1972, noted that the race of the victim had a significant effect in all but five studies. Those who murdered Whites were more likely than those who murdered Blacks to be charged with capital murder and sentenced to death. Moreover, these differences could not be attributed to differences in the defendant's criminal record, the seriousness of the crime, or other legally relevant factors. The General Accounting Office noted that although the evidence regarding the race of the defendant was “equivocal,” about half of the studies found that Blacks were more likely than Whites to be charged with capital crimes and sentenced to death. The overall conclusion proffered by the General Accounting Office was that there was “a pattern of evidence indicating racial disparity in the charging, sentencing, and imposition of the death penalty” (p. 5).

The article by Williams and Holcomb examines the capital sentencing processing, with a focus on the interactive effects of the victim’s race and gender. The authors note that studies of capital sentencing decisions typically find not only that those who kill Whites are more likely to receive a death sentence but also that those who kill women are more likely to be sentenced to death. The authors therefore hypothesize that “a White female victim effect will be observed in death penalty cases . . . those who kill White females are more likely to receive a death sentence than those who kill other victim race-gender combinations, even after controlling for other legally relevant factors.” The results of their provocative study highlight the importance of considering the joint effects of race and gender in sentencing research.

**The Interactive Effects of Victim Race and Gender on Death Sentence Disparity Findings**

*Marian R. Williams and Jefferson E. Holcomb*

Research on factors associated with particular sentencing outcomes is common in the social science literature. There has long been an interest in determining whether there is equitable distribution of punishment for similarly situated offenders. This research has varied from the consideration of different offenses, defendant characteristics, victim characteristics, and combinations of these factors (for reviews, see Daly & Tonry, 1997; Kleck, 1981; Nagel & Hagan, 1983; Sampson & Lauritsen, 1997; Steffensmeier & Demuth, 2000; Zatz, 1984). Generally, research seeks to evaluate the quality of justice and determine whether extralegal or impermissible factors such as race or gender of defendants are associated with more severe punishments and to what extent this may be an indication of unequal treatment under the law. Increasingly, research identifies the potential interactive impact of defendant characteristics such as defendant race and gender on sentencing outcomes (e.g., Spohn & Holleran, 2000; Steffensmeier, Ulmer, & Kramer, 1998). We extend this approach to examine whether the joint effect of victim characteristics, in particular victim race and gender, are associated with death sentences in Ohio.

Recent research on the death penalty demonstrates that defendant race is related only marginally to whether a homicide results in a death sentence (for a notable exception, see Baldus, Woodworth, Zuckerman, Weiner, & Broffitt, 1998). Despite this, the race of a homicide victim does appear to be a significant predictor of whether a homicide results in a death sentence. Death penalty research finds that even controlling for legally
relevant factors, homicides involving White victims are more likely to result in a death sentence than homicides with Black victims (e.g., Baldus, Woodworth, & Pulaski, 1990; Radelet & Pierce, 1991; Sorensen & Wallace, 1995; Williams & Holcomb, 2001). This is particularly interesting given the fact that Blacks have a considerably higher rate of victimization than Whites and make up the majority of homicide victims in many states (see Marvell & Moody, 1999). These and other studies also find that a victim's gender is associated with different sentencing outcomes. Specifically, homicides with female victims are more likely to result in a death sentence than those with male victims. Little research, however, has been conducted on the interaction between victim race and victim gender and its association with the imposition of death sentences.

**Current Study**

The present study explores the interaction of victim gender-race characteristics and its impact on the likelihood of a homicide resulting in a death sentence. We contend that the specification of victim characteristics may affect the previously noted independent relationships between victim race and victim gender and homicide case outcomes. After reviewing the prior research on victim characteristics and sentencing outcomes, we consider why future research should consider a more complete picture of victim characteristics and its association with the imposition of death sentences.

**Caveats and Limitations**

The authors wish to note at the onset several limitations and caveats to the present study. There is no claim that the present analyses are conclusive or that we have considered every substantive issue that affects decision making in capital cases. Although we have considerable confidence in the conceptual and theoretical premise of this work, we are certainly more modest about the following test of those ideas. We would prefer to consider this study as a preliminary examination of a methodologically complex relationship.

In particular, the use of Supplementary Homicide Reports (SHR) data for analyzing homicides and sentencing outcomes, as we have done, has been criticized in the scholarly literature (Maxfield, 1989). Unlike recent research on sentencing outcomes in other jurisdictions, Ohio does not have a centralized sentencing guideline system that allows for accessible and standardized data for all cases (e.g., Mustard, 2001; Steffensmeier & Demuth, 2000; Steffensmeier, Kramer, & Streifel, 1993). The tracking of all homicides during more than a decade would require resources that simply were not available (see Baldus et al., 1990, 1998, for exceptions). The present study was unable, therefore, to distinguish decision making at various stages of the legal process and could not determine if any observed disparities were the result of prosecutorial discretion (e.g., Paternoster, 1984; Stanko, 1981-1982) or occurred at later decision-making points in the legal process (e.g., Baldus et al., 1990, 1998). In addition, the researchers did not have access to the case files of each homicide. This limited the ability to control for several potentially relevant factors, especially the more “qualitative” aspects of a particular homicide (e.g., see Daly, 1994; Daly & Tonry, 1997) that may affect case outcomes. Therefore, the present analysis should be considered instructive but certainly not conclusive.

