

Table 1 *Continued*

	All (<i>N</i> = 76,968)		White (<i>N</i> = 42,588)		Black (<i>N</i> = 34,380)	
	Mean	SD	Mean	SD	Mean	SD
Level 3: Neighborhood Conditions						
Percent Black	24.22	20.49	18.47	14.55	31.34	24.20
Percent Hispanic	10.14	8.10	9.80	7.73	10.57	8.51
Economic Disadvantage	0.00	1.00	-0.21	0.78	0.26	1.16
Criminal Incident Rate	46.80	33.24	44.18	33.08	50.04	33.15
Same Zip Code	27.93%	–	27.79%	–	28.11%	–

Note: Mean = mean; SD = standard deviation. For ease of interpretation, percents are reported for dummy or categorical variables in the mean columns.

Racial differences likewise appear in the typical conditions of offence neighbourhoods. Despite similarities in offending outside of one's residential zip code, more Black defendants allegedly offend in areas with proportionally larger Black and Hispanic populations. White defendants tend to commit offences in more economically advantaged, less crime-prone neighbourhoods relative to Black defendants who tend to offend in economically disadvantaged, higher crime areas.

Neighbourhood conditions effects on sentencing for all defendants

Table 2 presents three-level multilevel model estimates of case, person and neighbourhood characteristics' effects on in/out and sentence length decisions for all defendants. Diagnostically, multilevel models are preferred to an ordinary logistic regression model of in/out decisions (likelihood ratio test = $p < 0.01$) and an ordinary linear regression model of sentence length decisions (likelihood ratio test = $p < 0.01$). There is support for hypothesis 1 that neighbourhoods help to predict sentences, as the cluster effects for persons and census tracts in the in/out and sentence length models (i.e. intraclass correlation coefficients = 0.22 and 0.05; 0.60 and 0.008, respectively) are smaller than the corresponding design effects (Hoffman 2016).³

Looking closer at in/out decision-making (Model 1), incarceration is more probable in cases featuring more serious and numerous charges. Consistent with expectations, pretrial detention, prior arrests and public representation increase the odds of receiving an incarceration sentence. Individual characteristics affect incarceration decisions as well. Blacks face marginally higher odds of incarceration relative to similarly situated Whites (a 7.9 percent increase). Being male is associated with greater odds (42.0 percent) of imprisonment too.

Neighbourhood conditions also influence the decision to incarcerate a defendant. A one percent increase in the Black population of an area of criminal incident increases a defendant's likelihood of incarceration by about 11.0 percent. Percent Hispanic population, economic disadvantage and criminal incident rates do not appear to strongly affect in/out decisions. More strikingly, offending in the same zip code is associated with a 16.0 percent reduction in the odds of receiving an incarceration sentence. Put differently, committing an offence outside of one's residential community increases one's chances of going to prison.

Similar factors influence sentence length decisions. Model 2 shows legal factors, such as offence severity and type of charges, increase time sentenced to incarceration. Blacks receive similar sentence lengths to Whites, holding constant all other factors. Larger Black populations in

3 The intraclass correlation for neighbourhoods in the sentence length model is smaller than in the in/out sentence model, supporting claims that neighbourhood effects are less influential in prison time decisions (Wooldredge 2007).

Table 2 *Estimated case, person, & neighbourhood conditions effects on incarceration sentence decisions*

