

## **Survey Experiment on Mandatory Sentencing – Collaborative Research Project**

### Day 1, June 2, 2015:

- 1:00pm – 2:00pm: Overview of collaborative research project including survey instrument, research design, preliminary expectations and key points of comparison across experimental conditions.
- 2:00-2:15: Logistics of data collection, data entry, and data analysis. Break up into research groups for different tasks including: (1) background on mandatory sentencing; (2) data collection; (3) data entry and variable codebook group.
- 2:15–3:45: Work on assigned task within groups
- 3:45–4:00: Groups report initial progress on each task; take-home assignment

### Day 2, June 3:

- 1:00–2:00pm: Count of completed surveys / Data entry / background research group compiles information for front end of final presentation
- 2:00–3:00pm: When the data is all entered into a spreadsheet, there will be an overview of the data analysis process and basic steps. Several new groups will be formed for data analysis including: (1) a group to develop a table with sample descriptive statistics; (2) a group that conducts comparisons of key differences across experimental conditions on key DVs; and, (3) a group that conducts advanced multivariate analyses on some of the main DVs. \*The background research group will continue to conduct independent research for the front end of the presentation.
- 3:00–4:00pm: Work on assigned tasks within groups

### Day 3, June 4:

- 1:00–2:30pm: Finalize all data analysis and create summary of results for final presentation
- 2:30–3:00pm: Compile individual work for final presentation
- 3:15pm: Final group presentation



<i>White</i>	<i>African American</i>	<i>Asian American</i>	<i>Hispanic</i>	<i>Other</i>	<i>Prefer not to answer</i>	
What is your annual household income (before taxes)?			< \$30,000	\$30,000-\$75,000	> \$75,000	
Which number on this scale best describes your political views?						
1	2	3	4	5	6	7
<i>very liberal</i>			<i>moderate</i>			<i>very conservative</i>
Generally speaking, do you consider yourself a Democrat, Independent, or Republican?						
1	2	3	4	5	6	7
<i>strong Democrat</i>			<i>Independent</i>			<i>strong Republican</i>
<i>When it comes to mandatory sentencing, people express a lot of different ideas. Several of these ideas are listed below. For each idea, REGARDLESS OF YOUR OWN OPINION, we'd like to ask you how effective (or strong) you find the argument (or idea) to be either in support or opposition to mandatory minimum sentencing.</i>						
<b>IDEA: Mandatory minimum sentences take away the flexibility of judges to consider relevant information.</b>						
Would you say this idea (overall) comes across as being more opposed, neither opposed nor supportive, or more supportive of mandatory sentencing?						
1	2	3	4	5	6	7
<i>definitely opposed</i>			<i>neither</i>			<i>definitely supportive</i>
How effective would you say this idea (overall) is in terms of making an argument either for or against mandatory sentencing?						
1	2	3	4	5	6	7
<i>NOT effective at all</i>			<i>somewhat effective</i>			<i>very effective</i>
<b>IDEA: Mandatory minimum sentences provide clear and consistent guidelines for the punishment for a crime.</b>						
Would you say this idea (overall) comes across as being more opposed, neither opposed nor supportive, or more supportive of mandatory sentencing?						
1	2	3	4	5	6	7
<i>definitely opposed</i>			<i>neither</i>			<i>definitely supportive</i>
How effective would you say this idea (overall) is in terms of making an argument either for or against mandatory sentencing?						
1	2	3	4	5	6	7
<i>NOT effective at all</i>			<i>somewhat effective</i>			<i>very effective</i>
<b>IDEA: Mandatory minimum sentences result in harsh sentences that are not proportional to the offense in some cases.</b>						
Would you say this idea (overall) comes across as being more opposed, neither opposed nor supportive, or more supportive of mandatory sentencing?						
1	2	3	4	5	6	7
<i>definitely opposed</i>			<i>neither</i>			<i>definitely supportive</i>
How persuasive would you say this idea (overall) is in terms of making an argument either for or against mandatory sentencing?						
1	2	3	4	5	6	7
<i>NOT effective at all</i>			<i>somewhat effective</i>			<i>very effective</i>
<b>IDEA: Mandatory minimum sentences prevent crime because certain and severe punishment will deter criminals.</b>						
Would you say this idea (overall) comes across as being more opposed, neither opposed nor supportive, or more supportive of mandatory sentencing?						
1	2	3	4	5	6	7
<i>definitely opposed</i>			<i>neither</i>			<i>definitely supportive</i>
How effective would you say this idea (overall) is in terms of making an argument either for or against mandatory sentencing?						
1	2	3	4	5	6	7
<i>NOT effective at all</i>			<i>somewhat effective</i>			<i>very effective</i>

*Photograph of Solitary Confinement Exhibit Constructed by Students*



Solitary confinement for juveniles was recently banned in all federal prisons in the U.S. following the release of a report commissioned by the Department of Justice. But, so many juveniles are still being held in solitary confinement in state prisons and local jails. What do you think— in general, do you oppose or support solitary confinement for juvenile offenders currently incarcerated in state prisons?							
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	
<i>strongly oppose</i>			<i>not sure</i>			<i>strongly support</i>	
There are currently approximately 100,000 adults in solitary confinement in the U.S. Some have called prolonged isolation a form of psychological torture, while others say it is necessary for the protection of inmates and staff. What do you think— in general, do you oppose or support solitary confinement for adult offenders currently incarcerated in state prisons?							
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	
<i>strongly oppose</i>			<i>not sure</i>			<i>strongly support</i>	
Mandatory minimum sentencing laws require prison terms of a specific length for individuals convicted of certain federal or state crimes. What do you think— in general, do you support or oppose mandatory sentencing?							
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	
<i>strongly oppose</i>			<i>not sure</i>			<i>strongly support</i>	
Thinking about the amount of prison time and other punishments now given to people convicted of crimes, in general, do you think these sentences are too harsh, too lenient, or about right?							
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	
<i>definitely too lenient</i>			<i>about right</i>			<i>definitely too harsh</i>	
To what extent do you disagree or agree that: “If the government spent less time trying to fix everyone’s problems, we’d all be a lot better off”?							
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	
<i>definitely disagree</i>			<i>not sure</i>			<i>definitely agree</i>	
Some people feel that the government in Washington should make every effort to improve the social and economic position of blacks. Others feel that the government should not make any special effort to help blacks because they should help themselves. Where would you place yourself on this scale?							
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	
<i>Government should help blacks</i>			<i>not sure</i>			<i>Blacks should help themselves</i>	
How old are you?	<i>18-24</i>	<i>25-34</i>	<i>35-44</i>	<i>45-54</i>	<i>55-64</i>	<i>65-74</i>	<i>75+</i>
Are you male or female?	<i>Male</i>	<i>Female</i>					
Which of the following do you consider to be your primary racial or ethnic group?							
<i>White</i>	<i>African American</i>	<i>Asian American</i>	<i>Hispanic</i>	<i>Middle Eastern</i>	<i>Native American</i>		
Which number on this scale best describes your political views?							
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	
<i>very liberal</i>			<i>moderate</i>			<i>very conservative</i>	
Generally speaking, do you consider yourself a Democrat, Independent, or Republican?							
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>	
<i>strong Democrat</i>			<i>Independent</i>			<i>strong Republican</i>	

## Summer Institute – White Paper

You will work in teams to produce a white paper on a specific topic.

A white paper is generally a report that presents a problem and proposes solutions (typically 6-8 pages). Many white papers are technical documents produced for businesses or for sales and marketing.

For this project, the end result will be a short written document that includes:

- (1) A description of the research question and \*background on the issue (1-2 page single spaced);
- (2) A concise description of the experimental design, including the number of conditions, details about the manipulation(s) / key independent variables, exact wording and measurement of the dependent variable(s) (2-3 pages);
- (3) Any explicit “empirical expectations” should be listed after the presentation of the research design; (1/2 page or less);
- (4) A short summary of the results from the experiment, including a report of any findings and the statistical analyses that were conducted to arrive at any conclusions. (You may include a supplementary appendix with Tables that readers can reference for details.) (1-2 pages);
- (5) Consider a Table with descriptive statistics on the sample and a Table with means on all key DVs across conditions;
- (6) A short section that comments on what has been learned and any limitations; and,
- (7) conclude by highlighting any broader implications the results should have for policymakers or to increase the public’s awareness of the issue.

