



UMEÅ UNIVERSITY

(In)equality before the law?

An analysis of the role of gender in sentencing in cases concerning welfare fraud tried in the Norwegian Court of Appeal

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Master thesis, 15 credits
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Master´s Programme in Law, Gender and Society
Student Thesis in Law, 25124VT18
Spring term 2018

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Abstract

The fight against welfare fraud currently sees an increased focus from Norwegian authorities. This attention is connected to the narratives of real and perceived threats to the welfare state, where welfare fraud not only implies the misappropriation of government funds but may also be detrimental to the public's support of the welfare state. This paper investigates the relationship between gender and sentencing in cases concerning welfare fraud tried in the Norwegian Court of Appeal (*Lagmannsretten*). Based on the literature on gender bias in sentencing, particularly from an American perspective, the main hypothesis proposed was that women received more lenient sentences than men. The secondary hypotheses proposed that aggravating and mitigating circumstances would correlate with the type of punishment being awarded, i.e. custodial, probation and community sentence. Further, mitigating circumstances would have a positive correlation with probation and community sentence, while aggravating circumstances would have a negative correlation on the same punishment categories. Finally, these correlations would correlate stronger in a positive direction for females, and stronger in a negative direction for males.

SPSS was used to conduct descriptive and regression analyses on a data material which was organized in MS Excel. The data was collected through the online source *Lovdata.no*.

Drawing on the research of Daly, 1989; Bickle & Peterson, 1991; Williams, 1999; Spohn & Holleran, 2002; Doerner & Demuth, 2012; Embry & Lyons, 2012; and Bontrager & Stupi, 2013, especially that of "courtroom paternalism", the findings of the thesis echoes that of previous work on the the field of gender bias in sentencing. The results showed a correlation between gender and type of punishment: females had a proportionately higher frequency of probation and community sentence than that of males. When taking into account aggravating and mitigating circumstances, strong correlations where identified between females and community sentence, and moderate so with probation and females. With regards to custodial, few differences between the sexes were found. However, one would benefit from further research into the aggravating and mitigating circumstances, for instance by conducting interviews.

1. Introduction

1.1 Relevance and theme

There have been several works on the bias of gender and sentencing, including the works of Daly, 1989; Bickle & Peterson, 1991; Williams, 1999; Spohn & Holleran, 2002; Doerner & Demuth, 2012; Embry & Lyons, 2012; and Bontrager & Stupi, 2013. However, there have been less research into the subject in a *Norwegian* context. One recent Norwegian newspaper article which received a lot of attention, showed how gender bias in favour of women influenced the imposed sentencing in cases concerning driving under the influence.¹ I believe that a similar analysis is warranted for cases concerning welfare fraud.

Currently, fraud of social benefits from the National Insurance scheme make up considerable amounts, possible exceeding billions of Norwegian Kroner. Cases in the Norwegian judicial system concerning fraud of welfare benefit constituted 1 048 cases last year and a total of NOK 186 million.² I currently work for NAV Kontroll, a unit which is tasked to uncover, investigate and conduct case-handling within this field, and I therefore have an interest in the subject.

1.2 Research question

The primary research hypothesis is the following:

1. *“Males are less likely than females to receive probation and community sentence, and more likely to receive custodial punishment in cases of welfare fraud in the Norwegian Court of Appeal”*

The secondary hypotheses is the following:

¹ <https://www.dagbladet.no/magasinet/ulikhet-for-loven/69535886> Accessed 29th May 2018

² <https://www.nav.no/no/NAV+og+samfunn/Statistikk/Flere+statistikkomrader/Trygdemisbruk> Accessed 29th May 2018

2. *"Mitigating circumstances constitute positive predictors in terms of receiving probation and community sentence for both genders"*
3. *"Mitigating circumstances have a stronger correlation with receiving probation and community sentence for females, than for males"*
4. *"Aggravating circumstances have a negative correlation with receiving probation and community sentence for both genders"*
5. *"Aggravating circumstances have a stronger negative correlation with receiving probation and community sentence for males, than for females"*

2. Theoretical framework

The theories which will be employed to support the main discussion will be based on the previous research into courtroom bias / gender bias and cognitive bias, and the theories developed thereof. More specifically:

- "Courtroom chivalry"
- Paternalism
- Narratives of the "weaker sex"
- The (lack of) culpability of women
- Women as caregivers

When it comes to the research field and previous research on the area, I will build upon research within the fields of sociology, criminology and the socio-legal studies.

