Title
Cumulative Racial Inequalities within Death Penalty Institutions

Author
Petersen, Nicholas David

Publication Date
2015

Peer reviewed|Thesis/dissertation

UNIVERSITY OF CALIFORNIA,
IRVINE

Cumulative Racial Inequalities within Death Penalty Institutions

DISSERTATION

submitted in partial satisfaction of the requirements
for the degree of

DOCTOR OF PHILOSOPHY

in Criminology, Law & Society

by

Nicholas David Petersen

Dissertation Committee:
Professor Mona Lynch, Chair
Professor Carroll Seron
Associate Professor Geoff Ward

2015

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

ACKNOWLEDGMENTS

I would like to express the deepest appreciation to my committee chair, Professor Mona Lynch. Over the past several years, I have grown considerably as a scholar and individual under Professor Lynch's mentorship. With Professor Lynch's help, I secured a tenure-track faculty position, obtained several grants and fellowships, published my research, and participated in contemporary public policy debates. Professor Lynch's feedback greatly improved this project and the trajectory of my scholarship for years to come. Without her guidance and persistent help, this dissertation would not have been possible.

I would also like to thank my committee members (Professors Carroll Seron and Geoff Ward) for their insightful comments on various drafts of this project. I feel very fortunate to have had such engaged and accomplished committee members.

I thank the Taylor & Francis Group for permission to include Chapter One of my dissertation, which was originally published in the journal of *Policing and Society*. Financial support was provided by the School of Social Ecology, Department of Criminology, Law & Society, Chancellor's Club, Newkirk Center, and Proteus Fund.

Of course, I could not have completed this dissertation without the support and guidance of many friends and family. I greatly appreciate all of their love and support.

CURRICULUM VITAE

Nicholas David Petersen

EDUCATION

Ph.D. in Criminology, Law & Society, University of California, Irvine, 2015
M.A. in Social Ecology, University of California, Irvine, 2012
B.A. in Psychology, University of California, Santa Cruz, 2008

ABSTRACT OF THE DISSERTATION

Cumulative Racial Inequalities within Death Penalty Institutions

By

Nicholas David Petersen

Doctor of Philosophy in Criminology, Law & Society

University of California, Irvine, 2015

Professor Mona Lynch, Chair

While prior research has found racial disparities in the administration of death sentences, less is known about the processes generating these patterns. To understand how racial disparities are formed and sustained within death penalty institutions, this study tracks homicide cases as they pass through multiple stages of Los Angeles County's criminal justice system. Drawing upon the notion of cumulative disadvantage—a process by which initial disadvantages in group-positionality lead to additional relative loses overtime—I focus on the accumulation of racial biases across multiple decision-making points. In chapter 1, multi-level logistic regressions disentangle the effects of agency, neighborhood, and case characteristics on homicide arrests. While several non-racial factors influence arrest patterns, homicides involving minority victims and those occurring in neighborhoods with large minority populations are less likely to be solved. Chapter 2 expands upon these insights, exploring the link between homicide arrests and charging practices. Two-stage selection models indicate that cases involving minority victims are less likely to contain a death penalty eligible charge, and these effects are mediated by the likelihood of arrest. Although defendant race is less influential, it moderates victim race effects, such that Black-on-White homicides are more likely to receive a death penalty eligible charge.

Chapter 3 integrates the first two studies by investigating the accumulation of racial disparities across multiple stages of the criminal justice system. Ordered-logistic regressions show that cases involving minority victims are less likely to advance to capital trial, in part, because of racial disparities at earlier stages in the process. Defendant race effects are less consistent, but frequently condition the influence of victim race, with cases involving White victims and minority defendants receiving harsher punishment. Taken together, the dissertation suggests that racial disparities within capital punishment systems arise from a complex chain of decisions, rather than any single decision-making point. These patterns speak to the institutional role of race within criminal justice systems, offering support for the cumulative disadvantage perspective. Moreover, results contribute to contemporary policy debates by highlighting the need for multi-stage policy reforms.

INTRODUCTION

This dissertation explores the influence of race at multiple levels on criminal justice responses to homicides in Los Angeles (LA) County, California during the early 1990s.[1] While numerous studies have examined homicide victimization patterns and death-sentencing outcomes, relatively little attention has been devoted to the cumulative effects of race at the individual- and group-level as cases advance through death penalty systems.[2] As such, we know that race influences death penalty outcomes, but we do not fully understand the institutional mechanisms driving these patterns (Baldus, Woodworth, & Weiner, 2009; Kaplan, Ganschow, Angioli, & Tabin, 2009, p. 8). The present study attempts to fill this gap in the literature by analyzing the trajectory of homicide cases within LA County's death penalty system.

The dissertation consists of three chapters examining different phases of the criminal justice system. While each chapter is meant to be a standalone study, the dissertation is woven together by a common finding—responses to homicide are racially patterned at multiple levels and decision-making points. Chapter 1 examines the neighborhood context of policing, while chapter 2 looks at death penalty charging practices, paying special attention to the police-prosecution nexus. Chapter 3 builds upon and extends these studies, gauging the cumulative effects of race across multiple stages of the criminal justice system. I conclude by summarizing the study's key findings as well as its theoretical and policy implications.

[1] Despite commonly invoked ascriptive notions of race/ethnicity based on phenotypical features, race and ethnicity are socially constructed (Haney López, 1994). However, to the extent that criminal justice officials rely on racial/ethnic categories when making decisions, these categories have sociological significance.

[2] For the purposes of this study, death penalty "institutions" or "systems" refers to the various criminal justice decision-making points that lead to a death-sentence, beginning with the arrest of an offender and ending with a death-sentence (for a similar definition, see Bienen, Weiner, Denno, Allison, & Mills, 1988).

Theoretical Perspectives on Race and Criminal Justice

Social Scientific Understandings of Racism

Despite civil rights advances, racism remains a persistent problem in contemporary U.S. society. While racism has historically been displayed through overt animosity toward racial and ethnic minorities, racism in the post-civil rights period is often subtler, but equally pernicious (Bobo, 2001; Bobo, Kluegel, & Smith, 1997; Bobo & Smith, 1998; Bobo & Zubrinsky, 1996). "Modern" racism is characterized by the denial of structural racial inequalities through the use of color-blind logics (Bobo & Smith, 1998), wherein seemingly race-neutral principles are used to explain various forms of racial stratification within the U.S., despite the deleterious consequences associated with these patterns (Bonilla-Silva, 1997, 2001; Haney López, 2000). Shifts in the expression of racism have been paralleled by the transformation of racial institutions overtime, ranging from extreme physical violence to racialized mass incarceration (Wacquant, 2000, 2001). While the form and content of these racial institutions has shifted overtime, they serve a similar function of preserving racial hierarchies.

Against this socio-historical backdrop, theories of racism have been explicated at various levels. At the individual and group levels, racism is manifested through the use of stereotypes and in-group favoritism. While cognitive shortcuts (i.e., heuristics) help individuals to filter information more quickly and efficiently in certain contexts, they can also lead to overgeneralizations and erroneous conclusions about particular racial groups (Krieger 1995). When viewed in the group context, racism is most commonly displayed through in-group favoritism (Tajfel, 1982). Individuals holding prejudicial beliefs may tend to avoid interracial contacts, privileging interactions with in-group members. This type of "us" versus "them" mentality leads to in-group favoritism, especially when decisions can be justified based on

seemingly race-neutral grounds (Dovidio, 2001; Gaertner & Dovidio, 2005). In-group favoritism is also displayed through the support for social policies that disadvantage other racial groups, but appear race-neutral on first glance (Gilliam, Valentino, & Beckmann, 2002; Hurwitz & Peffley, 1997; Peffley & Hurwitz, 2002).

Similar processes can produce racial stereotypes at the community level. A general aversion towards interracial contact contributes to whites' perceptions of minority neighborhoods as less desirable. Although *de jure* racial segregation has largely been displaced, *de facto* residential segregation persists due to patterns of "white flight" (Charles, 2000; Douglas Massey & Denton, 1989). That is, Whites' generally prefer to live in predominately White areas, perceiving predominately minority neighborhoods as less desirable, crime prone, disorderly, and characterized by lower home values (Adelman, 2005; Clark, 1992; Farley, Steeh, Krysan, Jackson, & Reeves, 1994). Moreover, through the attribution of these stereotypes to group members (i.e., the process of statistical discrimination) can lead Whites residents' to perceive individuals who inhabit or frequent minority areas negatively (Quillian & Pager, 2001, 2010). In this sense, community context can serve as a proxy for information about an individuals' character or social status (Smith, 1986; Werthman & Piliavin, 1966).

Scholars also highlight the institutional nature of racism. Structural theories generally focus on institutional forces, rather than the psychological make-up of individual "bad apples," highlighting the complex and multi-leveled ways in which racial ideologies perpetuate inequality. According to Haney López (2000), institutional racism arises from the convergence of institutional scripts and paths. Scripts refer to the routinized perceptions and practices that guide the behavior of individuals within certain institutions, while paths speak to the "constraints and boundaries of institutional decision making" that set the stage for overt racial discrimination

(p. 1781). In this context, racism occurs when institutions enforce racial hierarchies by relying upon racial institutions—i.e., hegemonic views about race that influence daily decision-making. This framework does not require racist intent, but rather the involvement of racial institutions (i.e., shared worldviews about race) and the behavioral reinforcement of racial hierarchies.

The Intersection of Race and Criminal Justice

The criminalization of Blacks has a long history in the U.S. Since the abolition of slavery narratives of "Black criminality" have been used to justify the official and extrajudicial punishment of Black Americans (Brundage, 1993; Perloff, 2000; Tolnay & Beck, 1995; Vandiver, 2005; G. Wright, 1996). In the 1960s, politicians and pundits invoked "Black criminality" narratives to score political points, depicting civil rights advocates as criminals (Beckett, 1999; Chiricos & Eschholz, 2002; Mauer, 1999; Welch, 2007). Overtime, Blackness and criminality have been so tightly linked in the collective conscience that "it is unnecessary to speak directly of race because talking about crime *is* talking about race" (Barlow, 1998, p. 151), such that the "criminal predator has become a euphemism for young black male" (Barak, 1994, p. 137). Stereotypes about "Black criminality" are at the heart of "modern racism" and other forms of anti-Black sentiment expressed through ostensibly race-neutral terms related to crime and welfare (Chiricos & Eschholz, 2002; Entman, 1990). In short, narratives about "Black criminality" permeate modern discourses on crime and punishment (Barak, 1994; Barlow, 1998; Welch, 2007).

Latinos, especially those of Mexican descent, have also been criminalized, albeit through different processes.[3] Historically and today, Mexicans have been treated as "a subordinate

[3] Despite differences in the criminalization of Blacks and Latinos, there are several points of convergence between the two groups. As such, I focus on the similarities between these groups given that "The public picture of Latinos

stratum of people subject to widespread discrimination and systematic exclusion" (Brown & Lopez, n.d.; Lopez, Gonzalez-Barrera, & Cuddington, n.d.; D. S. Massey, 2007, p. 117). At the turn of the century, stereotypes about "Mexican criminality" were used to justify vigilante violence and immigration restrictions (Carrigan & Webb, 2003; Chavez, 2013). More recently, the "Latino threat" narrative—an ideology characterizing Latinos as "invaders" who are reproductively "out-of-control," unwilling to assimilate, and criminally inclined—has been used to justify anti-immigration policies and practices (Chavez, 2013). For example, in 1994 California voters passed Proposition 187, which sought to limit individuals' access to social services based on their immigration status (Chavez, 2013). Despite low crime rates in Latino immigrant neighborhoods, these communities have been stereotyped as crime-prone in part due to exaggerated fears of undocumented immigrants committing crimes (Alba, Rumbaut, & Marotz, 2005; Chavez, 2013; Hickman & Suttorp, 2008; Martinez Jr & Lee, 2000; Ousey & Kubrin, 2009; Sampson, 2008; Wang, 2012). The immigration-crime myth allows officials to gain political points by igniting racialized moral panics without explicitly using racist language (Chavez, 2013; Kubrin, Zatz, & Martinez, 2012; Provine & Doty, 2011). Due to the recent rise in anti-immigrant political sentiments, the "Latino threat" has become part of our national consciousness, not only directed towards Mexicans and those of Mexican descent, but all Latinos (Chavez, 2013).

In the sentencing and court processing literature, the focal concerns theory has commonly been invoked to explain racial disparities within criminal justice institutions. According to this perspective, criminal justice officials' decisions frequently hinge on three focal concerns: (1) blameworthiness; (2) community protection; (3) and practical/organizational constraints

---

and crime most closely resembles that of blacks. Latinos, too, are viewed as stealthy and criminal..." (Rome, 2004, p. 4–5).

(Steffensmeier, Ulmer, & Kramer, 1998). However, when making decisions regarding these issues, officials often have limited or incomplete information, leading them to rely on racial stereotypes as a kind of "perceptional shorthand" (Steffensmeier et al., 1998, p. 767). In this way, race serves as a proxy for less readily observable characteristics related to these focal concerns. At the same time, organizational structures and cultures shape the use of discretion by defining norms regarding punishment (Eisenstein, Flemming, & Nardulli, 1988; Eisenstein & Jacob, 1977; Ulmer, 1997).

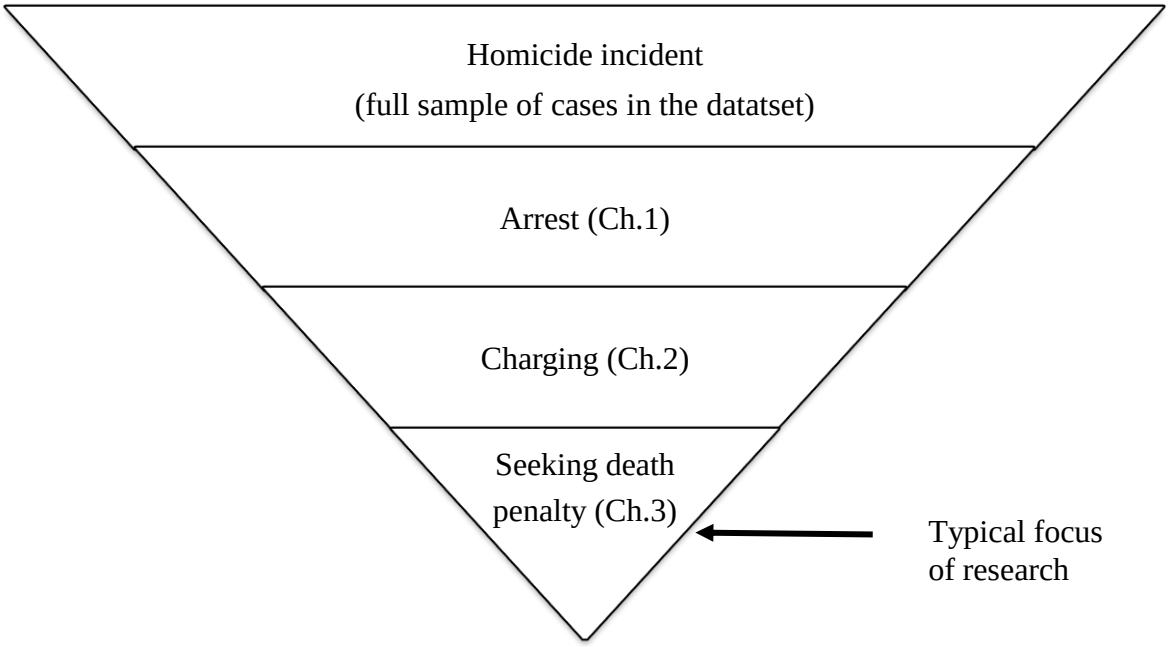
The cumulative disadvantage perspectives shed light on the accumulation of racial bias across multiple stages of the criminal justice system. Cumulative disadvantage refers to an inequality generating process whereby initial marginal differences between groups increase overtime, producing large disparities at the back-end of a particular process or system (DiPrete & Eirich, 2006). Cumulative inequalities have been observed with respect to labor markets (Long & Fox, 1995), neighborhoods (Brooks-Gunn, Duncan, & Aber, 1997), crime (Laub & Sampson, 2006), criminal justice (Zatz, 1987, 2000), education (Kerckhoff & Glennie, 1999), and human development (Garasky, 1995). In the criminal justice context, cumulative disadvantage implies that racial disparities arise from the combination of multiple decisions, each of which seem racially innocuous on their own (Spohn, 2000; Zatz, 1987, 2000). According to this logic, racial disparities can operate through case processing mechanisms (i.e., indirect effects) or overt animosity (i.e., direct effects), with early decisions in the process can influence later ones by shaping the pool of victims and defendants at each stage (Kutateladze, Andiloro, Johnson, & Spohn, 2014; Kutateladze, Lynn, & Liang, 2012; Spohn, 2000; Zatz, 1987, 2000). In a word, the cumulative disadvantage perspective argues that racial disparities stem from a complex combination of processional processes, rather than any one decision-making point or actor.

Data and Methods

A customized database of homicides occurring in LA County between 1990 and 1994 was constructed from several sources. The principle advantage of this dataset is its ability to track homicide cases through multiple stages of the criminal justice system, beginning with the commission of a crime and ending at the sentencing stage. This longitudinal structure allows me to identify the various sources and manifestations of racial bias. The analysis focuses on LA County during the early 1990s for several reasons. The high levels of racial tension and violence that characterized this time-period make it theoretically interesting and help to stabilize estimates by increasing the sample size (Blumstein & Wallman, 2006; Weitzer, 2002). Moreover, at this time LA County had a homicide rate comparable to other urban areas, a large death-row population, and a considerable amount of racial/ethnical diversity, making it an important place to study homicide case-processing dynamics (Bureau of Justice Statistics, 2014; CADOJ, 2010; CDCR, 2015; U.S. Census, 1990).

In LA County, the death penalty process begins with a homicide investigation conducted by local law enforcement officials. Once a suspect is taken into custody and the homicide is "cleared by arrest," it is eligible for prosecution. When a case enters the District Attorney's (DA) office, prosecutors decide whether they will dismiss a case, drop homicide charges, or file a special circumstance. If a special circumstance is alleged, the case becomes death-eligible and the DA's office can formally seek the death penalty by filing a death notice (Kreitzberg, 2008). Figure 1 summarizes the major stages of LA County's death penalty system, roughly dividing the dissertation into the following chapters corresponding to specific stages: (Chapter 1) arrest; (Chapter 2) charging; and (Chapter 3) decision to seek the death penalty. While most studies look at death notice filings, I examine the chain of decisions leading to this outcome.

Figure 1. Death Penalty Funneling Process and Dissertation Outline



Dissertation Overview

Chapter 1 examines the influence of neighborhood characteristics on the arrest outcomes of over 9,000 homicide victims to shed light on the entry of cases into the death penalty system. Despite research implicating neighborhoods in the (re)production of various social problems, including lethal violence (Sampson, 2012), few studies have investigated the community context of homicide arrests. Drawing insights from literatures on the geography of criminal justice and neighborhood stereotypes, I argue that geography plays a key role in the policing of homicides. In particular, I hypothesize that through the process of statistical discrimination, negative stereotypes associated with minority communities are attributed to victims killed in these areas, leading the police to devalue such cases. In other words, the theoretical model predicts that neighborhood racial composition shapes arrest patterns above and beyond victim demographics. Multi-level models help to disentangle the effects of various factors at the jurisdictional, community, and individual levels.

Chapter 2 acts as bridge between Chapters 1 and 3, focusing on the police-prosecution nexus and the intermediary stages in the death penalty process. Much of the existing literature focuses on death-sentencing outcomes, taking for granted earlier decisions that produce these outcomes (Pierce & Radelet, 2005; Radelet & Pierce, 2009). Recognizing that death-eligibility may be socially constructed in a racially discriminatory manner (Radelet & Pierce, 1985), I model the potential impacts of victim and defendant demographics on the filing of special circumstance allegations.[4] Moreover, given that arrest patterns can influence the racial composition of homicide cases brought to the DA's office (Bright, 1994; Pierce & Radelet, 2005; Songer & Unah, 2006), I examine the extent to which the likelihood of arrest mediates the relationship between race and death penalty charging decisions. Relying on focal concerns theory, I hypothesize that cases involving minority victims or White defendants are less likely to result in a death-eligible charge (Steffensmeier et al. 1998). Moreover, the cumulative disadvantage perspective suggests that homicide arrest patterns will mediate these effects (Spohn, 2000; Zatz, 1987, 2000).

Chapter 3 ties together the previous two studies by tracking defendants through multiple stages of the criminal justice system. Given the paucity of research on homicide arrests and charging practices, Chapters 1-2 were necessary for establishing the influence of race on these outcomes. Building upon these findings, Chapter 3 evaluates the accumulation of racial disparities within death penalty institutions. Drawing upon focal concerns theory, I posit that cases with minority victims or White defendants are less likely to advance to a capital trial partly because of racial disparities at earlier stages in the process (Steffensmeier et al. 1998). Furthermore, cumulative disadvantage theory suggests that race effects will increase at each

[4] As used here, "death-eligible" refers to a case that qualifies statutorily for the death penalty. In contrast, a "capital" or "death penalty" case refers to a case in which the prosecution decides to seek the death penalty.

succeeding step by altering the racial composition of cases, producing stark disparities at the final stages of the process (Spohn, 2000; Zatz, 1987, 2000).

CHAPTER 1

Despite advances in policing, only 60-70% of homicides are solved each year in the United States, leaving 5,000-6,000 murders unsolved annually (Riedel, 2008). A large proportion of these unsolved homicides involve Black or Latino victims, producing racially disparate homicide arrest rates (Riedel, 2008).[5] Prior research suggests that neighborhood racial and socioeconomic composition influence patterns of lethal violence and residents' crime stereotypes (Sampson, 2012), yet few studies have examined the neighborhood context of homicide arrests (Litwin, 2004; for exceptions, see Litwin & Xu, 2007; Puckett & Lundman, 2003; Regoeczi & Jarvis, 2013). Analyzing data on homicide victims from Los Angeles (LA) County, California within a multi-level framework, I attempt to disentangle the effects of jurisdictional features, neighborhood racial composition, victim race, and crime circumstances on homicide arrests.

In this paper, I argue that neighborhood characteristics play a central role in the criminal justice processing of homicides. The current study builds upon and extends two theories commonly applied to homicide arrests—victim devaluation and solvability. The devaluation thesis contends that homicide investigations are shaped by extra-legal factors (e.g., victim/offender race, social class, etc.), whereas the solvability perspective posits that arrest outcomes depend on factors related to the solvability of the crime (e.g., weapon, victim-offender relationship, etc.). While these perspectives are useful for explaining individual variations in homicide arrests, they pay little attention to the spatialization of homicide arrests. Therefore, I draw insights from literatures on neighborhoods and criminal justice. Relying on theories of statistical discrimination, I hypothesize that stereotypes characterizing Black/Latino communities as crime-prone and disorderly are ascribed to victims killed in these areas. In this way, officers'

[5] For brevity, "race" is used instead of "race/ethnicity," while the term "Latino" rather than "Latino/a" is used since most homicide victims are male.

perceptions of victims' status and culpability may be colored by racialized conceptions of urban spaces. On the other hand, areas with tenuous police-community relations and "street cultures" may have lower homicide arrest rates due to the increased reluctance of community members to cooperate with the police.

Literature Review: Race, Neighborhoods, and Criminal Justice

The criminalization of racial and ethnic minorities has a long history in the United States (Beckett, 1999; Chiricos & Eschholz, 2002; Entman, 1990; Mauer, 1999; Welch, 2007). The pervasiveness of crime-race stereotypes, coupled with patterns of residential segregation, contributes to perceptions of Black and Latino neighborhoods as crime-prone. Individuals form cognitive maps (i.e., commonly shared cultural meanings about locales) to help make sense of specific geographical locales, and as such, they do not necessarily need to actually view the area in order to hold elaborate views about it (Matei, Ball-Rokeach, Wilson, Gibbs, & Gutierrez Hoyt, 2001). People are generally unaware of actual neighborhood crime rates, and thus they rely on perceivable community characteristics, such as racial and socioeconomic composition, that comport with crime stereotypes when assessing the dangerousness of an area (Quillian & Pager, 2001). As a result, economically disadvantaged minority communities are perceived as more crime-prone and disorderly than White and wealthier communities, regardless of their actual crime rate (Sampson, 2012).[6] Similar patterns exist in Australia and at least 21 different European nations (Semyonov, Gorodzeisky, & Glikman, 2012; Wickes, Hipp, Zahnow, & Mazerolle, 2013; Zahnow, Wickes, Haynes, & Mazerolle, 2013). Moreover, crime stereotypes

[6] While some studies find that racial composition does not effect crime steretoypes (Mohan, Twigg, & Taylor, 2011; Perkins & Taylor, 2002), these findings are fairly robust (Chiricos & Eschholz, 2002; Chiricos, Hogan, & Gertz, 1997; Covington & Taylor, 1991; Drakulich, 2012; Franzini, Caughy, Nettles, & O'Campo, 2008; Moeller, 1989; Quillian & Pager, 2010; Scarborough, Like-Haislip, Novak, Lucas, & Alarid, 2010; Skogan, 1995; Welch, 2007).

mediate the relationship between racial composition and crime perceptions (Drakulich, 2012; but see Pickett, Chiricos, Golden, & Gertz, 2012; Semyonov et al., 2012).

The literature on housing preferences also sheds light on race-based neighborhood stereotypes. Whites generally prefer to live in predominately-White areas, typically perceiving Black and Latino communities as less desirable (Adelman, 2005; Clark, 1992; Farley et al., 1994). The percentage of minority residents and poverty rate are negatively associated with Whites' neighborhood satisfaction/desirability, even after controlling for crime rates and other measures (Permentier, Bolt, & van Ham, 2011; Van Ham & Feijten, 2008). Stereotypes linking race with home values, crime, and social "disorder" help to explain Whites' general preference for avoiding Black and Latino neighbors (Bobo & Zubrinsky, 1996; Harris, 2001; Krysan, Couper, Farley, & Forman, 2009). Moreover, experimental analyses indicate that, on average, Black population size has a negative effect on Whites' perceptions of a neighborhood's desirability, and this relationship is mediated by negative stereotypes associated with Black neighborhoods (Krysan et al., 2009).

Neighborhoods play a central role in U.S. criminal justice. Incarceration rates are higher in economically disadvantaged Black and Latino neighborhoods primarily due to the aggressive policing of these areas rather than crime rates (Clear, 2008; Sampson, 2012; Sampson & Loeffler, 2010). Analyses of case outcomes reveal similar spatial patterns. Defendants from economically disadvantaged Black and Latino communities as well as defendants accused of killing victims from White and wealthy neighborhoods receive harsher punishments (Phillips, 2009; but see Regoeczi & Jarvis, 2013; Rodriguez, 2005, 2007, 2010; Shatz & Dalton, 2013; Smith, Rodriguez, & Zatz, 2009; Wooldredge, 2007; Wooldredge & Thistlethwaite, 2002, 2004).

Prior research also highlights the role of officials' neighborhood stereotypes in determining criminal justice outcomes. Police often view minority and economically disadvantaged communities as crime-prone irrespective of actual crime rates, leading them to rate neighborhood problems more seriously than residents and exercise coercive control over these areas (Hagan, Gillis, & Chan, 1978; Herbert, 1997; Rengert & Pelfrey, 1997; Sun & Triplett, 2008). Officers' attitudes towards and interactions with individuals inhabiting or passing through minority neighborhoods can influence their moralistic assessments of these areas. As Herbert (1997, p. 147) notes, "Bad people and places are considered dirty, and police responses, violent and otherwise, are understood in terms of cleansing." Officers frequently view minority neighborhoods as "dangerous" or "morally unclean," and these conceptions are attributed to individuals occupying these communities (Herbert, 1996, 1997).Once an arrest is made and the case enters the criminal justice system, neighborhood stereotypes continue to influence case outcomes. Prosecutors characterize victims who reside in or frequent high-crime minority areas as criminally inclined, using community stereotypes to justify their charging decisions (Frohmann, 1991, 1997; Rodriguez, 2007; Smith et al., 2009).

Strained police-community relations can also play a role in criminal justice outcomes. Even after accounting for demographic characteristics such as prior contact with the police, individuals from neighborhoods with a larger minority population view law enforcement with greater skepticism than Whiter areas (Sampson & Bartusch, 1998; Slocum, Taylor, Brick, & Esbensen, 2010). Community members' experiences with or observations of negative police-resident interactions as well as the transmission of these stories through social networks help to facilitate the diffusion of legal cynicism—i.e., cultural perceptions of the police as illegitimate (Carr, Napolitano, & Keating, 2007; Kirk & Matsuda, 2011; Kirk & Papachristos, 2011; Solis,

Portillos, & Brunson, 2009). In some Latino communities, for example, immigration sweeps can induce fear and distrust of law enforcement (Menjivar & Bejarano, 2004; Solis et al., 2009). Neighborhood disparities in terms of legal cynicism have important implications for policing. Legal cynicism is inversely related to arrest rates, reporting patterns, and cooperation with the police (Anderson, 2000; Kirk & Matsuda, 2011; Menjivar & Bejarano, 2004; Solis et al., 2009; Sunshine & Tyler, 2003; Tyler & Fagan, 2008). Moreover, residents in areas with higher levels of legal cynicism are more likely to rely on informal dispute resolution strategies (Anderson, 2000; Black, 1976; Carr et al., 2007; Kirk & Papachristos, 2011; Kubrin & Weitzer, 2003).

Theoretical Perspectives on Police Behavior and Homicide Investigations

According to Donald Black (1976), the law is a quantitative variable that directly varies based on the social status of victims and offenders: "...an arrest is more law than no arrest…and some outcomes are more law than others: A decision on behalf of the plaintiff is more law than a decision on behalf of the defendant... " (p. 3). Black (1976) posits that "low-status" individuals (i.e., Black, Latino, and/or allegedly criminally involved) receive less law compared to "high-status" persons. When applied to homicide arrests, Black's (1976) theory predicts that cases involving Black or Latino victims are less likely to be cleared because police devote less attention to them. Social-status is comprised of five components—stratification, morphology, culture, organization, and normative-status. Stratification refers to socioeconomic status, while morphology characterizes the extent to which individuals are connected to other community members. Culture represents the "symbolic aspects of social life' such as education (Black, 1976, p. 61) and organization is operationalized as "the capacity for collective action" (Black, 1976, p.

85). Finally, the normative dimension of social-status refers to "respectability," including adherence to cultural and legal norms (Black, 1976, p. 111–17).

Like other areas of criminal justice, prior research reveals homicide arrest disparities based on victim and neighborhood characteristics. Black and Latino homicide victims are less likely to be solved than White victim homicides (for a review, see Riedel, 2008).[7] Homicides occurring in Black, Latino, or economically disadvantaged communities are less likely to result in an arrest, while neighborhood homicide rates do not affect the likelihood of arrest (Litwin, 2004; Litwin & Xu, 2007; Puckett & Lundman, 2003). Moreover, cities characterized by high levels of racial and economic inequality have lower arrest rates (Borg & Parker, 2001; LaFree, Baumer, & O'Brien, 2010; Ousey & Lee, 2010). Victim age and gender also influence clearance outcomes (Riedel, 2008). Homicides involving younger/elderly victims are more likely to be cleared, which may represent victim devaluation or the fact that these types of homicide are easier to solve because they tend to occur in the presence of others. The majority of studies reviewed by Riedel (2008) indicate that the odds of clearance are greater for female victims.

The solvability perspective predicts that offense characteristics have the greatest impact on arrest outcomes (Gottfredson & Hindelang, 1979; Klinger, 1997). That is, certain homicides are more difficult to solve than others due to the factors involved (i.e., scant forensic evidence in firearm crimes, stranger victim-offender relationships produce fewer witnesses, etc.) (Riedel & Jarvis, 1999). Moreover, public concern surrounding the handling of homicide cases places extra pressure on police to solve them, leaving little room for racial bias (Litwin, 2004). This pressure is compounded, it is argued, by the fact that arrest rates serve as the main barometer of an

[7] Riedel (2008) offers a comprehensive review of the homicide arrest literature. A number of other studies address these issues (Addington, 2007; Jiao, 2007; Lee, 2005; Litwin, 2004; Litwin & Xu, 2007; Puckett & Lundman, 2003; Regoeczi & Jarvis, 2013; Regoeczi, Jarvis, & Riedel, 2008; Regoeczi, Kennedy, & Silverman, 2000; Roberts, 2007, 2014; Roberts & Lyons, 2011).

investigator's professional performance, thereby incentivizing police to maximize their arrest rate, regardless of victim/offender characteristics (Riedel, 2008).

From the solvability perspective, jurisdictional and neighborhood context may influence the availability of potential witnesses, police resources, and homicide typologies. The concentration of cases involving strangers, gang members, and firearms could hamper detectives' ability to solve cases in these areas by diminishing the availability of evidence and/or inducing fears of retaliation among community members (Riedel & Jarvis, 1999; Rohrlich & Tulsky, 1997). High caseloads in certain neighborhoods also mean that resources are spread thinner across the area (Litwin, 2004; Litwin & Xu, 2007). In addition, police-community relations can influence case outcomes since witnesses play a major role in homicide investigations (Regoeczi & Jarvis, 2013; Riedel & Jarvis, 1999; Wellford & Cronin, 2000). Residents who view the police as legitimate might be more likely to act as witnesses because they perceive law enforcement institutions are culturally relevant and equitable (Tyler, 2004). In contrast, if residents are distrustful of the police, they could have less confidence in the ability of police to protect them from retaliatory offenders (Carr et al., 2007; Kirk & Matsuda, 2011; Kirk & Papachristos, 2011; Kubrin & Weitzer, 2003).

Existing research suggests that cases involving crime features typically associated with greater and/or more reliable evidence have a higher probability of being cleared. In many studies, the circumstances surrounding the homicide play an important role in case outcomes (Riedel, 2008). Cases involving gang members or a felony have a lower likelihood of being solved, while incidents stemming from domestic disputes are more likely to be cleared (Riedel, 2008). Homicides involving physical force and contact weapons (e.g., knives, blunt objects, etc.) are more likely to be solved than those involving firearms (Riedel, 2008). In addition, residential

homicides and those involving family/acquaintance victim-offender relationships are more likely to be solved than those involving public locations and strangers (Riedel, 2008). The most plausible explanation for these findings is that alleged suspects are much easier to locate in these homicides. Finally, some research suggests that homicides occurring during "high-visibility" hours in the daytime are more likely to be cleared (Roberts & Lyons, 2009, 2011).

