WHITE FEMALE VICTIMS AND DEATH PENALTY DISPARITY RESEARCH

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Empirical studies of the death penalty continue to find that the race and gender of homicide victims are associated with the severity of legal responses in homicide cases even after controlling for legally relevant factors. A limitation of this research, however, is that victim race and gender are examined as distinct and independent factors in statistical models. In this study, we explore whether the independent examination of victim race and gender masks important differences in legal responses to homicides. In particular, we empirically test the hypothesis that defendants convicted of killing white females are significantly more likely to receive death sentences than killers of victims with other race-gender characteristics. Findings indicate that homicides with white female victims were more likely to result in death sentences than other victim race-gender dyads. We posit that this response may be unique and result in differential sentencing outcomes.

Baldus, Woodworth, Grosso, & Christie, 2002; Paternoster, Braeme, Bacon, Ditchfield, Beire, Beckman et al., 2003; Pierce & Radelet, 2002). This research builds on a long tradition of empirical research on criminal sentencing in general that has examined the relationship between various legal and extra-legal factors and case outcomes. Such factors include the nature of the offense, defendant's criminal history, defendant sociodemographic characteristics, victim conduct and demographics, differing social and legal contexts, and combinations of these factors (for reviews see Baldus & Woodworth, 1998; Daly & Tonry, 1997; Government Accounting Office, 1990; Kleck, 1981; Nagel & Hagan, 1983; Sampson & Lauritsen, 1997; Steffensmeier & Demuth, 2000; Zatz, 1984).

Contemporary research on the death penalty indicates that the *defendant's* race is only marginally related to whether a murder results in a death sentence (for a notable exception see Baldus, Woodworth, Zuckerman, Weiner, & Broffitt, 1998). Defendant characteristics most closely associated with a death sentence tend to be aggravating

factors, such as defendant culpability, that are prescribed by law (Baldus et al., 2002; Paternoster et al., 2003; Pierce & Radelet, 2002). Various characteristics of homicide *victims* also appear to be significant predictors of death sentences. In particular, several studies have found that homicides involving white victims (Baldus & Woodworth, 1998; General Accounting Office, 1990; but see Baldus et al., 2002) and female victims (Baldus, Woodworth, & Pulaski, 1990; Baumer, Messner, & Felson, 2000; Farrell & Swigert, 1986; Radelet & Pierce, 1991) are more likely to result in a death sentence even when other legally relevant case characteristics are controlled. Death penalty studies, however, consistently treat victim race and gender as independent effects. This may be incomplete because decision makers likely take into account a combination of personal characteristics, rather than simply the independent effects of a few attributes. Statistical models of sentencing outcomes that treat important personal characteristics such as race and gender as additive, rather than interactive, may overlook important distinctions among cases. In this article we extend this line of inquiry and consider how the joint effect of particular *victim* characteristics--race and gender may clarify previous findings in death penalty research.

We consider whether the interactive effects of victim race and victim gender contribute to our understanding of homicide case outcomes. In particular, we attempt to advance death penalty research in two ways. First, we explore the interactive effects of victim race and gender and develop a "white female victim effect" hypothesis. Second, we provide an initial test of this hypothesis by examining the relationship between victim characteristics and homicide outcomes in Ohio.

VICTIM EFFECTS AND SENTENCING RESEARCH

In this section we explore the relevance of victim characteristics in sentencing research and examine how death penalty research conceptualizes victim effects. Recent empirical research has identified the importance of three "focal concerns" in criminal justice decision making (e.g., Steffensmeier, Ulmer, & Kramer, 1998; Steffensmeier & Demuth, 2000). These include the perceived *blameworthiness* of the defendant, concerns about *protection of the community,* and *practical implications* of the sentencing decision (see Steffensmeier et al., 1998; Steffensmeier & Demuth, 2000; Daly, 1994). For example, defendants who are more morally culpable or who are perceived to represent a greater threat to public safety are likely to receive more severe responses from various criminal justice actors. Similarly, justice officials often consider the impact that particular decisions will have on interagency relationships and resources. Research is increasingly assessing how victim characteristics are related to these focal concerns and thereby affect decision making (e.g., Baumer et al., 2000).

Victim Conduct
In their examination of sentencing outcomes in homicide cases, Baumer et al. (2000) explore the effects of victim conduct and victim demographic characteristics. The perception that victim conduct directly or indirectly contributed to individual victimization may affect perceptions of the moral character of the victim (Baumer et al., 2000). Victim

conduct, therefore, may influence the perceived blameworthiness of the offender. The extent that the victim's conduct contributed to the victimization also affects the perceived "innocence" of the victim and the perceived harm and threat to the community. Victim conduct may also have practical implications. For example, negative victim behavior may decrease the certainty of the case outcome. Research has found that decision makers, such as prosecutors, seek to minimize the potential uncertainty (or risk) that may be introduced into a particular outcome (Baumer et al., 2000; see also Albonetti, 1987; LaFree, 1989; Stanko, 1981-1982; Walsh, 1987).[1] Baumer et al. (2000) found that cases with victim conduct that negatively affects these focal concerns tend to result in less severe legal outcomes. This finding is consistent with research from the Capital Jury Project, which showed that the decision between life and death sentences often hinges on jurors' perceptions about victims and victim conduct (Eisenberg, Garbey, & Wells, 2003; Sundby, 2003).

Victim Demographics

An important finding in the sentencing literature is that even after controlling for victim conduct, certain victim demographics are associated with both capital (e.g., Baldus et al., 1990, 1998) and noncapital case outcomes (e.g., Baumer et al., 2000; LaFree, 1989; Walsh, 1987). Much like victim conduct, victim demographics are thought to be associated with sentencing outcomes because of their effect on attributions of blameworthiness, the perceived harm and/or threat that such victimizations represent, and the perceived uncertainty of case outcomes for prosecutors (Baumer et al., 2000; LaFree, 1989; Albonetti, 1987). Considerable research demonstrates that the race,[2] class,[3] and gender of the victim are frequently associated with sentencing disparity. The distinction between victim conduct and demographics may not be as clear in everyday decision making and victims with particular demographic characteristics (e.g., race/ethnicity, class, and/or gender) may be perceived as "typifying" those who engage in certain conduct, regardless of specific evidence about such conduct (LaFree, 1989). Research indicates that, faced with time constraints and limited information, criminal justice actors may rely on such classifications or stereotypes in their decision making (e.g., LaFree, 1989; Stanko, 1981-1982).

