

## **THE EFFECT OF THE VICTIM-OFFENDER RELATIONSHIP ON THE SENTENCE LENGTH OF VIOLENT OFFENDERS**

**Leonore M.J. Simon**

*Washington State University at Vancouver*

### **ABSTRACT**

*Prior theory and research indicate that the victim-offender relationship is an important factor in the treatment of offenders at various stages of the criminal justice system, with stranger offenders faring worse than nonstranger offenders in most stages of legal processing. Very little of this research examines the role of the victim-offender relationship in sentencing. What research does exist suggests that stranger offenders are likely to incur longer sentences than nonstranger offenders. This study investigates whether the victim-offender relationship plays a role in determining the sentence length of incarcerated violent offenders. Data consist of interview and official record information of 273 sentenced, incarcerated violent male offenders in the Arizona state prison system. The results indicate that after controlling for offense type, offense seriousness, and criminal record of the offender, the victim-offender relationship does not add significantly to sentence length. Implications for policy and future research are discussed.*

## INTRODUCTION

Prior theory and research indicate that stranger offenders are treated more harshly than nonstranger offenders at every stage of the legal proceeding (e.g., Gottfredson and Gottfredson, 1988; Simon, 1995a). The closer the relationship between the victim and the offender, the less likely the victim is to call the police (Block, 1974); the less likely the police are to make an arrest (Worden and Politz, 1984); the less likely the prosecutor is to bring formal charges (Boland et al., 1983); the less likely a conviction or prison sentence will result (Erez and Tontodonato, 1990); the shorter prison sentences are likely to be (Rhodes and Conly, 1981); and the less likely a sentence of capital punishment will be handed down (Gross and Mauro, 1984).

The more lenient legal treatment of offenders who victimize acquaintances reflects a prejudice that such acts are personal matters, and that prosecution of such offenses is an inappropriate use of the criminal justice system to cope with strained interpersonal problems (Commonwealth Secretariat, 1987; Simon 1995a). This disparity in legal processing of stranger and nonstranger offenders is believed to have deep historical roots (Pleck, 1989) and is reinforced by more widespread public fear of random stranger violence (Miller et al., 1991). Although prior theory and research indicate that stranger offenders fare worse than nonstranger offenders in most stages of legal processing, very little of this research examines the role of the victim-offender relationship in sentencing. What research does exist suggests that stranger offenders are likely to incur longer sentences than nonstranger offenders.

## DETERMINANTS OF SENTENCING DECISIONS

A review of the literature reveals a substantial body of existing research that attempts to explain what factors are influential in sentencing decisions. Apart from issues of variability, a major theme in much of this research is the influence of legal versus extralegal factors (Gottfredson and Gottfredson, 1988). Among the variables that have been examined are age of the defendant, race of the defendant, sex of the defendant, socioeconomic status of the defendant, whether the defendant is employed, the racial composition of the victim-offender dyad, whether the defendant was released on bail, type of conviction (plea or trial), type of legal representation, prior record, seriousness of offense, whether a weapon was used, injury to the

victim, number of defendants, sobriety of the defendant, value of the property taken, whether the defendant resisted arrest, whether the offense was completed or attempted, and type of county in which the defendant is convicted (urban versus rural) (see reviews by Blumstein et al., 1983; Garber, Klepper, and Nagin, 1983; see also, Myers and Talarico, 1986; Zatz, 1987). Sentencing studies have also included victim participation or input in sentencing, number of victims, and whether the victim is vulnerable (a minor, senior citizen, disabled, pregnant, place of victimization, and victim-offender relationship (Erez and Tontodonato, 1990).

Despite the diversity of factors considered in various studies, two-thirds or more of the variance in sentence outcomes remains unexplained (Blumstein et al., 1983). For the portion that is explained, the various studies indicate that seriousness of the offense and prior record of the offender are consistently the most important determinants of sentence. The type of conviction also seems to be important in that defendants who plead guilty fare worse, on average, than those who plead not guilty (Farrel and Swigert, 1978) but fare better than defendants who are convicted at trial (Brereton and Casper, 1982; Rhodes, 1979; Uhlman and Walker). There is also some indication that ostensibly similar offenders are treated differently, depending on whether sentencing occurs in rural or urban courts (Myers and Talarico, 1986).