Statistical discrimination theory sheds light on the formation and application of neighborhood stereotypes as they relate to homicide arrests. Although statistical discrimination has primarily been used to explain employers' attribution of group characteristics to job applicants (e.g., Aigner & Cain, 1977; Bielby & Baron, 1986; Phelps, 1972), it helps to explicate the processes linking crime stereotypes, neighborhood racial composition, and crime victims (Quillian & Pager, 2001, 2010). To help simplify decision-making processes, humans utilize cognitive shortcuts based on prior knowledge, including statistical discrimination (i.e., attribution of group-level stereotypes to group members) (Quillian & Pager, 2001, 2010). For example, stereotypes linking race and crime may lead individuals to rely on neighborhood racial composition when assessing their risk of victimization in a given area (Quillian & Pager, 2001, 2010). The incorporation of crime stereotypes into individuals' cognitive maps helps them make sense of their spatial surroundings by determining which areas are dangerous and/or crime-prone (Matei et al., 2001). Yet, because dangerousness is difficult to directly observe, let alone objectively define, residents often rely on more readily perceivable neighborhood characteristics such as racial and socioeconomic composition when making determinations about the potential risks posed by entering a given area (Quillian & Pager, 2001, 2010).

In the criminal justice context, statistical discrimination helps to explain racial disparities at the neighborhood level. Werthman and Piliavin (1966) refer to a particular form of statistical

discrimination—ecological contamination—wherein the police draw inferences about the victims' moral and legal character based on their neighborhood characteristics (see also Smith 1986). According to this perspective, individuals killed in Black/Latino and low-income communities are perceived as criminally inclined and/or dangerous because these areas are stereotyped as disorderly and crime-prone. In this regard, neighborhood racial composition and socioeconomic status serve as proxies for other indicators of culpability (e.g., victims' social status, "innocence," "dangerousness," etc.) (Quillian & Pager, 2001, 2010; Rodriguez, 2007).

Several hypotheses flow from these theories. According to the devaluation perspective, homicides involving minority victims are less likely to be solved (Black, 1976). Statistical discrimination theory predicts that neighborhood racial composition influences arrest outcomes beyond victim race effects. Accordingly, victims killed in predominately Black and Latino neighborhoods are less likely to be solved because these areas are stereotyped as crime-prone, producing neighborhood effects up and above victim race effects (Quillian & Pager, 2001, 2010). Alternatively, the solvability thesis posits that cases involving crime characteristics generally associated with less evidence have a lower probability of being solved (i.e., unknown victim-offender relationship, unknown motive, firearm, etc.) (Gottfredson & Hindelang, 1979; Klinger, 1997). At the agency and neighborhood level, the solvability theory posits that the likelihood of arrest is lower for cases occurring in jurisdictions/communities with a large concentration of "difficult" cases (e.g., gang motivated, firearm related, stranger victim-offender relationship, etc.) and high police caseload (Borg & Parker, 2001; LaFree et al., 2010; Litwin, 2004; Litwin & Xu, 2007; Ousey & Lee, 2010). Moreover, to the extent that neighborhoods with a larger minority population exhibit higher levels of legal cynicism, residents from these areas could be less likely to cooperate with the police, thereby producing lowering homicide clearance rates

(Kirk & Matsuda, 2011; Sunshine & Tyler, 2003; Tyler & Fagan, 2008). A similar process could unfold in these areas if distrust of the police leads to the formation of "street cultures" that promote informal dispute resolution strategies and norms against "snitching" (Anderson, 2000; Black, 1976; Kirk & Papachristos, 2011; Kubrin & Weitzer, 2003). While these perspectives offer competing accounts of homicide investigations, they are not necessarily mutually exclusive, as multiple factors can simultaneously shape policing practices.

Contributions of the Present Research

Despite decades of scholarship linking neighborhoods to crime and other social problems (Sampson, 2012), research on criminal justice outcomes has largely focused on individual-level data, largely ignoring geographic biases (Wooldredge, 2007; Wooldredge & Thistlethwaite, 2002, 2004). Only a handful of studies have examined the neighborhood context of homicide arrests, most of which focus on a limited number of police agencies, neighborhoods, and racial/ethnic groups (e.g., Litwin, 2004; Litwin & Xu, 2007; Puckett & Lundman, 2003; Regoeczi & Jarvis, 2013). Among these studies, relatively little attention is given to Asian victims and the effects of racial/ethnic composition in Latino communities. As such, this analysis of homicide arrests over a broader range of racial/ethnic groups and social contexts helps to evaluate the efficacy of criminal justice theories. Given LA County's large Latino population, this study extends the homicide arrest literature to one of the nation's fastest growing minority groups and a segment of society that has increasingly been stereotyped as crime-prone (Chiricos & Eschholz, 2002; Logan, Smith, & Stevens, 2011; Wang, 2012). Similarly, the large number of Asian victims in LA County, as compared to other locales, sheds light on this relatively understudied minority group.

In addition, this study expands the homicide arrest literature by examining a larger geographical area and a wider array of victim characteristics. Most researchers have analyzed arrest patterns within one city, while this study looks at all homicides within an entire county (but see Lee 2005). Analyzing data from an entire county produces more stable estimates by enlarging the sample size and generates insights about police behavior pertaining to a broader array of socio-geographical and organizational contexts (Bickel, 2012; Rabe-Hesketh & Skrondal, 2008; Raudenbush & Bryk, 2002). Moreover, this dataset includes a number of victim characteristics absent from publicly available homicide datasets, including newspaper coverage, immigration status, and educational attainment (Auerhahn, 2007). These additional measures of social status offer a more comprehensive assessment of Black's (1976) theory.

Data and Methodology

Research setting: Los Angeles County, California during the 1990s

This study focuses on Los Angeles (LA) County homicides during the early 1990s. LA County's racial and socioeconomic diversity allows for the estimation of neighborhood effects across a wide range of social ecological contexts. Most LA County residents are racial/ethnic minorities, with non-Latino Whites comprising only 43% of the population (U.S. Census, 1990). Like other large urban areas during the 1990s, LA County had a high homicide rate, making it an important geographic locale for the study of lethal violence (Bureau of Justice Statistics, 2014).

Racial tensions were high in LA County during the early 1990s. The Rodney King beating solidified minority residents' longstanding distrust of the police, while the O.J. Simpson murder trial invoked racialized images of Black criminality (Bergesen & Herman, 1998; Bobo, 2001; Brigham & Wasserman, 1999; Tuch & Weitzer, 1997; Weitzer, 2002). A sizable

proportion of White residents in LA County viewed Black and Latino areas as crime-prone (Charles, 2000; Krysan, 2002; Matei & Ball-Rokeach, 2005; Matei et al., 2001), holding stereotypical views about Blacks and Latinos as lazy, unintelligent, and difficult to get along with (Bobo & Hutchings, 1996; Bobo & Smith, 1998). Moreover, LA media outlets help to perpetuate these stereotypes, commonly depicting Blacks and Latinos as criminal offenders, but rarely as crime victims (Dixon, 2008; Dixon & Azocar, 2006; Dixon, Azocar, & Casas, 2003; Dixon & Linz, 2000; Matei & Ball-Rokeach, 2005; Matei, Ball-Rokeach, & Qiu, 2001; Petersen, 2014; Sorenson, Manz, & Berk, 1998).

Bureaucratic structures, police culture, and crime trends

The Los Angeles Police Department (LAPD) and Los Angeles Sheriff's Department (LASD) handle the majority of homicide investigations in LA County (LAPD, 2015; LASD, 2015). The LAPD investigates all crimes occurring in the city of LA and the LASD processes crimes occurring in select cities and unincorporated areas. City-level police departments (e.g., Long Beach PD, Torrance PD, etc.) investigate homicides that do not fall under these jurisdictions. These law enforcement agencies have specialized units assigned to investigate homicide cases (Herbert, 1997; LAPD, 2015; LASD, 2015).

Herbert's (1996, 1997) seminal ethnography of the LAPD underscores the centrality of geography in shaping officers' use of discretion. When making decisions about resource allocation and the potential for danger, officers often rely on geo-racial heuristics based upon their preconceptions about the legal and moral character of the area's inhabitants. Moreover, officers' characterizations of high-crime minority areas as "cancers" or "morally impure,"

coupled with the LAPD's hyper-masculine culture, lead to the use of physical force and discriminatory application of the law (Herbert, 1997, p. 147). As Herbert (1997, p. 166) notes:

> Officers are most likely to define these spaces [minority neighborhoods] as unsafe and morally unclean to most actively seek in them the dangerous "other" against whom they can react with strength and bravery. Thus, though they are rarely expressed overtly, racial considerations do affect how officers choose to enact territoriality and do inflame relations with minority communities.

These neighborhood stereotypes are reinforced by the LAPD's bureaucratic structures and policing practices, especially the division of communities into smaller geographic units designed to facilitate the containment and capture of offenders (Herbert, 1997).

In the early 1990s, only about 47% of LA County homicides resulted in an arrest (Table 1). Lee (2005) found that homicides involving minority victims were less likely to result in an arrest than those with a White victim. Although Lee (2005) did not examine the influence of neighborhood demographics, newspaper accounts and prior research point towards the importance of geography in LA County's legal system (Greene, 1998; Herbert, 1996, 1997; Rohrlich & Tulsky, 1996d, 1997). During the period of analysis, some criminal justice officials suggested that race played a role in the handling of homicide cases, while others claimed that lower arrest rates in Black and Latino communities stemmed from the large number of gang crimes in these areas (Rohrlich & Tulsky, 1996d, 1997). There were also agency differences in terms of arrest rates. The LASD had a lower arrest rate than the LAPD and other police departments, whereas the LAPD had a higher arrest rate than police departments in smaller cities (Lee, 2005). Willie Williams, the LAPD chief of police from 1992 to 1997, characterized his agency's low arrest rate as a resource problem, noting that additional resources were needed to keep-up with the high number of homicides (Rohrlich & Tulsky, 1997).

Data sources and structure

This analysis focuses on 8,150 willful homicides that occurred in LA County between 1990 and 1994.[8] Since California does not maintain a centralized database linking homicide victims and offenders (Reidel, 2003; Riedel, 1999), homicide information was compiled from several local and state governmental sources, including: local law enforcement agencies, California Department of Justice, California Vital Statistics, and LA County Coroner's Office. These various data sources are used because, in contrast to other publicly available datasets, they include geographic indicators and a wider range of victim and offense characteristics (e.g., education level, immigration status, etc.) (Auerhahn, 2007).[9]

Theoretical and pragmatic reasons warrant the analysis of homicides between 1990 and 1994. The early 1990s were characterized by high crime rates, racial tensions, and policing innovations, thereby augmenting the statistical power and theoretical relevancy of model estimates (Blumstein & Wallman, 2006; Weitzer, 2002). In LA County and elsewhere, the Rodney King beating and O.J. Simpson trial strained already weak relations between police and minority community members at a time when violent crime rates were at historically high levels and community-policing practices were being implemented (Bergesen & Herman, 1998; Bobo, 2001; Skogan & Hartnett, 1997; Tuch & Weitzer, 1997). During this period of racial tension, the LAPD sought to strengthen community relations by implementing community-policing principles and tactics, focusing on problem solving, community partnerships, community identified problems, and the revitalization basic car areas (Greene, 1998). These efforts stood in stark contrast to the LAPD's longstanding "siege mentality" which distanced itself from a public

[8] Accidental, vehicular, and justifiable homicides are excluded from this analysis. Of the 9,442 homicides that occurred during the study period, 1,364 were not geo-coded due to missing or incomplete address information. These cases were handled using list-wise deletion.

[9] Publicly available homicide datasets do not contain neighborhood information (e.g., State Court Processing Statistics; Offender-Based Transaction Statistics; Pennsylvania Sentencing Data; Supplementary Homicide Reports; Changing Patterns of Homicide and Social Policy; etc.).

perceived as "hostile," ushering in a new era of community-policing in LA County (Greene, 1998, p. 127). The convergence of these factors makes this an important period for understanding the social ecology of homicide policing.

Dependent variable. The dependent variable focuses on the single most critical turning point in the investigation and prosecution of a homicide—whether or not the case was cleared. Based on the California Department of Justice's ([CDOJ] 2010, p. 5) definition, clearance status is measured dichotomously (1 = at least one person arrested or identified, 0 = no arrests made or offenders not identified). According to the CDOJ, a case is cleared by arrest when "at least one person is arrested, charged with the commission of an offense, and turned over to a court for prosecution." Consistent with prior research on LA County homicides, the dependent variable also captures exceptionally cleared cases (Lee, 2005). The CDOJ (2010, p. 5) notes that cases can be "cleared exceptionally for crime reporting purposes when an investigation has definitely established the identity of an offender, enough information exists to support an arrest, and the exact location of an offender is known but, for some reason, law enforcement cannot take the offender into custody."

Individual-level covariates. As displayed in the Appendix, individual-level covariates fall into two broad categories: victim demographics and case characteristics. Victim demographics tap into Black's (1976) theory of social status. Victim race was divided into four categories: Latino, Black, Asian, White/"other" (reference). Marital status and citizenship measure the extent to which victims are intergraded into the community or what Black (1976) terms "morphology." These constructs are measured based on a series of indicators (married/widowed, status unknown, not married [reference]; citizen = 1, otherwise = 0). Educational attainment captures Black's (1976) notion of "culture" and serves as a proxy for

socioeconomic status (lower than high school, high school [reference], college graduate). Given prior research finding differences in clearance rates across gender and age groups (Riedel 2008), these variables were modeled as well. Gender was dichotomously coded (male = 1, female = 0), while age was squared to capture its potential parabolic form (i.e., childhood/elderly victims may be likely to be solved than middle-aged ones).

It is critical to control for case characteristics because some homicides are more difficult to solve than others (Riedel 2008). Case characteristics that serve as proxies for evidence include: (a) multiple victims (1 = yes, 0 = no), (b) victim–offender relationship (family member, lover, stranger, unknown, friend/acquaintance [reference]), (c) firearm (1 = yes, 0 = no), (d) circumstance (felony, gang-related, other, unknown, fight/altercation [reference]), (e) incident location (residence, other, street/sidewalk/unknown [reference]), (f) incident day (weekend, day unknown, weekday [reference]), and (g), time of incident (9pm-6am, time unknown, 6am-9pm [reference]). In addition, models control for the number of pre-clearance *Los Angeles Times* articles covering the victim given prior research linking media coverage to criminal justice outcomes (Lee, 2005; Weiss, Berk, Li, & Farrell-Ross, 1999). Finally, dummy variables for years 1990 to 1994 control for annual difference in clearance rates (Lee, 2005; Litwin, 2004; Litwin & Xu, 2007).

Neighborhood-level covariates. Following prior research on homicide policing, census tracts were used to construct neighborhood variables (Lundman & Myers, 2011; Puckett & Lundman, 2003).[10] For each homicide, the crime scene address was geo-coded in ArcMap GIS

[10] Recognizing that neighborhoods are difficult to operationalize because "the very notion of a *neighborhood* has been assigned a range of conceptual and operational definitions" (Bellair, 2000; Wells, Schafer, Varano, & Bynum, 2006, p. 531), I use census tracts as proxies for neighborhoods. Census tracts not only offer a standardized geographic unit of analysis (Quillian & Pager, 2001; Slocum, Taylor, Brick, & Esbensen, 2010), but also tap into police and resident perceptions of neighborhoods (Brooks-Gunn, Duncan, & Aber, 1997; Greene, 1998). Moreover, census tracts are commonly used in the neighborhood literature, including studies of policing, homicide

and linked to census 1990 tract information. Racial composition in the crime scene community was measured as the percentage of Black and Latino residents per census tract. Like Sampson et al. (1997), principal components factor analysis was used to extract a single measure of concentrated disadvantage based on indicators pertaining to poverty, unemployment, and family structure. As measures of solvability at the community level, I included each census tract's homicide rate as well as the percentage of homicides that are gang motivated, firearm related, and stranger involved. Homicide rates also control for the fact that the majority of LA County homicides occur in predominantly low-income and minority-dominated areas.

Agency-level covariates. In light of research finding jurisdictional variation in homicide clearance patterns, agency-level variables were added at level 3 (Borg & Parker, 2001; LaFree et al., 2010; Ousey & Lee, 2010; Roberts, 2014). The inclusion of police agencies at level 3 helps to account for the fact that neighborhoods policed by the same agency may be more similar than neighborhoods policed by different agencies. Agencies represent an appropriate level of analysis since specialized units often investigate homicides in large urban areas, including LA County (Herbert, 1997; LAPD, 2015; LASD, 2015). Utilizing data from the 1992 law enforcement census (Bureau of Justice Statistics, 2005), police workload is calculated as the number of homicides per sworn officers (Ousey & Lee, 2010; Paré, Felson, & Ouimet, 2007; Roberts, 2014).[11] Since the greater anonymity of offenders in larger cities may hamper police investigations, I control for the logged city population (Litwin, 2004; Roberts, 2014). Finally, because differing agency responses to homicide may depend on the types of incidents investigated (Borg & Parker, 2001; LaFree et al., 2010; Ousey & Lee, 2010; Roberts, 2014), the

victimization, police-community relations, and criminal justice (Jackson & Boyd, 2005; Krivo & Peterson, 1996; Sampson, 2009; Slocum et al., 2010; Wooldredge & Thistlethwaite, 2002, 2004).

[11] Consistent with prior research (Ousey & Lee, 2010; Paré, Felson, & Ouimet, 2007; Roberts, 2014), police workload was calculated using the total number of sworn officers, rather than the number of homicide investigators, since all sworn officers can potentially contribute to clearance outcomes (Chaiken, Greenwood, & Petersilia, 1977; Cordner, 1989).

solvability measures discussed above are included at the agency level, including: % gang motivated, % firearm related, and % stranger involved.

Analytic approach

The data are hierarchically organized, with homicide victims (level 1) nested in census tracts (level 2) and police agencies (level 3). Given the hierarchical structure of these data, multi-level logistic regressions were estimated in STATA 13 (Bickel, 2012; Rabe-Hesketh & Skrondal, 2008; Raudenbush & Bryk, 2002). The modeling process consisted of four-phases, beginning with the analysis of victim-level covariates followed by the inclusion of agency and neighborhood covariates. Comparing models with and without agency and neighborhood covariates sheds light on racial composition effects beyond the influence of incident characteristics. Finally, sensitivity analyses were conducted comparing models with and without "easy" cases to evaluate the robustness of regression estimates.

Prior research suggests that some homicides are inherently more difficult to solve due to the circumstances surrounding the incident (Puckett & Lundman, 2003). Simon (1991, p. 39–40), usefully distinguishes between "whodunits" that require extensive police investigation and "dunkers" that require little to no police work: "Whodunits are genuine mysteries; dunkers are cases accompanied by ample evidence and an obvious suspect.' For example, cases involving domestic violence and residential settings are "dunkers" because the suspect is typically at the crime scene when police arrive. In order to gauge the robustness of model estimates, sensitivity analyses were performed without "dunkers." Following prior research, this study defined "dunkers" as cases involving domestic partners, a residential crime scene, or those solved in a single day (Alderden & Lavery, 2007; Puckett & Lundman, 2003; Roberts, 2007; Roberts &

Lyons, 2011). In the interest of parsimony, the interpretation of sensitivity estimates is limited to coefficients that differ from those presented in the models with all cases (Models 1-2).

The Effects of Race, Place, & Case Characteristics on Homicide Investigations

Summary Statistics

A large proportion (47%) of the 8,150 willful homicides analyzed in this study were not cleared (Table 1). The percentage of Black (24%) and Latino (50%) residents in each neighborhood is higher than the county average (11% and 34%, respectively), suggesting that homicides are more likely to occur in Black and Latino neighborhoods. Blacks (34%) and Latinos (49%) comprise the majority of the homicide victims in LA County. Homicide victims also tend to be male (86%) and legal residents (75%). In terms of crime characteristics, most homicides occur at night during the week and stem from a concomitant felony, gang relationship or altercation. Moreover, most LA County homicides involve a firearm, single victim, and friend/acquaintance victim-offender relationship.

Table 1. Summary Statistics for LA County Homicides

	Frequency	Mean	St. Deviation
Dependent variable:			
Homicide cleared (1,0)	3851	0.471	0.499
Agency characteristics (level 3):			
Logged area population	NA	14.917	1.263
Police workload	NA	0.145	0.194
% gun homicides	NA	0.858	0.061
% stranger homicides	NA	0.259	0.080
% gang homicides	NA	0.313	0.060
Neighborhood characteristics (level 2):			
% Latino	NA	0.504	0.262
% Black	NA	0.238	0.261
% families below the poverty line	NA	0.226	0.133
% families on public assistance	NA	0.180	0.106
% unemployed	NA	0.119	0.058
% female-headed families with children	NA	0.154	0.088
% gun homicides	NA	0.874	0.238
% stranger homicides	NA	0.257	0.301
% gang homicides	NA	0.307	0.318
Homicide rate per 1,000 residents	NA	1.127	3.583
Victim characteristics (level 1):			
Victim race: Black	2746	0.335	0.472
Victim race: Latino	3996	0.488	0.500
Victim race: Asian	304	0.037	0.189
Victim race: White/other	1039	0.127	0.333
Victim sex: male	7027	0.859	0.348
Victim legal resident	6126	0.748	0.434
Victim age	NA	29.010	13.628
Victim age-squared	NA	185.714	398.043
College grad	1117	0.136	0.343
High School grad	2595	0.317	0.465
Non-High School grad	3901	0.477	0.499
Grade-level unknown	572	0.070	0.255
Married/widowed	1818	0.222	0.416
Single/divorced	5868	0.717	0.451
Marriage status unknown	499	0.061	0.239
Case characteristics (level 1):			
Weekend homicide	2945	0.360	0.480
Weekday homicide	4899	0.599	0.490
Day unknown	341	0.042	0.200
Nighttime offense	5232	0.639	0.480
Daytime offense	1449	0.177	0.382
Unknown offense time	2322	0.284	0.451
Firearm	6333	0.775	0.418
Multiple victims	862	0.105	0.307

Location: residence	2061	0.252	0.434
Location: street/road	3773	0.461	0.499
Location: unknown	210	0.026	0.158
Location: other	2255	0.276	0.447
Circumstance: felony	1703	0.208	0.406
Circumstance: gang related	2463	0.301	0.459
Circumstance: fight	2161	0.264	0.441
Circumstance: unknown	1234	0.151	0.358
Circumstance: other	624	0.076	0.265
Relationship: family	327	0.040	0.196
Relationship: domestic partner	315	0.038	0.192
Relationship: friend/acquaintance	3157	0.386	0.487
Relationship: stranger	2061	0.252	0.434
Relationship: unknown	2139	0.261	0.439
Relationship: other	186	0.023	0.149
# of LA Times stories	NA	0.279	1.009
Incident year 1990	1286	0.157	0.364
Incident year 1991	1378	0.168	0.374
Incident year 1992	1911	0.234	0.423
Incident year 1993	1934	0.236	0.425
Incident year 1994	1675	0.205	0.403

NA = not applicable; frequency counts are not applicable for continuous, neighborhood-level, and agency-level variables. Categories may not add up to 100% due to rounding errors. Listwise deleted sample.

Main Model Estimates (All Victims)

Models 1-2 offer support for the devaluation and statistical discrimination perspectives at the victim and neighborhood level.[12] According to Model 1, minority victims are less likely to have their case solved. Compared to cases involving White/"other" victims, the odds of clearance is 38% lower for Asian victims, 32% lower for Latino victims, and 19% lower for Black victims. For Black victims, race effects disappear when neighborhood racial composition and agency level characteristics are included (Model 2). In contrast, the effects of victim race for

[12] As diagnostic measures, VIF statistics were calculated based on single-level OLS versions of Model 2 (mean VIF = 2.04) and Model 4 (mean VIF = 2.11) with robust standard errors. Given that the VIF statistics from these "generic" models are below standard cutoff levels (Hair, Black, Babin, Anderson, & Tatham, 2006), they suggest that standard errors are not biased by multicollinearity.

Latinos and Asians diminish, but remain significant, after controlling for neighborhood racial composition and agency factors in Model 2. As predicted, neighborhood racial composition (% Black and % Latino) negatively predict the likelihood of arrest at $\alpha = 0.05$.[13] In Model 2, a one-unit change in the percentage of Black residents corresponds to a 50% reduction in the odds of clearance ($p < 0.001$). The odds of clearance decrease by 31% as the Latino population increases by 1% ($p < 0.05$). Contrary to statistical discrimination theory, the effect of concentrated disadvantage is positive. A one-unit increase in concentrated disadvantage corresponds to a 10% increase in the odds of clearance (Model 2).

Results from Model 2 also shed light on the solvability thesis. Consistent with prior research, homicides involving multiple victims and non-firearm weapons are more likely to be cleared (Riedel 2008). Multi-victim homicides are 42% more likely to be solved than single-victim incidents, while firearm cases are 40% less likely to be solved than non-firearm cases. Homicides with an "other" crime scene location (e.g., school, park, bar, restaurant, etc.) are 12% more likely to be cleared. Compared to incidents stemming from a fight/altercation, the odds of clearance are 25% lower for felony-related cases, 40% lower for gang-related cases, 57% lower for incidents with an unknown motive, and 26% lower for cases with "other" motives. In reference to cases involving a friend/acquaintance victim-offender relationship, the odds of clearance are 14% lower for cases involving family members, 41% lower for cases involving strangers, 85% lower for cases with an unknown victim-offender relationship, and 52% lower for cases with "other" victim-offender relationships.

[13] Recognizing the potential interplay between victim demographics and social contextual factors (Wooldredge, 2007), a supplementary model, not included here but available upon frequent, examined cross-level interactions. In this supplementary model, cross-level interactions between victim race and racial composition were not significant, indicating that neighborhood effects do not depend upon victim race.

There is less support for the solvability theory at the neighborhood level. The likelihood of clearance increases by 32% for a one-unit change in the percentage of gun-related homicides, 24% for a one-unit change in the percentage of stranger-related homicides, and 4% for a one-unit change in the homicide rate. Police often claim that Black and Latino neighborhoods have lower clearance rates because these areas have a larger percentage of "difficult" cases (e.g., gang motivated, firearm related, etc.), but the directionality of these variables is inconsistent with the solvability theory (Rohrlich & Tulsky, 1997). Moreover, in contrast to prior research, this analysis suggests that homicides occurring in neighborhoods with a high homicide rate are more likely to be solved (Litwin, 2004; Litwin & Xu, 2007; Puckett & Lundman, 2003). Perhaps this unexpected finding indicates that, through repeated interactions with residents from the same community, police are better equipped to secure evidence and potential witnesses in these areas.

While the random intercept significantly varies across police agencies in Model 2 ($\log \sigma^2_v = 0.38$, $p < 0.01$), agency-level factors are not predictive of homicide clearance patterns. Consistent with prior research, police workload is not a significant predictor (Ousey & Lee, 2010; but see Roberts, 2014). In line with Roberts' (2014) multi-level analysis of homicide clearances, results show that agency factors exert little influence on clearance outcomes after controlling for case characteristics. This pattern suggests that the variation in incident-level characteristics may help to explain some of the variability at the agency level (Roberts, 2014).

Table 2. Three-Level Logistic Regression Predicting the Odds of Clearance for LA County Homicides

	All cases (N = 8,150)		**"Whodunits" (N = 5,342)**	
	Model 1	Model 2	Model 3	Model 4
	Odds Ratio(SE)	Odds Ratio(SE)	Odds Ratio(SE)	Odds Ratio(SE)
Agency characteristics (level 3):				
Logged area population		1.02 (0.06)		1.08 (0.09)
Police workload		0.70 (0.56)		0.99 (1.12)
% gun homicides		1.69 (1.00)		4.31* (3.82)
% stranger homicides		0.92 (0.49)		1.35 (1.04)
% gang homicides		1.18 (0.77)		0.84 (0.78)
Neighborhood characteristics (level 2):				
% Latino		0.69** (0.11)		0.66** (0.13)
% Black		0.50*** (0.09)		0.44*** (0.10)
Concentrated disadvantage	0.99 (0.03)	1.10** (0.05)	0.94 (0.04)	1.05 (0.06)
% gun homicides	1.33** (0.17)	1.32** (0.17)	1.25 (0.23)	1.23 (0.22)
% stranger homicides	1.24* (0.14)	1.24* (0.14)	1.03 (0.15)	1.02 (0.15)
% gang homicides	1.04 (0.12)	1.06 (0.12)	0.96 (0.13)	0.98 (0.14)
Homicide rate	1.04** (0.02)	1.04** (0.02)	1.03 (0.02)	1.03 (0.02)
Victim characteristics (level 1):				
Victim race: Black	0.81** (0.07)	0.89 (0.09)	0.86 (0.11)	0.97 (0.12)
Victim race: Latino	0.68*** (0.06)	0.70*** (0.06)	0.71*** (0.09)	0.73** (0.09)
Victim race: Asian	0.62*** (0.09)	0.62*** (0.09)	0.74 (0.14)	0.75 (0.15)
Victim sex: male	0.89 (0.07)	0.89 (0.07)	0.75** (0.09)	0.75** (0.09)
Victim legal resident	1.00 (0.07)	1.00 (0.07)	1.03 (0.08)	1.03 (0.08)
Victim age	0.99* (0.00)	0.99* (0.00)	0.99*** (0.00)	0.99*** (0.00)
Victim age-squared	1.00 (0.00)	1.00 (0.00)	1.00 (0.00)	1.00 (0.00)
Non-High School grad	0.95 (0.06)	0.95 (0.06)	0.98 (0.08)	0.97 (0.08)
College grad	1.04 (0.09)	1.03 (0.09)	1.01 (0.11)	1.01 (0.11)
Grade-level unknown	1.32 (0.33)	1.31 (0.32)	1.25 (0.37)	1.23 (0.37)
Married/widowed	0.94 (0.07)	0.95 (0.07)	0.96 (0.09)	0.97 (0.09)
Marriage status unknown	0.68 (0.18)	0.68 (0.18)	0.74 (0.24)	0.73 (0.23)
Case characteristics (level 1):				
Weekend homicide	1.03 (0.06)	1.03 (0.06)	0.99 (0.07)	1.00 (0.07)
Day unknown	0.89 (0.18)	0.88 (0.18)	1.09 (0.28)	1.07 (0.27)
Nighttime offense	0.98 (0.06)	0.99 (0.06)	1.00 (0.07)	1.01 (0.07)
Unknown offense time	0.97 (0.07)	0.97 (0.07)	0.98 (0.09)	0.99 (0.09)
Firearm	0.60*** (0.04)	0.60*** (0.04)	0.73*** (0.07)	0.73*** (0.07)
Multiple victims	1.42*** (0.14)	1.42*** (0.13)	1.62*** (0.20)	1.62*** (0.20)
Location: residence	1.11 (0.08)	1.10 (0.08)	NA	NA
Location: other	1.12* (0.07)	1.12* (0.07)	1.16** (0.08)	1.16** (0.08)
Circumstance: felony	0.74*** (0.06)	0.75*** (0.06)	0.96 (0.09)	0.97 (0.09)
Circumstance: gang related	0.60*** (0.05)	0.60*** (0.05)	0.73*** (0.08)	0.73*** (0.08)
Circumstance: unknown	0.43*** (0.05)	0.43*** (0.05)	0.54*** (0.07)	0.55*** (0.07)
Circumstance: other	0.74** (0.09)	0.74** (0.09)	0.67 (0.17)	0.67 (0.17)
Relationship: family	0.84 (0.13)	0.86 (0.13)	0.38** (0.15)	0.37** (0.15)
Relationship: domestic partner	0.82 (0.13)	0.82 (0.13)	NA	NA

Relationship: stranger	0.58*** (0.05)	0.59*** (0.05)	0.68*** (0.07)	0.68*** (0.07)
Relationship: unknown	0.15*** (0.01)	0.15*** (0.01)	0.19*** (0.02)	0.19*** (0.02)
Relationship: other	0.47*** (0.13)	0.48*** (0.13)	0.30*** (0.11)	0.31*** (0.11)
# of LA Times stories	0.99 (0.03)	0.99 (0.03)	1.04 (0.03)	1.04 (0.03)
Incident year 1991	0.98 (0.09)	0.98 (0.09)	1.11 (0.12)	1.13 (0.13)
Incident year 1992	0.70*** (0.06)	0.68*** (0.07)	0.74*** (0.08)	0.72** (0.10)
Incident year 1993	0.66*** (0.06)	0.65*** (0.06)	0.70*** (0.08)	0.70*** (0.09)
Incident year 1994	0.55*** (0.05)	0.54*** (0.06)	0.59*** (0.07)	0.60*** (0.08)
Constant	4.79*** (1.12)	3.23 (2.72)	2.51*** (0.82)	0.41 (0.50)
Variance components:				
Neighborhood level	0.31*** (0.10)	0.29*** (0.11)	0.47** (0.16)	0.41** (0.18)
Agency level	0.40*** (0.05)	0.38*** (0.05)	0.38*** (0.06)	0.35*** (0.07)

Exponentiated coefficients and standard errors. Listwise deleted sample. NA = not applicable; cases excluded from sensitivity analysis. Models 1-2 include all homicides, whereas Models 3-4 include "whodunits" only and exclude "dunkers" (i.e., cases involving domestic partners, a residential crime scene, or those solved in a single day). Reference groups: white/other race, female victim, non-citizen, high school grad, single relationship status, weekday incident, daytime incident, non-firearm, single victim case, street/sidewalk/unknown, fight/altercation, friend/acquaintance, 1990 incident year.
* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Sensitivity Analyses ("Whodunits" Only)

Sensitivity analyses (Models 3-4) highlight the differing effects of select variables when "dunkers" are excluded. For many demographic measures, analyses excluding "easy" to solve cases yield substantively similar results. Most notably, although the exact point-estimates for racial composition measures differ slightly across regression equations, sensitivity models indicate that victims killed in Black and Latino neighborhoods are still less likely to have their case cleared ($p < 0.05$). However, the effects of race for Asian victims and concentrated disadvantage become non-significant when focusing on "whodunits."

Turning to the solvability measures, several estimates change when "dunkers" are excluded in Models 3-4. At the neighborhood- and individual-level, multiple solvability measures either become non-significant or diminish in size once "dunkers" are excluded, suggesting that certain community contextual factors and incident characteristics become less

influential for cases requiring greater police investigation. More generally, sensitivity analyses are consistent with prior research finding that specific circumstance measures are less predictive among "difficult" cases, while the effects of demographic characteristics are robust (Alderden & Lavery, 2007; Puckett & Lundman, 2003).

Theoretical and Policy Implications

When the police investigate a murder, the neighborhood in which it occurs affects whether the case is cleared. Minority victims and those killed in areas with a large Black or Latino population are less likely to have their case cleared. While victim race shapes homicide investigations, community contextual factors affect policing practices above victim demographics and do not depend on the inclusion of "dunkers." These findings comport with prior research showing that neighborhood racial composition has an effect on policing practices beyond race at the individual level (Litwin & Xu, 2007; Puckett & Lundman, 2003; Werthman & Piliavin, 1966). There are several theoretical explanations for the observed effects of neighborhood racial composition. According to statistical discrimination theory, the criminalization of Black and Latino communities by police may help to explain the spatialization of homicide investigations. Given patterns of residential racial segregation and the significance of geography for determining social relations, victim race effects may be subsumed by neighborhoods and the multitude of social meanings they imbue (Hastings & Dean, 2003; Doreen Massey, 1995; Douglas Massey & Denton, 1989; Permentier, Van Ham, & Bolt, 2008; Sampson, 2009). Neighborhoods have a "past" all their own, with social stigmas that can extend beyond their inhabitants, influencing outsiders' perceptions of and responses to residents—in this

case, the application of criminal laws (Hastings & Dean, 2003; Doreen Massey, 1995; Permentier et al., 2008; Sampson, 2009).

