and female defendants in the criminal justice system that females are given more

lenient outcomes, from pretrial detention to final sentencing (Bontrager et al., 2013; Didwania, 2021; Doerner, 2012; Doerner & Demuth, 2014; Steffensmeier & Demuth, 2006; Farrell et al., 2010; Fernando et al., 2006; Freiburger & Hilinski, 2010; Fridel, 2019; Holmes et al., 2020; Johnson & Larroulett, 2019; Kim et al., 2019; Koons-Witt et al., 2014, Nowacki, 2019; Shields & Cochran, 2020; Stacey & Spohn, 2006; Spohn, 2013; Steffensmeier et al., 2017; Steffensmeier et al., 1998; Yunmei Lu, 2018).

Hypothesis one proposed that male defendants would be more likely to receive a fine than female defendants. Males had 50% higher odds of receiving a fine than female defendants did. White defendants were more likely to receive a fine relative to Hispanic defendants, as were high school graduates, those who had some college experience and defendants who had a college degree. Defendants who were US citizens were more likely to have a fine imposed, as well as those who were charged with drug possession crimes. Defendants who had accepted a plea deal or received prison as part of their sentence were both significantly less likely to receive a fine. Defendants who received prison had a 90% decrease in odds of receiving a fine. The finding that males were more likely to receive a fine relative to females aligns with what previous literature has found supporting the notion that men are treated harsher in the criminal justice system. Parks and Nowacki (2021), looking at state level data had similar findings; women were less likely to receive fines than males were. The results in this thesis regarding hypothesis one highlight another area where females are in an advantageous position over males in the criminal justice process.

Support was found for hypothesis two; among defendants who received a fine, male defendants received higher fine amounts (\$1543.31) relative to female defendants.

These results again highlight another area where males receive harsher treatment in the sentencing process than females, in line with what most previous literature has found

Unlike hypothesis one, this model found that defendants who received a prison sentence got higher fine amounts imposed than those who did not receive a prison sentence (\$1660), though this may be due to the fact that later models and hypotheses included only those who received a fine. Under the focal concerns perspective, we should have seen criminal history impacting the perceived blameworthiness of an offender (Steffensmeier et al., 1998), resulting in a harsher punishment/receiving a higher fine amount (Goulette et al., 2015), but that is not what our findings reflect.

No support was found for hypothesis three; the presence of dependents did not have a significant effect on fine amounts that were imposed. Past research regarding dependents and sentencing severity has found that defendants who had dependents in their care were treated more leniently during the court process (Daly, 1987). However, this same effect was not observed in hypothesis three: the presence of dependents did not impact on fine amounts. The non-significant finding for hypothesis three aligns with Testa and Hartley's (2021) results, who found no significant differences in sentences between male defendants who had dependents and female defendants who had dependents. In this model, male defendants received higher fine amounts by \$1547 relative to females, in line with that previous research has found regarding men being sentenced harsher.

Hypothesis four was not supported; women with dependents did not receive different fine amounts than women without dependents. Interestingly however, both male defendants with dependents and male defendants with no dependents received higher fine

amounts than women without dependents. This finding fits in with previous literature that males are treated harsher in the criminal justice system by again highlighting that men receive higher fine amounts in comparison to females regardless of presence of dependents. Additional research has had similar findings regarding males with dependents compared to females with dependents. Spohn (1999) found that for drug offenders, males who had at least at least one dependent child were more likely to get a custodial sentence than females who had dependents. Female offenders may be viewed as being less blameworthy and dangerous than male offenders are (Demuth & Steffensmeier, 2004; Kim et al., 2019) which could be another potential explanation for the findings of hypothesis four.

Lastly, no significant effect was found for the fine amount imposed for male defendants with dependents and male defendants with no dependents. Therefore, hypothesis five was not supported. In this model, both female defendants who had dependents and those who did not had significantly lower fine amounts compared to male defendants with no dependents. Past literature has found consistently found differences in the sentencing of females compared to males, and the finding that women get more lenient sentencing than men hold true in this context as well, regardless of the presence of dependents. Regarding the decision to incarcerate, judges may view the social cost of incarcerating women, and women with children to be higher than it is for males (Freiburger, 2011; Spohn, 2009). Looking at fine amounts imposed, another potential explanation could be that since men are stereotypically thought of as the “breadwinners”, judges may assign higher fine amounts to them since they may think they are more likely to be financially able to afford it.