## **METHODOLOGICAL CONCERNS IN PAST STUDIES**

Much of the existing sentencing research contains methodological problems that limit the extent to which inferences about the relative importance of identified determinants can be made. Common problems include the failure to control statistically for legal variables when assessing the relevance of extralegal variables, failure to compute measures of association for factors with significant effects, and the use of very crude proxy measures (Gottfredson and Gottfredson, 1988). Also, variability exists in the measurement of legal variables. For example, seriousness of the offense has been measured in a variety of ways. One approach measures type of offense within legal categories, such as murder and robbery, then considers these different crimes separately (Bernstein et al., 1977). Another approach utilizes scales of offense seriousness such as using the maximum sentence mandated by statute (Hagan and Bumiller, 1983); using the midpoint of the range in prison term stipulated by law (Myers and Talarico, 1986); applying the Sellin-Wolfgang seriousness scale (1964), based on

several aspects of the crime and its victim (Hagan, 1982); applying judicial perceptions of seriousness (Hogarth, 1971); and applying public perceptions of seriousness (Blumstein and Cohen, 1980).

Similar problems exist in the measurement of prior criminal records in different studies. Different measurements of prior record include the presence or absence of prior arrests and/or convictions, number of prior arrests and/or convictions, presence or number of felony convictions, most serious prior conviction charge, previous conviction on the same charge, and most serious prior disposition (Hagan and Bumiller, 1983). In addition to measurement problems in sentencing studies, legal processing research including a victim-offender relationship variable suffers from several problems of methodology and measurement. Much of it does not compare acquaintance and stranger crime, so that the extent of variations in legal processing cannot be measured (Peterson et al., 1982). Other work focuses on crime categories that are too broad or too narrow. Brosi (1979) and Greenwood et al. (1973), for example, study violent and nonviolent offenses in the aggregate, making it impossible to determine whether there exist differences in processing of these two major mutually exclusive offense categories. Riedel and Zahn (1985) and Wolfgang (1957) study only homicides, with the result that a large number of closely related violent offenders are omitted.

Loftin et al. (1987) suggest that existing victim-offender classification schemes suffer from a lack of standardization. For example, in their examination of the classification of friends and acquaintances in five selected homicide studies, they found that the estimates in this category ranged from 14.5 percent in Boudouris' (1970) Detroit study to 39.8 percent in Riedel and Zahn's (1985) nationwide study. Similarly, they encountered estimates of the percentage of strangers in these studies that ranged from 1.4 percent in Pokorny's (1965) two city study to 17.5 percent in Lundsgaarde's (1977) Houston study (one study by Boudouris, 1970 did not even include a stranger category).

Another problem in measuring victim-offender relationships is that operational definitions of concepts are typically not used. In fact, many of the studies do not define any of the categories (Vera Institute of Justice, 1981), and if definitions are provided, it is not always clear how or whether researchers distinguish between friend and acquaintance, acquaintance and stranger known by sight, or between complete strangers and strangers known by sight.

In addition to victim-offender measurement problems, little existing research has directly assessed the effect of the victim-offender relationship

on sentencing outcome. For example, a review of the sentencing literature that suggests such a relationship (Gottfredson and Gottfredson, 1988) does not cite any empirical work on the topic, relying instead on the effect of the victim-offender relationship on outcome at earlier stages of the criminal justice process. The rare studies that include the victim-offender relationship use varying measures and yield mixed results. For example, two of the four studies utilizing the victim-offender relationship as a predictor find that stranger offenders are more likely to be sentenced to prison and to receive longer sentences than are nonstranger offenders (Erez and Tontodonato, 1990; Rhodes and Conly, 1981). The other two studies find that the victim-offender relationship has no effect on sentence outcome (Albonetti, 1991; Myers, 1979).

### THE PRESENT STUDY

This study is not without flaws, but the data analyzed make it possible to examine questions that lay beyond the range of prior research. Specifically, the purpose of this study is to investigate whether the victim-offender relationship plays a role in determining the sentence length of incarcerated violent offenders. The data studied include a sample of sentenced, incarcerated violent offenders. Prior research on the legal processing of offenders suggests that nonstranger offenders are screened out earlier in legal proceedings so that the mix of cases in the stream that eventually reaches the sentencing decision is likely to overrepresent stranger offenders who commit violent crimes. Those nonstranger offenders who end up at this point are likely to have committed serious homicides and assaults that cannot be ignored by early filtering mechanisms in the criminal justice system.