**\*Present the white paper and results from the study on Friday at the end of the course.**

## **Summer Institute Syllabus - Course Description**

The course will meet May 1–5, from 9am to 3pm. Students are expected to attend every day for the duration of the day's events. The focus of the course is also the focus of the Institute this year, *Crime, Punishment, & Sentencing*. The Institute will feature expert panelists each morning speaking about an issue related to crime, punishment and sentencing in the U.S. Speakers include state representatives, judges, criminal justice and immigration attorneys, founders of non-profit organizations, and academics. Coffee and bagels will be provided each morning and lunch will be served Tuesday–Thursday. I expect all participants to be attentive (e.g., turn off your phones, be alert, take notes, ask good questions, etc.) and good ambassadors of XXX. Please dress business casual Tuesday-Friday.

In addition to attentively listening and learning from the guest speakers, you will also be engaged in a collaborative research project. The research project entails a team project you will complete with peers. Each team will be led by at least two graduate students who will be attending the Institute with the goal of producing a short final paper and presentation. Each team will be responsible for the development of a “white paper” (details to be provided) focused on a research question related to opinions about one of three issues: mandatory minimum sentencing, juvenile and adult solitary confinement, or support for the death penalty in the U.S. Each team will also produce a short presentation that will be delivered to the entire group on the final day of the Institute showcasing what the teams have learned over the course of the week. Survey data has been pre-collected (by myself and some of the graduate students who are group leaders) in four distinct survey-experiments to explore how people form opinions related to the aforementioned topics; you will thus learn about how to design and conduct a social science research study to test a hypothesis with quantitative data. You will additionally learn how to interpret, synthesize and report this information to an audience both orally and through the white paper. The panel discussions and writing components of the course (details below) encourage critical thinking about issues at the intersection of social justice and politics.

## **Course Learning Objectives**

- Describe criminal justice reform efforts in Georgia in recent years based on the speakers
- Explain the central issues highlighted by attorneys fighting for social justice in Georgia
- List challenges facing families of the incarcerated and efforts by social justice activists and organizations to assist these individuals
- Describe the perspectives of members of the local media on race and policing in Georgia
- Restate the challenges and key issues raised by formerly incarcerated inmates seeking reintegration into local communities upon release from prison
- Appraise different experimental research designs that seek to shed light on issues associated with crime, punishment and opinion formation
- Identify relevant sources to conduct a systematic literature review associated with a topic (i.e., learn how to develop a theory)

- Measure (operationalize) and collect (download) quantitative data to analyze systematically (You will be using Stata and learn some basics of this data analysis platform)
- Calculate summary statistics from survey data to communicate overall patterns in the data
- Compute difference of means tests to evaluate the results from a hypothesis test
- Create Tables and / or Figures that illustrate the results from your hypothesis test(s)
- Evaluate the link between real world policy issues and research
- Collaborate with graduate students to assemble a group paper and presentation to share with peers and the public at the end of the week

### **Assessment**

You will be assessed on the extent to which you have achieved the aforementioned learning objectives of the course. I will make that judgment based on the following factors:

#### **Attendance and active participation. (25%)**

Your participation is vital to the Institute's success and yours. Your work here will be assessed based on your attendance and the quality of your contributions as a speaker *and* a listener. Please be courteous to your classmates and guest speakers by avoiding distracting behavior such as arriving to class late, leaving early, reading non-class material during class time, or talking when someone else is talking.

#### **Collaborative Team Research Project. (25%)**

As described above, you will participate in a collaborative research project led by a team of graduate students. Your grade will be assigned by your team leaders (i.e., graduate students who are coordinating the activities) for the white paper and presentation. You may be asked to read and summarize articles or create other material outside of class in order to facilitate completion of the group paper and presentation. The specific activities you are assigned will depend on the group you join and the goals of the group.

#### **Daily Journal (25%)**

You will write a daily journal for the Summer Institute (Tues.–Thurs.) providing your reactions and thoughts regarding the issues highlighted on each day's panel (500 words or less each day)

#### **Final Reflection Paper (25%)**

You will write a short reflection paper on your experiences over the course of the week. Additional details will be provided about the reflection paper in class.



## SOLITARY CONFINEMENT WHITE PAPER

[Authors names redacted for review]

### ***Introduction: Defining Solitary Confinement***

While there is no universally agreed upon definition of solitary confinement, it is generally understood to be the “physical isolation of individuals who are confined in their cells” for anywhere between 22 and 24 hours per day (“Solitary Confinement Should be Banned,” 2011). While there are many different names for it, such as segregation, the hole, and Supermax, the conditions for solitary confinement are relatively similar across the board: the cell “serves as bedroom, bathroom, and dining room;” there is virtually no contact with other prisoners or guards, as even food is passed through a small slot in the door; the walls are concrete or steel; the cells are roughly the size of a king size bed, meaning it is smaller than an average apartment bathroom; and the lights are normally on at all hours of the day, making it close to impossible to tell the time (Basset, 2016; Brown, 2015; US Justice Department, 2016).

### ***History and Background of Solitary Confinement:***

Historically, the origins of solitary confinement can be dated back to 1829 when the first experiment was founded at the Eastern State Penitentiary in Philadelphia. The experiment was based on the Quaker belief that described how isolated prisoners were locked, with only a bible, within stone cells to analyze their own mental and emotional processes through repentance and prayer. The first experiment ended in failure when they observed that many prisoners failed to retain their functionality whilst reintegrating into society or committed suicide. This caused the experiment to be cast aside until 1890. Between the years of 1890 to 1934, there was a shift back toward the practice with the Alcatraz prison that put prisoners into “THE HOLE,” which was a bare concrete cell with a hole in the middle of the floor. Prisoners were kept naked in the dark, and they were then expected to spend days or even years in D BLOCK, the hallway dedicated to solitary confinement. The year 1983 brought more overtly harsh and systematic solitary confinement sentences. Illinois lead the way by creating the first prison with “Permanent Lockdown,” a 23 hour-day cell isolation in addition to an elimination of their rehabilitative privileges (e.g. skill training). In 1995, as a result of the *Madrid v Gomez* case, a federal judge found the treatment to be not humanly tolerable, but diverted the responsibility to states to decide how to treat their prisoners. Through the 1990’s and into the 2000’s, the US Bureau of Prisons managed to expand Supermax facilities nationwide with the construction of the first and only federal control-unit prison (Sullivan, 2006).

European and Latin American countries adopted the practice as early as the 1830s. In almost every part of the world today solitary confinement is used to varying degrees. States’ rationale for their use of solitary varies as well. Generally, reasons are to protect prisoners from others or themselves, to punish prisoners as a sentence or a disciplinary action, to protect or promote national security, or to maintain control over ongoing investigations (UN General Assembly resolution 66/268, 2011). Though the practice has spread internationally, the international diplomatic community believes the practice to be against human rights. The United Nations Special Rapporteur on torture, Juan E. Mendez, has called for a complete ban on the practice of solitary confinement, making an exception for short periods of time in mitigating circumstances, and especially in the cases of juveniles and prisoners with mental illness (“Solitary Confinement Should be Banned,” 2011).

### ***The Uses of Solitary Confinement: Rehabilitative or Detrimental?***

Today, solitary confinement is a method of control used in both jails and prisons across the United States. Each day, approximately 80,000 inmates are held in solitary confinement in the US (Amnesty International, 2016). Most inmates are held there for days at a time, but there are extreme cases in which some are left alone in these cages for years or even decades (Sullivan, 2006). States vary by their uses of solitary confinement, with at least 38 allowing it for various reasons, including gang membership, gender identity, or religious beliefs (Jacobs & Lee, 2012; Weber, 2015). Most states, including Georgia, have no limits on solitary confinement, but some have certain prohibitions put in place in attempts to protect inmates. Seven states, for example, have recently completely banned or limited the use of solitary confinement for juveniles (Teigen, 2017).

The use of solitary confinement by the United States is justified by emphasizing safety, with claims of protecting both inmates and staff as well as preventing escape. These assertions have not yet been empirically supported, and many studies suggest that solitary confinement can actually have the opposite impact, leading to greater violence within the prison walls (Bassett, 2016). A recent study conducted by the ACLU and the Human Rights Watch gave a detailed report about the effect of solitary on the psyche of both adults and juveniles that could amount to torture. Their study found that the use of solitary risks causing or exacerbating mental disabilities or other serious mental health problems in adolescents. Also adults who have no history of mental health problems develop psychological symptoms in solitary confinement (Human Rights Watch & ACLU, 2012). The most damning fact perhaps is that the UN report on solitary states, if inmates are kept in solitary for more than 15 consecutive days the psychological effects are irreversible (“Solitary Confinement Should be Banned,” 2011). If several studies have come to the conclusion of solitary confinement correlates with increased psychological symptoms and the onset of mental illness, then why do we continue this practice?