**Victim Characteristics and Sentencing Outcomes**

Research on sentencing outcomes has historically been interested in identifying those factors and variables closely associated with criminal justice decision making. Several recent studies emphasize the importance of three “focal concerns” that appear to influence decision making (e.g., Steffensmeier & Demuth, 2000; Steffensmeier et al., 1998). These
include the perceived blameworthiness of the defendant, concerns about the protection of the community, and the practical implications of the sentencing decision (Steffensmeier & Demuth, 2000; Steffensmeier et al., 1998; see also Daly, 1994). For the most part, however, these have been incorporated into understanding the relationship between defendant behavior and characteristics and sentencing outcomes.

Recently, Baumer, Messner, and Felson (2000) applied the logic of these focal concerns in examining how victim characteristics may affect decision making in homicide cases. In particular, they distinguished victim conduct from victim demographic characteristics. Victim conduct refers to actions that may have directly or indirectly contributed to victimization as well as behaviors that may affect the perceptions of the moral character of the victim. As such, victim conduct may affect perceptions of the blameworthiness of the offender. If the victim’s behavior is perceived to be a contributing factor in his or her victimization, decision makers are likely to view the offender as less blameworthy and adjust decision making accordingly. Victim conduct may also affect the considerations of the amount of harm done and the perceived threat to the community (Baumer et al., 2000). Finally, victim conduct has practical implications because of questions of credibility of the victim as a witness or in the perceived role as victim (Stanko, 1981-1982).

A distinct, though perhaps not unrelated, concern is whether victim demographic characteristics are associated with decision making (Baumer et al., 2000; Farrell & Swigert, 1986; Myers, 1979). As Baumer et al. (2000) noted, the race, class, and gender of the victim may contribute to sentencing outcomes, especially if the perceived status of the victim influences the attribution of blameworthiness or the perceived harm and threat that such victimizations represent (Kleck, 1981; see also Friedman, 1993). The race of the victim is often linked to sentencing disparity in two ways. First, homicides with Black victims may be perceived as less harmful to society relative to crimes against Whites (Baumer et al., 2000; Kleck, 1981). Given the historical marginalization and oppression of Blacks in American society, Black victim crimes may be considered unworthy of the most severe criminal justice response (Friedman, 1993). A second and perhaps related explanation relates to stereotypes about Black conduct. As noted above, if decision makers perceive victim conduct as contributing to their victimization, then they typically assign less blame to the defendant. Stereotypes about the behavior of Blacks that suggest they are more likely to engage in illegal or morally questionable behavior may affect the perceived blameworthiness of the defendant, the amount of harm done, and the credibility of the victim as a victim (Baumer et al., 2000; Myers, 1979).

Although the gender and sentencing literature tends to focus on the gender of the defendant (e.g., Daly, 1989; Daly & Bordt, 1995; Daly & Tonry, 1997; Kruttschnitt, 1981; Steffensmeier et al., 1993), the gender of the victim has also been considered as a factor in sentencing outcomes (e.g., Farrell & Swigert, 1986; Myers, 1979). To date, explanations of victim gender effects resemble explanations of defendant-based gender effects. One view of the impact of victim gender suggests that crimes with female victims are likely to be treated less severely than those with male victims. A gender conflict perspective maintains that the devalued role of women in American society marginalizes their status as victim and the perceived harm that has been done to the community (Baumer et al., 2000; Daly & Tonry, 1997). A contradictory perspective suggests that crime, and in particular violence against females, is viewed as more harmful than crimes against male victims (Baumer et al., 2000; Kleck, 1981). This may be mitigated or aggravated by decision makers’ perceptions of the victim’s familial role and responsibilities (see Daly, 1989, 1994). Furthermore, females are thought to engage in fewer behaviors that contribute to their victimization (Baumer et al., 2000; Hill & Crawford, 1990; Nagel & Hagan, 1983) or are perceived to be more threatening to their victims (Gross & Mauro, 1989). As a consequence, female victims may be perceived as less blameworthy for their own victimization and decision makers will respond to such acts more
severely. The resulting argument maintains that in general, cases with female victims will receive more punitive response from decision makers than those with male victims.

**The Victim in Prior Research**

Studies examining the relationship of race and/or gender on sentencing decisions primarily focus on the defendant’s characteristics rather than the victim’s (Crawford, 2000; Crawford, Chiricos, & Kleck, 1998; Mustard, 2001; Spohn & Holleran, 2000; Steffensmeier et al., 1993, 1998). The relationship between victim characteristics and sentence outcome has not been researched as thoroughly. This is understandable considering that for many crimes, such as drug law violations, there is no readily identifiable victim. The limited harm to or involvement of the victim makes identification for several types of crime, such as property offenses, difficult with existing data. Furthermore, the conceptual links between property crime victim characteristics 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.