The solvability perspective offers an alternative explanation of neighborhood arrest patterns. While several community-level solvability measures were significant (e.g., % firearm, % stranger, and homicide rate), they do not explain away neighborhood race effects. As such, cultural processes and police-community relations in areas with large minority populations may help shed light on these findings. For example, to the extent that legal cynicism and norms against "snitching" are stronger in neighborhoods with more minority residents, the clearance rate could be lower in these areas. In this case, a positive relationship between the percentage of minority residents in the area and levels of legal cynicism could lead to lower levels of cooperation with homicide investigations (Kirk & Matsuda, 2011; Menjivar & Bejarano, 2004; Solis et al., 2009; Sunshine & Tyler, 2003; Tyler & Fagan, 2008; Wells, Schafer, Varano, & Bynum, 2006). Moreover, given longstanding tensions between police and minority communities in LA County (Greene, 1998; Tuch & Weitzer, 1997; Weitzer, 2002), residents in these neighborhoods might be more reluctant to act as witnesses if they are not confident the police will protect them from retaliatory offenders (Carr et al., 2007; Kirk & Matsuda, 2011; Kirk & Papachristos, 2011; Kubrin & Weitzer, 2003). Legal cynicism can also strain community relations by compelling residents to rely on informal dispute resolution strategies (Anderson, 2000; Black, 1976; Kirk & Papachristos, 2011; Kubrin & Weitzer, 2003). In other words, if minority community members perceive the police as unjust, minority-dominated areas may be more likely to develop a "street culture" that discourages cooperation with the police (Anderson, 2000).

This study has several contributions. Since Shaw and McKay's seminal work (1942), neighborhoods have played a central role in criminology, including studies of lethal violence (Sampson 2012). More recently, scholars have shown that, like crime, criminal justice outcomes are geographically patterned (Clear, 2008; Sampson, 2012; Sampson & Loeffler, 2010). Despite such developments, much of the homicide clearance literature has focused on individual-level characteristics that cannot fully account for the concentration of unsolved homicides in Black and Latino communities. These results presented here call into question individualized explanations of criminal justice, mirroring other studies implicating neighborhoods in the (re)production of various social problems (Sampson, 2012). Although regression estimates do not directly speak to the mechanisms generating these patterns (i.e., *why* neighborhood racial composition matters), the effects are consistent with prior research highlighting the influence of neighborhoods for criminal justice outcomes, producing geographic disparities beyond victim race effects (Frohmann, 1991, 1997; Herbert, 1996, 1996; Rodriguez, 2007; Smith, 1986; Smith et al., 2009; Werthman & Piliavin, 1966).

The present research also extends the homicide arrest literature to a broader range of racial/ethnic groups and social contexts. The paucity of research on the case outcomes of Latino victims is problematic given their high rate of homicide victimization, growing population size, and increased stigmatization, especially the perceived criminal threat of undocumented immigrants (Chavez, 2013; Chiricos & Eschholz, 2002; Logan et al., 2011; Stowell, Martinez, & Cancino, 2012; Wang, 2012). Likewise, few studies have examined Asian victims (for an exception, see Lee, 2005). Asians offer an interesting contrast to Blacks and Latinos given their history of racial oppression and "model minority" status (Bedi, 2003; Yen, 2000). In this regard, the present study's inclusion of Latino and Asian victims offers a more comprehensive

assessment of homicide arrests. Moreover, the analysis of data from an entire county sheds light on the influence of racial composition across a wider range of neighborhoods and organizational contexts.

Results have a number of theoretical and social justice implications. Racial and geographic disparities in terms of homicide arrest rates can undermines the public's confidence in the criminal justice system and leave the victims' family and friends feeling marginalized and fearful of future victimization (Merina & Connell, 1997; Riedel, 1999). Given that the public views contemporary criminal justice responses to homicide as affirmations of the state's valuation of victims, the high percentage of unsolved homicides in minority neighborhoods may also perpetuate racialized beliefs about victimhood (Baldus & Woodworth, 2003; Zimring, 2003). Moreover, these patterns challenge conventional police narratives about the neutrality of homicide investigations. Law enforcement officials often attribute low arrest rates in minorty communities to understaffing issues and the concentration of homicides in these areas, especially gang related incidents (Rohrlich & Tulsky, 1997). Although case characteristics and non-racial neighborhood characteristics influence arrest patterns, they cannot explain away the effects of neighborhood racial composition. The narratives of criminal justice officials, including those espoused by the police to explain homicide arrests, frequently focus on individuals as the primary unit of analysis, while these findings underscore the influence of neighborhoods beyond victim race (Wooldredge, 2007; Wooldredge & Thistlethwaite, 2002, 2004).

Findings also shed light on disparities in the prosecution of homicides. From a cumulative disadvantage perspective (Spohn, 2000; Zatz, 1987, 2000), arrest disparities can influence subsequent charging and sentencing decisions, altering the universe of prosecutable cases (Radelet & Pierce, 2003). Lower arrest rates for cases involving minority victims and

neighborhoods could shrink the pool of prosecutable cases involving Black and Latino victims, thereby increasing the proportion of cases with White victims entering the court system (Pierce & Radelet, 2005). These funneling mechanisms may help account for disproportionately high death sentencing rates for minority defendants accused of killing White victims (Baldus et al., 1990; Baldus & Woodworth, 2003). Given the paucity of research on the initial stages of the capital punishment process, regression estimates underscore the racialized entry of cases into the justice system (Kaplan et al., 2009; Phillips, 2009). Subsequent chapters will examine the extent to which disparities at the arrest stage are compounded or ameloriated as cases advance through the criminal justice system.

Like any study, this project has limitations. Foremost, while regression estimates reveal strong neighborhood race effects, compositional variables may represent unmeasured social processes, thereby complicating interpretation (Sampson, Morenoff, & Gannon-Rowley, 2002; Taylor, 2011). For example, if minority-dominated neighborhoods exhibit higher levels of legal cynicism or "street cultures," the coefficients for % Black or % Latino could be attenuated when these cultural constructs are measured. As such, future research utilizing measures of witness participation and legal cynicism could help to elucidate the social ecology of homicide policing, potentially shedding light on the curious finding regarding victim race among Blacks. One potential explanation for why victim race effects disappear for Blacks, but not Latinos, when neighborhood variables are included relates to legal cynicism stemming from immigration enforcement. To the extent that witnesses in Latino neighborhoods are more reluctant to speak with the police for fear that it may put themselves or someone they know at risk with immigration officials (Menjivar & Bejarano, 2004; Solis et al., 2009), such patterns could hamper police investigations (Litwin, 2004; Litwin & Xu, 2007; Ousey & Lee, 2010). The

present analysis is also limited by the unavailability of data on investigative evidence. While prior research on policing more generally indicates that evidence plays a major role in investigations (Chaiken, Greenwood, & Petersilia, 1977), only two homicide clearance studies have included direct measures of evidence (Regoeczi & Jarvis, 2013; Wellford & Cronin, 2000). Given the difficulties associated with obtaining direct measures of evidence, prior research has almost exclusively relied on proxy measures, like those employed in this study (Riedel, 2008). Thus, while the present research would benefit from the inclusion of more direct measures of evidence, it relies on proxies consistently used in the literature.

Notwithstanding these shortcomings, this study contributes to the growing literature on homicide clearance. By examining the geography of homicide clearance this study moves beyond individualized theories of criminal justice, placing victims within their social ecological context (Wooldredge, 2007; Wooldredge & Thistlethwaite, 2002, 2004). In short, this study finds that neighborhood characteristics play a central role in the policing of homicides, with victims killed in minority neighborhoods being less likely to have their case solved. When it comes to homicide investigations, at least in LA County, who the victim is and where they die shapes the quality of justice they receive.

CHAPTER 2

In *Furman v. Georgia* (1972), the Supreme Court found the death penalty to be unconstitutional due to its arbitrary and capricious application. In response, states implemented new death penalty laws intended to guide jury decision-making and define death penalty eligible offenses (Carter, Kreitzberg, & Howe, 2012). Despite these efforts to limit juror and prosecutorial discretion, racial disparities persist today (Baldus & Woodworth, 2003; Baldus, Woodworth, & Pulaski, 1990; USGAO, 1990).[14] Given that much of the literature focuses on the final stages of capital prosecution, it is unclear whether these patterns result from the failure of "modern" death penalty laws to guide discretion or earlier biases in the criminal justice system (Baldus et al., 2009, 2009; Sorensen & Wallace, 1999). This raises the question as to whether "modern" death penalty laws reduced racial bias at earlier stages within America's death penalty systems.[15]

Studies focusing on death-sentencing patterns offer invaluable insights about these outcomes, but a thorough understanding of racial bias within death penalty institutions, including its origins and various manifestations, requires looking at the chain of events leading up to these final decision-making points (Bowers, 1983; Bowers & Pierce, 1980; Kaplan, Ganschow, Angioli, & Tabin, 2009b; Phillips, 2009; Pierce & Radelet, 2005; Radelet, 1981; Radelet & Pierce, 1985; Sorensen & Wallace, 1999). Arrest and charging decisions represent two critical junctures in the death penalty process as they determine which cases are eligible for capital

[14] A number of studies have found racial disparities in terms of death penalty outcomes (Baldus, Woodworth, Grosso, & Christ, 2002; Baldus, Woodworth, Zuckerman, & Weiner, 1997; Berk, Boger, & Weiss, 1993; Bowers, 1983; Bowers & Pierce, 1980; Donohue, 2013; Keil & Vito, 1990; Lee, 2007; Paternoster, 1984; Paternoster, Brame, Bacon, & Ditchfield, 2004; Phillips, 2009; Pierce & Radelet, 2005; Radelet, 1981; Radelet & Pierce, 1985; Songer & Unah, 2006; Sorensen & Wallace, 1999; Sorensen & Marquart, 1990; Weiss, Berk, & Lee, 1996; Weiss, Berk, Li, & Farrell-Ross, 1999).

[15] The "modern" era of capital punishment refers to the period following the landmark decision in *Furman v. Georgia* (1972), wherein the court found the death penalty to be in violation of the Eight and Fourteenth Amendments. In the wake of *Furman*, states implemented new laws that sought to restrict death-eligibility and guide the discretion of decision makers to impose a death sentence (Carter et al. 2012).

prosecution in the first place (Pierce & Radelet, 2005; Radelet & Pierce, 2009). Racial disparities at the arrest and charging stages could decrease the pool of death-eligible cases involving Black and Latino victims by making cases involving white victims appear more serious than they actually are, obscuring racial disparities at later stages in the process (Pierce & Radelet, 2005; Radelet & Pierce, 1985, 2009). Despite the relevance of these pre-sentencing stages, relatively few studies have investigated death penalty charging practices, especially the relationship between arrest and charging outcomes. This gap in the literature is particularly problematic because the formation of policy reforms aimed at ameliorating racial disparities within death penalty institutions must first identify the source of these patterns. Moreover, racial differences in the handling of homicide cases may undermine the public's confidence in the criminal justice system more broadly and leave minority communities feeling marginalized (Baldus & Woodworth, 2003; CCFAJ, 2008; Riedel, 2008; Zimring, 2003).

The current chapter helps to fill this gap in the literature by examining homicide arrests and charging decisions in Los Angeles (LA) County, California during the early 1990s. Utilizing data on several thousand homicide victims and defendants, this two-part analysis seeks to answer the following research questions: (1) do victim/defendant racial characteristics influence arrest decisions and prosecutors' filing of death penalty eligible charges?; and (2) does victim race have an indirect effect on prosecutors' death penalty charging practices, operating through homicide arrests? Regression estimates indicate that cases involving minority victims are less likely to result in an arrest, which in turn, is negatively associated with the odds of a death penalty eligible charge. Moreover, defendants accused of killing minority victims are less likely to be charged with a death penalty eligible charge. These results suggest that prior research may underestimate the extent to which race influences capital punishment decision-making by

ignoring the racialization of death-eligibility and the relationship between arrest and charging patterns.

Literature Review: Race, Charging Practices, and Death-Eligibility

Racial bias in the operation of the American death penalty has most commonly been identified at the post-charging stages (i.e., once there is a decision to prosecute and specific charges have been filed). Decades of observational research has found that homicides involving white victims are more likely to be prosecuted capitally and/or receive a death sentence than those with minority victims (Baldus & Woodworth, 2003; Baldus et al., 1990; USGAO, 1990). While Black defendants accused of killing White victims are punished more harshly than other defendant-by-victim racial configurations, victim race primarily accounts for these findings—defendants who kill Whites receive harsher punishment (Baldus & Woodworth, 2003; Baldus et al., 1990; USGAO, 1990). Qualitative analyses suggest that white jurors' relative lack of empathy for minority victims/defendants helps explain these patterns (Fleury-Steiner, 2004; Fleury-Steiner & Argothy, 2006). Death sentences also vary geographically and are concentrated in a few locales. Jurisdictions characterized by religious fundamentalism, politically conservative prosecutors, large Black populations, high levels of racial inequality, and legacies of racial violence are more likely to retain and frequently use the death penalty (for a review, see Cohen & Smith, 2010; Liebman & Clarke, 2011; Smith, 2012). Within jurisdictions, defendants accused of killing victims from areas with a larger white population are more likely to be prosecuted capitally and/or sentenced to death (Phillips, 2009; Shatz & Dalton, 2013).

Comparatively little attention has been devoted to earlier stages of the death penalty process, and particularly the point at which the decision to bring a capital charge is weighed. Most studies, to date, examine prosecutors' decision to seek the death penalty and/or jurors'

tendencies to impose a death sentence among a sample of death-eligible defendants, taking for granted the entry of cases into the capital punishment system (Kaplan et al., 2009; Radelet & Pierce, 1985, 2009). In its comprehensive review of the death penalty literature, for example, the U.S. General Accounting Office (1990) criticized studies for focusing on the final stages of capital prosecution while largely ignoring earlier biases in the system, calling for additional multi-stage research to help mitigate potential selection effects. Similarly, while punishment scholars have assessed pre-sentencing disparities in a variety of non-capital settings (Kutateladze et al., 2012), the issue has received little attention from death penalty researchers. To date, only a few studies have analyzed death penalty charging decisions, none of which have examined the relationship between homicide policing and charging practices (e.g., Berk, Boger, & Weiss, 1993; Lee, 2007; Weiss, Berk, & Lee, 1996; Weiss et al., 1999). Given that arrest and charging decisions define the pool of death-eligible cases, the analysis of these stages is important for understanding how homicide cases process through the criminal justice system (Pierce & Radelet, 2005; Radelet & Pierce, 2009). This study builds upon the small existent research at the juncture between the police and the prosecution.

Prosecutorial Discretion and Race Bias

In the early 1980s, a series of studies examined homicide-charging practices in the South. These studies generally find that defendants accused of killing white victims are more likely to be charged with first-degree murder than those accused of killing black victims (Bowers, 1983; Bowers & Pierce, 1980; Radelet, 1981). In addition, cases involving black offenders and white victims are more likely to include an accompanying felony charge, and this "upgrading" process is linked to an increased risk of capital conviction (Radelet & Pierce, 1985). Among defendants

offered a plea agreement, the probability of receiving a death sentence is lower for "upgraded" cases, suggesting that prosecutors "upgrade" murder charges to induce plea agreements. Although these studies highlight the utility of examining pre-sentencing decisions, the filing of first-degree murder is only one piece of the puzzle, as death penalty cases must also contain a statutorily defined aggravating circumstance (Carter et al., 2012).

The few existing studies on death penalty charging practices focus on the filing of aggravating circumstances in California. Among a sample of 363 homicides from San Francisco County, Weiss et al. (1996) find that cases involving white or Asian victims were more likely to involve a death penalty eligible charge. In a follow-up study, Weiss et al. (1999) employed a Bayesian approach based on skeptical priors to examine death penalty charging decisions in Los Angeles County, finding that defendants accused of killing White or Asian victims have a higher probability of receiving a death-eligible charge than those accused of killing Black or Latino victims. Finally, Lee's (2007) analysis of 120 cases from San Joaquin County indicates that, compared to homicides involving White victims, those with Black or Latino victims were significantly less likely to contain an aggravating circumstance. While informative, these studies mainly focus on the development of specific methodological approaches or analyze relatively small samples.

Studies examining the filing of specific aggravating circumstances in California shed light on these findings. Shatz (2007) found that felony-murder and multiple murder were among the most commonly filed special circumstances in Alameda County from 1978 to 2001. Similarly, Petersen and Lynch's (2013) analysis indicates that the majority of death-eligible cases in Los Angeles County from 1996 to 2008 contain a felony-murder special circumstance. At the state level, data on defendants sentenced to death between 1997 and 2007 shows that

felony-murder is one of the most commonly filed death-eligible charges (Kreitzberg, 2008). None of these studies examined racial disparities, yet their findings suggest that the felony-murder special circumstance fails to differentiate between non-aggravated and aggravated murders. In light of research in other states showing the influence of victim/defendant demographics (Baldus et al., 1990), this may increase the risk of racial bias by considerably augmenting prosecutorial discretion.

Prior research also suggests that racial disparities at the charging stage may have implications for death-sentencing outcomes. The proportion of death-eligible homicides with White victims and Black defendants increases as cases advance through the death penalty system (Baldus et al., 1990; Bowers, 1983; Bowers & Pierce, 1980; Paternoster, Brame, Bacon, & Ditchfield, 2004; Sorensen & Wallace, 1999), and multivariate analyses suggest that these patterns cannot be explained away by racial differences in offense severity (Sorensen & Wallace, 1999). Relatedly, research on non-homicidal crimes suggests that racial disparities compound as cases move through the court system, underscoring the accumulation of race effects across multiple decision-making points (Kutateladze et al., 2014; Schlesinger, 2008; Stolzenberg, D'Alessio, & Eitle, 2013; Sutton, 2013). Moreover, defendant race has an indirect effect on sentencing outcomes—racial and ethnic minorities are more likely to be detained pre-trial, which is linked to the likelihood of pleading guilty, conviction, and sentence severity (Kutateladze et al., 2012; Spohn, 2000; Zatz, 1987, 2000).

Policing Practices and Racial Disparities

Racial disparities may arise before a case even enters the criminal justice system due to the differential enforcement of laws by police (Weitzer & Tuch, 2006). As gatekeepers of the

criminal justice system, the police determine which cases come across the DA's desk for prosecution thereby shaping subsequent case-processing decisions. In the death penalty context, policing patterns can influence punishment outcomes in subtle, but profound ways, by determining the pool of prosecutable cases and availability/quality of evidence presented to the DA's office (Bright, 1994; Pierce & Radelet, 2005; Songer & Unah, 2006). For example, lower arrest rates for homicides with minority victims could decrease the universe of prosecutable cases involving Black and Latino victims, simultaneously increasing the number of cases with White victims (Pierce & Radelet, 2005). Racial disparities at the arrest stage may also lead to the underdevelopment of evidence in minority victim cases, making the cases of defendants who kill white victims appear to more serious than they actually are (Bright, 1994; Pierce & Radelet, 2005; Songer & Unah, 2006).

A disproportionate number of unsolved homicides involve minority victims (for a review, see Riedel, 2008). While cases with characteristics linked to greater evidence are more likely to be solved, homicides involving minority victims are less likely to result in an arrest even after controlling for such factors (for a review, see Riedel, 2008).[16] Homicide arrest rates also vary at the city level, with lower rates in areas characterized by racial/economic inequality and higher police caseloads (Borg & Parker, 2001; LaFree et al., 2010; Ousey & Lee, 2010; Roberts, 2014). These patterns produce a ''separate and unequal'' system of homicide policing (LaFree et al., 2010, p. 94), which may have implications for the criminal justice processing of homicide cases once they enter into the court system.

[16] A number of studies reviewed by Riedel (2008) speak to these issues (e.g., Addington, 2007; Alderden & Lavery, 2007; Lee, 2005; Litwin, 2004; Litwin & Xu, 2007; Puckett & Lundman, 2003; Regoeczi & Jarvis, 2013; Regoeczi et al., 2008, 2000; Roberts, 2007, 2014; Roberts & Lyons, 2011).

Contributions of the Present Research

This study contributes to the literature in several ways. Foremost, by analyzing homicide arrests and death penalty charging decisions, results shed light on the entry of cases into the death penalty system (Baldus et al., 2009; Kaplan et al., 2009; Phillips, 2009). Post-charging studies implicitly assume that prosecutors file death penalty charges when appropriate, yet given the organizational pressures placed on securing convictions (Albonetti, 1986, 1987; Landes, 1971; Rasmusen, Raghav, & Ramseyer, 2009), prosecutors may socially construct homicide cases in ways that align with these professional goals. As Radelet and Pierce (1985) note:

> ...prosecutors have broad discretionary power which affects how homicides are investigated and presented…Sentencing studies that take the prosecutor's case descriptions and the formal charges as objective and unbiased reflections of the seriousness of a crime are based therefore on a questionable foundation that can lead to the *underestimation* of race effects on sentencing whenever race has affected earlier processing decisions. To understand the full effects of race (and other variables), the presentencing and precharging decisions that affect the prosecutor's construction of a case must be examined (p. 616, emphasis added).

If prosecutors file death penalty charges in a racially discriminatory manner, post-charging estimates might not fully capture the amount of racial bias within the death penalty system (Baldus et al., 2009; Sorensen & Wallace, 1999). Thus, understanding the extent to which post-charging studies may underestimate race effects first requires gauging the influence of race on arrest and charging decisions.

Little is currently know about death penalty charging practices. Much of the research on the topic has been methodological in nature, focusing on the development of Bayesian or counterfactual techniques for analyzing death penalty data, rather than understanding the role of racial factors (e.g., Berk et al., 1993; Weiss et al., 1996, 1999). And even when researchers do examine race effects, they often include samples of a few hundred defendants (e.g., Lee, 2007),

raising concerns regarding low statistical power (USGAO, 1990). This study provides estimates that are more robust by examining the charging outcomes of over 5,000 defendants from a large urban county. Moreover, I control for a wider range of covariates than previous research, including more refined measures of offense severity (e.g., heinousness index, number of counts, etc.) and social contextual factors (e.g., police agency, courthouse, etc.). As such, the current analysis provides a comprehensive picture of death penalty charging practices.

The present research also examines the police-prosecution nexus. Despite a robust literature on the racialization of homicide arrests (Riedel, 2008), no study has directly examined the relationship between homicide arrest and prosecution outcomes. Differential homicide arrest rates may help to explain racial disparities uncovered in prior research. Indeed, several death penalty scholars have argued that the police play a critical role in shaping death penalty outcomes by determining which cases enter into the system as well as the quality of evidence brought to prosecutors (Bright, 1994; Pierce & Radelet, 2005; Songer & Unah, 2006). Utilizing data on the full universe of homicides during a specific period, I am able to assess which cases are solved and how they are prosecuted once they enter into the court system. This type of multi-stage analysis helps to shed light on the cumulative effects of race within criminal justice institutions, thereby situating prosecution outcomes in a larger social and organizational context (Pierce & Radelet, 2005; Radelet & Pierce, 2009).

Theoretical Perspectives on Prosecutorial Discretion and Charging Decisions

Focal concerns theory posits that the intersection of organizational and socio-cultural factors lead criminal justice officials to invoke racial stereotypes when making decisions. Steffensmeier et al. (1998) identify three focal concerns that help to account for racial disparities

within criminal justice institutions: (1) blameworthiness; (2) community protection; (3) and practical/organizational constraints. Officials attempt to gauge defendants' culpability by relying on readily observable factors such as prior criminal history, offense severity, and signs of remorse, while also seeking to incapacitate potentially dangerous offenders to minimize their future risk to society by relying on proxies for future criminality (e.g., criminal history, social support networks, employment, etc.).

At the same time, discretionary actions are constrained by organizational pressures and organizational cultures. As members of a courtroom workgroup, criminal justice actors develop shared understandings about the acceptable amount of punishment for certain offenses (i.e., "going rates") based in part on caseload size and local/state concerns regarding jail/prison overcrowding (Eisenstein et al., 1988, 1977; Ulmer, 1997). Because prosecutors, defense attorneys, and judges strive to maintain strong working relationships with each other they develop and adhere to specific court procedures designed to increase case-flow efficiency (Kutateladze et al., 2014). Research suggests that these local legal cultures are influenced by jurisdictional demographics, crime rates, organizational factors, and workforce diversity (Ulmer, 2012; see also Ward, Farrell, & Rousseau, 2009).

Consideration of focal concerns, coupled with officials' usage of stereotypes, leads to racial disparities. Because legal actors typically make decisions based on incomplete or partial information they tend to invoke racial stereotypes as a kind of "perceptional shorthand" (Steffensmeier et al., 1998, p. 767). Stereotypes linking racial/ethnic minorities to criminality lead prosecutors and judges to use race as a proxy for less easily observable focal concerns (e.g., culpability, future dangerousness, etc.). In other words, racial stereotypes creep into the

administration of justice by influencing officials' considerations of the aforementioned focal concerns.

The focal concerns perspective describes the formation of racial bias within the criminal justice system, while the cumulative disadvantage perspectives shed light on the accumulation of racial bias across multiple stages. Zatz (2000, 1987) argues that explicit racial discrimination in the courts has largely been displaced by subtler, but equally pernicious, biases stemming from the cumulative effects of multiple decisions. According to this logic, racial disparities take two forms: subtle biases which operate through case processing mechanisms such as bail or plea agreements (i.e., indirect effects) and overt bias arising from more intentional forms of discrimination (i.e., direct effects). Early decisions in the criminal justice system (e.g., arrest) also influence later ones (e.g., charging/sentencing severity) by shaping the pool of potential defendants at each stage (Kutateladze et al., 2014, 2012; Spohn, 2000; Zatz, 1987, 2000). That is, "race/ethnicity has small, and often statistically nonsignificant, effects on decision making at various stages of the process...But as the person moves through the system, these add up to statistically significant, disparities in processing and outcomes for different social groups" (Zatz, 1987, p. 76).

Several hypotheses flow from these theories. Focal concerns theory predicts that homicide cases involving minority victims are less likely to result in an arrest or the filing of a death penalty eligible charge because stereotypes regarding Black/Latino criminality are ascribed to these victims. In the absence of detailed victim information, race serves as a proxy for less readily observable indicators such as social status, "innocence," or "dangerousness" (Steffensmeier et al. 1998). In contrast, these same racial stereotypes will lead officials to punish minority defendants more harshly than White defendants because they are seen as more culpable.

It is also expected that death penalty charging rates will be higher in crimes involving White victims and minority offenders given public concern surrounding minority-on-White violence (Jacobs & Wood, 1999; Tonry, 1995). That is, homicides with minority offenders and White victims may receive harsher punishment as they tap into Whites' fears of victimization at the hands of minorities (Gruenewald, Chermak, & Pizarro, 2013; Gruenewald, Pizarro, & Chermak, 2009; Lundman, 2003; Lundman, Douglass, & Hanson, 2004). Cumulative disadvantage theory (Spohn, 2000; Zatz, 1987, 2000) suggests that victim race will have an indirect effect on death penalty charging practices, with racial disparities compounding across stages of the death penalty system. More specifically, cases with minority victims will be less likely to result in an arrest, which in turn makes them less likely to contain a death-eligible charge. In other words, victim race will have an indirect effect on prosecutorial charging practices through its prior effect on homicide arrest patterns.

Data and Methodology

This two-part analysis focuses on the arrest and charging outcomes of willful homicides that occurred in LA County between 1990 and 1994.[17] During this period, 47% of homicides were solved, leading to the prosecution of 5,414 homicide defendants. Part 1 examines the arrest outcomes of all homicides in the sample, elucidating the process by which homicides enter into LA County's criminal justice system. Part 2 focuses on prosecutors' death penalty charging decisions among defendants in the sample of solved cases; here the estimated likelihood of arrest from Part 1 is used to predict prosecutors' filing of death-eligible charges.[18] Prior research indicates that a large proportion of cases resulting in second-degree murder or voluntary

[17] Accidental, vehicular, and justifiable homicides are excluded from this analysis.
[18] Voluntary manslaughter (PC § 192) cases comprise roughly 1.4% of defendants in the sample.

manslaughter charges at disposition are factually death eligible (Baldus & Woodworth, 2009; Sorensen & Wallace, 1999), thus defendants charged with murder (PC § 187) or voluntary manslaughter (PC § 192) are included in the sample. This approach provides robust estimates by expanding the pool of defendants and acknowledges that prosecutors' initial murder charges can shift overtime (Radelet & Pierce, 1985). Recognizing that racial disparities often compound as cases move through the criminal justice system, the two-part analysis strategy explicitly models this funneling process (Berk, 1983; Bushway, Johnson, & Slocum, 2007; Zatz, 1987). As described below, regressions control for a host of demographic variables, case characteristics, and social contextual factors to ensure that any observed race effects are non-spurious (see the Appendix for variable descriptions and coding schemes).

Information was triangulated from multiple sources to generate the most comprehensive dataset possible. Since California does not maintain a centralized database linking homicide victims and offenders (Riedel, 1999), information on each victim and defendant was compiled by linking various local and state governmental sources. Data were culled from local law enforcement agencies, California Department of Justice, California Vital Statistics, Coroner's Office, Superior Court, and DA's Office. These data are analyzed because, in contrast to other publicly available datasets, they include the full universe of homicides during the study period. The ability to track homicides through multiple stages of the criminal justice system, beginning with the commission of a crime, facilitates the examination of cumulative race effects. Moreover, my unique dataset contains a wider range of victim/defendant demographics and case characteristics than other databases, especially aggravating circumstances (for a description of homicide datasets, see Auerhahn, 2007).

Research Setting: Los Angeles County's Socio-legal Landscape during the early 1990s

In LA County and elsewhere, homicide rates were at historically high levels in the early 1990s (Blumstein & Wallman, 2006), allowing for a robust analysis of criminal justice processing of homicide cases by increasing the sample size.[19] In terms of the study site, several factors make LA County an ideal locale to examine death penalty charging practices. Not only does LA County have one of the largest prosecutorial agencies in the U.S. (LA County District Attorney's Office, 2015), but it also accounts for the majority of death sentences and unsolved homicides in California (CADOJ, 2010; CDCR, 2015). In light of these factors, the study of LA County during this period provides valuable insights into the criminal justice processing of homicides.

Entry into the death penalty system begins with a homicide investigation by local law enforcement. Once a homicide is "cleared by arrest," it is eligible for prosecution by the DA's office. In California, only first-degree murders that involve at least one of the twenty-two statutorily defined aggravating circumstances enumerated in Penal Code §190.2 qualify for the death penalty (Kreitzberg, 2008). These aggravating circumstances, known as "special circumstances" in California, include factors like multiple murder or felony-murder that make a case more heinous. In LA County, once a special circumstance has been filed, a group of high-ranking deputy DAs called the "special circumstance committee" recommends whether the death penalty will be sought, with the committee chair making a final recommendation to the head DA (Minsker, 2008). If the head DA decides to seek the death penalty, the case proceeds to a capital trial.

California's death-eligibility is among the "toughest" and most expansive in the nation (CCFAJ, 2008, p. 4). Almost 90% of first-degree murder cases factually qualify for the death

[19] For example, there were 1,768 homicides in LA County in 1990 versus 600 in 2012 (CADOJ, 2015).

penalty in California under one or more special circumstance (CCFAJ, 2008; Shatz & Rivkind, 1997), rendering the state's death-eligibility criterion even broader than the one deemed unconstitutional in *Furman v. Georgia* (Shatz & Rivkind, 1997). California's exceedingly expansive death penalty statute affords prosecutors considerable charging power, increasing the potential for inter-jurisdictional and racial disparities (Petersen & Lynch, 2013). Despite the state's broad death-eligibility, it appears that a few special circumstances, especially felony-murder and multiple-murder, account for the majority of death-eligible homicides (Kreitzberg, 2008; Shatz, 2007).

Dependent Variable 1: Homicide Arrests

The first dependent variable focuses on one of the most important turning points in the investigation and prosecution of a homicide—whether or not the case is cleared by arrest. Clearance determines which homicides enter into the criminal justice system, as the prosecution of a case, by definition, depends upon the apprehension of a suspect (Riedel, 2008). Based on the CADOJ's (2010, p. 50) definition, and in line with prior research (Riedel, 2008), clearance status is measured dichotomously (1 = at least one person arrested or identified, 0 = no arrests made or suspects not identified). According to the CADOJ, a case is cleared by arrest when "at least one person is arrested, charged with the commission of an offense, and turned over to a court for prosecution."

Dependent Variables 2-3: Special Circumstance Filings

The next set of dependent variables includes a binary and ordinal measure of special circumstance filings defined under PC §190.2. For the binary measure, defendants charged with

at least one of the special circumstances enumerated in PC §190.2 are coded as one, otherwise the defendant is coded as zero (0 = no special circumstances, 1 = at least one special circumstance). This binary measure taps into one of the most pivotal points in California's death penalty process—the decision to file charges that make a case death penalty eligible. The third dependent variable measures the number of special circumstances filed (0 = no special circumstances, 1 = one special circumstance, 2 = two or more special circumstances).[20] While only one special circumstance is required for death-eligibility in California under PC §190.2, the filing of additional special circumstances is important because it is associated with a higher probability of capital prosecution (Petersen & Lynch, 2013; Yarvis, 2000). Prosecutors often seek to maximize conviction rates when making charging decisions (Albonetti, 1986, 1987; Landes, 1971; Rasmusen et al., 2009), and thus the filing of multiple special circumstances increases the likelihood of advancing to a capital trial (Petersen & Lynch, 2013; Yarvis, 2000).

Predictors of Homicide Arrests in Part 1

Victim race is coded using a series of dummy variables: Latino, Black, and White (reference).[21] Prior research suggests that cases involving female, childhood, or elderly victims garner greater police and prosecutorial attention, and thus gender is dichotomously coded and age is a continuous variable (Baldus et al., 1990; Riedel, 2008; Williams & Holcomb, 2004; Williams, Demuth, & Holcomb, 2007). Victim "social status" can shape case-processing outcomes, with cases involving educated and married/widowed victims being more likely to involve a death sentence (Phillips, 2009). The victims' educational attainment also serves as a

[20] Since few defendants were charged with more than two special circumstance allegations, the upper-limit of this variable was placed at two.

