



Skin Color and the Criminal Justice System: Beyond Black-White Disparities in Sentencing

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This article analyzes sentencing outcomes for black and white men in Georgia. The analysis uses sentencing data collected by the Georgia Department of Corrections (GDC). Among first-time offenders, both the race-only models and race and skin color models estimate that, on average, blacks receive sentences that are 4.25 percent higher than those of whites even after controlling for legally-relevant factors such as the type of crime. However, the skin color model also shows us that this figure hides important intraracial differences in sentence length: while medium- and dark-skinned blacks receive sentences that are about 4.8 percent higher than those of whites, lighter-skinned blacks receive sentences that are not statistically significantly different from those of whites. After controlling for socioeconomic status in the race-only and race and skin color models the remaining difference between whites and dark- and medium-skinned blacks increases slightly, to 5.5 percent. These findings are discussed with respect to the implications for public policy and for racial hierarchy in the United States.

He was wowed by Obama's oratorical gifts and believed that the country was ready to embrace a black presidential candidate, especially one such as Obama—a "light-skinned" African American "with no Negro dialect, unless he wanted to have one," as he said privately.

—Senator Harry Reid, as quoted in *Game Change*

I. INTRODUCTION

Racial and ethnic inequalities persist in the United States and no disparity is more obvious than that seen in criminal justice outcomes. Blacks in the United States make up more than 36 percent of the 1.5 million people in prison, even though they represent only 12 percent of the nation's population (Carson & Golinelli 2013). In light of the disparity in incarceration across racial groups, one might wonder whether such

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disparities also exist within racial groups along the lines of skin color. A growing body of research finds differences by skin color in many settings where race matters; the darkness of a person's skin has been shown to affect economic success, mental health, physical health, and even promotes political success, as this quotation from Harry Reid posits (Harburg et al. 1978; Keith & Herring 1991; Davis et al. 1998; Johnson et al. 1998; Allen et al. 2000; Hill 2000; Klonoff & Landrine 2000; Goldsmith et al. 2007; Weaver 2012). If criminal justice reflects the same biases found in the rest of society, skin color should also affect how a person fares at various stages of the justice process.

This article examines the relationship between race, skin color, and imprisonment at the state level by analyzing sentencing outcomes for black and white men who are first-time offenders in Georgia. The analysis makes use of sentencing data provided by the Georgia Department of Corrections and is the first to examine the effects of both race and skin color on sentencing for such a large sample of male offenders. These data contain demographic, socioeconomic, racial, and criminal background information about the entire universe of offenders who were ever supervised in Georgia state prisons for felony convictions. The data also contain a 13-category measure of skin color for each inmate. Statistical analyses reveal that incarceration sentencing outcomes in Georgia vary by both race and skin color even when controlling for background factors such as offense severity and personal characteristics. Among first-time offenders, both the race-only models and race and skin color models estimate that, on average, blacks receive sentences that are 4.25 percent higher than those of whites even after controlling for legally-relevant factors such as the type of crime. However, the model that accounts for race and skin color also shows that this figure obfuscates important intraracial differences in sentence length: within this framework, while medium- and dark-skinned blacks receive sentences that are about 4.8 percent higher than those of whites, lighter-skinned blacks receive sentences that are statistically indistinguishable from those of whites. When controls for socioeconomic status and marital status are added, dark- and medium-skinned blacks receive sentences that are 5.4 percent and 5.6 percent longer than those given to whites, respectively, while those of light-skinned blacks remain statistically indistinguishable from those of whites. These percentages translate into sentence disparities of months or even years depending on the severity of the crime.

This study makes important contributions to the study of race and sentencing. The high rates of incarceration of black men and women have had devastating consequences for African-American families and communities as a whole (Fossett & Kiecolt 1993; Cole 1999; Western & Wildeman 2009; Alexander 2010). Ignoring the possibility that, for blacks, skin color also influences these outcomes may obfuscate the fact that the situation may be even more dire than previously thought for darker-skinned blacks. Opening up this question to scholarly research may have important consequences for how scholars think about criminal justice disparities and for beliefs about whether our society has adequately remedied racial discrimination in criminal sentencing.

II. LITERATURE REVIEW AND THEORY

A. Race and Skin Color Disparities in the Criminal Justice System

Despite great improvements in racial equality over the past 40 years, in many ways, blacks and whites still experience life in the United States very differently. Blacks are disadvantaged across several dimensions relative to whites. Blacks are poorer than whites; the median household income for blacks is just \$33,700, while non-Hispanic whites enjoy a median household income of more than \$57,000 (U.S. Census Bureau 2013). The black unemployment rate is more than twice that of whites (Bureau of Labor Statistics 2014). Blacks even suffer from higher-than-average rates of infant mortality and fatalities from homicide, cardiovascular disease, cancer, and other health problems (Keppel et al. 2002).

Viewed in light of these findings, the racial disparity in the incidence of criminal justice supervision is not surprising. Historically, racial inequalities in criminal justice were commonplace, with blacks disproportionately represented among those arrested and even executed for crimes (U.S. Census Bureau 1997, 2001). Currently, blacks are incarcerated at rates that are much higher than those for whites. Blacks make up 37 percent of inmates incarcerated in local jails (Minton 2013), and 36 percent of prisoners held at the state and federal levels (Carson & Golinelli 2013). The most recent estimates project that almost one-third of black males will be incarcerated in their lifetime, compared with 6 percent of whites (Bureau of Justice Statistics 2003; Lyons & Pettit 2011).

Within the context of racial disparities in socioeconomic status, physical health, political influence, and incarceration, examining intraracial cleavages might also be important for understanding the true extent of discrimination faced by blacks. Colorism refers to prejudice and discrimination that occurs because of the lightness or darkness of a person's skin. Colorism is different from racism; it is "the social meaning afforded skin color itself that results in differential treatment" (Jones 2000). Colorism does have a racial component, however, in that the skin color and phenotypic traits that are less valued are those associated with blackness or "African ancestry" (Hill 2000:7). Whiteness is prized as an ideal standard of beauty and goodness (Hill 2000). Skin color, as a marker of race, is used as a proxy for blackness or whiteness. Those with lighter skin are presumably closer to the ideal, and thus are discriminated against less, than darker individuals. Colorism can appear in relations among members of the same race as well as in interracial encounters (Jones 2000). It is both types of interactions, where people act on their preferences for people with lighter skin, which can have consequences for the economic and social well-being of different individuals.

Mounting evidence suggests that because of colorism, in addition to prejudice that occurs across racial groups, there may also be disparities in material and other outcomes by appearance within racial groups. For this reason, the importance of skin color as an analytic framework for thinking about racial disparities cannot be overstated. Skin color has been an important determinant of life chances for blacks since colonial times. As black slave populations in the United States grew, racial mixing between blacks and

whites and blacks and indigenous people increased, creating greater distinctions in complexion within the black population. As the number of blacks with lighter complexions grew, so did the practice of differential treatment based on skin color. According to Frazier, whether a person was a field hand or a house slave often became associated with skin color (Frazier 1957). Field hands were assigned less desirable, physically demanding work, while “more prestigious and socially desirable” positions, including skilled occupations, often were reserved for mixed-race and lighter complexioned slaves (Keith & Herring 1991:762). Lighter-skinned blacks were more likely to be free, literate, and affluent than other blacks (Keith & Herring 1991). Data on ex-slave volunteers in the Union Army suggest that lighter-skinned black soldiers often were skilled workers rather than field hands prior to enlisting. These soldiers also were more likely to be officers and less likely to die in combat than darker-skinned blacks during the Civil War (Hochschild & Weaver 2003).