2.1 Literature review

Preliminary searches on the previous research of gender and sentencing in a Norwegian context yielded a very low number of results. As such, a large part of the available literature on the subject has an Anglo-American outlook.

The work of Stephanie Bontrager, Kelle Barrick & Elizabeth Stupi provides us with an introduction to the field of sentencing studies from the 1960s till today and shows how perceptions of women in the courts have changed during the period. However, Bontrager

et al. points out that the theories regarding women and punishment traditionally have formed two, opposite schools which stills holds true. The first group of theories have expected a more lenient approach to women, while the second group believes that women are singled out for more severe treatment (Bontrager et al., 2013, 353). The first group of thought is closely linked to paternalistic and chivalrous ideas, implying that women are less threatening than men and therefore unsuited for long prison-terms, or that they are somehow less to blame for their actions and as such deserves a new chance (Bontrager et al., 2013, 353). These theories play into traditional gender roles and the stereotyping of “feminine values”.

The second group is closely related to feminist schools of criminology and the hypothesis of *Evil Women* which originated in the 1960s, and which argued that women, or rather certain categories of women, were treated harsher than men and that this was due to them having transgressed borders of female morality (Bontrager et al., 2013, 353). Randa Embry and Phillip M. Lyons argue that Evil Women are considered to have crossed the boundaries of their traditional gender roles and that this notion, often referred to as selective chivalry, works contrary to the paternalistic idea of chivalry. By breaking traditional gender roles, harsher sentences are handed out (Embry & Lyons, 2012, 148).

The article of Kathleen Daly (1989) is somewhat of a classic in the study of paternalism in the judicial system, and has been widely cited, also in newer research. She argues that one should draw a line between paternalism and chivalry in the courtroom, as they have different origins and different results. Chivalry, she suggests is more superficial and a form of social courtesy. Paternalism, on the other hand points to power relations and a weaker standing in society for women, reflecting on the belief that women need to be “guided in the right direction” (Daly, 1989, 10). Further, paternalism cannot be equated to leniency in the courts. Paternalism’s stand that women need to be protected and helped, may very well lead to harsher sentences, as Daly points out has been the case for younger, unmarried women (Daly, 1989, 10). In this regard we may rather be talking about a form of chaperoning of women.

Cassia Spohn and David Holleran’s research of the factors guiding recidivism rates in the United States found that males had a considerably higher degree of recidivism, a notion that was reflected in the courts’ decisions on sentencing. Women were seen to be less

likely to become recidivists, as well as being more easily deterred from committing future crimes and was therefore more often awarded probation terms (Spohn & Holleran, 2002, 341).

Through their research on gender and sentencing, Jill K. Doerner and Stephen Demuth have found that in criminal cases where all factors were the same, women still received more lenient punishment than men. This was found to be connected to women's family ties and responsibility for others, including being married (Doerner & Demuth, 2012, 5). Further, Doerner & Demuth found that women who had children received shorter sentences, often on the basis that by sending mothers to prison, families would be seriously disrupted. By controlling for the family role factor, gender differences in sentencing were reduced, but nevertheless remained a significant factor (Doerner & Demuth, 2012, 5).

In addition to these extra-legal matters, the practical outlook of the *Focal Concerns theory* argues that the sentencing of women is dependent on such factors as the social cost of incarceration and the length of the term being served, for the society as a whole. This often benefits women, as they will often be the primary caregivers. Sending women to jail will disrupt and destabilize families (Bontrager et al., 2013, 354). Gayle S. Bickle and Ruth D. Peterson promotes a similar view when arguing that courts' sentencing to a certain degree try to reinforce traditional family-based gender roles, while at the same time ensuring that women stay at home and continue to serve as caregivers. As such, the state avoids the additional economic costs of child care which would have been linked to removing females from the home (Bickle & Peterson, 1991, 372).