[21] Asian and "other" races were excluded from the sample due to the small number of victims and defendants in these groups. "Other" races included Native Americans, Middle-eastern Americans, etc. Prior research on court processing has excluded these groups from analysis (Demuth, 2003; Spohn & Sample, 2008; Wang & Mears, 2010).

proxy for socioeconomic status. To capture victim "social status" a series of dummy variables measured educational, marital, and citizenship status. Like prior research, suspect demographics are excluded given that this information is not known for unsolved homicides (e.g., Addington, 2007; Alderden & Lavery, 2007; Lee, 2005; Litwin, 2004; Litwin & Xu, 2007; Puckett & Lundman, 2003; Regoeczi & Jarvis, 2013; Regoeczi, Jarvis, & Riedel, 2008; Regoeczi, Kennedy, & Silverman, 2000; Roberts, 2007; Roberts & Lyons, 2011).

When estimating the likelihood of arrest it is critical to include non-racial covariates, as some homicides are more difficult to solve than others due to the circumstances surrounding the incident. For example, cases involving firearms typically contain less forensic evidence and residential homicides are less likely to have a witness since the crime occurred outside of public view. Prior studies emphasize the use of circumstance, weapon, and location variables as proxies for evidence, including those employed in this study (Riedel, 2008). Therefore, a series of categorical variables measuring crime characteristics associated with physical evidence were added: (a) multiple victims (1 = yes, 0 = no), (b) victim–offender relationship (family member, lover, stranger, unknown, friend/acquaintance [reference]), (c) firearm (1 = yes, 0 = no), (d) circumstance (felony, gang-related, other, unknown, fight/altercation [reference]), (e) incident location (residence, other, street/sidewalk/unknown [reference]), (f) incident day (weekend, day unknown, weekday [reference]), and (g), time of incident (9pm-6am, time unknown, 6am-9pm [reference]). In addition, models control annual differences in the clearance rate using dummy variables for years 1990 to 1994 (Lee, 2005; Litwin, 2004; Litwin & Xu, 2007). In light of research finding jurisdictional variation in homicide arrest patterns, I control for the police agency investigating the case (Borg & Parker, 2001; LaFree et al., 2010; Ousey & Lee, 2010; Roberts, 2014).

Predictors of Special Circumstance Filings in Part 2

Given the cumulative nature of homicide case processing, models predicting special circumstance filings in Part 2 utilize many of the aforementioned variables from Part 1. In addition to the covariates listed above, Part 2 includes defendant demographics and case characteristics. While defendant information is not available for many unsolved homicides, these data are readily available for solved homicides. Similarly, case characteristics (e.g., number of defendants, charges, etc.) are, by definition, only available for solved homicides where a case is filed at the DA's office.[22]

Defendant demographics are coded in a similar manner to victim characteristics.[23] For instance, defendant race is coded using dummy variables: Latino, Black, and White (reference). Defendant gender is dichotomously coded, whereas defendant age is a continuous variable. As a measure of criminal history, defendants' prior felony convictions are controlled. In light of prior research highlighting the geography of criminal justice (Ulmer, 2012), I include dummy variables for the LA County superior courthouse branch in which the case was filed (e.g., Central, Torrance, etc.). A dummy variable captures whether the case resulted in a dismissal. Finally, I control for the presence of multiple defendants because prosecutors may be more likely to offer a charge/sentence reduction in such cases in exchange for evidence implicating another defendant (CCFAJ, 2008).

In addition, models control for offense severity since more serious cases warrant harsher punishment. In particular, I measure the presence of death-eligible characteristics as defined by PC §190.2 using four separate dummy variables. Given that felony-murder (PC §190.2, section

[22] Crime characteristics for Part 1 come from police files, but originate from court files in Part 2 to ensure that information is based on completed homicide investigations.
[23] For multi-victim cases, modal responses for the aforementioned variables were used, with the exception of victim age, which was averaged across the number of victims.

17) and multiple victims **(**PC §190.2, section 3**)** are among the most common special circumstances in California, separate indicators are included for each one (Kreitzberg, 2008; Shatz, 2007). All of the remaining death-eligible offenses (e.g., murder of a witness, murder of a police officer, etc.) were captured using a single indicator. Additional measures of offense severity include the number of criminal counts. Finally, following Phillips (2009), heinousness index based on various aggravators and mitigators identified by Baldus et al (1990) was constructed (see Table 3).

Table 3. Aggravating and Mitigating Factors used to construct Heinousness Index

Aggravating factors	**Mitigating factors**
• Defendant used multiple murder methods • Defendant used multiple murder methods • Victim was supporting children • Victim was unusually defenseless (i.e., sleeping, aged, handicapped, pregnant, etc.) • Defendant had a history of gang activity • Murder was gang motivated	• Victim physically provoked defendant • Defendant was drunk or on drugs • Defendant was mentally impaired • Defendant had a history of substance abuse • Victim killed in commission of a crime • Defendant had a history of physical, mental, or emotional problems • Victim had a history of gang activity • Defendant didn't use the deadly weapon • Defendant was an accomplice in the murder • Murder occurred in the midst of a “lover's triangle” • Murder arose from argument over money, property, or drugs

NOTES: Aggravators and mitigators identified by Baldus et al (1990).

Analysis Strategy

This two-part analysis examines: (1) whether, among the full sample of victims, a case results in an arrest; and (2) the probability of special circumstance filings for defendants charged with homicide. Following prior research, victims serve as the unit of analysis in Part 1 predicting arrests (Riedel 2008), while defendants are the unit of analysis in Part 2 modeling charging outcomes (Baldus & Woodworth, 2009). In light of the fact that arrest and prosecution studies

typically utilize differing units of analysis, a two-part modeling strategy is employed rather than a Heckman selection model.[24] This type of modeling approach has been commonly utilized in the court-processing literature and simulates many of the key features of a Heckman selection model, including the ability to control for selection bias and model entry into the sample via inclusion of the hazard rate, which in this case is defined as the likelihood of arrest (Demuth, 2003; Keil & Vito, 1990; Leiber & Fox, 2005; Leiber & Mack, 2003; Rodriguez, 2010; Steen, Engen, & Gainey, 2005; Steffensmeier & Demuth, 2001; Ulmer & Johnson, 2004).

Several additional features of the models are noteworthy. Logistic regressions were used to predict the odds of an arrest and special circumstance filing as these are binary measures, while ordered-logistic regression was used to predict the presence of multiple special circumstance allegations.[25] It is unlikely that victims/defendants within the same incident/case are statistically independent, and thus clustered standard errors help to account for this potential correlation (Baldus & Woodworth, 2009; Petersen & Lynch, 2013; Pyrooz, Wolfe, & Spohn, 2011). For homicide victims in Part 1, standard errors are clustered at the incident level, whereas standard errors are clustered at the case-level in Part 2 since defendants are the unit of analysis.

The modeling process is as follows. Part 1 includes a logistic regression predicting the likelihood of arrest among the full universe of homicides during the period of analysis. After running the model, the predicted probability of arrest was saved and used to calculate the hazard rate by dividing the probability density function over the cumulative distribution function. In Part 2 among the sample of solved cases, the hazard rate is used as a predictor of special circumstance

[24] In this case, a Heckman selection model would require that each defendant and victim represent a row in the dataset, thereby artificially inflating the sample size and producing ambiguity in terms of the unit of analysis. For example, a homicide with two victims and two defendants would produce six rows (two victim rows + two defendant rows + two rows for each victim and defendant combination).

[25] In a supplementary model, not shown here but available upon request, the proportional odds assumption was relaxed using STATA's "gologit2" command. The results from this model are substantively similar to those presented here with respect to many of the key variables of interest. Given that these methods yield substantively similar results, the model assuming proportional odds is presented in the interest of parsimony.

filings. Including the hazard rate of arrest allows me to explicitly model the funneling of homicide cases into the criminal justice system (Berk, 1983). Models predicting homicide arrests (Part 1) and charging decisions (Part 2) include many of the same covariates, with some notable exceptions. Several key variables were purposefully excluded from Part 2 to fulfill the exclusion restriction requirement (Bushway et al., 2007). Based on the arrest and prosecution literatures, exclusion restrictions for this study include: incident time (hour and day) and crime scene location (Baldus & Woodworth, 2009; Riedel, 2008).[26, 27]

Findings: Race, Homicide Arrests, and Death Penalty Charging Practices

Summary statistics and logistic regressions reveal robust victim race effects. After controlling for a host of legally relevant factors, cases with minority victims are less likely to be solved and charged with a death penalty eligible offense. Furthermore, the likelihood of arrest is positively associated with special circumstance filings, underscoring the police-prosecution nexus in potentially capital cases. In contrast, defendant race alone plays less of a role in death penalty charging practices, although defendant race interacts with victim race. In particular, cases involving Black defendants and White victims receive the most severe sanctions out of any other victim-by-defendant racial combination.

[26] Exclusion restrictions are defined as variables that affect the selection process (i.e., likelihood of arrest), but not the substantive equation of interest (i.e., death penalty charging) (Berk, 1983; Bushway, Johnson, & Slocum, 2007). Exclusion restrictions help to minimize possible multi-collinearity induced by inclusion of the hazard rate, reducing the potential for inflated standard errors (Berk, 1983; Bushway et al., 2007).

[27] Incident time and location serve as proxies for evidence in sense that crimes occurring in the daytime or public spaces are more likely to have witnesses (Riedel, 2008). According to this logic, these measures should predict the likelihood of arrest, but not the filing of death-eligible charges. Supplementary regressions indicate that incident location is significantly linked to the odds of arrest but not to death penalty charging decisions, while incident time is unrelated to both. Guided by theory (Riedel, 2008), I employ incident time and location as exclusion restrictions.

Summary Statistics

Summary measures reveal a dramatic funneling process at the front end, with only 47% of homicides resulting in an arrest (see Table 1 in Chapter 1). Among solved cases, special circumstances were charged in less than a third of cases (see Table 2 below). Blacks (34%) and Latinos (49%) comprise roughly 83% of all victims, but only 65% of victims in special circumstance cases. Nearly all victims (86%) and offenders (94%) are young men, the majority of whom range from 25 to 28 years old. The LAPD (54%) and LASD (26%) investigate the majority of homicides, primarily resulting in case filings at the downtown (46%) and Compton (11%) courthouse branches. Offense severity and prior criminal history vary based on death-eligibility: compared to the total pool of defendants, cases with a special circumstance are more aggravated in terms of defendants' prior felony convictions (M = .27 vs. M =.25), heinousness index (M = -0.66 vs. M = -1.07), multiple victims (M = 0.32 vs. M = 0.09), contemporaneous felony (M = 0.89 vs. M = 0.50), and log number of counts (M = 0.86 vs. M = 0.75).

Table 4. Summary Statistics for Analysis of Special Circumstance Filings

	Solved cases		**Death-eligible cases**	
	Mean	SD	Mean	SD
Dependent Variable:				
Special circumstances (yes/no)	0.21	0.41	1.00	0.00
Special circumstances (0,1, and 2 or more)	0.27	0.57	1.30	0.46
Victim demographics:				
Victim race: Black	0.34	0.47	0.30	0.46
Victim race: Latino	0.46	0.50	0.36	0.48
Victim age	28.72	13.32	33.83	14.86
Victim age squared	1002.41	1014.96	1365.25	1271.89
Grade-level unknown	0.48	0.50	0.34	0.47
Non-High School grad	0.36	0.48	0.40	0.49
Married/widowed	0.21	0.41	0.30	0.46
Marriage status unknown	0.07	0.26	0.08	0.28
Defendant demographics:				
Defendant race: Black	0.41	0.49	0.50	0.50
Defendant race: Latino	0.46	0.50	0.34	0.47
Defendant race: Asian	0.03	0.16	0.02	0.15

Defendant gender: male	0.94	0.23	0.95	0.22
Defendant age	25.58	8.70	24.53	7.15
Defendant age squared	75.70	198.29	51.97	122.55
Log (# of prior felony convictions)	0.25	0.47	0.27	0.51
Case characteristics:				
Heinousness	-1.07	1.78	-0.66	1.68
Multiple victims	0.09	0.28	0.32	0.47
Log (# of counts)	0.75	0.25	0.86	0.43
Contemporaneous felony	0.50	0.50	0.89	0.31
Firearm weapon	0.68	0.47	0.69	0.46
Relationship: friend/acquaintance/other	0.42	0.49	0.31	0.46
Relationship: Family	0.04	0.19	0.01	0.11
Relationship: Lover	0.05	0.21	0.02	0.16
Multiple defendants	0.40	0.49	0.58	0.49
Case dismissed	0.19	0.40	0.17	0.37
Social contextual factors:				
Incident year 1991	0.22	0.41	0.24	0.43
Incident year 1992	0.21	0.41	0.23	0.42
Incident year 1993	0.20	0.40	0.17	0.38
Incident year 1994	0.16	0.37	0.16	0.37
LAPD case	0.62	0.49	0.59	0.49
LASD case	0.21	0.41	0.22	0.41
Courthouse: Pasadena	0.04	0.19	0.05	0.21
Courthouse: Pomona	0.06	0.24	0.06	0.23
Courthouse: Van Nuys	0.04	0.20	0.05	0.22
Courthouse: Lancaster	0.02	0.13	0.03	0.16
Courthouse: Long beach	0.08	0.27	0.06	0.23
Courthouse: San Fernando	0.06	0.23	0.06	0.24
Courthouse: Santa Monica	0.03	0.18	0.06	0.24
Courthouse: Compton	0.12	0.32	0.10	0.29
Courthouse: Norwalk	0.06	0.24	0.05	0.22
Courthouse: Torrance	0.04	0.20	0.04	0.19

Listwise deleted sample. Reference groups: white/other victim race; high school; single; white/other defendant race; 1990 incident year; other city police agencies; central courthouse branch

Part 1: Effect of Race on Homicide Arrests

According to Model 1, homicides with minority victims are less likely to result in an arrest (Table 4). Compared to cases involving White victims, the odds of clearance are 28% lower for Latino victims and 13% lower for Black victims. In addition, like prior research,

several crime characteristics significantly predict the likelihood of arrest (Riedel 2008). A multi-victim homicide is 42% more likely to be solved than a single-victim incident, while homicides involving a firearm are 40% less likely to be solved than non-firearm cases. Incidents stemming from a fight/altercation are more likely to be solved than those arising from felony-related, gang-related, and other/unknown circumstances. Compared to cases involving a friend/acquaintance, the odds of arrest are 14% lower for cases involving family members, 41% lower for cases involving strangers, and 85% lower for cases with an unknown victim offender relationship. In reference to crimes occurring in the street/road, the likelihood of clearance is 31% higher for residential homicides, 15% higher for other locations, and 2.18 times higher for crimes with an unknown crime scene location. Finally, homicides occurring after 1991 and those handled by smaller city police departments are less likely to result in an arrest.

Table 5. Logistic Regression Predicting the Odds of Arrest for LA County Homicide Victims

	Model 1
	Odds Ratio(SE)
Victim characteristics:	
Black victim	0.87* (0.07)
Latino victim	0.77*** (0.06)
Asian victim	0.72** (0.10)
Victim sex: male	0.86** (0.06)
Victim age	0.99** (0.00)
Victim age-squared	1.00 (0.00)
Victim legal resident	1.01 (0.06)
Non-High School grad	0.92 (0.05)
College grad	1.06 (0.08)
Grade-level unknown	1.19 (0.26)
Married/widowed	0.94 (0.06)
Marriage status unknown	0.74 (0.17)
Nighttime offense	0.97 (0.06)
Unknown offense time	1.04 (0.07)
Crime characteristics:	
Weekend homicide	1.02 (0.05)
Day unknown	0.81 (0.13)

Firearm	0.67*** (0.04)
Multiple victims	1.31** (0.16)
Location: residence	1.13* (0.08)
Location: other	1.15** (0.07)
Location: unknown	2.18** (0.69)
Circumstance: felony	0.73*** (0.05)
Circumstance: gang related	0.60*** (0.04)
Circumstance: unknown	0.40*** (0.04)
Circumstance: other	0.65*** (0.08)
Relationship: family	0.84 (0.12)
Relationship: domestic partner	0.88 (0.12)
Relationship: stranger	0.65*** (0.04)
Relationship: unknown	0.15*** (0.01)
Relationship: other	0.16*** (0.05)
Social contextual factors:	
Incident year 1991	1.04 (0.08)
Incident year 1992	0.82** (0.06)
Incident year 1993	0.79*** (0.06)
Incident year 1994	0.66*** (0.05)
LAPD case	1.64*** (0.11)
LASD case	0.99 (0.07)

Exponentiated coefficients; Standard errors in parentheses.
NOTES: Listwise deleted sample. Standard errors clustered by incident using STATA's "vce(cluster)" command. Reference groups: white/other race; high school; single; daytime incident; weekday incident; non-firearm; street/sidewalk; fight/altercation; friend/acquaintance; 1990 incident year; other city police agencies.
* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Part 2: Effects of Race and Policing Practices on Special Circumstance Filings

Regression estimates speak to the impact of race on prosecutorial decision-making. Compared to cases with White victims, the odds of a special circumstance filing are 70-65% lower for cases with Black victims and 52-54% lower for cases with Latino victims (Models 2-3). In addition, victim race indirectly shapes charging practices, as evidenced by the positive effect of the hazard rate ($\beta = 1.76$, $p < .01$; $\beta = 1.97$, $p < .001$). Cases involving minority victims are less likely to be solved (Model 1), which in turn, decreases the odds of a special circumstance

filing (Models 2-3). In this way, racial disparities at earlier stages shape the trajectory of homicide cases, influencing subsequent case outcomes. While victim race is implicated in arrest and charging decisions, none of the defendant race variables are significant.

In addition, regression estimates uncover the significance of several non-racial predictors. Cases involving female victims are less likely to involve a special circumstance than those with a male victim, while defendants accused of killing older victims are more likely to be charged with a death-eligible offense. Defendants accused of killing a married or widowed victim are 30% more likely to be charged with a special circumstance than those accused of killing an unmarried victim. Compared to cases involving a stranger victim-offender relationship, the odds of a special circumstance filing are 29% lower for those involving friends/acquaintances, 62% lower for cases involving family members, and 27% lower for those involving lovers. Consistent with California's death penalty statute, cases involving multiple victims, felony circumstances, or other death-eligible crimes are more likely to involve a special circumstance allegation. Multi-victim cases are 13 times more likely to be prosecuted with a death-eligible charge than single-victim cases, defendants charged with a contemporaneous felony are 11 times more likely to be charged with a special circumstance, and cases with "other" types of death-eligible crimes are 2.6 times more likely to involve a special circumstance. Not surprisingly, dismissed cases are 46% less likely to contain a death-eligible charge. Social context matters too: compared to defendants prosecuted at the central downtown courthouse, death-eligible charges are less likely to be filed against defendants prosecuted in Long Beach or Compton, while those prosecuted in Santa Monica are more likely to be charged with a special circumstance.

Table 6. Logistic and Ordered-Logistic Regressions Predicting Death Penalty Eligible Charge in LA County Murder Cases

	Logistic (Model 2) Beta(SE)	Ordered-Logistic (Model 3) Beta(SE)
Hazard rate: odds of arrest	1.76** (0.80)	1.97*** (0.76)
Victim demographics:		
Victim race: Black	-1.16*** (0.23)	-1.00*** (0.22)
Victim race: Latino	-0.78*** (0.22)	-0.77*** (0.22)
Victim age	0.07*** (0.02)	0.07*** (0.02)
Victim age squared	-0.00* (0.00)	-0.00* (0.00)
Grade-level unknown	-0.05 (0.26)	0.02 (0.25)
Non-High School grad	0.01 (0.26)	0.03 (0.24)
Married/widowed	0.31** (0.16)	0.24 (0.15)
Marriage status unknown	0.67 (0.53)	0.45 (0.48)
Defendant Demographics:		
Defendant race: Black	0.35 (0.24)	0.24 (0.23)
Defendant race: Latino	-0.35 (0.22)	-0.36 (0.23)
Defendant gender: male	-0.24 (0.24)	-0.23 (0.22)
Defendant age	0.00 (0.01)	0.00 (0.01)
Defendant age squared	-0.00** (0.00)	-0.00** (0.00)
Log (# of prior felony convictions)	0.01 (0.12)	0.04 (0.12)
Case characteristics:		
Heinousness index	-0.06 (0.04)	-0.07* (0.04)
Multiple victims	2.57*** (0.34)	2.72*** (0.28)
Contemporaneous felony	2.37*** (0.16)	2.30*** (0.16)
Other death-eligible offenses	0.98*** (0.24)	1.07*** (0.24)
Log (# of counts)	0.34 (0.23)	0.32* (0.20)
Firearm weapon	-0.78*** (0.28)	-0.89*** (0.27)
Relationship: friend/acquaintance/other	-0.47*** (0.14)	-0.41*** (0.14)
Relationship: Family	-1.11** (0.50)	-1.14** (0.47)
Relationship: Lover	-0.43 (0.26)	-0.54** (0.27)
Multiple defendants	0.34** (0.15)	0.37*** (0.14)
Case dismissed	-0.53** (0.25)	-0.55** (0.24)
Social contextual factors:		
Incident year 1991	0.20 (0.19)	0.20 (0.18)
Incident year 1992	0.08 (0.24)	0.17 (0.24)
Incident year 1993	-0.06 (0.19)	0.02 (0.18)
Incident year 1994	0.07 (0.20)	0.08 (0.20)
LAPD case	-0.07 (0.25)	-0.13 (0.23)
LASD case	-0.22 (0.22)	-0.14 (0.22)
Courthouse: Pasadena	0.09 (0.43)	-0.08 (0.42)

Courthouse: Pomona	0.12 (0.36)	0.05 (0.33)
Courthouse: Van Nuys	0.20 (0.28)	0.36 (0.27)
Courthouse: Lancaster	0.16 (0.51)	-0.03 (0.45)
Courthouse: Long beach	-0.75** (0.29)	-0.82*** (0.27)
Courthouse: San Fernando	0.06 (0.29)	0.07 (0.28)
Courthouse: Santa Monica	0.75** (0.33)	0.74** (0.34)
Courthouse: Compton	-0.33 (0.24)	-0.33 (0.22)
Courthouse: Norwalk	-0.11 (0.32)	-0.02 (0.32)
Courthouse: Torrance	-0.50 (0.40)	-0.40 (0.40)

Standard errors in parentheses
NOTES: Special Circumstances as defined by Cal Pen Code §190.2. Ordinal dependent variable = 0; 1; and 2 or more special circumstances. Standard errors clustered by case using STATA's vce(cluster) command. Listwise deleted sample. [Reference groups: white victim race; high school; single; white defendant race; 1990 incident year; other city police agencies; central courthouse branch
* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

In light of research highlighting the interactive effects of victim and defendant race, Models 4 and 5 examine victim-by-defendant racial interactions (Baldus et al. 1990; Baldus and Woodworth 2003; USGAO 1990). A series of dummy variable interaction terms were constructed based on different victim-defendant race combinations (e.g., White victim/Black defendant, White victim/Latino defendant, etc.) with White-on-White crimes as the reference group (Spohn & Holleran, 2000; Steen et al., 2005; Steffensmeier et al., 1998; Williams & Holcomb, 2004). In the interest of parsimony, Table 7 only lists these racial interaction terms since many of the other variables have very similar effects (full models available upon request). Compared to cases with White victims and White defendants, the odds of a death-eligible charge are 49%-44% lower for Black victim/Black defendant cases, 60%-66% lower for Black victim/Latino defendant cases, and 62%-63% lower for Latino victim/Latino defendant cases. When the victim is White, the odds of a special circumstance are 2.3 to 1.6 times greater for Black defendants than White defendants. Figure 2, which displays the predicted probabilities from Model 4, highlights two noteworthy patterns. First, for minority defendants, and to a lesser

extent White defendants, intra-racial homicides are less likely to result in a death-eligible charge. Second, like prior studies, homicides involving white victims and Black defendants are more likely to be prosecuted with a special circumstance than any other victim-defendant racial combination (Baldus & Woodworth, 2003; Baldus et al., 1990; USGAO, 1990).

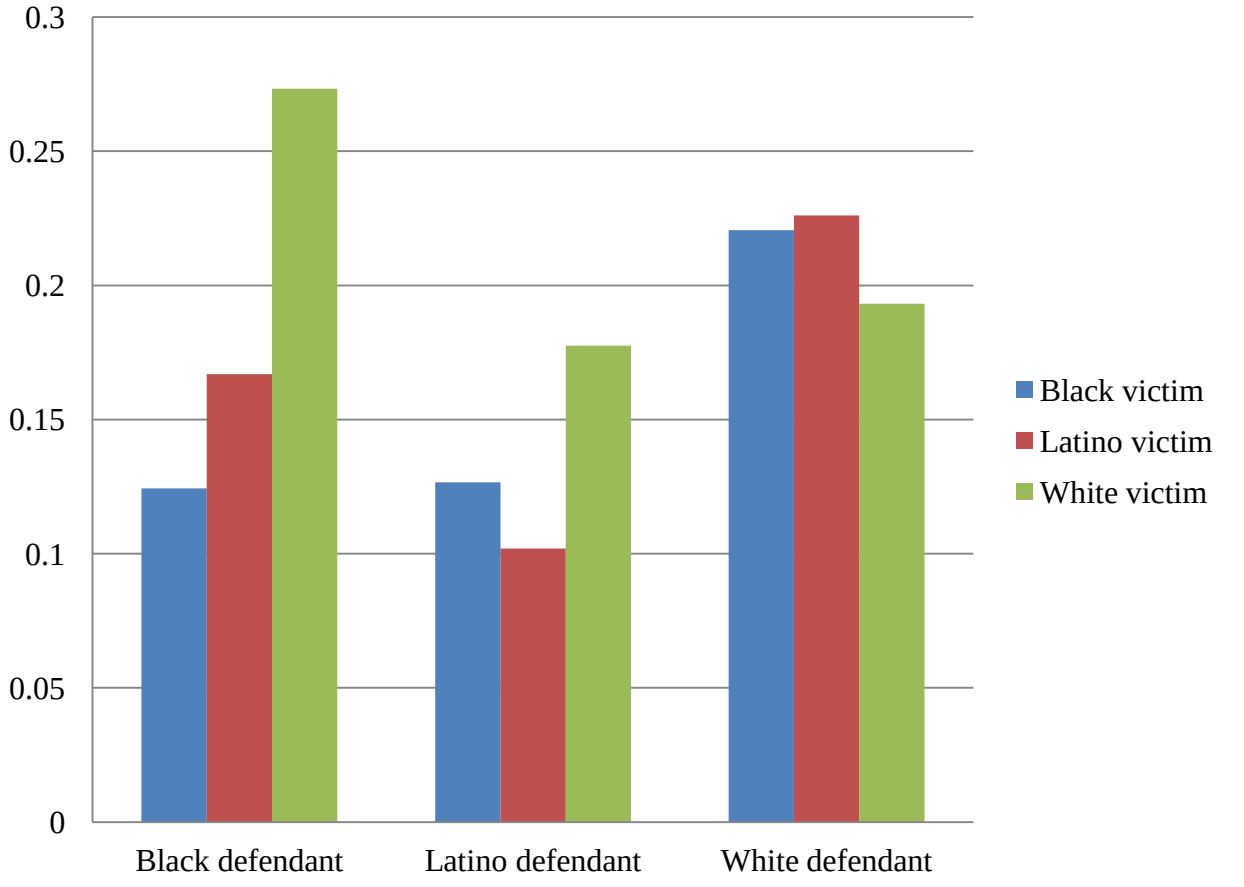
Table 7. Victim and Defendant Racial Interactions Predicting Death Penalty Eligible Charge

	Logistic (Model 4) Beta(SE)	Ordered-Logistic (Model 5) Beta(SE)
Black Victims:		
Black defendant	-0.69** (0.27)	-0.59** (0.27)
Latino defendant	-0.94*** (0.36)	-1.09*** (0.34)
White defendant	0.23 (0.50)	0.13 (0.45)
Latino Victims:		
Black defendant	-0.10 (0.30)	-0.22 (0.30)
Latino defendant	-0.99*** (0.26)	-1.00*** (0.28)
White defendant	-0.30 (0.45)	-0.08 (0.49)
White Victims:		
Black defendant	0.85** (0.33)	0.50* (0.29)
Latino defendant	-0.04 (0.29)	0.14 (0.28)
White defendant	Reference	Reference

NOTES: Models control for all of the same variables as Models 2 & 3, but these covariates are excluded for visual simplicity. Standard errors clustered by case using STATA's vce(cluster) command. Listwise deleted sample. Reference group = white victim & white defendant.

* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Figure 2. Predicted Probabilities by Victim and Defendant Race



NOTES: Predicted probabilities calculated based on Model 4 using STATA's "margins" command, holding covariates constant mean values.

Discussion and Conclusion

Despite the implementation of statutes intended to remove discretion by defining specific death-eligible offenses in the post-*Furman* era, racial disparities persist at the arrest and charging stages, at least in LA County. The breadth of California's death-eligibility affords prosecutors considerable latitude at the charging stage (Petersen & Lynch, 2013; Shatz, 2007), producing racially patterned special circumstance filings. Consistent with prior research focusing on prosecutors' decision to seek the death penalty, victim race plays a larger role in death penalty decision-making than defendant race (Baldus & Woodworth, 2003; Baldus et al., 1990; USGAO,

1990). Even after controlling for a host of case characteristics, defendants accused of killing White victims are more likely to be charged with a death-eligible offense than those accused of killing minority victims. Moreover, cases involving Black defendants and White victims are especially likely to be charged with a death-eligible offense compared to White-on-White crimes.

These findings shed light on the focal concerns perspective. As hypothesized, victim race alone, and in combination with defendant race, influences charging decisions. However, in contrast to my hypotheses, defendant race does not play a major role in prosecutorial decision-making. Victim race effects are consistent with prior research highlighting the influence of officials' stereotypes on criminal justices processes in southern California (Frohmann, 1991, 1997; Herbert, 1996, 1996), while victim-by-defendant interactions speak to more general theoretical expectations regarding Whites' fears about minority-perpetuated violence (Jacobs & Wood, 1999; Tonry, 1995). Moreover, newspaper accounts from the period of analysis showcase the importance of race for criminal justice outcomes (Rohrlich & Tulsky, 1996a, 1996c, 1996d). For example, one public defender remarked, "The overwhelming fact that determines the likely outcome [of a homicide case] is the background of the victim...If they are white, or if they are black but not from the projects, that will make a difference" (Rohrlich & Tulsky, 1996c, p. 2). Although regression models cannot directly speak to these processes due to the lack of individual-level data on prosecutors' stereotypes, the findings are generally consistent with the expectations of focal concerns theory (Steffensmeier et al., 1998).

Pre-charging decisions matter too, underscoring the police-prosecution nexus. In line with prior research (Riedel 2008), case characteristics shape homicide arrest outcomes, but cannot explain away victim race effects. Cases with minority victims are less likely to result in

an arrest, which in turn, decreases their likelihood of receiving a special circumstance filing. In this regard, racially disparate special circumstance filings are, in part, a product of lower arrest rates among minority victim cases. This pattern underscores the cumulative nature of racial bias within the death penalty institutions, beginning with the crime scene investigation (Baldus et al., 2009; Radelet & Pierce, 1985, 2009). The link between arrest and charging decisions also provides support for the courtroom workgroup perspective (Eisenstein et al., 1988, 1977; Ulmer, 1997). Given the close working relationship between detectives and prosecutors, the police may help to construct death-eligibility under-developing of cases with minority victims (Bright, 1994; Pierce & Radelet, 2005; Songer & Unah, 2006).

Regressions also underscore the micro-geography of capital punishment, potentially raising concerns about the quality of justice in LA County (Shatz & Dalton, 2013). Cases filed in the Long Beach are less likely to involve a special circumstance than those at the downtown courthouse, while the opposite is true for Santa Monica cases. To the extent that the meaning and "going rate" of death-eligible offenses vary across LA County courthouses, these patterns may represent divergent local legal cultures (Steffensmeier et al., 1998; Ulmer, 1997). Alternatively, inter-jurisdictional variations could stem from the demographic profiles of these areas, with Long Beach exhibiting a large minority population and Santa Monica representing a largely white constituency (U.S. Census, 1990). Prior work highlights the influence of inter-jurisdictional demographics on homicide case outcomes (Phillips, 2009; Shatz & Dalton, 2013) and prosecutors' qualitative assessments of criminal cases more generally (Frohmann, 1991, 1997). In order to help explain why such variability exists future research should include covariates at the courthouse level such as caseload pressure, racial composition of the surrounding era, and other social contextual measures.

The present study extends the death penalty literature in important ways. While prior research has found racial differences in homicide arrests rates (Riedel, 2008), scholars have not examined the police-prosecution nexus. This study explicitly modeled the funneling of cases into the death penalty system, and in doing so, helps to bridge the literatures on homicide arrests and court processing, highlighting the influence of policing practices on prosecutorial charging decisions. Findings indicate that the pool of victims becomes whiter as homicides advance through the criminal justice system, potentially obscuring victim race effects at later stages (Radelet & Pierce, 1985, 2009). In this regard, existing sentencing studies may actually *underestimate* the amount of racial bias within death penalty institutions by paying insufficient attention the racial homogenization of cases at earlier stages in the process. These insights suggest that multi-stage analyses offer a more holistic assessment of American capital punishment, attending to the multiple, and often subtle, ways in which race matters (Kutateladze et al., 2014).

Like any study, however, the contributions of this research are bounded by its shortcomings. Although evidence can play a key role in both arrest and prosecution decisions, I was unable to control for the strength of evidence, relying instead on proxy measures established in the arrest and prosecution literatures. Like other studies, this one utilized variables pertaining to location, victim-offender relationship, murder weapon, and circumstance characteristics as proxies for evidence (Baldus & Woodworth, 2009; Baldus et al., 2009; Riedel, 2008).[28] The hazard rate also helps to control for the availability/strength of evidence at the charging stage by explicitly modeling selection into the system, adjusting for any unobserved factors affecting the

[28] A number of arrest and prosecution studies have employed similar proxies (e.g., Addington, 2007; Alderden & Lavery, 2007; Berk et al., 1993; Bowers, 1983; Bowers & Pierce, 1980; Keil & Vito, 1990; Lee, 2005, 2007; Litwin, 2004; Litwin & Xu, 2007; Paternoster, 1984; Paternoster et al., 2004; Puckett & Lundman, 2003; Radelet, 1981; Radelet & Pierce, 1985, 2003; Regoeczi & Jarvis, 2013; Regoeczi et al., 2008, 2000; Roberts, 2007, 2014; Roberts & Lyons, 2011; Songer & Unah, 2006; Weiss et al., 1996, 1999).

likelihood of death penalty charges (Bushway et al., 2007; Leiber & Fox, 2005). Given the lack of data on evidentiary strength available in case-management databases employed by criminal justice agencies, including the dataset analyzed here, future research should explore alternative data collection techniques (Kutateladze et al., 2014; Shermer & Johnson, 2010).