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[1] Research considering the role of victims in criminal justice processing has generally been limited to the study of violent personal crimes (e.g., Baumer, 2000; Myers, 1979; Stanko, 1981-1982; LaFree, 1989; Spohn & Cederblom, 1991; Spohn & Spears, 1996; Farrell & Swigert, 1986). This is understandable considering that for many crimes, such as drug offenses, there is no readily identifiable "victim." The limited harm to or involvement of the victim also makes victim identification for several types of crime such as property offenses difficult with existing data. Furthermore, the conceptual links between victim characteristics in property crimes and their impact on sentence outcome is not as clear as with violent crime. This is not to concede that victim characteristics do not play a significant role in these sentencing decisions, merely that research on this question is extremely limited (see Hawkins, 1987).

[2] Although research is increasingly considering ethnicity (e.g., Steffensmeier & Demuth, 2000), the majority of death penalty research to date has dichotomized race into white and black. Because a goal of this paper is to encourage researchers to reexamine existing death penalty data, we stay within the existing research framework. Consistent with this paper's theme of expanding and specifying potential sources of disparity, however, it should be obvious that where appropriate and relevant, research should evaluate the relationship between ethnicity of defendants and/or victims and sentencing disparity.

[3] We acknowledge the omission of a discussion on the potential effects (independent or interactive) of victim class on disparity findings. Information on the class status of the victim is notoriously difficult to obtain and has been included in relatively few studies examining homicide cases. Studies that have included class of the victim have generally found that the higher a victim's status, even controlling for relevant legal factors, the more severe the criminal justice response (Farrell & Swigert, 1986; see also Radelet, 1989). In a major recent study, Baldus et al. (2002) found that socioeconomic status was the only victim demographic characteristic associated with sentencing disparity in Nebraska.

Victim race. Conceptually, victim race has been linked to sentencing outcomes in several ways (see Hawkins, 1987; Kleck, 1981; Spohn, 1994). First, a power-conflict perspective suggests that crimes against whites will be perceived as a more significant threat to the dominant racial power structure and maintains that homicides with black victims may be perceived as less harmful to society than crimes against whites (Hawkins, 1987; Kleck, 1981; Walsh, 1987). Research on homicide (e.g., Baldus et al., 1990; Baumer et al., 2000; Farrell & Swigert, 1986; Gross & Mauro, 1989; Thomson, 1997) and rape case processing (e.g., LaFree, 1989; Walsh, 1987 is consistent with this view (but see Spohn & Spears, 1996).[4] Considering the historical marginalization and oppression of blacks in American society, crimes against black victims may be considered unworthy of the most severe criminal justice response (see Friedman, 1993).

A second explanation focuses on the potential impact of crossing racial barriers on the perceived seriousness and harm of an offense (see Hawkins, 1987; LaFree, 1989; Spohn, 1994). Interracial crimes may be perceived as representing a significant deviation from social relations between racial groups. Beyond the criminal act itself, the violation of racial group interactions may therefore encourage a more severe response to reinforce social norms. Evidence that interracial crimes with black defendants and white victims are consistently treated more severely in homicide cases (Baldus et al., 1990; Farrell & Swigert, 1986; Gross & Mauro, 1989; Radelet & Pierce, 1991; Thomson, 1997; Williams & Holcomb, 2001) and rape cases (LaFree, 1989; Walsh, 1987) generally supports this argument. Despite the fact that relatively few homicides or rapes involve white perpetrators and black victims (see Baldus et al., 2002; LaFree, 1989; Pierce & Radelet, 2002; Spohn, 1994), there is little evidence of more severe treatment of interracial crimes in these cases. The harsher response to interracial crimes involving blacks who victimize whites, therefore, provides additional support for a power-conflict explanation.

A third explanation relates to stereotypes about black conduct. As noted, if decision makers perceive a victim's conduct as contributing to their victimization, they are likely to assign less blame to the defendant. As a result, a less severe sentence may be imposed. Stereotypes suggesting that blacks are more likely to engage in illegal or morally questionable behavior, therefore, may affect the perceived blameworthiness of the defendant, the perceived harm of a particular crime, and the credibility of the victim as a "victim" (Baumer et al., 2000; Myers, 1979; Stanko, 1981-1982). Crimes involving black defendants and black victims may be viewed as a relatively "normal" aspect of the life experiences of blacks in a particular community and less threatening to the social fabric of the larger white community (see, e.g., Baumer et al., 2000). Considerable research has found that homicides involving black victims and black defendants

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[4] We have chosen to use the phrases "treated more severely" and "more severe response" as general terms to indicate that such cases receive more formal treatment and/or punitive treatment at one or more stages of criminal processing from the prosecutorial decision to file formal charges to the final disposition of a case. Given the variety of measures and outcomes that researchers have used in assessing sentencing disparity, specifying differences across findings would be excessively complex. For the purposes of brevity and clarity, we have chosen to speak in generalities except where detail provides important substantive distinctions.

(especially those in which both are male) tend to be treated more leniently than cases with other defendant-victim dyads (Baldus et al., 1990; Gross & Mauro, 1989; Paternoster, 1984; Radelet & Pierce, 1991; Radelet, 1981; Williams & Holcomb, 2001).

Victim gender. When sentencing researchers consider gender, they typically focus on the gender of the defendant (e.g., Daly, 1989; Daly & Bordt, 1995; Daly & Tonry, 1997; Steffensmeier, Kramer, & Streifel, 1993) and explanations of victim gender effects tend to resemble explanations of defendant gender effects. For example, scholars from a gender conflict perspective suggest that crimes with female victims are treated less severely than those with male victims because the devalued role of women in American society marginalizes their status as victims and minimizes the perceived harm that has been done to the community (Belknap, 2001; Daly & Tonry, 1997). Research suggests that gendered power relations contribute to the marginalization of female victims, especially the victimization of females in low status groups (Belknap, 2001; see generally Van Wormer & Bartollas, 2000; Grana, 2002; Carlen & Worral, 1987; Schwartz & Milovanovic, 1996). Homicide and death penalty research, however, consistently find that homicides with female victims are treated more severely than those with male victims (Baumer et al., 2000; Farrell & Swigert, 1986; Baldus et al., 1990; Gross & Mauro, 1989; Radelet & Pierce, 1991). This suggests that responses to female victimization vary for different types of crimes and that a gender conflict perspective may be insufficient to account for gender disparities found in death penalty research.