Research on the impact of victim characteristics on sentencing is predominantly found in research on homicide case outcomes and death penalty research (for notable exceptions, see LaFree, 1989; Spohn & Spears, 1996; Walsh, 1987). Although recent death penalty research does not find a significant race-of-defendant bias (but see Baldus et al., 1998), both victim race and victim gender continue to be associated with differential sentencing outcomes (Baldus et al., 1990; Baumer et al., 2000; Farrell & Swigert, 1986; Gross & Mauro, 1989; Keil & Vito, 1992; Paternoster, 1984; Radelet & Pierce, 1991; Thomson, 1997; Williams & Holcomb, 2001). Numerous studies find that those who kill Whites are more likely to receive death sentences than those who kill Blacks (for reviews, see Baldus et al., 1998; Government Accounting Office, 1990). Furthermore, this same body of research generally reports that cases with female victims receive more severe sanctions than those with male victims (Baldus et al., 1990; Baumer et al., 2000; Farrell & Swigert, 1986). For example, Williams and Holcomb (2001) found that homicides with White victims and homicides with female victims were significantly more likely to result in a death sentence than those with Black or male victims. Similar to other studies, however, the authors failed to specify victim gender-race combinations in their analyses. The Baldus et al. (1990) study, thought by many to be the most comprehensive examination of racial disparity and death sentencing practices, does not examine the potential interactive effects of victim race and gender on case outcomes, even though both victim race and victim gender were significantly associated with sentencing outcomes. More recently, Baumer et al. (2000) examined the role of victim conduct and demographics on several decision-making points in the disposition of homicide cases. In particular, the authors examined if victim conduct and victim demographics were associated with sentencing outcomes and how the interaction of these affected these relationships. Consistent with prior research, Baumer et al. found that even controlling for victim conduct, cases involving White victims and female victims were generally treated more severely than those with Black victims and male victims. If the prior research has consistently found a race-of-victim effect and a gender-of-victim effect, a relevant question is whether the joint effect of these characters could affect such findings and if so, why.

**Interaction Effects of Victim Race and Gender**

Research is increasingly emphasizing the importance of potential interactive effects of race and gender on sentencing (e.g., Daly, 1994; Spohn, Gruhl, & Welch, 1987; Steffensmeier et al., 1998). As Daly and Tonry (1997) noted, “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). However, all of the above-mentioned research focuses exclusively on the intersection of a defendant’s race and gender, not on the characteristics of the victim. As the previous discussion indicates, victim
characteristics can have both a direct and indirect impact on criminal justice decision making and sentencing outcomes. If defendant characteristics are best thought of as intersecting and not independent, then it seems reasonable that victim characteristics should be examined with a similar perspective.

Similar to comments on the intersection of defendant characteristics, it is unlikely that decision makers consider the race or gender of a victim independent of one another. If, as previous research suggests, perceptions of a victim's status and personal characteristics affect decision making, then researchers should more comprehensively consider the characteristics that may affect such attributions (see also LaFree, 1989). By considering victim race and gender independently, research likely overlooks meaningful differences among victims within these categories. The suggestion that White victim and female victim cases are treated more severely because of an elevated status of those victims may be premature.

Consistent with the view that attributions of victim status affect decision making, we posit that a White female victim effect will be observed in death penalty cases that may alter previous findings of general White and female victim disparity. There is considerable historical evidence of a heightened concern with the victimization of White females in the United States. The cultural and symbolic power of White females as a protected class has resulted in numerous social changes and legal responses when that group has been perceived as threatened. For example, the passage of anti-opium laws in California in the 19th century was accomplished, in part, by the portrayal of opium as making White women susceptible to immoral behavior and victimization (Morgan, 1978). The White Slavery Act (also known as the Mann Act), passed in the early 20th century, was partially a response to the perceived moral temptations of the urban areas and the victimization of innocent White females through forced and consensual prostitution (Langum, 1994). Finally, the imposition of capital punishment for rape, especially in the South, provides additional evidence of the differential response to White female victimization (Friedman, 1993; Wolfgang, 1974). Historically, the killing of persons suspected of rape was reserved primarily for the rape of White females. The lynching of rapists was almost exclusively for Blacks suspected of raping Whites in the South (Friedman, 1993). Legal death sentences were rarely imposed in rape cases with non-White female victims and were disproportionately given in cases involving Black male offenders and White female victims (Kleck, 1981; Wolfgang, 1974).

Research demonstrates that legal decision making is strongly related to particular focal concerns of criminal justice actors (Daly, 1994; Steffensmeier et al., 1998). Furthermore, research on victims notes that the perceived status of the victim affects decision making through the attribution of blame, the perceived threat to the community that a particular crime represents, and the practical concerns of those decision makers (e.g., Baumer et al., 2000; Farrell & Swigert, 1986; LaFree, 1989; Stanko, 1981-1982). In relation to these focal concerns, considerable research suggests that the victimization of Whites and females is responded to differently than the victimization of Blacks and males, respectively. In individual cases, however, decision makers must consider the intersection of various victim characteristics rather than viewing them as independent. Thus, the aggravating effect of one characteristic may be offset by the mitigating effect of another characteristic. Consistent with this more complex understanding of victim attributes, the previous discussion provides some evidence of a general cultural bias that considers the victimization of White females particularly problematic. As the discussion of the impact of victim demographics indicates, male victims are likely to be perceived as more responsible for their own victimization. The victimization of White males, therefore, may not represent the same threat or harm to the community as the victimization of females, who are perceived as less able to defend themselves (Gross & Mauro, 1989). Drawing on these findings, we hypothesize that those who kill White females are more likely to receive a death sentence than those who kill other victim race-gender combinations, even after controlling for other legally relevant factors. Furthermore, the independent effects of White and female victims may partially be a function of the severity with which White female victim cases are handled.
Research on Victim Interaction Effects

The prior research on the interactive effects of victim characteristics on sentencing outcomes is quite limited. In fact, the available research on this topic comes from studies that report such joint effects as secondary to their primary analyses. For example, Paternoster’s (1984) examination of prosecutorial decision making in South Carolina found that prosecutors were significantly more likely to seek the death penalty in cases with White victims. Although the focus of this study was race-of-victim disparities, in several analyses the author distinguished victims by race-gender combinations (Paternoster, 1984, Tables 5-8). Paternoster found that prosecutors were generally more likely to seek the death penalty in homicides with either male or female White victims compared to those with Black victims, with White female victim cases having the greatest likelihood and Black male cases having the least. Radelet and Pierce (1991) found that Florida homicides with White victims and female victims were more likely to result in a death sentence. Furthermore, cases with White female victims were most likely to result in a death sentence and cases with Black male victims were the least likely to result in a death sentence.