It is important to point out at the outset that past literature suggests that samples of incarcerated and nonincarcerated (and unconvicted) defendants are likely to differ--and indeed may differ depending on the victim-offender relationship. The implication of such differences for this study is that by the time a violent offense reaches the sentencing stage, the victim-offender relationship may not have an independent effect on sentencing decisions, which raises the issue of selection bias. Ideally, it would be better to have data on people at earlier stages of legal processing in order to control for sample selection bias. Only one prior study looking at the effect of the victim-offender relationship on sentence length compares the equation controlling for sample selection bias with one that does not

(Albonetti, 1991). Interestingly, the victim-offender relationship was not significant in either equation, and the majority of the remaining effects were significant in both equations, albeit weaker in the uncontrolled equation.

The data used for this study has been analyzed in a separate article (Simon, 1995b) that examines the validity and internal consistency of the offenders' self-reports by checking their responses against the official records. Generally, the findings indicate that the validity and internal consistency of the self-report data for violent offenders are rather high and comparable with the findings obtained by prior researchers. However, it was found that the offenders with the most extensive criminal records have the poorest quality data. This finding may affect the self-reported data of the small proportion of offenders with the most extensive criminal records in the present study.

## METHODS

### *The Sample*

The sample consists of 273 incarcerated, sentenced offenders who were convicted in Arizona of attempted or completed acts of homicide, sexual assault, kidnapping, assault, and robbery. Inmates in all custody levels were interviewed, including inmates in maximum and super-maximum security. Participation was strictly voluntary and no payment or benefit accrued to those who chose to be interviewed. In soliciting participation for this study, 341 inmates were approached and asked to volunteer, 273 (80%) consented to be interviewed, and 68 (20%) declined. The prison provided access to the records of those who declined so that comparisons could be made between participants and non-participants.

Except for a few variables, no significant differences were noted between the two groups. For example, the two groups did not exhibit statistically significant differences in race, educational level, marital status, first offender status, drug and alcohol abuse, type of crime, acceptance of a plea-bargain, length of sentence, or number of disciplinary problems in prison. However, nonparticipants were more likely to be older, to have victimized strangers, and to have experienced fewer solitary confinements in prison. Consequently, the sample underrepresents stranger offenders.

## *Procedures*

The present survey used a cross-sectional retrospective design and took a year to complete. Eligible inmates were identified through the Arizona Prison System computer system and were individually recruited to participate. If the inmate was sentenced to prison for more than one violent offense, the most serious offense was selected. The hierarchy of seriousness included murder, manslaughter, negligent homicide, sexual assault, kidnapping, aggravated assault, and robbery.

A structured interview was developed for the overall study and incorporated portions of the first Rand prisoner survey in California (Peterson and Braiker, 1980) and the National Crime Survey. Due to the low educational level (see Simon, 1983) of most prison inmates and to insure complete and high quality data, this study relied on personal, confidential interviews instead of the self-administered questionnaires used in other prisoner surveys (Peterson et al., 1982). The main independent variable examined is the victim-offender relationship. Detailed information about the victim-offender relationship was obtained from offender self-reports as well as from official records. Table 1 shows how these relationships were classified into 19 types in order of relational distance (Silverman and Kennedy, 1987). The data collection sheet provided operational definitions of each category. The provision of such detailed relationships was designed to test the effect of different specific relationships on sentence length. The 19 categories of relationship are collapsed into a frequency distribution of 10 categories in Table 2.

Other questions in the survey measured variables anticipated, after review of past literature, to be associated with sentencing outcomes. Using inmate self-report made it possible to obtain detailed information about the crime not included in other surveys or official records. Each inmate was asked about his employment prior to being incarcerated, his history of alcohol and drug abuse, his prior criminal record, the victim-offender relationship, antecedents and details of the crime, the sex and race of the victim and the offender, whether either the victim or the offender was armed with a weapon, whether either the victim or the offender was injured, and whether either the victim or offender was under the influence of alcohol or drugs at the time of the crime.

**Table 1****Classification of Victim-Offender Relationships**

- 
- 1\_\_Spouse
  - 2\_\_Ex-wife
  - 3\_\_Girlfriend, living together
  - 4\_\_Girlfriend, but not living together
  - 5\_\_Ex-girlfriend
  - 6\_\_Close friend--communicated with that person once a week or more for a period of three months or more.
  - 7\_\_Casual friend--communicated with that person less than once a week for fewer than three months.
  - 8\_\_Co-worker, customer, business contact, employee, co-defendant,
  - 9\_\_Schoolmate, student, teacher
  - 10\_\_Casual acquaintance who used same facilities such as transportation, parks, restaurants, or bars
  - 11\_\_Child--Offender's child, step-child, child of girlfriend
  - 12\_\_Parent--Offender's parent
  - 13\_\_Brother/Sister
  - 14\_\_Other relative
  - 15\_\_Neighbor--resided in same building or block, but not in the same household
  - 16\_\_Other non-relative acquaintance
  - 17\_\_Stranger known by sight only--never said more than hello to him/her
  - 18\_\_Stranger--completely unknown--one with whom no previous contact existed
  - 19\_\_Other--does not fit into any of other 18 categories
- 

