

# The Role of Parental Status and Involvement in Sentence Length Decisions: A Comparison of Men and Women Sentenced to Prison

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Melinda Tasca<sup>1</sup>, Ahram Cho<sup>1</sup>, Cassia Spohn<sup>2</sup>,  
and Nancy Rodriguez<sup>3</sup>

## Abstract

Drawing upon familial paternalism theory, this study explores the effects of parental status and involvement on prison sentence length among men and women. To carry out this research, we relied on a combination of official and self-report data on 919 offenders sentenced to prison in Arizona. Results revealed that parents were not sentenced significantly differently from offenders without children; although women and mothers were punished more severely than their male counterparts. In addition, mothers who lived with their children before arrest received shorter prison terms than mothers who were uninvolved in their lives. Parental involvement was not a significant predictor of fathers' prison sentences, however. This study illuminates the complex interplay between parenthood, gender, and sentencing.

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<sup>1</sup>Sam Houston State University, Huntsville, TX, USA

<sup>2</sup>Arizona State University, Phoenix, AZ, USA

<sup>3</sup>University of California, Irvine, CA, USA

## Corresponding Author:

Melinda Tasca, Assistant Professor, Department of Criminal Justice and Criminology, Sam Houston State University, Box 2296, Huntsville, TX 77341, USA.

Email: [mtasca@shsu.edu](mailto:mtasca@shsu.edu)

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**Introduction**

Leniency in sentencing tends to be reserved for certain individuals, notably women and those with dependent children (Albonetti, 2002; Doerner & Demuth, 2014; Griffin & Wooldredge, 2006; Spohn, 2000, 2014; Steffensmeier & Demuth, 2006). Studies spanning several decades have documented a strong relationship between gender and court outcomes, in which women tend to fare better than men (Albonetti, 1997, 2002; Daly & Bordt, 1995; Doerner & Demuth, 2010; Spohn, 2014; Starr, 2015; Steffensmeier, Kramer, & Streifel, 1993). Research also indicates that judges weigh the social costs of punishing “familied” individuals differently from those without such ties (Bickle & Peterson, 1991; Daly, 1987a, 1987b, 1989a; Herzog & Oreg, 2008). A number of studies also show that women with dependent children receive the most favorable treatment by the court (Bickle & Peterson, 1991; Daly, 1987b; Freiburger, 2011; Koons & Witt, 2002; Stacey & Spohn, 2006).

Familial paternalism theory attributes gender disparities in sentencing to differences in family role expectations (Bickle & Peterson, 1991; Crew, 1991; Daly, 1987b; Koons-Witt, 2002; Kruttschnitt & Green, 1984). Because women’s status is traditionally linked to domestic life and motherhood, women are thought to be subjected to greater informal social control than men, and their incarceration more consequential for children and the state (Daly, 1987b, 1989a). At the same time, parental involvement—as opposed to parental status alone—may be a better predictor of court outcomes. Individuals seen as “bad parents” tend to be sentenced more severely than their counterparts, with and without children (Daly, 1987b; Pierce, 2013; Pierce & Freiburger, 2011; Spohn, 1999). This is particularly the case for women, in that, absent mothers are punished for violating both gender and mothering roles (Bickle & Peterson, 1991; Freiburger, 2010; Herzog & Oreg, 2008; Russell, 2012).

Because sentencing decisions appear to be less about whether men and women are parents, and more about the roles they play in children’s lives, it is critical that research captures both parental status and involvement before arrest. Most prior sentencing research includes ambiguous measures that capture number of dependents, which are not necessarily limited to minor children; also, these measures do not shed light on the parental responsibilities of justice-involved men and women (Brennan & Spohn, 2009; Doerner &

Demuth, 2014; Stacey & Spohn, 2006). A small number of studies have examined the effect of parental involvement on sentencing outcomes (Bickle & Peterson, 1991; Daly, 1987a, 1987b, 1989a, 1989b; Freiburger, 2010, 2011). Although these studies serve as essential sources of knowledge, some of this work is outdated, relies on limited offender samples (e.g., forgery offenders, drug offenders), or uses hypothetical methodologies.

We also know very little about how parental status and involvement affect a range of sentencing decisions, particularly among higher risk offenders, such as prison-bound men and women, who tend to have lengthier criminal histories and/or are convicted of more serious offenses. Despite the steady rise of female imprisonment and the burgeoning literature on the collateral consequences of incarceration (Arditti, 2012; Carson, 2018; Clear, 2007; Turanovic, Rodriguez, & Pratt, 2012), the ways in which parental involvement affects how long men and women will spend in prison remains an open question. Roughly half of men and women in prison are parents, with two-thirds having served as primary daily care and/or financial providers before incarceration (Glaze & Maruschak, 2008). It may be that extralegal factors, such as parenthood and gender, are weighed differently by judges when deciding how long prison-bound defendants will be incarcerated compared with lower risk defendants at earlier decision points (e.g., in/out decision); Griffin & Wooldredge, 2006; Tillyer, Hartley, & Ward, 2015). Decisions regarding prison term length have important implications for parent-child contact, family reunification, reentry, and reform efforts aimed at decarceration.

Accordingly, we seek to answer two key questions in the current study:

**Research Question 1:** Are there significant differences in prison term lengths of parents and offenders without children, involved and uninvolved parents?

**Research Question 2:** Do parenthood effects vary by gender?

We draw from familial paternalism theory to investigate the influence of parental status and involvement on prison term length among men and women. We rely on a sample of 919 offenders sentenced to prison in Arizona using a combination of official and self-report data to carry out this study. To capture parental involvement, we use mutually exclusive measures reflecting whether parents reported that they were (a) primary financial providers of children, (b) living with children, (c) both primary financial providers of children and living together, (d) and whether parents were uninvolved prior to arrest. Thus, we are able to capture key indicators of parenthood and assess their effects on an understudied, yet important, sentencing decision. We rely

on multiple data sources that include a diverse sample of prison-bound men and women and control for a range of legal and extralegal factors in a state that has not been extensively studied. In so doing, our study informs sentencing theory, research, and policy alike.

## **Familial Paternalism in Sentencing**

By and large, research indicates that women are more likely than men to be granted leniency in sentencing (Albonetti, 1997; Daly, 1987b, 1989b; Spohn, 1999; Spohn & Beichner, 2000; Spohn & Spears, 1997; Steffensmeier et al., 1993). Women are less likely to be convicted of a criminal offense, less likely to be sentenced to an incarceration term (Doerner & Demuth, 2010; Griffin & Wooldredge, 2006; Spohn & Beichner, 2000; Steffensmeier et al., 1993; Steffensmeier & Motivans, 2000), and more likely to receive shorter sentences relative to men (Albonetti, 1997; Daly & Bordt, 1995; Doerner & Demuth, 2010; Griffin & Wooldredge, 2006; Nagel & Hagan, 1983; Steffensmeier et al., 1993; Steffensmeier & Motivans, 2000). Studies using federal sentencing data also show that women are given substantial assistance departures more frequently than their male counterparts (Farrell, 2004; Hartley, Maddan, & Spohn, 2007; Kramer & Ulmer, 2002; Spohn & Brennan, 2011; Spohn & Fornango, 2009; Stacey & Spohn, 2006). In a meta-analysis that included studies spanning two decades, Bontrager, Barrick, and Stupi (2013) confirmed the significant impact of gender in sentencing decisions. Multiple theoretical explanations have been put forth to account for these patterns. At the crux of these perspectives is chivalry and paternalism, which are grounded in societal beliefs that women are in need of protection, are less culpable, and are more amenable to treatment than men (Albonetti, 1997; Crew, 1991; Daly, 1987b; Nagel & Johnson, 1994; Spohn & Beichner, 2000; Spohn & Spears, 1997; Stacey & Spohn, 2006; Steffensmeier et al., 1993).

