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Socioeconomic Status and Sentencing Disparities:
Evidence from Russia's Criminal Courts

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Abstract: This article contributes to the sociological research of sentencing disparities. Using the dataset consisting of 1.5 million individual decisions of criminal courts of the Russian Federation, the study focuses on the influence of socio-economic status of defendants on decisions to acquit, imprison, suspend imprisonment as well as on the severity of punishment. The regression analysis shows strong and consistent social inequalities. The system of criminal repression is targeted mostly against socially marginal and lower status strata (prisoners, unemployed, manual workers) which constitute the absolute majority of defendants and are punished more harshly than representatives of the upper strata. Besides that, the study reveals another dimension of conflict: private entrepreneurs receive more severe punishments than public officials, especially for white-collar crimes. To make initial assumptions about the ways these regularities are produced at the interaction level, the study uses interviews with judges and results of the original survey.

Keywords: sentencing disparities, socioeconomic status, criminal courts, Russia

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Introduction

Since the pioneering study of racial discrimination in Detroit courts by Thorstein Sellin (1928), the main concern of sentencing research has been the empirical testing of equality before the law. Reviews show that over time sentencing research has become a vibrant interdisciplinary enterprise that stimulates methodological sophistication and theoretical advance (Hagan 1974; Chiricos and Bales 1991; D'Alessio and Stolzenberg 1993; Spohn 2000; Ulmer 2012). Being a critical inquiry into the sources of extralegal judicial bias, sentencing research draws its main hypotheses from sociological notions of social structure, assuming race, ethnicity, socioeconomic status (SES), class, gender, religious beliefs, and regional differences – each on its own or in combinations – to influence judicial perceptions and decision-making (Hagan 1974; Lizotte 1978; Kleck 1981; Champion 1987; Steffensmeier, Ulmer, and Kramer 1998; Ulmer, Bader, and Gault 2008). Earlier studies inspired the sociological theory of legal order that emerged within the framework of critical sociology and criminology (Chambliss and Seidmann 1972; Turk 1976), which, in turn, stimulated more empirical studies. Validating or questioning the ideologically charged propositions of critical criminology, scholars got engaged in a “methodological battle” (Meyer and Jesilow 1997: 17). They depended upon new sets of empirical data and statistical techniques to separate the influence of legal offence-related variables from social characteristics of offenders. Identifying 76 studies in the USA that used original data, a meta-analysis (Mitchell and MacKenzie 2004) stated that no consensus with regard to the influence of race, ethnicity, and SES on sentencing has emerged over seventy years of research.

Since the achievements and omissions of sentencing research were recently reviewed by Ulmer (2012), there is no need for another review here. One additional observation, however, is due. Until the 1990s the sociological research on the influence of SES on sentencing developed separately from a much broader stream of racial and ethnic bias studies situated mainly but not exclusively within the field of criminology. By correlating SES and severity of punishment scholars tested the main propositions of critical criminology (Chiricos and Waldo 1975; Lizotte 1978; D'Alessio and Stolzenberg 1993). Some found negative correlations for selected types of crime, such as violent crimes and drug possession. Others (Wheeler, Weisburd, and Bode 1982; Hagan and Parker 1985) focused on the sentencing of white-collar criminals occupying high-status positions and found that the latter were punished more harshly. Their conclusions were later questioned and subjected to further tests that did not fully confirm the aforementioned pattern (Benson and Walker 1988). The introduction of additional class position variables showed that class exercised a separate influence upon sentencing but in the way that confirmed the pattern of harsher punishments for white-collar crimes of individuals in positions of wealth and prestige (Weisburd, Waring, and Wheeler 1990).

Chiricos and Bales (1991) made an important turn by taking unemployment as the main proxy of low SES for assessing its influence on sentencing. Their research showed that unemployment had a significant, substantial, and independent impact on the decision to imprison. Unemployment also interacted with ethnicity and age, amplifying the chances of imprisonment for young black males (Chiricos and Bales 1991: 719). As unemployment became the major indicator of SES and was analytically coupled with ethnicity and gender, the sociological research on SES and class bias in sentencing merged with studies of racial and ethnic discrimination in courts. Given the enduring political significance of race and ethnicity for the American society and the fact that they continue to act as a major factor of social stratification, this merger is quite logical. Pettit and Western (2004), for example, argued that imprisonment has become a typical episode in the life course of recent birth cohorts of non-college economically disadvantaged black men.

For all the importance of unemployment and ethnicity conjuncture in the American society, the recent research tends to omit other inequalities before the law, such as those based on occupation, class, and power status. “Compared with expansive literature on race and sex effects”, writes Zatz (2000) in her review, “there are few studies of economic status and sentencing”. This could be potentially compensated by research from other countries where ethnicity plays a much lesser role in the constitution of SES and class differences. In ethnically homogeneous South Korea, gender and age were found to be the only extra-legal factors contributing to sentencing disparities for drug-related crimes (Lee, Ulmer, and Park 2011). A group of researchers (Liu, Zhou, Liska, Messner, Krohn, Zhang, and Lu 1998) conducted empirical research in China and found that the harshness of punishment is positively correlated with the individual’s social status and negatively – with social status of friends, i.e. one’s social networks. A study of sentencing in Rio de Janeiro, Brasil (Cano, Ribeiro, Francis, and Humphreys 2012) found no evidence of ethnic, gender or education-based status bias. Still, apart from these and a few other cases, as Ulmer (2012) noted in his review, sentencing research from countries other than USA remains scarce. The comparative perspective still needs to be broadened.

This article makes several contributions to sociologically-oriented sentencing research. First, it adds a new country case by analyzing status-induced sentencing disparities in Russia’s criminal courts. Prison population in Russia in 2013 was 475 per 100 000, which is among the highest in the world (Walmsley 2013). The heavy emphasis on criminal repression predicates the necessity of comprehensive research of its functioning. Second, this paper makes another methodological move by relying on so far the largest dataset in the literature consisting of 1,5 million individual-level observations of criminal court case outcomes and analyzing virtually the entire population of defendants over a certain period (Skougarevskiy and Volkov 2014). Third, it revives the problematic of SES and criminal sentencing and contributes to the research on inequality, stratification, and social conflict. The Russian case presents a new opportunity for testing the

conflict proposition and understanding how criminal sentencing connects with social inequalities. Apart from the more traditional assessment of the social underclass versus the elite conflict, this study discusses another dimension of conflict, the one between high status groups. It provides evidence of the conflict between state officials and private entrepreneurs in Russia whereby criminal repression has become instrumental for the former against the latter. Fourth, in interpreting the results of quantitative analysis, the paper draws upon the original survey of judges and a series of interviews with them in order to explain how systematic sentencing disparities are reproduced through attitudes, organizational patterns and work routines of judges.

1 The criminal procedure in Russia: an overview

The Russian legal system belongs to the continental European tradition of civil law. It relies on codified statute laws and procedural codes that regulate the application of laws. Despite the new Criminal Code (adopted in 1996) and the new Criminal Procedure Code (adopted in 2002), the procedure preserves a strong continuity with the Soviet criminal justice. The key features of the latter are the highly formalized investigation procedure and the domination of the investigator-prosecutor tandem and, consequently, a highly accusative bias with diminishing acquittal rate (Solomon 1987). The criminal procedure system in Russia is often called neo-inquisitorial or investigatory, referring to the fact that the state in the face of its public officials objectively and on behalf of everyone concerned carries out the investigation of a crime to determine what happened (Burnham and Kahn 2008).