	In/Out (Model 1)		Sentence Length (Model 2)	
	OR	SE	B	SE
Level 1: Case Conditions				
Number of Charges	1.028**	0.004	0.004**	0.001
Most Serious Charge				
Felony B	0.430**	0.068	-2.371**	0.049
Felony C	0.345**	0.060	-2.662**	0.052
Felony D	0.285**	0.047	-2.913**	0.049
Felony E	0.403**	0.070	-2.953**	0.051
Felony F	0.282**	0.049	-3.038**	0.051
Felony G	0.313**	0.052	-3.110**	0.050
Misdemeanor A	0.222**	0.036	-3.156**	0.049
Misdemeanor B	0.171**	0.031	-3.181**	0.050
Misdemeanor Unclassified	0.176**	0.029	-3.105**	0.049
Number of Violent Charges	1.091**	0.023	0.005	0.004
Number of Drug Charges	1.082**	0.016	0.000	0.003
Number of Weapon Charges	1.261**	0.025	0.096**	0.004
Violation of Probation	2.608**	0.104	0.177**	0.007
Prior Arrests	1.011**	0.001	0.003**	0.000
Public Defender	1.199**	0.043	0.023**	0.006
Pretrial Detention	6.173**	0.246	0.204**	0.006
Level 2: Person Characteristics				
Black	1.079*	0.036	0.011	0.008
Male	1.420**	0.057	0.076**	0.008
Age at Arrest				
21- <25	0.931	0.055	-0.025	0.013
25- <30	0.941	0.055	-0.025	0.013
30- <35	0.973	0.061	-0.039**	0.014
35- <40	1.010	0.070	-0.039**	0.015
40- <45	1.036	0.079	-0.035*	0.017
45- <50	0.883	0.072	-0.059**	0.017
50- <55	0.940	0.081	-0.086**	0.018
55- <60	0.945	0.104	-0.068**	0.021
60- <65	1.184	0.180	-0.033	0.029
65+	0.716	0.158	-0.086**	0.032
Level 3: Neighbourhood Conditions				
Percent Black	1.011**	0.003	0.002**	0.001
Percent Hispanic	1.003	0.005	-0.0002	0.001
Economic Disadvantage Index	0.900	0.054	-0.026**	0.010
Criminal Incident Rate	0.996*	0.001	-0.0003	0.0002
Same Zip Code	0.840**	0.034	-0.031**	0.008

Table 2 *Continued*

	In/Out (Model 1)		Sentence Length (Model 2)	
	OR	SE	B	SE
Constant	0.024**	0.005	3.038**	0.054
Random Effects Parameter Estimates				
Variance (Persons)	0.715	0.046	0.349	0.003
Variance (Census Tracts)	0.225	0.034	0.005	0.001
Variance (Residual)	–	–	0.240	0.002
N	76,968		76,968	

Notes: * $p < 0.05$, ** $p < 0.01$; OR = odds ratio, B = beta, SE = standard error. Three-level multilevel models are estimated.

areas of criminal incident elongate incarceration sentences. Defendants have moderately shorter sentences due to economic disadvantage in offence neighbourhoods. Once again, offending inside one's residential zip code yields more lenient sentences.

Neighbourhood conditions effects on sentencing for Black and White defendants

Next, this study considers the distinct impacts of neighbourhood conditions on sentencing decisions in cases involving Black defendants and those involving White defendants. Table 3 presents estimates from cross-level interactions among neighbourhood conditions (i.e. Level 3) and race in three-level multilevel models of in/out and sentence length decision-making. The main effects for neighbourhood conditions can be interpreted as the effects of neighbourhood conditions on sentencing outcomes for Whites while the interaction effects can be understood as the effect of neighbourhood conditions on sentencing decisions for Blacks. Case conditions (i.e. Level 1) and other individual characteristics (i.e. Level 2) are not reported, but remain in these models.

Table 3 highlights racial differences in how neighbourhood conditions influence sentence outcomes. For White defendants, more economic disadvantage in an area where an alleged crime occurs decreases their odds of incarceration (–14.7 percent) and reduces the length of their prison sentences. The opposite is true for Black defendants, as offending in less advantaged communities increases their likelihood of going to prison (11.3 percent) and sentenced time. The racial/ethnic composition of a neighbourhood also introduces distinctions in sentencing by race. A White defendant's odds of incarceration grow in areas with larger Black populations while those for a Black defendant decrease in these places. Offending in one's residential zip code diminishes the odds of incarceration for Whites alone, but has little influence on sentence length decisions for any group. Once again, the prevalence of crime in an area is not associated with any changes in sentencing outcomes. Taken together, neighbourhood conditions then have race-specific impacts on sentencing. These findings also suggest that the leniency effects of economic disadvantage and the punitive effects of the percent Black population on sentences for all defendants are driven by decisions affecting White defendants, as these conditions play a different role in the sentencing of Black defendants.

