

The Socio-Cultural Effects of Race and Indigeneity on Monetary Sanctions in Minnesota

ASC 2019

Ryan Larson¹ Rob Stewart¹ Veronica Horowitz²
Christopher Uggen¹

¹University of Minnesota

²SUNY - Buffalo

2019-11-14

Context

Literature

Current Study

Methods

Results

Summary

Context

LFOs as Punishment

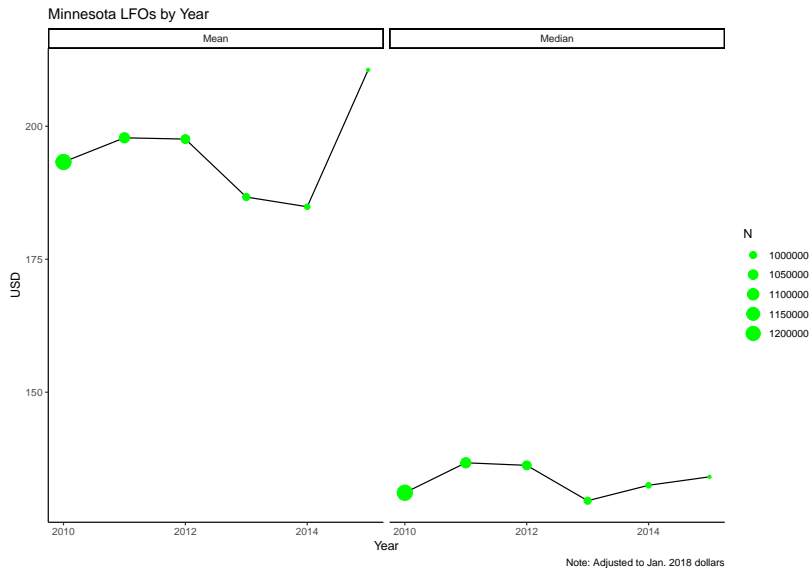
National - Harris et.al. 2010

- ▶ Proliferation of LFO imposition
- ▶ Substantial legal debt relative to defendant financial status
- ▶ key cog in the reproduction of inequality

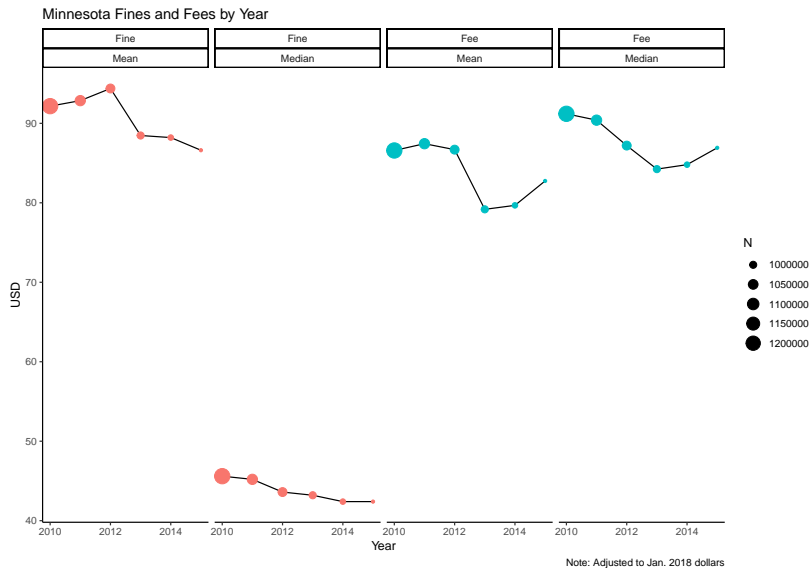
Minnesota - 5 LFO components

- ▶ base fine
- ▶ criminal surcharge
- ▶ law library fee
- ▶ post-court fees (e.g., probation fees, restitution)
- ▶ other court fees (e.g., PD co-pay)

Total LFOs over time



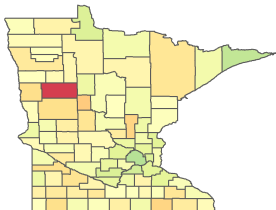
Fines and fees over time



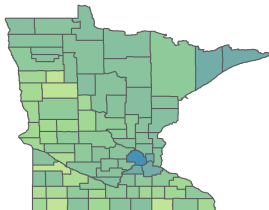
Fines and fess by County

Minnesota Fines and Fees by County, 2010-2015

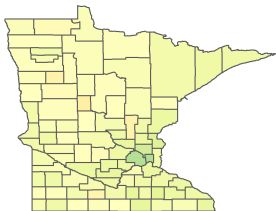
Fine
Mean



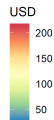
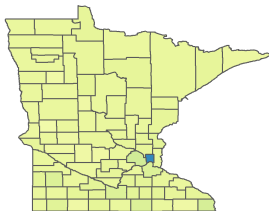
Fine
Median