The Criminal Code divides all criminal offences into four categories of seriousness (or gravity): low, medium, high, and particularly high. This classification determines the type of criminal procedure and sentencing rules. Low seriousness crimes are the jurisdiction of the Courts of Peace and certain offences, such as insults, beating or minor injuries, are processed by these courts in the mode of private prosecution, while the remaining majority of categories of cases are the responsibility of Federal district courts. In private prosecution the plaintiff brings the case directly to the court, and the law does not require formal investigation and support by the public prosecution. In contrast to that, medium, high and top seriousness crimes are treated according to a complex formalized procedure maintained by several organizationally distinct actors: police operatives (until 2009 known as “militia”); investigators; and prosecutors (procurators). Police operatives are responsible for reacting to information about criminal acts, conducting detective work, finding, detaining and interrogating the suspect. The key actor in the process is the investigator. After reviewing the evidence, the investigator makes the decision concerning the initiation of the formal investigation procedure. The initiation of a criminal case (*ugolovnoe delo*) is a decisive move that often seals the fate of the suspect, because the investigator makes this move only if he or she is highly confident of having enough proof to convince the prosecutor and the judge.

Centered on the case file, the heavily formalized pretrial investigation procedure is the centerpiece of criminal justice. The investigator has to arrange evidence, protocols of interrogation and other materials according to strict procedural norms. The content of case file and the statement of guilt written by the investigator are the main sources of judgment for both the public prosecutor and the judge. Once the investigation is completed, the case file is submitted to the prosecutor's office for review. In contrast to the adversarial Anglo-American tradition where prosecution and defense present their evidence in trial before the judge, in the Russian system the judge is presented first of all with a written file that accumulates the previous work of the investigation and the prosecution. The defense side can collect its own evidence and proof, but these rarely make their way into the case file at the investigation stage. The evidence of the defense side is presented at the trial, leaving it to the discretion of the judge to formally include it into the case file and thus be taken into account.

In case of accusative decision judges have a wide repertoire of possible types of punishment. The judge can assign no punishment; non-carceral punishment (a fine, community service, public works, occupational restrictions); restriction of freedom; arrest; suspended imprisonment; real imprisonment (from several months to life sentence). The Criminal Code gives the judge a rather wide discretion in determining the sanction. Each degree of seriousness of offence is defined with reference to the maximum possible length of imprisonment measured in years. For low seriousness this is 2 years; 5 for medium, 10 for high and over 10 years – for top seriousness. The qualification of the offence, including the degree of seriousness, is the duty of the investigation, and the judge can only either accept it or reduce it. The Criminal Code also describes each offence and prescribes an upper bound or both a lower and an upper bound of sanction. For example, a murder is punished by imprisonment for the period from six to fifteen years. According to the law, when selecting the type and severity of punishment the judge shall consider the nature and degree of social danger of crime (which in part are reflected in the degree of seriousness), the personality of the convicted, including any mitigating or aggravating circumstances as well as the influence of the imposed sanction on the rehabilitation of the convicted and on the conditions of life of his or her family. The law, however, does not fully specify which aspects of the personality have to be taken into account. It is, therefore, important to understand how judges exercise this discretion and which extralegal social-structural factors interfere.

2 Data

The main empirical source of this research is a confidential but not exclusive dataset consisting of 1,556,148 individual observations representing defendants who faced trial for criminal charges in courts of general jurisdiction (Federal Courts) and Courts of Peace of the Russian Federation between 2009 and first half of 2010. Originally the information on defendants and their cases was recorded in the form of statistical cards routinely filled by judges or their assistants in a special electronic format for each criminal case they processed. The cards are normally stored at regional branches of the Judicial Department, the agency responsible for the management of Russia's judicial system. In 2011, the central office of the Judicial Department in Moscow requested regional branches to submit all cards for 2009 and the first half of 2010 to the central server, where they were accumulated for unknown purpose. In 2012, the Institute for the Rule of Law (IRL) of the European University at Saint-Petersburg requested and was given access to these cards for research purposes. The IRL then converted them into the dataset.¹

Each statistical card contains depersonified information about the defendant, offence(s), and charges; the identification of the court and the name of the judge as well as information about the trial procedure and its outcome, including the verdict and the punishment. Although the cards indicate whether the defendant used the plea bargain option (in Russia referred to as the "special order of trial"), they contain no information about pretrial detention or whether the defendant plead guilty. Otherwise, the statistical cards provide sufficient information for a comprehensive analysis of sentencing. With the exception of missing information and mistakes that were removed from the dataset, the latter contains information about the entire population of defendants for the mentioned period².

For interpreting the results of quantitative analysis, this article also relies on the original survey of 960 judges concerning their careers, professional norms, and work. The survey was conducted by the IRL throughout 2011 in six regions of the Russian Federation (Volkov,

¹ Dmitriy Skougarevskiy identified the source of data and conducted a titanic work of creating, ordering, and cleaning the dataset in cooperation with Kirill Titaev, Irina Chetverikova, and Mikhail Pozdnyakov. I also thank Dmitriy Skougarevskiy for the idea of using quintile regression.

² Raw data was cleaned in an automated manner. The scripts are available at request. First, we removed records where primary punishment was not equal to overall punishment or where primary sentence size was not equal to overall sentence size. Second, we removed records where overall sentence size assigned was more than 2 times as large as primary sentence size while being more than 1.5 times as large as the upper bound the judge could possibly assign for this individual given his charge, guilty plea, and special leniency conditions (minor offender, unfinished crime, etc.). We also dropped records if sentence was less than 0.7 of the lower bound the judge could possibly assign. We also identified data as being "good" at regional level if regional aggregates (number of convicted people, number of sentenced people, etc.) matched (i.e. were within one standard deviation from) the aggregates in the regional yearbooks of the Judicial Department. Overall, the cleaning procedure removed less than 100,000 individuals who we identified to have erroneous records. Skougarevskiy and Volkov (2014) show that sentencing regressions are robust to various definitions of erroneous data and different cleaning procedures.

Dmitrieva, Pozdnyakov, and Titaev 2012). Another source of interpretation are 15 interviews with judges collected in 2010-2012. Conducted for a different research project, these interviews focus on their careers, organizational aspects of their work, relations with court chairmen and superior courts, but also contain information on decision-making relevant for this study.

3 Socioeconomic status variables and descriptive statistics

Two fields in statistical cards were used to create SES variables: “occupation” and “position”. Far from being sociologically coherent, the occupation classifier adopted by the Judicial Department and used by judges (see the left column in Table 1) nonetheless reflects important social categories and distinctions. It combines basic occupational categories, such as “worker”, “private entrepreneur”, “student”, “law enforcement employee” with those serving some narrower legal purposes, such as “judge”, “attorney / notary”, “military service” or “prisoner”. Some of the categories could be taken in their original form, while others had to be modified.

The most numerous group of defendants is coded in this study as “unemployed”, although a more correct name would be “no occupation or work”. I composed it by putting together the following three categories from the Judicial Department classification: “registered as unemployed”, “fit for work but no occupation”, and “disabled (not fit for work)”. All of these groups – each for its own reason – feature labor market marginality and low integration into society. They are perceived by judges, as interviews indicate, as socially marginal. The official classifier also contains a broad category of students – individuals receiving secondary or higher education. The corresponding variable includes only students of 18 years and older and is referred to as “college students”. Categories represented by very small numbers as well as the larger category “other occupations” were assembled into the residual variable “other”.

The administrative position field in the official classifier allows to identify whether the defendant is a “chief executive (owner) of an enterprise or an organization” or holds a “position of authority”. I used this information only for separating top managers (chief executives or holders of authority position) from ordinary office employees.³ The logic of constructing SES variables from the official Judicial Department classifier is presented in Table 1.

³ This additional data also allows one to test whether there is a sentencing disparity in the case of individuals who occupy CEO, ownership, or authority positions in their organizations. But this opportunity is reserved for separate research on high-status white-collar crime.