### ***Solitary Confinement and the Law***

Being put in a cell with little to no human contact has been a form of punishment that’s been issued indiscriminately and recklessly throughout prison systems in the US since the beginning. What was once viewed as a form of punishment has began to show detrimental effects with little to no rehabilitative value. President Obama issued an executive order in 2015 to keep juvenile offenders out of solitary confinement because of the damaging effects on them. In 1866 SCOTUS ruled that the 8th amendment applied to federal legislation and not the state level, but this leaves dangerous discretion to individual states to administer this punishment as they view necessary. However, the door to civil litigation was opened to prisoners and their families when SCOTUS ruled that state prisoners have the right to bring suits against prison workers in 1964.

Prisoners with pre-existing mental health issues often experience exacerbated symptoms, and people with no sign of mental illness have shown signs after this method of punishment. This begs to question the validity, constitutionality, and safety of such a practice. In a study by the American Bar Association, solitary confinement not only harms the prisoner, but the prison guards who work in solitary confinement show more signs of depression and aggressive behavior; these guards also utilize workers-compensation at a higher rate than regular prison guards (Sclanger, Pendergrass & Graybill, 2016). This study also shows society suffers because these prisoners also have a higher rate of recidivism which drives up the cost and requires more public funding to be taken out of schools, infrastructure, and social programs to help the indigent.

## ***Theory***

Considering the psychological effects of solitary confinement, we theorize that exposure to the cell experience will prime an individual's perception of solitary confinement. Priming is a “nonconscious form of human memory concerned with perceptual identification of words and objects. It refers to activating particular representations or associations in memory just before carrying out an action or task” (Priming, n.d.; Memory, n.d.). Framing, on the other hand, is a theory commonly used to understand the effects of the media. News sources, for example, use framing in order to portray a specific point of view, which has been seen to influence how consumers may feel about a particular issue. Framing is especially important in controversial topics in which an idea needs to be sold (Framing, 2013). A specific example of framing in the news is in a situation of high national unemployment. This could be framed from the government’s perspective, which would emphasize the work they are doing in order to address the issue. It could also be framed from the perspective of highly impacted communities, which would highlight the disastrous effect of unemployment on their community. The expectation in the study is that priming and framing would have the same effects. Thus our proposed research question is, how do interactive art installations affect public perceptions/opinions of solitary confinement, for juveniles and adults, as well as other tough on crime policies?

In the cell experience, individuals spend ~5 minutes in a simulated cell designed to replicate a solitary confinement cell used commonly in U.S. prisons while listening to audio recordings of juveniles who experienced solitary confinement. The experience is meant to immerse the viewer in a realistic simulation of solitary confinement, thus priming the individual to think about the conditions of the solitary confinement cell while taking a test that asks questions about solitary confinement.

## ***Hypotheses***

Based upon our theoretical postulations we test the following hypotheses.

- H<sub>1</sub>: If a survey participant is exposed to the conditions of a recreated solitary confinement cell, then they are less likely to support adult solitary confinement.
- H<sub>2</sub>: If a survey participant is exposed to the conditions of a recreated solitary confinement cell, then they are less likely to support juvenile solitary confinement.

We also run an OLS regression model to identify predictors of support for solitary confinement. We expect attitudes toward the criminal justice system, race, political ideology, and party identification to play a significant role in predicting attitudes toward solitary confinement.

## ***Experimental Design and Methodology***

The total sample for our experiment was 197. Participants were randomly assigned to one of two groups: the control group and the group to be exposed to the cell. The reader can refer to Table 1 for an in-depth description of the experimental design. The key dependent variables used in this analysis are attitudes toward juvenile and adult solitary confinement. The independent variables consist of party identification and ideology, racial identification and resentment, and gender. We test our hypotheses utilizing an experiment that focuses on the attitudes individuals hold on tough on crime policies. In particular, we are testing opinions on the use of solitary confinement for juveniles and adults. The test consisted of questions that rated the students opinions on solitary confinement for juveniles and adults by

measuring their opinions on a seven point Likert scale where 1 = strongly oppose, 4 = not sure, and 7 = strongly support.

Utilizing Georgia State's on campus installment "Juvenile In Justice" designed by Richard Ross Studios, we chose to conduct an experiment to measure whether or not exposure of solitary confinement would have an effect on attitudes regarding tough on crime policies. The installation was an 8x8 replica of a solitary confinement unit, and was constructed by Georgia State students as part of a campaign to highlight issues in the criminal justice system. The cell featured a small cot with a black and white jumpsuit, orange slip on sandals, and audio recordings of juvenile's experience in solitary confinement. The installation dimension (64 sq. ft.) reflected the most common features found in solitary confinement within United States correctional facilities.

**Table 1: Experimental Design**

<i>Condition</i>	<i>Sample Size</i>	<i>Description</i>
Treatment: Exposure to Cell	96	Participants were escorted to the solitary confinement cell in groups of 5-6. They were then given instructions to enter the cell together to listen to audio recordings of juveniles' experiences in prison (~5 minutes). Participants were then asked to complete the survey.
Control	101	Participants were asked to enter classroom after randomization and complete the survey

### ***Respondents***

197 undergraduate students at Georgia State University participated in the study. The students were pulled from the Political Science Research Pool (PSRP). All students at the university are required to take at least one political science class, so the sample was considered representative of the general student body population in this respect. Those who participated in the study were incentivized through extra credit in their political science class. Due to the nature of the pool, these students were still self-selected, which impacts how representative the sample truly was of the student body population.

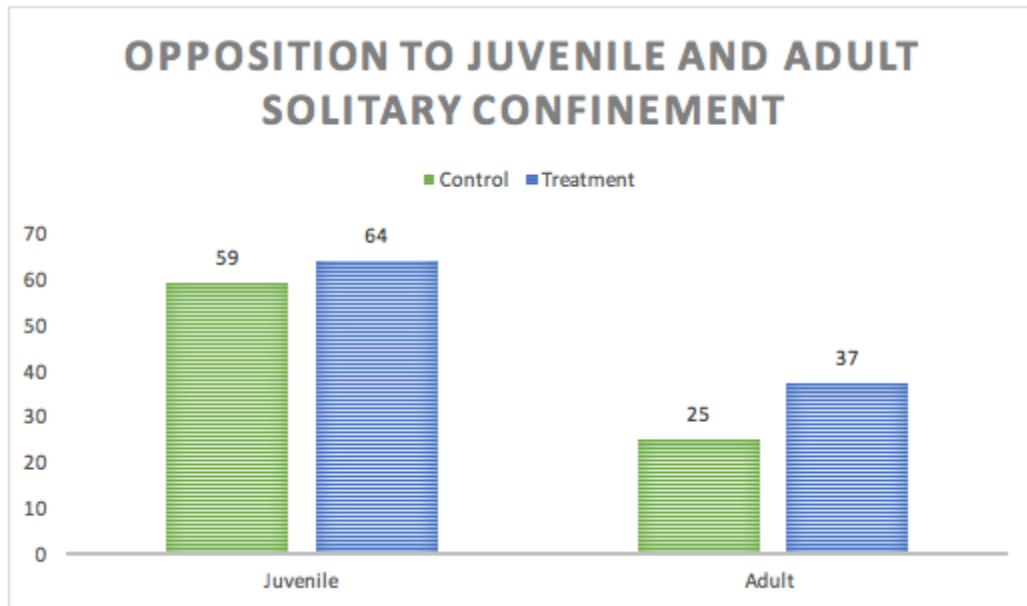
Of the 197 students, 130 (66%) were female and 66 (33.5%) were male. 31 (15.9%) of the students were white, and 164 (84.1%) were non-white. Almost all (roughly 90%) were between the ages of 18 and 24. Students were also surveyed on their political views and political ideologies. A majority of the sample were Democrats (58%), while the rest of the sample consisted of those identifying as Independent (32%) and Republicans (10%). A majority (54%) identified as liberal, with 33% identifying as moderate and 13% identifying as conservative.

### ***Findings***

Below, Figure 1 highlights the distribution of oppositional attitudes toward solitary confinement. The figure displays all respondents who reported any oppositional attitudes toward confinement (from

strongly oppose to slightly oppose). According to Figure 1, when respondents were exposed to the isolation treatment they were significantly more likely to oppose both forms of solitary confinement. A t-test shows statistical significance between the juvenile control mean (3.188) and the juvenile treatment mean (2.833) with a p-value of .065. A second t-test also

**Figure 1. Opposition to Juvenile and Adult Solitary Confinement**



shows statistical significance between the adult control mean (4.25) and the adult treatment mean (3.78) with a p-value of .026.