After the Civil War, the distinctions among lighter-skinned, mixed-race blacks and their darker brethren persisted despite efforts to suppress distinctions among blacks through the one-drop rule. Much of the status afforded to lighter skin centered on the greater ability of those who possessed it to secure higher education and professional success than the average black person (Graham 1999). Sometimes, however, these status distinctions depended on other traits, such as “family background, particularly white ancestry . . . and manners and morals patterned after middle and upper class whites” (Landry 1987:29). Lighter-skinned blacks formed the elite upper class of blacks in many communities. They established exclusive churches, clubs, and social networks, often excluding darker-skinned blacks from participating (Graham 1999). Frazier notes that a number of factors led to the decline of the distinction between lighter- and darker-skinned blacks; however, studies show that the differences between the two groups in economic and social status remain.

Empirical evidence of the effects of skin color on social, economic, and even health outcomes for black Americans shows that lighter skin is consistently associated with greater success along each of these dimensions. Several studies over time have shown that lighter-skinned individuals have higher incomes and educational attainment than darker-skinned blacks (Keith & Herring 1991; Krieger et al. 1998; Allen et al. 2000; Hill 2000; Gullickson 2005; Hersch 2006; Branigan et al. 2013; Monk 2014). Among black men, darker skin has been associated with higher unemployment rates as late as 1994 (Johnson et al. 1998), but more recent work on this point finds no relationship between skin tone and unemployment (Monk 2014). However, individuals with darker skin are more likely to have lower occupational prestige than those with otherwise similar characteristics (Monk 2014). Incidence of high blood pressure has been shown to be higher among darker-skinned black Americans (Harburg, et al. 1978; Sweet et al. 2007). Darker-skinned individuals are also more likely to experience discrimination (Klonoff & Landrine 2000) and to have low self-esteem or self-efficacy (Davis et al. 1998; Thompson & Keith 2001).

The effects of skin color appear to operate in the realm of criminal justice as well. More broadly, many aspects of phenotype have been shown to shape criminal justice outcomes for blacks (Blair et al. 2004; Pizzi et al. 2004; Eberhardt et al. 2006; Viglione et al. 2011). In particular, researchers also have found some evidence of the effects of

skin color on criminal justice involvement. Darker-skinned black male survey respondents in Los Angeles are more likely to report criminal histories than their lighter counterparts, even when controlling for other demographic factors (Johnson et al. 1998). Research also associates the degree of Afro-centricity in facial features with punishment severity (Blair et al. 2004; Pizzi et al. 2004; Eberhardt et al. 2006; Cormier 2012). Skin color also has been demonstrated to affect incarceration sentence length among a small sample of males in Mississippi and among female inmates in North Carolina (Gyimah-Brempong & Price 2006; Viglione et al. 2011).

B. Explaining the Effects of Skin Color on Sentencing Outcomes

What factors might account for differences in incarceration sentencing among black individuals with different complexions? Skin color and racial disparities in criminal justice outcomes may arise through several mechanisms, including individual discrimination, demographic forces, and structural factors.

1. Factors Other Than Racial Discrimination

Several factors might account for the disproportionate involvement of blacks in the criminal justice system. Blacks may be arrested for crimes more often, convicted at higher rates, or sentenced to prison more often and for longer periods of time than whites. They even may serve greater proportions of their sentences than people of other racial groups. Although these explanations might suggest that unfair treatment is at work, such outcomes need not imply that racial discrimination is a factor in the overrepresentation of blacks within the criminal justice system. Disparities in sentencing outcomes sometimes arise for reasons that have nothing to do with direct discrimination. For example, with regard to arrest and incarceration rates, the large number of blacks relative to whites simply may reflect the underlying distribution of criminal activity in the wider population under consideration. It could be the case that blacks are more likely to commit and thus be arrested and convicted in connection with crimes than whites because of poverty, lack of education, or other factors (Kleck 1981; Peterson & Hagan 1984; Tucker 2002). Socioeconomic status tends to influence a defendant's chance of conviction; whites tend to have access to greater educational, occupational, and financial resources than blacks and are thus advantaged in the criminal justice process (Dietz & Byrnes 1981; Green 2003). At the sentencing stage, judges often consider prior offense records when determining sentence type and length; blacks might be more likely to have longer criminal histories than whites, leading to more and longer prison terms (Peterson & Hagan 1984; Jackson 1997). Those same criminal histories, as well as behavior during the prison term, might also influence the propensity of blacks to be released on parole.

As with disparities based on race alone, skin color disparities in justice outcomes also could be the result of factors that do not indicate overt color discrimination. For instance, dark-skinned blacks could be a much larger percentage of the black population than lighter-skinned blacks. Likewise, dark-skinned blacks may be more inclined to criminality than lighter-skinned blacks, again for reasons such as poverty and unemployment. Light-skinned blacks have been shown to have higher socioeconomic status, which might give

judges and jurors more favorable opinions of them. Their higher economic status may also afford blacks with light skin the ability to afford a better defense. Finally, dark-skinned blacks might have longer criminal histories relative to those of their lighter counterparts.

2. Racial Discrimination

Many studies have shown that the disproportionate rate of involvement with the criminal justice system among blacks also can be attributed to bias that arises at many stages of the justice process. Often, discrimination occurs in processes in which individual decisionmakers have discretion with regard to their treatment of defendants or offenders. For many of these procedures, race has a direct effect on the outcome, even when controlling for other legally-relevant factors. Racial profiling is a persistent problem in many communities; blacks are often stopped for traffic and other offenses at higher rates than whites. Partly as a result of profiling, almost half of all black men can expect to be arrested for a felony in their lives, compared with only 14 percent of whites (Kittrie et al. 2002). Nearly 32 percent of black men can expect to serve time in a state or federal prison in their lifetimes (Bureau of Justice Statistics 2003). Discrimination might also surface because of prosecutorial discretion in charging and plea bargaining (Foley et al. 1996; Maxwell et al. 2003; Wooldredge 1998; Brock et al. 2000; Weinstein 2003; Davis 2007). Finally, racial discrimination may influence conviction rates; evidence suggests that jurors take the race of the defendant and the victim into account when making judgments about guilt or innocence (Bridges & Steen 1998; Gordon et al. 1988; Brewer 2004; Edelman 2006; Sommers 2007).

Unequal outcomes also plague sentencing, the final stage of the justice process. Numerous studies have chronicled the racial gap in sentencing at both the federal and state levels; often, race has a persistent, direct effect on sentencing even when taking legally-relevant characteristics such as the defendant's prior record and offense severity into account.¹ To cite just a few examples, at the federal level, black drug offenders received harsher punishments than similarly situated whites, even while taking socioeconomic status, offense severity, criminal history, plea agreements, and sentencing departures into account (Albonetti 1997). This finding holds across all types of federal offenses, with blacks convicted of nondrug offenses receiving sentences that are five months longer, on average, than whites in comparable situations (Steffensmeier & Demuth 2000). Similar evidence of the direct effects of race on sentencing can be shown at the state level as well (Thomson & Zingraff 1981; Humphrey & Fogarty 1987; Bridges & Crutchfield 1988; Bushway & Piehl 2001; Paternoster et al. 2003; Rodriguez 2003).