The dataset is also limited to a single California county. However, the policy and theoretical relevancy of LA County warrants the analysis of this jurisdiction. Not only does LA County have a high homicide rate, but it also has one of the largest prosecutorial agencies in the U.S. (LA County District Attorney's Office, 2015), sending a large number of defendants to death row (CDCR, 2015). Moreover, LA County is comparable to other large urban jurisdictions along several dimensions, including its homicide rate, racial/ethnic composition, and criminal justice processing of homicides, increasing the generalizability of model estimates (Bureau of Justice Statistics, 2014; U.S. Census, 1990).[29]

Future research should examine the relationship between death penalty charging practices and later outcomes in the process. While regression models reveal robust victim race effects at both the arrest and charging stage, it is unclear whether these effects translate into racial disparities in terms of capital trial rates. Given the paucity of research on initial stages in the death penalty system, this study focused on arrest and charging decisions, but future research should examine later stages in the process. Cumulative disadvantage theory predicts that the victim race effects observed here would compound as cases advance through the death penalty system, yet this postulate requires empirical assessment and validation. Chapter 3 tests this prediction by tracking defendants throughout LA County's court system.

[29] The data presented here and murder cases in the "State Court Processing Statistics" database from 1994 have a number of similarities. In particular, for both datasets defendants are most commonly racial/ethnic minorities, male, and in their mid- to late-twenties (Langan & Brown, 1997).

Notwithstanding these limitations, the results of this study have a number of social justice and policy implications. Given that the public often views modern capital punishment as a valuation of the victim, such patterns could reinforce stereotypes about "worthy" victims (Baldus & Woodworth, 2003; Baldus et al., 2009). The large number of unsolved murders involving minority victims may also leave minority communities feeling marginalized and fearful of future victimization (Riedel, 2008). More broadly, racial bias in the administration of the death penalty can undermine the public's confidence in the criminal justice system as a whole (CCFAJ 2008).

These findings contribute to ongoing capital punishment debates. In 2012, Proposition 34—a measure that sought to replace California's death penalty with life-without-parole—was narrowly defeated, but its supporters plan to introduce a similar measure in the near future (Elias, 2012). Cost issues were central to the Proposition 34 campaign given that capital cases exact a heavy financial toll on county budgets, hampering homicide investigations by requiring the diversion of law enforcement resources to the DA's office and inducing tax increases to pay for trial costs (Baicker, 2004; Rupp, 2002). Recognizing these fiscal tradeoffs between police and prosecutorial responses to homicide, Proposition 34 sought to reallocate death penalty funds to help solve more murders.[30] By examining racial disparities across multiple junctures in LA County's criminal justice system, this study helps to establish a link between police and prosecutorial responses to homicide. And in doing so, the findings suggest that the reallocation of death penalty funds toward homicide investigations could not only help to improve the quality of homicide investigations, but may also aid in reducing racial biases at the charging stage.

[30] In the 2012 voter handbook, the bi-partisan California Legislative Analyst's Office (2012) summarized Proposition 34 as follows: "In total, the measure would result in net savings to state and local governments related to murder trials, appellate litigation, and state corrections. These savings would likely be about $100 million annually in the first few years, growing to about $130 million annually thereafter... In addition, the measure would require the state to provide a total of $100 million in grants to local law enforcement agencies over the next four years."

In light of these policy debates, assessing the police-prosecution nexus is especially important in California. The CCFAJ (2008, p. 4) report characterized California's death penalty system as "broken" in terms of its economic costs and the quality of justice it affords, outlining two potential remedies: (1) increased funding for capital litigation; and (2) narrowing the number of special circumstances. This study suggests that single-stage reforms may not sufficiently improve the quality of justice afforded to capital cases in California, as they would not likely deal with the interconnectedness of criminal justice and the cumulative nature of racial inequality. Thus, altering the special circumstance guidelines and/or increasing capital litigation funding might not produce racial parity in the face of racial disparities at earlier stages in the process. Instead, policy reforms, like those outlined in Proposition 34, should take a more holistic approach, addressing multiple stages of the death penalty process and their interconnectedness.

CHAPTER 3

Racial bias within the American death penalty system is a long-standing concern (Banner, 2009). Despite the implementation of "modern" death penalty laws intended to curb juror discretion and limit death-eligibility to specific offenses, racial disparities persist in the post-*Furman* era. Archival data analyses indicate that cases involving White victims, especially those with minority defendants, are more likely to be prosecuted capitally and/or receive a death sentence (for a review, see Baldus & Woodworth, 2003; Baldus et al., 1990; USGAO, 1990). Qualitative and experimental research suggests that racial stereotypes, particularly White jurors' relative lack of empathy for minority victims/defendants, helps to explain these sentencing patterns (Fleury-Steiner, 2004; Fleury-Steiner & Argothy, 2006; Lynch & Haney, 2011, 2015). As a whole, these studies offer compelling evidence of racialized death-sentencing patterns in multiple jurisdictions.

While such studies have yielded many useful insights about death-sentencing patterns, they pay less attention to the chain of events generating these outcomes (Baldus et al. 2009; Sorensen and Wallace 1999). Capital punishment studies, and sentencing analyses more generally, tend to focus on the trial outcomes of convicted offenders, and thus it is unclear whether racially patterned death sentences persist because of biases at the sentencing phase or earlier stages in the process (Baumer, 2013; Bushway & Forst, 2013; Frase, 2013; Kaplan et al., 2009; Radelet & Pierce, 1985, 2009). We know that race shapes death penalty outcomes, but we do not fully understand the institutional mechanisms and pre-trial decision-making processes that help to generate these patterns—what Kaplan et al. (2009, p. 8) term the "mysterious race effect." This knowledge-gap is particularly problematic in light of recent research linking pre-trial racial disparities and sentencing outcomes (Kutateladze et al., 2014; Schlesinger, 2008;

Stolzenberg et al., 2013; Sutton, 2013). These studies underscore the cumulative nature of racial bias within criminal justice institutions, encouraging deeper examination of the complex web of pre-trial decision-making processes and their relationship to trial outcomes (Baumer, 2013).

In this chapter, I argue that the examination of race effects across multiple pre-trial decision-making points—beginning with initial charging decisions—sheds new light on racial disparities within death penalty institutions. Drawing insights from cumulative disadvantage theory, the present research traces the life-course of homicide cases within Los Angeles (LA) County's criminal justice system, beginning with the inception of a homicide case and ending with the advancement to a death penalty trial. Utilizing ordered-logistic regression to model the trajectory of homicide cases, I seek to answer two overarching questions: (1) does victim/defendant race influence pre-trial prosecutorial decision-making at multiple stages?; and (2) if so, to what extent do victim/defendant race effects accumulate as cases advance through the criminal justice system? In contrast to prior research, this study examines the *pre-trial* mechanisms that shape prosecutors' decisions to seek the death penalty by pooling several decision-making points into a *single* model. This approach not only helps to mitigate potential selection effects and increase the study's statistical power, but also sheds light on the processes that generate racial inequities within criminal justice institutions (Baumer, 2013; Murakawa & Beckett, 2010).

Results speak to the cumulative nature of racial bias within criminal justice institutions. Cases with minority victims are treated more leniently than those with White victims at nearly every stage of the process, making them less likely to result in a capital trial. In particular, cases involving minority victims have a lower odds of being prosecuted, having homicide charges that "stick," receiving a death-eligible charge, or advancing to a capital trial. These patterns suggest

that racial disparities within death penalty institutions arise from the confluence of numerous pre-trial processes, rather than any single decision. In this regard, the multi-stage analysis outlined here provides a panoramic picture of racial biases in capital punishment systems, underscoring the need for multi-pronged policy reforms that address cumulative racial inequalities.

Cumulative Race Effects and the Death Penalty: Theorizing the Importance of Pre-Trial Processes

In its 1983 report, the National Academy of Sciences characterized criminal sentences as products of the various processes leading to the ultimate punishment outcome (Blumstein, Cohen, Martin, & Tonry, 1983). Yet despite this longstanding recognition that sentencing outcomes stem from multiple pre-trial decisions, the majority of sentencing research has focused on sentencing decisions among a sample of convicted offenders (Baumer, 2013; Bushway & Forst, 2013; Frase, 2013). Indeed, most archival studies examine prosecutors' decisions to seek the death penalty and/or jurors' tendencies to impose a death sentence among a sample of death-eligible defendants, providing relatively little attention to pre-trial processes (Kaplan et al., 2009; Radelet & Pierce, 1985, 2009). The lack of research on pre-trial processes is problematic because "…a thorough understanding of who is sent to death row and who is not requires looking at the continuous chain of decisions, with prior decisions affecting subsequent ones" (Radelet & Pierce, 2009, p. 132). Racial disparities at the pre-trial stage can artificially increase the number of death-eligible cases involving White victims, obscuring biases at later stages in the process by making dissimilar cases appear more similar than they actually are (Pierce & Radelet, 2005; Radelet & Pierce, 1985, 2009).

The analysis of pre-trial processes also has methodological implications. In its review of twenty-eight death penalty studies, the General Accounting Office (USGAO, 1990) cited selection bias and small samples as two major limitations associated with the literature. The report noted that many studies likely suffered from selection bias by exclusively focusing on trial outcomes rather than the full universe of homicides: "discretion exercised early in the process may have the effect of concealing (masking) race effects if analysis is limited only to the later stages" (p. 4). Moreover, because only a few cases end in a capital trial, the majority of studies likely lacked the adequate sample size to detect race effects (USGAO, 1990). Sentencing scholars have long been aware of the problems arising from selection bias (Berk, 1983), yet the issue has received surprisingly little attention from death penalty researchers. This gap in the literature is an important one since pre-trial prosecutorial decisions play a key role in shaping the progression of a potentially capital case (Berk et al., 1993; Lee, 2007; Radelet & Pierce, 1985; Weiss et al., 1999).

Outside of the death penalty context, sentencing scholars have become increasingly aware of the importance of examining multiple decision-making points (Kutateladze et al., 2014; Schlesinger, 2008; Stolzenberg et al., 2013; Sutton, 2013). These studies frequently rely on the notion of cumulative disadvantage—a process by which initial advantages in group-positionality lead to additional relative gains overtime—as a lens for understanding the dynamic role of race within legal institutions. In other words, cumulative disadvantage is "capable of magnifying small differences overtime and makes it difficult for an individual or group that is behind at a point in time in educational development, income, or other measures to catch up" (DiPrete & Eirich, 2006, p. 273). Cumulative disadvantages can arise from prolonged exposure to certain social contexts (e.g., attending a low-ranking school) or belonging to a marginalized racial/ethnic

group, resulting in an increasing inequities overtime (DiPrete & Eirich, 2006). For example, educational "tracking" can lead to further monitoring, which in turn, may adversely influence academic performance (Kerckhoff & Glennie, 1999). While originally developed to explain occupational mobility, research has uncovered reiterations of this phenomenon in a variety of other contexts, including neighborhoods, crime, education, and human development (DiPrete & Eirich, 2006).

In the criminal justice context, cumulative disadvantage implies that sentencing outcomes are actually an amalgamation of seemingly inconsequential decisions. Cumulative disadvantage theory posits that contemporary racial disparities arise from the accumulation of biases across multiple decision-making points (Kutateladze et al., 2014, 2012; Spohn, 2000; Zatz, 1987, 2000). Thus, at any given point in the criminal justice system, race may not influence decision-making processes, but when taken together this decision-chain can produce stark racial disparities in terms of punishment outcomes (Zatz, 1987). Race effects can take the form of explicit racial discrimination (i.e., direct effect) or arise from case-processing mechanisms (i.e., indirect effect), whereby earlier decisions (e.g., charging) influence later ones (e.g., sentencing) (Kutateladze et al., 2014, 2012; Spohn, 2000; Zatz, 1987, 2000). These claims are generally consistent with institutional theories of racism emphasizing the subtle nature of contemporary racism. According to these perspectives, modern racism is characterized by the perpetuation of racial hierarchies based on seemingly race-neutral decision-making process (Bonilla-Silva, 1997, 2001; Haney López, 2000). Like these institutional theories, the cumulative disadvantage perspective stresses the ways in which the accumulation of ostensibly color-blind actions can produce stark racial disparities overtime.

Prior Research on Race, Ethnicity, and Case-Processing

Over the past several decades, a substantial literature on racial/ethnic disparities in the criminal courts has developed (Spohn, 2000; Ulmer, 2012; Zatz, 2000). Researchers frequently rely on the focal concerns and courtroom workgroup theories to explain racially disparate sentencing patterns (for a review, see Ulmer, 2012). According to these perspectives, punishment disparities arise from officials' use of racial stereotypes and/or variations in local legal cultures. Focal concerns theory emphasizes the relationship between organizational characteristics, socio-cultural factors, and sentencing outcomes. Steffensmeier et al. (1998) argue that racial stereotypes influence judges' evaluation of three focal concerns: (1) blameworthiness; (2) community protection; (3) and organizational capacity. In this context, judges are thought to render sentences based on the defendant's culpability and likelihood of future criminality. At the same time, judges' actions are constrained by the organizational structures in which they operate within and the availability of local criminal justice resources. When judges make decisions based on incomplete or partial information, they may use racial stereotypes as a kind of "perceptional shorthand" (Steffensmeier et al., 1998, p. 767). Stereotypes linking racial/ethnic minorities to criminality may lead judges to use race as a proxy for less readily observable factors pertaining to these focal concerns (e.g., culpability, future dangerousness, etc.).

Tests of focal concerns theory generally find that young minority males receive more severe sentences than other types of defendants (Demuth & Steffensmeier, 2004; Doerner & Demuth, 2010; Kautt & Spohn, 2002; Kramer & Ulmer, 2002; Spohn & Holleran, 2000; Steen et al., 2005; Steffensmeier et al., 1998). Moreover, male minority offenders that fit stereotypical descriptions of specific offenders, such as the "dangerous drug offender" (i.e., drug traffickers with a prior record and weapons charge), receive more severe sentences than other offenders

(Spohn & Sample, 2008; Steen et al., 2005). Taken together, these studies suggest that defendants who fit racialized crime stereotypes tend to be punished more harshly, offering indirect support for the focal concerns perspective (Ulmer, 2012).

A related line of research examines the influence of legal cultures and resources on sentencing disparities. According to the courtroom workgroup perspective, criminal justice actors develop shared understandings about the acceptable amount/level of punishment for certain offenses (i.e., "going rates") based in part on organizational and resource concerns (Eisenstein et al., 1988, 1977; Ulmer, 1997). Moreover, because prosecutors, public defenders, and judges strive to maintain strong working relationships with each other they develop and adhere to specific court procedures designed to increase case-flow efficiency (Kutateladze et al., 2014). Existing research generally supports the idea that local organizational structures and cultural institutions shape punishment outcomes (Ulmer, 2012). For example, the percentage of Black/Hispanic residents in the defendants' jurisdiction has a positive effect on carceral sentences, sentence length, and upward/downward departures from the sentencing guidelines (Johnson, 2005; Johnson, Ulmer, & Kramer, 2008; Wang & Mears, 2010a, 2010b). On the other hand, increased representation of minorities and women in the justice workforce leads to greater racial/ethnic parity in terms of punishment outcomes (Farrell, Ward, & Rousseau, 2009, 2010; Ward et al., 2009). Jurisdictional levels of conservatism and religiosity have also been linked to more severe punishments (Fearn, 2005; Ulmer, Bader, & Gault, 2008). Finally, organizational factors such as caseload pressure and jail/prison capacity negatively affect punishment severity (Kramer & Ulmer, 2009; Ulmer & Bradley, 2006; Ulmer & Johnson, 2004).

Death sentences and executions are also concentrated in specific locales (for a review, see Cohen & Smith, 2010; Liebman & Clarke, 2011; Smith, 2012). States characterized by religious

fundamentalism, large Black populations, high levels of White-to-Black inequality, and legacies of racial violence are more likely to retain and frequently use the death penalty (Jacobs & Carmichael, 2002; Jacobs, Carmichael, & Kent, 2005). At the county level, the number of minority and urban residents in the area as well as the DA's political affiliation influence charging and sentencing decisions (Barnes, Sloss, & Thaman, 2009; Pierce & Radelet, 2005; Songer & Unah, 2006). Moreover, defendants accused of killing victims from communities with a large White population are more likely to be prosecuted capitally and/or sentenced to death (Phillips, 2009; Shatz & Dalton, 2013).

Cumulative Racial Bias within Criminal Justice Institutions

In contrast to the aforementioned research primarily examining sentencing outcomes, studies of pre-trial case-processing focus on the accumulation of racial disparities across multiple stages of the criminal justice system (Kutateladze et al., 2014; Schlesinger, 2008; Stolzenberg et al., 2013; Sutton, 2013). As previously discussed, much of this research draws upon cumulative disadvantage theory, conceptualizing racial bias as a combination of multiple decision-making points in the court process. Multi-stage studies generally find that minority defendants are treated more severely than White defendants at multiple pre-trial stages, with racial disparities at earlier stages influencing subsequent sentencing outcomes (Kutateladze et al., 2014; Schlesinger, 2008; Stolzenberg et al., 2013; Sutton, 2013). Moreover, although Black and Latino defendants are similarly disadvantaged compared to White defendants, they arrive at these end-points through different mechanisms, with pre-trial detention having a larger impact for Blacks and guilty pleas being more influential for Latinos (Sutton, 2013). A related literature on pre-trial detention and charge bargaining speaks to the indirect effects of race. Racial and ethnic minority defendants

are more likely to be detained pre-trial, which is linked to guilty pleas, conviction at trial, and sentence severity (Demuth, 2003; Leiber & Fox, 2005; Leiber & Mack, 2003; Rodriguez, 2010; Steen et al., 2005; Steffensmeier & Demuth, 2001; Ulmer & Johnson, 2004). Likewise, initial charging decisions can influence later sentencing and charging outcomes (Piehl & Bushway, 2007; Shermer & Johnson, 2010; Wright & Engen, 2006).

Research on homicides reveals similar insights. The proportion of homicides with White victims and Black defendants increases as cases advance through multiple stages of the death penalty system, producing a Whiter pool of victims at the back-end (Baldus et al., 1990; Baldus, Woodworth, Zuckerman, & Weiner, 1997; but see Bienen, Weiner, & Mills, 1989; Bowers, 1983; Bowers & Pierce, 1980; Keil & Vito, 1990; Paternoster et al., 2004). However, it is unclear whether these patterns stem from pre-trial racial disparities, as most of these studies are limited to a sample of death-eligible cases or focus on the sentencing phase. And even when pre-trial decisions are examined, they are modeled separately and thus assumed to be independent of one another (Berk, 1983; Bushway et al., 2007). Yet, this assumption may be questionable given research outside of the death penalty context showing that pre-trial decisions can influence later outcomes and ignoring these relationships often provides an incomplete picture of racial disparities within criminal justice institutions (Bushway et al., 2007; Demuth, 2003; Kutateladze et al., 2014; Leiber & Fox, 2005; Leiber & Mack, 2003; Piehl & Bushway, 2007; Rodriguez, 2010; Schlesinger, 2008; Shermer & Johnson, 2010; Steen et al., 2005; Steffensmeier & Demuth, 2001; Stolzenberg et al., 2013; Sutton, 2013; Ulmer & Johnson, 2004; Wright & Engen, 2006).

Research on homicide dismissal and charging decisions further highlights the need to examine pre-trial decisions in the death penalty context. Cases involving minority victims are less likely to be prosecuted (Baldus et al., 1990; Baumer, Messner, & Felson, 2000; Pyrooz et al.,

2011), contain a first-degree murder charge (Bowers, 1983; Bowers & Pierce, 1980; Radelet, 1981), or involve a death-eligible charge (Lee, 2007; Radelet & Pierce, 1985; Weiss et al., 1996, 1999). However, racial differences in offense severity do not fully explain these patterns; Black-on-White homicides are more likely to be "upgraded" to a death-eligible offense, and this "upgrading" process is linked to an increased risk of capital conviction (Bowers & Pierce, 1980; Radelet & Pierce, 1985). This suggests that to a certain extent homicide charging decisions reflect prosecutors' subjective assessments of the case, and this subjectivity can have implications for sentencing decisions (Radelet & Pierce, 1985). Recognizing that death-eligibility has a subjective element, Radelet and Pierce (1985, p. 616) remark that, "To understand the full effects of race (and other variables), the presentencing and precharging decisions that affect the prosecutor's construction of a case must be examined."

Despite the importance of pre-trial decisions, only one study has assessed the link between charging decisions and prosecutors' decisions to seek the death penalty at trial. Sorenson and Wallace's (1999) analysis of 133 cases from one Midwestern county indicates that those with White victims and minority defendants are more likely to involve first-degree murder charges, a death-eligible offense, and a death notice. As a result, cases with Black defendants and White victims are 2.5 times more likely to advance to a capital trial than cases with other victim-defendant racial combinations. While informative and innovative, the study combined several pre-trial decisions together in order to generate a single estimate, and thus it is unclear whether the influence of race varies across pre-trial stages. Moreover, the analysis included a sample of only 133 defendants, raising concerns about the potential lack of statistical power needed to detect race effects (USGAO, 1990). Finally, the sample did not include any Latinos, making it difficult to draw generalizable conclusions about this ethnic group. The present study extends

this line of research by pooling a diverse sample of victims and defendants into a single model in order to examine the varying effects of race across multiple pre-trial decision-making points.

Data and Methodology: Tracking the Life-course of Homicide Cases

This analysis focuses on the full universe of cases resulting from willful homicides occurring in LA County between 1990 and 1994. This sample includes defendants initially charged with murder (PC § 187) or voluntary manslaughter (PC § 192) at arraignment, regardless of their eventual disposition. Given that cases resulting in second-degree murder or voluntary manslaughter convictions are often factually death-eligible (Baldus & Woodworth, 2009; Sorensen & Wallace, 1999), all defendants charged with willful homicide are analyzed.[31] With an eye toward potential cumulative race effects, defendants are tracked across five stages of the death penalty process, beginning with the inception of a homicide case. Since California does not maintain a centralized database linking homicide victims and defendants (Riedel, 1999), data was triangulated from various sources, including: local enforcement agencies, California Department of Justice, California Vital Statistics, Coroner's Office, Superior Court, and DA's Office. The unique longitudinal structure of the data allows me to examine cumulative race effects by following defendants through multiple stages of the criminal justice system.

Research Setting: Homicide Case-Processing in Los Angeles County

During the early 1990s, LA County not only had a homicide rate comparable to other large urban areas (Bureau of Justice Statistics 2014), but it also accounted for the largest percentage of death-row inmates out of any other county in the state (CDCR 2013; CADOJ,

[31]Accidental, vehicular, and justifiable homicides are excluded. Voluntary manslaughter (PC § 192) cases comprise roughly 1.4% of defendants in the sample.

2013). Moreover, the period was characterized by high homicide rates and racial tensions more generally, thereby augmenting the sample size and relevancy of my findings (Bergesen & Herman, 1998; Blumstein & Wallman, 2006). The confluence of these factors makes LA County during this period an important locale for the study of homicide case-processing.

The funneling of homicides through LA County's death penalty system begins with the apprehension of a suspect. Once the police arrest a suspect, the homicide is eligible for prosecution by the DA's office. At this point, prosecutors can either dismiss the case altogether or drop specific homicidal/non-homicidal charges. If homicide charges are retained, the case can be classified as manslaughter or murder. Manslaughter is defined as the "unlawful killing of a human being without malice" (Cal Penal Code § 192), while murder is defined as "the unlawful killing of a human being, or a fetus, with malice aforethought" (Cal Penal Code § 187). Only murders that involve at least one of the twenty-two statutorily defined aggravating circumstances (i.e., "special circumstances") enumerated in Penal Code §190.2 qualify for the death penalty (Kreitzberg, 2008). Under PC §190.2, almost 90% of first-degree murder cases factually qualify for one or more special circumstances (CCFAJ, 2008; Shatz, 2007), the most common of which include felony- and multiple-murder (Kreitzberg, 2008; Petersen & Lynch, 2013; Shatz, 2007).

In LA County, a deputy DA makes initial charging decisions (Minsker, 2008). If the deputy DA charges the defendant(s) with murder and at least one special circumstance allegation, the case becomes death-eligible. Upon completion of a preliminary hearing, the "special circumstance committee" recommends whether the death penalty will be sought, with the committee chair making the final recommendation to the DA. If the DA's office decides to seek the death penalty, the case proceeds to a bifurcated trial, consisting of a guilt and penalty phase (Caldwell, Chase, & Goodman, 2008; Kreitzberg, 2008). Advancement to the penalty trial

requires that the jury find the defendant(s) guilty of murder and at least one special circumstance. At the penalty trial, jurors weigh aggravating and mitigating evidence when rendering a sentence of death or life without the possibility of parole (LWOP) (Shatz, 2007).

Dependent Variable: Measuring Case Progression

Following prior research (Bienen et al., 1989; Sorensen & Wallace, 1999), the dependent variable measures the number of stages a defendant passes through: 0 = case dismissed; 1 = case prosecuted; 2 = homicide charges "stuck"; 3 = special circumstance filed; 4 = death notice filed. Defendants whose cases were dismissed do not pass through any stages (DV = 0), while defendants prosecuted for crimes less than homicide go through at least one stage of the death penalty system (DV = 1). If homicide charges "stick" (i.e., are not dropped or "downgraded"), the defendant advanced two stages into the system (DV = 2). Defendants charged with one or more special circumstances pass through three decision-making points (DV = 3), whereas those that receive a death notice traverse through a total of four stages (DV = 4). The dependent variable has a natural ordering (see Figure 3 below), representing the number of "unfavorable" prosecutorial events a defendant passes through in the sense that each succeeding stage places him/her at an increased risk of advancing to a death penalty trial (Bienen et al., 1989; Sorensen & Wallace, 1999, p. 568). In this sense, the term "cumulative *disadvantage*" refers to the increased risk of receiving a death sentence rather than a normative statement about the death penalty.[32]

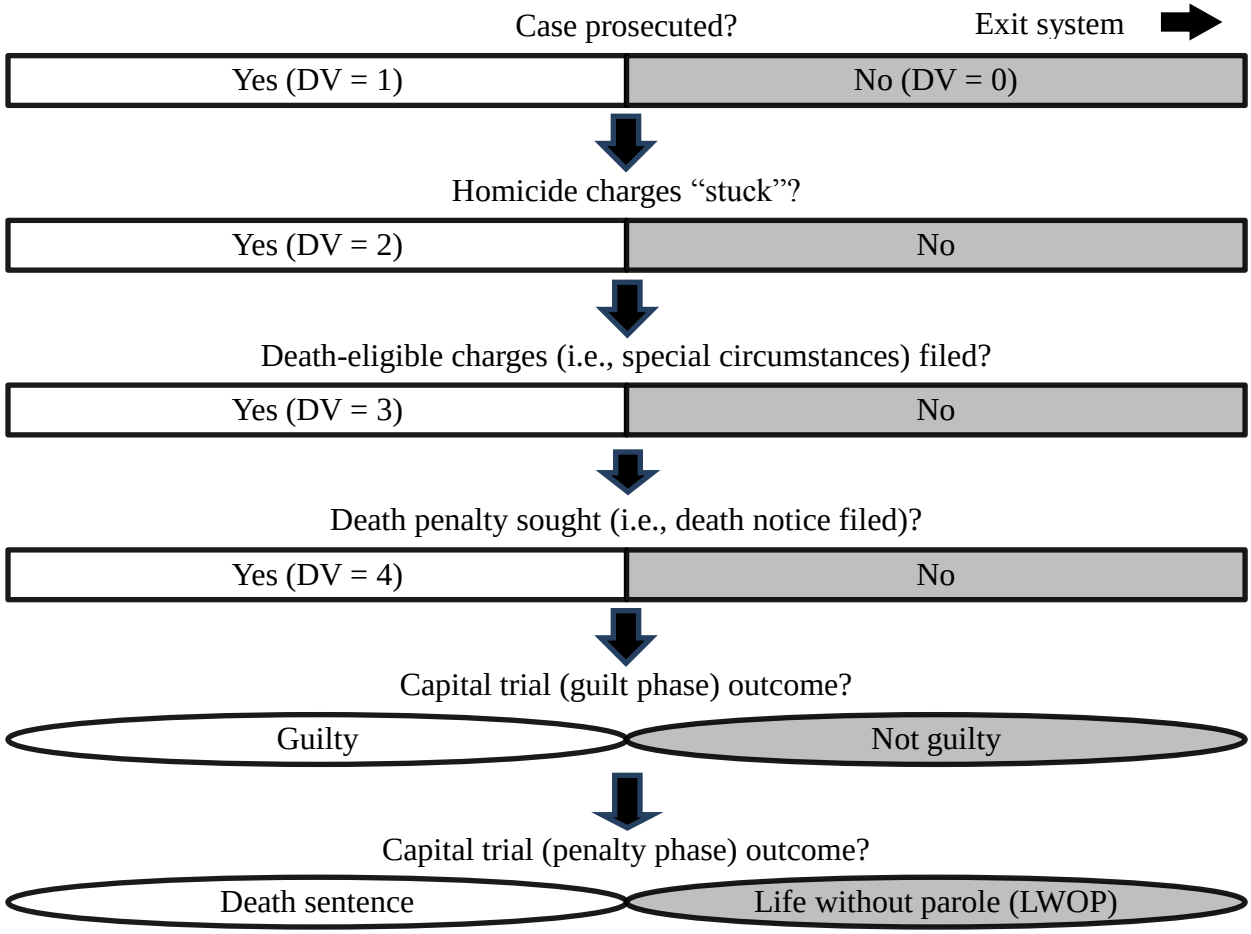
[32] "Cumulative *disadvantage*" refers to the process by which inequalities in the treatment of similarly situated cases increases overtime and is not intended as a normative statement about punishment outcomes (for a review, see DiPrete & Eirich, 2006). In this context, progression towards a death penalty trial is not seen as normatively "better" than other outcomes, rather "disadvantage" refers to growing disparities in the likelihood of advancing to a capital trial. Defendants that progress further along in the death penalty process are "disadvantaged" in the sense that each "unfavorable" prosecutorial event puts him/her at an increased risk of receiving a death sentence (Bienen, Weiner, & Mills, 1989; Sorensen & Wallace, 1999, p. 568). Prior research on case-processing utilizes similar definitions of

Although there are certainly other stages in the death penalty process, this study focuses on these prosecutorial decision-making points because they are central to determining the trajectory of a case, especially advancement to a capital trial (Kaplan et al., 2009; Radelet & Pierce, 1985, 2009). For example, case and charge dismissals filter out defendants, special circumstances define death-eligibility, and capital trials require a death notice (Carter et al., 2012). Death-sentencing stages (represented as ovals in Figure 3) are not examined for several reasons. Prosecutorial discretion is largely purged once the defendant advances to a capital trial, as the imposition of a death-sentence hinges on jury dynamics (Baldus & Woodworth, 2009). In this regard, death penalty charging and sentencing outcomes are conceptually distinct, justifying the use of separate models focusing exclusively on prosecutorial decision-making outcomes.

---

cumulative disadvantage, which emphasize the disparate treatment of similar cases rather than normative assessments of criminal punishments (Kutateladze, Andiloro, Johnson, & Spohn, 2014; Schlesinger, 2008; Stolzenberg, D'Alessio, & Eitle, 2013; Sutton, 2013).

Figure 3. Summary of LA County's Death Penalty System & the Dependent Variable (DV)



NOTES: Gray shading denotes an exit from the death penalty system, making a case ineligible for the death penalty. Ovals represent sentencing stages not examined in this study. Figure displays key stages in LA County's death penalty system, beginning with the decision to prosecute and ending with a death/LWOP sentence. Numbers in parentheses correspond to stages measured by the Dependent Variable (DV): 0 = case dismissed; 1 = case prosecuted; 2 = homicide charges "stuck"; 3 = special circumstance filed; 4 = death notice filed.

Predictors of Case Progression

In light of prior research highlighting the influence of victim and defendant characteristics on death penalty decision-making, several demographic variables were examined (Baldus et al., 1990; USGAO, 1990). Victim and defendant race are coded using a series of dummy variables: Latino, Black, and White (reference).[33] Studies generally find that defendants accused of killing female victims are more likely to receive the death penalty (Williams & Holcomb, 2004; M. Williams et al., 2007), while cases with younger/older victims are more likely to end in a death sentence (Baldus et al., 1990). For the purposes of this study, gender is dichotomously coded and age is a continuous variable. Victim "social status" can also shape death penalty outcomes, with cases involving educated and married/widowed victims being more likely to involve a death sentence (Phillips, 2009). In this study, victim's educational, marital, and citizenship status is measured using a series of dummy variables. Because a defendant's prior criminal history can play a large role in case outcomes, I measure the number of prior felony convictions for each defendant (Baldus & Woodworth, 2003; Baldus et al., 1990, 2009).

In addition, models control for a host of case characteristics. In general, homicides involving contact weapons (e.g., knives, blunt objects, etc.) and family/acquaintance victim-suspect relationships are thought to contain more physical evidence (Riedel, 2008). As such, a series of indicators measuring the victim-suspect relationship and murder weapon were added. I control for the number of defendants in each case as prosecutors may offer individuals in multi-defendant cases a charge/sentence reduction in exchange for evidence implicating someone else (CCFAJ, 2008). The presence of death-eligible characteristics as defined by PC §190.2 was measured using three separate dummy variables. Since felony-murder and multiple-murder are

[33] Like chapter 2, modal responses were used for multi-victim cases and Asian/"other" were excluded from the sample.

among the most commonly filed special circumstances, they are modeled separately (Kreitzberg, 2008; Petersen & Lynch, 2013; Shatz, 2007). Other death-eligible offenses (e.g., murder of a witness, murder of a police officer, etc.) were captured using a single indicator. Additional measures of offense severity include the number of criminal counts and a heinousness index based on aggravators and mitigators identified by Baldus et al (1990). Heinousness scores were calculated by subtracting the number of aggravators from the number of mitigators (Phillips, 2009).

Models also control for the social context in which prosecutorial decision-making occurs. The Los Angeles Police Department (LAPD) and Los Angeles Sheriff's Department (LASD) handle the majority of homicide investigations in LA County, with city-level police departments investigating crimes outside of these jurisdictions (LAPD, 2015; LASD, 2015). Homicides committed in the city of LA are prosecuted in the central courthouse in downtown LA, while other cases are handled in one of the remaining eight court branches spread throughout the county (LA Superior Court, 2015). As such, I include dummy variables for the LA County superior courthouse branch in which the case was filed (e.g., Central, Torrance, etc.) and investigating police agency (e.g., LAPD, LASD, etc.). These agency and courthouse variables tap into the courtroom workgroup perspective by serving as proxies for local legal cultures and organizational resources. Finally, models adjust for annual variations using a series of indicators based on the incident year. These indicators help to control for case-processing differences that might stem from changes in court policies and practices across the years being analyzed (Wang & Mears, 2010a, 2010b).