Others maintain that crime against females, and in particular nonsexual violence, is viewed as more harmful than crime against males (Baumer et al., 2000; Kleck, 1981). More severe sentences for crimes with female victims have also been explained in terms of the perceived "innocence" of females and the "undeserving" nature of their victimizations (Myers, 1979; Williams, 1976), the perceived "defenselessness" of females (Gross & Mauro, 1989), and the perception that females are less likely to contribute to their own victimization (Farrell & Swigert, 1986). Each of these explanations is consistent with the previously noted focal concerns of decision makers. If female victims are perceived as contributing less to their victimization, then assailants will be viewed as more blameworthy and deserving of more severe responses. In addition, the victimization of more defenseless or "innocent" persons symbolically represents a greater threat to social order, requiring a reaction from criminal justice actors that reinforces a community protection message (Sundby, 2003). Finally, such characterizations may diminish the uncertainty involved in the prosecution of female victim cases and increase the willingness of decision makers to pursue more severe responses (Albonetti, 1987; Albonetti & Hepburn, 1996; Stanko, 1981-1982).

As noted, evidence indicates that victim gender contributes to capital case outcomes. Indeed, gender effects are often stronger than the effects of victim race (Baldus et al., 1990; Gross & Mauro, 1989; Williams & Holcomb, 2001; but see Baldus et al., 2002).

However, to date, findings of victim-gender disparity have not received the academic attention that has been paid to victim-race disparity.[5] In the next section, we justify the need for a more extensive examination of victim characteristics in death penalty research.

Victim race-gender. It is clear that victim demographics have both a direct and an indirect effect on criminal justice decision making. Empirically, both victim race and gender are associated with differential sentencing outcomes in homicide cases (Paternoster, 1984; Baldus et al., 1990; Baumer et al., 2000; Gross & Mauro, 1989; Radelet & Pierce, 1991; Farrell & Swigert, 1986; Thomson, 1997; Williams & Holcomb, 2001). Research on rape (LaFree, 1989; Spohn, 1994; Walsh, 1987) and other violent crimes (Myers, 1979; Williams, 1976) provides additional evidence that victim race and gender are associated with sentence outcomes. According to Daly and Tonry (1997), however, "the most interesting analytical and political questions center on the *intersections* of race and gender, not merely the separate categories of 'black', 'white', 'male', and 'female'" (p. 208, italics in original; see also Lynch, 1996).

Statistical models that treat victim gender and race as independent may mask important differences within categories. For example, if female victim cases are treated more severely, what happens when the race of that female victim is added to the model? The aggravating effect of a victim's gender (i.e., female) may be offset by the mitigating effect of a victim's race (i.e., black). Thus, are black female homicides treated more like white female victim cases or black male victim cases? Similarly, do white male victim cases result in sentencing outcomes consistent with black male victim cases or white female victim cases?

Evidence of interactive effects of victim demographics comes primarily from research on rape case processing and a limited number of death penalty studies. The majority of studies on sentencing disparity in sexual assault cases focus exclusively on outcomes across different racial combinations of female victims and male assailants. In general, this research finds that rapes against white females receive the most severe responses, especially when the assailant is a black male (LaFree, 1989; Walsh, 1987; Spohn, 1994; but see Spohn & Spears, 1996). Furthermore, research suggests that a hierarchy exists in response to rape cases. Rapes where a black male assaults a white female are treated most severely, while rapes with black female victims and black male assailants receive the most lenient responses (LaFree, 1989; Spohn, 1994). Responses to rapes involving white male assailants generally fall in the middle of the severity range and appear to depend on specific circumstances of those cases (Walsh, 1987). Examination of the interaction of victim characteristics in death penalty research is limited. Paternoster (1984) reported that prosecutors were most likely to seek the death penalty in homicides involving white female victims and least likely to do so in cases involving black male victims (Paternoster, 1984; see Tables 5-8). Similarly, Radelet and Pierce (1991) reported that Florida homicides with white female victims were the most

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[5]   For example, the major study of racial disparity in Maryland's capital punishment process apparently omitted victim gender as an independent variable in its analyses (see Paternoster et al., 2003).

likely to result in a death sentence and those with black male victims were the least likely (Radelet & Pierce, 1991).

These studies are not without limitations. Radelet and Pierce (1991) reported percentages only for the relationship between victim race and gender and death sentences and did not include an interaction variable in their regression models. Paternoster's (1984) study used data from a relatively brief period (1977 to 1981) and both Paternoster (1984) and Radelet and Pierce's (1991) studies were conducted in southern jurisdictions. Therefore it is unclear whether their findings can be generalized to current sentencing practices, especially in non-southern jurisdictions (Gross & Mauro, 1989; Peterson & Hagan, 1984). We now consider why responses to violent crimes with white female victims may be unique.

THE WHITE FEMALE EFFECT

American history provides considerable evidence of a "white normativity" (Zack, 1998) and the symbolic power of white females in our culture. The perception of white females as a subgroup deserving special protection has frequently resulted in differential responses to their victimization. In the United States, the rape of a white woman, especially one thought to be perpetrated by a black man, has historically been treated more seriously than rapes of black females (LaFree, 1989; Kleck, 1981). Furthermore, the use of capital punishment for rape was limited almost exclusively to cases involving white female victims, particularly m southern jurisdictions (Kleck, 1981; Friedman, 1993).[6]

The symbolic power of white female victims, especially when "threatened" by non-whites, has been used to ensure public support for a variety of laws and social movements. Morgan (1978) notes how public opinion towards Chinese immigrants was manipulated in order to pass anti-opium laws in California in the late 19th century. Although the anti-opium laws were largely an ideological tool to serve economic interests, their passage was supported by portraying opium smoking as an activity that put whites, and white females in particular, in morally precarious situations.[7] It is particularly relevant that the problem was not merely one of interracial contact, but that white women were specified as the at risk group.