### ***Predictors of Juvenile Solitary Confinement Attitudes***

Attitudes toward mandatory minimum sentencing and the perceived harshness of the criminal justice system were significant predictors of attitudes toward juvenile solitary confinement. For every one unit increase in support for mandatory minimum sentencing support for juvenile solitary confinement increased by .15 points. For every one unit increase in the belief that the criminal justice system is too harsh support for juvenile solitary confinement decreased by almost one-fifth (.19) of a point. These findings are in accordance with our theoretical postulations; individuals who favor a more punitive criminal justice system will be more likely to support juvenile solitary confinement while those who believe the criminal justice system is already too strict will be less likely to support confinement of juveniles.

Three of the four demographic variables specified in the model were also significant predictors of attitudes toward juvenile solitary confinement. The race variable in this model is dichotomous, where 1 = white and 0 = non-white. Therefore, compared to blacks, we would expect whites to be less supportive of juvenile solitary confinement by approximately four-fifths (.80) of a point on average.

**Table 2. Predictors of Attitudes on Juvenile and Adult Solitary Confinement**

Variables	Juvenile Solitary Confinement	Adult Solitary Confinement
	Coefficient (Standard Error)	Coefficient (Standard Error)
<i>Attitudes</i>		
Mandatory Minimum Support	0.148** (0.068)	0.178** (0.077)
Too Harsh on Crime	-0.186** (0.091)	-0.107 (0.102)
Individualism	-0.107 (0.070)	-0.009 (0.078)
Resentment	0.051 (0.070)	0.054 (0.079)
<i>Demographics</i>		
Female	0.105 (0.227)	-0.111 (0.253)
White	-0.797** (0.312)	-0.096 (0.349)
Party Identification	0.178* (0.100)	0.024 (0.112)
Political Ideology	0.194** (0.091)	0.265*** (0.102)

Cell entries are unstandardized regression coefficients with standard errors in parentheses.  
 \*\*\* $p \leq .01$ ; \*\* $p \leq .05$ ; \* $p \leq .10$

However, we urge the reader to interpret these results with caution considering only 15 percent of the sample population identified as white. Party identification and political ideology were also significant predictors of attitudes on juvenile solitary confinement. For every one unit increase in party identification support for juvenile solitary confinement increased by .18 points. In other words, the data suggests respondents who identify as Republican were more likely to favor solitary confinement for juveniles. Lastly, for every one unit increase in political ideology support for juvenile solitary confinement increased by about .20. Again, the data suggests as respondents become more conservative support for juvenile solitary confinement increases.

#### *Predictors of Adult Solitary Confinement Attitudes*

Interestingly, support for adult solitary confinement was approximately twice as high than that of juvenile solitary confinement in both the treatment and the control. From this data, we can gather than

people are generally more supportive of adult solitary confinement than that of juveniles. Only two variables in the adult solitary confinement model yielded statistical significance: attitudes toward mandatory minimum sentencing and political ideology. Again, for every one unit increase in support for mandatory minimum sentencing support for adult solitary confinement increased by .18 points. We can see that attitudes on mandatory minimum sentencing were significant predictors for both juvenile and adult solitary confinement. Lastly, political ideology was the only significant demographic predictor. For every one unit increase in political ideology support for mandatory minimum sentencing increased by more than a quarter of a point. Across both models we can see as respondents become more ideologically conservative they are more likely to support both forms of solitary confinement.

### ***Pop Culture/Mainstream Prevalence in Media***

Whether good or bad, Pop culture has had a notable influence on the way information is mediated across the world. In this context, the essential functions of pop culture are its ability to create social norms, social boundaries and social solidarity that are geared toward paving a way for change and innovation. Solitary confinement has not become significantly prevalent in the mainstream media despite an increase in its usage across the nation.

In 2006, Fox Reality Channel conducted a social experiment show called *Solitary*. The show called for contestants to test their mental and physical boundaries by being kept in nonstop solitary confinement for several weeks to see which of the contestants would out last all the others for the \$50,000 prize. As a show, *Solitary*, mimicked how Supermax confinement units isolated their prisoners with technological sophistication, correctional management, control, no social interaction, virtual isolation and no breaks between time. For example, *Solitary* contestants had experienced technological sophistication and lack of social interaction through a computerized artificial intelligence persona named Val who mediated all interactions between fellow contestants. MSNBC's *Lockup*, in contrast to *Solitary* that serves to profit off of the practice, provides an informative and vital look inside the dynamics of prison life. It emphasizes the use of solitary confinement as a torture. It urges viewers to change their perspectives. Rather than to divide society and criminals, it presses viewers to deliberate on how the practices of the prison system continue to thrive despite its having torturous conditions.

*Orange is the New Black*, a Netflix show conveying the narratives of inmates inside a women's penitentiary, has highlighted how solitary confinement can often be misused to the detriment of the inmates. A transwoman in the show, Sophia Burset, experienced physical violence at the hands of other inmates. The prison staff responded to her endangerment by placing her in solitary until a solution could be found. This episode sparked a conversation on how solitary can be used in prisons as justified by their apparent safety (Grossman, 2016).

### ***Discussion and Policy Prescriptions***

The results from the survey displayed that people do not necessarily support solitary confinement, especially when it comes to juveniles. What are some policy prescriptions for the growing opposition? Well, what has been done so far is that through executive order former President Obama declared that solitary confinement would be banned at the federal level for juveniles, low level offense and limit sentences for major offenses to a maximum of 90 days. Although at the state level, New York has begun to phase out the use the solitary and put forth rehabilitative programs and Mississippi has reduced violence levels by 70% due to changes in the management of solitary and diverting prisons from solitary to the general population. While New Mexico and Texas have mandated studies to find out solitary

confinements impact on the prisoner, cost and effectiveness. Maine, Colorado, Michigan, Illinois and a few other states have made efforts to reform but that's only a handful of states out of 50 which is a very small fraction.

However, it is a start at changing the conversation of how we treat inmates, but what more can be done? Perhaps another executive order or legislation from Congress to phase out the use of solitary altogether or states could follow their predecessors and implement the same changes to change or reduce how they apply solitary confinement (American Civil Liberties Union, n.d.). Aside from state and federal legislation, with more and more light being shed on this pressing issue what we can do to effect change is keep the conversation going and continue to raise awareness about the detriments that solitary confinement has on juveniles and adults. In the words of President Obama, "In America, we believe in the redemption. We believe in the words of Pope Francis, that 'every human person is endowed with an inalienable dignity, and society can only benefit from the rehabilitation of those convicted of crimes.' We believe that when people make mistakes, they deserve the opportunity to remake their lives." (2016).

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## Mandatory Minimum Sentencing

[Authors names redacted for review]

*“In searching for ways to address rising crime rates in the final third of the twentieth century, American policy makers got lost in a forest of good intentions, public anxieties, and political cynicism. They created a punishment system that no one would knowingly have chosen, but that we do not know how to change. Current policies are too severe, waste lives and money, and often produce unjust results. They have produced an imprisonment rate five times higher than that of any other Western country and seven to twelve times higher than most.”<sup>1</sup>*

### Background and History of Mandatory Minimum Sentencing

Federal mandatory minimum sentencing dates back to the first federal penal codes of the late 18th century. The 1790 Crimes Act prescribed a mandatory death penalty for treason, murder, and certain acts of piracy, among others. Additional crimes mandated various prison sentences, ranging from one to seven years. The Sedition Act of 1798, in preparation for a possible war with France, again mandated minimum prison sentences. Next was the Logan Act in 1799, which is still in effect today, although it no longer carries a mandatory penalty.<sup>2</sup>

Mandatory sentencing continued into the 1800s, in particular around issues of slavery. In the 1860s, various laws regarding spying, sedition, and of crimes of wartime were passed. Throughout the early and middle 20th century, laws were revised and new statutes written. Of course, there were numerous mandated sentencing in regard to Prohibition, World War I, the Great Depression, World War II, and particularly during the so-called “War on Drugs” in the latter part of the century, i.e., the Anti-Drug Abuse Act of 1986. After a flurry of mandatory minimum sentences in the late 20th and early 21st centuries, federal, state and local governments have begun to question the effectiveness and wisdom of these one-size-fits-all decisions.<sup>3</sup>

### What Are the Pros of Mandatory Minimum Sentences?<sup>4</sup>

#### ***1. It diminishes instances of personal bias.***

In the United States, 300 million people will each have a unique opinion on any given subject. This is true in the justice system just as much as with any other subject. Mandatory minimum sentences help to create a standard of justice that is equally applied to all parties who are charged with the same crime.

#### ***2. It eliminates the “sympathy factor.”***

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<sup>1</sup> Michael Tonry, *Thinking About Crime: Sense and Sensibility in American Penal Culture*, (New York: Oxford University Press, 2004), 3.