Table 1. The logic of constructing SES variables

Occupation as in the Judicial Department classifier	Number of defendants	SES variables
Worker	302403	Worker
Agricultural worker	14985	
State and municipal service	18729	Public official
Commercial or other organization employee	65813	Top manager
		Office employee
Private entrepreneur	14769	Entrepreneur
Self employed	1015	
Student	116679	College student
Law enforcement employee	3853	Law enforcer
Disabled (not fit for work)	58060	Unemployed
Registered as unemployed	22974	
Fit for work (but unemployed)	855230	
Prisoner (or under arrest)	15182	Prisoner
Military service	102	Other
Attorney / notary	262	
Judge	8	
Other occupations	129137	

Transforming the original official occupational classifier into SES variables, I aimed at coming up with a set of categories that were both sociologically relevant and corresponding to the way SES is perceived in the Russian society today. The creation of continuous SES variables by attaching income levels to occupational categories was impossible for the lack of reliable data on respective incomes, especially informal ones as earned, for example, by police employees, public officials and the unemployed. For the lack of a better option, SES variables are categorical, mainly based on occupation, but also reflecting prestige and class. Importantly, SES variables preserve the connection with the classification operated by judges. The social composition of defendants in accordance with SES variables is presented in Table 2.

Table 2. The social composition of defendants

Status of defendant	Number of defendants	% of defendants	% of adult population*
Law enforcer	3853	0,2	1,4
Top manager	18149	1,2	5,4
Public official	18729	1,2	1,6
Entrepreneur	24684	1,6	7
College student	36006	2,3	6,7
Office employee	49279	3,2	8
Manual worker	325257	20,9	40
Unemployed	936264	60,1	26**
Prisoner	15182	1,0	1
Other	129509	8,3	1,9
Total	1556912	100,0	

*Rough estimates on the basis of the 2010 population survey and the Russian Federal Statistical Service data (<http://www.gks.ru/>)

**Individuals with no particular occupation or work (economically inactive).

In reality, the social composition of defendants is a combined result of several activities: the criminal behavior of different social groups, the anti-crime activity of police authorities, and the sequential effort of the police, the investigation, and the procuracy of using the criminal procedure for delivering the accused to courts. A simple comparison of proportions of status groups among defendants with corresponding proportions in the adult (working age) population of Russia (the right column in Table 2) shows a strong structural mismatch. Low-status groups, such as workers and, especially, socially marginal elements (unemployed), are evidently overrepresented among defendants tried for committing crimes.

We still have no reliable data for understanding to what extent this is caused by higher dispositions to legally prohibited behavior among low status groups, by the selective police repression against them or by resources available to higher status groups for escaping trial. The role of prosecutorial discretion is understudied in international criminology, and Russia is not an exception (Johnson and Shermer 2010). Interviews with law enforcement employees indicate that they treat crimes selectively, routinely focusing on simple and obvious offences, prosecuting low status, poorly educated offenders from whom police can extract confession and who cannot afford qualified defense (Paneyakh 2013). What the available quantitative data can reveal is the contribution of judges to the socially differentiated criminal repression.

The most important trial outcomes are decisions about conviction (accuse or acquit); in case of accusation – about imprisonment (in/out), and if imprisoned – about the sentence length. The

in/out decision includes the option of suspended imprisonment, which is similar to probation. Acquittal is the most valuable outcome for defendant but an extremely rare event in Russia's criminal justice. The general acquittal rate for 2009-2010 is 2,4%. It is important to distinguish between the private prosecution procedure (12% of all cases) where acquittal rate is 29% and public prosecution where only 0,3% of defendants are acquitted. In the absence of the powerful figure of prosecutor backed up by the investigation, judges display more readiness to acquit. Acquittal in public prosecution procedure demands strong determination from the judge and is more valuable for defendants in the view of potentially more severe punishments.

As follows from descriptive statistics of trial outcomes presented in Table 3, there are huge disparities between SES groups in acquittal rates and other outcomes. In the table defendants are stratified according to their chances of acquittal.

Table 3. Trial outcomes for selected status groups, %

	Acquitted	Acquitted, private prosecution	Acquitted, public prosecution	Imprisoned	Suspended imprisonment	Mean sentence, years
Law enforcer	13,9	54	4,5	25,3	31,7	4,2
Public official	10,1	33	2,9	11,8	29,0	4,0
Top manager	8,8	32	3,4	13,8	27	4,6
Entrepreneur	7,5	27	1,6	15,1	24,5	4,7
Office employee	4,7	24	0,5	18,6	28,8	4,0
Manual worker	2,7	14	0,2	21,6	31,4	3,8
College student	2,2	16	0,1	17,2	35,1	4,1
Unemployed	1,7	15	0,3	32,8	29,4	3,7
Prisoner	1,52	25	0,4	78,9	7,5	3,9

The two upper strata have 5 to 8 times higher chances of acquittal than the two lower strata. Acquittal rate disparities seem even more dramatic in public prosecution cases (they constitute about 80% of criminal justice). For manual workers, students, and marginal elements they are virtually zero. To put it differently, the four top groups that represent 4% of defendants get 31% of all acquittals.

Descriptive statistics also shows significantly different chances of imprisonment, although their distribution is different from those of acquittals. Public officials seem to be the most privileged group here, while law enforcers lose the privilege they enjoy with regard to acquittal. The imprisonment rate appears to grow in the low strata, but college students fall out of this trend. They are also distinguished by the highest proportion of suspended imprisonment rate, which is otherwise relatively even, except for entrepreneurs who get the lowest share of them. The severity of carceral punishment (mean sentence length) displays a reverse trend and stratifies

groups differently than in/out decisions. Lower strata seem to be punished less harshly, while the most severe sentences are given to entrepreneurs.

The obvious question is to what extent disparities in sentencing apparent in descriptive statistics are determined by SES. Status groups differ in their criminality patterns, and different crimes presuppose different legal response. Five most frequent criminal charges for each group are presented in Table 4.

Table 4. First five most frequent charges for selected SES groups

	Law enforcer	Public official	Top manager	Entrepreneur	Office employee	Manual worker	College student	Unemployed
1	Power abuse	Beating	Fraud	Beating	Theft	Theft	Theft	Theft
2	Beating	Fraud	Beating	Theft	Drugs	Beating	Robbery	Drugs
3	Fraud	Bribery	Bribery	Fraud	Beating	Drugs	Drugs	Robbery
4	Bribery	Theft	Embezzlement	Drugs	Embezzlement	Threats of murder	Beating	Beating
5	Office abuse	Embezzlement	Tax evasion	Copyright violations	Fraud	Robbery	Health damage	Threats of murder

The top five charges cover 40 to 65 per cent of all offences depending upon the group. All groups commit all types of crimes, but each group has a particular criminal profile, except for beating (the least serious violent crime) that stands high for all. Offences related to the power of office are most frequent for law enforcers and officials; white-collar crime features among top managers and entrepreneurs; office employees display mixed patterns; while students, workers, and marginal elements are charged with a combination of property, drug-related, and violent crimes. These differences prompt an alternative hypothesis, attributing sentencing disparities to differences in the dominant criminal behavior, which is explainable by strictly legal factors.

4 Legal and extralegal controls

To assess the significance and influence of SES on sentencing disparities this research includes a number of legal and extralegal control variables. To control for the seriousness of crime, dummy variables for each degree of seriousness (1 to 4 in ascending order) are included as fixed effects. The Criminal Code also allows constructing an additional, finer seriousness variable by using the upper and the lower bound of sentence length attached to each crime mentioned in the Code. The judge normally assigns the punishment within these bounds. The upper and the lower bound variables are numeric. Sentencing includes the decision regarding guilt and imprisonment of the defendant as well as the assignment of sentence length. The legal definition of seriousness relates to in / out decision, while the upper and the lower bound are used for determining the sentence length. Thus, the seriousness factor variable is used for in/out decisions analysis, whereas the upper / lower bound variables are used only in sentence length analysis. Because the law also requires taking into account the stage of committing a crime, three dummy variables are included (0 – completed offence; 1 – preparation, 2 – attempt). The plea bargain binary variable relates to what in Russia is known as “the special mode of trial”, an equivalent to plea bargain. Defendants who confess and accept the special mode spare judges from scrutinizing evidence and are legally guaranteed that the sanction be no more than two thirds of the upper bound. The Criminal Code requires repeated offense be punished more severely. The analysis, therefore, includes the dummy variable that controls for non-expired past convictions. To account for the heterogeneity of offences (charges) fixed effects for the 225 articles of the Criminal Code are included in OLS regressions. Most articles of the Code also comprise several parts (subsections) capturing differences in the offence seriousness, which also affects the maximum and the minimum sanction. When analyzing sentence length for different categories of crime, fixed effects on the article subsection level are included to control for seriousness within the same offence type.