There are, however, some limitations to these studies. Radelet and Pierce (1991) distinguished victim race and gender only for cross-tabulation and did not include a joint interaction variable in their regression model. Conclusions from that unadjusted model are therefore merely suggestive (Baldus et al., 1998). The data from the Paternoster (1984) study were gathered during a smaller time period (1977–1981), and data from both the Paternoster and the Radelet and Pierce studies were from a Southern jurisdiction. Therefore, it is unclear whether those findings can be generalized to current sentencing practices, especially in non-Southern jurisdictions (Gross & Mauro, 1989; Peterson & Hagan, 1984). Despite these limitations, the general pattern appears to be that homicides with White female victims tend to be treated the most severely and homicides with Black male victims tend to be treated the least severely, even when controlling for legally relevant factors. This indicates that the interaction between victim race and victim gender may be an important factor in examining sentencing outcomes in homicide cases.

Method

Data Source

The current study is an examination of the relationship between victim race-gender and death sentences in Ohio. The methods used were adapted from Gross and Mauro (1989) and from Radelet and Pierce (1991). Data on homicides in Ohio were taken from the SHR, compiled by the FBI. Although some researchers (e.g., Maxfield, 1989) have indicated potential problems with SHR data, a number of studies use the SHR in death penalty research, including those investigating issues of deterrence (e.g., Bailey, 1998; Cochran, Chamlin, & Seth, 1994; Peterson & Bailey, 1991) and racial disparities in sentencing (e.g., Radelet & Pierce, 1991; Sorensen & Wallace, 1995; Thomson, 1997).

The SHR data used for the current study were for the years 1981 (the year Ohio reintroduced the death penalty into law) through 1994. SHR data included information on several variables for each homicide: offender’s age, gender, race; victim’s age, gender, race; circumstances surrounding the offense; weapon used; relationship between offender and victim; and county where the crime took place.

Data about homicides resulting in a death sentence were gathered from the Office of the Ohio Public Defender, the Office of the Ohio Attorney General, and the Ohio Department of Rehabilitation and Correction. Death sentence data included the same information as that found in the SHR.

Sample

Information was coded regarding the number of death sentences imposed, not the number of individuals who received a death sentence. For instance, although only 185 individual death row
inmates were used in this study, the number of death sentences imposed was 271, reflecting those inmates who killed multiple victims and those homicides with multiple offenders. All death sentences were considered, including those that were eventually overturned and acquitted, overturned and resentedenced to a lesser sentence, and overturned and resentedenced to death. For the purpose of this study, a case refers to a single homicide victim. This allows us to compare differences across victim characteristics.

The SHR data contain information regarding incidents of murder and negligent and nonnegligent manslaughter. The SHR data are coded in such a way to distinguish between murder and nonnegligent manslaughter and negligent manslaughter. Cases of negligent manslaughter were omitted from the analyses because the criminal nature of such acts is often in dispute and penalties are considerably less than those for other homicides. The SHR–death sentence database used in the analysis (1981-1994) consisted of 6,443 cases. However, the usable sample was reduced by two factors. First, those cases in which there was no known information about the suspect were excluded from the analysis. Second, cases in which the offender was younger than the age of 18 at the time of the offense were not included in the analysis because under Ohio law, individuals younger than the age of 18 are not eligible for the death penalty (Ohio Revised Code 2929.023, 1999). A sample of 5,320 cases was used in the final analyses. This includes 271 homicides for which a death sentence was imposed and excludes those cases in which missing data were found.

Variables

The variables used in the study consisted of one dependent variable, whether a death sentence was imposed, and multiple independent variables. Because Ohio has executed only eight persons (at the time of the study) since 1981, death sentence data rather than execution data were used. Many SHR variables contained multiple values and therefore, some of these variables were collapsed for the purpose of the current study. These variables are listed in Table 1. To determine whether victim race and gender, played a role in determining who received a death sentence, the variables identified in Table 1 are included as control variables that could be associated with sentencing outcomes.

Prior Record

Before addressing the results, the authors believe it is important to discuss the omission of prior record as a control variable. Although commentators have made about the importance of including information on prior record in research on the imposition of death sentences and executions (e.g., Kleck, 1981), the authors feel that there are three arguments that mitigate such criticism. The first issue is a pragmatic one. Although researchers should always seek the most complete, reliable, and valid data available, the data on the prior record for more than 5,000 cases were simply not available to the researchers. This left the authors in the position of choosing between continuing on an important topic in a jurisdiction where little research had been conducted or abandoning the project in fear of the obvious criticism. Believing that the methodology had at least facial validity, the former was chosen.