<sup>2</sup> United States Sentencing Commission, “*Report to Congress: History of Mandatory Minimum Penalties and Statutory Relief Mechanisms*,” Washington, D.C., 2011, pp7-9.  
[http://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/mandatory-minimum-penalties/20111031-rtc-pdf/Chapter\\_02.pdf](http://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/mandatory-minimum-penalties/20111031-rtc-pdf/Chapter_02.pdf) .

<sup>3</sup> Ibid, 9-15..

<sup>4</sup> “9 Primary Pros and Cons of Mandatory Minimum Sentences,” Connect US: The Global Issues Blog, accessed May 3, 2017, <http://connectusfund.org/9-primary-pros-and-cons-of-mandatory-minimum-sentences> .

Aside from keeping biases at bay, mandatory minimum sentences ensure that juries would not be swayed by sympathy and perceive perpetrators to be less guilty or even entirely innocent just because they feel sorry for them. By instituting mandatory minimum sentences, there is a guarantee that sentences are uniform throughout the justice system so that offenders are punished based on their overall moral culpability.<sup>5</sup>

### ***3. It may lead to a decrease in crime.***

When mandatory minimum sentences were first implemented in the US justice system in the 1980's, there was a significant drop in crime across all categories as these sentences were handed down. This could be due to the fact that people had a clear idea of the specific prison time they would be subject to if convicted. Throwing oneself on the mercy of the court would not be an option.

## **What Are the Cons of Mandatory Minimum Sentences?<sup>6</sup>**

### ***1. It shifts the personal bias.***

Sentencing used to be in the hands of a judge or jury. With mandatory minimum sentences, a guilty verdict means that the prosecutor is in more control of the sentence that offender receives. They can choose whether or not to charge them with the crime that carries a minimum mandatory sentence.

### ***2. It creates an environment of coercion.***

When low-level offenders are threatened with a high level mandatory sentence, they will often say or do anything to get out of spending multiple years in prison. The theory is that these mandatory minimums can help law enforcement officials move up the chain of command in organized crime, but the accuracy of the information that they receive may be questionable.

### ***3. Some cases create unjust sentences.***

A desperate mother of four was given a package and paid \$100 simply to mail it. Unknown to her, the package contained 232 grams of crack cocaine. She was arrested and the judge was legally obligated to sentence her to the 10-year minimum, in spite of the fact that he thought the sentence was harsh and unjust.

### ***4. It increases prison populations***

Mandatory minimum sentencing can cause people to be incarcerated even with a first offense or from an unintentional crime. This results in putting people in prisons who could have been given lighter sentences without imprisonment, such as conditional discharge, probation, and/or community service.

Any system of justice created by human beings will have flaws and imperfections. The goal of minimum mandatory sentences is a worthy one to attempt to achieve. If we are willing to take the pros and cons together and find a middle ground, then we can create sentencing guidelines that have common sense areas of exceptions so that justice can always be found.

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<sup>5</sup> "8 Pros and Cons of Mandatory Minimum Sentences," Flow Psychology, accessed May 3, 2017, <https://flowpsychology.com/8-pros-and-cons-of-mandatory-minimum-sentences/>.

<sup>6</sup> Ibid.

## **Research Question:**

Are specific demographics such as race, political ideology, gender, and individualism influential in swaying a survey subject's responses either favorably or unfavorably to mandatory minimum sentencing?

## **Research Design:**

In May 2015, Georgia State students conducted a survey concerning attitudes of mandatory minimum sentences in the U.S. Participants were found in and around the local campus, in the downtown Atlanta Area. The sample was a convenience sample, and not a random one. Meaning, that while participants were randomly chosen to be surveyed, we did not have the means, nor the time to effectively collect a truly random pool, thus, our data comes from a convenience sample. Each survey related to the practice of mandatory minimums. There were four sets of identical surveys, save for one condition on each of the four sets of the surveys. There were two racial conditions, and in each racial condition there was one set with a prompt about mandatory minimums, and one without. Each survey had two crimes with a description given and asked the respondent about their beliefs about it. From there, we surveyed people's attitudes about mandatory minimums to give us our dependent variables. Then we asked about the respondent's ideologies, race, age, education, income, etc. to give us independent variables.

There were four separate conditions measured. The first condition was a white male committing crimes, with no additional prompts. The second condition was a white male with a prompt of what the mandatory minimum sentence is for the crimes described. Then, the same thing was done, with a black male. One set without additional prompts, and one set, again, with prompts for what the mandatory minimums are for these crimes.

There were two crimes given. One: Mike, a 26-year-old white(black) male, was convicted of sexual intercourse with a child more than 10 years younger in the state of Massachusetts (the victim was below the age of consent between 12 and 16 years. Old). The second: Steve, an 18-year-old white(black) male, was convicted of entering a person's home in which people are present and using a threat of force to commit burglary. Respondents were asked to give what they believed to be an appropriate sentence for the crime, on a scale of 0-30 years. On the two sets with the additional prompting of the mandatory minimum sentence, respondents were told the mandatory minimum was ten years for the sex crime, and twenty years for the burglary. Then they were asked to answer give what they thought was an appropriate sentence based off the same scale of 0-30 years.

The surveys covered a number of independent variables. The first was are prison sentences too harsh or too lenient. We asked on a scale of 1-7 with 1 being too lenient, 4 being about right, and seven being too harsh. Then we did measurements of individuality, asking questions to determine how individualistic a person is, giving a 1-7 scale of strongly agree or disagree with 1 being strongly disagree, 7 being strongly agree, 4 for being not sure. Then education was ranked from, less than high school, high school, some college, a four-year degree or an advanced degree. Age was also measured with answers ranging from 18-24, 25-34, 35-44,

45-54, 55-64, 65-74, and 75+. We also asked if respondents were male and female and asked the respondents their ethnicity. Annual income was also asked with three, answers, under thirty thousand dollars a year, thirty to seventy-five thousand dollars a year, and greater than seventy-five thousand a year. Then, political ideology was measured also on a scale of 1-7. 1 was the respondent identifying as very liberal, 7 was the respondent identifying as very conservative and 4 was moderate. Then using the same scale, party identity was measured with 1 being a strong Democrat, 7 being a Strong republican and 4 being an independent.

Once all the data was collected we entered the data into the software STATA, to compile the data, assign dummy variables, and see how the independent variables influenced the dependent variables.

### **Expectations:**

We expected the varying factors of the conditions to impact individual's level of punitiveness, or reported preferred sentence length. First, we expect the race of the perpetrator to impact someone's sentence. Overall, we thought individuals would give longer sentences to the black perpetrator. Then, we expected a prompt that provided the mandatory minimum punishment to lead to longer sentences. We believed the mandatory minimum prompt would anchor individuals to a longer sentence.

We also wanted to observe the impact of specific traits on individual's level of support for mandatory minimums. We have four variables that we wanted to test – Race, Ideology, Gender, and Individualism. The following four hypotheses are directed towards testing punitive attitudes towards mandatory sentencing laws. Our hypotheses are listed formally below.

***H<sub>1</sub>***: Whites are more likely to have punitive attitudes and support mandatory sentencing laws.

***H<sub>2</sub>***: Conservatives are more likely to have punitive attitudes and support mandatory sentencing laws.

***H<sub>3</sub>***: Individualists are more likely to have punitive attitudes and support mandatory sentencing laws.

***H<sub>4</sub>***: Females are less likely to have punitive attitudes and support mandatory sentencing laws.

***H<sub>5</sub>***: Someone receiving a prompt about the black perpetrator would be more punitive and a prompt about the mandatory minimum sentence would be more punitive.

***H<sub>6</sub>***: Non-blacks receiving a prompt about the black perpetrator involved in a crime are more likely to be punitive.

## Results:

We first wanted to examine the impact of our independent variables of interest on support for mandatory minimums. Because support for mandatory minimums is a 7 point likert scale, we use OLS regression. We found evidence in concurrence with our hypotheses, as well as evidence contrary to our hypotheses. In regards to the characteristic of race, the findings demonstrate that moving from non-Whites to Whites leads to a -.711 decrease in the level of support for mandatory minimum sentencing. Contrary to our hypothesis regarding gender, we discovered that the gender variable proved to be statistically insignificant regarding support for mandatory minimums. However, in agreeance with our empirical expectation regarding individualism, the findings show that for every one point increase in individualism on the survey scale, leads to a .178 increase in support for mandatory minimum sentencing. Similarly, the survey's findings discovered a positive relationship between ideology and mandatory minimums. For every one point increase towards conservatism on the ideology scale on the survey, led to a .189 increase in support for mandatory sentencing.