Another example of a white female effect can be found in the passage and enforcement of the White Slave Traffic Act, also known as the Mann Act, which became effective in 1910 and remains, in amended form, federal law today (Weisberger, 1996). The act prohibited the transportation of women across state lines for "immoral purposes." While originally designed to curb forced and consensual prostitution, the interpretation of the law eventually expanded to include a variety of consensual sexual relationships

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[6] This is not to suggest that all rapes involving white females have always been treated seriously (e.g. spousal rape, see Friedman, 1993). The rape of white females, however, seems to have been considered comparatively more serious than the rape of black females.

[7] A government report from the period noted that, "The department of the police, in enforcing the law with regard to this matter, have (sic) found white women and Chinamen side by side under the effects of the drug - a humiliating sight to anyone who has anything left of manhood" (Morgan, 1978, p. 58).

(Langum, 1994). Similar to the anti-opium laws, the Mann Act was part of a larger ideological battle between middle and working-class Americans and foreigners believed to pose a risk to the quality of social and moral life, especially in growing urban areas (Langum, 1994). The "white slavery hysteria" that peaked between 1907 and 1914 was fueled in part over the perceived dangers and temptations to "innocent" middle class white females (Langum, 1994).[8] The symbolic power of this message was essential to the passage of the Mann Act.[9] Although these examples are not conclusive, they provide some historical evidence of heightened concern with the victimization of white females for particular types of crimes, especially at the hands of men of different ethnicity.

There are several possible explanations for a white female victim effect that incorporate the previously noted focal concerns. First, the perceived status of white females relative to other victims may affect decision makers' interpretations. As noted, white females may be perceived as the group most in need of protection from violence and least likely to be responsible for their victimization. In part, this may be the result of a perception that violence is not a "normal" part of life for white females, unlike black females and males, for whom violence is perceived to be a more common experience. If stereotypes about black male conduct carry over to black females, then black females may be perceived as contributing to their own victimization. Similarly, white males may be seen as more threatening or contributing to their victimization, making their assailants less blameworthy than the assailants of white females.

As prior research indicates, victim status affects the focal concerns of decision makers. If gender and race are major determinants of status, however, the white female victim is the only combination that is elevated on both characteristics. If females are more likely to receive the benefits of a protective response to their victimization and white victim cases are treated more severely that black victim cases, then all combinations other than white female possess at least one relatively devalued characteristic. This could explain why homicides with black males receive the least severe response, i.e., they are neither white nor female.

A second possible source of victim-based disparity may be decision makers' perceptions of the victim's familial role and responsibilities (see Daly, 1987, 1994). While Daly's (1987, 1994) familial justice model has emphasized responses to women's lawbreaking, it is reasonable to consider how a victim's status visa-vis her familial roles might affect criminal justice decision making. If particular female victims are perceived as primary care givers, decision makers may respond to violence against them more severely.[10] The victimization of persons having familial responsibilities may be

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[8] Langum (1994) notes, "The term "white slaves" was a constant reminder to middle-class America both of the alleged coercion involved, but also that it was not the lowly Negro that was being enslaved, but women of their own kind" (i.e., white women) (pp. 26-27).

[9] As Langum (1994) acknowledges, while formally initiated to protect women from the "evils" of sexuality, the Mann Act actually served to repress women's sexuality and independence and was frequently used as a political tool against those who were perceived as deviant or troublesome.

[10] In specific circumstances, males or black females may be perceived as having a primary care giver role, especially if they provide the sole income for a family. This is not to suggest that only white female victims may be perceived in a familial role

perceived as more harmful (perhaps due to collateral consequences) and threatening to community safety. If white females are more closely associated with traditional familial roles and behavior (Zack, 1998) their victimization may result in a more severe legal response.[11]

METHODOLOGY

Data on homicides in Ohio were taken from the Supplemental Homicide Reports (SHR), compiled by the FBI, for the years 1981 (the year Ohio reintroduced the death penalty) through 1997. SHR data include information on several variables for each homicide: offender's age, gender, and race; victim's age, gender, and race; circumstances surrounding the offense; weapon used; relationship between offender and victim; and county where the crime took place.[12]

Although there are potential limitations with SHR data (e.g., Maxfield, 1989), a number of studies have used SHR reports in death penalty research, including those investigating issues of deterrence (e.g., Peterson & Bailey, 1991; Cochran, Chamlin, & Seth, 1994; Bailey, 1998) and racial disparities in sentencing (e.g., Pierce & Radelet, 2002; Radelet & Pierce, 1991; Sorensen & Wallace, 1996; Thomson, 1997). Several scholars indicate that potential problems with the SHR, such as missing data, do not appear to create systematic bias or other problems sufficient to invalidate its research potential (Peterson & Bailey, 1991; Riedel & Rinehart, 1996; see also Williams & Holcomb, 2001).

SAMPLE

The SHR data contain information regarding incidents of murder and negligent and non-negligent manslaughter. Cases of negligent manslaughter are identified by the SHR and were omitted from the analyses because they are typically ineligible for a death sentence. The SHR database does not distinguish between murder and non-negligent manslaughter; thus, the SHR database used in the analysis consisted of 7,344 cases, some of which are not death-eligible. To partially account for this, we have conducted analyses on only those cases involving felony circumstances, which is an aggravating factor under Ohio law.

The usable sample is reduced in two ways. First, those cases in which there was no

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or that all females are automatically granted such a status. Such "typifications" would likely be part of the decision making process in individual cases. We would posit, however, that white females are more likely to be perceived as fulfilling traditional familial responsibilities (Zack, 1998).

[11] To test this particular explanation would require having several victim family measures and including these in a model with victim gender-race interactive variables. This would also require assuming that decision makers' accurately perceive the "reality" of a victim's familial responsibilities as represented by such measures. The present study does not include data on the family responsibilities of the victim and is therefore unable to test this specific hypothesis.

[12] To evaluate problems of missing data, a dummy variable was created for each variable that had missing data for more than 5% of the cases (offender gender, race, age; relationship; felony circumstances) and correlation statistics between the dummy variables and the other variables in the analysis were conducted to test for significance. Results indicated that systematic bias did not result from exclusion of the missing data.

known information about the suspect were excluded. Second, because individuals under the age of 18 are not eligible for the death penalty in Ohio (Ohio Revised Code, 2929.023, 1999), cases involving underage offenders were excluded. A total sample of 5,976 cases was used, including 324 homicides for which a death sentence was imposed.