Second, it was clear from prior research that race of the defendant was unlikely to be an independent predictor of whether a homicide resulted in a death sentence. Critics could contend that prior record has a significant role in who receives a death sentence in those jurisdictions where it is an aggravating factor, as in Ohio. Theoretically, this could mitigate disparities noted among the imposition of death sentences. However, if this were so, homicides with Black victims, who are most likely to be killed by Black offenders, should result in a substantial number of death sentences because Black offenders are more likely to have serious prior arrests than are White offenders (Donziger, 1996). The present study finds just the opposite. Homicides with Black victims were less likely to result in a death sentence than those homicides with White victims. In particular, Blacks killed by other Blacks were consistently the racial combination least likely to result in a death sentence.

Third and most important, previous research actually shows that prior record has little impact on
the race-of-victim disparity (Gross & Mauro, 1989, p. 102). As Gross and Mauro (1989) pointed out, the Baldus et al. (1990) study was perhaps the most comprehensive analysis ever conducted on racial disparity and the death penalty. Baldus et al. (1990) included more than 200 variables in their analysis, including serious prior record; their finding that homicides in Georgia with White victims were 4.3 times more likely to result in a death sentence was not mitigated when prior record was controlled.

### Table 1

<table>
<thead>
<tr>
<th>Variable (N)</th>
<th>$0 = \text{No}$</th>
<th>1 = Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Was a death sentence imposed? (6,443)</td>
<td>96 (6,172)</td>
<td>4 (271)</td>
</tr>
<tr>
<td>Was victim female? (6,442)</td>
<td>73 (4,691)</td>
<td>27 (1,751)</td>
</tr>
<tr>
<td>Was victim White?</td>
<td>55 (3,521)</td>
<td>45 (2,913)</td>
</tr>
<tr>
<td>Was offender male? (6,437)</td>
<td>15 (973)</td>
<td>85 (5,464)</td>
</tr>
<tr>
<td>Was offender White? (6,432)</td>
<td>60 (3,860)</td>
<td>40 (2,572)</td>
</tr>
<tr>
<td>Was a gun used? (6,313)</td>
<td>37 (2,329)</td>
<td>63 (3,984)</td>
</tr>
<tr>
<td>Was it a stranger homicide? (6,228)</td>
<td>77 (4,786)</td>
<td>23 (1,442)</td>
</tr>
<tr>
<td>Did homicide involve other felony? (5,589)</td>
<td>82 (4,595)</td>
<td>18 (994)</td>
</tr>
<tr>
<td>Was offense a multiple homicide? (6,443)</td>
<td>91 (5,859)</td>
<td>9 (584)</td>
</tr>
<tr>
<td>Did homicide occur in urban area? (6,443)</td>
<td>8 (484)</td>
<td>92 (5,959)</td>
</tr>
<tr>
<td>Was victim 12 or younger? (6,422)</td>
<td>94 (6,011)</td>
<td>6 (411)</td>
</tr>
<tr>
<td>Was offender younger than 25? (6,443)</td>
<td>64 (4,121)</td>
<td>36 (2,322)</td>
</tr>
<tr>
<td>Was victim a White male?</td>
<td></td>
<td>30 (1,925)</td>
</tr>
<tr>
<td>Was victim a Black female?</td>
<td></td>
<td>12 (762)</td>
</tr>
<tr>
<td>Was victim a Black male?</td>
<td></td>
<td>44 (2,759)</td>
</tr>
</tbody>
</table>

a. Supplementary Homicide Reports (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 non-White (Black). This did not affect the results of the analysis, because few Native Americans, Asians, and Islanders appeared as offenders of victims. It should be noted that Hispanics are coded as White in the SHR.

b. SHR data coded weapon as 1 of 17 possible choices, ranging from 5 different types of guns to poisoning, asphyxiation, and so forth. The current study combined all guns into one value and all nonguns into another.

c. SHR data coded relationship as 1 of 29 possible choices, ranging from various nonstranger categories such as family members, friends, acquaintances, coworkers, and so on to a separate category of stranger. The nonstranger categories were collapsed into one value and the stranger category was left as is. This is consistent with previous death penalty research such as Bailey (1998) and Sorensen and Wallace (1995).

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 lovers’ triangle, and so forth. All SHR values that involved a felony incident were collapsed into one value and all other values were treated as nonfelony homicides.
Furthermore, the findings of the Baldus et al. (1990) study in Georgia reflect a pattern of racial disparity similar to that found in Gross and Mauro’s examination of the same jurisdiction for roughly the same time period. This study replicated the methods used in Gross and Mauro, and the authors are encouraged by the degree of reliability those studies suggest for the current research.

Results

Table 2 provides the descriptive statistics for the data under analysis. The majority of homicide victims are males, with Black males outnumbering White males. Blacks compose about 55% of homicide victims, whereas Whites compose about 45% of homicide victims. Females compose 27% of homicide victims, with White female victims slightly outnumbering Black female victim homicides.

Although cases involving male victims compose a slight majority of death sentences, female victim homicides are disproportionately represented in death sentences. Furthermore, although Blacks compose the majority of homicide victims, they are underrepresented in death penalty cases relative to their percentage in all homicide cases. When examining victim gender-race interaction and death sentences, further disparity exists. Although White females compose only 15% of homicide victims, they compose 35% of all death sentences. These initial results indicate that White victims, and in particular White female victims, are disproportionately represented when it comes to the imposition of death sentences. This is consistent with findings reported in previous studies (e.g., Gross & Mauro, 1989; Radelet & Pierce, 1991). Another important finding is that homicide in Ohio is predominantly an intraracial phenomenon (89%), and that the death sentences generally reflect this distribution (77%), although interracial homicides are overrepresented among death sentences.