As with other realms of life, the existence of sentencing discrimination between blacks and whites also might signal the presence of colorism, or color discrimination. In the context of criminal justice, discrimination can arise as individual decisionmakers at various points in the process formulate opinions about defendants based on their

¹For extensive reviews of this literature, see Sweeny and Haney (1992), Pratt (1998), McDougall et al. (2003), Mitchell (2005), and Ulmer (2011).

appearance.² Color is an important component of individual appearance that might send signals about an individual's demeanor, values, remorse, honesty, and even guilt or innocence. Such cues are useful to actors in the criminal justice system because they often face a high degree of uncertainty with regard to guilt, recidivism, and other outcomes (Unnever & Hembroff 1987). Individual decisionmakers within the criminal justice system, from police, to prosecutors, to judges, to juries, to parole boards, might use these visual cues implicitly and explicitly to make decisions about suspiciousness, guilt, or innocence. Experimental research by Maddox and Gray indicates that both whites and blacks are more likely to assign negative traits such as bad attitude, criminality, toughness, aggression, laziness, and stupidity to dark-skinned black men and women rather than to lighter blacks of either gender (2002). Ample evidence suggests that black debauchery, incompetence, and violence are associated with a dark-skinned face in popular culture. For instance, when making an implicit racial appeal to whites, the Bush campaign held up Willie Horton, a dark-skinned black man, as the cue most likely to evince fear and retaliation among white voters (Mendelberg 2001). Likewise, in 1994 when *Time* ran a cover story of O. J. Simpson, the infamous black defendant, the magazine editors electronically darkened his complexion in the photo, giving him a more "sinister" appearance (Barron 1994). Experimental evidence lends credence to these examples from popular culture, finding that juries are more likely to convict dark-skinned rather than light-skinned African-American defendants (Butler 1999; Levinson & Young 2010).

Individual actors in the criminal justice system might be more inclined toward leniency in cases with light-skinned defendants because lighter-skinned individuals may be seen as more attractive than their darker counterparts. Several studies have shown the relationship between the attractiveness of defendants and juror judgments of guilt; jurors are more likely to sympathize with attractive defendants than unattractive ones (Reynolds & Sanders 1975; Izzett & Fishman 1976; Deitz & Byrnes 1981; Mazzella & Feingold 1994; Desantis & Kayson 1997). If, as suggested by experimental evidence, individuals are more likely to perceive lighter-skinned blacks as more attractive, they may be

²There are several theories that provide details about when decisionmakers are more likely to rely on factors such as race and appearance when ascertaining guilt. Kalven and Zeisel's "liberation hypothesis" (1966) contends that jurors are more likely to consider extra-legal evidence (e.g., characteristics such as the defendant's race or ethnicity) when criminal cases are weak. A good deal of scholarship also asserts that in addition to the strength of the evidence, the seriousness and/or the visibility of the crime is important: judges and juries will find themselves more constrained with respect to the consideration of extra-legal evidence in the case of more serious crimes (Ulmer 2011). Albonetti's uncertainty avoidance and causal attribution perspectives rely on the notion that prosecutors and other criminal justice actors function within an environment of "bounded rationality": they must make consequential decisions with limited and often insufficient information, which produces uncertainty (Ulmer 2011). In seeking to avoid uncertainty, then, decisionmakers rely on "patterned responses" that result from an attribution process "involving assessments of the offender's likelihood of committing future crime" (Albonetti 1991). The focal concerns perspective, largely elaborated in the various works of Kramer, Steffensmeier, and Ulmer, contends that punishment decisions are determined by court actors' definitions of offenders in relation to three main "focal concerns": blameworthiness, protection of the community, and practical constraints (Ulmer 2011). More particularly, these assessments are shaped by status-based attributions and stereotypes of defendants.

willing to impose more lenient sanctions on them based on the more favorable impression (Maddox & Gray 2002; Hagiwara et al. 2012).

It could be the case that blacks with lighter skin tones are afforded higher status by whites and by other blacks. There is some evidence that whites and blacks are less likely to apply negative stereotypes to lighter-skinned blacks. Moreover, members of all races are inclined to see blacks with light skin as educated, intelligent, kind, motivated, and wealthy; these stereotypes are more often associated with whites than with blacks (Maddox & Gray 2002). The more positive attitudes of whites and blacks toward blacks of lighter complexions suggests that light-skinned blacks are less disfavored because they are believed to be more like the higher-status group than the representative member of the lower-status group, the dark-skinned black. Although categorical distinctions between whites and blacks remain, within those broad categories, the effects of racial prejudice are mitigated because of differences in skin tone.

III. SUMMARY AND HYPOTHESES

The evidence presented above fits into a coherent argument about how and why differences in race and skin color might lead to differences in criminal justice outcomes for dark-skinned blacks, light-skinned blacks, and whites. Although nondiscriminatory factors might lead to disproportionate representation of one group in the population of individuals under state or federal supervision, there is ample evidence to suggest that discrimination plays a significant role in determining these outcomes as well. Bias may arise at many points in the justice system, especially when individual decisionmakers are given discretion as to whether to arrest, charge, convict, incarcerate, or release a person. The decisions of people within the criminal justice system may be influenced by their racial prejudices and stereotypes; such individuals may be more lenient toward whites than blacks because blacks are more often stereotyped negatively than whites. Within this dynamic, however, studies have shown that individuals are less likely to attribute negative stereotypes such as aggressive, lazy, violent, and criminal to lighter-skinned blacks. If these stereotypes do have an effect on conviction and sentencing, they will probably produce the harshest punishments for dark-skinned blacks. The resulting hierarchy would be a multi-level system in which blacks receive progressively worse sentences than whites as their skin tone darkens.

Evidence from prior research suggests four possible relationships between skin color and sentence length. First, it could be the case that race and skin color have no effect on incarceration sentence length. A second hypothesis posits that whiteness and light skin leads to shorter sentences when one does not control for legally-relevant factors such as criminal history, but this disparity disappears when these variables are taken into account. Third, race could have an effect on sentences while skin color does not; this logic reflects that of the one-drop rule whereby appearance and other intraracial differences are trumped by race. A final scenario suggests that punishment severity varies with race and skin color, even after controlling for all legally-relevant factors. This fourth hypothesis is most consistent with the idea that discrimination based on race and

skin tone causes blacks generally, and dark-skinned blacks in particular, to be overrepresented among those under criminal justice supervision.

To test these hypotheses, this study will examine the effects of skin color and race on incarceration sentences in Georgia.³ Georgia is an appropriate state for this study for several reasons. First, in Georgia, lawmakers and officials have adopted a tough on crime stance that has made Georgia's one of the harshest criminal justice systems in the nation. The Georgia Department of Corrections (GDC) projects that one in 10 Georgians are expected to serve time in state prison in their lifetimes. The inmate population in Georgia has grown dramatically in the past 15 years; Georgia is consistently among the 10 largest corrections systems, with 218,784 offenders under GDC supervision as of December 2011 (GDC 2011, 2012). Georgia has two-strikes laws and severe mandatory minimum sentences for "seven deadly sins" crimes, which include murder, kidnapping, rape, armed robbery, aggravated child molestation, aggravated sodomy, and aggravated sexual battery. The seven deadly sins law is also a two-strikes law; inmates who commit any of these crimes as a second offense receive a mandatory life sentence (GDC 2009). Inmates convicted of violent crimes one tier below the "seven deadly" crimes must serve at least 90 percent of their sentences (GDC 2009). Within this framework, however, judges and prosecutors have some leeway as to the punishments they can impose on offenders—apart from statutory limitations, Georgia has not adopted structured sentencing provisions like comparable states such as North Carolina.