In addition to the completed individual interviews of inmates, official record data were obtained for each respondent, supplementing the survey data in several areas and providing information that was needed to evaluate the quality of inmate survey responses. Record data included information on offender demographic variables, offender I.Q., juvenile and adult criminal histories, prison disciplinary infractions, legal process variables, and the victim-offender relationship and other offense variables.

To measure offense seriousness, an index was used, based on the crime the offender was ultimately convicted of after either a plea or trial. In this index, offenses are categorized into first-degree murder, second-degree murder, manslaughter, negligent homicide, rape, kidnapping, robbery, and aggravated assault. The value of conviction seriousness is indicated by the midpoint of the range in prison term stipulated by law for each offense (first-degree murder = 40; second-degree murder = 15; manslaughter =



5.025; negligent homicide = 3; sexual assault = 7.035; kidnapping = 7.035; robbery = 7.035; and aggravated assault = 5.025).

**Table 2**

**Victim-Offender Relationship**

Variable	N	Percent
Spouse	6	2.21
Girlfriend	25	9.22
Parent or child	8	2.95
Close friend	20	7.38
Casual friend	15	5.54
Work-related relat.	30	11.07
Neighbor	8	2.95
Casual acquaintance	15	5.54
Stranger know by sight	15	5.54
Complete stranger	129	47.60
	271	100%

The dependent variable in this study focuses on the decision of sentence length after the judge has decided to incarcerate the offender. Consequently, length of sentence is utilized as the dependent variable and is measured in years (mean = 11.55, SD = 25.48, range = .75-339; skewness = 9.54, kurtosis = 111.30). Theoretical reasoning led to the transformation of this dependent variable as well as some of the independent variables used in the analysis. Residual plots and concern about the possibility that a single outlying observation might skew the estimated regression coefficients led to the use of the logarithm of the number of years sentenced to prison as the dependent variable (mean = .88, SD = .38, range = .24-2.53, skewness = .81, kurtosis = 1.02).

**RESULTS**

Table 3 presents the distribution of the offender, offense, victim, and legal processing variables for the total sample. Cases with missing

Table 3

**Means, Standard Deviations (SD), and Ranges for Offender, Offense, Victim, and Legal Processing Variables**

Variable	N = 273	Mean	SD	Range
<u>Offender Characteristics</u>				
I.Q.		104.37	12.55	65-139
Age		27.78	9.52	15-66
Race (Black=0; White=1)		.54	.50	0-1
High School Graduate (Yes=1; No=0)		.28	.45	0-1
Married (Yes=1; No=0)		.40	.49	0-1
Employed (Yes=1; No=0)		.77	.42	0-1
Alcohol Abuse (Yes=1; No=0)		.51	.50	0-1
Drug Abuse (Yes=1; No=0)		.50	.50	0-1
Prior Record <sup>index</sup>		2.53	1.44	0-9
<u>Type of Crime</u>				
Homicide=1; Other=0		.36	.48	0-1
Rape=1; Other=0		.11	.31	0-1
Kidnapping=1; Other=0		.12	.33	0-1
Robbery=1; Other=0		.34	.48	0-1
Assault=1; Other=0		.30	.46	0-1
Charge Seriousness <sup>b</sup>		14.11	14.68	3-40
Conviction seriousness <sup>b</sup>		9.91	10.24	3-40
<u>Offense Characteristics</u>				
Sex of Victim (Male=1; Female=0)		.52	.50	0-1
Race of Victim (White=1; Non-White=0)		.51	.50	0-1
Offender Weapon (Yes=1; No=0)		.58	.50	0-1
Victim Weapon (Yes=1; No=0)		.26	.44	0-1
Victim Hurt (Yes=1; No=0)		.68	.47	0-1
Offender Hurt (Yes=1; No=0)		.24	.43	0-1

**Table 3 continued**

Relationship to Victim (Nonstranger=1; Stranger=0)	.52	.50	0-1
<u>Legal Processing Variables</u>			
Plea Bargain (Yes=1; No=0)	.77	.42	0-1
Urban Court (Yes=1; No=0)	.55	.50	0-1

<sup>a</sup>The number of prior adult convictions for homicide, rape, kidnapping, robbery, and assault; whether there are prior arrests, probation, prison, or jail terms, parole revocations.