Each homicide that resulted in a death sentence during the time period under study was identified in the SHR database. We were able to identify those death sentences in the SHR with offender data by matching relevant information in the SHR (e.g., victim, date of offense, weapon, relationship) with case information about death sentence homicides gathered from the Office of the Ohio Public Defender, the Office of the Ohio Attorney General, and the Ohio Department of Rehabilitation and Correction. We are confident that we have correctly identified each death sentence case with those in the SHR.[13] This method of identification was adopted from Gross and Mauro (1989) and Sorensen and Wallace (1995).

In this study, a case refers to a single homicide offender-victim dyad. Therefore, information was coded regarding the number of death sentences imposed, not the number of individuals who received death sentences.[14] This allows comparisons across various offender-victim dyad characteristics and is therefore different from the coding of Gross and Mauro (1989), who used homicide incidents as the unit of analysis and treated homicides with multiple victims (and multiple death sentences) as one incident.[15] Our analyses control for death sentences imposed for multiple victims.

VARIABLES

Table 1 indicates the variables used in the analysis, including the dependent variable (i.e., whether a death sentence is imposed) and multiple independent variables.

The use of death sentences, rather than executions, is typical in research examining racial disparities and capital punishment. Moreover, because Ohio has only executed 10 persons since 1981 (as of this writing), death sentence data rather than execution data are more appropriate. The independent variables are similar to those used in prior examinations of racial disparity and the death penalty. Under Ohio law, homicides with victims aged 12 and younger and those with accompanying felonies (i.e., felony circumstances) are considered aggravating factors, while the youth of the offender

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[13] During the time period under study, 227 offenders were given death sentences. This study examined the likelihood of death sentences being imposed on homicide offenders, taking into consideration homicides involving multiple victims and homicides involving multiple offenders. All death sentences were considered, including those that were eventually overturned and acquitted, overturned and resentenced to a lesser sentence, and overturned and resentenced to death. Thus, there were 324 death sentences imposed on 227 individuals during the period under study.

[14] Offender-victim dyad takes into account cases with multiple offenders and/or multiple victims. Therefore, the sample represents the universe of possible sentences for homicide with known offenders. For example, a homicide incident with two offenders and two victims is counted as four cases; one case against each offender for each victim.

[15] For example, Gross and Mauro (1989) treated multiple homicides with at least one black victim as a single "black victim homicide," thereby ignoring the racial characteristics of other victims in a multiple homicide. The present authors believe it is problematic to collapse multiple homicides into "one defendant-one victim" category as such a method could result in systematic bias in one direction or the other depending on how the cases were coded.

(younger than 25) may be considered a mitigating factor. Similar to prior research, the present analyses also include variables such as whether the offender was a stranger and whether the homicide involved multiple victims because of the potential impact those circumstances might have on the perceived seriousness of the offense. Though these are not legal factors under Ohio law, they are likely to be considered by decision makers in evaluating case seriousness. The analysis does not include a measure of

defendant prior record. While some have indicated the

Table 1. Variables in the Analysis

Was a death sentence imposed?	0=no (n=7020 – 96%)
N = 7344	1=yes (n=324 – 4%)
Was the victim female?	0=no (n=5347 – 73%)
N = 7343	1=yes (n=1996 – 27%)
Was the victim white?[a]	0=no (n=4010 – 55%)
N = 7333	1=yes (n=3323 – 45%)
Was the offender male?	0=no (n=1073 – 15%)
N = 7338	1=yes (n=6265 – 85%)
Was the offender white?[a]	0=no (n=4420 – 60%)
N = 7332	1=yes (n=2912 – 40%)
Was a gun used?[b]	0=no (n=2641 – 37%)
N = 7180	1=yes (n=4539 – 63%)
Was it a stranger homicide?[c]	0=no (n=5395 – 76%)
N = 7077	1=yes (n=1682 – 24%)
Did homicide involve other felony?[d]	0=no (n=5050 – 80%)
N = 6303	1=yes (n=1253 – 20%)
Was offense a multiple homicide?	0=no (n=6700 – 91%)
N = 7344	1=yes (n=644 – 9%)
Did homicide occur in urban area?	0=no (n=531 – 7%)
N = 7344	1=yes (n=6813 – 93%)
Was victim 12 or younger?	0=no (n=6837 – 93%)
N = 7323	1=yes (n=486 – 7%)
Was offender under 25?	0=no (n=4583 – 62%)
N=7344	1=yes (n=2761 – 28%)
Was victim a white male?	0=no
	1=yes (n=2194 – 30%)
Was victim a black female?	0=no
	1=yes (n=866 – 12%)
Was victim a black male?	0=no
	1=yes (n=3144 – 43%)
Was victim a white female?	0=no
	1=yes (n=1127 – 15%)

[a]   SHR data coded race as "white, black, Native American, Asian and Islander, and other." For the current study, the race variable was collapsed, reflecting "white" (white, Native American, Asian and Islander) and "nonwhite" (black). This did not affect the results of the analysis, because few Native Americans, Asians, and Islanders appeared as offenders or victims. It should be noted that Hispanics are coded as "white" in the SHR reports.

[b]   SHR data coded weapon as one of 17 possible choices, ranging from five different types of guns to poisoning, asphyxiation, etc. The current study combined all guns into one value and all nonguns into another.

[c]   SHR data coded relationship as one of 29 possible choices, ranging from various family members to friends, acquaintances, to strangers. The current study collapsed all values into the ones seen in the table.

[d]   SHR data coded circumstances as one of 33 possible choices, ranging from various crimes committed during the course of the homicide to gang killing to lover's triangle, etc. All SHR values that involved a felony incident were collapsed into one value and all other values were treated as nonfelony homicides.

importance of this information (Kleck, 1981), others have argued that such data are not essential to an examination of victim-based disparity (Williams & Holcomb, 2001). Furthermore, prior research has found that victim-based disparities continue to exist even after controlling for defendant prior record (e.g., Baldus et al., 1990; Paternoster et al., 2003).