Georgia is also appropriate for this study because racial disparities in criminal justice have plagued the state throughout the modern era. Georgia's post-Jim-Crow experience with racial discrimination in criminal justice first reached national attention in 1972, when the U.S. Supreme Court invalidated the state's (and the nation's) capital punishment laws in *Furman v. Georgia* because of the arbitrary and discretionary imposition of death sentences. Although the Court reinstated the death penalty in 1976 in *Gregg v. Georgia*, racial disparities in justice outcomes continued throughout the 1980s and 1990s. In 1987, the constitutionality of the state's death sentences was again challenged in court in *McCleskey v. Kemp*, 481 U.S. 279 (1987). The petitioner's case rested on a study that showed that the race of the victim and, to a lesser extent, the race of the defendant, influenced capital sentencing in Georgia. Although the Court held that the Baldus study (as it came to be called) did not prove that discrimination had occurred in this case, the Court did not reject the validity of the study's findings. Today, blacks still are overrepresented

³However, research suggests that the relationship between race and sentencing may differ across localities. The court community perspective is predicated on the common-sense notion that sentencing practices may vary between locales—the recognition that some of the most important characteristics of the criminal justice system are found at the local level where communities and judges can change how the laws and policies of larger institutions are implemented (Ulmer 2005). As another source of variation, the racial group threat theory hypothesizes that as minority groups grow within a particular area (in number or relative power), whites will perceive a "threat" to their dominant position and will react accordingly. In response to this threat, whites will attempt to impose greater social controls on minority populations, including via the criminal justice system. This approach predicts that race and ethnicity will become increasingly influential for sentencing outcomes as, for example, the percentage of blacks in the local population increases (Ulmer 2011). However, empirical support for this hypothesis has been limited, at best. Feldmeyer and Ulmer (2011), for instance, find no evidence for the racial threat theory in the context of sentencing outcomes for federal court districts.

among Georgia's inmate population; even though only 31 percent of the state's population is black, blacks comprise the majority of those serving prison sentences—nearly 62 percent of Georgia's active inmates are black (GDC 2011).

IV. DATA

The data used in this study come from two files obtained from the Georgia Department of Corrections in the fall of 2003. The GDC maintains highly detailed information on all offenders who are sentenced to state supervision, whether through incarceration, probation, or parole. Because people convicted of felonies in state courts are sentenced to serve time only in state prison or on state probation, the data do not include offenders sentenced to serve time for misdemeanor offenses under municipal or county authorities, such as county jail. To reiterate the point, only offenders currently or previously convicted of felonies by the state of Georgia are in the GDC records analyzed here.

The inmate research file is the primary source of data on all inmates who were ever incarcerated in Georgia state prisons. The information in this file is obtained from the Georgia Offender Tracking and Information System (OTIS), GDC records, FBI records, court records, and information provided by the Georgia Board of Pardons and Paroles. The unit of analysis in this file is the "prison episode," meaning instance of incarceration. An individual inmate will have as many entries in the inmate research file as he or she has had prison visits. However, the analysis includes each inmate in the data only once.

Although it is standard practice to include all offenders in the analysis, this article will consider only people sentenced to prison for the first time for their first felony offense.⁴ Including offenders with prior records necessitates controlling for criminal history. However, race and skin color also may be implicated in the prior criminal history in complicated ways that may confound the estimates. In addition to being correlated

⁴Information on criminal history was provided by the Georgia Department of Corrections. Data quality considerations often arise in *all* research in which criminal history data are used—in particular, it is impossible to ever be sure that a court or department of corrections has amassed an exhaustive record of all criminal convictions an individual has ever experienced. To that end, there is some concern that the criminal history variable might undercount the number and severity of prior convictions. To alleviate these concerns I take the unusual step in reporting my and the GDC's extensive attempts to investigate criminal history. First, the GDC data contain information on all offenders sentenced to prison and probation for felony convictions in Georgia (the files go back to 1902) and contain almost 3 million episodes of probation and imprisonment. The GDC created "Prior Georgia Convictions" measures based on these data, which were confirmed by my own search of the GDC database. Second, because of concerns that an inmate might have been convicted of a crime in a different jurisdiction (local, state, or federal), GDC also incorporates FBI rapsheet (Identity History Summary Information) information into its database. According to the FBI, "An Identity History Summary—often referred to as a criminal history record or a 'rap sheet'—is a listing of certain information taken from fingerprint submissions retained by the FBI in connection with arrests and, in some instances, federal employment, naturalization, or military service. . . . All arrest data included in an Identity History Summary is obtained from fingerprint submissions, disposition reports, and other information submitted by agencies having criminal justice responsibilities." The FBI obtains information from the bureaus of investigation in each state as well as from other law enforcement agencies, which makes me reasonably confident that the first-time offenders do not have any convictions that the GBI or the FBI know about (the GDC also has Georgia court docket files and Georgia Bureau of Investigation files). In sum, the GDC measures of criminal history used in this research encompass information from multiple jurisdictions and sources, which means that one can be reasonably confident in the classification of first-time offenders.

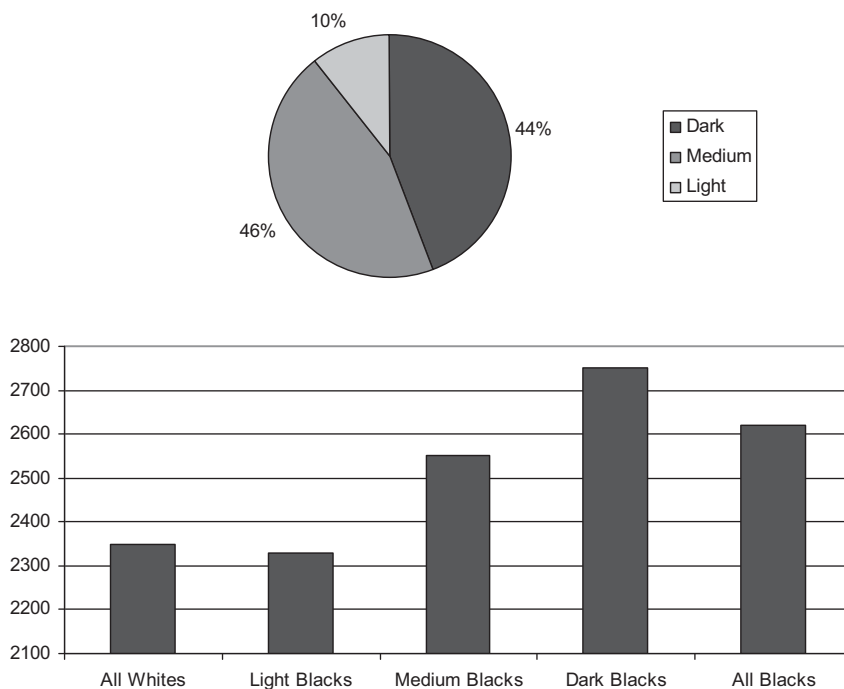
with both the key causal variable and the dependent variable, control variables must also be causally prior to the key causal variable—that is, no control variable should itself be a consequence of the key causal variable (King et al. 1994). If skin color and race play a role in sentencing, then it stands to reason that criminal history is itself a consequence of race and skin color and thus should be omitted from the model. However, leaving out criminal history arguably could result in omitted variable bias. To avoid this problem of inference, the primary analysis considers only first-time offenders and thus presents a conservative estimate of the effects of race and skin color on sentencing. However, for comparison, the results are replicated on a full sample of first-time and repeat offenders in the Appendix. In this additional analysis, being black and darker-skinned still exerts a positive, statistically significant effect on sentence length; the magnitude of this effect is similar to that found in the main analysis.