In what has become known as familial paternalism theory, women are thought to be treated chivalrously given their traditional role in the family (Daly, 1987a, 1987b). This theoretical perspective suggests that women's responsibilities as wives and mothers subject them to greater informal social control than men, lowering their risk of reoffending (Kruttschnitt, 1982; Kruttschnitt & Green, 1984). Women's status is often tied to child rearing, and mother-child attachments are held in high regard. Judges are sensitive to the social costs of incarceration as well, which consider the impact on children left behind (Daly, 1987a, 1987b, 1989a; Koons-Witt, 2002; Kruttschnitt, 1982, 1984; Kruttschnitt & Green, 1984). Research suggests that judges further consider the expenses the state may have to assume if a parent is removed from the home, particularly if the parent will be incarcerated for a long period

of time (Daly, 1989a; Kruttschnitt, 1982, 1984). It is more efficient for the state to offer economic assistance to families than it is to replace children's primary caretakers during a parent's incarceration. Because women are typically thought of as the daily caregivers or "nurturers" of children, whereas men are considered financial providers or "breadwinners," the social costs of imprisonment are perceived to be highest for women (Daly, 1989a; Freiburger, 2010). Thus, judges' concerns with protecting families, promoting public safety, and curtailing the use of public resources may be why we see women treated more favorably than men in sentencing research overall (Daly, 1987b, 1989a; Mann, 1984; Spohn & Beichner, 2000).

A number of studies indicate that women with children are afforded preferential treatment by the court (Daly, 1989a; Daly & Bordt, 1995; Freiburger, 2010; Koons-Witt, 2002; Kruttschnitt, 1984; Kruttschnitt & Green, 1984; Kruttschnitt & McCarthy, 1985; Mann, 1984; Spohn & Beichner, 2000). Spohn and Beichner (2000) found that mothers were less likely to be incarcerated than women without children, and men with and without children. However, this relationship is less consistent across studies examining the sentence length decision (Blackwell, Holleran, & Finn, 2008; Crew, 1991; Fernando, Curry, & Lee, 2006; Mustard, 2001). Interestingly, other work documents how judges are more likely to inquire about children and family status with women compared to men (Mann, 1984; Pierce, 2013).

Despite research that establishes a link between parental status and sentencing decisions, much of the literature relies on official measures capturing the number of dependents (Bickle & Peterson, 1991; Freiburger, 2010, 2011). As such, less is known about the impact of parental involvement on court outcomes. Familial paternalism theory maintains that preferential treatment is reserved for those fulfilling gendered family roles and responsibilities (Daly, 1987a, 1987b). In only tapping into whether an individual is a parent, key effects may be masked. Moreover, it is not always clear in previous work whether "dependents" consistently refers to minor children.<sup>1</sup> This is problematic, in that, judges are likely to weigh having minor children differently from adult children, stay-at-home spouses, or older parents, who might also be counted as dependents.

To date, only a handful of studies have directly tested familial paternalism theory, and findings have been mixed. In her work on felony defendants in a New York City criminal court, Daly (1987a) examined the influence of family structure on sentencing outcomes by comparing men and women who were single with children, single without children, married with children, and married without children. She found that for both men and women, there was a larger sentence reduction for having children than for being married. Moreover, both men and women with children were less likely to be

incarcerated, but the effect was larger for women. In another study, Daly (1989a) extended her family status variables to include whether men and women cared for or financially provided for children, were married, and whether they lived with a spouse or other family members. She found that "familied" men and women were less likely to receive a sentence of incarceration than those who were "unfamilied."

Other research by Bickle and Peterson (1991) included more nuanced parenthood measures in their examination of sentencing decisions among men and women convicted of forgery in federal courts. Specifically, the authors assessed whether having children, living with children, providing financial and/or emotional support, and being economically independent lowered the odds of incarceration. Results revealed that the parenthood variables reduced the likelihood of incarceration for both men and women; but interestingly, men who provided emotional and financial support to their children were sentenced more leniently than similarly situated women.

More recently, Freiburger (2010) attempted to disentangle parental financial support from caretaking responsibilities in her investigation of judicial decision-making. Using survey data collected from 360 criminal court judges, she found that judges viewed parents more favorably if they were the primary caretaker of children compared with parents not serving in this role. Financial providers of children were not sentenced differently from parents who were not providing financial support to children. Parents who provided both emotional support and daily care of children, however, were the most likely to be considered for lenient treatment by judges. Similar to findings from Bickle and Peterson (1991), judges were inclined to grant larger sentencing reductions to men who performed these roles compared with women. It may be that judges have particular expectations of women as mothers so when men assume what are thought to be "maternal" roles, they are rewarded (Freiburger, 2010).

In a separate study, Freiburger (2011) examined the relationship between parenthood and gender on the in/out decision using a sample of drug and property offenders in Pennsylvania. Her parenthood measures included whether these individuals were living with children and whether they were providing financial support to children. Results revealed that parents living with and providing financial support to children were less likely to be sentenced to incarceration relative to individuals without children. Gender-specific models revealed that among women, those who were residing with children were less likely to be incarcerated than women without children. Although men who were fulfilling these roles also had lower odds of incarceration compared with men without children, the relationship was not statistically significant.

The inconsistent findings in these studies may be a result of selective familial paternalism (Freiburger, 2011; Griffin & Wooldredge, 2006; Koons-Witt, 2002). Some scholars maintain that preferential treatment is not afforded to all parents, but rather, it is granted only to those individuals deemed to be “good parents”—especially “good mothers” (Pierce, 2013). In contrast, women who break the law *and* fail to fulfill their parental responsibilities have been found to receive harsher sentences than their female and male counterparts (Crew, 1991; Herzog & Oreg, 2008). Drug-offending mothers tend to be viewed particularly negatively in light of the “crack mom” stereotype (Arditti, 2012; Zatz, 1984). That is, a mother who prioritizes her drug habit over the basic needs of her children is perceived as a highly culpable and even dangerous offender, deserving of severe punishment (Pierce, 2013). In line with this assertion, Spohn (1999) found that among drug offenders sentenced in Cook County, only women *without* children were granted leniency.

Other research indicates that women with lengthy records are considered “doubly deviant” and are sentenced more severely than other women and men (Herzog & Oreg, 2008; Spohn, 2000; Tillyer et al., 2015). In a recent study of federal court defendants, Tillyer et al. (2015) found that women with lengthy criminal records received harsher sentences than men in both in/out and sentence length decisions. As such, the paternalistic treatment of women observed in the literature might be, in part, a result of an overreliance on samples of low-level female offenders with no criminal histories (Griffin & Wooldredge, 2006). Undoubtedly, women offenders with lengthy criminal records and/or those who commit more serious offenses are a small portion of the overall female offending population (Tillyer et al., 2015). Against this backdrop, however, is the fact that women’s rates of imprisonment continue to climb (Carson, 2018). In an effort to fill gaps in knowledge, we explore how parenthood affects prison term length, comparing prison-bound men and women, who are considered higher risk offenders with histories of churning in and out of the criminal justice system.