**Table 1: Support for Mandatory Minimums**

	Support MM
White	-0.711** (0.304)
Female	0.0338 (0.295)
Individualism	0.178** (0.0793)
Ideology	0.190* (0.109)
Constant	2.767*** (0.516)
Observations	137
R-squared	0.116

Standard errors in parentheses

\*\*\* p<0.01, \*\* p<0.05, \* p<0.1

Additionally, we analyzed the experiment's results in a series of t-tests test the impact of prompts on individuals reported preferred punishment length (or a representation of punitiveness). In regards to the burglary crime treatment conditions, we discovered seemingly interesting information. When comparing the results of condition one (white burglar and no mm prompt) and condition two (white burglar and mm prompt) there was not a substantial difference in the level of punitiveness. Similarly, when comparing the data of condition one (white burglar



and no mm prompt) and condition three (black burglar and no mm prompt) there also was not a significant difference in the level of punitiveness. We saw this same trend regarding a lack of significant difference in the level of punitiveness when analyzing the data from condition two (white burglar and mm prompt) and condition four (black burglar and mm prompt). However, when analyzing the results from condition three (black burglar and no mm prompt) and condition four (black burglar and mm prompt), we saw the level of punitiveness almost double. When individuals were exposed to condition four of the experiment, their level of punitiveness increased by from 7.56 years in condition three to 14.109 years. We conclude that when respondents read about a black burglar, and received information on the mandatory sentence, they became more punitive by doubling their punishment.

**Table 2: T-test comparisons**

Conditions	P-value
<b>Years of Punishment</b>	
<b>Sex Crime</b>	
<i>Condition one (16.488) vs. Condition two (17.735)</i>	.580
<i>Condition one (16.488) vs. Condition three (15.625)</i>	.723
<i>Condition two (17.735) vs. Condition four (17.5)</i>	.915
<i>Condition three (15.625) vs. Condition four (17.5)</i>	.437
<b>Burglary</b>	
<i>Condition one (11.024) vs. Condition two (13.985)</i>	.108
<i>Condition one (11.024) vs. Condition three (7.561)</i>	.023
<i>Condition two (13.985) vs. Condition four (14.109)</i>	.950
<i>Condition three (7.561) vs. Condition four (14.109)</i>	.001
<b>Years of Punishment Comparing Respondent Race</b>	
<b>Sex Crime</b>	
<b><i>White Perpetrator</i></b>	.328
<i>Non-Black Respondent (16.136) vs. Black Respondent (18.355)</i>	
<b><i>Black Perpetrator</i></b>	.017
<i>Non-Black Respondent (14.733) vs. Black Respondent (20.895)</i>	
<b>Burglary</b>	
<b><i>White Perpetrator</i></b>	.061
<i>Non-Black Respondent (10.932) vs. Black Respondent (14.403)</i>	
<b><i>Black Perpetrator</i></b>	.394
<i>Non-Black Respondent (10.293) vs. Black Respondent (11.974)</i>	

Note: p-values are for two-tail ttests

We compared the prompts within the sex crime conditions to evaluate if there was an effect whether the perpetrator was White or Black. First, we compared condition one (white perpetrator and no mm prompt) and three (black perpetrator and no mm prompt) there was no significant statistical difference whether the perpetrator was White or Black. We also compared conditions two (white perpetrator with an mm prompt) and four (black perpetrator with an mm prompt) and our result showed as well that there was no significant statistical difference between

conditions. The results gathered in this area were surprisingly contrary to our expectations. We assumed and expected for both comparisons to show a statistical difference between White and Black perpetrators, but the results show that that was not the case.

We wanted to look at how blacks act when compared to non-blacks regarding mandatory sentencing. To see how different races, react to the prompts, we use ttests that compare the prompts by race. Firstly, we examined blacks compared to non-blacks in the white perpetrator sex crime conditions (1 & 2) and we found that there was statistically significant difference. When we looked at blacks compared to non-blacks in the black perpetrator sex crime conditions (3 & 4), we found that there is statistically significant difference and that blacks are more punitive (xx compared xx) on the black perpetrator. When examining blacks in the white burglary crime conditions (1 & 2), we found that there was a statistically significant difference. To our surprise, blacks are more punitive towards the white perpetrator when it was a burglary crime. When looking at blacks in the black burglary crime conditions (3 & 4), we found no significant difference compared to whites.

### **Conclusion:**

We began with the research question of what impacts how punitive respondents are and how much they support mandatory minimums when faced with different stimuli. Our conditions varied the race of the perpetrator along with informing or not informing the respondent of what the current mandatory minimum is for each crime. The experiment produced mixed results for our hypotheses. We hypothesized that whites would be more punitive than blacks, however we found that blacks were more punitive, even with a black perpetrator. The results also showed that conservatives were more punitive along with those who identified as being individualistic. Surprisingly, gender did not produce an effect on how punitive the respondents were.

While some results were statistically significant, there are limitations of our experiment. The first being that our sample size was not random, but a convenient sample of people who were walking on the street that day. The surveys were also given near a college campus, which skewed the population more towards college students, faculty, and professionals. Our experiment also did not control for the race of the survey giver.

In the future, we would want to replicate the experiment by first fixing the issues we encountered. We would have a random sample and larger sample size that can be representative of the public, and account for other factors that would be influencing how punitive the public is and how supportive they are for mandatory minimums. We could also give this survey in a virtual reality where the survey givers are all grey or provide stronger stimuli.

But, even with those limitations, we have highlighted some interesting findings concerning what impacts feelings on mandatory minimums.

## **Opinions About the Death Penalty in the U.S. – White Paper**

*[Authors names redacted for review]*

## Literature Review

Extensive research and data has been conducted on the death penalty and its recent waning favorability. The number of executions in the United States has dropped significantly, as has the number of Americans who support the death penalty. There is no polling to date which expresses a majority opinion opposing the death penalty. However, under certain conditions, many Americans' answers change. Most often, research on the death penalty is trivialized to a few statistics, but there is a growing gap between who does and who does not support the death penalty.

If we want to see reform of any public policy it is important to understand what groups support or oppose what policies and why. It is also imperative that we understand the effects that specific arguments may have on different sectors of the public. However, there is a major question dealing with whether the public opposes the death penalty or if there is checkered support and extenuating circumstances. The objective of the white paper has two parts: Identify the that arguments that have shifted public opinion and why specific groups may be susceptible or resistant to arguments framed around racial bias and innocence.

Bohm said that "if opinions are to change, the reasons which support opinions must change as well". Data would suggest this to also be true. Recently opinions have shifted as well as the reasons accompanying them. Peffley and Hurwitz demonstrates that the arguments that have prevailed in shifting public opinion on the death penalty are not based on morality. Attitudes on morality and constitutionality have been replaced with arguments or frames surrounding potential innocence or racial bias.

One motive regarding the death penalty deals with the public's inherent sense of justice, it being an emotional quality. Most people feel very strongly about the suffering of innocent people. According to Peffley and Hurwitz, as later explained in the reading, both Democrats and Republicans in the US both had large overarching support for the death penalty, as evident in the nineties with bipartisan support and passage of death penalty legislation. Whether in support or opposition of the death penalty, innocence is an important argument rooted in morality and emotion.

These seemingly bipartisan attitudes around one's view of crime and punishment can be boiled down into two conditions: arguments that are persuasive to the majority, and individuals who reject these arguments rooted in fact. Within this experiment, there must be an important note involving the different perspectives of which whites and African Americans are to this topic. Peffley and Hurwitz (2007) presented a racial divergence within death penalty opinions while also presenting statistics as to when flaws are presented. For example, there is a dramatic surge in arguments questioning the fairness of the sentence (i.e. DNA exonerations of death row inmates, lower support for putting juveniles and the mentally ill to death (26% and 19%, respectively, in 2002) , and alternative choice for life imprisonment without the possibility of parole(52%; Bohm 2003; Gallup 2005); the analysis involving people and the account of their responsiveness to their attitudes regarding the death penalty might give a glance at the unconscious influence of irrelevant emotions such as race.

The other motive regarding the death penalty deals with the state's role in using it as a form of deterrence, a calculated measure used to "reduce crime" or remove "criminal elements" from society. It is important to note that in 1972, Justice Thurgood Marshall found "the death penalty is immoral and therefore unconstitutional". James S. Liebman in his study explains that the framework of the modern death penalty was established in the seventies. The other important point to understand is that while the modern death penalty framework really happened in the seventies, his central findings showed a major spike in death penalty convictions in the nineties, but that the sentences were persistently and

systematically fraught with error that seriously undermines their reliability. Nationally, the overall rate of prejudicial error in capital cases was 68% - i.e., courts found serious reversible error in nearly 7 out of 10 capital cases that were fully reviewed during the study period; The most common error was the failure to look for or recognize important evidence of innocence and the suppression of evidence.