The information contained in the inmate research file is updated regularly with valuable information about each inmate, and includes active, paroled, deceased, and inactive inmates. Additionally, the inmate research file contains demographic information about the family, economic, educational, social, and physical background of inmates. The inmate research file used for this research was generated on September 23, 2003 and contains the 460,814 inmates on record with the GDC up to that date. In this analysis, only black and white non-Hispanic male inmates sentenced for their first felony conviction between the years of 1995 and 2002 are considered, bringing the total number of inmates to 67,379 (23,840 whites and 43,539 blacks).⁵ Although skin color data are available from 1990 onward, this analysis will only use data collected after 1995 because data on “seven deadly sins” convictions and juveniles tried as adults are incomplete for the years prior to 1995.

Skin color, the independent variable of interest, is developed from a 13-point classification provided for each inmate in the inmate research file. For blacks, it has been recoded into three dichotomous variables indicating light-skinned black, medium-skinned black, and dark-skinned black. The categories “albino,” “light,” “light brown,” “fair,” “olive,” “ruddy,” “sallow,” and “yellow” were recoded as “light.” The categories “medium” and “medium brown” were recoded as “medium.” “Dark,” “dark brown,” and “black” were recoded as “dark.” Whites represent the baseline in this categorization; please see the Appendix for a discussion of why skin color is not analyzed for whites. The frequencies for these variables are shown in Figure 1. For more information on the skin color variable, please see the Appendix. The race of the offender also is available, although information about ethnicity is not collected uniformly. Unfortunately, some evidence suggests that failing to take ethnicity into account underestimates the disparity between blacks and whites; excluding ethnicity here may underestimate the disparity between blacks of different skin tones and whites (Demuth & Steffensmeier 2004). For this reason, all inmates with a last name matching any of the 639 most common Hispanic surnames are excluded from the analysis (Word & Perkins 1996). This solution, though imperfect, helps separate out Hispanics, who may have longer sentences, from Anglos.

⁵I do not model the in/out decision because less extensive data are available for probationers.

Figure 1: Skin color frequencies among black inmates after recode.



Sentence length, the dependent variable, is measured in days. Sentences to life, life without parole, and death were recoded to 50 years (18,250 days).⁶ Because the sentence variable follows a log-normal distribution, the models are estimated using the log of sentence in days rather than the original variable. Log-transforming the original variable helps lessen the impact of extreme values on the estimates (Vittingof et al. 2011).

The control variables used in this analysis are included in an effort to take into account the nondiscriminatory factors that may lead to racial and color differences in sentencing outcomes. The inmate research file contains several variables that might play a role in sentencing, such as marital and employment status, educational attainment (measured as whether the inmate had a high school diploma), age at time of sentencing, residence in a city, social class, and citizenship.⁷ Employment, education, social class, and marital status before conviction were reported by inmates at admission. At the time of this study, Georgia did not have sentencing guidelines and this study considers

⁶However, there are 52 inmates in the data with long sentences in actual years. These were left unchanged.

⁷Inmate social class is operationalized as a dummy variable for "financial hardship." The indicator collapses the response categories "minimum standard of living," "occasionally employed," and "welfare" into a single category indicating that the inmate expressed some form of financial hardship. The remaining category, "middle class," is coded 0.

Table 1: Descriptive Statistics

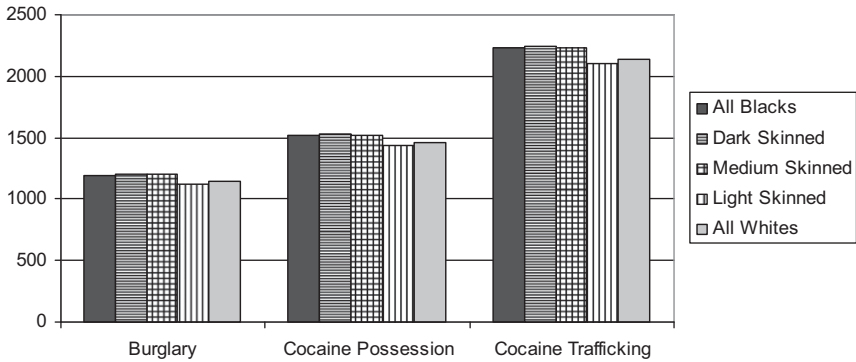
<i>Variable</i>	<i>Min</i>	<i>1st Qu.</i>	<i>Median</i>	<i>Mean</i>	<i>3rd Qu.</i>	<i>Max</i>
Sentence length (days)	60	731	1,826	2,526	2,973	59,540
Log of sentence length	4.09	6.59	7.51	7.39	8	10.99
Black	0	0	1	0.646	1	1
Dark skinned	0	0	0	0.285	1	1
Medium skinned	0	0	0	0.292	1	1
Light skinned	0	0	0	0.0675	0	1
Juvenile tried as adult	0	0	0	0.00797	0	1
Seven deadly sins conviction	0	0	0	0.0728	0	1
Urban	0	0	1	0.603	1	1
Drug/alcohol behavior	0	0	1	0.508	1	1
Age at sentencing	13	20	25	27.6	33	80
Convicted via verdict	0	0	0	0.0559	0	1
Number of additional crimes	0	0	1	1.05	2	9
Employed	0	0	0	0.305	1	1
Financial hardship	0	0	1	0.573	1	1
Married	0	0	0	0.187	0	1
High school completion	0	0	0	0.333	1	1

only first-time offenders. However, it still is difficult to measure accurately the seriousness of the offense. Because linear measures of crime type or severity may over- or underestimate sentence length (Engen & Gainey 2000), crime type is controlled here by grouping the most serious offense committed for this incarceration episode into 41 separate crime categories, each included in the models as dummy variables.⁸ Another measure of crime severity, the number of additional crimes committed by the offender for this prison episode, is controlled as well. Additionally, it is also possible to determine whether a plea agreement was involved in the sentencing process, whether the inmate was a juvenile tried as an adult, and whether the inmate received a stiffer sentence under Georgia's "seven deadly sins" law. These factors are included in the models as well.⁹ List-wise deletion was used to omit the 10 percent of offenders for whom SES variables are not available; information about sentence length, race, prior offenses, and the current offense are present for all inmates. Skin color is missing for about 3 percent of blacks. Descriptive statistics for each variable can be found in Table 1.