Age, gender, and citizenship are used to control for social and demographic characteristics of defendants. The higher education dummy is included as an alternative control for higher social status. The time elapsed from the offence to the verdict (months) is coded as “justice speed” to control for the complexity of court cases, assuming that more complex cases require more time to process. To account for unobserved regional variations fixed effects for Russia’s 83 regions are included in OLS regressions. The set of standard legal and extralegal control variables is listed in Table 5. Their summary statistics is exhibited in Table 6.

Table 5. Legal and extralegal control variables

Legal controls	Extralegal controls
Seriousness FE	Age
Upper / lower bound	Gender
Plea bargain	Higher education
Crime stage FE	Citizenship
Repeated offence	Justice speed
Article FE	Region FE
Article subsection FE	

Table 6. Summary statistics

Variable	Mean	Median	SD	Min	Max	No. non-missing obs
Age	31.191	29	11.658	14	89	1,556,123
Gender	0.832	1	0.374	0	1	1,556,133
Higher education	0.079	0	0.27	0	1	1,556,130
Russian citizen	0.962	1	0.192	0	1	1,556,130
Justice speed (months)	6.747	3.833	10.048	0	180	1,417,022
Law enforcer	0.002	0	0.05	0	1	1,556,126
Official	0.012	0	0.109	0	1	1,556,126
Entrepreneur	0.016	0	0.125	0	1	1,556,126
Top manager	0.012	0	0.107	0	1	1,556,126
Office worker	0.032	0	0.175	0	1	1,556,126
Student	0.023	0	0.15	0	1	1,556,130
Worker	0.209	0	0.407	0	1	1,556,126
Prisoner	0.01	0	0.098	0	1	1,556,126
Unemployed	0.601	1	0.490	0	1	1,556,126
Other	0.083	0	0.276	0	1	1,556,126
Plea bargain	0.517	1	0.5	0	1	1,200,539
Repeated offender	0.12	0	0.325	0	1	1,556,148
Acquittal	0.024	0	0.154	0	1	1,553,195
Fine	0.111	0	0.315	0	1	1,556,148
Community service	0.061	0	0.239	0	1	1,556,148
Correctional works	0.05	0	0.219	0	1	1,556,148
Imprisonment: suspended	0.261	0	0.439	0	1	1,556,148
Imprisonment: real	0.259	0	0.438	0	1	1,556,148
Good data	0.648	1	0.478	0	1	1,556,148

5 Methodology

In Russia, limited criminal responsibility begins at the age of 14, but the age of full responsibility is 18. To avoid the influence of sentencing practices concerning younger individuals, all those less than 18 were removed from the analysis, leaving in 1,441,420 individuals. No sampling techniques were used and therefore no statistical significance tests were applied. I measured the influence of SES on sentencing for all crimes as well as for separate types of crime, selecting the most common ones: violent crimes (different degrees of body injury except for fatal injuries and murder); theft; drug-related crimes; and fraud (the most widespread white-collar crime). Together these crimes constitute 51% of all charges in Russia's courts of general jurisdiction over the period in question. Acquittal in private and public prosecution procedure are also analyzed separately.

The regression analysis seeks to estimate to what extent the disparities in trial outcome and sentence length, presented in Table 3, can be linked with SES of defendants as captured by variables constructed on the basis of occupational classification used by judges. In all regressions the unemployed are excluded and used as base level for comparisons. Not all possible outcomes but only the key ones were subjected to analysis. Thus, dependent variables are: acquittal (yes / no), real imprisonment (yes / no), suspended imprisonment (yes / no), and sentence length of real imprisonment measured in years. I used logistic regression to analyze acquittal, imprisonment, and suspended imprisonment decisions. Marginal effects at mean levels of explanatory variables were calculated to estimate probabilities for SES variables. They are placed in regression tables next to each coefficient. The probabilities for SES groups show their advantage or disadvantage in comparison to the unemployed, the latter being the reference group. Unless otherwise noted, I cluster standard errors in regressions at court level to account for possible correlation in decision-making by judges working at the same court.

Multiple ordinary least squares (OLS) regressions were used to establish connections between SES and sentence length for all crimes as well as for particular categories of crimes. Britt (2009) noted that extralegal effects may operate differently for short and long sentences. He suggested using quantile regression techniques (Koenker and Bassett 1978) to find out how legal and extralegal characteristics are linked with sentence length at various quantiles of sentence length decisions. Following him and other scholars (Hartmann and Freeborn 2010; Nowacki 2013), I also use quantile regression in this study. OLS regression coefficients show associations between explanatory variables and the dependent variable assuming that these associations are constant across the distribution of the dependent variable. Quantile regression liberates us from this assumption. It allows to establish strength of associations at different percentiles of sentence distribution. In other words, it enables to see whether judges consider a certain characteristic of defendants differently for those who commit more serious and less serious crimes. I run the quantile regression at the 10th, 25th, 50th, 75th, and 90th percentile

of sentence size and use bootstrapping technique to produce robust standard errors with 50 replications.

The analysis proceeds in the following way: acquittal – real imprisonment – suspended imprisonment – sentence length of real imprisonment. The key question is whether individuals with the same type and seriousness of offence, same criminal history, same social-demographic parameters, and tried in the same region in accordance with the same procedure receive different verdicts and punishments on the basis of their SES.

6 Findings

Acquittal

Acquittals constitute only 2,4 per cent of all outcomes. Table 7 presents logit regression results and shows the probability of acquittal for different status groups, controlling for standard legal and extralegal factors (see Table 5). Positive coefficients indicate that all status groups, including prisoners, are more likely to be acquitted than the unemployed. Marginal effects show estimated probabilities of this outcome for each group in relation to the unemployed. Law enforcers have a consistently higher probability of acquittal than all other groups. While the effects of status factor on acquittal are generally quite weak, less than one per cent for all groups, in case of law enforcers it reaches 1,6 per cent. The separate analysis of private and public prosecution adds important nuances. While in public prosecution the social status has negligible effect on acquittal (although marginal effects still show slight advantages for higher status groups), in private prosecution status disparities are manifest. Law enforcers are 19 per cent more likely to get acquitted than the unemployed. Other higher status groups – public officials and top managers – are 7-8% more likely to be acquitted than the unemployed. Entrepreneurs and office employees occupy an intermediate position between higher and lower groups. The striking result is that prisoners tend to be treated favorably; they are 10 per cent more likely to be acquitted in private prosecution than the unemployed.

Table 7 Logit: The probability of acquittal (excluded group – unemployed).