RESULTS AND DISCUSSION

Table 1 indicates that, as expected, black male victims make up the highest percentage of homicide victims (43%), followed by white males (30%), white females (15%), and black females (12%), respectively. Table 2 contains a description of the various race-gender dyads for both offender and victim among homicides in Ohio. The table shows the percentage of all homicides, all nondeath sentence homicides, and all death sentence homicides that exhibit the various offender-victim characteristics. Consistent with prior findings, white female victims are overrepresented among death sentences compared to their percentage in all homicides. Because only six of the 1,072 homicides with female offenders resulted in a death sentence, there is insufficient variation for them to be included in the analyses. The remaining analyses are therefore limited to cases involving male offenders.

Table 2. Characteristics of Ohio Homicides by Gender and Race of Offender (O) and Victim (V)

O-V	All Homicides[b]		No Death Sentence[b]		Death Sentence[b]	
WM-WM[a]	20%	(1481)	20%	(1413)	21%	(68)
WM-WF	12%	(884)	11%	(797)	27%	(87)
WM-BM	2%	(173)	2%	(166)	2%	(7)
WM-BF	<1%	(15)	<1%	(13)	<1%	(2)
BM-BM	32%	(2385)	33%	(2335)	15%	(50)
BM-BF	10%	(722)	10%	(686)	11%	(36)
BM-WM	6%	(432)	6%	(392)	12%	(40)
BM-WF	2%	(159)	2%	(131)	9%	(28)
WF-WF	<1%	(73)	1%	(73)	N/A	
WF-WM	3%	(256)	4%	(255)	<1%	(1)
WF-BM	<1%	(22)	<1%	(22)	N/A	
WF-BF	<1%	(5)	<1%	(5)	N/A	
BF-BF	2%	(124)	2%	(123)	<1%	(1)
BF-BM	8%	(564)	8%	(560)	1%	(4)
BF-WM	<1%	(17)	<1%	(17)	N/A	
BF-WF	<1%	(11)	<1%	(11)	N/A	
N =	7323		6999		324	

[a] W = white; B = black; M = male; F = female
[b] Column percentages and numbers

The first step in testing the central hypothesis that cases involving white female victims are more likely to result in a death sentence was to conduct a logistic regression analysis using the variables listed in Table 1, treating victim gender and race as independent factors. This provides a baseline for determining

whether victim race and gender are independently associated with death sentences. The results of this initial analysis are reported in Table 3.

Table 3. Logistic Regression Analyses for Main Effects

Variable	B	Standard Error	Odds Ratio
Female Victim	.962	.148	2.617**
White Victim	.569	.185	1.766**
White Offender	-.064	.177	.938
Offender under 25	-.779	.152	.459**
Gun Used	-.059	.152	.943
Stranger Homicide	.774	.163	2.169**
Felony Circumstances	3.199	.190	24.500**
Multiple Victims	2.035	.161	7.650**
Urban Area	-.545	.229	.580*
Victim 12 or under	.576	.277	1.779*
CONSTANT	-5.067	.323	

N = 5062

-2 Log Likelihood = 1428.450   **p < .01   *p < .05

As expected, homicides involving white victims and female victims are more likely to result in a death sentence than homicides involving black victims or male victims, respectively. The odds of a death sentence are 1.766 times greater in cases involving the homicide of white victims than a non-white victim. Also, the odds of a death sentence are 2.617 times greater in cases involving a female victim rather than a male victim. Other significant predictors ($p < .01$) include homicides involving strangers (odds ratio = 2.169), felony circumstances (odds ratio = 24.500), multiple victims (odds ratio = 7.650), and offenders over the age of 25 (odds ratio=.459).

To test the hypothesized white female victim effect on death sentence disparity, a logistic regression analysis was conducted featuring interaction terms (in the form of dummy variables) for the race and gender of the victim. Table 4 provides the results of this analysis. The white female victim variable was omitted from the analysis and serves as the reference category to compare to the other race-gender dyads. Results in Table 4 indicate that all of the race-gender dyads included in the analysis were significant, indicating that off enders who kill black males, white males, and black females are much less likely to receive a death sentence than offenders who kill white females. Specifically, the odds of a homicide with a black male victim resulting in a death sentence are 78% less (odds ratio = .221) than in cases with white female victims. The odds of a death sentence in homicides with white male victims (odds ratio = .322) and black female victims (odds ratio = .385) are 68% and 61% lower than the odds for homicides with white female victims.

Table 4. Logistic Regression Analysis with Race and Gender Interaction

Variable	B	Standard Error	Odds Ratio
White Male Victim	-1.133	.176	.322**
Black Female Victim	-.955	.286	.385**
Black Male Victim	-1.508	.226	.221**
White Offender	-.107	.179	.899
Offender under 25	-.783	.152	.457**
Gun Used	-.076	.153	.927
Stranger Homicide	.782	.163	2.185**
Felony Circumstances	3.211	.191	24.800**
Multiple Victims	2.058	.162	7.828**
Urban Area	-.558	.229	.572*
Victim 12 or under	.607	.278	1.835*
CONSTANT	-3.412	.327	

n = 5062

-2 Log Likelihood = 1425.142   **$p < .01$ *$p < .05$

Other significant predictors of death sentences include homicides involving strangers (odds ratio = 2.185), felony circumstances (odds ratio = 24.800), and multiple victims (odds ratio = 7.828) when compared with the likelihood of homicides involving nonstrangers, nonfelony circumstances, and single victims. Furthermore, homicides with offenders under the age of 25 at the time of the offense were significantly less likely to result in a death sentence (odds ratio = .457).

The results from this analysis underscore the importance of examining the interaction between race and gender in homicide cases. Consistent with a hypothesized "white female effect," white male, black male, and black female victim homicides were significantly less likely to result in a death sentence, even when controlling for several legally relevant factors. The interaction term analysis was also conducted with every victim race-gender dyad as the reference category to consider all potential comparisons. Results from these analyses (available from the authors) were consistent with the results in Table 4. The only dyad that was significantly more likely to result in a death sentence was the white female victim. Based on these analyses it appears that outcomes of cases with white female victims are quite distinctive from cases involving other victim characteristics. Because these analyses likely contain data on homicides that are not eligible for the death penalty, the results should be viewed with caution. To check for the robustness of our findings, we conducted an additional analysis restricted to homicides involving felony circumstances. The presence of felony circumstances was the strongest predictor of death sentences in the previous analyses and is an aggravating circumstance under Ohio law. Restricting the sample to these cases was the best way (with the present data) of limiting analyses to those cases likely to be death eligible. In fact, of the 324 death sentences in this study, 279 (86%) featured felony circumstances. Therefore, to increase confidence in the initial findings, the logistic regression analysis was repeated on only those homicides involving felony circumstances. Although this procedure omitted 51 death sentences from the analysis, the number of total homicides dropped considerably, from 5,062 to 1,115.