White Americans and African Americans express vastly different dispositions on crime and therefore react to arguments opposing the death penalty differently. Peffley and Hurwitz (2007) and Bohm and Vogel (2005) both conducting public opinion death penalty studies in which broad conclusions were formed from responses based on race. Bohm and Vogel believed that education may cause people to oppose the death penalty. After educating a group of 105 undergraduate students with unbiased factual information on the death penalty, the majority of blacks were likely to oppose the death penalty (Bohm, Vogel 2005). Similarly Peffley and Hurwitz found that “whites, in contrast, seem to be immune to persuasion and, in the case of the racial argument, have tended to support of the death penalty upon learning that it discriminates against blacks” (Hurwitz, Peffley 1006).

Why exactly is it that blacks are more likely to be persuaded by various arguments and methods about the death penalty while whites opinions remain unchanged, or even bolstered. People “feel strongly about the death penalty, know little about it, and feel no need to know more.” (Ellsworth and Gross 1994, 19). Regardless, “The death penalty shows a “...strong connection between public opinion about capital punishment and capital punishment policy and practices in the states (Norrander 2000).

## Data and Methods

The focus of this analysis is to evaluate how exposure to different case frames and arguments help shape different individuals' opinions on support for capital punishment, as well as their perceptions of its fairness, constitutionality, and disproportionate use on minority groups in the United States. Two studies were completed in this analysis: the first being a replication survey experiment of the research done by Peffley and Hurwitz on interracial and innocence framing effects on support for the death penalty, and the second being a survey experiment to test the additional effects of explicit, contextual information on shaping different individuals' opinions on the death penalty. In order to conduct this research, 621 college freshmen enrolled in Georgia State University's American Government course were asked a series of questions about the extent to which they would support the use of the death penalty under particular specified circumstances. The core dependent variable in this analysis is support for the death penalty, coded as *Sup. Death Pen.*, measured on a seven-point Likert scale ranging from “strongly oppose” (1) to “strongly support” (7). There are three additional dependent variables: *fair*, *more minorities*, and *constitutional*. *Fair* is the extent to which an individual believes that the death penalty is in an unfair or fair way, measured on a seven-point Likert scale ranging from “extremely unfair” (1) to “extremely fair” (7). *More Minorities* is the extent to which an individual agrees or disagrees with the statement, “The death penalty is used more often against certain minority groups than whites,” measured on a seven-point Likert scale ranging from “strongly disagree” (1) to “strongly agree” (7). *Constitutional* is the extent to which an individual believes that the use of the death penalty is either constitutional or unconstitutional, measured on a seven-point Likert scale ranging from “extremely unconstitutional” (1) to “extremely constitutional” (7).

There are multiple independent variables used in this analysis to study the effects of framing on support for capital punishment. As we are interested in the racial element's effect on support for the death

penalty, we manipulate the race of an example criminal convicted of murder in order to test if there seems to be an implicit racial bias when forming opinions on the death penalty. We also manipulate the identity of the victim of the murder in order to test if individuals will alter their opinions based on a more detailed or morally ambiguous context. In addition to these variables, we also asked participants to give us information about their gender, age, ethnicity, ideological leanings, party identification, income, and education level. Female is a dichotomous variable measuring gender with females coded as 1. Participants wrote in their age as an open-ended question. We gave participants the option to give us their ethnicity—American Indian or Alaskan Native, Asian or Pacific Islander, Black or African American, Hispanic or Latino, White, a specified other, or they had to option to prefer not to answer. Ideology is a seven-point scale for participants to rate themselves from “strongly conservative” (1) to “strongly liberal” (7). Party identification is a seven-point scale for participants to rate themselves from “strong Republican” (1) to “strong Democrat” (7) with the middle identity being “Independent” (4). Income is the participants’ estimate of their family’s annual household income before taxes, ranging from less than \$30,000 to greater than \$200,000. Education is the participants’ highest level of education that they have attained, ranging from less than a high school diploma to a post-graduate degree.

Within these two studies listed above, there are eleven total experimental conditions that we have created in order to manipulate our independent variables to study their effects on support for capital punishment. In the baseline control group, participants were given the statement, “We will begin by asking you some questions about your opinions regarding the death penalty,” to read before filling out the survey. In the first two conditions, the participants were given the same statement as the pure control group, but with the addition of asking them to imagine a scenario in which a 35-year-old either white or black male (white in the first and black in the second) was arrested and convicted of premeditated murder after a fair and speedy trial. The participants in the next two condition groups were given the exact same original statement, the information about imagining a scenario in which a white/black male was arrested and convicted of murder after trial, and the information that it was a local police officer who was murdered. In the next two conditions, participants were given the original statement plus the information that a 35-year-old white/black male was arrested and convicted of murder, and that it was a local child who was murdered. The participants in the next two conditions were given the same original statement, the additional information that a white/black man was arrested and convicted of murder after trial, and that it was a local woman who was murdered. In the replication study of Peffley and Hurwitz’s article, we tested the first frame proposed in Peffley and Hurwitz’s research, which frames the race of a convicted person as having influence on the receptivity of whites and blacks to arguments against the death penalty. Before filling out the survey questions, people in this group were first given the statement, “Some people say that the death penalty is unfair because most of the people who are executed are African Americans.” The second frame proposed in Peffley and Hurwitz’s research frames the possibility of a convicted person’s innocence as being influential on people’s opinions on the death penalty. Before filling out the survey questions, people in this group were first given the statement, “Some people say that the death penalty is unfair because too many innocent people are being executed.”

## **Empirical Expectations**

To explore the differences in how the opinion of the death penalty changes due to circumstance, over 600 people were surveyed. We expect the data to show that there will be a difference in support for the

death penalty when altering the situation and giving more details to the case. We will be altering the race of the perpetrator: white or black; and the nature of the murder: either the killing of a woman, child, or police officer. In this analysis, we propose two hypotheses. We hypothesize that individuals exposed to a vignette detailing a murder will be more supportive of the death penalty, all else constant. We also hypothesize that individuals exposed to a vignette detailing the murder of a police officer/child/woman will be more supportive of the death penalty than individuals that receive a generic murder description.

When only asked the question, “Do you support the death penalty?” people are skeptical. We expect that the uglier the circumstances surrounding a case where the death penalty is used gets (i.e. the murder of a woman, police officer, or child), the more supportive people will be of capital punishment. In general, we expect people to not be in support of the death penalty, with a slight difference in support of the execution of a black perpetrator. People seem to support the execution of a black perpetrator slightly more. White people are expected to support the use of capital punishment even more when the perpetrator is black, which may be due to an implicit racial bias. We expect that as we give more details of a crime, support for the death penalty will rise as well. The trend that people are more likely to support the death penalty for a black criminal rather than a white one should remain constant in the changing circumstances. When the subject is told that a woman or a police officer was killed, they will be more likely to support the death penalty because they feel a greater connection to the case. They now know that an innocent person was killed. We can assume people are against the idea that an innocent life has been taken, so when presented with this information, the subjects of the study are expected to be more likely to support the death penalty.

Finally, it is expected that there will be a large jump in support of the death penalty for the murder of a child- again following the trend of greater support toward the use of the death penalty for a black person. We believe that there is a scale of innocence. As we move toward persons of more innocence, like a child, support for the death penalty should grow as well.

## Results

Table 1 presents estimates from four OLS models assessing the impact of condition assignment on individual support for the death penalty (*Sup. Death*), belief in fairness in the application of the death penalty (*Fair*), belief that the death penalty is used disproportionately against some minority groups more than whites (*More Minorities*), and belief that the death penalty is constitutional (*Constitutional*).

Referring to Model 1, which estimates the impact of condition assignment on respondent’s overall support for the death penalty (*Sup Death*), there are no main effects from condition assignment on support relative to the control group. We speculate that this finding may be the result of strong pre-existing attitudes with regards to overall support for the death penalty as a practice. That is, exposure to case facts, differing offender race, differing victim status, racial fairness arguments, and innocence arguments, failed to cause a significant change in respondent’s support for the death penalty relative to the control group. However, support for the death penalty appears to be strongly influenced by ideology, education, and respondent income. Looking to the table, the variable *Ideology* is negatively signed and statistically significant, suggesting that respondent’s that liberals are less supportive of the death penalty than conservatives. Higher levels of *Income* are associated with lower levels of support, and higher levels of *Education* are associated with higher levels of support.

Next, in Model 2 we assess the impact of condition assignment on perceptions of fairness (*Fair*) in the application of the death penalty. We find that respondents exposed to information of a case in which a Black man was arrested and convicted of murder, as represented by the condition indicator *Black Control*, had a decrease in perceptions of fairness by 0.536 relative to the control group. Additionally, respondents who were exposed to a frame that argued that a racial bias exists in the application of the death penalty, represented by the condition indicator *P&H Race Frame*, had a decrease in belief that the death penalty is used in a fair way by 0.681 relative to the control group. Finally, respondents assigned to the *P&H Inno. Frame* condition had belief that the death penalty is applied fairly that was 0.492 lower than the control group. Demographic characteristics also had an effect on perceptions of fairness. African Americans and whites perceive the death penalty to be less fair.