To test the hypothesized relationship that those who kill Whites and those who kill females are more likely to receive a death sentence, logistic regression analysis was employed using the control variables found in Table 1. Findings from this analysis indicate that race and gender of the victim are significantly related to the imposition of a death sentence. In particular, homicides with female victims are more likely to result in a death sentence and those with White victims are more likely to receive a death sentence.

There was no observed relationship between the race of the defendant and sentence outcome, and gender of defendant (male) was significant only at a weaker alpha level (.05). These results are similar to findings in previous research on the imposition of death sentences (e.g., Baldus et al., 1990; Gross & Mauro, 1989; Radelet & Pierce, 1991).

To test the primary research hypothesis, dummy variables were created using different victim gender-race combinations and were analyzed as single predictors of death sentences (Black female, White male, Black male victims). Note that White female was omitted from the analysis as it was used as the reference variable in the analysis. This method of testing the interactive effects of race and gender of the victim was based on previous research by Steffensmeier et al. (1998) and by Spohn and Holleran (2000). Similar to the present study, these authors suspected that analyses of main (or direct) effects of independent race and gender variables masked significant differences that could be revealed by examining the interactive effects of race and gender.

Findings of the logistic model incorporating a victim race-gender interaction variable reveal that homicides with victim race-gender combinations other than White female were significantly less likely to result in a death sentence compared to homicides with White female victims. Homicides with Black female victims were significantly less likely to receive death sentences than homicides involving White female victims. This suggests that the general female victim disparity is primarily a function of White female victim homicides. Furthermore, we also found that homicides with White male victims were significantly less likely to result in a death sentence compared to those with White female victims. These findings suggest that the initial White victim and female victim disparity found is the product of a specific victim gender-race combination (White female) rather than race or gender alone.
Additional Analyses

The authors conducted two additional analyses of the data to increase confidence in the above findings. As previously noted, the SHR does not distinguish between murder and nonnegligent manslaughter; therefore, cases of nonnegligent manslaughter (which are not death eligible) were likely included in the present analysis. To account for this, a separate logistic analysis was conducted on a subsample limited to those cases with felony circumstances, which is an aggravating circumstance under Ohio law. Felony circumstances were strongly correlated with a death sentence, and the analysis of the felony circumstance—only subsample was viewed as a way of increasing the likelihood of obtaining a more death-eligible sample of cases. This could be used to determine if there were differences between the sample as a whole and those cases with a greater likelihood of receiving a death sentence. Limiting the sample to homicides with felony circumstances reduced the sample to 994 homicides and 236 death sentences (thus omitting 35 death sentences).

The model included the same variables used in the original model on the entire sample. The only substantive change is that gender of offender (male) is

### Table 2: Characteristics of Ohio Homicides by Gender and Race of Offender and Victim

<table>
<thead>
<tr>
<th>Offender-Victim</th>
<th>All Homicides % (n)</th>
<th>No Death Sentence % (n)</th>
<th>Death Sentence % (n)</th>
</tr>
</thead>
<tbody>
<tr>
<td>WM-WM</td>
<td>20 (1,310)</td>
<td>20 (1,254)</td>
<td>21 (56)</td>
</tr>
<tr>
<td>WM-WF</td>
<td>12 (788)</td>
<td>12 (715)</td>
<td>28 (73)</td>
</tr>
<tr>
<td>WM-BM</td>
<td>2 (146)</td>
<td>2 (140)</td>
<td>2 (6)</td>
</tr>
<tr>
<td>WM-BF</td>
<td>&lt;1 (14)</td>
<td>&lt;1 (12)</td>
<td>&lt;1 (2)</td>
</tr>
<tr>
<td>BM-BM</td>
<td>32 (2,067)</td>
<td>33 (2,026)</td>
<td>15 (41)</td>
</tr>
<tr>
<td>BM-BF</td>
<td>10 (637)</td>
<td>10 (605)</td>
<td>12 (32)</td>
</tr>
<tr>
<td>BM-WM</td>
<td>6 (361)</td>
<td>5 (326)</td>
<td>13 (35)</td>
</tr>
<tr>
<td>BM-WF</td>
<td>2 (130)</td>
<td>2 (110)</td>
<td>8 (20)</td>
</tr>
<tr>
<td>WF-WF</td>
<td>1 (58)</td>
<td>1 (58)</td>
<td></td>
</tr>
<tr>
<td>WF-WM</td>
<td>4 (231)</td>
<td>4 (230)</td>
<td>&lt;1 (1)</td>
</tr>
<tr>
<td>WF-BM</td>
<td>&lt;1 (20)</td>
<td>&lt;1 (20)</td>
<td></td>
</tr>
<tr>
<td>WF-BF</td>
<td>&lt;1 (4)</td>
<td>&lt;1 (4)</td>
<td></td>
</tr>
<tr>
<td>BF-BF</td>
<td>2 (107)</td>
<td>2 (106)</td>
<td>&lt;1 (1)</td>
</tr>
<tr>
<td>BF-BM</td>
<td>8 (526)</td>
<td>8 (522)</td>
<td>1 (4)</td>
</tr>
<tr>
<td>BF-WM</td>
<td>&lt;1 (16)</td>
<td>&lt;1 (16)</td>
<td></td>
</tr>
<tr>
<td>BF-WF</td>
<td>&lt;1 (10)</td>
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<td></td>
</tr>
<tr>
<td>N</td>
<td>6,425</td>
<td>6,154</td>
<td>271</td>
</tr>
</tbody>
</table>

NOTE: W = White; B = Black; M = male; F = female.
no longer significant and stranger homicides are only significant at the lower alpha level (.05). Most important, results indicate that the primary variable of interest (victim race-gender interaction) remained significant. In effect, significantly reducing the sample to a population that is more likely to be death eligible did not alter our original findings. Homicides with White female victims continue to be more likely to result in a death sentence than other victim race gender combinations.