Variables	All crimes	dy/dx	Private prosecution	dy/dx	Public prosecution	dy/dx	Fraud	dy/dx	Top seriousness	dy/dx
Law enforcer	2.254*** (0.0767)	0.016 (0.001)	1.398*** (0.0893)	0.195 (0.012)	2.302*** (0.162)	0.003 (0.000)	1.570*** (0.457)	0.004 (0.001)	1.925*** (0.0764)	0.050 (0.002)
Public official	1.101*** (0.0415)	0.007 (0.001)	0.586*** (0.0491)	0.082 (0.006)	1.746*** (0.0869)	0.003 (0.000)	1.139*** (0.246)	0.003 (0.001)	0.875*** (0.0415)	0.023 (0.001)
Entrepreneur	0.864*** (0.0396)	0.006 (0.000)	0.557*** (0.0460)	0.078 (0.006)	1.485*** (0.0902)	0.002 (0.000)	0.516* (0.294)	0.001 (0.001)	0.641*** (0.0396)	0.017 (0.001)
Top manager	0.903*** (0.0409)	0.006 (0.000)	0.599*** (0.0535)	0.084 (0.007)	1.556*** (0.0857)	0.002 (0.000)	0.909*** (0.225)	0.002 (0.001)	0.672*** (0.0410)	0.018 (0.001)
Office employee	0.613*** (0.0492)	0.004 (0.000)	0.370*** (0.0476)	0.052 (0.006)	0.651*** (0.0953)	0.001 (0.000)	0.311 (0.274)	0.001 (0.001)	0.411*** (0.0495)	0.011 (0.001)
Student	0.620*** (0.0652)	0.004 (0.000)	0.0472 (0.0681)	0.007 (0.009)	-0.0450 (0.183)	-0.000 (0.000)	1.123** (0.535)	0.003 (0.001)	0.351*** (0.0646)	0.009 (0.002)
Manual worker	0.397*** (0.0340)	0.003 (0.000)	0.102*** (0.0364)	0.014 (0.005)	0.0890 (0.0678)	0.000 (0.000)	0.0488 (0.234)	0.000 (0.001)	0.207*** (0.0337)	0.005 (0.001)
Prisoner	0.612*** (0.185)	0.004 (0.001)	0.731*** (0.207)	0.102 (0.029)	0.834*** (0.171)	0.001 (0.000)	-0.376 (1.041)	-0.001 (0.003)	1.314*** (0.173)	0.034 (0.005)
Observations	1,305,378		158,984		1,146,340		45,928		632,602	
Standard controls	yes		yes		yes		yes		yes	

Standard errors clustered at court level in parentheses. Intercept, standard controls and coefficient for “other” status not reported. Column “dy/dx” shows marginal effects evaluated at mean values of regressors. Stars show significance: *** p<0.01, ** p<0.05, * p<0.1.

The formal investigation procedure and support by the public prosecutor (which are absent in private prosecution process) mitigate status effects. This is true for all categories of crimes as well as for separate offences. In theft and fraud cases status matters in case of enforcers, public officials, and top managers, but its influence is very weak. However, when it comes to top seriousness crimes (the right column in Table 7), for which punishments are the harshest and no alternative to imprisonment is available to judges, the influence of status on acquittal tends to grow, giving law enforcers 5 per cent higher probability and about 2 percent advantage to the other three higher status groups. The same result obtains with regard to prisoners: judges tend to treat them better than other lower status groups in top seriousness cases. Seriousness of crime as such does not have a strong effect on acquittal (not in the table). The increase in degree of seriousness negatively correlates with chances of acquittal, but in white-collar crime cases this correlation tends to reverse.

Real imprisonment

In Russia, about 26 per cent of defendants receive real imprisonment sentences. They are sent to different penitentiary institutions (Moran, Pallot, and Piacentini 2011). There are significant and stable status-induced disparities in the probability of ending up in one of such institutions. Table 8 presents results of regression analysis of in/out decisions. All groups, except for those who are already in prison or under arrest, have lower chances of getting real imprisonment sentence than the unemployed. Disparities are stark in relation to the base level as well as between groups. Judges readily add another prison term to those who already serve their punishment (especially for violent and drug offences). The unemployment status also has a strong and stable positive link with imprisonment decision.

Table 8 Logit: The probability of imprisonment (excluded group – unemployed)

Variables	All crimes	dy/dx	Violent crimes	dy/dx	Theft	dy/dx	Drugs	dy/dx	Fraud	dy/dx
Law enforcer	-0.820*** (0.0688)	-0.156 (0.013)	-1.071* (0.575)	-0.260 (0.140)	-0.893** (0.404)	-0.197 (0.089)	-0.0763 (0.266)	-0.189 (0.066)	-0.482*** (0.162)	-0.087 (0.029)
Public official	-1.144*** (0.0423)	-0.217 (0.008)	-0.688*** (0.166)	-0.167 (0.040)	-0.842*** (0.109)	-0.186 (0.024)	-0.712*** (0.110)	-0.176 (0.027)	-1.212*** (0.106)	-0.219 (0.019)
Entrepreneur	-0.878*** (0.0326)	-0.167 (0.007)	-0.930*** (0.125)	-0.226 (0.030)	-0.944*** (0.0840)	-0.208 (0.019)	-0.511*** (0.0770)	-0.127 (0.019)	-0.222*** (0.0737)	-0.040 (0.013)
Top manager	-1.024*** (0.0395)	-0.194 (0.008)	-0.543*** (0.153)	-0.132 (0.037)	-0.939*** (0.131)	-0.207 (0.029)	-0.685*** (0.105)	-0.170 (0.026)	-0.461*** (0.0758)	-0.083 (0.014)
Office employee	-0.754*** (0.0271)	-0.143 (0.005)	-0.866*** (0.0802)	-0.210 (0.020)	-0.657*** (0.0515)	-0.145 (0.012)	-0.648*** (0.0532)	-0.161 (0.013)	-0.812*** (0.0714)	-0.148 (0.013)
Student	-1.196*** (0.0267)	-0.227 (0.005)	-1.141*** (0.0954)	-0.277 (0.023)	-1.205*** (0.0427)	-0.266 (0.009)	-1.267*** (0.0577)	-0.314 (0.014)	-1.094*** (0.135)	-0.198 (0.025)
Manual worker	-0.723*** (0.0146)	-0.137 (0.003)	-0.636*** (0.0282)	-0.154 (0.007)	-0.833*** (0.0160)	-0.184 (0.004)	-0.665*** (0.0272)	-0.165 (0.007)	-0.867*** (0.0415)	-0.157 (0.008)
Prisoner	2.536*** (0.0476)	0.482 (0.010)	2.612*** (0.203)	0.634 (0.043)	2.399*** (0.0685)	0.530 (0.016)	2.610*** (0.164)	0.647 (0.040)	2.886*** (0.159)	0.523 (0.030)
Observations	1,031,208		60,195		301,862		119,226		37,053	
Standard controls	yes		yes		yes		yes		yes	

Standard errors clustered at court level in parentheses. Intercept, standard controls and coefficient for “other” status not reported. Column “dy/dx” shows marginal effects evaluated at mean values of regressors. Stars show significance: *** p<0.01, ** p<0.05, * p<0.1

All other things being equal, the status that predicts the lowest probability of ending up in prison, however, is not related to power or wealth. It is that of college student. Students are 23 per cent less likely to get imprisoned than the unemployed. In violence, theft, and drug cases this advantage tends to be even higher. Judges are inclined to give students a second chance despite the fact that criminal offence usually results in dismissal from college. All other groups but prisoners have a large advantage over the unemployed as well, from 13 to 20%, manual workers being the least privileged among them. The pattern changes with regard to white-collar crimes (fraud). Here, public officials are treated more leniently than all other groups

(22 per cent less probability to end up in prison), while the privilege of law enforcers, top managers and, especially, entrepreneurs diminishes.

Standard control variables (not in the table) are related to the in/out decision in a predictable way: repeated offence, higher seriousness, and more advanced crime stage increase, while plea bargain reduces chances of imprisonment. Female status, higher education and Russian citizenship tend to reduce the probability of imprisonment, but their influence varies for different categories of offences. Notably, gender has close to no effect, while the effect of Russian citizenship is the strongest when it comes to giving non-carceral punishments for drug-related offences.