In all models, age, guideline minimum, some college and college graduates were associated with having higher fine amounts imposed. Compared to defendants who did not graduate college, defendants who received some college education or graduated got significantly higher fine amounts, which is the opposite of what Piquero & Davis (2004) found for organizations. Education level could be utilized by judges in determining what defendants are making and the likelihood of them being able to afford paying a large fine. Defendants who received a prison sentence were found to be assigned higher fine amounts in comparison to defendants who did not. Surprisingly, the criminal history of a defendant was again found to have an inverse relationship with fine amounts, with defendants who had higher criminal history scores getting lower fine amounts compared to those who did not have any criminal history, opposite of what focal concerns would have predicted. Defendants charged with property crimes and drug possession crimes had lower fine amounts compared to those with drug trafficking charges. Defendants convicted of white-collar crimes received higher fine amounts relative to drug trafficking cases. The finding that white collar crime cases were assigned higher fine amounts could reflect the notion that defendants who commit economic crimes compared to those who did not receive higher fine amounts.

White defendants received higher fine amounts and Black defendants received lower fine amounts relative to Hispanics. Previous literature has shown that White defendants typically receive more lenient treatment compared to minorities in the criminal justice system, (Berdejó, 2019; Kramer & Wang, 2019) however this is not seen in the distribution of fine amounts. Parks and Nowacki (2021) found in their study that Black defendants were less likely to receive a fine than White defendants, but Hispanic

offenders received higher fine amounts compared to White defendants. The opposite was found in this thesis regarding the relationship between Hispanic and White offenders, with White offenders receiving higher fine amounts relative to Hispanic offenders.

Focal Concerns Theory

The theoretical focus of this thesis was focal concerns theory and its three components: blameworthiness, community protection and practical constraints and consequences (Steffensmeier et al., 1998). The results of analysis done in this thesis offer mixed support for focal concerns when looking at the interaction between gender, fines and dependents. First, with regards to blameworthiness, for all models, those who had a criminal history were significantly less likely to receive a fine and when they did get fines imposed that were significantly less in comparison to defendants who did not have a criminal history. Judges may also consider extralegal factors like gender when assessing blameworthiness, resulting in women being treated more leniently (Kim et al., 2019). Support for this notion was found in hypothesis one and two, with men being more likely to get a fine and get higher fine amounts imposed relative to females. Blameworthiness may also manifest itself in offense type, with judges viewing certain offense types as more blameworthy. White collar cases receiving higher fine amounts relative to drug trafficking may indicate that offense type can play a role in blameworthiness, as the punishment should ideally fit the crime. Results in this thesis show that if you commit a economic crime, you are more likely to get a harsher fine amount. These findings and that property crimes and drug possession crimes had lower fine amounts imposed also fall under the second component of focal concerns: community protection. Since these

are considered to be non-violent offenses, community protection may not be a major priority to judges when assigning fines.

The third component of focal concerns theory, practical constraints and consequences, is the most substantial in this thesis since familial responsibility and presence of dependents falls under this umbrella, along with physical health, space available in correctional facilities and potential disruption to the family dynamic of an offender (Nowacki, 2019; Steffensmeier et al., 1998). In 1987, Daly coined the term “family paternalism” in her search to explain the gender differences in the sentencing of male and female defendants and if/how dependents play a role. While this thesis found that men were more likely to be given a fine and given higher fine amounts relative to women, the findings regarding dependents and fine amounts did not align with the concept family paternalism. Under family paternalism, we would have expected to have seen that woman with dependents being given smaller fine amounts than women without dependents and males with dependents being given less fine amounts than men without dependents. However, no significant effects were found in either of these models. Judges may also be considering if a defendant will be able to pay if a fine is imposed, which could offer an explanation as to why defendants who had higher education levels were more likely to receive a fine and had higher fine amounts imposed. Judges may consider education to be an indicator of financial stability and ability to pay, influencing their decision to impose a fine.