<sup>b</sup>Indicated by midpoint of range in prison term stipulated by law.

**Table 4**

**Regression Coefficients for Predictor Variables on Sentence Length<sup>a</sup>**

Variables	B	Beta	T	P
Homicide	.51	.64	10.20	.00005
Rape	.38	.31	6.96	.00005
Kidnapping	.28	.24	5.85	.00005
Robbery	.30	.38	6.43	.00005
Assault	.20	.25	4.52	.00005
Def. weap.	.10	.12	3.06	.0025
Vict. hurt	.10	.12	2.38	.0179
Def. Record	.23	.11	2.49	.0134
Seriousness	.01	.35	7.68	.00005
Plea Bargain	-.10	-.11	-2.35	.0197
Vict. weap.	-.01	-.01	-.08	.9401
Def. hurt	-.12	-.13	-3.01	.0029
Vict. race	.01	.01	.29	.7735
Vict. sex	-.02	-.02	-.45	.6550
Def. I.Q.	-.01	-.12	-2.99	.0031
Def. race	.02	.03	.68	.4947
Def. age	.12	.04	.85	.3959
Def. educ.	.01	.02	.41	.6790
Def. employmt.	.01	.01	.06	.9554
Def. marital	.05	-.07	-1.35	.1776
Alcohol abuser	-.05	-.07	-1.83	.0679

**Table 4 continued**

Drug abuser	.01	.02	.48	.6338
Urban court	-.03	-.03	-.84	.3998
Vict.-def. relat.	-.06	-.08	-1.92	.0561
R =	.81			
R <sup>2</sup> =	.65			
Adjusted R <sup>2</sup> =	.62			
F	19.55			
Degrees of freedom	247			
N	272			

<sup>a</sup>All two-way interactions were tested for significance and yielded no promising interaction effects.

**Table 5**

**Regression Coefficients for Final Model of Predictor Variables on Sentence Length.**

Variables	B	Beta	T	P
Homicide	.51	.65	10.76	.00005
Rape	.39	.32	7.20	.00005
Kidnapping	.30	.26	6.28	.00005
Robbery	.34	.43	7.17	.00005
Assault	.22	.25	4.81	.00005
Def. weap.	.10	.13	3.36	.0009
Vict. hurt	.09	.12	2.35	.0194
Def. Record	.23	.11	2.78	.0058
Seriousness	.01	.35	7.89	.00005
Plea Bargain	-.09	-.10	-2.22	.0275
Def. hurt	-.11	-.13	-3.20	.0015
Def. I.Q.	-.01	-.12	-2.97	.0033
R =	.80			
R <sup>2</sup> =	.64			
Adjusted R <sup>2</sup>	.62			
F	38.37			
Degrees of freedom	259			
N	272			

values were assigned the mean for the particular variable. Since some inmates were serving time for more than one crime type, the crime types exceed 100 percent when added. In most of these cases, the sentences were run concurrently. Multiple regression was employed to determine if the addition of information regarding the victim-offender relationship and other extra-legal variables suggested by the literature improved prediction of sentence length beyond that afforded by the legal variables crime type, crime seriousness, and prior criminal record. Tables 4 and 5 show original and final models, respectively, of the regression analyses.

Table 4 shows that the victim-offender relationship does not significantly predict sentence length, although it approaches significance ( $P \leq .06$ ). Other variables including offender race, offender age, offender education, offender employment, offender marital status, offender alcohol abuse, offender drug abuse, victim race, victim sex, possession by the victim of a weapon, and court status as urban or rural are not significantly associated with sentence length after controlling for all the other variables in the equation. Contrary to expectations based on prior research, the victim-offender relationship and the majority of nonlegal variables did not add to the prediction of sentence length after controlling for legal variables such as crime type, crime seriousness, and prior criminal record, although the victim-offender relationship did approach significance, with strangers being slightly more likely to incur longer sentences.