⁸These categories are: murder, criminal abortion, aggravated assault, other assault, kidnapping, arson, damaging property, burglary, other burglary, forgery, theft by taking, other theft, car theft, robbery by intimidation, armed robbery, other robbery, rape, other sex crimes, obscenity crimes, treason, crimes involving government or public administration, falsifying crimes, escape crimes, disorderly conduct crimes, gambling crimes, cruelty to children, crimes with guns, invasion of privacy, racketeering, cocaine possession, amphetamine sales, amphetamine possession, cocaine sales, sale of other drugs (except marijuana), possession of other drugs (except marijuana), possession of marijuana, sale of marijuana, auto crimes (alter car title), revenue and contraband crimes, miscellaneous felonies (alcohol and habitual violator). The reference category is other homicide.

⁹This analysis is unable to account for race of victim effects. However, studies that do control for the race of victim generally find higher racial disparities in sentencing (Sweeny & Haney 1992). Thus, the findings presented here, because the models omit race of victim effects, should underestimate the racial disparity in sentencing.

Figure 2: Average prison sentence lengths in days by race and skin color.



V. RESULTS

When first examining bivariate relationships between race, skin color, and incarceration sentence length, it appears that disparities exist not only between blacks and whites, but also among blacks of different skin tones. As shown in Figure 2, the average sentence received by whites for their first offense is about 270 days shorter than the average sentence received by blacks. The complexity of this disparity becomes readily apparent when we disaggregate black sentences by skin color. Medium-skinned blacks receive sentences that are about 200 days longer than those of whites, while dark-skinned blacks receive sentences that are 400 days longer. Light-skinned blacks, however, receive sentences that are 20 days *shorter* than that received by the average white offender. In terms of lived experiences, then, it is often the case that incarceration length varies by race and skin color.

Even though the data show evidence of a sentencing disparity based on race and skin color, the existence of such a disparity might not mean that racial discrimination is at work. As argued in the literature review, the differences in sentencing could be due to factors other than race, such as the inmate's personal characteristics or offense severity. However, the multivariate analysis confirms the hypothesis that both race and skin color matter in incarceration sentences for first-time offenders in Georgia. The relationship among sentence length, race, skin color, and other controls was estimated using OLS regression. The models include controls for the most serious offense, the number of additional crimes committed, age at sentencing, plea bargains, juveniles tried as adults, whether the offender was sentenced under the seven deadly sins provision, and in some models, socioeconomic variables. Also, all models control for the circuit and year of conviction. As shown in Table 2, the relationship between race alone and race and skin color shown in Figure 2 persists even when controlling for all these factors. The race-only model estimates that, on average, blacks receive prison sentences that are $e^{0.0416}$, or 1.0425 times those given to whites when controlling for legally-relevant

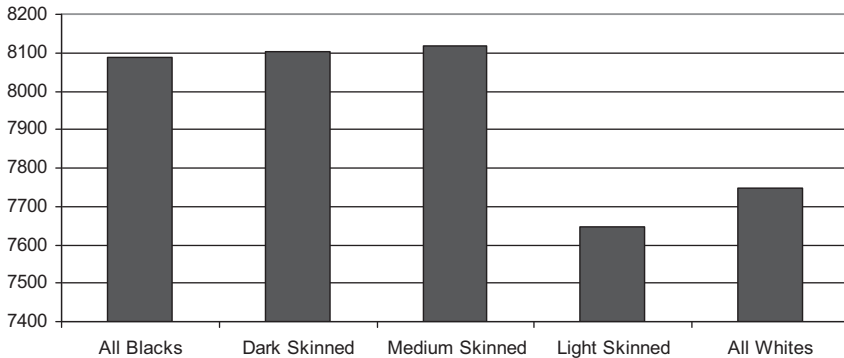
Table 2: Estimated Effects of Race and Skin Color on Log of Sentence Length

	<i>Model 1</i>	<i>Model 2</i>	<i>Model 3</i>	<i>Model 4</i>
	<i>Race</i>	<i>Race and Skin Color</i>	<i>Race (with SES)</i>	<i>Race and Skin Color (with SES)</i>
Black	0.042*** -(0.007)		0.048*** -(0.007)	
Dark skinned		0.047*** -(0.008)		0.053*** -(0.008)
Medium skinned		0.047*** -(0.008)		0.055*** -(0.008)
Light skinned		-0.013 -(0.012)		-0.007 -(0.012)
Juvenile tried as adult	-0.074* -(0.032)	-0.075* -(0.032)	-0.068* -(0.032)	-0.068* -(0.032)
Seven deadly sins	0.692*** -(0.022)	0.691*** -(0.022)	0.695*** -(0.022)	0.694*** -(0.022)
Urban	-0.012 -(0.008)	-0.012 -(0.008)	-0.012 -(0.008)	-0.012 -(0.008)
Drug/alcohol abuse	0.012* -(0.006)	0.012* -(0.006)	0.016** -(0.006)	0.017** -(0.006)
Age at sentencing	-0.002*** (0.000)	-0.002*** (0.000)	-0.003*** (0.000)	-0.003*** (0.000)
Convicted via verdict	0.521*** -(0.013)	0.521*** -(0.013)	0.517*** -(0.013)	0.517*** -(0.013)
Number of additional crimes	0.146*** -(0.002)	0.146*** -(0.002)	0.146*** -(0.002)	0.146*** -(0.002)
Employed			-0.018** -(0.006)	-0.019** -(0.006)
Financial hardship			-0.010 -(0.006)	-0.010 -(0.006)
Married			0.067*** -(0.007)	0.067*** -(0.007)
High school diploma			-0.001 -(0.006)	-0.001 -(0.006)
Intercept	8.982*** -(0.049)	9.023*** -(0.047)	8.991*** -(0.049)	9.039*** -(0.048)
N	57456	57456	57456	57456
Adjusted R ²	0.489	0.489	0.490	0.490

Significant at 5 percent; *significant at 1 percent; ****significant at 0.1 percent.
 NOTES: Controls for circuit, year, and crime type were included. Standard errors in parentheses.

factors such as criminal history and crime type; this relationship is significant even after controls for socioeconomic status are added in Model 3. However, the race and skin color model also shows us that this model hides important intraracial differences in sentence length: although dark-skinned blacks receive sentences that are about ($e^{0.0472641}$), or 4.83 percent higher than those of whites, and medium-skinned blacks receive sentences that are ($e^{0.04689-1}$) or 4.80 percent higher than those of whites, lighter-skinned blacks receive sentences that are not statistically significantly different

Figure 3: Effects of race and skin color on sentence length for selected crimes.



NOTES: Average sentences calculated based on model estimated in Models 1 and 2 of Table .

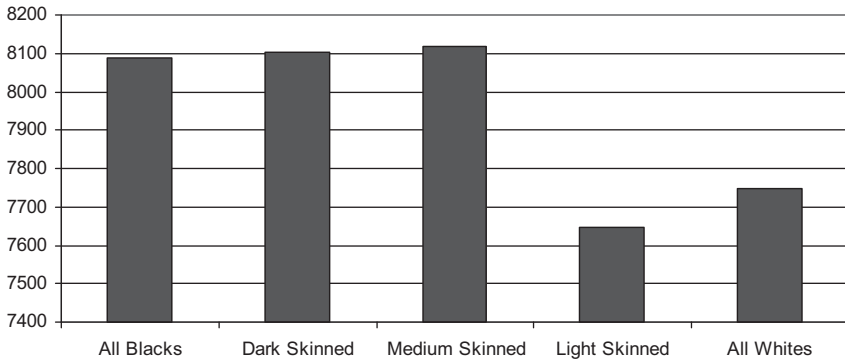
from those of whites. Taking socioeconomic status into account reduces but does not eliminate this disparity between whites and dark- and medium-skinned blacks; dark- and medium-skinned blacks still receive sentences that are 5.4 percent and 5.6 percent longer, respectively, than those of whites.