Limitations

While this thesis added to the literature regarding fines, gender, and dependents specifically within the federal court system, it is not without limitations. There is always

a potential for omitted variable bias, and this thesis was not able to examine a defendant's level of involvement with children or if they live with their children (Freiburger, 2010; Freiburger, 2011; Tasca et al., 2018; Cho & Tasca, 2018). This analysis did not control for jurisdiction/location, though all cases were within the same federal sentencing system. As this study only examines cases sentenced in the federal system without controlling for location, results may not be generalizable and vary across jurisdiction/location. Furthermore, biological children, income, and marital status were not measured in the data used for this thesis. In the data, the dependent variable accounted for number of dependents whom the offender supports besides themselves, so an explanation on what qualifies as a dependent is unclear.

While the data contained information regarding defendant education level, there was no measure for socioeconomic status in general. Men traditionally being viewed as "breadwinners" could be a potential explanation for why they are assigned higher fine amounts, but education level may not be a decent proxy for socioeconomic status. Being able to look at whether or not defendants were emotional caregivers or financial caregivers similar to Freiburger (2010), could have given further insight as to if the role a defendant plays in a child's life is relevant to getting a fine/fine amount but unfortunately this information was not detailed in the federal sentencing data used. Missing data was present in both analytic samples resulting in listwise deletion being used to account for that missing data. Fine amount and number of dependents were both capped due to outliers, meaning that some variation in the data was removed to perform analyses.

Future Directions and Policy Implications

While this thesis certainly had its limitations, it has provided directions for future research to be conducted. Moving forward, examining the circuit and/or judicial district in which a defendant is sentenced in and looking at differences in state courts or jurisdictions in regards to fines, gender and dependents may highlight disparities across the criminal justice system. Additionally, future research should explore how the sentencing guidelines consider criminal history. In this thesis, a unique finding was identified for criminal history and the amount of fine imposed. All five models found support that defendants who had a criminal history were significantly less likely to get a fine imposed (see table 4) and had lower fine amounts imposed (see table 5) than defendants who did not have any criminal history. One potential explanation for this is that defendants who had an extensive criminal history may be more likely to receive custodial sentences than they were to have a fine imposed. Research should further investigate this, looking at how criminal history is considered in the sentencing guidelines as well as how individual judges consider criminal history. While limited, judges do have discretion when making decisions regarding the fine amounts to impose under the fine guideline range. Qualitative research examining judges' decision making when imposing fines is an area worth exploring that could potentially yield promising results. Judges may also sentence a defendant to probation, which can potentially have monetary sanctions attached to it. Further research can explore judge's decision making process as it relates to monetary sanctions attached to probation. In all models, men were either more likely to get a fine (see table 4) or got higher fine amounts (see table 5) relative to female defendants (though dependents did not have a similar significant

effect), similar to what previous research has found in regards to gender disparities and sentencing. Men may be perceived as having more resources, as they are traditionally viewed as providers, potentially explaining why they got higher fine amounts. Future research should examine this area as well.

Almost all of the cases in both analytic sample one and analytic sample two were disposed of via a plea deal. The guilty plea phase allows for prosecutors to hold a large amount of discretion (Johnson & Larroulett, 2019; Piehl & Bushway, 2007; Stemen & Escobar, 2018; Ulmer, 2018), and often happens rather quickly and without the judge knowing the specifics. In order to determine if judges consider whether or not a defendant accepts a plea deal when making fine decisions, we need a better understanding on whether or not it is relevant

Regarding policy implications, ideally, judges should be following the USSG and assigning defendants with higher culpability scores higher fines. Homer & Higgins (2020) did find this to be the case for federal judges sentencing organizations, while Piquero & Davis (2004) found the opposite to be true. Similar results were found in this study, with defendants who had a criminal history receiving fines that were on average \$1957.22 less than those who did not have a criminal history. Additionally, there has been disagreement on whether or not the presence of dependents should be considered when making sentencing decisions (Andersen, 2015). Operating under the focal concern's theory, we would expect that judges take dependents into consideration when sentencing, as they fall under the practical constraints and consequences concern. A defendant having a fine amount imposed that they are financially unable to pay may negatively impact and disrupt the life of their dependents. The ethics and policies

surrounding imposing fines on indigent defendants needs to be explored as well.