Table 5 shows the final model, including the victim-offender relationship variable. The final regression equation is statistically significant ( $P \leq .00005$ ) and can explain almost two-thirds of the variance in prison sentence length. The association between the victim-offender relationship and sentence length becomes moderately more attenuated ( $P \leq .07$ ). Sentence length was strongly influenced by offense type, offense seriousness, and prior criminal record. After controlling for these legal variables, the standardized regression coefficients in the analysis demonstrate statistically significant inverse relationships for I.Q., whether the offender was injured, and whether the offender plea bargained, with offenders with lower I.Q.'s, who went to trial, or who were not themselves injured in the crime incident receiving significantly longer sentences. Further, statistically significant positive relationships exist for two variables representing aggravating circumstances, whether the offender used a weapon and whether the victim was injured, with offenders who used a weapon or injured their victims receiving significantly longer sentences. The most powerful predictors, however, are offense type and crime seriousness.

Several other analyses were performed to insure the integrity of the regression findings. First, to rule out the issue of multicollinearity among the independent variables, each independent variable was regressed on all the other independent variables. The highest  $R^2$  was obtained for homicide (.64), with the majority of variables having  $R^2$ 's in the .20-.35 range. Although the independent variables are intercorrelated, multicollinearity is not a problem for the analyses conducted. Second, to rule out the possibility that the victim-offender relationship might operate indirectly through aggravating circumstances, a hierarchical regression was done introducing the victim-offender relationship in the first step, and aggravating circumstances in a subsequent block. The victim-offender relationship was not statistically significant in the first equation ( $P \leq .63$ ), although the aggravating circumstances were significant in the second equation ( $P \leq .003$ ), indicating that the aggravating circumstances were more important to the determination of sentence length than the victim-offender relationship.

## DISCUSSION

Regardless of how the victim-offender variable was coded, it was at best a marginal predictor of sentence length once offense type, criminal record, and offense seriousness were controlled for. This finding is at odds with prior literature that suggests that stranger offenders get more severe dispositions than acquaintance offenders at all stages of the criminal justice process (Erez and Tontodonato, 1990; Gottfredson and Gottfredson, 1988; Rhodes and Conly, 1981). While this study does not address the impact the victim-offender relationship has on decisions in the early stages of the criminal justice process, it does suggest that when cases involving violence reach the sentencing stage, the nature of the victim-offender relationship does not have an independent effect on the length of the sentence. The offenses in this sample are likely to be the more serious violent offenses (homicides or aggravated assaults) that are difficult for judges to ignore or treat lightly regardless of the victim-offender relationship. In contrast, prior studies that find an effect for the victim-offender relationship on sentencing (Erez and Tontodonato, 1990; Rhodes and Conly, 1981) included both violent and non-violent crimes. However, it is important to note that it is still possible that the victim-offender relationship may have operated to filter out the sentencing population in such a way that by the time of sentencing, the victim-offender relationship, relative to other factors, has disappeared as a consideration. It is likely that the victim-offender relationship might be expected to have influences on the earlier decisions but not upon the

sentencing decisions because early decision makers (police, prosecutors, juries) have more discretion to treat nonstranger offenders more leniently, but the judge, under presumptive sentencing, has more limited discretion. Moreover, the detailed nature of the information of the victim-offender relationship facilitated the consistent finding that regardless of how the relationship was coded, the victim-offender relationship did not affect the decision of sentence length. This finding is important because prior literature criticizes other victim-offender relationship studies that have used simpler coding schemes such as stranger and nonstrangers. This study's analysis of the effects of various coding schemes of the victim-offender relationship on sentence length suggests that these past criticisms may be unwarranted, and that the dichotomous coding of the relationship may be sufficient.

A notable feature of this study is that it accounts for 64 percent of the variance in sentence length whereas prior research accounts for, at most one-third. Offense type, criminal record, and offense seriousness, alone, account for 59 percent of the variance in sentence length. These findings are consistent with the majority of prior studies that indicate that offense seriousness and criminal record are the strongest predictors of sentence length. The strong effect on sentence length of these variables suggests that judges (and the legislators in enacting penalties under presumptive sentencing) may be carrying out the just deserts philosophy of punishment in sentencing violent offenders. The desert theory of sentencing holds that as a result of his or her offense, the offender deserves a certain amount of punishment, and that punishment severity ought to be in proportion to the gravity of the criminal conduct, taking into account the culpability of the offender (Gottfredson and Gottfredson, 1988). It is clear from this study that the offender is being punished in proportion to the gravity of his criminal conduct or offense.

In addition to offense type and offense seriousness, whether the offender used a weapon and whether the victim was injured also served as measures of offense seriousness that helped explain additional variance in sentence length. These two variables are relevant to the sentencing decision because they constitute aggravating factors that the judge may use to increase the sentence length within the given statutory range. The substantial amount of variance in sentence length explained may be due to having four different measures of offense seriousness.