While these numbers seem quite small, these small gaps translate into differences of months or even years. For instance, for crimes for which the average sentence for whites is two years, the average dark- or medium-skinned black offender could expect to receive just over one month more prison time. For crimes that carry a 10-year sentence, the difference is almost six months. To present these outcomes graphically, the sentence lengths in days were simulated for hypothetical convicted offenders with different races and skin colors. Calculating the effects of race and skin color on the expected sentence length for different crimes reveals that these factors can have a large effect on sentence length even after controls are added. As shown in Figure 3, black men with dark and medium complexions receive sentences two to three months longer than whites and light-skinned blacks for first convictions for nonviolent crimes like burglary, cocaine sales, or cocaine possession. The most dramatic effects, however, are reserved for murder sentences. As Figure 4 indicates, medium- and dark-skinned blacks convicted for murder as their first offense receive sentences more than one year longer, on average, than those of light-skinned blacks and whites.

VI. DISCUSSION

These results provide strong evidence in favor of the hypothesis that an individual's race and skin color partially determine the severity of his punishment. Beyond this claim, one can draw several other conclusions from these findings.

Figure 4: Effect of race and skin color on murder sentences.



NOTES: Average sentences calculated based on model estimated in Models 1 and 2 of Table 2.

First, race still matters in criminal sentencing. This study challenges previous research that finds that the racial disparity in criminal sentencing disappears after controlling for criminal history, crime type, and other legal factors (for a list of such studies, see McDougall et al. 2003). Even when taking these factors into account here, black first-time offenders still receive longer sentences than their white counterparts even when controlling for socioeconomic status and other factors that might influence sentencing.

Second, skin color matters in criminal sentencing as well. On average, blacks receive longer sentences than whites. However, within this finding, the sentencing disparity between blacks and whites exists only for medium- and dark-skinned blacks. The advantage accruing to light skin is readily apparent, and previous analyses that examine race alone understate the effects of racial discrimination in sentencing on the worst-off and obscure important social dynamics that affect the lives of blacks involved with the criminal justice system.

Third, it is important to note that a large part of the racial and skin color disparity in sentencing can be explained by legally-relevant factors. The 270-day difference in sentences between blacks and whites is greatly reduced when factors such as crime type and severity are taken into account. However, this analysis cannot take into account discretionary factors that occur prior to sentencing, such as the charges brought against a defendant, that may affect these legally-relevant factors (while also being shaped by racism and colorism).

Fourth, socioeconomic status does not completely explain the skin color differentials among blacks. As discussed at the beginning of this article, often race and skin color are associated with differences in education, socioeconomic status, self-esteem, and other factors that may also affect criminal sentencing. The analysis shows that the sentencing differential between blacks and whites and among blacks of different complexions cannot be explained by factors such as educational attainment. Appearance still has an effect on sentencing independent of class and other factors.

Finally, it is important to note the limitations of this study. As noted above, racial and perhaps color discrimination may affect many stages of the justice process, including arrest, charging, prosecution, and conviction. This analysis does not account for these factors; perhaps future research could address this shortcoming. Likewise, future research might also reestimate the impact of skin color and race on a wider range of sentences, including probation and the in/out decision. Finally, this article does not address the operation of colorism among women or other racial groups; future research might fruitfully explore the effects of colorism on sentencing outcomes for these additional groups.

VII. IMPLICATIONS

As noted in the beginning of this article, colorism has shaped the lives of African Americans since colonial times. However, as the criminal justice system has come to play an increasingly important role in the black community, it has become a prominent site through which racial bias is expressed by state actors. According to Wacquant (2001), the criminal justice system plays an important role not just in reflecting preexisting racial divisions but also in producing and reinscribing those racial differences anew (Wacquant 2001). To the extent that many departments of corrections, not just Georgia's, systematically and publicly identify and classify individuals based on race and skin color, they reify skin color as an important characteristic, a bit of knowledge, that conveys useful information about individuals apart from just the racial label. That very act of classification, coupled with the very real effects of colorism on outcomes, substantiates Wacquant's claim that the criminal justice system serves as a "main machine for 'race making' in the U.S." (Wacquant 2001).

But what "race-making" work is the justice system doing? On that point, scholars can and do disagree. In one sense, perhaps these findings reflect a shift away from a hypodescent rule for blackness based on one drop of African ancestry—or that the one-drop rule never completely reflected the system of racial classification across different historical periods and contexts (Keith & Herring 1991). Obasogie writes that "race *is* what we see" (Obasogie 2010). In his seminal work on how blind people think about race, Obasogie finds that blind people think of race primarily as skin color, with the primary significance of race attributed to visible physical differences among people (Obasogie 2010). Social practices (and in this case, institutional ones) give visual distinctions among bodies meaning (Obasogie 2010); African skin color, rather than African ancestry, is used to determine who deserves the benefits of whiteness. However, despite the basis on which the determination is made, the fact remains that the disfavored characteristic continues to be Africanness.¹⁰

¹⁰To present a different view, "honorary whites" are an intermediate, separate category of racial minorities who are closer to whites in appearance (Bonilla-Silva 2004). Honorary whites receive some of the benefits associated with whiteness (in this case, more lenient sentences) while being denied all the privileges of those deemed fully white. The original categories of "black" and "white" can persist alongside this new category.

VIII. CONCLUSION

This analysis provides interesting evidence in favor of the hypothesis that race- and color-based discrimination influences sentencing decisions in Georgia. On average, black first-time offenders receive higher incarceration sentences than whites regardless of crime type and other legal factors that often are said to account for racial differences in sentence length. For blacks, this disparity is mitigated by light skin. As expected, blacks of darker skin tones receive longer incarceration sentences than both whites and light-skinned blacks after taking facts about the crime and demographic variables into account.

These findings matter for racial hierarchy in the United States. Because the racial disparity in criminal justice is so prominent, this institution already plays a role in creating and maintaining the U.S. racial order. However, this article provides important information about the content of the work that the criminal justice system is doing. Not only does the racial disparity in criminal sentencing help create and maintain distinctions between blacks and whites, this research shows that a skin color disparity in criminal sentencing also exists and helps make salient within-group phenotypic differences. In this way, the criminal justice system appears to differentiate light-skinned blacks from their darker counterparts by assigning them different rights, privileges, and status within the system.

This is not to say, however, that skin color trumps race to the extent that the United States is becoming a pigmentocracy rather than a race-based society (Bonilla-Silva 2004). For one, this article cannot test the notion that color hierarchies exist or operate the same way in other groups. Moreover, the skin color bias shown here seems to follow the age-old pattern of disfavoring African-ness, however measured. As long as that is the case, the racial hierarchy in which whites are privileged relative to blacks can be considered alive and well in the United States.