## Current Study

Drawing from familial paternalism theory and prior research, we examine the influence of parenthood on sentence length, comparing men and women sentenced to prison ( $N = 919$ ) in Arizona using a combination of self-report and official data. We first determine whether being a parent of a minor child results in a prison sentence significantly different from nonparents, above and beyond legal and extralegal factors. We then examine whether parents who were involved with their children receive significantly different prison

sentences than uninvolved parents, net of theoretically relevant controls. We continue this line of analysis comparing involved and uninvolved mothers and fathers separately. In so doing, we are able to investigate sentencing disparities among men and women, with and without children, as well as involved and uninvolved parents, while controlling for a series of legal and extralegal factors obtained from multiple data sources.

According to familial paternalism theory, gender disparities in sentencing may result from differences in parenthood roles and responsibilities coupled with perceptions of culpability, risk, and the social costs of imprisonment (Daly, 1987b, 1989a, 1989b; Griffin & Wooldredge, 2006; Steffensmeier, Ulmer, & Kramer, 1998). This study is unique given our ability to move beyond a static measure of parental status, to also include measures of parental involvement and their effects on sentence length among a sample of men and women sentenced to prison, who are deemed as more blameworthy and higher risk than other offenders in earlier stages of decision-making.

We use four measures of parental involvement that are grounded in prior work (i.e., living together, providing financial support, both living together and providing financial support, and uninvolved; Bickle & Peterson, 1991; Freiburger, 2010, 2011). Although our measures take into account typical parental responsibilities, they also reflect the nuanced roles that vulnerable, justice-involved fathers and mothers commonly play in children's lives. For instance, incarcerated women are much more likely to be single parents than are men (i.e., living with children and serving as their primary financial providers; Glaze & Maruschak, 2008). At the same time, even when not residing with their children, men frequently provide for their children financially—even if informally through purchasing diapers, toys, or meeting other needs (Edin & Nelson, 2013). By and large, however, research does show that a significant portion of incarcerated parents were absent from their children's lives before arrest given high levels of addiction, mental illness, and other life stressors (Arditti, 2012; Bloom & Brown, 2011; Glaze & Maruschak, 2008; Turanovic et al., 2012).

How parental status and involvement factor into sentence length decisions among a group of prison-bound men and women is unknown, and thus, our focus here. As a consequence of “get-tough” sentencing laws and the enactment of sentencing guidelines, many individuals with prior criminal histories and/or those who have committed more serious offenses find themselves ineligible for probation and other nonprison sentences. As men and women continue to churn in and out of our criminal justice system, it is essential, then, that research more closely examines disparities in prison terms among this population. This is especially true when considering the growing rates of female imprisonment in particular, and the body of work on the collateral



consequences of incarceration, which demonstrates that lengthy prison sentences have real-life ramifications for offenders, children, and families more broadly (Arditti, 2012; Burgess-Proctor, Huebner, & Durso, 2016; Carson, 2018; Turanovic et al., 2012).

## Method

### *Study Setting*

Data for this study come from Arizona. To situate the current research within the broader literature and policy landscape, it is important to understand Arizona's sentencing policies and practices. This state uses sentencing guidelines, which establish ranges of sentencing options based on prior record and offense seriousness. Judges retain discretion within the sentencing grid allowing for the rendering of mitigated, presumptive, and aggravated sentences. The sentences available to judges within these ranges can vary considerably, and judges rely on standardized presentence reports to inform their decisions. The presentence reports are compiled by county probation departments and are comprised of uniform criteria including "evidence-based criminogenic factors, risk/needs assessments, and relevant social history." The standardized tool covers 10 distinct domains, and each domain classifies offenders into four levels of risk. Of particular relevance to our work here, parental status and involvement are captured in presentence investigations under the "social and family relationship" domain. Thus, judges have knowledge regarding the family circumstances of each offender prior to sentencing and reports are completed and submitted to judges for every felony defendant in the state.<sup>2</sup>

### *Data*

To carry out our investigation, we use official records and self-report data gathered from a larger project on parental incarceration in Arizona.<sup>3</sup> Official records were obtained from the Arizona Department of Corrections (ADC) on 952 male and female inmates who were randomly identified and agreed to participate in the original study in 2010.<sup>4</sup> These data contain measures of sentence length, current offense, criminal history, and offender demographics. Among the 952 prisoners willing to take part in our study, those who reported being the parent of at least one biological, step, or adopted child below the age of 18 years were interviewed ( $n = 600$ ). Thus, the self-report data come from interviews with incarcerated parents about their children and parenthood experiences.<sup>5</sup> After excluding missing data, our final sample is

comprised of 919 offenders sentenced to prison, which included official records and interview data collected from 580 parents.<sup>6</sup> By relying on a combination of data sources, we are able to better tap into the interplay between parenthood, gender, and prison term length among a particularly vulnerable and high-risk segment of the justice-involved population.

*Dependent variable.* Our dependent variable, sentence length, is a continuous measure reflecting the number of years an offender was sentenced to prison. Due to skewness in this measure, sentence length was subsequently logged.<sup>7</sup>

*Independent variables.* A series of dichotomous parenthood measures were included as key independent variables in the current analysis. First, we captured whether men and women reported being the parent of at least one biological, step, or adopted child below the age of 18 years (0 = no, 1 = yes). We then captured self-reported involvement with children among parents in the month before arrest by using four mutually exclusive dichotomous variables: (a) whether the parent provided primary financial support to his or her children (but did not live in their home; 0 = no, 1 = yes), (b) whether the parent lived with his or her children (but was not providing primary financial support; 0 = no, 1 = yes), (c) whether the parent was living with his or her children *and* providing primary financial support (0 = no, 1 = yes), and (d) whether the parent reported neither living with nor providing primary financial support to his or her children (i.e., uninvolved; 0 = no, 1 = yes). In the multivariate analyses, uninvolved is the reference category.<sup>8</sup> Multiple extra-legal factors obtained from official records and grounded in previous research were included as controls in the present analysis. We controlled for gender (0 = male, 1 = female), age (in years), and race/ethnicity (dummy variables for White, Black, Latino/a, and Native American, with Whites as the reference category). We also included dichotomous measures for low educational attainment (0 = received high school diploma or general educational development [GED], 1 = no high school diploma or GED) and marital status (0 = not married, 1 = married). Consistent with prior work, we controlled for key legal factors as well. First, we included a measure of officially documented gang membership (0 = no, 1 = yes). A continuous measure reflecting the number of prior felony convictions was also used. Offense seriousness was captured using dummy variables representing the class of felony for which the offender was convicted. In Arizona, felony classes range from 1 to 6, with Class 1 being the most serious (a Class 5 or 6 felony served as the reference category). In addition, dichotomous variables were included for use of a weapon during the commission of the crime and type of current offense

(dummy variables for violent offense, drug offense, and crimes against public order, with property offense as the reference category).