Suspended imprisonment

According to the law, the judge can assign suspended punishment (“conditional conviction”) if this better serves the purpose of correction. Punishments for top seriousness crimes cannot be suspended. Here I analyze only suspended imprisonment decisions. The major consideration in this kind of decisions is the personality of the defendant, the social danger of offence and the offender, and the potential effects of punishment. Suspended punishment can be activated in case of another offence or failure to comply with restrictions on mobility and activities during probation. About 67 per cent of those who are sentenced to imprisonment also get suspension.

Table 9 Logit: The probability of suspended imprisonment (excluded group – unemployed)

Variables	All crimes	dy/dx	Violent crimes	dy/dx	Theft	dy/dx	Drugs	dy/dx	Fraud	dy/dx
Law enforcer	0.258*** (0.0555)	0.058 (0.013)	0.698 (0.524)	0.162 (0.122)	0.595* (0.317)	0.142 (0.076)	-0.142 (0.264)	-0.032 (0.059)	0.0200 (0.149)	0.005 (0.036)
Public official	0.178*** (0.0285)	0.040 (0.006)	0.583*** (0.155)	0.135 (0.036)	0.00812 (0.0866)	0.002 (0.021)	0.293*** (0.105)	0.065 (0.023)	0.234*** (0.0713)	0.057 (0.017)
Entrepreneur	-0.0298 (0.0293)	-0.007 (0.007)	0.744*** (0.113)	0.173 (0.026)	0.0451 (0.0673)	0.011 (0.016)	0.100 (0.0739)	0.022 (0.016)	-0.269*** (0.0673)	-0.065 (0.016)
Top manager	0.0679* (0.0352)	0.015 (0.007)	0.513*** (0.153)	0.119 (0.036)	0.107 (0.124)	0.025 (0.030)	0.223** (0.101)	0.050 (0.022)	-0.0318 (0.0685)	-0.008 (0.016)
Office employee	0.0970** (0.0440)	0.022 (0.010)	0.679*** (0.0841)	0.158 (0.020)	-0.00485 (0.0614)	-0.001 (0.015)	0.237*** (0.0549)	0.053 (0.012)	0.173*** (0.0611)	0.042 (0.015)
Student	0.447*** (0.0292)	0.101 (0.007)	0.789*** (0.0904)	0.183 (0.021)	0.137*** (0.0404)	0.033 (0.010)	0.802*** (0.0504)	0.178 (0.011)	0.0143 (0.0897)	0.003 (0.022)
Manual worker	0.171*** (0.0212)	0.039 (0.005)	0.540*** (0.0339)	0.125 (0.008)	0.203*** (0.0195)	0.048 (0.005)	0.290*** (0.0286)	0.064 (0.006)	0.107*** (0.0375)	0.026 (0.009)
Prisoner	-1.707*** (0.0487)	-0.386 (0.011)	-2.242*** (0.197)	-0.521 (0.046)	-1.696*** (0.0574)	-0.404 (0.014)	-2.185*** (0.163)	-0.484 (0.036)	-2.082*** (0.172)	-0.506 (0.041)
Observations	1,031,219		60,196		301,863		119,227		37,053	
Standard controls	yes		yes		yes		yes		yes	

Standard errors clustered at court level in parentheses. Intercept, standard controls and coefficient for “other” status not reported. Column “dy/dx” shows marginal effects evaluated at mean values of regressors. Stars show significance: *** p<0.01, ** p<0.05, * p<0.1.

Table 9 reports the results of logit regression analysis of suspended imprisonment decision. Predictably, prisoners show the lowest probability of suspended imprisonment. This verdict makes little sense for those who are already in. The analysis also adds clarity to understanding decisions regarding college students: the lowest probability of getting real imprisonment is matched by the highest probability of suspended imprisonment. Other clear beneficiaries of suspension option are officials. Their advantage over the unemployed is significant and stable across the whole spectrum of offences and especially high in drug-related and white-collar crimes. Manual workers also enjoy a small but stable advantage over the unemployed. Relative positions of other groups are mixed. A notable result is the negative coefficient for entrepreneurs in white-collar crime cases. They have over six per cent less probability of imprisonment suspension than the unemployed. The effect of public official status is exactly the reverse. Law enforcers and top managers do not show any statistically significant difference in white-collar crime from the base level.

Sentence length of real imprisonment

The basic sentencing model proceeds by including status variables, then adding standard legal controls, extralegal controls, fixed effects for articles of the Criminal Code and fixed effects for 83 Russian regions. Coefficients are interpreted as years, so that 0.3, for example, is three tenth of one year, or four months, 0.5 – six months, and so on. The analysis is presented in Table 10. The sentencing model shows that legal factors (seriousness, repeated offence, crime stage, and plea bargain) determine sentence length in a decisive way, as they explain nearly 70 per cent of the variation. Standard extralegal control variables are all significant, male sex and Russian citizenship exercising the strongest effects and predicting an increase of sentence length by 4 and 2,5 months, respectively.

Table 10 OLS: Sentence length of real imprisonment (excluded group – unemployed)

Variables	Years of real imprisonment for convicted individual				
Law enforcer	0.556*** (0.121)	-0.412*** (0.0684)	-0.675*** (0.0778)	-0.360*** (0.0857)	-0.361*** (0.0841)
Public official	0.124 (0.0855)	-0.254*** (0.0402)	-0.389*** (0.0494)	-0.307*** (0.0501)	-0.292*** (0.0489)
Entrepreneur	0.761*** (0.0686)	-0.0210 (0.0356)	-0.110*** (0.0412)	-0.0342 (0.0392)	-0.0292 (0.0388)
Top manager	0.660*** (0.0806)	-0.0496 (0.0444)	-0.267*** (0.0540)	-0.172*** (0.0525)	-0.163*** (0.0527)
Office employee	0.191*** (0.0421)	-0.212*** (0.0219)	-0.284*** (0.0243)	-0.219*** (0.0227)	-0.217*** (0.0221)
College student	0.174*** (0.0554)	-0.286*** (0.0269)	-0.336*** (0.0330)	-0.326*** (0.0311)	-0.324*** (0.0300)
Manual worker	0.0300 (0.0204)	-0.176*** (0.00881)	-0.200*** (0.0101)	-0.181*** (0.00889)	-0.190*** (0.00860)
Prisoner	0.322*** (0.0449)	1.006*** (0.0279)	0.916*** (0.0287)	0.844*** (0.0271)	0.845*** (0.0262)
Upper bound		0.372*** (0.0120)	0.368*** (0.0130)	0.347*** (0.0110)	0.344*** (0.0107)
Lower bound		0.311*** (0.0148)	0.286*** (0.0163)	0.251*** (0.0153)	0.251*** (0.0148)
Plea bargain		-0.335*** (0.0118)	-0.417*** (0.0119)	-0.367*** (0.0109)	-0.354*** (0.00990)
Preparation		-1.760*** (0.0848)	-1.642*** (0.0909)	-0.847*** (0.0787)	-0.850*** (0.0796)
Attempt		-0.683*** (0.0220)	-0.656*** (0.0228)	-0.357*** (0.0150)	-0.360*** (0.0161)
Repeated offender		0.431*** (0.00987)	0.399*** (0.0110)	0.411*** (0.0102)	0.397*** (0.00944)
Age			-0.00757*** (0.000431)	-0.00998*** (0.000408)	-0.00904*** (0.000387)
Male			0.337*** (0.0134)	0.321*** (0.0127)	0.338*** (0.0124)
Higher education			-0.0766*** (0.0172)	-0.0469*** (0.0166)	-0.0290* (0.0152)
Citizen			0.303*** (0.0239)	0.271*** (0.0228)	0.221*** (0.0206)
Justicespeed			0.0225*** (0.000791)	0.0212*** (0.000743)	0.0212*** (0.000743)
Observations	385,681	380,837	328,548	328,546	328,546
R-squared	0.001	0.704	0.704	0.725	0.730
Article part FE	no	no	no	yes	yes
Region FE	no	no	no	no	yes

Standard errors clustered at court level in parentheses. Intercept and coefficient for “other” status not reported. “Preparation” and “Attempt” are crime stage fixed effects (reference category – finished crime). “Article part FE” denote fixed effects for article and section of primary charge. “Region FE” indicate fixed effects for the region where the sentencing decision was made. Stars show significance: *** p<0.01, ** p<0.05, * p<0.1.