Fee
Mean

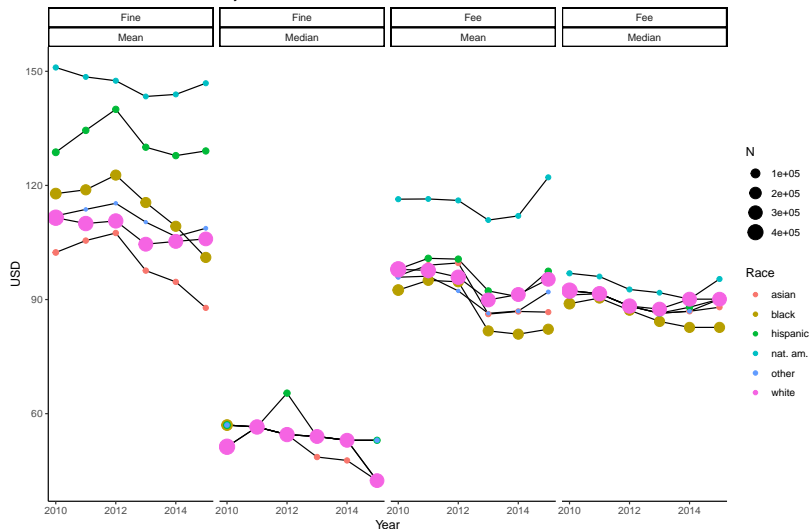


Fee
Median



Fines and fees by race

Minnesota Fines and Fees by Race



Note: Adjusted to Jan. 2018 dollars

Literature

Theory

Socio-Cultural Theories of Punishment

- ▶ Durkheim (1984): ritual, expressive reaffirmation of collective values fueled by moral outrage
- ▶ Mead (1918): aggressive, exclusionary "righteous indignation" towards the accused

Racialization of Crime

- ▶ racial animus strongly linked to negative emotions (Sears 1988)
- ▶ perceptions of race and likelihood of criminal offending (Quillian and Pager 2001)
- ▶ crime types stereotypically associated with certain racial groups (Chiricos and Eschholz 2002)

Empirical Work

Extra-legal racial effects of punishment

- ▶ Race effects on sentencing outcomes (e.g., Johnson 2005, King and Johnson 2016)
- ▶ Race and the racial context interact to shape sentencing outcomes (Ulmer and Johnson 2004)

Harris et. al. (2011) ASR

- ▶ Black and Latino defendants receive higher LFOs compares to Whites, net of legal measures
- ▶ Latino drug defendants, Black violent defendants* = higher LFOs
- ▶ find courtesy stigma for both violent defendants in Black areas, drug defendants in Latino areas

Current Study

Questions and Current Study

Questions

- ▶ What are the extra-legal racial effects on sentenced LFOs in MN, net of legal variables?
- ▶ Are these effects moderated by racialized socio-cultural crime scripts and community context?
- ▶ Does the community context moderate the effect for community out groups - "courtesy stigma" (Goffman 1963)?

Current Study

- ▶ Harris et.al. 2011 ASR quasi-replication using Minnesota data
- ▶ extend analyses to Indigenous populations
- ▶ Alcohol-related offenses as crime script for Native American defendants (Morris et.al. 2006)

Methods

Data

- ▶ Population of criminal cases from Minnesota Court Administrator's Office
- ▶ merge with ACS, MN State Auditor, MN Secretary of State, MN Sentencing Guidelines
- ▶ restrict to felony level cases
- ▶ $n = 82,436$ cases no missing data

Measures

- ▶ DV: total fine and fee order (log)
- ▶ IV: Race
- ▶ Controls:
 - ▶ legal variables - criminal history score and offense severity, prison, trial
 - ▶ other demographics: age, gender
 - ▶ offense type: violent, drug, alcohol, hunt/fish, other
 - ▶ county level: percent vote republican, percent minority, percent law/justice expenditure

Analytical Strategy

$$\log(y_{ij}) = \beta_0 + \beta X_{ij} + U_j + \epsilon_{ij}$$

- ▶ Multilevel Random Effects Model: L1: case, L2: county
- ▶ Random-intercept for county U_j
- ▶ $\log(\text{fines/fees})$ - right skew distribution
- ▶ DF estimated via Satterwaithe's approximation