### *Analytic Techniques*

A series of ordinary least squares (OLS) linear regression models were estimated to examine the influence of parental status and involvement on prison term length among men and women offenders (using full and gender-specific models). Data obtained from interviews allowed us to not only capture who was a parent but also measure parental involvement. In the first model, we examined whether sentence length of parents significantly differed from non-parents, net of legal and extralegal factors. Next, we assessed the impact of parental involvement on prison term length among all parents, mothers only, and fathers only, which enabled comparisons between involved and uninvolved parents, independent of controls. Variance inflation factor (VIF) values indicated that there were no issues with multicollinearity (i.e. 2.0 range or below). Unstandardized regression coefficients and standard errors are reported.

## **Results**

### *Sample Characteristics*

Table 1 presents characteristics for all offenders and parents. Starting with the full sample, average prison sentences were 3.5 years. Due to skewness in this measure, sentence length was subsequently logged ( $M = 0.8$ ). Approximately 63% of offenders are parents of at least one minor child. Slightly more than half of offenders are male (54%) and averaged 35 years of age. Approximately 43% are White, 14% are Black, 35% are Latino/a, and 8% are Native American. Almost two thirds (64%) of these individuals lacked a high school diploma/GED, and only 14% were married. Nearly 14% were identified in official records as members of a street or prison gang. The average number of prior felony convictions was 2.7. Roughly 17% of the offenders were convicted of a Class 1 or Class 2 felony, 25% were convicted of a Class 3 felony, 35% were convicted of a Class 4 felony, and 24% were convicted of a Class 5 or Class 6 felony. Approximately 21% of offenders used a weapon during the commission of the current offense. Twenty-one percent of individuals committed a violent crime, whereas 31% committed a property crime, 29% committed a drug crime, and 20% committed a crime against public order.

Turning to parent sample characteristics, on average, parents were also sentenced to 3.5 years in prison. Roughly 17% of parents reported living with

**Table 1.** Sample Characteristics.

		Full sample (%)	Parent sample (%)
<i>Dependent variable</i>			
Sentence length	In years ( <i>M</i> ; <i>SD</i> )	3.5; 3.6	3.5; 3.5
Sentence length (ln)		0.8; 0.9	0.8; 0.9
<i>Independent variables</i>			
Parent	1 = parent	63.2	—
<u>Parental involvement</u>			
Financial provider	1 = financial support	—	8.3
Living together	1 = lived with children	—	16.9
Financial × Living	1 = financial support and lived together	—	28.9
Uninvolved	1 = no financial and not living together	—	46.0
<u>Extralegal factors</u>			
Gender			
Male	Male is reference	54.4	50.4
Female		46.6	49.6
Age	In years ( <i>M</i> , <i>SD</i> )	35.1; 10.1	33.7; 7.9
Race			
White	White is reference	43.1	38.4
Black		13.7	14.1
Latino/a		35.3	38.7
Native American		7.9	8.8
Low education	1 = no HS diploma/ GED	64.3	68.2
Married	1 = yes	14.1	18.2
<u>Legal factors</u>			
Gang member	1 = yes	13.6	14.3
Prior felonies	Number of prior felonies ( <i>M</i> ; <i>SD</i> )	2.7; 2.3	2.5; 2.2
Offense seriousness			
Felony Class 1 or 2		16.6	15.7
Felony Class 3		24.5	26.7
Felony Class 4		34.7	35.5
Felony Class 5 or 6	Felony Class 5 or 6 is reference	24.2	22.2
Weapon used	1 = yes	20.7	20.3
Type of offense			
Violent		21.3	20.1
Property	Property offense is reference	30.8	32.0
Drug		28.6	29.1
Public order		19.3	18.8
<i>N</i>		919	580

their children, although not providing primary financial support. Only 8% of parents indicated that they were the primary financial providers of children with whom they did not reside. Alternatively, 29% of parents indicated that they fulfilled both parental roles before arrest, whereas 46% of parents reported no such involvement with their children. Sample characteristics for all extralegal and legal factors for the parent sample can be found in Table 1 and descriptive statistics by gender can be found in the appendix.<sup>9</sup>

### *OLS Regression Models*

Table 2 presents OLS regression analyses examining the effect of parental status on sentence length among the full sample of offenders, net of relevant controls. Interestingly, there were no significant differences in sentence length between parents and nonparents. This finding suggests that with respect to the prison term length decision, sentences are not influenced by whether an offender is simply a parent of minor children.<sup>10</sup> Importantly, results also revealed that women received longer sentences than men ( $b = 0.13$ ).

In terms of other significant extralegal factors, age mattered, in that, older offenders were sentenced to slightly longer prison terms than their younger counterparts ( $b = 0.008$ ). All legal measures were statistically significant and in the expected direction. Specifically, documented gang members and individuals with a higher number of prior felony convictions were sentenced more severely than non-gang members, and those with fewer prior felonies ( $b = 0.20$ ,  $b = 0.05$ ). Individuals who committed more serious offenses and those who used a weapon received lengthier prison sentences than those who committed less serious crimes and those who did not use a weapon. Finally, violent offenders were given longer prison terms than property offenders ( $b = 0.21$ ), whereas drug and public order offenders received shorter sentences ( $b = -0.12$ ,  $b = -0.35$ ).

Table 3 presents three OLS regression analyses, which include all parents, mothers only, and fathers only. This allowed us to compare the effects of parental involvement on sentence length among involved and uninvolved parents. Beginning with the first model, living with children was associated with shorter prison sentences among parents. That is, parents who were living with their children before arrest were sentenced to prison terms that were approximately 15% shorter than parents who were not living with their children. No other parenthood measures predicted sentence length, however. Importantly, gender was the only other significant extralegal predictor of sentence length, in that, mothers received longer sentences than fathers ( $b = 0.11$ ).

Meanwhile, all legally relevant factors affected sentence length as expected in the full parent model. For instance, parents who were

**Table 2.** OLS Regression: Parental Status on Sentence Length.

	Full sample	
	<i>b</i>	SE
Parent <sup>a</sup>	-0.001	0.041
<u>Extralegal factors</u>		
Female	<b>0.127**</b>	0.041
Age	<b>0.008***</b>	0.002
<u>Race</u>		
Black	0.037	0.058
Latino/a	0.010	0.044
Native American	-0.081	0.073
Low education	0.047	0.041
Married	-0.055	0.055
<u>Legal factors</u>		
Gang member	<b>0.198***</b>	0.058
Prior felonies	<b>0.053***</b>	0.009
<u>Offense seriousness</u>		
Felony Class 1 or 2	<b>1.656***</b>	0.063
Felony Class 3	<b>1.173***</b>	0.055
Felony Class 4	<b>0.584***</b>	0.051
Weapon used	<b>0.230***</b>	0.053
<u>Type of offense</u>		
Violent	<b>0.208***</b>	0.059
Drug	<b>-0.122*</b>	0.050
Public order	<b>-0.346***</b>	0.058
Constant	<b>-0.432***</b>	0.094
Adjusted R <sup>2</sup>	0.62	
N	919	

Note. <sup>a</sup>Offenders without children (reference category).

\* $p \leq .05$ . \*\* $p \leq .01$ . \*\*\* $p \leq .001$ .

documented gang members and those with extensive criminal records received significantly longer prison sentences than non-gang members and those with fewer prior felony convictions ( $b = 0.23$ ,  $b = 0.05$ ). In addition, more serious felony offenses and use of a weapon were associated with lengthier prison terms. Finally, parents convicted of violent offenses received longer sentences than those convicted of property offenses ( $b = 0.18$ ), whereas parents convicted of drug and public order offenses received shorter sentences ( $b = -0.15$ ,  $b = -0.42$ ).