Analysis Strategy

Defendants represent the basic unit of analysis, but standard errors are clustered at the case level since it is unlikely that defendants within the same case are statistically independent (Baldus & Woodworth, 2009; Petersen & Lynch, 2013; Pyrooz et al., 2011). Data were analyzed using ordered-logistic regression as this approach accounts for the natural ordering of the dependent variable by capturing the effects of covariates across successive stages of the death penalty process (Sorensen & Wallace, 1999; Williams, 2006), while also increasing statistical power by pooling defendants from various stages into one model. STATA's "gologit2" command was used to relax the proportional odds assumption, allowing coefficients to vary across levels of the dependent variable (Menard, 2009; Williams, 2006). In essence, the model represents a series of logistic regressions comparing *M*-1 different combinations of the outcome measure, where *M* equals the number of categories for the dependent variable (Menard, 2009). For example, the first set of coefficients compares the dependent variable at 0 (i.e., case dismissed) versus the dependent variable at all other levels (i.e., 1, 2, 3, or 4). This estimate can be thought of as an "advancement risk" in the sense that it captures the likelihood of a defendant advancing *at least* 1 stage (Bienen et al., 1989; Menard, 2009).

The analysis proceeds as follows. In order to obtain a snapshot of victim/defendant race effects, a baseline model assuming proportional odds is estimated (Model 1). Next, the proportional odds assumption is relaxed, allowing victim/defendant race coefficients to vary across each stage of the death penalty system in order to provide a panoramic view of the punishment process (Model 2). After establishing the main effects of victim/defendant race, interactions for the various victim-by-defendant racial combinations were examined (Models 3-

4). Given the large number of coefficients, the interpretation of specific estimates is largely limited to victim/defendant race variables as those are most germane to the study's focus.

Hypotheses

Several hypotheses flow from the literature. According to the courtroom workgroup perspective, case outcomes will differ across police agencies and courthouse branches due to variations in local legal cultures and organizational resources (Eisenstein et al., 1988, 1977; Ulmer, 1997). Based on prior research, I expect that cases involving minority victims or White defendants will be treated more leniently at multiple stages of the criminal justice system, making them less likely to advance to a capital trial (Baldus & Woodworth, 2003; Baldus et al., 1990; USGAO, 1990). Moreover, in light of prior research highlighting the interactive relationship between victim and defendant race, I hypothesize that cases with White victims and minority defendants will advance further along in the death penalty process (Baldus & Woodworth, 2003; Baldus et al., 1990; USGAO, 1990). Given the lack of perceptual data, this analysis cannot directly test claims articulated by focal concerns theory. As such, any observed racial differences in case outcomes can only be regarded as indirect support for the focal concerns theory (for a discussion, see Ulmer, 2012).

Cumulative disadvantage theory sheds light on the influence of race across multiple stages of the criminal justice system. According to this perspective, initial racial differences in group-positionality will lead to additional relative gains/losses overtime (DiPrete & Eirich, 2006), producing larger racial disparities as cases advance through the courts. In other words, the magnitude of race effects will increase at each successive stage in the death penalty process. For example, differences between Whites and non-Whites will be larger at stage 4 than stage 3 and

so on. Thus, I expect that the pool of victims will become Whiter as cases advance through the system, while the pool of minority defendants will increase across the various stages.

Empirically Assessing the Cumulative Effects of Race within Death Penalty Institutions

Descriptive statistics and regressions reveal increasing racial disparities as cases advance through LA County's death penalty system. Defendants accused of killing minority victims are treated more leniently at nearly every stage analyzed, making them less likely to advance to a capital trial. Moreover, the effect size of victim race increases across each level of the dependent variable for Black victims, and to a lesser extent among Latino victims, indicating that the pool of victims becomes Whiter as cases progress through the system. While defendant race is less influential, victim and defendant race interactively shape case-processing outcomes such that minority-on-minority homicides are treated more leniently than White-on-White crimes. As a whole, these findings support the cumulative disadvantage perspective as applied to victim race, but not defendant race.

Summary Statistics

Descriptive statistics highlight the various funneling mechanisms at work in LA County's death penalty system. According to Figure 4, the proportion of White victims grows at each stage, increasing from 7% to 45% as cases move through the system, despite the fact that most homicides involve racial/ethnic minorities as victims. In contrast, Figure 5 indicates that while defendant race varies across each stage, the fluctuations are less dramatic. The proportion of Latino defendants decreases as cases progress through the system, but the percentage of White and Black defendants increases. Turning to Table 8, we see that defendants pass through an average of 2 stages. At the front end, almost 20% of defendants are filtered out of the capital

punishment system through the dismissal of the entire case or homicide charges. Yet, even among the remaining defendants, only a small percentage advance to the special circumstance (14%) or death notice (3%) phase. In line with California's death penalty statute, cases that advance further along in the death penalty process tend to be more aggravated along several dimensions (e.g., number of victims, presence of contemporaneous felony, etc.).

Figure 4. Percentage Breakdowns for the Dependent Variable by Victim Race

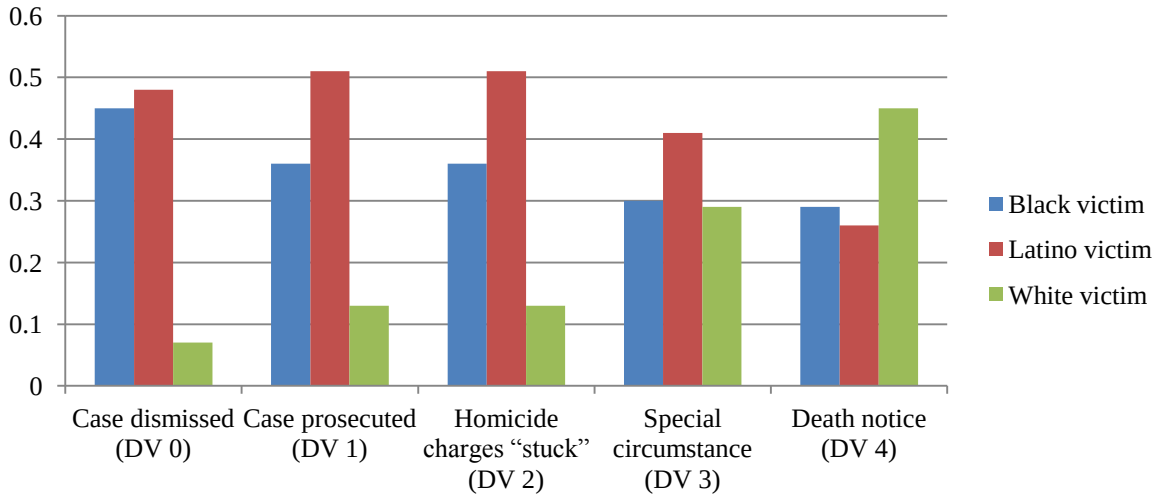


Figure 5. Percentage Breakdowns for the Dependent Variable by Defendant Race

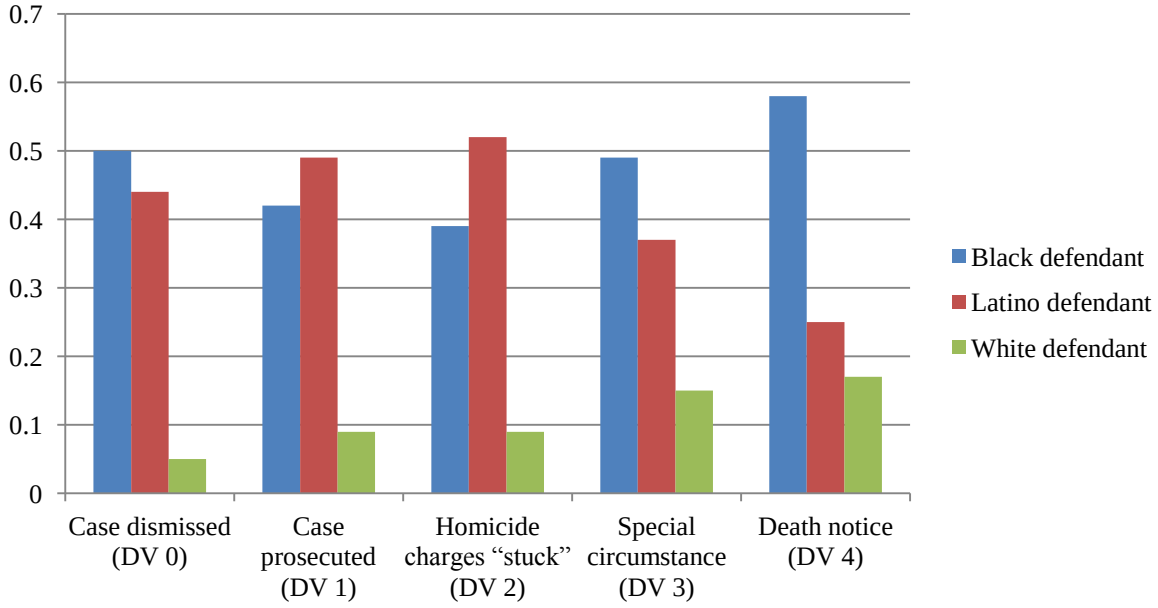


Table 8. Summary Statistics for Cases in LA County's Death Penalty System

	Mean	SD
Dependent Variable:		
# of stages defendant passed through	1.90	0.88
Breakdown by stage:		
Case dismissed (DV 0)	0.12	0.32
Case prosecuted (DV 1)	0.07	0.26
Homicide charges "stuck" (DV 2)	0.64	0.48
Special circumstance (DV 3)	0.14	0.35
Death notice (DV 4)	0.03	0.17
Victim demographics:		
Victim race: Black	0.36	0.48
Victim race: Latino	0.48	0.50
Victim age	28.62	13.27
Grade-level unknown	0.49	0.50
Non-High School grad	0.36	0.48
Married/widowed	0.20	0.40
Marriage status unknown	0.07	0.26
Defendant demographics:		
Defendant race: Black	0.42	0.49
Defendant race: Latino	0.48	0.50
Defendant gender: male	0.94	0.23
Defendant age	25.59	8.66
Log (# of prior felony convictions)	0.25	0.47
Other death-eligible offenses	0.65	0.48
Case characteristics:		
Heinousness index	-1.06	1.77
Multiple victims	0.09	0.28
Log (# of counts)	0.75	0.25
Contemporaneous felony	0.49	0.50
Firearm weapon	0.68	0.47
Relationship: friend/acquaintance/other	0.42	0.49
Relationship: Family	0.04	0.19
Relationship: Lover	0.04	0.21
Multiple defendants	0.40	0.49
Social contextual factors:		
Incident year 1991	0.22	0.41
Incident year 1992	0.22	0.41
Incident year 1993	0.19	0.40
Incident year 1994	0.16	0.37
LAPD case	0.63	0.48
LASD case	0.21	0.41
Courthouse: Pasadena	0.03	0.18
Courthouse: Pomona	0.06	0.24
Courthouse: Van Nuys	0.04	0.20
Courthouse: Lancaster	0.02	0.13
Courthouse: Long beach	0.07	0.26
Courthouse: San Fernando	0.06	0.23
Courthouse: Santa Monica	0.04	0.18
Courthouse: Compton	0.12	0.33
Courthouse: Norwalk	0.06	0.24
Courthouse: Torrance	0.04	0.20

Listwise deleted sample. Reference groups: White victim race; high school; single; White defendant race; 1990 incident year; other city police agencies; central courthouse branch; stranger victim-offender relationship.

Disentangling the Effects of Victim and Defendant Race on Case Progression

According to Model 1 assuming proportional odds, cases with White victims pass through a greater number of stages. Compared to defendants accused of killing White victims, the odds of advancing to a capital trial are 57% lower for cases with Black victims and 41% lower for cases with Latino victims (Model 1). Estimates from Model 2 assuming non-proportional odds shed light on the specific mechanisms producing these patterns. At the front-end, dismissal rates differ for Black and White victims, but not for Latino and White victims. Black victims are 40% less likely to have their case prosecuted than White victims are (Model 2, DV 1). Compared to defendants accused of killing White victims, the odds of homicide charges "sticking" are 54% lower for cases with Black victims and 51% lower for cases with Latino victims (Model 2, DV 2). As cases move through the court system, crimes involving minority victims are 42% to 63% less likely to contain a special circumstance than those with a White victim (Model 2, DV 3). Finally, relative to defendants accused of killing a White victim, the odds of advancing to a capital trial are 68% lower for defendants accused of killing a Black victim and 72% lower for defendants accused of killing a Latino victim (Model 2, DV 4).

These estimates underscore the cumulative effects of victim race across multiple stages of the death penalty system, especially for Black victims. A Brant Test for proportional odds indicates that there are significant differences in the effect of victim race across levels of the dependent variable (Black Victim $\chi^2 = 16.88$, $p < 0.01$; Latino victim $\chi^2 = 8.57$, $p < 0.05$). While these racial differences may seem small in absolute terms, taken together they translate into substantial differences. For example, compared to cases involving White victims, those with Black victims are 40% less likely to be prosecuted (stage 1), 54% less likely to have homicide charges that "stick" (stage 2), 64% less likely to contain a death-eligible charge (stage 3), and

68% less likely to advance to a capital trial (stage 4). Estimates for Latino victims reveal similar, albeit less consistent, patterns. In particular, there are no racial differences between White and Latino victims regarding the likelihood of dismissal and the sequencing of effect sizes was inconsistent in some cases (e.g., stage 2 is larger than stage 3). However, the effect size for advancing to a capital trial (stage 4) is larger than previous stages, which is generally consistent with the cumulative disadvantage perspective.

Table 9. Ordered-Logistic Regressions Predicting the Number of Stages Defendants Pass Through in LA County's Death Penalty System

Proportional odds (Model 1)		**Non-proportional odds (Model 2)**			
	Stages 1-4	Case prosecuted (DV 1)	Homicide charges "stuck" (DV 2)	Special circumstance (DV 3)	Death notice (DV 4)
Victim demographics:					
Victim race: Black	-0.95*** (0.18)	-0.61** (0.25)	-0.78*** (0.20)	-1.04*** (0.17)	-1.17*** (0.33)
Victim race: Latino	-0.65*** (0.15)	-0.43 (0.26)	-0.72*** (0.20)	-0.61*** (0.16)	-1.46*** (0.37)
Victim age	0.03*** (0.01)	0.02 (0.02)	0.03** (0.01)	0.06*** (0.01)	0.04 (0.03)
Victim age squared	-0.00 (0.00)	-0.00 (0.00)	-0.00* (0.00)	-0.00** (0.00)	-0.00 (0.00)
Grade-level unknown	-0.04 (0.22)	0.41** (0.19)	-0.04 (0.15)	0.04 (0.15)	-0.36 (0.32)
Non-High School grad	-0.02 (0.22)	0.32* (0.18)	-0.03 (0.14)	0.09 (0.14)	-0.63** (0.28)
Married/widowed	0.15 (0.11)	0.05 (0.16)	-0.11 (0.12)	0.26** (0.12)	0.31 (0.26)
Marriage status unknown	-0.01 (0.57)	0.94 (0.62)	0.07 (0.33)	0.03 (0.32)	0.39 (0.46)
Defendant demographics:					
Defendant race: Black	0.28* (0.16)	-0.99*** (0.29)	-0.21 (0.23)	0.43** (0.19)	0.50 (0.37)
Defendant race: Latino	0.02 (0.16)	-0.58** (0.28)	-0.10 (0.22)	-0.18 (0.19)	0.21 (0.40)
Defendant gender: male	-0.02 (0.16)	-0.15 (0.31)	0.42** (0.20)	-0.10 (0.22)	-0.44 (0.47)
Defendant age	-0.01 (0.01)	-0.04*** (0.01)	-0.02* (0.01)	-0.00 (0.01)	0.09*** (0.02)
Defendant age squared	-0.00* (0.00)	-0.00 (0.00)	-0.00 (0.00)	-0.00 (0.00)	-0.01*** (0.00)
Case characteristics:					
Log (# of prior felony convictions)	0.25*** (0.08)	0.74*** (0.15)	0.37*** (0.11)	0.14 (0.11)	0.19 (0.21)
Other death-eligible offenses	0.93*** (0.13)	1.28*** (0.17)	0.78*** (0.14)	1.10*** (0.17)	0.97*** (0.33)
Heinousness index	-0.10*** (0.03)	-0.25*** (0.04)	-0.18*** (0.03)	-0.01 (0.03)	0.01 (0.07)
Multiple victims	1.66*** (0.43)	0.06 (0.21)	-0.04 (0.17)	1.89*** (0.15)	2.77*** (0.26)
Log (# of counts)	0.85*** (0.17)	1.37*** (0.34)	0.76*** (0.25)	0.51*** (0.17)	0.36 (0.22)
Contemporaneous felony	0.94*** (0.09)	0.68*** (0.13)	0.17* (0.10)	2.18*** (0.14)	1.69*** (0.35)
Firearm weapon	-0.94*** (0.17)	-1.43*** (0.19)	-0.98*** (0.16)	-0.99*** (0.18)	-0.69** (0.35)
Relationship: friend/acquaintance/other	0.12 (0.09)	0.76*** (0.13)	0.46*** (0.10)	-0.27** (0.11)	-0.45* (0.26)
Relationship: Family	0.15 (0.15)	1.12*** (0.41)	0.71** (0.29)	-0.75** (0.37)	-1.55 (1.12)
Relationship: Lover	0.25* (0.13)	0.84* (0.44)	0.93*** (0.31)	-0.01 (0.28)	0.17 (0.57)
Multiple defendants	0.00 (0.11)	0.03 (0.13)	-0.28*** (0.10)	0.25** (0.11)	-0.36 (0.24)
Social contextual factors:					
Incident year 1991	0.02 (0.12)	-0.09 (0.17)	-0.16 (0.13)	0.24* (0.14)	-0.10 (0.32)
Incident year 1992	0.02 (0.17)	-0.21 (0.18)	-0.02 (0.14)	0.18 (0.14)	-0.49 (0.32)

Incident year 1993	-0.07 (0.12)	0.13 (0.20)	0.03 (0.14)	-0.13 (0.16)	-0.57 (0.36)
Incident year 1994	-0.03 (0.14)	-0.09 (0.18)	0.06 (0.15)	0.04 (0.16)	-0.64* (0.38)
LAPD case	-0.47*** (0.14)	-1.70*** (0.30)	-0.47** (0.18)	-0.32* (0.19)	-1.11*** (0.39)
LASD case	-0.03 (0.13)	-1.11*** (0.30)	0.18 (0.19)	-0.05 (0.17)	-0.44 (0.35)
Courthouse: Pasadena	0.01 (0.26)	-0.66 (0.47)	-0.18 (0.32)	0.14 (0.31)	-0.92 (0.67)
Courthouse: Pomona	0.12 (0.18)	0.33 (0.42)	0.43 (0.29)	-0.03 (0.25)	0.24 (0.49)
Courthouse: Van Nuys	-0.06 (0.26)	-0.33 (0.25)	-0.31 (0.21)	0.17 (0.25)	1.07** (0.47)
Courthouse: Lancaster	0.15 (0.33)	1.13 (0.73)	-0.11 (0.41)	0.14 (0.35)	0.02 (0.62)
Courthouse: Long beach	-0.11 (0.15)	0.64** (0.29)	0.23 (0.21)	-0.45* (0.24)	-2.45*** (0.81)
Courthouse: San Fernando	0.26 (0.17)	0.62** (0.30)	0.43** (0.21)	0.06 (0.21)	1.10** (0.43)
Courthouse: Santa Monica	0.36 (0.25)	0.07 (0.34)	-0.23 (0.25)	0.80*** (0.24)	-0.08 (0.57)
Courthouse: Compton	-0.14 (0.15)	0.37** (0.18)	0.03 (0.15)	-0.58*** (0.18)	0.24 (0.38)
Courthouse: Norwalk	-0.11 (0.21)	0.08 (0.37)	0.02 (0.26)	-0.24 (0.26)	-0.06 (0.53)
Courthouse: Torrance	0.08 (0.21)	-0.56 (0.50)	1.18*** (0.41)	-0.31 (0.28)	-1.04 (0.66)

Beta with standard errors in parentheses. Key race variables are outlined.
NOTES: Dependent Variable (DV) coded as follows: 0 = case dismissed; 1 = case prosecuted; 2 = homicide charges "stuck"; 3 = special circumstance filed; 4 = death notice filed. Ordered-logistic model assumes proportional odds, providing a single estimate for all stages (DV 1-4). Generalized ordered-logit represents a series of *M*-1 logistic regressions comparing different combinations of the outcome variable. First column (DV 1) compares 0 versus 1, 2, 3, & 4. Second column (DV 2) compares 1 versus 2, 3, & 4. Third column (DV 3) compares 2 versus 3 & 4. Fourth column (DV 4) compares 3 versus 4. Since the dependent variable has five levels (DV 0 through 4), one comparison is omitted. Standard errors clustered by case number using STATA's "vce(cluster)" command. Listwise deleted sample. [Reference groups: White victim race; high school; single; White defendant race; 1990 incident year; other city police agencies; central courthouse branch; stranger victim-offender relationship.]
* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

While victim race plays a role in nearly every stage of the process, findings regarding defendant race on its own are less consistent. Black defendants are 62% less likely to have their case prosecuted than White defendants, while Latino defendants are 44% less likely to have their case prosecuted. After the dismissal stage, however, defendant race is largely non-significant, with the exception of special circumstances for Black defendants. Compared to White defendants, the odds of receiving a death-eligible charge are 50% higher for Black defendants. The relative importance of race for victims, as compared to defendants, is consistent with prior research (Baldus & Woodworth, 2003; Baldus et al., 1990; USGAO, 1990).

Model 2 also underscores the significance of several non-racial demographic variables and social contextual factors. Defendants accused of killing older victims are more likely to have

their homicide charges "stick" or to be charged with a special circumstance, while younger defendants are treated more leniently as they progress through the system. Cases handled by smaller police agencies advance further than LAPD cases. Outcomes also vary across courthouse branches, although the patterns slightly differ based on the stage. Defendants arraigned at the San Fernando courthouse generally progress further along in the death penalty process, while Long Beach cases progress through fewer stages.

Case characteristics matter too. Consistent with California's death penalty statute (PC §190.2), cases with a death-eligible offense progress further along in the capital punishment system. This is especially true for defendants accused of felony-murder or multiple-murder, which comports with prior research indicating that these are among the most commonly filed special circumstances in California (Kreitzberg, 2008; Petersen & Lynch, 2013; Shatz, 2007). Homicides involving a felony or multiple victims are 6.5 to 8.8 times more likely to involve a special circumstance and 5.4 to 15.9 times more likely to involve a death notice. Moreover, cases with a felony are 1.9 times more likely to be prosecuted and 1.1 times more likely to have homicide charges "stuck." Interestingly, the heinousness index is negatively associated with the odds of prosecution overall and prosecution of a homicide charge, but is unrelated to subsequent outcomes. Firearm offenses are less likely to be prosecuted, charged with a special circumstance, and advance to a capital trial. The effects of victim-offender relationships vary across levels of the dependent variable, but generally cases involving friends or family members progress further along in the system than those involving strangers.

The Combinatorial Effects of Victim and Defendant Race on Case Progression

Models 3 and 4 examine victim-by-defendant racial combinations. To avoid low cell counts commonly found in ordered-logistic analyses (Menard, 2009), Blacks and Latinos were coded as "minority" since the primary comparison of interest is White versus non-White. Dummy variable interaction terms were constructed based on different victim-defendant racial combinations, with White-on-White crimes serving as the reference group (Spohn & Holleran, 2000; Steen et al., 2005; Steffensmeier et al., 1998; Williams & Holcomb, 2004). In the interest of parsimony, Table 10 only lists victim-defendant racial interaction terms since many of the other variables have very similar effects when these interactions are included.

Consistent with prior research, crimes involving White victims and minority offenders are punished more harshly (Baldus & Woodworth, 2003; Baldus et al., 1990; USGAO, 1990). Compared to cases with White victims and White defendants, the odds of advancing to a capital trial are 40% lower for cases with minority victims and minority defendants, while the odds are 56% higher for cases with a White victim and minority defendant (Model 3). When the victim is White, minority defendants are 1.5 times more likely to receive a death-eligible charge than White defendants (Model 3). There are, however, differences in the effects of victim-defendant racial combinations across stages of the death penalty system once the proportional odds assumption is relaxed in Model 4. Cases with minority victims and minority defendants are 50% less likely be prosecuted, 60% less likely to have homicide charges "stick," 30% less likely to involve a special circumstance, and 57% less likely to receive a death notice than White-on-White cases (Model 4, DV 1-4). Cases with a White victim and minority defendant are 1.5 times more likely to receive a death-eligible charge than those with a White victim and White defendant (Model 4, DV 3). When the defendant is White, cases with White victims are 51%

more likely to have homicide charges that "stick" than cases with minority victims (Model 4, DV 2).

In contrast to the main effects of victim race in Model 2, the patterns for victim-defendant race are less consistent and do not support the cumulative disadvantage perspective. In particular, minority victim/minority defendant cases are treated more leniently than White victim/White defendant cases across all stages of the system, yet these differences do not consistently increase or decrease. For example, cases with a minority victim and minority defendant are 60% less likely to have homicide charges "stick" (stage 2), but only 30% less likely to receive a death-eligible charge (stage 3). Moreover, although minority-on-White crimes are more likely to contain a special circumstance (stage 3) than White-on-White crimes, similar differences were not found at other points in the system.

Table 10. Victim and Defendant Racial Interactions for Ordered-Logistic Regressions Predicting the Number of Stages Defendants Pass Through in LA County's Death Penalty System

	Proportional odds (Model 3)	**Non-proportional odds (Model 4)**			
	Stages 1-4	Case prosecuted (DV 1)	Homicide charges "stuck" (DV 2)	Special circumstance (DV 3)	Death notice (DV 4)
Minority Victims:					
Minority defendant	-0.51*** (0.15)	-0.72** (0.29)	-0.93*** (0.23)	-0.48** (0.19)	-0.85** (0.39)
White defendant	-0.24 (0.24)	0.23 (0.46)	-0.72** (0.32)	-0.29 (0.28)	-1.26 (0.80)
White Victims:					
Minority defendant	0.45** (0.18)	0.19 (0.39)	-0.16 (0.29)	0.43** (0.21)	0.43 (0.37)
White defendant	Reference	reference	reference	reference	reference

Betas with standard errors in parentheses.
NOTES: Models control for all of the same variables as Models 1 & 2, but these covariates are excluded for visual simplicity. Standard errors clustered by case using STATA's "vce(cluster)" command. Listwise deleted sample. Reference group = White victim & White defendant. "Minority" includes Blacks and Latinos.
* $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Discussion and Conclusion: The Enduring Role of Race within the American Death Penalty

Cases with minority victims are treated more leniently at nearly every stage of the death penalty process. Defendants accused of killing minority victims are less likely to be prosecuted, charged with homicide or death-eligible offense, and advance to a capital trial. Moreover, victim-based racial disparities accumulate as cases traverse through the court system, producing a Whiter pool of victims at each phase. Disparities between White and Black victims consistently increase across each successive stage, while differences between White and Latino victims were less consistent. Defendant race is less salient and does not show a pattern of cumulative racial disadvantage. However, defendant race often moderates victim race effects, such that cases with White victims and minority defendants are treated more punitively.

These findings are generally consistent with prior research highlighting the centrality of victim race in the American death penalty and offer support for a cumulative disadvantage explanation of victim race effects (Baldus et al., 1990). These findings also comport with structural theories of racism focusing on inequities arising from organizational logics and structural dynamics rather than overt racial animus or individual actors (Bonilla-Silva, 1997, 2001; Haney López, 2000; Murakawa & Beckett, 2010). In particular, results show that racial disparities stem from the compounding effects of multiple decision-making points, rather than originating from any single actor or decision. The examination of cumulative race effects not only sheds light on the "mysterious race effect" (Kaplan et al., 2009, p. 8) by highlighting "when and where" race matters (Baumer, 2013, p. 238), but also speaks to the mechanisms that generate racial disparities within American death penalty systems. In doing so, the analysis helps to advance mechanism-based logics that are often neglected in sentencing research (Baumer, 2013)

and sociological research more generally (Abbott, 2004; Small, 2013; Tavory & Timmermans, 2013).

Pre-trial processes play a critical role in determining which cases advance to a death penalty trial. While studies typically examine capital punishment outcomes among a sample of death-eligible cases, my results indicate that cases with White victims are more likely to be charged with homicide and a death-eligible offense. These "upgrading" processes have implications for the progression of cases through the courts, filtering cases with minority victims out of the system while simultaneously expanding the pool of White victims (Radelet & Pierce, 1985). These findings echo claims by the National Academy of Sciences (1983) and General Accounting Office (1990) regarding the importance of conceptualizing punishment outcomes as products of long and complex decision-chains. Moreover, they suggest that single-stage studies may actually *underestimate* the extent to race influences death penalty outcomes by not fully considering the racialization of earlier decision-making process (Radelet & Pierce, 1985). Therefore, analyses focusing on prosecutors' decisions to seek the death penalty should account for potential racial biases at the pre-trial stages, rather than taking prosecutors' characterizations of cases as an unbiased assessment of the crime (Radelet & Pierce, 1985).

Differences in the impact of race across pre-trial decision-making points speak to the fluidity of racial bias within death penalty institutions. Not only does the examination of multiple stages help to address the GAO's (1990) concerns about selection bias and inadequate statistical power, but it also underscores racial differences in the trajectories of cases. For example, although cases with Black and Latino victims are both underrepresented in death penalty trials, these disparities arise from different mechanisms. Homicides with Black victims are treated more leniently from the dismissal stage onwards, whereas Latino victims experience more

discrimination at later stages in the process. In contrast to prior research (Sorensen & Wallace, 1999), the disaggregation of these pre-trial stages revealed insights about the institutional pathways producing these patterns. Moreover, the divergent trajectories of cases with Black and Latino victims extends prior research on minority defendants (Kutateladze et al., 2014; Sutton, 2013), pointing to the need for more precise theoretical explications of the mechanisms generating punishment disparities (Baumer, 2013; Murakawa & Beckett, 2010).

Dismissal patterns further highlight the utility of examining multiple pre-trial stages. Cases with Black victims are more likely to be dismissed, while no differences were found between White and Latino victims. Given that cases with minority victims have lower arrest rates (see Chapter 1), these null findings may represent a response to racial disparities at the front-end of the criminal justice system. In other words, racial parity between White and Latino victims at the dismissal stage could represent a "corrective" measure for earlier biases in the system (Bienen et al., 1989). Although speculative, some research suggests that officials may "adjust" for racial disparities earlier on in the criminal justice system by striving to achieve greater racial parity at successive stages (Kutateladze et al., 2014; Petersilia, 1983). Moreover, shifts in discretionary power at earlier stages in the criminal justice system can influence later outcomes (Harris, 2007; Miethe, 1987; Tonry, 1995). Although the identification of the specific mechanisms responsible for these patterns awaits further analysis and inquiry, the findings highlight the importance of examining multiple stages within the criminal justice system. Had this study focused exclusively on case dismissals, as some studies have done (Albonetti, 1986; Barnes & Kingsnorth, 1996), I would have erroneously concluded that LA County's criminal justice system treats White and Latino victims in a similar manner.

This chapter provides mixed support for the focal concerns perspective. Victim race effects comport with racialized crime stereotypes, providing indirect support for the focal concerns theory (Steffensmeier et al., 1998). Results do not support a focal concerns interpretation of defendant race given that White and non-White defendants receive similar treatment at various stages. However, victim-by-defendant racial interactions provide some indirect support for the focal concerns theory. In particular, the finding that Black-on-White violence is treated more severely than White-on-White violence suggests that these patterns may tap into Whites' fears of victimization at the hands of minorities (Gruenewald et al., 2013, 2009; Lundman, 2003; Lundman et al., 2004). Although my models do not directly speak to the psychological mechanisms producing victim-based racial disparities given the lack of perceptual data, estimates are generally consistent with hypotheses derived from focal concerns theory regarding victim race effects (see Ulmer, 2012).

Differences in case-processing outcomes across local criminal justice organizations provide support for the courtroom workgroup perspective. These effects may reflect differing local legal cultures, organizational structures, or "going rates" (Eisenstein et al., 1988, 1977; Ulmer, 1997). However, regression models do not explain the source of this variability, and thus future research should include covariates at the agency and courthouse levels (e.g., caseload pressure, racial composition of the surrounding era, crime rates, etc.) to further tease-out these relationships. Regardless of what explains this variation, these findings highlight the need to examine inter-jurisdictional variations. While numerous studies have investigated county-level death penalty disparities, little research has examined within-county variations (for exceptions, see Phillips, 2009; Shatz & Dalton, 2013). Moreover, although organizational theories focus on

the role of courtroom actors (e.g., public defenders, DAs, and judges), my findings underscore the influence of the police on case-processing decisions.

The present study also extends prior research to a broader range of racial and ethnic groups. Relatively little attention has been devoted Latinos in the death penalty context (Baldus & Woodworth, 2003; Baldus et al, 2009) as well as the sentencing literature more generally (Kutateladze et al., 2012; Spohn, 2000; Zatz, 2000). Given LA County's large Latino population (U.S. Census, 1990), the inclusion of Latinos offers novel insights into the criminal justice processing of one of the nation's fastest growing and increasingly criminalized ethnic groups (Chiricos & Eschholz, 2002; Wang, 2012). Indeed, stereotypes about Latino criminality are more salient than stereotypes about Black criminality in some areas of the nation (Chiricos & Eschholz, 2002), in part due to the perceived criminal threat of undocumented immigrants (Wang, 2012). As a whole, my results suggests that Black and Latino victims experience similar levels of "malign neglect" within LA County's criminal justice system (Tonry, 1995), but through different punishment pathways.

Of course, these findings should be evaluated in light of the study's limitations. Although the strength or quality of evidence in a given case may play a role in the various prosecutorial decisions analyzed, I was unable to control for evidentiary strength. Instead, measures pertaining to victim-offender relationship, murder weapon, and crime characteristics served as proxies for the availability and strength of evidence (Baldus & Woodworth, 2009; Baldus et al., 2009). Moreover, the multi-stage design helps to mitigate potential selection effects by explicitly modeling the funneling of cases through the court system (Baldus & Woodworth, 2009). Given that the lack of evidentiary data plagues much of sentencing literature, researchers should explore novel datasets and methodologies to capture these case characteristics (Kutateladze et al.,

2014; Shermer & Johnson, 2010). Future research should also examine these prosecutorial decisions in other jurisdictions. While LA County is comparable to other large urban jurisdictions in terms of its racial/ethnic diversity and criminal justice processing of homicides (Bureau of Justice Statistics, 2014; Langan & Brown, 1997; U.S. Census, 1990), analyses in additional social and geographical contexts would help to more fully tease-out the relationships identified here.