Second, there is the possibility that in addition to a victim interaction effect, the interaction of offender characteristics will be related to sentencing outcomes in particular cases. As previously noted, research has established that Blacks who kill Whites are disproportionately represented among death sentences. In particular, Black males who kill White females may partially explain the female, White, and/or White female victim effect noted in prior research and the current study. As a preliminary test of such an interaction, the authors created an interracial variable to control for interracial homicides. This could provide some initial insight into the impact interracial homicides have on present findings. The interracial variable was included in a separate logistic regression model including the original variables of interest. Interracial homicides were not found to be significant even at a lower (.05) level and did not alter substantive findings from previous analyses. Even after controlling for interracial homicides, the victim interaction variables remained significant.

**Implications and Future Research**

This study examines the relationship between victim gender and race on the imposition of death sentences in Ohio. Initially, it appeared that homicides with female victims and those with White victims were more likely to receive a death sentence than those with male or Black victims. However, by examining the combined effect of the victim's gender and race, it was discovered that homicides with White females are significantly more likely to result in a death sentence than homicides with other victim gender-race combinations.

Similar to previous studies (e.g., Paternoster, 1984; Radelet & Pierce, 1991), the present study finds that homicides with White female victims had the highest likelihood of resulting in a death sentence, whereas homicides with Black male victims had the lowest probability. However, results indicate that the correlation between White female victim homicides and death sentences was strong enough to create the appearance of a relationship between general White victim homicides and death sentences and general female victim homicides and death sentences. The present study suggests that the 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. This finding is consistent with the view that Black female victims do not have the same status as White female victims (see Belknap, 1996; Zack, 1998) but challenges the argument that an elevated status extends to all White victims. It appears that potential gender-of-victim and race-of-victim effects on sentencing may be more specific than previously thought.

Numerous authors have argued that prior record is an essential control variable for sentencing research (Klein, Petersilia, & Turner, 1990; Steffensmeier et al., 1993). We have argued that although such data could strengthen confidence in the present findings, there is little logical basis to expect that prior record would affect an observed relationship between sentences and victim characteristics. The methods used in the present study are a replication of Gross and Mauro’s (1989) analysis of racial disparity in Georgia and other states. Their research examines the same jurisdiction during an overlapping time frame as the Baldus et al. (1990) study. The fact that Gross and Mauro found similar results as the more rigorous Baldus et al. (1998) project adds to the validity of the methodology used by Gross and Mauro and by the present study.

Given the preliminary nature of this study, it would be prudent to identify several unresolved questions and suggestions for future research. First, it is possible that homicides involving White female victims are more heinous or aggravated than
homicides involving other victims (see Baldus et al., 1990). To account for this, mitigating and aggravating circumstances were included in the analyses. Most important, felony circumstance was included as a control variable and an analysis of a subsample of cases involving only felony circumstances was conducted. These steps likely reduced, but did not eliminate, the possibility that there is something unique about White female victim homicides that could explain the present findings. Future research should attempt to control for all potential aggravating circumstances and mitigating factors. Prior research finds that disparity is most likely to occur in less aggravated circumstances (Baldus et al., 1990, 1998; Baumer, 2000; see also Spohn & Cederblom, 1991), suggesting that sentencing disparity may be the strongest for those cases that tend to draw the least public attention and in which decision makers are “freed” from statutory constraints (see Kalven & Zeisel, 1966). The consideration of interactive victim characteristics in models with more complete case information would help determine whether homicides with White females are more aggravated and thus, would partially explain the proposed relationship.

Future research should also consider whether homicides involving White females are different from those involving other victim race-gender categories in a manner that has not been quantitatively captured by the present study. As researchers have noted, the context and qualitative aspects of particular cases and settings can greatly alter decision making yet escape the attention of quantitative studies (Daly, 1994). Such questions, however, are more appropriately addressed with detailed analyses of case files and naturalistic observations during a considerable time period (e.g., Daly, 1994).

A significant limitation of the present study was its inability to analyze the data at different decision-making points. This would have allowed researchers to examine when the observed disparities were produced. The consideration of the tremendous role prosecutorial discretion has on sentencing outcomes seems particularly important. Previous research has indicated that prosecutorial decision making can result in considerable disparities (Baldus et al., 1990; Paternoster, 1984). Such research would complement our emphasis on the affect that victim characteristics have on the focal concerns of decision makers. The practical implications of decisions, especially the concern about outcome uncertainty, appear to dramatically shape prosecutorial decision making (Albonetti, 1987; Albonetti & Hepburn, 1996; Stanko, 1981-1982). A more complete understanding of how perceptions of victim status affect these decisions would provide additional insight into the validity of the ideas presented here.

Though unique in the literature, the present study suffers from the obvious limitations of available data. We call on interested scholars with access to more complete data to test our hypotheses and challenge our findings. A major question is whether previous research findings of a general victim race disparity are similarly explained by a White female victim effect. The authors suggest that researchers consider reexamining existing data and previously published research to determine if findings of a White victim or female victim effect are partially explained by a specific victim race-gender combination. It is clear, however, that in addition to continuing inquiries into defendant-based disparities, future researchers should consider examining the relationship between the intersections of victim race and victim gender on disparity in capital and noncapital sentencing outcomes.