**Table 3.** OLS Regression: Parental Involvement on Sentence Length Among Parents.

	All parents		Fathers only		Mothers only	
	<i>b</i>	SE	<i>b</i>	SE	<i>b</i>	SE
<b>Parental involvement<sup>a</sup></b>						
Financial provider	-0.038	0.091	-0.047	0.115	-0.093	0.174
Living together	<b>-0.145*</b>	0.070	-0.057	0.125	<b>-0.202*</b>	0.079
Financial × Living	-0.024	0.057	-0.011	0.091	0.013	0.072
<b>Extralegal factors</b>						
Female	<b>0.105*</b>	0.054				
Age	0.003	0.003	0.005	0.005	0.003	0.004
<b>Race</b>						
Black	0.018	0.075	0.180	0.115	-0.177	0.099
Latino/a	-0.036	0.057	0.014	0.094	-0.043	0.070
Native American	-0.089	0.091	-0.095	0.146	-0.047	0.110
Low education	0.050	0.054	0.142	0.084	-0.051	0.067
Married	0.037	0.063	0.037	0.094	0.021	0.085
<b>Legal factors</b>						
Gang member	<b>0.226**</b>	0.073	<b>0.225*</b>	0.096	0.195	0.120
Prior felonies	<b>0.050***</b>	0.011	<b>0.051**</b>	0.018	<b>0.054***</b>	0.015
<b>Offense seriousness</b>						
Felony Class 1 or 2	<b>1.632***</b>	0.083	<b>1.751***</b>	0.137	<b>1.592***</b>	0.104
Felony Class 3	<b>1.149***</b>	0.070	<b>1.197***</b>	0.109	<b>1.118***</b>	0.089
Felony Class 4	<b>0.572***</b>	0.065	<b>0.462***</b>	0.094	<b>0.716***</b>	0.089
Weapon used	<b>0.214***</b>	0.065	<b>0.293**</b>	0.096	0.139	0.087
<b>Type of offense</b>						
Violent	<b>0.176*</b>	0.074	0.016	0.112	<b>0.331***</b>	0.095
Drug	<b>-0.154*</b>	0.062	-0.121	0.104	<b>-0.189*</b>	0.073
Public order	<b>-0.419***</b>	0.075	<b>-0.457***</b>	0.113	<b>-0.319***</b>	0.099
Constant	<b>-0.192***</b>	0.133	-0.322	0.208	-0.036	0.167
Adjusted R <sup>2</sup>	0.60		0.59		0.62	
N	580		292		287	

Note. <sup>a</sup>Uninvolved parents (reference category).

\**p* ≤ .05. \*\**p* ≤ .01. \*\*\**p* ≤ .001.

With respect to the father-only model (also shown in Table 3), none of the parenthood measures were statistically significant predictors of sentence length. That is, the parental involvement of fathers in the lives of their children prior to arrest did not have an impact on their prison sentences. Similarly,

none of the extralegal factors reached statistical significance. With the exception of type of offense (i.e., violent, drug), all legally relevant factors accounted for sentence length and were consistent with previous models. Sentences for violent and drug-offending fathers were not statistically different from the sentences of property-offending fathers, however.

In contrast, the mother-only model revealed different findings (Table 3). One parental involvement measure emerged as significant. Mothers who lived with their children prior to arrest received 20% shorter sentences than mothers who were uninvolved with their children. In other words, despite mothers being punished more severely than their male counterparts overall, mothers who were living with their children fared better than uninvolved mothers in sentencing. The prison sentences of mothers who were the primary financial providers of children and those who were both primary financial supporters and living with their children were not significantly different from those mothers who were uninvolved prior to arrest. Like previous models, none of the extralegal factors were found to be statistically significant. Finally, with the exception of gang membership, all legal factors predicted sentence length and were consistent with prior models.

## **Discussion**

This study explored the effects of parental status and involvement on prison term length decisions comparing a sample of 919 men and women sentenced to prison in Arizona. Controlling for legal and extralegal factors, we first examined the effect of parental status on sentence length among the full sample of prison-bound men and women. We then assessed the influence of parental involvement on sentence length among all parents, mothers only, and fathers only. Analyses uncovered a multifaceted relationship between parenthood, gender, and prison term length. To summarize, parents were not sentenced significantly differently from nonparents. Gender was a significant predictor of prison term length; in fact, women and mothers received longer prison sentences than their male counterparts. In the gender-split parent models, parental involvement had different effects. Although parental involvement had no impact on the prison sentences of fathers, mothers who were living with their children before arrest were given more lenient sentences than uninvolved mothers. These nuanced findings have important implications for familial paternalism theory, as well as sentencing research, and criminal justice policy more generally.

Overall, prison-bound women and mothers were not treated chivalrously, but rather were sentenced more severely than prison-bound men and fathers. As suggested by recent work, leniency may be reserved for low-level female



offenders without criminal records (Herzog & Oreg, 2008; Tillyer et al., 2015). Here, our focus was on men and women sentenced to prison who were by no means new to the system. These prison-bound women have violated gender role expectations in a multitude of ways, as illustrated by their lengthy criminal records and their overrepresentation in higher felony classifications. It appears that judges “throw the book” at women who may have received leniency in the past but have continued to cycle in and out of criminal court and/or engage in more serious crime. Although this group of women is a small portion of the overall population of female defendants, their prison sentences are highly consequential. To be sure, lengthy incarceration terms handed down to women and mothers contribute to the alarming growth in the female prison population and also have implications for offender well-being, family life both during and after imprisonment, as well as reintegration and recidivism risk. This finding also reinforces the importance of relying on diverse offender samples and a range of sentencing outcomes, as gender plays a varied role in court actors’ decision-making processes. Because judges do not view women and mothers monolithically, it is critical for future scholarship to further explore the variability in the relationship between gender, parenthood, and sentencing (Griffin & Wooldredge, 2006; Tillyer et al., 2015).

In line with familial paternalism, and as evidenced by the work of Daly (1987a, 1987b, 1989a, 1989b) and others (Bickle & Peterson, 1991; Freiburger, 2010, 2011; Pierce & Freiburger, 2011), parental status did not matter for prison term length, but parental involvement did. Individuals perceived as “good” parents fared better than the stereotypical “deadbeat” in sentencing (Pierce, 2013; Spohn, 1999). In the gender-split models, it was discovered that parental involvement (i.e. living with children) reduced prison term lengths among mothers only. To be sure, mothers who were fulfilling the most fundamental parenting responsibility—living with their children—received shorter sentences than those uninvolved with their children. Even among high-risk offenders during the prison term length decision, judges appeared to consider the social costs of imprisonment. After all, the longer mothers spend incarcerated, the longer the state may have to assume caregiving responsibilities, and the greater the likelihood children may be adversely affected by disrupted parental attachments (Freiburger, 2010). These findings support the notion of selective familial paternalism, in that, leniency was reserved for some mothers, particularly those fulfilling a specific socially expected role in the family (Freiburger, 2011; Griffin & Wooldredge, 2006; Koons-Witt, 2002). However, fathers’ prison terms were unaffected by parental involvement, despite some research that indicates men are rewarded for fulfilling parental duties although these

responsibilities are demanded of women (Bickle & Peterson, 1991; Freiburger, 2010). These results underscore the gendered role parental involvement plays in sentencing, including prison term length decisions. More broadly, this study also demonstrates the importance of accounting for preincarceration features of the family both theoretically and empirically in sentencing research.