Table 5. Logistic Regression Analysis with Race and Gender Interaction, Felony Circumstances Only

Variable	B	Standard Error	Odds Ratio
White Male Victim	-1.250	.201	.286**
Black Female Victim	-.904	.317	.405**
Black Male Victim	-1.582	.253	.206**
White Offender	-.179	.193	.836
Offender under 25	-.751	.161	.472**
Gun Used	.057	.175	1.058
Stranger Homicide	.526	.173	1.693**
Multiple Victims	1.811	.186	6.117**
Urban Area	-1.068	.272	.344**
Victim 12 or under	.876	.341	2.400**
CONSTANT	.459	.355	

n = 1115

-2 Log Likelihood = 1018.090   **p<.01   *p<.05

As can be seen in Table 5, most of the variables that were significant in the previous analyses remain significant in the felony circumstance-only analysis. The primary variables of interest, the victim race-gender interaction terms, remained significant and in the predicted direction. Homicides involving black male (odds ratio = .206), white male (odds ratio = .286) and black female (odds ratio = .405) victims were all significantly less likely to result in a death sentence than homicides involving white female victims. Also, homicides involving strangers (odds ratio= 1.693), multiple victims (odds ratio = 6.117), and offenders under 25 (odds ratio = .472) remained significant in the analysis. An interesting change is that two variables, "victim 12 and under" and urban area, increased in significance from the previous .05 level to the .01 level. Thus, the finding that homicides involving victims 12 years of age and under (odds ratio= 2.400) and occurring in nonurban areas (odds ratio = .344) were more likely to result in a death sentence was strengthened once the analysis was limited to cases with felony circumstances.

To better understand differences across homicide characteristics, we conducted additional analyses by partitioning the data by the race-gender of the victim. In effect, each race-gender dyad is examined independently to assess which factors best predict death sentences for these homicides. This allows a comparison of factors associated with death sentences for homicides with different victim characteristics. The analyses are limited to felony homicides with male offenders. The results are reported in Table 6.

After partitioning the data, results indicate that different factors are associated with death sentences for the different victim race-gender dyads. For homicides with white male victims, several variables are significant at p < .01. The odds of homicides involving strangers (odds ratio = 3.123), victims 12 years of age or under (odds ratio = 8.804), and multiple victims (odds ratio = 7.673) resulting in a death sentence are all significantly higher than the odds for homicides involving nonstrangers, older victims, and single victims, respectively. Cases with offenders under 25 (odds ratio = .326) are also less likely to result in a death sentence. These characteristics represent both

legally and symbolically aggravating factors, and their relationship with more severe responses is not unexpected.

For homicides involving black male victims, only two variables are significant at $p < .01$. Multiple victims (odds ratio = 28.957) greatly increase the likelihood of a death sentence for offenders who killed black males. Homicides involving multiple victims are not common, and when they do occur, they surely represent a greater threat and harm to the community, necessitating a more severe punishment regardless of the characteristics of the victim. However, the dramatic increase in the odds ratio for the multiple victim variable among black male victims compared to white male victim homicides is noteworthy. Another significant predictor for black male victims is whether the homicide occurred in a nonurban area (odds ratio= .023). The odds of a homicide with a black male victim in a rural area resulting in a death sentence are 92% higher than the odds for a black male victim homicide in an urban area. This may be explained by the fact that homicides are more frequent in urban areas (and, in particular, black male victims are more likely to be killed in urban areas), so homicides occurring

Table 6. Logistic Regression Analysis for Each Race-Gender Pairing, Felonies Only

	B	Std Error	Odds Ratio
White Male Victim			
White Offender	-.322	.282	.725
Offender under 25	-1.121	.272	.326**
Gun Used	-.182	.281	.834
Stranger Homicide	1.139	.326	3.123**
Multiple Victims	2.038	.316	7.673**
Urban Area	-.952	.379	.386*
Victim 12 or under	2.175	.778	8.804**
CONSTANT	-.991	.467	
N = 456 -2 Log Likelihood = 381.142		**p<.01 *p<.05	
Black Male Victim			
White Offender	-.991	.713	.371
Offender under 25	-.861	.403	.423*
Gun Used	1.209	.601	3.351*
Stranger Homicide	.647	.431	1.910
Multiple Victims	3.336	.466	28.957**
Urban Area	-4.052	1.197	.017**
Victim 12 or under	-.177	.935	.838
CONSTANT	.463		1.257
N = 336 -2 Log Likelihood = 196.916		**p<.01 *p<.05	
Black Female Victim			
White Offender	1.617	1.527	5.036
Offender under 25	-.696	.523	.499
Gun Used	-.397	.526	.672
Stranger Homicide	.444	.513	1.559
Multiple Victims	1.830	.522	6.236**
Victim 12 or under	-.067	.664	.935
CONSTANT	-1.109	.458	
N = 100 -2 Log Likelihood = 111.130		**p<.01 *p<.05	
White Female Victim			
White Offender	.075	.329	1.078
Offender under 25	-.503	.286	.605
Gun Used	.364	.310	1.440
Stranger Homicide	.002	.297	1.002
Multiple Victims	.809	.359	2.246*
Urban Area	-.744	.494	.475
Victim 12 or under	.924	.560	2.520
CONSTANT	.215	.607	
N = 223 -2 Log Likelihood = 287.962		**p<.01 *p<.05	

outside their normal context may be viewed differently. Given the fact that blacks are a small percentage of the population in rural Ohio, their homicide victimizations may be perceived as unusual events worthy of a severe response. Another interesting finding is that the use of a fire-arm is significant only (though only at the .05 level) for homicides with black male victims, although the interpretation of this finding is not immediately apparent.