DISCUSSION

To begin to address the disproportionate confinement of people of colour in the United States and other Western countries, scholars have intensively sought to identify the size and sources of racial/ethnic disparities at sentencing (Snowball and Weatherburn 2007; Wermink *et al.* 2015; Franklin 2017; Brandon and O'Connell 2018). Neighbourhoods may contribute to sentencing

Table 3 Cross-level interaction effects of neighbourhood conditions and race on incarceration sentence decisions

Neighbourhood Conditions	In/Out (Model 1)		Sentence Length (Model 2)	
	OR	SE	B	SE
Black	1.305**	0.130	0.024	0.022
Percent Black	1.016**	0.003	0.002**	0.001
Percent Black x Black	0.993**	0.002	-0.0004	0.001
Percent Hispanic	1.001	0.006	-0.001	0.001
Percent Hispanic x Black	1.003	0.005	0.002*	0.001
Economic Disadvantage Index	0.853*	0.057	-0.038**	0.011
Economic Disadvantage x Black	1.113*	0.058	0.024*	0.011
Criminal Incident Rate	0.997	0.002	-0.0002	0.0002
Criminal Incident Rate x Black	0.999	0.001	-0.0003	0.0002
Same Zip Code	0.868*	0.048	-0.019	0.011
Same Zip Code x Black	0.949	0.074	-0.028	0.016
Constant	0.022**	0.005	3.026**	0.055
Random Effects Parameters				
Variance (Person)	0.714	0.046	0.349	0.003
Variance (Census Tracts)	0.225	0.034	0.005	0.001
Variance (Residual)			0.240	0.002
N	76,968		76,968	

Notes: * $p < 0.05$, ** $p < 0.01$. OR = odds ratio, B = beta, SE = standard error. Main and cross-level interaction effects for Level 3 neighbourhood conditions and race are reported for three-level multilevel models of in/out and sentence length decisions. Estimates for case conditions (Level 1) and other person characteristics (Level 2) effects are included in these models, but are not reported.

inequalities, as court officials make ‘geographically-based attributions’ of criminal responsibility among defendants (Auerhahn *et al.* 2017: 43; Sudnow 1965; Flemming *et al.* 1992). Previous neighbourhood-based studies of sentencing in the United States situate defendants in their residential communities, noting characteristics of these areas can diminish (Rodriguez 2007; Auerhahn *et al.* 2017) or enhance the severity of incarceration sentences (Wooldredge 2007). With a few exceptions (Williams and Rosenfeld 2016; Owens *et al.* 2017), neighbourhoods and sentencing research does not recognize that defendants may offend in different neighbourhoods than their homes. Using attribution, racial/ethnic threat, symbolic threat and prevalence theories, this study assessed how conditions in neighbourhoods of criminal incident affected incarceration/community-based sanctions and incarceration sentence length decisions. It further considered whether these community conditions had different effects on sentencing based on the race of the defendant.

Results of the study’s multilevel analysis revealed several neighbourhood effects on sentencing; however, the estimates do not entirely support traditional theories. For all defendants, the percent Black population of census tracts where alleged criminal incidents took place increased the likelihood of going to prison and lengthened prison sentences. There was little association between the percent Hispanic population and sentencing decisions. These results thus provide partial support for hypothesis 2 and accord with previous studies of racial/ethnic threat where any defendant from a community with a large racial/ethnic minority population received a longer and more probable incarceration sentence (e.g. Feldmeyer *et al.* 2015; Wang and Mears

2015). In contrast to hypothesis 3 and symbolic threat theory, more economic disadvantage in a place was associated with shorter sentences. This finding of leniency follows previous neighbourhood studies examining outcomes for specific offences (Wooldredge and Thistlethwaite 2004; Rodriguez 2007; Williams and Rosenfeld 2016). Nonsupport is found for prevalence theory (hypothesis 4), as criminal incident rates did not appear to influence the likelihood or length of an incarceration sentence.