The present research also leaves several questions unanswered. Given this study's focus on prosecution outcomes, jury decision-making dynamics were not examined. In light of observational and experimental research finding racially disparate death-sentencing rates (Baldus et al., 1990; Lynch & Haney, 2011, 2015), future work should investigate the extent to which prosecutorial biases convert into death-sentencing disparities. In addition, subsequent analyses should pay attention to factors that disrupt the production of cumulative racial disadvantages. Understanding the mechanisms implicated in the dissolution of racial disparities would not only contribute to the development of cumulative disadvantage theory, but would also point toward possible policy solutions (DiPrete & Eirich, 2006).

Despite these shortcomings and unanswered questions, this study contributes to ongoing capital punishment debates. A handful of states have abolished their death penalty recently, while California is still debating the issue (Death Penalty Information Center, n.d.). Concerns over racial bias have played a role in many of these policy changes, most notably contributing to the abolition of Connecticut's death penalty (Donohue, 2014). However, when California voters rejected a ballot measure (Proposition 34) that sought to replace the state's death penalty with LWOP in 2012, race was conspicuously absent from the discussion. Moreover, several years earlier the CCFAJ (2008, p. 95) noted that "geographical and racial variation [in the

administration of the death penalty] should be subjected to further study and analysis in California." In this regard, the present study attempts to address the CCFAJ's (2008) call for further research on racial and geographic disparities within the state's death penalty system.

Given the influence of race at multiple junctures in the court system, this study underscores the need for multi-stage policy reforms. Efforts to guide jury decision-making or death notice filings, for example, may not produce racial parity at the death-sentencing stage due to the cumulative effects of race stemming from disparities at earlier points in the system. Moreover, as research on federal sentencing reforms has shown, removing discretion from one point in the punishment process can inadvertently increase discretion in others (Spohn, 2000; Tonry, 1995). In light of the systematic racial disparities found here, coupled with the potential displacement of discretion to other areas of the system (Harris, 2007; Miethe, 1987; Tonry, 1995), it is unlikely that single-stage policy reforms will lead to greater racial proportionality in California's death penalty. As such, remedial efforts should strive to disrupt the process of cumulative disadvantage by fundamentally reforming California's criminal justice system.

CONCLUSION

Results reveal systematic racial disparities within LA County's death penalty system. Chapter 1 finds that homicides involving minority victims and neighborhoods are less likely to enter into the criminal justice system, setting the stage for subsequent racial disparities. As shown in chapter 2, death penalty charging decisions are not only influenced by the racial composition of victims at the charging stage, but also by arrest patterns. Finally, chapter 3 indicates that racial disparities compound as cases advance through the criminal justice system. These findings have a number of implications for social theory, public policy, and future research.

Theoretical Insights

This dissertation explored racial disparities within criminal justice institutions as a lens into the structural underpinnings of racial inequality more generally. Although the analysis focused on homicide cases, cumulative disadvantage theory applies to a wider array of social processes, as it is "a general mechanism for inequality across any temporal process (e.g., life course, family generations) in which a favorable relative position becomes a resource that produces further relative gains" (DiPrete & Eirich, 2006, p. 271). Indeed, variants of cumulative disadvantage theory have found support when applied to a variety of topics, including racial inequality, occupational mobility, community development, and general well-being (DiPrete & Eirich, 2006).

Despite the prominence of cumulative disadvantage theory in the social scientific literature generally, it has been studied less within the criminal justice context. More commonly in the criminological literature, cumulative disadvantage principles have been used to explain the

formation, persistence, and distance of "criminal careers" over the life span (Laub & Sampson, 2006). In this context, criminal activity earlier on has a cumulative effect on the likelihood of engaging in crime later on, "trapping" individuals into a life of crime by weakening pro-social ties and blocking access to legitimate employment. The theorization of cumulative effects has been particularly fruitful for the development of life-course criminology, helping to establish one of the few criminological axioms—the age-crime curve (Farrington, 1986; Hirschi & Gottfredson, 1983). In contrast, sentencing scholars have paid less attention to the cumulative disadvantage perspective, especially in the case-processing context.

The tendency to focus on a narrow range of criminal justice processes is a major limitation of most sentencing research. Too often, the sentencing scholars advance an overly narrow view of "'when and where' race may shape sentencing outcomes," focusing on sentencing outcomes among a sample of convicted offenders, rather than a broader range of processes and cases (Baumer, 2013; Bushway & Forst, 2013; Frase, 2013). This approach ignores the multitude of pre-trial processes that shape these decisions, and as such "underestimates and excludes from consideration the vast, interrelated penal processes that produce racial inequality" (Murakawa & Beckett, 2010, p. 715). The limited ability of single-stage studies to identify the sources and manifestations of racial bias within criminal justice institutions points toward the need for research focusing on the cumulative race effects (Baumer, 2013).

This dissertation attempted to fill this gap by examining the life-course of homicide cases to understand how race influences decision-making processes within death penalty institutions. My results comport with theories of institutional or "modern" racism, which emphasize the role of subtle biases and the denial of structural racial inequalities (Bonilla-Silva, 1997, 2001; Haney

López, 2000). This study uncovered profound racial disparities arising from the accumulation of seemingly innocuous decisions, highlighting the structural correlates of racial inequalities. The confluence of routinized practices (i.e., scripts and pathways) and hegemonic racial ideologies helps to explain this form of institutional racism (Haney López, 2000). By allowing racial disparities to compound across multiple stages of the death penalty system, rather than disrupting this pattern of cumulative disadvantage, officials rely upon institutional policies and practices to justify their decision-making. While police acknowledge racial differences in homicide arrest rates they invoke colorblind logics to explain these patterns, claiming that lower arrest rates in minority communities stem from the large number of gang crimes in these areas rather than racial bias (Rohrlich & Tulsky, 1996a, 1996c, 1996d). Similarly, prosecutors rely on institutional policies and highly discretionary homicide statutes to rationalize charging decisions that have a racially disparate impact (Rohrlich & Tulsky, 1996b).

Policy Implications

Seven states have recently abolished their death penalty, while many more, including California, are debating the issue. These policy shifts stem from a variety of concerns, including cost, innocence, and racial bias, but represent a growing ambivalence about the death penalty as a public policy tool (Death Penalty Information Center, n.d.). In 2012, Proposition 34—a ballot measure that sought to abolish California's death penalty—was narrowly defeated, but its supporters plan to reintroduce a similar measure in the near future (Elias, 2012). More recently, in *Jones v Chappell*, a Federal District Court Judge found California's death penalty unconstitutional due to excessive post-conviction delays. In August 2014, *Jones* was appealed to the Ninth Circuit Court, yet the case will take several years to resolve (LA Times, 2014).

This dissertation contributes to these ongoing policy debates. While cost issues were central to the Proposition 34 campaign, discussions of race were largely absent from the debate. Yet in its 2008 report, the CCFAJ remarked, "there is no current data to show what proportion of California homicides are charged as first degree murder and/or death penalty cases" (p. 94). The Commission went on to note that capital punishment disparities erode "public confidence in our criminal justice system generally," and thus "geographical and racial variation [in the administration of the death penalty] should be subjected to further study and analysis in California" (CCFAJ, 2008, p. 95). Given the paucity of research on capital punishment in California, this study attempts to address the CCFAJ's (2008) call for additional research.

The CCFAJ report characterized the state's death penalty system as "broken" in terms of its economic costs, quality of justice, and influence on other areas of criminal justice. This study both echoes and extends these concerns, finding widespread racial disparities in California's capital of capital punishment—LA County. The present research suggests that single-stage reforms are unlikely to produce racial parity as they may not address the cumulative effects of race. Rather, policy reforms should take a broad approach, addressing multiple stages of the death penalty system and their interrelationships. For instance, Proposition 34 would allow funds previously spent prosecuting capital cases to be reallocated to local law enforcement to help improve the quality of homicide instigations (an urgent need according to Chapter 1). In addition to these racial justice concerns, socio-legal research highlights a myriad of problems associated with the American death penalty, including procedural errors (Liebman, Fagan, West, & Lloyd, 1999), wrongful convictions (Baumgartner, De Boef, & Boydstun, 2008; Marshall, 2003), and questionable penological justifications (National Academy of Sciences, 2012). When coupled

with these justice failures, the systemic racial disparities uncovered in this study raise serious doubts about the use of capital punishment as a public-safety tool.

This dissertation is uniquely poised to influence policy debates given California's current financial and political landscape. In the midst of a lingering fiscal crisis and historic criminal justice reforms ushered in by Public Safety Realignment (AB 109), findings shed light on how to more effectively deal with lethal violence. As the state deals with low-level non-violent offenses via Realignment, my research calls attention to serious violent crimes, highlighting problems associated with efforts to address lethal violence. At the same time, in California and elsewhere, the appetite for death sentences has diminished due to record-low homicide rates, fiscal concerns, and shifting public opinion, among other factors (Liebman & Clarke, 2011; Minsker, 2011; Radelet, 2009). As California continues to debate the death penalty, the state's actions could have a ripple effect throughout the nation given its role as a "bellwether" state on this issue (Radelet, 2009). However, only time will tell if the "executioner's waning defenses" lead to the death of the death penalty in California and nationwide (Radelet, 2009).

Limitations and Future Directions

While this dissertation has a number of theoretical and policy implications, it leaves several questions unanswered. In particular, the study does not speak to the influence of race on non-capital sanctions in homicide cases. Analyses sought to shed light on the "mysterious race effect" within death penalty institutions, yet it is important to recognize that non-capital sanctions may also be racialized in numerous ways. In fact, only a small fraction of homicides advance to a capital trial, with the majority of cases resulting in other types of dispositions. One particularly important sanction is LWOP. Despite the fact that LWOP sentences vastly exceed

the number of death sentences—with over 41,000 Americans currently serving a LWOP sentence—relatively little attention has been devoted to the topic (Henry, 2012). In light of research uncovering systematic racial biases in the processing of homicide cases at various stages (Baumer et al., 2000), it is likely that LWOP sentences are imposed in a racially discriminatory manner as well (Ogletree & Sarat, 2012). Furthermore, if death sentences continue to decline, the importance of studying LWOP will become increasingly apparent (Henry, 2012; Radelet, 2009), raising the question: will LWOP replace capital punishment as the most extreme sanction in America?

Future research should also examine the cumulative effects of race on the criminal justice processing of other crimes. As the most extreme form of punishment, the analysis of capital cases provided a conservative and rigorous test of cumulative disadvantage theory. However, additional inquiry into non-homicidal offenses would help to both extend and validate the present research. Indeed, one might hypothesize that cumulative race effects would be even larger in drug and misdemeanor cases given the vast amount of discretionary power involved in these cases (Lynch, 2012).

Finally, the data and research methods I utilized limits the types of conclusions that can be drawn from the results. Official datasets, including the one analyzed here, contain a limited range of variables, capturing the various constructs of interest with some degree of imprecision (Kutateladze et al., 2014; Shermer & Johnson, 2010). Although this study attempted to mitigate these issues by triangulating various data sources and examining multiple stages of the criminal justice system, such concerns are always present when analyzing observational data (Baldus & Woodworth, 2009). A related shortcoming pertains to the study's methodological framework. Regression models indicate that race matters, but not *how* or *why* (Abbott, 2004). While

experimental and qualitative studies highlight the role of skin-color (Eberhardt, Davies, Purdie-Vaughns, & Johnson, 2006), emotions (Lynch & Haney, 2011, 2015), and racial stereotypes (Fleury-Steiner, 2004) in death penalty decision-making, the present study did not examine these processes. Given this meta-critique of secondary data analyses more generally (Abbott, 2004), a fuller understanding of cumulative race effects within death penalty institutions requires a wider range of methodological approaches and data sources.

REFERENCES

Abbott, A. (2004). Methods of discovery. *NY: Norton & Cy*.

Addington, L. A. (2007). Hot vs. cold cases: Examining time to clearance for homicides using NIBRS data. *Justice Research and Policy*, *9*(2), 87–112.

Adelman, R. M. (2005). The Roles of Race, Class, and Residential Preferences in the Neighborhood Racial Composition of Middle-Class Blacks and Whites. *Social Science Quarterly*, *86*(1), 209–228.

Aigner, D. J., & Cain, G. G. (1977). Statistical theories of discrimination in labor markets. *Industrial and Labor Relations Review*, 175–187.

Alba, R., Rumbaut, R. G., & Marotz, K. (2005). A distorted nation: Perceptions of racial/ethnic group sizes and attitudes toward immigrants and other minorities. *Social Forces*, *84*(2), 901–919.

Albonetti, C. A. (1986). Criminality, prosecutorial screening, and uncertainty: Toward a theory of discretionary decision making in felony case processings. *Criminology*, *24*(4), 623–644.

Albonetti, C. A. (1987). Prosecutorial discretion: The effects of uncertainty. *Law & Society Review*, *21*, 291.

Alderden, M. A., & Lavery, T. A. (2007). Predicting Homicide Clearances in Chicago Investigating Disparities in Predictors Across Different Types of Homicide. *Homicide Studies*, *11*(2), 115–132.

Anderson, E. (2000). *Code of the street: Decency, violence, and the moral life of the inner city*. WW Norton & Company.

Auerhahn, K. (2007). Just another crime? Examining disparity in homicide sentencing. *The Sociological Quarterly*, *48*(2), 277–313.

Baicker, K. (2004). The Budgetary Repercussions of Capital Convictions. *The BE Journal of Economic Analysis & Policy*, *4*(1), 1–28.

Baldus, D. C., Woodworth, G., Grosso, C. M., & Christ, A. M. (2002). Arbitrariness and discrimination in the administration of the death penalty: A legal and empirical analysis of the Nebraska experience (1973-1999). *Neb. L. Rev.*, *81*, 486.

Baldus, D., & Woodworth, G. (2003). Race Discrimination and the Death Penalty: An Empirical and Legal Overview. In R. M. Bohm & C. S. Lanier, *America's Experiment With Capital Punishment: Reflections on the Past, Present, and Future of the Ultimate Penal Sanction*. Durham: Carolina Academic Press.

Baldus, D., & Woodworth, G. (2009). Empirical Studies of Race and Geographic Discrimination in the Administration of the Death Penalty: A Primer on the Key Methodological Issues. In C. S. Lanier & J. R. Acker, *America's Experiment With Capital Punishment: Reflections on the Past, Present, and Future of the Ultimate Penal Sanction*. Durham, NC: Carolina Academic Press.

Baldus, D., Woodworth, G., & Pulaski, C. (1990). *Equal justice and the death penalty: A legal and empirical analysis*. Upne.

Baldus, D., Woodworth, G., & Weiner, N. (2009). Perspectives, Approaches, and Future Directions in Death Penalty Proportionality Studies. In C. S. Lanier & J. R. Acker, *America's Experiment With Capital Punishment: Reflections on the Past, Present, and Future of the Ultimate Penal Sanction*. Durham, NC: Carolina Academic Press.

Baldus, D., Woodworth, G., Zuckerman, D., & Weiner, N. A. (1997). Racial discrimination and the death penalty in the post-Furman era: An empirical and legal overview with recent findings from Philadelphia. *Cornell L. Rev.*, *83*, 1638.

Banner, S. (2009). *The death penalty: An American history*. Harvard University Press.

Barak, G. (1994). Between the waves: Mass-mediated themes of crime and justice. *Social Justice*, 133–147.

Barlow, M. H. (1998). Race and the Problem of Crime in" Time" and" Newsweek" Cover Stories, 1946 to 1995. *Social Justice*, 149–183.

Barnes, C., & Kingsnorth, R. (1996). Race, drug, and criminal sentencing: Hidden effects of the criminal law. *Journal of Criminal Justice*, *24*(1), 39–55.

Barnes, K., Sloss, D., & Thaman, S. (2009). Place matters (most): An empirical study of prosecutorial decision-making in death-eligible cases. *Ariz. L. Rev.*, *51*, 305.

Baumer, E. P. (2013). Reassessing and redirecting research on race and sentencing. *Justice Quarterly*, *30*(2), 231–261.

Baumer, E. P., Messner, S. F., & Felson, R. B. (2000). The role of victim characteristics in the disposition of murder cases. *Justice Quarterly*, *17*(2), 281–307.

Baumgartner, F. R., De Boef, S. L., & Boydstun, A. E. (2008). *The decline of the death penalty and the discovery of innocence*. Cambridge University Press.

Beckett, K. (1999). *Making crime pay: Law and order in contemporary American politics*. Oxford University Press.

Bedi, S. A. (2003). Constructed Identities of Asian and African Americans: A Story of Two Races and the Criminal Justice System, The. *Harv. BlackLetter LJ*, *19*, 181.

Bellair, P. E. (2000). Informal Surveillance and Street Crime: A Complex Relationship. *Criminology*, *38*(1), 137–170.

Bergesen, A., & Herman, M. (1998). Immigration, race, and riot: The 1992 Los Angeles uprising. *American Sociological Review*, 39–54.

Berk, R. (1983). An introduction to sample selection bias in sociological data. *American Sociological Review*, 386–398.

Berk, R., Boger, J., & Weiss, R. (1993). Chance and the death penalty. *Law & Society Review*, *27*, 89.

Bickel, R. (2012). *Multilevel analysis for applied research: It's just regression!*. Guilford Press.

Bielby, W. T., & Baron, J. N. (1986). Men and women at work: Sex segregation and statistical discrimination. *American Journal of Sociology*, 759–799.

Bienen, L., Weiner, N. A., Denno, D. W., Allison, P. D., & Mills, D. A. (1988). The reimposition of capital punishment in New Jersey: The role of prosecutorial discretion. *Rutgers Law Review*, *41*(27), 27–372.

Bienen, L., Weiner, N. A., & Mills, D. L. (1989). The Reimposition of Capital Punishment in New Jersey: Felony Murder Cases. *Alb. L. Rev.*, *54*, 709.

Black, D. (1976). *The behavior of law*. New York: Academic Press.

Blumstein, A., Cohen, J., Martin, S. E., & Tonry, M. H. (1983). Research on Sentencing: The Search for Reform, Volume I. *National Academy Press, Washington, DC*. Retrieved from https://www.ncjrs.gov/App/abstractdb/AbstractDBDetails.aspx?id=90010

Blumstein, A., & Wallman, J. (2006). *The crime drop in America*. Cambridge University Press.

Bobo, L. (2001). Racial attitudes and relations at the close of the twentieth century. *America Becoming: Racial Trends and Their Consequences*, *1*, 264–301.

Bobo, L., & Hutchings, V. L. (1996). Perceptions of racial group competition: Extending Blumer's theory of group position to a multiracial social context. *American Sociological Review, 61*, 951–972.
Bobo, L., Kluegel, J. R., & Smith, R. A. (1997). Laissez-faire racism: The crystallization of a kinder, gentler, antiblack ideology. In Bobo, L., Kluegel, J. R., Smith, R. A., Tuch, S. A., & Martin, J. K. *Racial Attitudes in the 1990s: Continuity and Change*, *15*, 23–25.
Bobo, L., & Smith, R. A. (1998). From Jim Crow racism to laissez-faire racism: The transformation of racial attitudes. *Beyond Pluralism: The Conception of Groups and Group Identities in America, 198*.
Bobo, L., & Zubrinsky, C. L. (1996). Attitudes on residential integration: Perceived status differences, mere in-group preference, or racial prejudice? *Social Forces, 74*(3), 883–909.
Bonilla-Silva, E. (1997). Rethinking racism: Toward a structural interpretation. *American Sociological Review*, 465–480.
Bonilla-Silva, E. (2001). *White supremacy and racism in the post-civil rights era*. Lynne Rienner Publishers.
Borg, M. J., & Parker, K. F. (2001). Mobilizing law in urban areas: The social structure of homicide clearance rates. *Law and Society Review*, 435–466.
Bowers, W. J. (1983). The Pervasiveness of Arbitrariness and Discrimination under Post-" Furman" Capital Statutes. *Journal of Criminal Law and Criminology*, 1067–1100.
Bowers, W. J., & Pierce, G. L. (1980). Arbitrariness and discrimination under post-Furman capital statutes. *Crime & Delinquency*, *26*(4), 563–632.
Brigham, J. C., & Wasserman, A. W. (1999). The Impact of Race, Racial Attitude, and Gender on Reactions to the Criminal Trial of OJ Simpson1. *Journal of Applied Social Psychology*, *29*(7), 1333–1370.
Bright, S. B. (1994). Discrimination, death and denial: The tolerance of racial discrimination in infliction of the death penalty. *Santa Clara L. Rev.*, *35*, 433.
Brooks-Gunn, J., Duncan, G., & Aber, J. L. (1997). *Neighborhood poverty, volume 1: Context and consequences for children*. Russell Sage Foundation.
Brown, A., & Lopez, M. H. (n.d.). IV. Ranking Latino Population's in the Nation's Metropolitan Areas. Retrieved from http://www.pewhispanic.org/2013/08/29/iv-ranking-latino-populations-in-the-nations-metropolitan-areas/
Brundage, W. F. (1993). *Lynching in the new South: Georgia and Virginia, 1880-1930*. University of Illinois Press.
Bureau of Justice Statistics. (2005). Directory of Law Enforcement Agencies, 1992: [United States]. Inter-university Consortium for Political and Social Research (ICPSR) [distributor]. Retrieved from http://doi.org/10.3886/ICPSR02266.v1
Bureau of Justice Statistics. (2014). Homicide Trends in the United States, 1980-2008. Retrieved from http://www.bjs.gov/index.cfm?ty=pbdetail&iid=2221
Bushway, S. D., & Forst, B. (2013). Studying discretion in the processes that generate criminal justice sanctions. *Justice Quarterly*, *30*(2), 199–222.
Bushway, S., Johnson, B. D., & Slocum, L. A. (2007). Is the magic still there? The use of the Heckman two-step correction for selection bias in criminology. *Journal of Quantitative Criminology*, *23*(2), 151–178.
Caldwell, M., Chase, C., & Goodman, C. (2008). Death Penalty Survey Report. Retrieved from http://www.ccfaj.org/documents/reports/dp/expert/Pepperdine-Caldwell Research.pdf

California Department of Justice (CADOJ). (2010). Homicide in California, 2010. Retrieved from http://oag.ca.gov/sites/all/files/agweb/pdfs/cjsc/publications/homicide/hm10/preface.pdf
California Legislative Analyst Office. (2012). Proposition 34. Death Penalty. Initiative Statute. Retrieved from http://vig.cdn.sos.ca.gov/2012/general/pdf/34-title-summ-analysis.pdf
Carrigan, W. D., & Webb, C. (2003). The lynching of persons of Mexican origin or descent in the United States, 1848 to 1928. *Journal of Social History*, *37*(2), 411–438.
Carr, P. J., Napolitano, L., & Keating, J. (2007). We never call the cops and here is why: a qualitative examination of legal cynicism in three Philadelphia neighborhoods. *Criminology*, *45*(2), 445–480.
Carter, L. E., Kreitzberg, E., & Howe, S. (2012). *Understanding capital punishment law*. LexisNexis.
California Commission on the Fair Administration of Justice (CCFAJ). (2008). Official Recommendations On The Fair Administration Of The Death Penalty In California. Retrieved from http://www.ccfaj.org/documents/reports/dp/official/FINAL%20REPORT%20DEATH%20PENALTY.pdf
California Department of Corrections and Rehabilitation (CDCR). (2015). Death Row Tracking System: Condemned Inmate List (Secure). Retrieved from http://www.cdcr.ca.gov/capital_punishment/docs/condemnedinmatelistsecure.pdf
Chaiken, J. M., Greenwood, P. W., & Petersilia, J. (1977). The criminal investigation process: A summary report. *Policy Analysis*, 187–217.
Charles, C. Z. (2000). Neighborhood racial-composition preferences: Evidence from a multiethnic metropolis. *Social Problems*, 379–407.
Chavez, L. (2013). *The Latino threat: Constructing immigrants, citizens, and the nation*. Stanford University Press.
Chiricos, T., & Eschholz, S. (2002). The racial and ethnic typification of crime and the criminal typification of race and ethnicity in local television news. *Journal of Research in Crime and Delinquency*, *39*(4), 400–420.
Chiricos, T., Hogan, M., & Gertz, M. (1997). Racial Composition Of Neighborhood And Fear Of Crime. *Criminology*, *35*(1), 107–132.
Clark, W. A. (1992). Residential preferences and residential choices in a multiethnic context. *Demography*, *29*(3), 451–466.
Clear, T. R. (2008). The effects of high imprisonment rates on communities. *Crime and Justice*, *37*(1), 97–132.
Cohen, G. B., & Smith, R. J. (2010). Racial Geography of the Federal Death Penalty, The. *Wash. L. Rev.*, *85*, 425.
Cordner, G. W. (1989). Police agency size and investigative effectiveness. *Journal of Criminal Justice*, *17*(3), 145–155.
Covington, J., & Taylor, R. B. (1991). Fear of crime in urban residential neighborhoods. *The Sociological Quarterly*, *32*(2), 231–249.
Death Penalty Information Center. (n.d.). States With and Without the Death Penalty. Retrieved from http://www.deathpenaltyinfo.org/states-and-without-death-penalty
Demuth, S. (2003). Racial and Ethnic Differences in Pretrial Release Decisions and Outcomes: A Comparison of Hispanic, Black, and White Felony Arrestees. *Criminology*, *41*(3), 873–908.

Demuth, S., & Steffensmeier, D. (2004). Ethnicity effects on sentence outcomes in large urban courts: comparisons among white, black, and hispanic defendants. *Social Science Quarterly*, *85*(4), 994–1011.
DiPrete, T. A., & Eirich, G. M. (2006). Cumulative advantage as a mechanism for inequality: A review of theoretical and empirical developments. *Annual Review of Sociology*, 271–297.
Dixon, T. L. (2008). Crime news and racialized beliefs: Understanding the relationship between local news viewing and perceptions of African Americans and crime. *Journal of Communication*, *58*(1), 106–125.
Dixon, T. L., & Azocar, C. L. (2006). The representation of juvenile offenders by race on Los Angeles area television news. *The Howard Journal of Communications*, *17*(2), 143–161.
Dixon, T. L., Azocar, C. L., & Casas, M. (2003). The portrayal of race and crime on television network news. *Journal of Broadcasting & Electronic Media*, *47*(4), 498–523.
Dixon, T. L., & Linz, D. (2000). Race and the misrepresentation of victimization on local television news. *Communication Research*, *27*(5), 547–573.
Doerner, J. K., & Demuth, S. (2010). The independent and joint effects of race/ethnicity, gender, and age on sentencing outcomes in US federal courts. *Justice Quarterly*, *27*(1), 1–27.
Donohue, J. J. (2013). Capital Punishment in Connecticut, 1973-2007: A Comprehensive Evaluation From 4686 Murders To One Execution. Retrieved from http://works.bepress.com/john_donohue/87/
Donohue, J. J. (2014). An Empirical Evaluation of the Connecticut Death Penalty System Since 1973: Are There Unlawful Racial, Gender, and Geographic Disparities? *Journal of Empirical Legal Studies*, *11*(4), 637–696.
Dovidio, J. F. (2001). On the nature of contemporary prejudice: The third wave. *Journal of Social Issues*, *57*(4), 829–849.
Drakulich, K. M. (2012). Strangers, Neighbors, and Race A Contact Model of Stereotypes and Racial Anxieties About Crime. *Race and Justice*, *2*(4), 322–355.
Eberhardt, J. L., Davies, P. G., Purdie-Vaughns, V. J., & Johnson, S. L. (2006). Looking deathworthy perceived stereotypicality of black defendants predicts capital-sentencing outcomes. *Psychological Science*, *17*(5), 383–386.
Eisenstein, J., Flemming, R. B., & Nardulli, P. F. (1988). *The contours of justice: Communities and their courts*. Little, Brown Boston, MA.
Eisenstein, J., & Jacob, H. (1977). *Felony justice: An organizational analysis of criminal courts*. Little, Brown Boston.
Elias, P. (2012). Calif. voters retain death penalty despite costs. Retrieved from http://www.huffingtonpost.com/huff-wires/20121107/us-prop-34-death-penalty/
Entman, R. M. (1990). Modern racism and the images of blacks in local television news. *Critical Studies in Media Communication*, *7*(4), 332–345.
Farley, R., Steeh, C., Krysan, M., Jackson, T., & Reeves, K. (1994). Stereotypes and segregation: neighborhoods in the Detroit area. *American Journal of Sociology*.
Farrell, A., Ward, G., & Rousseau, D. (2009). Race effects of representation among federal court workers: does black workforce representation reduce sentencing disparities? *The Annals of the American Academy of Political and Social Science*, *623*(1), 121–133.
Farrell, A., Ward, G., & Rousseau, D. (2010). Intersections of Gender and Race in Federal Sentencing: Examining Court Contexts and Effects of Representative Court Authorities. *J. Gender Race & Just.*, *14*, 85.
Farrington, D. P. (1986). Age and crime. *Crime and Justice*, 189–250.

Fearn, N. E. (2005). A multilevel analysis of community effects on criminal sentencing. *Justice Quarterly*, *22*(4), 452–487.
Fleury-Steiner, B. (2004). *Jurors' stories of death: how America's death penalty invests in inequality*. Univ of Michigan Pr.
Fleury-Steiner, B., & Argothy, V. (2006). "Death in White-Face": Modern Race Minstrels, Official Lynching and the Culture of American Apartheid'. *From Lynch Mobs to the Killing State: Race and the Death Penalty in America*, 15.
Franzini, L., Caughy, M. O., Nettles, S. M., & O'Campo, P. (2008). Perceptions of disorder: Contributions of neighborhood characteristics to subjective perceptions of disorder. *Journal of Environmental Psychology*, *28*(1), 83–93.
Frase, R. S. (2013). Research on race and sentencing: goals, methods, and topics. *Justice Quarterly*, *30*(2), 262–269.
Frohmann, L. (1991). Discrediting victims' allegations of sexual assault: Prosecutorial accounts of case rejections. *Social Problems*, 213–226.
Frohmann, L. (1997). Convictability and discordant locales: Reproducing race, class, and gender ideologies in prosecutorial decisionmaking. *Law & Society Review*, *31*, 531.
Gaertner, S. L., & Dovidio, J. F. (2005). Understanding and addressing contemporary racism: From aversive racism to the common ingroup identity model. *Journal of Social Issues*, *61*(3), 615–639.
Garasky, S. (1995). The effects of family structure on educational attainment. *American Journal of Economics and Sociology*, *54*(1), 89–105.
Gilliam, F. D., Valentino, N. A., & Beckmann, M. N. (2002). Where you live and what you watch: The impact of racial proximity and local television news on attitudes about race and crime. *Political Research Quarterly*, *55*(4), 755–780.
Gottfredson, M. R., & Hindelang, M. J. (1979). A study of the behavior of law. *American Sociological Review*, 3–18.
Greene, J. R. (1998). The road to community policing in Los Angeles: A case study. *Community Policing: Contemporary Readings*, 123–158.
Gruenewald, J., Chermak, S. M., & Pizarro, J. M. (2013). Covering Victims in the News: What Makes Minority Homicides Newsworthy? *Justice Quarterly*, *30*(5), 755–783.
Gruenewald, J., Pizarro, J., & Chermak, S. M. (2009). Race, gender, and the newsworthiness of homicide incidents. *Journal of Criminal Justice*, *37*(3), 262–272.
Hagan, J., Gillis, A. R., & Chan, J. (1978). Explaining Official Delinquency: a Spatial Study of Class, Conflict and Control. *The Sociological Quarterly*, *19*(3), 386–398.
Hair, J. F., Black, W. C., Babin, B. J., Anderson, R. E., & Tatham, R. L. (2006). *Multivariate data analysis* (Vol. 6). Pearson Prentice Hall Upper Saddle River, NJ.
Haney López, I. (1994). Social Construction of Race: Some Observations on Illusion, Fabrication, and Choice, The. *Harv CR-CLL Rev.*, *29*, 1.
Haney López, I. (2000). Institutional racism: Judicial conduct and a new theory of racial discrimination. *Yale Law Journal*, 1717–1884.
Harris, A. (2007). Diverting and abdicating judicial discretion: Cultural, political, and procedural dynamics in California juvenile justice. *Law & Society Review*, *41*(2), 387–428.
Harris, D. R. (2001). Why are whites and blacks averse to black neighbors? *Social Science Research*, *30*(1), 100–116.
Hastings, A., & Dean, J. (2003). Challenging images: tackling stigma through estate regeneration. *Policy & Politics*, *31*(2), 171–184.

Henry, J. (2012). Death-in-Prison Sentences: Overutilized and Underscrutinized. In C. J. Ogletree & A. Sarat, *Life Without Parole: America's New Death Penalty?*. New York University Press.

Herbert, S. (1996). The normative ordering of police territoriality: making and marking space with the Los Angeles Police Department. *Annals of the Association of American Geographers*, *86*(3), 567–582.

Herbert, S. (1997). *Policing space: Territoriality and the Los Angeles police department*. U of Minnesota Press.

Hickman, L. J., & Suttorp, M. J. (2008). Are deportable aliens a unique threat to public safety? Comparing the recidivism of deportable and nondeportable aliens. *Criminology & Public Policy*, *7*(1), 59–82.

Hirschi, T., & Gottfredson, M. (1983). Age and the explanation of crime. *American Journal of Sociology*, 552–584.

Hurwitz, J., & Peffley, M. (1997). Public perceptions of race and crime: The role of racial stereotypes. *American Journal of Political Science*, 375–401.

Jackson, A. L., & Boyd, L. M. (2005). Minority-threat hypothesis and the workload hypothesis: A community-level examination of lenient policing in high crime communities. *Criminal Justice Studies*, *18*(1), 29–50.

Jacobs, D., & Carmichael, J. T. (2002). The political sociology of the death penalty: A pooled time-series analysis. *American Sociological Review*, 109–131.

Jacobs, D., Carmichael, J. T., & Kent, S. L. (2005). Vigilantism, current racial threat, and death sentences. *American Sociological Review*, *70*(4), 656–677.

Jacobs, D., & Wood, K. (1999). Interracial Conflict and Interracial Homicide: Do Political and Economic Rivalries Explain White Killings of Blacks or Black Killings of Whites? 1. *American Journal of Sociology*, *105*(1), 157–190.

Jiao, A. Y. (2007). Explaining homicide clearance: An analysis of Chicago homicide data 1965–1995. *Criminal Justice Studies*, *20*(1), 3–14.

Johnson, B. D. (2005). Contextual Disparities in Guidelines Departures: Courtroom Social Contexts, Guidelines Compliance, and Extralegal Disparities in Criminal Sentencing1. *Criminology*, *43*(3), 761–796.

Johnson, B. D., Ulmer, J. T., & Kramer, J. H. (2008). The Social Context of Guidelines Circumvention: The Case of Federal District Courts. *Criminology*, *46*(3), 737–783.

Kaplan, P., Ganschow, R., Angioli, S., & Tabin, L. (2009). Public but Opaque: The Problems of Tracking Homicide Charging in a California County. *Justice Policy Journal*, *6*(2), 1.

Kautt, P., & Spohn, C. (2002). Crack-ing down on black drug offenders? Testing for interactions among offenders' race, drug type, and sentencing strategy in federal drug sentences. *Justice Quarterly*, *19*(1), 1–35.