The analysis also indicates that offenders who are injured during the offense receive shorter sentences than those who are not. It may be that

injury to the offender may be a function of victim contribution or culpability. If so, the variable is relevant to sentencing decision making because the judge may consider it to be a mitigating factor under the statute. The finding that offenders with lower I.Q.'s receive longer sentences may have to do with their perceived dangerousness in not being able to control their impulses to commit violent crimes. Were it not for this finding, one would think that I.Q. would be a mitigating factor in sentencing. It may be deemed a mitigating factor for those offenders who do not get sentenced to prison.

The analysis also indicates that offenders who plea bargain receive significantly shorter sentences than those who go to trial. This finding is consistent with many prior studies, although past research on this point is mixed. It is possible that the plea bargaining variable represents factors such as the quality of the evidence, strength of the prosecutor's case, or caseload pressures, not explicitly measured in the analysis, that would be expected to influence the decision to plead as well as sentence length (Padgett, 1985, 1990). What is important about this finding, although it is one of the weaker effects, is that plea bargaining helps explain additional variance in sentence length after controlling for crime type, offense seriousness, and prior criminal record.

Finally, generalizations from this study should be made cautiously. The sample studied was drawn from a population of sentenced, incarcerated violent offenders in Arizona. Making inferences about violent offenders who do not go to prison, or who go to prison in other states, would be inappropriate. Nevertheless, this study demonstrates that even after screening many nonstranger cases from the criminal justice system prior to incarceration (as much of the literature suggests occurs routinely), among incarcerated violent offenders, nonstranger offenders do not receive more lenient treatment in terms of their prison sentences.

## REFERENCES

- Albonetti, C. A. (1991). "An Integration of Theories to Explain Judicial Discretion." *Social Problems* 38:247.
- Bernstein, I., W. Kelly, and P. Doyle (1977). "Societal Reaction to Deviants: The Case of Criminal Defendants." *American Sociological Review* 42:743.
- Block, R. (1974). "Why Notify the Police: The Victim's Decision to Notify



the Police of an Assault." *Criminology* 11:555.

Blumstein, A., and J. Cohen (1979). "Estimation of Individual Crime Rates from Arrest Records." *Journal of Criminal Law and Criminology* 70:561.

Blumstein, A., J. Cohen, S. Martin and M. Tonry (1983). *Research on Sentencing: The Search for Reform*. Washington, DC: National Academy Press.

Boland, B., E. Brady, H. Tyson, and J. Bassler (1983). *The Prosecution of Felony Arrests*. Washington, DC: U.S Department of Justice, Bureau of Justice Statistics.

Boudouris, J. (1970). "Trends in Homicide: Detroit: 1926-1968." Unpublished Doctoral Dissertation, Detroit: Wayne State University.

Brereton, D., and J. Casper (1981-1982). "Does It Pay to Plead Guilty? Differential Sentencing and the Functioning of Criminal Courts." *Law and Society Review* 16:45- 70.

Brosi, K. (1979). *A Cross-City Comparison of Felony Case Processing*. Washington, DC: Institute for Law and Social Research.

Commonwealth Secretariat (1987). *Confronting Violence: A Manual for Commonwealth Action*. Women and Development Program. London: Marlborough House, Pall Mall.

Erez, E., and P. Tontodonato (1990). "The Effect of Victim Participation in Sentencing Outcome." *Criminology* 20:51.

Farrell, R.A. and V.L. Swigert (1978). "Prior Offense Record as a Self-Fulfilling Prophecy." *Law and Society Review* 12:437-453.

Garber, S., S. Klepper and D. Nagin (1983). "The Role of Extralegal Factors in Determining Criminal Case Disposition." In *Research on Sentencing: The Search for Reform*, A. Blumstein et al. (eds.). Washington, DC: National Academy Press.

Gottfredson, M.R. and D.M. Gottfredson (1988). *Decision Making in Criminal Justice: Towards a Rational Exercise of Discretion, 2nd ed.* New York: Plenum Press.

Greenwood, P., S. Wildhorn, E. Poggin, M. Strumwasser, and P. DeLeon, (1973). *Prosecution of Adult Felony Defendants in Los Angeles County: A Policy Perspective.* Washington, DC: U.S. Department of Justice.

Gross, S. and R. Mauro (1984). "Patterns of Death: An Analysis of Racial Disparities in Capital Sentencing and Homicide Victimization." *Stanford Law Review* 37:27.

Hagan, J. (1982). "Victims Before the Law: A Study of Victims' Involvement in the Criminal Justice Process." *Journal of Criminal Law and Criminology* 73:317-329.