The study also determined that a defendant's relationship to a neighbourhood of criminal incident shapes sentencing. Offending in the general area of one's residence carried less severe sanctions than offending outside his/her home community. Sanctioning 'outsiders' more harshly might help to reinforce existing social relations and affirm penalties for persons being 'out-of-context' (Gaston 2018). Again, this effect was stronger at the in/out vs. sentence length stage, suggesting there may be more discretion in incarceration/community-based sanction decisions (Wooldredge 2007).

More importantly, neighbourhood context had race-specific impacts. Providing support for hypothesis 5, race had an interactive effect with key neighbourhood conditions. For Black defendants, incarceration sentences became marginally more probable and longer in economically disadvantaged areas. Penalties decreased when Blacks allegedly committed offences in predominantly Black neighbourhoods. For White defendants, reportedly offending in economically deprived areas reduced sanctions while doing so in predominantly Black communities produced longer and more probable incarceration sentences. Whites alone had lower likelihoods of incarceration by offending in their zip codes of residence. Across race, the criminal incident rate did not alter sentencing outcomes. Neighbourhood effects then varied as a result of the defendant's race; however, such cross-level interactions do not necessarily follow theoretical expectations (e.g. racial/ethnic and symbolic threat would anticipate that Black defendants receive harsher sentences in racially/ethnic diverse and impoverished neighbourhoods, respectively).

The study's findings point to three conclusions about neighbourhoods and sentencing. Most directly, context matters in shaping sentencing *within* the criminal courts. Neighbourhoods associated with cases vary in character, meaning contextual studies at higher levels of aggregation ignore potential responses of court communities to local environments. Attribution theory serves as a key theoretical link for neighbourhoods and sentencing, as court actors reflect upon the personal agency of defendants and their environments. Perceptions of neighbourhoods will shape external attributions, especially if prosecutors and judges do not live in the same places as the modal defendant (Galster 2003). The study's results suggest external attributions do not necessarily diminish the guilt of the defendant, especially when 'outsiders' to communities tend to receive more severe sanctions (Liska 1992).

Next, this study emphasizes further review of the relationships between neighbourhoods of residence and neighbourhoods of criminal incident. This study of urban/non-urban areas showed defendants usually engaged in offences outside their residential communities, as seen in cities (Owens *et al.* 2017). The mobility of defendants is underappreciated in studies examining neighbourhoods of residence. Of course, distance-to-crime from one's residence may depend on offence type: violent offences tend to occur closer to home as victims often know the perpetrators (Wooldredge and Thistlethwaite 2004) and property crimes tend to occur in more resource-rich areas (Chamberlain and Boggess 2016). Understanding where defendants go and assessing their relationships with communities may be important in disentangling neighbourhood effects in sentencing.

Finally, racial differences in sentencing may be partially driven by court perceptions of neighbourhoods. For instance, the pattern of White defendants who offended in economically disadvantaged areas and received shorter sentences could be driven by different orientations towards defendants and environments. Namely, this effect could appear if court officials believed White

defendants, while deserving of prison, still acted in response to their impoverished environment. Black defendants may not have received this benefit, as court actors attributed crimes to personal choices. At the same time, this study showed that White defendants committed offences in wealthier areas than Black defendants. Greater willingness and resources of victims to pursue a case in the courts might have then placed greater sanctions on White defendants offending in affluent communities. Although this study cannot test causal pathways, it underscores the importance of incorporating facts about defendants' and victims' communities in studies of sentencing. Scholarship on sentencing should continue to evaluate neighbourhood context as a means of producing 'contours of justice' (Eisenstein *et al.* 1988).