Keil, T. J., & Vito, G. F. (1990). Race and the death penalty in Kentucky murder trials: An analysis of post-Gregg outcomes. *Justice Quarterly*, *7*(1), 189–207.

Kerckhoff, A. C., & Glennie, E. (1999). The Matthew effect in American education. *Research in Sociology of Education and Socialization*, *12*(1), 35–66.

Kirk, D. S., & Matsuda, M. (2011). Legal Cynicism, Collective Efficacy, and the Ecology of Arrest. *Criminology*, *49*(2), 443–472.

Kirk, D. S., & Papachristos, A. V. (2011). Cultural Mechanisms and the Persistence of Neighborhood Violence1. *American Journal of Sociology*, *116*(4), 1190–1233.

Klinger, D. A. (1997). Negotiating Order In Patrol Work: An Ecological Theory Of Police Response To Deviance. *Criminology*, *35*(2), 277–306.
Kramer, J. H., & Ulmer, J. T. (2002). Downward Departures For Serious Violent Offenders: Local Court "Corrections" To Pennsylvania's Sentencing Guidelines. *Criminology*, *40*(4), 897–932.
Kramer, J. H., & Ulmer, J. T. (2009). *Sentencing Guidelines: Lessons from Pennsylvania*. Lynne Rienner Publishers Boulder, CO.
Kreitzberg, E. (2008). A Review of Special Circumstances In California Death Penalty Cases. Retrieved from http://www.ccfaj.org/documents/ reports/dp/ expert/Kreitzberg.pdf
Krivo, L. J., & Peterson, R. D. (1996). Extremely disadvantaged neighborhoods and urban crime. *Social Forces*, *75*(2), 619–648.
Krysan, M. (2002). Community undesirability in black and white: Examining racial residential preferences through community perceptions. *Social Problems*, *49*(4), 521–543.
Krysan, M., Couper, M. P., Farley, R., & Forman, T. (2009). Does race matter in neighborhood preferences? Results from a video experiment. *American Journal of Sociology*, *115*(2), 527.
Kubrin, C. E., & Weitzer, R. (2003). Retaliatory homicide: Concentrated disadvantage and neighborhood culture. *Social Problems*, *50*(2), 157–180.
Kubrin, C. E., Zatz, M. S., & Martinez, R. (2012). *Punishing Immigrants: Policy, Politics, and Injustice*. NYU Press.
Kutateladze, B., Andiloro, N. R., Johnson, B. D., & Spohn, C. C. (2014). Cumulative disadvantage: Examining racial and ethnic disparity in prosecution and sentencing. *Criminology*, *52*(3), 514–551.
Kutateladze, B., Lynn, V., & Liang, E. (2012). Do Race and Ethnicity Matter in Prosecution? A Review of Empirical Studies. Vera Institute of Justice. Retrieved from http://www.vera.org/pubs/do-race-and-ethnicity-matter-prosecution-review-empirical-studies
LA County District Attorney's Office. (2015). LA County DA's Office. Retrieved from http://da.co.la.ca.us/about/meet-the-da.
LaFree, G., Baumer, E. P., & O'Brien, R. (2010). Still separate and unequal? A city-level analysis of the black-white gap in homicide arrests since 1960. *American Sociological Review*, *75*(1), 75–100.
Landes, W. M. (1971). An economic analysis of the courts. *Journal of Law and Economics*, 61–107.
Langan, P. A., & Brown, J. M. (1997). *Felony sentences in state courts, 1994*. US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Retrieved from http://bjs.gov/content/pub/pdf/fssc94.pdf
LAPD. (2015). Robbery-Homicide Division. Retrieved from http://www.lapdonline.org/detective_bureau/content_basic_view/6262.
LASD. (2015). About. Retrieved from http://www.lasdhq.org/lasdabout.html
LA Superior Court. (2015). Los Angeles Superior Court: General Jurisdiction Case Number Prefix Matrix. Retrieved from www.lacourt.org/division/pdf/CaseNumberPrefixMatrix.pdf
LA Times. (2014). Kamala Harris' decision to defend the death penalty is the right one. *LA Times*. Retrieved from http://www.latimes.com/opinion/editorials/la-ed-death-penalty-kamala-harris-appeal-20140824-story.html

Laub, J. H., & Sampson, R. J. (2006). *Shared beginnings, divergent lives: Delinquent boys to age 70*. Harvard University Press.
Lee, C. (2005). The value of life in death: Multiple regression and event history analyses of homicide clearance in Los Angeles County. *Journal of Criminal Justice*, *33*(6), 527–534.
Lee, C. (2007). Hispanics and the death penalty: Discriminatory charging practices in San Joaquin County, California. *Journal of Criminal Justice*, *35*(1), 17–27.
Leiber, M. J., & Fox, K. C. (2005). Race and the impact of detention on juvenile justice decision making. *Crime & Delinquency*, *51*(4), 470–497.
Leiber, M. J., & Mack, K. Y. (2003). The individual and joint effects of race, gender, and family status on juvenile justice decision-making. *Journal of Research in Crime and Delinquency*, *40*(1), 34–70.
Liebman, J. S., & Clarke, P. (2011). Minority Practice, Majority's Burden: The Death Penalty Today. *Ohio St. J. Crim. L.*, *9*, 255.
Liebman, J. S., Fagan, J., West, V., & Lloyd, J. (1999). Capital attrition: error rates in capital cases, 1973-1995. *Tex. L. Rev.*, *78*, 1839.
Litwin, K. J. (2004). A multilevel multivariate analysis of factors affecting homicide clearances. *Journal of Research in Crime and Delinquency*, *41*(4), 327–351.
Litwin, K. J., & Xu, Y. (2007). The Dynamic Nature of Homicide Clearances A Multilevel Model Comparison of Three Time Periods. *Homicide Studies*, *11*(2), 94–114.
Logan, J. E., Smith, S. G., & Stevens, M. R. (2011). Homicides—United States, 1999–2007. *MMWR Surveill Summ*, *60*, 67–70.
Long, J. S., & Fox, M. F. (1995). Scientific careers: Universalism and particularism. *Annual Review of Sociology*, 45–71.
Lopez, M. H., Gonzalez-Barrera, A., & Cuddington, D. (n.d.). Diverse Origins: The Nation's 14 Largest Hispanic-Origin Groups. Retrieved from http://www.pewhispanic.org/2013/06/19/diverse-origins-the-nations-14-largest-hispanic-origin-groups/
Lundman, R. J. (2003). The newsworthiness and selection bias in news about murder: Comparative and relative effects of novelty and race and gender typifications on newspaper coverage of homicide. *Sociological Forum* (Vol. 18, pp. 357–386).
Lundman, R. J., Douglass, O. M., & Hanson, J. M. (2004). News about murder in an African American newspaper: Effects of relative frequency and race and gender typifications. *The Sociological Quarterly*, *45*(2), 249–272.
Lundman, R. J., & Myers, M. (2011). Explanations of Homicide Clearances: Do Results Vary Dependent Upon Operationalization and Initial (Time 1) and Updated (Time 2) Data? *Homicide Studies*, DOI: 1088767911428814.
Lynch, M. (2012). Theorizing the role of the "war on drugs" in US punishment. *Theoretical Criminology*, *16*(2), 175–199.
Lynch, M., & Haney, C. (2011). Mapping the Racial Bias of the White Male Capital Juror: Jury Composition and the "Empathic Divide." *Law & Society Review*, *45*(1), 69–102.
Lynch, M., & Haney, C. (2015). Emotion, Authority, and Death:(Raced) Negotiations in Mock Capital Jury Deliberations. *Law & Social Inquiry*.
Marshall, L. C. (2003). Innocence Revolution and the Death Penalty, The. *Ohio St. J. Crim. L.*, *1*, 573.
Martinez Jr, R., & Lee, M. T. (2000). On immigration and crime. *Criminal Justice*, *1*(1), 486–524.

Massey, D. (1995). Places and their pasts. *History Workshop Journal* (pp. 182–192).
Massey, D., & Denton, N. A. (1989). Hypersegregation in US metropolitan areas: Black and Hispanic segregation along five dimensions. *Demography*, *26*(3), 373–391.
Massey, D. S. (2007). *Categorically unequal: The American stratification system*. Russell Sage Foundation.
Matei, S. A., & Ball-Rokeach, S. (2005). Watts, the 1965 Los Angeles riots, and the communicative construction of the fear epicenter of Los Angeles. *Communication Monographs*, *72*(3), 301–323.
Matei, S., Ball-Rokeach, S., & Qiu, J. L. (2001). Fear and Misperception of Los Angeles Urban Space A Spatial-Statistical Study of Communication-Shaped Mental Maps. *Communication Research*, *28*(4), 429–463.
Matei, S., Ball-Rokeach, S., Wilson, M., Gibbs, J., & Gutierrez Hoyt, E. (2001). Metamorphosis: A field research methodology for studying communication technology and community. *Electronic Journal of Communication/La Revue Electronique de Communication*, *11*(2).
Mauer, M. (1999). *The crisis of the young African American male and the criminal justice system*. Sentencing Project. Retrieved from http://www.sentencingproject.org/doc/publications/rd_crisisoftheyoung.pdf
Menard, S. (2009). *Logistic regression: From introductory to advanced concepts and applications*. Sage Publications.
Menjivar, C., & Bejarano, C. (2004). Latino immigrants' perceptions of crime and police authorities in the United States: A case study from the Phoenix metropolitan area. *Ethnic and Racial Studies*, *27*(1), 120–148.
Merina, V., & Connell, R. (1997, February 10). Strained Resources Hamper Police. *Los Angeles Times*.
Miethe, T. D. (1987). Charging and plea bargaining practices under determinate sentencing: An investigation of the hydraulic displacement of discretion. *Journal of Criminal Law and Criminology*, 155–176.
Minsker, N. (2008). Charging Practices Letter. Retrieved from http://ccfaj.org/documents/reports/ dp/expert/ACLUDA ChargingPracticesLetter.pdf
Minsker, N. (2011). California's Death Penalty is Dead: Anatomy of a Failure. ACLU. Retrieved from https://www.aclunc.org/docs/criminal_justice/death_penalty/the_death_penalty_is_dead_2011.pdf.
Moeller, G. L. (1989). Fear of criminal victimization: The effect of neighborhood racial composition. *Sociological Inquiry*, *59*(2), 208–221.
Mohan, J., Twigg, L., & Taylor, J. (2011). Mind The Double Gap Using Multivariate Multilevel Modelling to Investigate Public Perceptions of Crime Trends. *British Journal of Criminology*, *51*(6), 1035–1053.
Murakawa, N., & Beckett, K. (2010). The penology of racial innocence: The erasure of racism in the study and practice of punishment. *Law & Society Review*, *44*(3-4), 695–730.
National Academy of Sciences. (2012). *Deterrence and the death penalty*. National Academies Press.
Ogletree, C. J., & Sarat, A. (2012). Lives on the Line: From Capital Punishment to Life without Parole. In C. J. Ogletree & A. Sarat, *Life Without Parole: America's New Death Penalty?*. New York University Press.

Ousey, G. C., & Kubrin, C. E. (2009). Exploring the connection between immigration and violent crime rates in US cities, 1980–2000. *Social problems*, *56*(3), 447-473.
Ousey, G. C., & Lee, M. R. (2010). The Southern culture of violence and homicide-type differentiation: an analysis across cities and time points. *Homicide Studies*, *14*(3), 268–295.
Paré, P.-P., Felson, R. B., & Ouimet, M. (2007). Community variation in crime clearance: A multilevel analysis with comments on assessing police performance. *Journal of Quantitative Criminology*, *23*(3), 243–258.
Paternoster, R. (1984). Prosecutorial discretion in requesting the death penalty: A case of victim-based racial discrimination. *Law and Society Review*, 437–478.
Paternoster, R., Brame, R., Bacon, S., & Ditchfield, A. (2004). Justice by geography and race: The administration of the death penalty in Maryland, 1978-1999. *U. Md. LJ Race, Religion, Gender & Class*, *4*, 1.
Peffley, M., & Hurwitz, J. (2002). The racial components of "race-neutral" crime policy attitudes. *Political Psychology*, *23*(1), 59–75.
Perkins, D. D., & Taylor, R. B. (2002). Ecological assessments of community disorder: Their relationship to fear of crime and theoretical implications. In *Ecological Research to Promote Social Change* (pp. 127–170). Springer.
Perloff, R. M. (2000). The press and lynchings of African Americans. *Journal of Black Studies*, *30*(3), 315–330.
Permentier, M., Bolt, G., & van Ham, M. (2011). Determinants of neighbourhood satisfaction and perception of neighbourhood reputation. *Urban Studies*, *48*(5), 977–996.
Permentier, M., Van Ham, M., & Bolt, G. (2008). Same neighbourhood… different views? A confrontation of internal and external neighbourhood reputations. *Housing Studies*, *23*(6), 833–855.
Petersen, N. (2014). Neighborhood Context and Media Constructions of Murder A Multilevel Analysis of Homicide Newspaper Coverage in Los Angeles County. *Homicide Studies*, DOI: 1088767914554616.
Petersen, N., & Lynch, M. (2013). Prosecutorial Discretion, Hidden Costs, and the Death Penalty: The Case of Los Angeles County. *Journal of Criminal Law & Criminology*, *102*, 1233.
Petersilia, J. (1983). *Racial disparities in the criminal justice system*. Rand Corporation Santa Monica, CA. Retrieved from https://www.ncjrs.gov/pdffiles1/Digitization/127137NCJRS.pdf
Phelps, E. S. (1972). The statistical theory of racism and sexism. *The American Economic Review*, 659–661.
Phillips, S. (2009). Status disparities in the capital of capital punishment. *Law & Society Review*, *43*(4), 807–838.
Pickett, J. T., Chiricos, T., Golden, K. M., & Gertz, M. (2012). Reconsidering the relationship between perceived neighborhood racial composition and whites' perceptions of victimization risk: do racial stereotypes matter? *Criminology*, *50*(1), 145–186.
Piehl, A. M., & Bushway, S. D. (2007). Measuring and explaining charge bargaining. *Journal of Quantitative Criminology*, *23*(2), 105–125.
Pierce, G., & Radelet, M. (2005). Impact of Legally Inappropriate Factors on Death Sentencing for California Homicides, 1990-1999, The. *Santa Clara L. Rev.*, *46*, 1.

Provine, D. M., & Doty, R. L. (2011). The criminalization of immigrants as a racial project. *Journal of Contemporary Criminal Justice*, *27*(3), 261–277.

Puckett, J. L., & Lundman, R. J. (2003). Factors affecting homicide clearances: Multivariate analysis of a more complete conceptual framework. *Journal of Research in Crime and Delinquency*, *40*(2), 171–193.

Pyrooz, D. C., Wolfe, S. E., & Spohn, C. (2011). Gang-related homicide charging decisions: the implementation of a specialized prosecution unit in Los Angeles. *Criminal Justice Policy Review*, *22*(1), 3–26.

Quillian, L., & Pager, D. (2001). Black Neighbors, Higher Crime? The Role of Racial Stereotypes in Evaluations of Neighborhood Crime1. *American Journal of Sociology*, *107*(3), 717–767.

Quillian, L., & Pager, D. (2010). Estimating Risk Stereotype Amplification and the Perceived Risk of Criminal Victimization. *Social Psychology Quarterly*, *73*(1), 79–104.

Rabe-Hesketh, S., & Skrondal, A. (2008). *Multilevel and longitudinal modeling using Stata*. STATA press.

Radelet, M. (1981). Racial characteristics and the imposition of the death penalty. *American Sociological Review*, 918–927.

Radelet, M. (2009). The Executioner's Waning Defenses. In A. Sarat & C. J. Ogletree, *The Road to Abolition?: The Future of Capital Punishment in the United States*. NYU Press.

Radelet, M., & Pierce, G. (1985). Race and prosecutorial discretion in homicide cases. *Law and Society Review*, 587–621.

Radelet, M., & Pierce, G. (2003). Racial and Ethnic Disparities in Resolving Homicides. In J. R. Acker, R. M. Bohm, & C. S. Lanier, *America's Experiment With Capital Punishment: Reflections on the Past, Present, and Future of the Ultimate Penal Sanction*. Durham, NC: Carolina Academic Press.

Radelet, M., & Pierce, G. (2009). Racial and Ethnic Disparities in Resolving. In C. S. Lanier & J. R. Acker, *America's Experiment With Capital Punishment: Reflections on the Past, Present, and Future of the Ultimate Penal Sanction*. Durham: Carolina Academic Press.

Rasmusen, E., Raghav, M., & Ramseyer, M. (2009). Convictions versus conviction rates: the prosecutor's choice. *American Law and Economics Review*, *11*(1), 47–78.

Raudenbush, S. W., & Bryk, A. S. (2002). *Hierarchical linear models: Applications and data analysis methods* (Vol. 1). Sage.

Regoeczi, W. C., & Jarvis, J. P. (2013). Beyond the Social Production of Homicide Rates: Extending Social Disorganization Theory to Explain Homicide Case Outcomes. *Justice Quarterly*, *30*(6), 983–1014.

Regoeczi, W. C., Jarvis, J., & Riedel, M. (2008). Clearing Murders Is It about Time? *Journal of Research in Crime and Delinquency*, *45*(2), 142–162.

Regoeczi, W. C., Kennedy, L. W., & Silverman, R. A. (2000). Uncleared Homicides A Canada/United States Comparison. *Homicide Studies*, *4*(2), 135–161.

Reidel, M. (2003). Homicide in Los Angeles County: A Study of Latino Victimization. *Violent Crime: Assessing Race and Ethnic Differences*, 44–66.

Rengert, G. F., & Pelfrey, W. V. (1997). Cognitive Mapping of the City Center: Comparative Perceptions of Dangerous Places. In *In D. Weisburd, & T. McEwen (Eds.), Crime Mapping and Crime Prevention*. Citeseer.

Riedel, M. (1999). Sources of homicide data. In M. D. Smith & M. A. Zahn (Eds.), *Homicide: A sourcebook of social research*. Sage.

Riedel, M. (2008). Homicide arrest clearances: A review of the literature. *Sociology Compass*, *2*(4), 1145–1164.
Riedel, M., & Jarvis, J. (1999). The decline of arrest clearances for criminal homicide: Causes, correlates, and third parties. *Criminal Justice Policy Review*, *9*(3-4), 279–305.
Roberts, A. (2007). Predictors of Homicide Clearance by Arrest An Event History Analysis of NIBRS Incidents. *Homicide Studies*, *11*(2), 82–93.
Roberts, A. (2014). Adjusting Rates of Homicide Clearance by Arrest for Investigation Difficulty Modeling Incident-and Jurisdiction-Level Obstacles. *Homicide Studies*, 1088767914536984.
Roberts, A., & Lyons, C. J. (2009). Victim-offender racial dyads and clearance of lethal and nonlethal assault. *Journal of Research in Crime and Delinquency*, *46*(3), 301–326.
Roberts, A., & Lyons, C. J. (2011). Hispanic victims and homicide clearance by arrest. *Homicide Studies*, *15*(1), 48–73.
Rodriguez, N. (2005). Restorative justice, communities, and delinquency: whom do we reintegrate? *Criminology & Public Policy*, *4*(1), 103–130.
Rodriguez, N. (2007). Juvenile court context and detention decisions: Reconsidering the role of race, ethnicity, and community characteristics in juvenile court processes. *Justice Quarterly*, *24*(4), 629–656.
Rodriguez, N. (2010). The cumulative effect of race and ethnicity in juvenile court outcomes and why preadjudication detention matters. *Journal of Research in Crime and Delinquency*, *47*(3), 391–413.
Rohrlich, T., & Tulsky, F. (1996a, December 1). Only 1 in 3 Killings in L.A. County Led to any Punishment. *Los Angeles Times*.
Rohrlich, T., & Tulsky, F. (1996b, December 3). And Justice for Some. *Los Angeles Times*.
Rohrlich, T., & Tulsky, F. (1996c, December 3). Not All L.A. Murder Cases Are Equal. *Los Angeles Times*.
Rohrlich, T., & Tulsky, F. (1996d, December 5). Gang Killings Exceed 40% of L.A. Slayings. *Los Angeles Times*.
Rohrlich, T., & Tulsky, F. (1997, January 29). Some Murder Investigations Are Flawed, Police Agree. *Los Angeles Times*.
Rome, D. (2004). *Black demons: The media's depiction of the African American male criminal stereotype*. Penn State Press.
Rupp, A. (2002). Death penalty prosecutorial charging decisions and county budgetary restrictions: Is the death penalty arbitrarily applied based on county funding. *Fordham L. Rev.*, *71*, 2735.
Sampson, R. J. (2008). Rethinking crime and immigration. *Contexts*, *7*(1), 28–33.
Sampson, R. J. (2009). Disparity and diversity in the contemporary city: social (dis) order revisited1. *The British Journal of Sociology*, *60*(1), 1–31.
Sampson, R. J. (2012). *Great American city: Chicago and the enduring neighborhood effect*. University of Chicago Press.
Sampson, R. J., & Bartusch, D. J. (1998). Legal cynicism and (subcultural?) tolerance of deviance: The neighborhood context of racial differences. *Law and Society Review*, 777–804.
Sampson, R. J., & Loeffler, C. (2010). Punishment's place: the local concentration of mass incarceration. *Daedalus*, *139*(3), 20–31.

Sampson, R. J., Morenoff, J. D., & Gannon-Rowley, T. (2002). Assessing“ neighborhood effects”: Social processes and new directions in research. *Annual Review of Sociology*, 443–478.

Sampson, R. J., Raudenbush, S. W., & Earls, F. (1997). Neighborhoods and violent crime: A multilevel study of collective efficacy. *Science*, *277*(5328), 918–924.

Scarborough, B. K., Like-Haislip, T. Z., Novak, K. J., Lucas, W. L., & Alarid, L. F. (2010). Assessing the relationship between individual characteristics, neighborhood context, and fear of crime. *Journal of Criminal Justice*, *38*(4), 819–826.

Schlesinger, T. (2008). The cumulative effects of racial disparities in criminal processing. *The Advocate*, *13*(3), 22–34.

Semyonov, M., Gorodzeisky, A., & Glikman, A. (2012). Neighborhood ethnic composition and resident perceptions of safety in European countries. *Social Problems*, *59*(1), 117–135.

Shatz, S. F. (2007). Eighth Amendment, the Death Penalty, and Ordinary Robbery-Burglary Murderers: A California Case Study, The. *Fla. L. Rev.*, *59*, 719.

Shatz, S. F., & Dalton, T. (2013). Challenging the Death Penalty with Statistics: Furman, McCleskey, and a Single County Case Study. *Cardozo Law Review*, *34*(4), 2012-23.

Shatz, S. F., & Rivkind, N. (1997). California Death Penalty Scheme: Requiem for Furman, The. *NYUL Rev.*, *72*, 1283.

Shaw, C. R., & McKay, H. D. (1942). Juvenile delinquency and urban areas. *Chicago, Ill*.

Shermer, L. O., & Johnson, B. D. (2010). Criminal prosecutions: Examining prosecutorial discretion and charge reductions in US federal district courts. *Justice Quarterly*, *27*(3), 394–430.

Simon, D. (1991). *Homicide: A year on the killing streets*. Canongate Books.

Skogan, W. G. (1995). Crime and the racial fears of white Americans. *The Annals of the American Academy of Political and Social Science*, 59–71.

Skogan, W. G., & Hartnett, S. M. (1997). *Community policing, Chicago style*. Oxford University Press New York.

Slocum, L., Taylor, T. J., Brick, B. T., & Esbensen, F.-A. (2010). Neighborhood Structural Characteristics, Individual-Level Attitudes, And Youths’crime Reporting Intentions. *Criminology*, *48*(4), 1063–1100.

Small, M. L. (2013). Causal Thinking and Ethnographic Research. *American Journal of Sociology*, *119*(3), 597–601.

Smith, D. A. (1986). The neighborhood context of police behavior. *Crime and Justice*, 313–341.

Smith, H., Rodriguez, N., & Zatz, M. S. (2009). Race, ethnicity, class, and noncompliance with juvenile court supervision. *The Annals of the American Academy of Political and Social Science*, *623*(1), 108–120.

Smith, R. (2012). Geography of the Death Penalty and Its Ramifications, The. *BUL Rev.*, *92*, 227.

Solis, C., Portillos, E. L., & Brunson, R. K. (2009). Latino youths’ experiences with and perceptions of involuntary police encounters. *The ANNALS of the American Academy of Political and Social Science*, *623*(1), 39–51.

Songer, M. J., & Unah, I. (2006). Effect of Race, Gender, and Location on Prosecutorial Decisions to Seek the Death Penalty in South Carolina, The. *SCL Rev.*, *58*, 161.

Sorensen, J., & Marquart, J. (1990). Prosecutorial and jury decision-making in post-Furman Texas capital cases. *NYU Rev. L. & Soc. Change*, *18*, 743.

Sorensen, J., & Wallace, D. (1999). Prosecutorial discretion in seeking death: An analysis of racial disparity in the pretrial stages of case processing in a Midwestern county. *Justice Quarterly*, *16*(3), 559–578.
Sorenson, S. B., Manz, J. G., & Berk, R. A. (1998). News media coverage and the epidemiology of homicide. *American Journal of Public Health*, *88*(10), 1510–1514.
Spohn, C. (2000). Thirty years of sentencing reform: The quest for a racially neutral sentencing process. *Criminal Justice*, *3*, 427–501.
Spohn, C., & Holleran, D. (2000). The imprisonment penalty paid by young, unemployed black and Hispanic male offenders. *Criminology*, *38*(1), 281–306.
Spohn, C., & Sample, L. L. (2008). The dangerous drug offender in federal court: Intersections of race, ethnicity, and culpability. *Crime & Delinquency*.
Steen, S., Engen, R. L., & Gainey, R. R. (2005). Images of Danger and Culpability: Racial Stereotyping, Case Processing, and Criminal Sentencing. *Criminology*, *43*(2), 435–468.
Steffensmeier, D., & Demuth, S. (2001). Ethnicity and Judges' Sentencing Decisions: Hispanic-Black-White Comparisons. *Criminology*, *39*(1), 145–178.
Steffensmeier, D., Ulmer, J., & Kramer, J. (1998). The interaction of race, gender, and age in criminal sentencing: The punishment cost of being young, black, and male. *Criminology*, *36*(4), 763–798.
Stolzenberg, L., D'Alessio, S. J., & Eitle, D. (2013). Race and cumulative discrimination in the prosecution of criminal defendants. *Race and Justice*, *3*(4), 275–299.
Stowell, J. I., Martinez Jr, R., & Cancino, J. M. (2012). Latino Crime and Latinos in the Criminal Justice System: Trends, Policy Implications, and Future Research Initiatives. *Race and Social Problems*, *4*(1), 31–40.
Sun, I. Y., & Triplett, R. A. (2008). Differential perceptions of neighborhood problems by police and residents: The impact of neighborhood-level characteristics. *Policing: An International Journal of Police Strategies & Management*, *31*(3), 435–455.
Sunshine, J., & Tyler, T. R. (2003). The role of procedural justice and legitimacy in shaping public support for policing. *Law & Society Review*, *37*(3), 513–548.
Sutton, J. R. (2013). Structural bias in the sentencing of felony defendants. *Social Science Research*, *42*(5), 1207–1221.
Tajfel, H. (1982). Social psychology of intergroup relations. *Annual Review of Psychology*, *33*(1), 1–39.
Tavory, I., & Timmermans, S. (2013). A Pragmatist Approach to Causality in Ethnography. *American Journal of Sociology*, *119*(3), 682–714.
Taylor, R. B. (2011). Communities and Crime Theories: Construct Validation Deficits, a Paucity of Comparisons, and a Boudon–Coleman Metamodel Resolution. *Measuring Crime and Criminality: Advances in Criminological Theory*, *1*, 71.
Tolnay, & Beck. (1995). A Festival of Violence: An Analysis of Southern Lynchings, 1882-1930. *Urbana: University of Illinois Press*.
Tonry, M. H. (1995). *Malign neglect--race, crime, and punishment in America*. New York: Oxford University Press.
Tuch, S. A., & Weitzer, R. (1997). Trends: Racial differences in attitudes toward the police. *Public Opinion Quarterly*, 642–663.
Tyler, T. R. (2004). Enhancing police legitimacy. *The Annals of the American Academy of Political and Social Science*, *593*(1), 84–99.

Tyler, T. R., & Fagan, J. (2008). Legitimacy and cooperation: Why do people help the police fight crime in their communities. *Ohio St. J. Crim. L.*, *6*, 231.
Ulmer, J. T. (1997). *Social worlds of sentencing: Court communities under sentencing guidelines*. SUNY Press.
Ulmer, J. T. (2012). Recent developments and new directions in sentencing research. *Justice Quarterly*, *29*(1), 1–40.
Ulmer, J. T., Bader, C., & Gault, M. (2008). Do moral communities play a role in criminal sentencing? Evidence from Pennsylvania. *The Sociological Quarterly*, *49*(4), 737–768.
Ulmer, J. T., & Bradley, M. S. (2006). Variation in Trial Penalties among Serious Violent Offenses. *Criminology*, *44*(3), 631–670.
Ulmer, J. T., & Johnson, B. (2004). Sentencing in context: A multilevel analysis. *Criminology*, *42*(1), 137–178.
U.S. Census. (1990). Summary Tape File 1, prepared by the Bureau of the Census. Bureau of Census.
U.S. General Accounting Office (USGAO). (1990). Death Penalty Sentencing: Research Indicates Pattern of Racial Disparities.
Vandiver, M. (2005). *Lethal punishment : lynchings and legal executions in the South*. Rutgers University Press.
Van Ham, M., & Feijten, P. (2008). Who wants to leave the neighbourhood? The effect of being different from the neighbourhood population on wishes to move. *Environment and Planning A*, *40*(5), 1151.
Wacquant, L. (2000). The NewPeculiar Institution': On the Prison as Surrogate Ghetto. *Theoretical Criminology*, *4*(3), 377–389.
Wacquant, L. (2001). Deadly symbiosis when ghetto and prison meet and mesh. *Punishment & Society*, *3*(1), 95–133.
Wang, X. (2012). Undocumented Immigrants As Perceived Criminal Threat: A Test Of The Minority Threat Perspective. *Criminology*, *50*(3), 743–776.
Wang, X., & Mears, D. P. (2010a). A multilevel test of minority threat effects on sentencing. *Journal of Quantitative Criminology*, *26*(2), 191–215.
Wang, X., & Mears, D. P. (2010b). Examining the direct and interactive effects of changes in racial and ethnic threat on sentencing decisions. *Journal of Research in Crime and Delinquency*.
Ward, G., Farrell, A., & Rousseau, D. (2009). Does Racial Balance in Workforce Representation Yield Equal Justice? Race Relations of Sentencing in Federal Court Organizations. *Law & Society Review*, *43*(4), 757–806.
Weiss, R., Berk, R., & Lee, C. (1996). Assessing the capriciousness of death penalty charging. *Law and Society Review*, 607–626.
Weiss, R., Berk, R., Li, W., & Farrell-Ross, M. (1999). Death Penalty Charging in Los Angeles County An Illustrative Data Analysis Using Skeptical Priors. *Sociological Methods & Research*, *28*(1), 91–115.
Weitzer, R. (2002). Incidents of police misconduct and public opinion. *Journal of Criminal Justice*, *30*(5), 397–408.
Weitzer, R., & Tuch, S. A. (2006). *Race and policing in America: Conflict and reform*. Cambridge University Press.
Welch, K. (2007). Black criminal stereotypes and racial profiling. *Journal of Contemporary Criminal Justice*, *23*(3), 276–288.

Wellford, C., & Cronin, J. (2000). Clearing up homicide clearance rates. *National Institute of Justice Journal*, *243*, 1–7.
Wells, W., Schafer, J. A., Varano, S. P., & Bynum, T. S. (2006). Neighborhood residents' production of order: The effects of collective efficacy on responses to neighborhood problems. *Crime & Delinquency*, *52*(4), 523–550.
Werthman, C., & Piliavin, I. (1966). *Gang members and the police*. In Bordua, D. J. (Ed.). (1967). *The police: six sociological essays*. Wiley.
Wickes, R., Hipp, J., Zahnow, R., & Mazerolle, L. (2013). "Seeing" Minorities And Perceptions Of Disorder: Explicating The Mediating And Moderating Mechanisms Of Social Cohesion. *Criminology*, *51*(3), 519–560.
Williams, M., & Holcomb, J. (2004). The interactive effects of victim race and gender on death sentence disparity findings. *Homicide Studies*, *8*(4), 350–376.
Williams, M. R., Demuth, S., & Holcomb, J. E. (2007). Understanding the influence of victim gender in death penalty cases: the importance of victim race, sex-related victimization, and jury decision making. *Criminology*, *45*(4), 865–891.
Williams, R. (2006). Generalized ordered logit/partial proportional odds models for ordinal dependent variables. *Stata Journal*, *6*(1), 58–82.
Wooldredge, J. (2007). Neighborhood effects on felony sentencing. *Journal of Research in Crime and Delinquency*, *44*(2), 238–263.
Wooldredge, J., & Thistlethwaite, A. (2002). Reconsidering domestic violence recidivism: Conditioned effects of legal controls by individual and aggregate levels of stake in conformity. *Journal of Quantitative Criminology*, *18*(1), 45–70.
Wooldredge, J., & Thistlethwaite, A. (2004). Bilevel Disparities In Court Dispositions For Intimate Assault. *Criminology*, *42*(2), 417–456.
Wright, G. (1996). *Racial Violence in Kentucky, 1865-1940: Lynchings, Mob Rule, and "Legal Lynchings."* LSU Press.
Wright, R. F., & Engen, R. L. (2006). The effects of depth and distance in a criminal code on charging, sentencing, and prosecutor power. *North Carolina Law Review*, *84*(6).
Yarvis, R. M. (2000). Homicide, psychopathology, prosecutorial and jury discretion and the death penalty. *Criminal Behaviour and Mental Health*, *10*(4), 256–268.
Yen, R. J. (2000). Racial Stereotyping of Asians and Asian Americans and Its Effect on Criminal Justice: A Reflection on the Wayne Lo Case. *Asian LJ*, *7*, 1.
Zahnow, R., Wickes, R., Haynes, M., & Mazerolle, L. (2013). Change and stability in ethnic diversity across urban communities: Explicating the influence of social cohesion on perceptions of disorder. *Australian & New Zealand Journal of Criminology*, *46*(3), 335–356.
Zatz, M. S. (1987). The changing forms of racial/ethnic biases in sentencing. *Journal of Research in Crime and Delinquency*, *24*(1), 69–92.
Zatz, M. S. (2000). The convergence of race, ethnicity, gender, and class on court decisionmaking: Looking toward the 21st century. *Criminal Justice*, *3*, 503–552.
Zimring, F. E. (2003). *The contradictions of American capital punishment*. Oxford University Press New York.