All SES predictors are significant except for entrepreneurs. Prisoners are punished more harshly than the unemployed, receiving, on average, ten months longer sentences. The analysis predicts that, apart from entrepreneurs whom judges do not differentiate from the unemployed, all other status groups will receive shorter prison terms. Tried in the same region for the same offence, the law enforcer will receive four months shorter imprisonment punishment. A similar reduction will be granted to public officials and college students. Manual workers and top managers are also punished more leniently than the unemployed, but their reduction is modest, about two months.

Status disparities increase for particular types of crime, as is evident in Table 11. It should be noted that the use of unlawful violence when performing police service duties is referred to in a separate article of the Criminal Code and is not included in the category of violent crimes used here. Thus, judges tend to punish law enforcers more leniently for conventional violent crimes, giving them, on average, one year less for violent offence of the same seriousness. Law enforcers and public officials will get six and five months less for white-collar crimes. A remarkable result is also the negative coefficient for entrepreneurs. For white-collar crimes they are treated more harshly than the unemployed. Students preserve a modest privilege across the whole spectrum of offence types.

Table 11. OLS: Sentence length of real imprisonment for different types of crime (excluded group – unemployed)

Crime:	Violent crimes	Theft	Drugs	Fraud
Variables	Years of real imprisonment for convicted individual			
Law enforcer	-1.077*** (0.361)	-0.0777 (0.372)	0.170 (0.228)	-0.523*** (0.127)
Public official	-0.332** (0.161)	0.0460 (0.115)	-0.329*** (0.0975)	-0.379*** (0.103)
Entrepreneur	-0.138 (0.122)	0.141 (0.0887)	0.0164 (0.0712)	0.206** (0.0982)
Top manager	-0.158 (0.138)	0.0638 (0.147)	-0.0961 (0.103)	0.00198 (0.0920)
Office employee	-0.239*** (0.0750)	-0.0575 (0.0380)	-0.208*** (0.0350)	-0.165** (0.0819)
Student	-0.354*** (0.104)	-0.164*** (0.0392)	-0.383*** (0.0645)	-0.152 (0.103)
Manual worker	-0.263*** (0.0239)	-0.121*** (0.0114)	-0.188*** (0.0159)	-0.197*** (0.0420)
Prisoner	0.898*** (0.108)	0.620*** (0.0261)	1.015*** (0.0787)	1.203*** (0.102)
Observations	30,272	107,556	60,295	10,807
R-squared	0.705	0.305	0.733	0.485
Standard controls	yes	yes	yes	yes
Article part FE	yes	yes	yes	yes
Region FE	yes	yes	yes	yes

Standard errors clustered at court level in parentheses. Intercept, standard controls and coefficient for “other” status not reported. “Article part FE” denote fixed effects for article and section of primary charge. “Region FE” indicate fixed effects for the region where the sentencing decision was made. Stars show significance: *** p<0.01, ** p<0.05, * p<0.1.

Results of quantile regression are shown in Table 12. The quantile regression enables to compare the effects of status and control variables at the lower, medium, and higher end of sentence length distribution. It adds important nuances to our understanding of status bias.

Table 12. Quantile regression: Sentence length of real imprisonment

Percentile Variables	10	25	50	75	90
	Years of real imprisonment for convicted individual, at percentile				
Law enforcer	-0.266*** (0.0113)	-0.414*** (0.0467)	-0.491*** (0.0359)	-0.656*** (0.0859)	-0.687*** (0.138)
Official	-0.0653** (0.0257)	-0.0714** (0.0294)	-0.184*** (0.0483)	-0.317*** (0.0457)	-0.439*** (0.0700)
Entrepreneur	-0.00582 (0.0408)	-0.0240 (0.0221)	-0.0418 (0.0294)	-0.0310 (0.0447)	0.00884 (0.0809)
Top manager	-0.0651*** (0.0232)	-0.101*** (0.0268)	-0.165*** (0.0332)	-0.213*** (0.0495)	-0.359** (0.0965)
Office worker	-0.0730*** (0.0124)	-0.114*** (0.0117)	-0.155*** (0.0143)	-0.191*** (0.0196)	-0.181*** (0.0315)
Student	-0.0978*** (0.0112)	-0.163*** (0.0173)	-0.194*** (0.0376)	-0.173*** (0.0273)	-0.171*** (0.0469)
Manual worker	-0.0649*** (0.00437)	-0.0915*** (0.00561)	-0.106*** (0.00443)	-0.112*** (0.00771)	-0.115*** (0.0151)
Prisoner	0.242*** (0.0133)	0.350*** (0.0101)	0.484*** (0.0203)	0.632*** (0.0234)	0.788*** (0.0371)
Upper bound	0.144*** (0.00225)	0.217*** (0.00169)	0.322*** (0.00184)	0.447*** (0.00237)	0.530*** (0.00394)
Lower bound	0.557*** (0.00467)	0.469*** (0.00347)	0.360*** (0.00324)	0.248*** (0.00387)	0.194*** (0.00717)
Plea bargain	-0.211*** (0.00387)	-0.321*** (0.00430)	-0.345*** (0.00480)	-0.414*** (0.00885)	-0.439*** (0.0119)
Repeated offender	0.385*** (0.00471)	0.337*** (0.00470)	0.262*** (0.00498)	0.239*** (0.00815)	0.250*** (0.0122)
Age	-0.00293*** (0.000164)	-0.00449*** (0.000215)	-0.00599*** (0.000277)	-0.00722*** (0.000347)	-0.0100*** (0.000639)
Male	0.0958*** (0.00432)	0.143*** (0.00660)	0.178*** (0.0110)	0.190*** (0.00938)	0.212*** (0.0142)
Higher education	-0.0267*** (0.00907)	-0.0373*** (0.0113)	-0.0311** (0.0126)	-0.0136 (0.0176)	-0.0126 (0.0240)
Citizen	0.173*** (0.00719)	0.269*** (0.00701)	0.322*** (0.00942)	0.367*** (0.00820)	0.446*** (0.0203)
Justicespeed	0.00394*** (0.000296)	0.00719*** (0.000294)	0.0146*** (0.000363)	0.0266*** (0.000674)	0.0438*** (0.00102)
Observations	278,616	278,616	278,616	278,616	278,616
Article part FE	no	no	no	no	no
Region FE	no	no	no	no	no

Standard errors are bootstrapped 50 times. Intercept, dummies for the stage of crime (preparation or attempt as opposed to finished crime) and coefficient for “other” status not reported. Stars show significance: *** p<0.01, ** p<0.05, * p<0.1.

Status effects for law enforcers are significant for all sentence lengths and tend to grow monotonously towards the higher end, giving this group over eight months less imprisonment at the 90th percentile, which corresponds to an 8-year sentence. The status of officials and top manager also tends to have stronger influence as the sentence length grows. This regularity is less pronounced in the case of office workers and disappears in the case of students and manual workers whose sentence reduction from the base level is relatively even across the whole distribution. The severity of punishment of prisoners in comparison to the unemployed grows towards the higher end of sentence length.

7 Discussion

The above analysis measured effects of SES on accusation and sentencing in Russia's criminal courts. The key regularities of decision-making with regard to defendants with different SES can be summarized as follows.