This study has a few limitations. First, we do not have complete information about the personal characteristics of defendants. To fully test attribution theory, additional information about a defendant's internal traits (e.g. personality or remorsefulness) would be required. Next, some court officials may weigh environmental concerns more heavily in their decisions than others, especially judges at the sentencing stage (Johnson 2006). Neighbourhood effects in this study could be both overestimated and underestimated, as the direction of omitted variable bias associated with this information is not clear. Content analysis or ethnographies may be instructive to illuminate the mechanisms of neighbourhood effects. For instance, Rodriguez (2013) used court records to identify what aspects of neighbourhoods entered into court proceedings and how these references to the environment were biased along race/ethnicity and class lines.⁴ The study is also limited by not breaking down sentencing patterns by offence type. For example, violent offences, especially domestic violence, tend to occur in areas in close proximity to an alleged offender's residence (Ackerman and Rossmo 2015). A more granular approach would consider how the location of a criminal incident and neighbourhood effects on sentencing change across different types of offences. Furthermore, this study would benefit from replication in non-U.S. contexts. To the extent that racial/ethnic minority groups live in distinct parts of cities and towns compared to majority groups in other countries (Fong and Wilkes 2003; Markham and Biddle 2016; Andersson *et al.* 2018), crimes will take place in distinct places and considerations of space may be contributing to known sentencing disparities. Taken these limitations together, we recommend that future studies (A) further explore internal attributions of criminal responsibility with more data, (B) measure the weight and mechanisms of neighbourhood considerations, (C) break down sentencing patterns by offence type and (D) assess neighbourhood effects in areas outside of the United States.

Lastly, the study's findings of neighbourhood effects point to three policy implications. Similar reforms have appeared as responses by the Black Lives Matter movement to redress discrimination in criminal processing (The Sentencing Project 2020) and address structural problems that contribute to punitive sanctions like incarceration (Porter 2016). Court officials must first strive to recognize biases in case processing. Implicit bias training has emerged as a popular tool to underscore that court actors do not make decisions as impartially as they suggest (Rachlinski and Johnson 2009). Unfair or blatantly false stereotypes of defendants further widen racial differences in court outcomes, as recently demonstrated in an experimental setting (Levinson *et al.* 2017). Recognizing these biases tied to individuals and their communities may help to curb differences in court actors' treatment of defendants facing similar legal situations.

Next, evidence that neighbourhood considerations can disparately impact defendants from different racial/ethnic groups encourages the reconsideration of the place of neighbourhood context in decision-making tools. Risk assessments and evidence-based sentencing practices

⁴ For example, one juvenile court official said the following about a Hispanic male and his neighbourhood in a sentence recommendation: 'He lives in a very poor, high-risk neighbourhood and most of his associates use alcohol and other drugs... He understands that he must work an active program recovery and avoid places that would cause him to relapse' (Rodriguez 2013: 204).

can explicitly distinguish neighbourhoods and their conditions as decision-making criteria (Vilciã and Goldkamp 2015; Dobbie and Yang 2019). While attempting to ‘standardize’ judicial processing, these tools may exacerbate racial, ethnic and class disparities in court decisions, insofar that defendants experience life in segregated spaces (Starr 2014). This study then raises questions about the incorporation of neighbourhood context into these decision-making tools for punitive purposes.

Most importantly, understandings of neighbourhoods, sentencing disparities and criminal justice involvement would support the goals of justice reinvestment (Porter 2016; The Sentencing Project 2020). Court actors should seek to utilize neighbourhood context to strengthen communities by distributing resources related to diversion and reentry via neighbourhoods (Starr 2014; Maroun 2019). As per the Black Lives Matter movement, broadly investing in evidence-based social interventions affecting education, jobs, green space and health care in neighbourhoods can help to augment informal social controls and reduce crime, especially in communities disproportionately affected by incarceration (Porter 2016). Conducting empirical assessments of the importance of neighbourhoods in judicial decision-making can then inform the potential use of these environments in efforts to reduce incarceration, improve public safety and address racial injustice.

FUNDING

This work derives from research conducted on behalf of the State of Delaware Administrative Office of the Courts.

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