With few exceptions, it is also worth noting that prison term length was largely accounted for by legally relevant factors. We were somewhat surprised by the absence of significant race effects, however, particularly in a diverse state such as Arizona. At the same time, the body of research on racial and ethnic disparities in sentencing among women has produced mixed findings (Spohn, Brennan, & Kim, 2017). It may be that race/ethnicity and other extralegal factors play a significant role in sentencing at earlier decision points and among less serious offending populations (as opposed to prison-bound offenders at the sentence length stage).

Taken together, our work provided a nuanced test of familial paternalism by focusing on parental status and involvement among a high-risk sample of men and women sentenced to prison terms. We recognize that women in our study have lengthier prior records than men and are overrepresented in more serious felony classes. These patterns can be attributed to the population and decision-point examined. We acknowledge that offenders in our study comprise a small segment of the total offender population, and we do not attempt to draw inferences to the universe of defendants in criminal court. Our focus was not on who receives incarceration, as all offenders in our study were sentenced to prison. Rather, we were focused solely on the length of time prison-bound individuals will spend behind bars. Our sample is representative of the full population of prison inmates in Arizona and is similar to national estimates of the prisoner population, particularly in terms of parental status and involvement (Glaze & Maruschak, 2008). In light of the dearth of research on the influence of parental involvement in sentencing, coupled with the rising female prison population, we believe that our study fills critical gaps in knowledge. That said, we also recognize that attrition occurs at each decision-making stage. We encourage future research to examine the role of parental involvement in earlier court processing stages as well.

Despite the contributions of the current study, there are additional caveats that should be noted. First, we relied on data from one state to carry out the investigation. Future research should replicate this study with larger samples in other jurisdictions. Moreover, our parenthood measures are not exhaustive. It is important that research captures additional parenthood measures moving

forward, particularly parent risk factors. For instance, measures reflecting whether children had been previously removed from the home by the state due to abuse or neglect could have an impact on sentencing decisions. Other factors including parental involvement over time and child needs may also affect court outcomes, and are deserving of further inquiry. Future work should also examine how the parenthood and sentencing relationship may vary not only by gender but also across race/ethnicity, economic circumstances, and type of offense.

Criminal justice reform efforts have brought sentencing disparities to the forefront of policy discussions at federal, state, and local levels. How long offenders will spend away from their families and communities are consequential decisions. Under sentencing guidelines, sentences inevitably become more severe as individuals churn in and out of the criminal justice system that is often ill equipped to meet offenders' complex needs related to drug addiction, mental health, trauma, poverty, and parenthood. Lengthy prison sentences mean longer periods of time away from children, out of the workforce, and heightened stress on already fragile social support networks (Clear, 2007). Longer prison terms mean a greater likelihood of parents' rights being permanently severed, or children spending substantial time in the foster care system, or with family members who often lack critical resources (Arditti, 2012; Bloom & Brown, 2011; Hanlon, O'Grady, Bennett-Sears & Callaman, 2005). Long sentences have implications for parent-child contact during incarceration, family reunification, and pose challenges for successful offender reintegration. In short, prison term length decisions have far-reaching consequences and are an important piece of broader discussions surrounding criminal justice reform, particularly efforts aimed at decarceration.

## Appendix

Descriptive Statistics Across Men and Women and Father and Mother Subsamples.

	Men (%)	Women (%)	Fathers (%)	Mothers (%)
<i>Dependent variable</i>				
Sentence length	3.0***	4.0	3.1*	3.8
Sentence length (ln)	0.7***	1.1	0.7***	1.0
<i>Independent variables</i>				
Parent	58.6***	68.7	—	—
<i>Parental involvement</i>				
Financial provider	—	—	13.3***	3.1
Living together	—	—	10.9***	22.9
Financial × Living	—	—	27.6	30.2
Uninvolved	—	—	48.1	43.8
<i>Extralegal factors</i>				
<i>Gender</i>				
Male	—	—	—	—
Female	—	—	—	—
Age	34.3**	36.2	33.7	33.8
<i>Race</i>				
White	39.0**	48.0	29.4***	47.6
Black	15.6	11.5	16.7	11.5
Latino/a	38.4*	31.5	45.1**	32.3
Native American	7.0	9.1	8.9	8.7
Low education	62.8	66.1	66.2	70.1
Married	13.8	14.6	20.8	15.6
<i>Legal factors</i>				
Gang member	20.0***	6.0	21.5***	6.9
Prior felonies	2.2***	3.2	2.2***	3.2
<i>Offense seriousness</i>				
Felony Class 1 or 2	12.0***	22.2	11.9**	19.4
Felony Class 3	20.6**	29.1	22.2**	31.3
Felony Class 4	36.4	32.7	38.9	31.9
Felony Class 5 or 6	31.0***	16.0	27.0**	17.4
Weapon used	21.8	19.3	22.2	18.4
<i>Type of offense</i>				
Violent	22.8	19.6	21.8	18.4
Property	27.8*	34.4	25.6**	38.5
Drug	25.4*	32.5	27.3	30.9
Public order	24.0***	13.6	25.3***	12.2
N	500	419	293	288

Note. Chi-square and *t* tests were used to compare men with women and fathers with mothers.  
 \*\*\**p* ≤ .001. \*\**p* ≤ .01. \**p* ≤ .05.

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## Notes

1. For example, in the United States Sentencing Commission (USSC) data, the dependents' variable description is "number of dependents who the offender supports, excluding self."
2. Information is gathered through face-to-face structured interviews that include open-ended questions to garner detailed responses. When applicable and available, information contained in official records are added to the interview data captured in presentence reports. Administrators perform quality-control checks on these reports to ensure uniformity and completeness. For repeat offenders, presentence reports are only updated when new offenses are committed and are not updated when inmates return to prison for technical violations. Although we do not have access to the actual presentence reports, as parental status and involvement measures come from self-report data from inmates incarcerated in the Arizona Department of Corrections, we are confident that judges have access to the same indicators of parental status and involvement given the standardized process used in the state.
3. For a detailed description of the original study, visit [www.azcjc.gov/acjc.web/pubs/home/coip\\_final.pdf](http://www.azcjc.gov/acjc.web/pubs/home/coip_final.pdf)
4. Although women were purposely oversampled in this dataset, men and women are representative of the total inmate population across individual and institutional characteristics. Data collection took place in one male prison and the only female prison in the state. In an effort to capture a representative sample of Arizona Department of Corrections (ADC) inmates, researchers sampled male inmates from the sole intake facility in the state. Every male offender in Arizona is initially housed in this intake facility for up to several weeks, pending the completion of the classification process. Female samples were drawn from all security units with the exception of the maximum-security unit, which houses less than 5% of the total female prison population in the state. A total of 1,005 inmates were randomly identified using count sheets provided by each prison unit where we proceeded to select every ninth inmate to approach for participation in the parental incarceration study. ADC personnel did not screen or recruit inmates for participation in the project. Of the 1,005 prisoners approached by researchers, only 53 refused to participate. We later obtained official records on the 952 willing participants.
5. Inmates did not receive incentives for completing an interview and were able to dissent freely. Using a structured instrument for interviewing inmates and

recording their responses, interviews were conducted in private spaces used for visitation in each unit and typically lasted between 45 min and 1 hour. Prison staff were not present while interviews were taking place. Among those inmates not interviewed ( $n = 352$ ), they were ineligible due to reporting having no children ( $n = 212$ ), adult children only ( $n = 128$ ), or reporting that their children were deceased or not yet born (e.g., mother was pregnant;  $n = 12$ ).