Assigning a fine to an indigent defendant may place them at a disadvantage as they may be unlikely to make the minimum payments required, resulting in further sanctions and criminal justice system involvement.

Conclusion

In conclusion, this thesis added to the literature regarding fines, gender and dependents in the federal court system. Male defendants were more likely to have a fine imposed and given higher fine amounts, falling in line with what previous research has established; men are sentenced harsher in the criminal justice system than females. However, later hypotheses were not supported. Mixed support for focal concerns theory was found, as the presence of dependents did not impact the fine amount, and no significant differences were found in the amount of a fine imposed between women who had dependents and those that did not or between males who had dependents and those that did not. Future research should expand on these findings, particularly paying attention to jurisdictional differences and how criminal history can impact fines, as defendants who had a criminal history were significantly less likely to get a fine and get a lesser fine amount imposed. It is important to continually explore the intersection between fines, gender and dependents, as the decisions made in the court impact more than just the defendant themselves.

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APPENDIX A
Coded Crime Types

Primary Type of Crime for the Case	New Category	Freq.	Percent	Cum.
Administration of Justice	White Collar	512	0.89	0.89
Antitrust	White Collar	6	0.01	0.9
Arson	Violent	79	0.14	1.04
Assault	Violent	668	1.17	2.21
Bribery/Corruption	White Collar	247	0.43	2.64
Burglary/Trespass	Property	64	0.11	2.75
Child Pornography	Sex Offenses	1,215	2.12	4.87
Commercialized Vice	White Collar	114	0.2	5.07
Drug Possession	Drug Possession	309	0.54	5.61
Drug Trafficking	Drug Trafficking	17,608	30.74	36.35
Environmental	Other	173	0.3	36.65
Extortion/Racketeering	White Collar	116	0.2	36.85
Firearms	Weapons	8,151	14.23	51.08
Food and Drug	Other	47	0.08	51.16
Forgery/Counter/Copyright	White Collar	137	0.24	51.4
Fraud/Theft/Embezzlement	White Collar	4,571	7.98	59.38
Immigration	Other	16,937	29.57	88.95
Individual Rights	Other	69	0.12	89.07
Kidnapping	Violent	92	0.16	89.23
Manslaughter	Violent	56	0.1	89.32
Money Launder	White Collar	1,028	1.79	91.12
Murder	Violent	257	0.45	91.57
National Defense	Other	217	0.38	91.95
Obscenity/Other Sex Offenses	Sex Offenses	298	0.52	92.47
Prison Offenses	Other	532	0.93	93.39
Robbery	Violent	1,300	2.27	95.66
Sex Abuse	Sex Offenses	1,062	1.85	97.52
Stalking/Harassing	Violent	219	0.38	97.9
Tax	White Collar	421	0.73	98.63
Other	Other	782	1.37	100
Total		57,287	100	

APPENDIX B

Differences in Missing Data

Variable	Analytic Sample 1 (N=51,744)	Analytic Sample 2 (N=2,753)
Fines		
Received Fine	***	
Amount Fine	***	***
Dependents		
Has any Dependents	***	
Number of Dependents	***	
Sex		
Female	***	***
Male	***	***
Age		
	***	***
Race		
White	***	***
Black	***	***
Hispanic	***	***
Other	***	***
Criminal History		
Any Criminal History	***	***
Criminal History Score	***	***
Guideline Minimum Sentence		
	***	***
Disposition		
Plea	***	***
Trial	***	***
Education		
Less than high school	***	
High school grad	***	
Some college	***	
College Grad	***	
Citizenship		

US Citizen	***	
Non-US Citizen	***	
Sentenced to Prison	***	***
Number of Counts	***	***

APPENDIX C

Pearson's R Correlation Matrix

	yesfine	fine	yeskids	kids	female	male
yesfine	1					
fine	0.0460*	1				
yeskids	-0.0435*	-0.0031	1			
kids	-0.0452*	-0.0059	0.7044*	1		
female	0.0365*	-0.0046	-0.0344*	-0.0452*	1	
male	-0.0365*	0.0046	0.0344*	0.0452*	-1	1

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