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APPENDIX A: SKIN COLOR CODING

The inmate research file contained several measures of inmate physical description, including skin color. This skin color variable consisted of 13 designations: albino, ruddy, fair, black, dark, dark brown, medium, medium brown, olive, sallow, light, yellow, and light brown. According to personal communications with GDC officials, each inmate is

classified into one of these categories during the in-person diagnostic phase at the Bostick correctional facility, which, at the time the inmates in this study were sentenced, was used as a first stop before inmates were assigned to permanent prisons.

Interestingly enough, black and white inmates seem to have been coded under entirely separate coding schemes. Ninety-four percent of whites were categorized into four groups: fair (25.5 percent), ruddy (52.7 percent), medium (11.8 percent), and light (4.2 percent). Eighty-seven percent of blacks were categorized into four completely different categories: dark brown (24.0 percent), dark (18.4 percent), light brown (7.7 percent), and medium brown (37.3 percent). The greatest degree of overlap was in the medium and light categories: 6.6 percent of blacks were categorized as medium, while 2.0 percent of blacks were categorized as light. For this reason, skin color for whites is not considered in the analysis. The categories albino, black, olive, yellow, and sallow account for only 65 of the 67,707 cases in the data set. Skin color codes were missing for 3.2 percent of whites and 3.3 percent of blacks.

Because these classifications were made by multiple officials in multiple years without a clear standard or range for categorization, this skin color variable may be quite noisy. Thus, one might be concerned that recorded skin color bears little to no relation to actual skin color, that the categories themselves may not reflect ordered differences as their labels suggest, or that the categorization may be biased in some way (e.g., based on the fact that the individuals had already been sentenced when the skin color evaluation was made).

While no analysis can rule out entirely the possibility that these factors might be at play, it is possible to get a sense of the accuracy of the skin color measure. To get a sense of what the GDC skin color variable is measuring, two research assistants coded 552 randomly selected black male inmates from the entire data set. The research assistants were trained to code skin color on a five-point scale, with 5 = very dark, 4 = dark, 3 = medium, 2 = light, and 1 = very light, using inmate photographs provided by the Georgia Department of Corrections. The research assistants were given several sample photographs of black male celebrities as guidelines for each skin tone classification. The Georgia Department of Corrections skin color coding was not available to coders.

The average scores for the categories, along with the *N* for the random sample, are shown in Table A1. As one can see, the average scores for inmates coded by the GDC as dark and dark brown are lower on the scale than the average scores for inmates coded as medium brown and medium. Furthermore, all four categories are darker, according to the research assistants, than inmates coded in the light brown category. Too few inmates in the other color categories showed up in the random sample to assess accurately average skin color for these groups. With respect to the collapsed categories of dark, medium, and light, the average score for inmates in the dark category is 4.062, medium, 3.825, and light, 2.8804. The author's analysis of a different set of 200 randomly selected inmates confirms that of the research assistants, finding average scores of 3.59 for inmates classified as medium brown, 2.88 for inmates classified as light brown, 4.23 for inmates classified as dark, and 4.34 for inmates classified as dark brown using the same methods.

Table A1: Average Skin Color Based on a Five-Point Scale by Category for Black Male Georgia Inmates

<i>GDC Code</i>	N	<i>Average Skin Color</i>
Dark brown	126	4.08
Dark	122	4.04
Fair	1	1.5
Light brown	32	3.24
Light	12	2.0
Medium brown	178	3.80
Medium	43	3.91

In sum, the exercise described here provides some evidence that the skin color measure provided by the Georgia Department of Corrections represents an ordinal categorization of inmates by skin tone. The labels ascribed to the colors—light, medium, and dark—approximate the lightness or darkness of inmate skin color when compared to a more rigorous classification scheme. No scheme for assessing skin color will be error- and bias-free; even machines that measure skin color using light reflections produce slightly biased estimates depending on the wavelength of light used. Likewise, human beings can be wrong, particularly on such a subjective phenomenon as skin color. One saving grace for the GDC classifications is that these skin color estimates are made by multiple untrained individuals over multiple years for tens of thousands of inmates, making it more likely that the variable is subject to random error (and random error does not bias estimates of skin color on sentence length).

It is important to note that the analysis presented in this article uses the different skin color measures as three dichotomous variables rather than trying to construct a continuous variable from dark, to medium, to light, to white. Thus, the skin color measures do not make assumptions about functional form (e.g., linear vs. threshold) or about scale (that the difference between dark and medium is the same as the difference between medium and light).

APPENDIX B: FIRST-TIME AND REPEAT OFFENDERS

Table B1: Estimated Effects of Race and Skin Color on Log of Sentence Length

	<i>Model 1</i>	<i>Model 2</i>	<i>Model 3</i>	<i>Model 4</i>
	<i>Race</i>	<i>Race and Skin Color</i>	<i>Race (with SES)</i>	<i>Race and Skin Color (with SES)</i>
Black	0.049*** -(0.006)		0.055*** -(0.006)	
Dark skinned		0.048*** -(0.006)		0.053*** -(0.007)
Medium skinned		0.058*** -(0.007)		0.064*** -(0.007)
Light skinned		0.004 -(0.010)		0.009 -(0.010)
Juvenile tried as adult	-0.102** -(0.032)	-0.105** -(0.032)	-0.096** -(0.032)	-0.100** -(0.032)
Seven deadly sins	0.756*** -(0.020)	0.754*** -(0.020)	0.759*** -(0.020)	0.756*** -(0.020)
Prior drug offense	0.071*** -(0.008)	0.071*** -(0.008)	0.071*** -(0.008)	0.071*** -(0.008)
Prior violent offense	-0.026*** -(0.007)	-0.026*** -(0.007)	-0.026*** -(0.007)	-0.026*** -(0.007)
Number of prior offenses	0.027*** -(0.002)	0.027*** -(0.002)	0.027*** -(0.002)	0.027*** -(0.002)
Urban	-0.010 -(0.007)	-0.010 -(0.007)	-0.010 -(0.007)	-0.010 -(0.007)
Drug/alcohol abuse	0.016*** -(0.005)	0.015*** -(0.005)	0.019*** -(0.005)	0.019*** -(0.005)
Age at sentencing	-0.002*** (0.000)	-0.002*** (0.000)	-0.002*** (0.000)	-0.002*** (0.000)
Convicted via verdict	0.581*** -(0.011)	0.581*** -(0.011)	0.578*** -(0.011)	0.578*** -(0.011)
Number of additional crimes	0.144*** -(0.002)	0.144*** -(0.002)	0.143*** -(0.002)	0.143*** -(0.002)
Employed			-0.014** -(0.005)	-0.015** -(0.005)
Financial hardship			-0.007 -(0.005)	-0.007 -(0.005)
Married			0.055*** -(0.006)	0.054*** -(0.006)
High school diploma			-0.004 -(0.005)	-0.004 -(0.005)
Intercept	8.812*** -(0.043)	8.858*** -(0.042)	8.816*** -(0.043)	8.869*** -(0.042)
<i>N</i>	86708	86708	86708	86708
Adjusted <i>R</i> ²	0.468	0.468	0.469	0.469

Significant at 5 percent; *significant at 1 percent; *significant at 0.1 percent.

NOTES: This table replicates Table 2 for first-time and repeat offenders, controlling for prior offenses (prior property and other offenses are the omitted category). Controls for circuit, year, and crime type were included. Standard errors in parentheses.

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