6. A total of 33 cases were removed prior to analyses. Approximately 17 cases labeled as "Other race" were deleted. The remaining cases were removed due to missing data on low educational attainment and/or marital status variables.
7. The sentence length variable was not normally distributed (skewness = 2.741, kurtosis = 9.861). Therefore, the natural log transformation was used to reduce positive skewness. After the transformation, the distribution of the logged sentence length fell within a normal range (skewness = -0.025, kurtosis = -0.286).
8. Uninvolved parents were selected as the reference category for two main reasons. The plurality of parents (46%), both fathers (48%) and mothers (44%), were neither living with children nor providing financial support. Also, we expected that parents who were involved with children may be granted leniency relative to those who were uninvolved.
9. Descriptive analyses were also conducted to explore gender differences in the full and parent subsamples (see the appendix). Few significant gender differences emerged at the bivariate level. Regarding our key variables of interest, women and mothers were sentenced to longer prison terms relative to men and fathers. Yet, women were more often a parent of a minor child than their male counterparts. Looking at parent subsamples, mothers less often provided financial support for their children and more often lived with them prior to arrest compared with fathers. More information can be found in the appendix.
10. We also examined the effect of parental status on sentence length among male offenders and female offenders separately. Gender-specific models showed nearly identical findings as in the model with all offenders. Importantly, fathers and mothers were not sentenced significantly different from men and women offenders without children.

## References

- Albonetti, C. A. (1997). Sentencing under the federal sentencing guidelines: Effects of defendant characteristics, guilty pleas, and departures on sentence outcomes for drug offenses, 1991-1992. *Law and Society Review*, 31, 789-822.
- Albonetti, C. A. (2002). Joint conditioning effect of defendant's gender and ethnicity on length of imprisonment under the federal sentencing guidelines for drug trafficking/manufacturing offenders. *The Journal of Gender, Race & Justice*, 6, 39-57.
- Arditti, J. A. (2012). *Parental incarceration and the family: Psychological and social effects of imprisonment on children, parents, and caregivers*. New York: New York University Press.

- Bickle, G. S., & Peterson, R. D. (1991). The impact of gender-based family roles on criminal sentencing. *Social Problems, 38*, 372-394.
- Blackwell, B. S., Holleran, D., & Finn, M. A. (2008). Impact of the Pennsylvania sentencing guidelines on sex differences in sentencing. *Journal of Contemporary Criminal Justice, 24*, 399-418.
- Bloom, B., & Brown, M. (2011). Incarcerated women: Motherhood on the margins. In J. M. Lawston & A. E. Lucas (Eds.), *Razor wire women: Prisoners, activists, scholars, and artists* (pp. 51-66). Albany: State University of New York Press.
- Bontrager, S., Barrick, K., & Stupi, E. (2013). Gender and sentencing: A meta-analysis of contemporary research. *Journal of Gender Race & Justice, 16*, 349-372.
- Brennan, P. K., & Spohn, C. (2009). The joint effects of offender race/ethnicity and sex on sentence length decisions in federal courts. *Race and Social Problems, 1*, 200-217.
- Burgess-Proctor, A., Huebner, B. M., & Durso, J. M. (2016). Comparing the effects of maternal and paternal incarceration on adult daughters' and sons' criminal justice system involvement: A gendered pathways analysis. *Criminal Justice and Behavior, 43*, 1034-1055.
- Carson, A. E. (2018). *Prisoners in 2016*. Washington, DC: US Department of Justice, Office of Justice Programs.
- Clear, T. R. (2007). *Imprisoning communities: How mass incarceration makes disadvantaged neighborhoods worse*. New York, NY: Oxford University Press.
- Crew, B. K. (1991). Sex differences in criminal sentencing: Chivalry or patriarchy? *Justice Quarterly, 8*(1), 59-83.
- Daly, K. (1987a). Discrimination in the criminal courts: Family, gender, and the problem of equal treatment. *Social Forces, 66*, 152-175.
- Daly, K. (1987b). Structure and practice of familial-based justice in a criminal court. *Law & Society Review, 21*, 267-290.
- Daly, K. (1989a). Neither conflict nor labeling nor paternalism will suffice: Intersections of race, ethnicity, gender, and family in criminal court decisions. *Crime & Delinquency, 35*(1), 136-168.
- Daly, K. (1989b). Rethinking judicial paternalism: Gender, work-family relations, and sentencing. *Gender & Society, 3*(1), 9-36.
- Daly, K., & Bordt, R. L. (1995). Sex effects and sentencing: An analysis of the statistical literature. *Justice Quarterly, 12*, 141-175.
- Doerner, J. K., & Demuth, S. (2010). The independent and joint effects of race/ethnicity, gender, and age on sentencing outcomes in us federal courts. *Justice Quarterly, 27*(1), 1-27.
- Doerner, J. K., & Demuth, S. (2014). Gender and sentencing in the federal courts are women treated more leniently? *Criminal Justice Policy Review, 25*, 242-269.
- Edin, K., & Nelson, T. J. (2013). *Doing the best I can: Fatherhood in the inner city*. Berkeley: University of California Press.
- Farrell, A. (2004). Measuring judicial and prosecutorial discretion: Sex and race disparities in departures from the federal sentencing guidelines. *Justice Research and Policy, 6*(2), 45-78.