Hagan, J. and K. Bumiller (1983). "Making Sense of Sentencing: A Review and Critique of Sentencing Research." In *Research on Sentencing: The Search for Reform*, A. Blumstein et al. (eds.). Washington, D.C.: National Academy Press.

Hogarth, J. (1971). *Sentencing as a Human Process.* Toronto: University of Toronto Press.

Kennedy, T.D. (1988). "Determinate Sentencing: Real or Symbolic Effects?" *Crime and Justice* 11:1-42.

LaFree, G.D. (1989). *Rape and Criminal Justice: The Construction of Sexual Assault.* Belmont, CA: Wadsworth Publishing Co.

Loftin, C., K. Kindley, S.L. Norris, and B. Wiersema (1987). "An Attribute Approach to Relationships between Offenders and Victims in Homicide." *Journal of Criminal Law and Criminology* 78:259.

Lundsgaarde, H. (1977). *Murder in Space City: A Cultural Analysis of Houston Homicide Patterns.* New York: Oxford University Press.

Miller, J.L., P.H. Rossi, and J.E. Simpson (1991). "Felony Punishments: A Factorial Survey of Perceived Justice in Criminal Sentencing." *Journal of Criminal Law and Criminology* 82:396.

Myers, M.A. (1979). "Offender Parties and Official Reactions: Victims and Sentencing of Criminal Defendants." *Sociological Quarterly* 20:529.

Myers, M. and S. Talarico (1986). "Urban Justice, Rural Injustice? Urbanization and Its Effect on Sentencing." *Criminology* 24:367-390.

Padgett, John F. (1985). "The Emergent Organization of Plea Bargaining." *American Journal of Sociology* 90:753.

Padgett, J.F. (1990). "Plea Bargaining and Prohibition in the Federal Courts, 1908-1934." *Law and Society Review* 24:413.

Peterson, M. A. and H.B. Braiker (1980). *Doing Time: A Survey of Prison Inmates*. Santa Monica, CA: Rand Corporation.

Peterson, M., J. Chaiken, P. Ebener, and P. Honig (1982). *Survey of Prison and Jail Inmates: Background and Method*. Santa Monica, CA: The Rand Corporation, N-635-NIJ.

Pleck, E. (1989). "Criminal Approaches to Family Violence, 1640-1980." In *Family Violence, Crime and Justice: A Review of the Research*. L. Ohlin and M. Tonry (eds.). Chicago: University of Chicago Press.

Pokorny, A. (1965). "A Comparison of Homicides in Two Cities." *Journal of Criminal Law, Criminology, and Police Science* 56:479.

Rhodes. W.M. (1979). *Plea Bargaining: Who Gains? Who Loses?* Washington, DC: Institute for Law and Social Research.

Rhodes, W.M., and C. Conly (1981). *Analysis of Federal Sentencing: Final Report*. FJRP 81/004. Washington, DC: U.S. Department of Justice.

Riedel, M. and M. Zahn (1985). *Nature and Patterns of American Homicide*. Washington, DC: U.S. Government Printing Office.

Silverman, R.A. and L.W. Kennedy (1987). "Relational Distance and Homicide: The Role of the Stranger." *Journal of Criminal Law and Criminology* 70:272-308.

Simon, L. (1993). "Prison Behavior and the Victim-Offender Relationship Among Violent Offenders." *Justice Quarterly* 10:489-506.

Simon, L. (1995a). "A Therapeutic Jurisprudence Approach to Domestic Violence Cases." *Psychology, Public Policy, and Law* 1:43-79.

Simon, L. (1995b). "Are the Worst Offenders the Least Reliable?" Unpublished manuscript.

Uhlman, T., and N. Walker (1980). "He Takes Some of My Time; I Take Some of His: An Analysis of Judicial Sentencing Patterns in Jury Cases." *Law and Society Review* 14:23.

Vera Institute of Justice (1981). *Felony Arrests: Their Prosecution and Disposition in New York City's Courts*. New York: Vera Institute of Justice.

Wolfgang, M. (1957). "Victim Precipitated Criminal Homicide." *Journal of Criminal Law, Criminology, and Police Science* 48:1.

Worden, R.E. and A.A. Politz (1984). "Police Arrests in Domestic Disturbances: A Further Look." *Law and Society Review* 18:105.

Zatz, M. (1987). "The Changing Forms of Racial/Ethnic Biases in Sentencing." *Journal of Research in Crime and Delinquency* 24:69-92.