Results

Multilevel RE Model of Total Fine/Fee Order

Table 1: RE Models of Fine/Fee Order

Black	−0.217***	−0.158***	−0.158***
Hispanic	−0.136***	−0.147***	−0.147***
Asian	−0.024	−0.029	−0.028
Native Am.	−0.210***	−0.157***	−0.156***
Other Race	−0.030	−0.014	−0.014
Male		0.106***	0.106***
log(Age)		0.013	0.013
Crim. Hist.		−0.045***	−0.045***
Offense Severity		0.029***	0.029***
Prison		−0.468***	−0.468***
Trial		1.093***	1.093***
Alcohol.DUI		0.005	0.005
Drug		0.358***	0.358***
Other Offense		−0.075***	−0.075***
Percent Minority			−0.004
Percent Vote Republican			0.006
Percent Law and Justice			−0.044
Constant	5.451***	5.371***	5.754***
L1 Variance	2.9	2.89	2.8
L2 Variance	0.5	0.49	0.49

RE models w/ Black interaction terms

Table 2: RE Models - Black Interactions

Crim. Hist.	-0.047***	-0.046***	-0.046***
Offense Severity	0.043***	0.042***	0.043***
Prison	-0.488***	-0.492***	-0.495***
Trial	1.084***	1.071***	1.058***
Age	0.041*	0.045*	0.045*
Male	0.128***	0.132***	0.133***
Black	-0.106***	-0.228***	-0.148***
Violent	-0.038**	-0.092***	-0.189***
Percent Black	-0.129***	-0.129***	-0.140***
Percent Vote Republican	-0.005	-0.005	-0.005
Percent Law and Justice	-0.030	-0.030	-0.030
Black*Percent Black	-0.004		
Black*Violent		0.195***	
Violent*Percent Black			0.027***
Constant	6.079***	6.093***	6.149***
L1 Variance	2.81	2.81	2.81
L2 Variance	0.41	0.41	0.4

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

RE models w/ Hispanic interaction terms

Table 3: RE Models - Hispanic Interactions

Crim. Hist.	-0.049***	-0.049***	-0.048***
Offense Severity	0.040***	0.039***	0.040***
Prison	-0.488***	-0.489***	-0.489***
Trial	1.078***	1.078***	1.075***
Age	0.059**	0.059**	0.060**
Male	0.115***	0.115***	0.117***
Hispanic	-0.066	-0.107***	-0.093***
Drug	0.001	-0.002	0.100***
Percent Hispanic	0.005	0.004	0.010
Percent Vote Republican	0.009	0.009	0.009
Percent Law and Justice	-0.048*	-0.048*	-0.048*
Hispanic*Percent Hispanic	-0.004		
Hispanic*Drug		0.054	
Drug*Percent Hispanic			-0.020***
Constant	5.431***	5.434***	5.404***
L1 Variance	2.81	2.81	2.81
L2 Variance	0.47	0.47	0.47

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

RE models w/ Native American interaction terms

Table 4: RE Models - Native American Interactions

Crim. Hist.	-0.047***	-0.047***	-0.047***
Offense Severity	0.032***	0.032***	0.032***
Prison	-0.475***	-0.474***	-0.474***
Trial	1.082***	1.082***	1.082***
Age	0.030	0.030	0.030
Male	0.104***	0.104***	0.104***
Native Am.	-0.105***	-0.094***	-0.116***
Alcohol.DUI	0.386***	0.409***	0.402***
Percent NA	0.017	0.015	0.016
Percent Vote Republican	0.011	0.011	0.011
Percent Law and Justice	-0.049*	-0.050*	-0.049*
Native Am.*Percent NA	-0.003		
Native Am.*Alcohol.DUI		-0.253***	
Alcohol.DUI*Percent NA			-0.009
Constant	5.435***	5.441***	5.440***
L1 Variance	2.8	2.8	2.8
L2 Variance	0.47	0.47	0.47

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

Summary

Summary

Conclusions

- ▶ At felony level, net race effects different than Washington
 - ▶ different than all charge level (NA)
- ▶ Find evidence for socio-cultural effects with Black defendants
- ▶ Courtesy stigma for violent defendants sentenced in Black areas
- ▶ No evidence for Hispanic or Native American socio-cultural effects

Limitations and future research

- ▶ lack of causal identification, race is quite endogenous
- ▶ RE assumption : $Cov(U_j, X_{ij}) = 0?$
- ▶ availability of more controls, L3 - district
- ▶ missing data at lower charge levels (esp. race)
- ▶ legal controls applicable for all charge levels

Questions/Comments?

- ▶ Ryan Larson, UMN
- ▶ Email: lars3965@umn.edu
- ▶ Twitter: [@ryanplarson](https://twitter.com/ryanplarson)