**Table 1: Perceptions of the Death Penalty**

	(1)	(2)	(3)	(4)
VARIABLES	Sup. Death Pen.	Fair	More Minorities	Constitutional
White Offender	0.0728 (0.362)	-0.208 (0.298)	0.477 (0.293)	-0.241 (0.318)
Black Offender	-0.375 (0.316)	-0.536** (0.263)	0.727*** (0.278)	-0.340 (0.303)
White-Police	0.143 (0.353)	-0.0214 (0.286)	0.567* (0.302)	0.0590 (0.306)
Black-Police	-0.383 (0.340)	-0.428 (0.309)	0.503* (0.297)	-0.385 (0.301)
White-Child	0.271 (0.373)	-0.142 (0.307)	0.314 (0.325)	-0.0837 (0.307)



Black-Child	0.232	-0.241	0.425	-0.121
	(0.340)	(0.290)	(0.298)	(0.299)
White-Woman	-0.319	-0.411	0.838***	-0.419
	(0.346)	(0.268)	(0.279)	(0.283)
Black-Woman	-0.0691	-0.231	0.441	-0.202
	(0.342)	(0.291)	(0.296)	(0.279)
P&H Race Frame	-0.411	-0.681**	0.682**	-0.598**
	(0.369)	(0.270)	(0.298)	(0.263)
P&H Inno. Frame	0.313	-0.492*	0.563*	-0.135
	(0.361)	(0.264)	(0.311)	(0.283)
Ideology	-0.159***	-0.190***	0.223***	-0.294***
	(0.0578)	(0.0441)	(0.0454)	(0.0457)
Black	-0.205	-0.368**	0.155	-0.203
	(0.182)	(0.151)	(0.152)	(0.153)
White	-0.202	-0.326*	-0.442**	-0.1000
	(0.224)	(0.182)	(0.173)	(0.184)
Hispanic	-0.296	-0.387	-0.536**	-0.335
	(0.283)	(0.250)	(0.236)	(0.235)
Income	-0.110*	-0.0700	-0.0488	-0.0552

	(0.0635)	(0.0535)	(0.0534)	(0.0550)
Education	0.198**	0.0532	-0.0759	0.156*
	(0.0964)	(0.0855)	(0.0887)	(0.0829)
Female	-0.172	-0.0918	0.395**	-0.0423
	(0.173)	(0.142)	(0.153)	(0.151)
Constant	4.624***	5.266***	3.553***	5.143***
	(0.521)	(0.422)	(0.428)	(0.426)
Observations	558	557	558	558
R-squared	0.058	0.075	0.133	0.109

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Further, in Model 3, we examine treatment effects on respondent belief that the death penalty is used more against some minority groups more than whites. We find that respondents assigned to the *Black Control* condition have a stronger belief that the death penalty is applied more often to some minority groups than whites. Respondents exposed to a case description describing a black man that was arrested and convicted of murder have a higher level (0.727) of belief that the death penalty is used against minority groups more than whites, relative to the control group. We also find that respondents exposed to a case in which either a black man (*Black-Police*) or white man (*White-Police*) were convicted for murdering a police officer had a 0.503 and 0.567 higher level of belief that the death penalty is used more often against minority groups than whites, respectively. This result suggests that when a police officer is the victim of a murder, regardless of the race of the perpetrator, respondents had a higher belief that the death penalty is used more often against some minority groups than whites. This result suggests that the presence of information regarding police officers as victims of murder activates racial considerations in respondents. We also find that respondents exposed to case information in which a white man was convicted for the murder of a woman have a belief that the death penalty is used more often against minority groups than whites that is 0.838 higher than the control group. Finally, we find that respondents exposed to a frame that highlights racial bias in the application of the death penalty, as well as those exposed to an argument that many individuals sentenced to death are innocent, have higher levels of belief that the death penalty is used more often against minority groups than whites by 0.682 and 0.563 respectively. Moreover, looking to the variables *White* and *Hispanic*, we find that there are racial differences in the belief that the death penalty is applied more to certain minority groups. Both whites and

Hispanics have lower levels of belief that the death penalty is applied more to minorities than whites. In all, we find that the presence of certain case facts, as well as arguments that the death penalty is used more against African Americans or people that are later found innocent, have higher levels of belief that the death penalty is applied more often to certain minority groups than whites. There appears to be effects from case facts, racial considerations, and arguments of innocence.

Finally, in Model 4, we assess the effects of condition assignment on respondent belief that the death penalty is constitutional. Across the treatment conditions, we find that only respondents exposed to an argument that the death penalty is “unfair because most people executed are African American” have levels of belief that the death penalty is constitutional lower than the control group. Exposure to this racial argument, as denoted by the condition indicator *P&H Race Frame*, leads to a level of belief that the death penalty is constitutional that is 0.598 lower than the control group.

### Support for Death Penalty

Condition	Means	Std. Dev.	N
Control	3.846	1.696	52
White Offender	3.784	1.973	51
Black Offender	3.481	1.462	52
White-Policeofficer	3.859	1.877	54
Black-Police	3.472	1.716	53
White-Child	4.192	1.91	52
Black-Child	4.127	1.743	55
White-Women	3.545	1.793	55
Black-Women	3.808	1.669	52
Peffley & Hurqitz Race	3.407	1.995	54
Peffley & Hurwitz Innocence	4.149	1.806	47

### Fair

Condition	Mean	Std. Dev.	N
control	4.077	1.356	52
White Offender	3.647	1.695	51
Black Offender	3.423	1.363	52
White- Police Officer	3.887	1.613	53
Black-Police officer	3.547	1.716	53
White-Child	3.922	1.635	52
Black-Child	3.796	1.571	54
White-Woman	3.582	1.474	55
Black-Woman	3.76	1.492	50
Peffley & Hurwitz Race	3.278	1.366	54
Peffley & Hurwitz Innocence	3.489	1.196	47

### More Minorities

Condition	Mean	Std. Dev.	N
Control	4.569	1.54	51
White Offender	5.14	1.591	50
Black Offender	5.288	1.486	52
White Police Officer	5.132	1.582	53
Black Police Officer	5	1.519	53
White-Child	4.827	1.665	52
Black-Child	4.891	1.606	55
White-Woman	5.315	1.329	54
Black-Woman	4.98	1.421	50
Peffley & Hurwitz Race	5.296	1.462	54
Peffley & Hurwitz Innocence	5.213	1.488	47

### Constitutional

Condition	Mean	Std. Dev.	N
Control	3.863	1.497	51
White Offender	3.5	1.876	50
Black Offender	3.423	1.661	52
White-Police Officer	3.774	1.625	53
Black-Police Officer	3.472	1.564	53
White-Child	3.904	1.648	52
Black-Child	3.8	1.615	55
White-Woman	3.333	1.48	54
Black-Woman	3.66	1.409	50
Peffley & Hurwitz Race	3.204	1.351	54
Peffley & Hurwitz Innocence	3.638	1.374	47

## Breakdown of Variables

Variable	Mean	Std. Dev.	N	Percent
Ideology	4.973	1.46	563	
White			108	18.95
Black			236	41.4
Hispanic			52	9.12
Asian			128	22.46
Support for death Penalty	3.797	1.797	577	
Death Penalty regarded as fair	3.673	1.512	572	
Death Penalty used more against minorities	3.595	1.564	571	
Death Penalty regarded as constitutional	5.06	1.523	571	

## Conclusion

We collected a survey of 621 Georgia State University college freshmen, asking them about their stances on the death penalty and their perceptions of its fairness, constitutionality, and disproportionate use on minority groups. We completed a replication study of Peffley and Hurwitz's research (2007) and a second survey experiment where we tested the circumstances in which people are likely to alter their opinions based on having additional descriptive information of a situation involving the death penalty. Due to the predispositions that individuals may have for or against a certain race (in this case being black or white), we believe that it may influence the results. We framed treatments by explaining to the subject that the criminal was either white or black and that he killed a police officer, woman, or child. This was done in an attempt to bring out a potential racial bias and potential circumstances in which an individual's perception of the death penalty would change.

Although our treatments failed to impact overall support for the death penalty across our conditions, we found that considerations of fairness, racial disparity in application, and perceptions of constitutionality were impacted by various case facts, racial arguments, and innocence arguments. These results suggest that overall perceptions of the death penalty may not be as susceptible to change as are evaluations of fairness of the application of the death penalty in practice.

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