For black female victims, it was necessary to omit the geographic variable due to lack of variation, i.e., all homicides involving black female victims that resulted in a death

sentence occurred in urban areas. Results of the analysis with the remaining variables indicate that for homicides with black female victims, the presence of multiple victims is the only factor that significantly increases the likelihood of a death sentence at $p < .01$ (odds ratio= 6.236).

In assessing the relevance of a hypothesized white female effect, the most interesting finding is that none of the variables was significant at $p < .01$ in predicting death sentences for homicides involving white female victims. While the multiple victim variable (odds ratio = 2.246) is significant for white female homicides at $p < .05$, it has a considerably lower odds ratio than the multiple victim variable for black female victim homicides (odds ratio = 6.236). Other characteristics such as whether the homicide was committed by a stranger, whether the homicide occurred in a rural area, or whether the victim was 12 years of age or under, did not increase the likelihood of a death sentence for homicides with white female victims. Furthermore, concerns about a black male offender-white female victim effect are not supported here, as offender race was not significant for any victim dyad, including white female homicides.[16]

Thus, essentially none of the included variables increase the likelihood of a death sentence for white female victims. These findings are contrasted with the number of variables that significantly increase the likelihood of a death sentence for a homicide with a white male victim: offenders over 25, stranger homicides, multiple victims, homicides with victims 12 or under, and, to a lesser extent, the homicide occurring in a rural area. There appears to be a dramatic difference between white male and white female victim homicides in what factors affect the likelihood of a death sentence. Furthermore, results suggest that black female homicides, rather than while male homicides, are more similar to white female homicides in the characteristics associated with death sentences. This suggests that victim gender may be substantively more important than victim race in understanding death sentence disparity. Based on these analyses, however, homicides with white female victims appear to be unique.[17]

CONCLUSION

Similar to Spohn (1994), the present analyses suggest that, even after controlling for legally relevant factors, a hierarchy of responses will be observed among cases with different victim characteristics. Prior research indicates that the perceived status of the victim is a factor in explaining outcomes in criminal cases. While such typifications likely involve a number of factors such as victim conduct at time of incident, the victim's socioeconomic status, and familial roles, our findings support the proposed hypothesis that the response to homicides with white female victims is statistically unique.

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[16] Readers are reminded that analyses were only conducted on homicides with male offenders. Thus, controlling for race of the offender allows the analysis to examine the differences between white male offender and black male offender homicides for different victim race-gender dyads.

[17] It is possible that the observed white female effect could be the result of the severe response to felony murders of white females involving rape. To eliminate this potential explanation, analyses were run excluding cases with rape as a felony circumstance (which represented only 4% of all felony circumstance cases). The observed findings were unchanged.

Death penalty research that fails to consider the potential interaction effects of various victim characteristics may be missing important differences in the manner in which death sentencing disparities continue to exist. It seems insufficient to suggest that "white" and "female" victim cases are somehow conceptually unique without consideration of theoretically significant differences *within* these categories. It appears that disparities in death sentencing are more specific than that suggested by the independent consideration of victim race and victim gender. Outcomes in death penalty cases are likely shaped by specific considerations of the crime, offender, victim, and statutory requirements. Furthermore, research demonstrates that disparity is most likely to occur in cases where decision makers are liberated from strict decision making guidelines and public scrutiny (Kalven & Zeisel, 1966; Spohn & Cederblom, 1991). The fact that disparities continue to exist, even with the strict statutory and public scrutiny given such cases, raises continuing concerns about inequality in the imposition of the death penalty.

The present study finds that a central factor in understanding existing racial disparity in death sentences may be the severity with which those who kill white females are treated relative to other gender-race victim combinations. Even after controlling for several legally relevant factors, analyses revealed that homicides with white female victims were more likely to result in a death sentence than others. In fact, homicides with white female victims are the only statistically distinct victim dyad. Analyses indicate that the severity of responses to white female victim homicides may partially account for findings of general white and general female victim disparity. This is consistent with the view that black female victims do not have the same status as white female victims (Belknap, 2001), but challenges the argument that an elevated status extends to all white victims. Finally, death sentences for white female victim homicides are predicted by none of the legal variables used in our models. In other words, it appears that decision making in homicides is not influenced by the same factors in all cases, and that white female victim homicides may be substantively unique. Victim gender and victim race effects on sentencing appear to be more specific than previously thought.

It is possible that unobserved legal and extra-legal factors may partially explain the present findings. Many characteristics, such as the heinousness of the crime, are not included in the SHR data even though they may be legitimate factors considered by decision makers. For example, if white female victimizations more frequently involve torture, this could explain the observed white female victim effect. Quantitative analyses of sentencing outcomes are limited by the quality and quantity of available data and are susceptible to incomplete and "decontextualized" (e.g., Daly, 1994) data problems. For example, the present study only analyzed data from the state of Ohio. In addition, the present study did not have access to the depth of information on individual cases found in recent studies by Baldus et al. (1990, 1998, 2002), Pierce and Radelet (2002) and Paternoster et al. (2003). While these more complex studies tend to find more limited and specific types of disparities, their results suggest that sociodemographic characteristics of victims (including independent victim race and gender measures) are associated with different sentencing outcomes, even controlling for numerous legal and extra-legal factors.

Another limitation of this study is that we were unable to restrict the analysis to death eligible homicides and follow each through the entire criminal justice process. We were unable to determine at which point in the criminal justice process the observed disparities were manifested. The results should therefore be viewed as indicative of a potentially relevant issue for future researchers. Researchers should consider reexamining existing data to determine if findings of an independent white victim or female victim effect are partially explained by a specific victim race-gender combination. Detailed analysis of case files (e.g.,Baldus et al., 1998, 2002), naturalistic observations over a considerable period (e.g., Daly, 1994; Myers & Talarico, 1987), and interviews with decision makers themselves (e.g., Sundby, 2003) will continue to be the best way to examine the role of victim characteristics in the sentencing process. Such studies offer contextual insights into the criminal justice process, and the sentencing process in particular, that quantitative studies such as this are unable to address. Clearly, the use of discretion is a complex process and may be influenced by a number of legitimate and illegitimate factors and circumstances. Our findings suggest that researchers should continue their efforts to understand that complexity.

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