References


**DISCUSSION QUESTIONS**

1. What does the research reviewed by Williams and Holcomb reveal about the effects of the race of the offender, the race of the victim, and the gender of the victim on death penalty decisions?

2. Why do the researchers argue that "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'?"

3. Williams and Holcomb contended that there is considerable historical evidence of preferential treatment of White females. What evidence did they cite to support this statement?

4. The authors hypothesized that those who kill White females are more likely than other offenders to receive a death sentence. Does their analysis support or refute this hypothesis?

5. What are the implications of the results of this study for research and policy?

**READING**

In June of 2001, Lionel Tate, a Black boy who was 12 years old when he killed a 6-year-old family friend while demonstrating a wrestling move he had seen on television, was sentenced to life in prison without the possibility of parole. Tate, who claimed that the death was an accident, was tried

*Source: "The Juvenile Penalty: A Comparison of Juvenile and Young Adult Sentencing Outcomes in Criminal Court," by Megan C. Kurlychek and Brian D. Johnson in *Criminology*, vol. 42, no. 2, pp. 485–517, November, 2004. Reprinted with permission. An earlier version of this paper was presented at the 2002 American Society of Criminology meetings in Chicago, Illinois, and received the American Sociological Association's student paper award for Crime, Law and Deviance and the American Society of Criminology Gene Carte Award. The authors would like to acknowledge the many helpful comments they received on earlier versions of this paper from D. Wayne Osgood, Thomas Bernard, John Kramer, and Darrell Steffensmeier.*
as an adult in Broward County, Florida; he was convicted of first-degree murder. One month later, Nathaniel Brazill, a 14-year-old Black boy, was sentenced by a Florida judge to 28 years in prison without the possibility of parole. Brazill was 13 years old when he shot and killed Barry Grunow, a popular 30-year-old seventh-grade teacher at a middle school in Lake Worth, Florida. Although Brazill did not deny that he fired the shot that killed his teacher, he claimed that he had only meant to scare Grunow and that the shooting was an accident. Like Tate, Brazill was tried as an adult; he was convicted of second-degree murder.

These two cases raised a storm of controversy regarding the prosecution of children as adults. Those on one side argue that children who commit adult crimes, such as murder, should be treated as adults; they should be prosecuted as adults and sentenced to adult correctional institutions. As Marc Shiner, the prosecutor in Brazill’s case, put it, “This was a heinous crime committed by a young man with a difficult personality who should be behind bars. Let us not forget a man’s life has been taken away” (Randall, 2001). Those on the other side contend that prosecuting children as adults is “unwarranted and misguided.” They assert that children who commit crimes of violence typically suffer from severe mental and emotional problems and that locking kids up in adult jails does not deter crime or rehabilitate juvenile offenders. Although they acknowledge that juvenile offenders should be punished for their actions, they claim that incarcerating them in adult prisons for the rest of their lives “is an outrage” (“Juvenile Justice,” n.d.). According to Vincent Schiraldi, president of the Justice Policy Institute, “In adult prisons, Brazill will never receive the treatment he needs to reform himself. Instead, he will spend his time trying to avoid being beaten, assaulted, or raped in a world where adults prey on, rather than protect, the young” (“Juvenile Justice,” n.d.).

The increase in juvenile crime during the 1980s and early 1990s, coupled with highly publicized cases of very young children accused of murder and other violent crimes, prompted a number of states to alter procedures for handling certain types of juvenile offenders (Torbet & Szymanski, 1998). Some states lowered the age at which youth could be admitted to adult prisons. Other states responded by lowering the age when children can be transferred from juvenile court to criminal court or by expanding the list of offenses for which juveniles can be waived to criminal court. All states specify the age at which the jurisdiction of the juvenile court ends. In Connecticut, North Carolina, and New York, for example, the jurisdiction of the juvenile court ends after age 15. Offenders who are 16 years of age or older are processed by the adult courts. Ten other states (Georgia, Illinois, Louisiana, Massachusetts, Michigan, Mississippi, New Hampshire, South Carolina, Texas, and Wisconsin) extend the jurisdiction of the juvenile court through a youth’s 17th birthday. In all other states the jurisdiction of the juvenile court ends at the 18th birthday (Griffin, Torbet, & Szymanski, 1998). Juvenile waiver laws ignore some of these cutoffs altogether. For example, Colorado legislators enacted a statute that provides for 14- to 17-year-olds charged with violent felonies to be tried as adults. California voters recently enacted Proposition 21, an initiative that, among other things, reduced the waiver age from 16 to 14 years of age. These changes signal an increasing desire to treat juvenile offenders more harshly than in the past. Despite the emergence of waiver laws, though, the vast majority of juvenile cases are still processed in the traditional fashion (Sickmund, Stahl, Finnegan, Snyder, & Butts, 1998). Whereas one study from the mid-1990s showed that 12,000 juveniles were waived to adult court in the space of 1 year (Bureau of Justice Statistics, 1998), another more recent study showed a reduction throughout the latter part of the 1990s in the number of juvenile waivers to adult court (Puzzanchera, 2003). Researchers have also looked at the effects of juvenile waivers on sentences, and there does not appear to be clear evidence that the former affects the latter (Fagan, 1995).