- Fernando, R., Curry, S. T. R., & Lee, G. (2006). Gender differences in criminal sentencing: Do effects vary across violent, property, and drug offenses? *Social Science Quarterly*, 87, 318-339.
- Freiburger, T. L. (2010). The effects of gender, family status, and race on sentencing decisions. *Behavioral Sciences & the Law*, 28, 378-395.
- Freiburger, T. L. (2011). The impact of gender, offense type, and familial role on the decision to incarcerate. *Social Justice Research*, 24, 143-167.
- Glaze, L. E., & Maruschak, L. M. (2008). *Parents in prison and their minor children*. Washington, DC: US Department of Justice, Office of Justice Programs.
- Griffin, T., & Wooldredge, J. (2006). Sex-based disparities in felony dispositions before versus after sentencing reform in Ohio. *Criminology*, 44, 893-923.
- Hanlon, T. E., O'Grady, K. E., Bennett-Sears, T., & Callaman, J. M. (2005). Incarcerated drug-abusing mothers: Their characteristics and vulnerability. *The American Journal of Drug and Alcohol Abuse*, 31(1), 59-77.
- Hartley, R. D., Maddan, S., & Spohn, C. C. (2007). Prosecutorial discretion: An examination of substantial assistance departures in federal crack-cocaine and powder-cocaine cases. *Justice Quarterly*, 24, 382-407.
- Herzog, S., & Oreg, S. (2008). Chivalry and the moderating effect of ambivalent sexism: Individual differences in crime seriousness judgments. *Law & Society Review*, 42(1), 45-74.
- Koons-Witt, B. A. (2002). The effect of gender on the decision to incarcerate before and after the introduction of sentencing guidelines. *Criminology*, 40, 297-328.
- Kramer, J. H., & Ulmer, J. T. (2002). Downward departures for serious violent offenders: Local court corrections to Pennsylvania's sentencing guidelines. *Criminology*, 40, 897-932.
- Kruttschnitt, C. (1982). Women, crime, and dependency, an application of the theory of law. *Criminology*, 19, 495-513.
- Kruttschnitt, C. (1984). Sex and criminal court dispositions: The unresolved controversy. *Journal of Research in Crime and Delinquency*, 21, 213-232.
- Kruttschnitt, C., & Green, D. E. (1984). The sex-sanctioning issue: Is it history? *American Sociological Review*, 49, 541-551.
- Kruttschnitt, C., & McCarthy, D. (1985). Familial social control and pretrial sanctions: Does sex really matter. *Journal of Criminal Law and Criminology*, 76, 151-175.
- Mann, C. R. (1984). Race and sentencing of female felons: A field study. *International Journal of Women's Studies*, 7, 160-172.
- Mustard, D. B. (2001). Racial, ethnic, and gender disparities in sentencing: Evidence from the US federal courts. *Journal of Law and Economics*, 44, 285-314.
- Nagel, I. H., & Hagan, J. (1983). Gender and crime Offense patterns and criminal court sanctions. In M. H. Tonry & N. Morris (Eds.), *Crime and justice: An annual review of research* (Vol. 4, pp. 91-144). Chicago, IL: University of Chicago Press.
- Nagel, I. H., & Johnson, B. L. (1994). The role of gender in a structured sentencing system: Equal treatment, policy choices, and the sentencing of female offenders under the United States sentencing guidelines. *Journal of Criminal Law and Criminology*, 85, 181-221.



- Pierce, M. B. (2013). Examining the impact of familial paternalism on the sentencing decision: Gender leniency or legitimate judicial consideration? In B. Russell (Ed.), *Perceptions of female offenders* (pp. 181-190). New York, NY: Springer.
- Pierce, M. B., & Freiburger, T. L. (2011). Assessing the influence of familial paternalism on child neglect sentencing decisions. *American Journal of Criminal Justice*, 36, 421-433.
- Russell, B. (Ed.). (2012). *Perceptions of female offenders: How stereotypes and social norms affect criminal justice responses*. New York, NY: Springer.
- Spohn, C. (1999). Gender and sentencing of drug offenders: Is chivalry dead? *Criminal Justice Policy Review*, 9, 365-399.
- Spohn, C. (2014). Twentieth-century sentencing reform movement: Looking backward, moving forward. *Criminology & Public Policy*, 13, 535-545.
- Spohn, C., & Beichner, D. (2000). Is preferential treatment of female offenders a thing of the past? A multisite study of gender, race, and imprisonment. *Criminal Justice Policy Review*, 11, 149-184.
- Spohn, C., & Brennan, P. K. (2011). The joint effects of offender race/ethnicity and gender on substantial assistance departures in federal courts. *Race and Justice*, 1(1), 49-78.
- Spohn, C. C. (2000). Thirty years of sentencing reform: The quest for a racially neutral sentencing process. *Criminal Justice*, 3, 427-501.
- Spohn, C. C., Brennan, P. K., & Kim, B. (2017). Racial and ethnic disparities among female offenders adjudicated in federal courts: Explicating the patterns of disparities using a path model. In Jeffrey T. Ulmer & Mindy S. Bradley (Eds.), *Handbook on punishment decisions*. (PP. 211-238). New York, NY: Routledge.
- Spohn, C. C., & Spears, J. W. (1997). Gender and case processing decisions: A comparison of case outcomes for male and female defendants charged with violent felonies. *Women & Criminal Justice*, 8, 29-59.
- Spohn, C., & Fornango, R. (2009). US attorneys and substantial assistance departures: Testing for interprosecutor disparity. *Criminology*, 47, 813-846.
- Stacey, A. M., & Spohn, C. (2006). Gender and the social costs of sentencing: An analysis of sentences imposed on male and female offenders in three us district courts. *Berkeley Journal of Criminal Law*, 11(1), 43-76.
- Starr, S. B. (2015). Estimating gender disparities in federal criminal cases. *American Law and Economics Review*, 17, 127-159.
- Steffensmeier, D., & Demuth, S. (2006). Does gender modify the effects of race-ethnicity on criminal sanctioning? Sentences for male and female White, Black, and Hispanic defendants. *Journal of Quantitative Criminology*, 22, 241-261.
- Steffensmeier, D., Kramer, J., & Streifel, C. (1993). Gender and imprisonment decisions. *Criminology*, 31, 411-446.
- Steffensmeier, D., & Motivans, M. (2000). Older men and older women in the arms of criminal law offending patterns and sentencing outcomes. *The Journals of Gerontology: Psychological Sciences and Social Sciences*, 55, S141-S151.
- Steffensmeier, D., Ulmer, J., & Kramer, J. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment cost of being young, black, and male. *Criminology*, 36, 763-798.

- Tillyer, R., Hartley, R. D., & Ward, J. T. (2015). Differential treatment of female defendants: Does criminal history moderate the effect of gender on sentence length in federal narcotics cases? *Criminal Justice and Behavior*, 42(7), 1-19. doi:10.1177/0093854814560624
- Turanovic, J. J., Rodriguez, N., & Pratt, T. C. (2012). The collateral consequences of incarceration revisited: A qualitative analysis of the effects on caregivers of children of incarcerated parents. *Criminology*, 50, 913-959.
- Zatz, M. S. (1984). Race, ethnicity, and determinate sentencing: A new dimension to an old controversy. *Criminology*, 22, 147-171.

### Author Biographies

**Melinda Tasca** is an assistant professor in the Department of Criminal Justice and Criminology at Sam Houston State University. Her research focuses on correctional policy, the collateral consequences of incarceration, and the influence of gender and race/ethnicity in the criminal justice system. Her work has been published in outlets such as *Justice Quarterly*, *Criminal Justice and Behavior*, *Journal of Criminal Justice and Punishment and Society*.

**Ahram Cho** is a doctoral student in the Department of Criminal Justice and Criminology at Sam Houston State University. Her research interests include corrections, gender, crime and justice, and quantitative methods.

**Cassia Spohn** is a Foundation Professor and director of the School of Criminology and Criminal Justice at Arizona State University. She is the author or co-author of seven books, including *The Color of Justice: Race, Ethnicity and Crime in America*, *Policing and Prosecuting Sexual Assault: Inside the Criminal Justice System*, *How Do Judges Decide? The Search for Fairness and Equity in Sentencing and Drugs, Crime and Justice*. Her research interests include prosecutorial and judicial decision-making, the intersections of race, ethnicity, gender, crime and justice, and sexual assault case processing decisions.

**Nancy Rodriguez** is a professor in the Department of Criminology, Law and Society at the University of California, Irvine. Her research interests include inequality (race/ethnicity, class, crime and justice) and the collateral consequences of mass incarceration. In October 2014, Dr. Rodriguez was appointed by President Barack Obama to serve as the Director of the National Institute of Justice (NIJ), the scientific research arm of the U.S. Department of Justice.