1. Occupational and labor market marginality has a strong and independent impact on the decision to imprison and causes more severe punishments.
2. There are strong sentencing disparities caused by the SES of defendants that correspond with the social stratification. *Ceteris paribus*, law enforcers, public officials, and top managers have higher chances of avoiding prison as well as of getting lower sentence length than other groups; the unemployed and manual workers are more likely to receive imprisonment and longer sentences; office employees occupy an intermediate position.
3. The effects of college student and entrepreneur status are specific. While not being a resourceful and highly prestigious group in society, students tend to have the highest chances of avoiding prison by getting suspended imprisonment sentence. Compared to all other groups, entrepreneurs, on the contrary, have fewer privileges when facing trial.
4. Disparities in outcomes and sentencing differ for different categories of offences. They are stronger with regard to violent and white-collar crimes and weaker with regard to property and drug-related offences.
5. Entrepreneurs and, to a lesser extent, top managers are punished more harshly for fraud, which is the most widespread white-collar crime.

What do these findings tell about the work of Russia's criminal justice system? How do they compare with other country cases, notably the USA?

The system of criminal repression in contemporary Russia is targeted first of all against socially marginal elements, unemployment being the major marker of marginality. It is not only that a disproportionately high number of unemployed and low status individuals are targeted by the law enforcement and brought to trial, but courts strengthen this trend further by sending them to the penitentiary institutions more readily than representatives of other groups. This research generally supports the much earlier ideas suggested in the classic work by Rusche and

Kirchheimer (1939) who argued that low class and marginal groups were the focal concern of systems of punishment. It also gives substance to later research in critical sociology and criminology, supporting, on the basis of data from Russia, the conflict proposition (Turk 1969; Chambliss and Seidmann 1971). Unlike the USA, in Russia racial factors are absent, and this allows to decouple SES from race, showing the independent significance of SES while not questioning the mainstream unemployment effects research (Chiricos and Bales 1991). There was no official unemployment in the Soviet Union under state socialism where everyone was guaranteed work, and abstention from work was criminalized. The strong judicial bias against marginal and lower status groups is a consequence of Russia's turbulent transition from state socialism to the market economy, which was accompanied by the economic decline, growth of criminality, and sharp social inequalities. The economic growth of the 2000s was accompanied by the strengthening of the state and of its institutions of legitimate coercion that played a major role in restoring social order (Volkov 2008). This research shows that coercion continues to play a central role in preserving the order.

If there is a continuing conflict in Russia, it is not one-dimensional, that is, not just between the ruling stratum and the low classes who get coerced into the existing order by means of legal repression. If relative advantages and discrimination of social groups in criminal trials are regarded as indicators of their dominant or subjected positions, then groups associated with the state and, especially those who are professionally close to criminal justice, i.e. law enforcers as well public officials, are obvious candidates for the dominant class. The negative discrimination of entrepreneurs in courts may also reflect the latter's continuing conflict with the state and the use of criminal justice against them. An alternative explanation can be drawn from the research by Wheeler, Weisburd, and Bode (1982) who found a strong positive relationship between SES and the severity of punishment for white-collar crimes and explained it by judges' high concern with crimes committed by persons in positions of trust and authority. It is true that entrepreneurs and, to a lesser extent, top managers in Russia are punished more severely for fraud, but for the Wheeler et al. proposition to hold, other occupants of the position of trust and authority, namely, public officials should have been treated in the same way. In fact they are treated in the opposite way, receiving strong and consistent privileges in trials for white-collar crimes. Also, entrepreneurs tend to be sentenced in the same way as marginal elements for other types of crime, enjoying no privilege that most other groups have. This finding adds new empirical details to the picture of complicated state-business relations in Russia (Frye 2004; Yakovlev 2006) and proves that criminal repression is used against private entrepreneurs in Russia in a systemic way by the state powers.

Having established sentencing disparities at the level of impersonal regularities, one still has to specify the major mechanisms at interaction level through which key participants of court trials reproduce these regularities. More qualitative empirical work is needed to clarify perceptions, interactions, and organizational routines of judges, but some initial interpretations based on

available interviews can be suggested. The systematic sentencing disparities can be explained with reference to several key factors. These are legal justifications and focal concerns of judges; inequalities in resources available to defendants; organizational routines in criminal courts; and attitudes and professional bias of judges.

Legal justifications and focal concerns of judges. The law requires that judges take into account not only seriousness and circumstances of crime, prior criminal record, and the role of defendant, but also his or her personality. The law does not specify how the personality should be accounted for, but judges explain how they do it in practice. When making in / out decisions, they assess the chances of repeated criminal behavior and potential effects of imprisonment. If the defendant has no job or occupation, then he has no permanent income, and this, as judges reason, will sooner or later push him towards another offence. The interpretative theory of legal decision-making (Farrell and Holmes 1991) and the theory of focal concerns (Steffensmeier et al 1998) emphasize the role of status-related stereotypes and labelling in assigning punishment. The unemployed status, often combined in judges' discourse with "drunk" or "drug addict", readily justifies the decision to imprison, but this decision is rationalized through the notion of risk of repeated offence and low chances of correction outside prison. As a judge indicated in an interview, occupational record acts in the reverse way: "If this is the first time he committed a crime, if he has a job, if I see he is characterized positively, [...] I will consider the crime a random event and will not sent him to prison."

Social marginality also affects the verdict through the procedure of reviewing written characteristics and reference letters from defendant's work or local community. The current practice requires judges to include reference letters in the case file in order to justify a softer sentence or the choice of non-carceral punishment. Thus, the stronger one's integration into social and professional groups, the more opportunities to provide evidence of good character and thus to soften the verdict. Defendants who are unemployed lack this opportunity, which for the judge also signifies that the community will not provide sufficient control over the individual in case imprisonment is suspended.

Extra resources. Higher status groups tend to have superior resources for attaining a better criminal court outcome. The quality of defense is regarded in the literature as a factor that may affect the outcome (Uhlman 1979; Hartley, Miller, and Spohn 2010). The current dataset provides no opportunity for testing the influence of the type of attorney on trial outcome. But interviews indicate that hiring a qualified private counsel instead of a public attorney improves the position of defendant versus the prosecution. Unemployed and low status defendants can only count on the public attorney, whose usual function is directing the accused towards plea bargain and mediating negotiations with investigation and prosecution in order to reduce the latter's workload in exchange for some, often minor, reduction of punishment. Instead of active defense in the courtroom, public attorneys in Russia help the court working group (Eisenstein and Jacob 1977) process the case with minimal friction and risk of appeal. Judges process

standardized cases involving lower status or unemployed defendants in a machine-like manner, simply turning the conclusion of guilt submitted by the prosecution into accusative verdict without substantive changes, whereas the presence of private counsel compels them to look more carefully into details of the case and procedural correctness, since the defender is likely to mobilize all possible legal opportunities and appeal the accusative verdict.

Judicial bias. Judges tend to have predispositions following from their professional attitudes and past experience. These may be responsible for certain types of sentencing disparities. According to the IRL survey, 17 per cent of judges in Russia worked in prosecution (the Procuracy) and 16 per cent in investigation or police prior to becoming judges (Volkov et al 2012). These judges also tend to specialize more often in hearing criminal cases as opposed to civil cases. Attitudes stemming from this background predispose them to a more careful attitude to cases involving their former colleagues in law enforcement if not to a softer type of punishment. As one judge explained, “Apart from imprisonment there are other punishments. The real punishment for a law enforcer is dismissal and the ban to hold position in law enforcement. This is a total disaster for them.”

While interview sources can explain sentencing disparities in the case of particular groups, such as unemployed or law enforcers, there is still no first-hand narrative evidence that helps to explain privileges for public officials and harsher punishments for entrepreneurs, for example, or other socially stratified trial outcomes. But once the major regularities of performance of Russia’s criminal justice with regard to the SES of defendants have been established, better focused strategies of qualitative research are available.

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**Socioeconomic Status and Sentencing Disparities:
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