STASH, Vol. 21(2) – How the characteristics of a defendant influence sentencing decisions

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The scientific community has largely [shifted away](#) from viewing addiction as a moral failing, instead arguing for medicalized approaches that recognize [addiction as a disease](#). Despite advances in [our understanding](#) of addiction, it is still a [heavily stigmatized](#) condition. For example, [punitive approaches](#) to drug use remain popular in the criminal justice system. To build public support for a justice system that takes a medicalized approach to addiction, it is important to understand how stigma towards drug use manifests and changes depending upon context. This week, STASH reviews a [study by Carolina R. Caliman and Colleen M. Berryessa](#) that explored how different factors influence drug possession sentencing decisions.

What was the research question?

How do race, addiction status, drug type, and criminal background influence sentencing preferences for illegal drug use?

What did the researchers do?

The research team recruited a [representative sample](#) of 1,208 U.S. adults. Participants were randomly assigned to read a brief [vignette](#) detailing a fictional case of an individual convicted of possession of an illegal drug. Vignettes differed based on four factors: (1) the defendant's race, (2) the type of drug used, (3) whether or not the defendant experienced addiction, and (4) the defendant's criminal record. Participants then rated their preference towards medicalized (rehabilitation) or criminalized (retribution/incarceration) sentences on a seven-point scale, and how long they thought the defendant's sentence should be. Through a series of [regressions](#), the research team explored how the four factors interact and influence sentencing preferences compared to a [control](#) case that detailed the conviction of a white man charged with possession of marijuana with no prior convictions or addiction experience.

What did they find?

Drug type displayed a [main effect](#) in that participants recommended longer

sentences when the vignettes referenced cocaine and methamphetamines compared to other drugs. Cocaine was the only drug associated with increased preference for criminal sentences, whereas oxycodone was the only drug associated with preferences toward medical sentences. Compared to White defendants, Black defendants were the only racial group that received longer recommended sentences on average. While addiction experience (i.e., addiction label) and criminal background did not show any main effects, they interacted with the other factors in often contradictory ways (see Figure for examples).
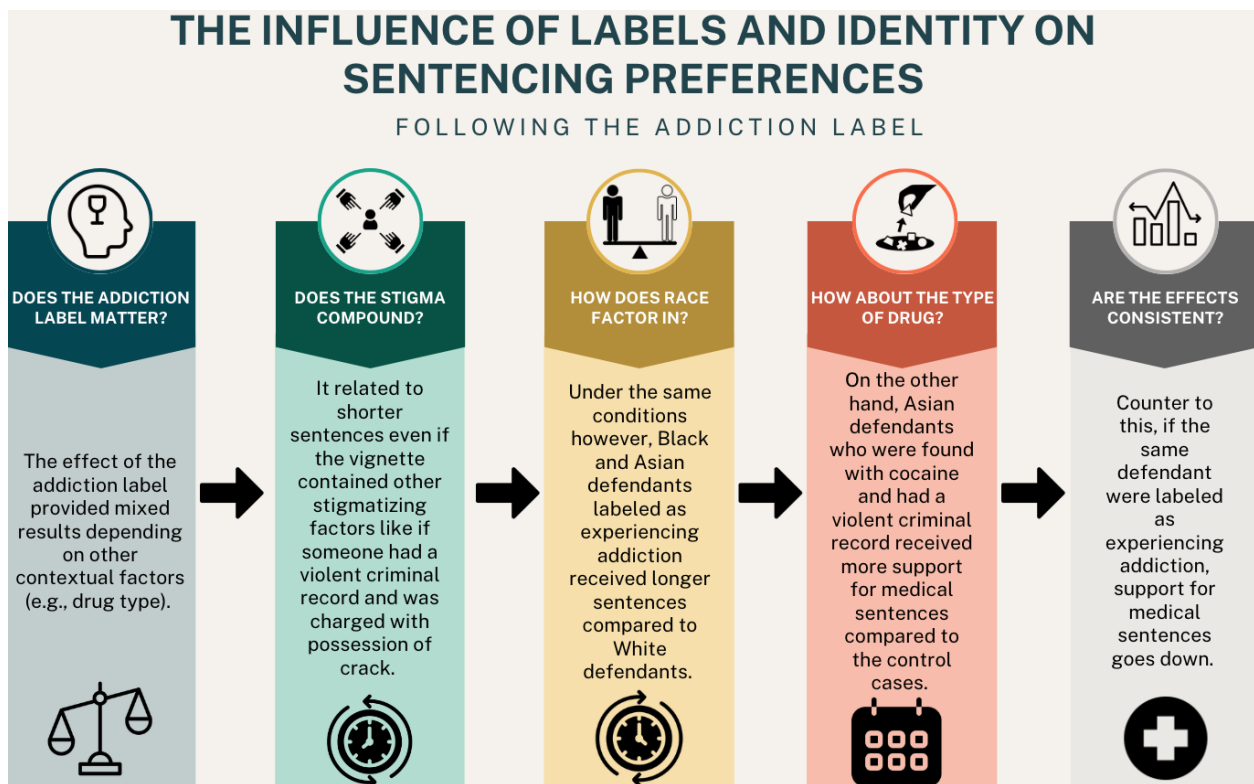

Figure. Displays how the effects of bias can change and influence drug possession sentencing depending on the presence of other contextual factors (i.e., race, drug type, addiction experience, criminal history). Click image to enlarge.

Why do these findings matter?

These findings suggest that biases impact sentencing preferences among laypeople in the U.S. They underscore the need for court-based bias awareness programs, such as the computerized priming task described by Columbia News. Further, the prevalence of biases found in this study suggest that the broader population would benefit from interventions meant to reduce bias such as counterstereotypical stories.

Every study has limitations. What are the limitations in this study?

This study was limited in two major ways. While vignettes are a tested and valid

method of research, they carry some [limitations](#) to [generalizability](#). For example, vignettes may overemphasize the influence of certain factors while omitting other relevant ones. Additionally, the variability of the vignettes was limited in that they included relatively few categories for each variable and did not factor in other salient variables, such as gender.

For more information:
Individuals who struggle with their substance use can find support through [SAMHSA's National Helpline](#). Others who want to learn more about their biases as well as how to address them may benefit from visiting the [National Center for Cultural Competence](#). Additional resources can be found at the BASIS [Addiction Resources](#) page.

—John Slabczynski

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