Judicious Judges?
Effects of Judicial Discretion and Crime Type on Sentencing
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Introduction

Background
- In 2005, the Supreme Court case U.S. v. Booker increased judicial discretion in federal sentencing
- Booker held that sentencing ranges would be advisory instead of mandatory (fig 1)

Literature
- Previous studies found variations in Booker’s effects by defendant, circuit, and judge demographics
- This research additionally analyzes variations in Booker’s effects depending on crime type

Methods

Data
- Released Annually by the Federal Sentencing Commission
- Includes details for federal criminal cases
- Primary explanatory variable: crime type (Fig 2)
- Primary outcome variable: sentence length (Fig 3)
- Final sample: 974,799 cases

Model (fig 4)

- Sentence length in months regressed on
  - Pre or post Booker variable
  - Year trend
  - Defendant demographics
  - Booker X defendant demographics
  - Crime severity measures
  - Booker X crime severity
  - Crime type
  - Booker X crime type for drug trafficking, firearms, fraud, and immigration
  - Circuit of sentencing fixed effects

Results

Iteration 1 (fig 5)
- Model estimated as described
- Results show variation in Booker’s effects depending on crime type
- Effects in different directions, so looking at all crime types together may underestimate the effects

Iteration 2 (fig 6)
- Data divided into subsets corresponding to the four main crime types
- Model estimated as described for each subset
- Variation by crime type reiterates for race variables
- Supports efficacy of differentiating crime types to increase overall accuracy
- Generally adverse effects for Blacks and Hispanics, except for fraud crimes
- Potential implicit discrimination

Conclusion

Because of the variation in Booker’s effects by crime type, analyzing Booker separately by crime type more accurately represents its effects

References
5. Fruehwirth, J., Booker’s effects on sentencing increase in an advisory guidelines regime: Evidence from Booker. Harvard University Economics Dissertations.
6. Economic Inquiry.