Marian R. Williams's work on gender bias in the courtroom takes the stance that gender bias does exist, even in judiciaries where sentencing guidelines have been introduced to counter the gender bias. Sentencing guidelines, as they were introduced in the United States, implied that sentencing was conducted through a point system, where supposedly objective factors such as offense, prior record, victim injury and legal status of the defendant at the time of the offense were converted into points on a scale (Williams, 1999, 475). However, as Williams found, a certain level of discretion will most often exist among judges, and in the cases that were examined differences in sentencing that could only be explained by gender continued to exist (Williams, 1999, 476). This is an

interesting finding, especially as the subject of gender bias have been identified as a factor in sentencing in Norway as well.

3. Methodology

Research methodology is the researcher's tool-kit, and in many respects a facilitator for a coherent research thesis. Social researcher Alan Bryman states that research methods, and knowledge of these, provide researchers with a view to the different choices which are available to researchers. Further, this awareness of the range of methods guides the researcher in the strengths and weaknesses of the various methods, ultimately helping the researcher to decide which choices will be the most appropriate for his or her project (Bryman, 2008, detailed contents xxix).

The choice of methodology forms the common thread of the thesis and can only with great difficulty be changed once one has started on the actual analysis. Therefore, one should devote some time on the exploring the subject matter to be researched compared to the available research methods.

3.1 Preliminary exploration and choice of method

Having found my main field of interest, and then having decided on the research question, I started out my initial explorations on the methodology for the thesis. My first point of departure was to employ the qualitative approach. My belief was that by carrying out the analysis through the use of qualitative methodology, I would have been able to shed light on the contents of the written court decisions, and the reasoning behind these. Professor of Law and Socio-Legal Studies Rosemary Hunter has found that "Social facts", which are "[...] general statements about the nature and behaviour of people" has had considerable influence on reasoning in the courtrooms. These social facts were believed to be commonly held knowledge (Hunter, 2004). In a similar way, I was hoping to uncover commonly held beliefs in a Norwegian context, factors which are otherwise difficult to identify and analyse.

When conducting research on a text-based data material, factors such as the use of language in the data, and in turn identifying topics and narratives is central. The method of discourse analysis is a flexible approach which allows for research on a number of different sources, including a wide array of written sources including newspapers, official documents and natural occurring talk (Bryman, 2008, 499). Although discourse analysis is not made up of a single, clearly defined version., the goal for a researcher who employs this method will often be to reveal and identify a clear discourse. According to Bryman, when language is a constructive “[...] discourse is a way of constituting a particular view of social reality” (Bryman, 2008, 501). With regards to this essay’s research question, discourse analysis seemed as a fruitful approach in order to uncover gender bias in the language in the deliberations of the court judgments.

I decided to test the viability of using the qualitative approach on the available source material, which in this case was made up of written court decisions. I conducted an exploratory analysis of a random selection of five court decisions. Beforehand I had created a frequency table to clarify to what degree the sources could provide the necessary content for a qualitative research approach. The research question is directly linked to the gender dimension, and therefore the exploratory analysis was focused on gender and to what extent gender was the subject in the various sections of the court judgments. The table is shown below:

<i>Court judgment #</i>	<i>Notes on gender in introduction / background of the defendant</i>	<i>Notes on gender in court’s deliberations</i>	<i>Notes on gender in sentencing</i>
#1	Gender only listed, not discussed	Not discussed	Not discussed
#2	Gender only listed, not discussed	Gender discussed in relation to the defendant’s role as caregiver to child	Not discussed
#3	Gender only listed, not discussed	Not discussed	Not discussed

#4	Gender only listed, not discussed	Not discussed	Not discussed
#5	Gender only listed, not discussed	Not discussed	Not discussed

Based on the deep reading of the decisions, it became evident that the form of the written court decisions did not provide a large text base. Firstly, the length of the written sentences was limited to five or six pages. Secondly, the courts' discussions which could be discerned from the written judgments were limited to a set and limited selection of subject themes.

As the text material I had chosen to study turned out to be rather limited in terms of both scope and language, it seemed that determining the discourse would prove both difficult and to hold little value for my research question. I therefore decided to discard this approach in favour of a more clearly defined quantitative approach.

3.2 The quantitative approach

Quantitative research has traditionally been the dominant strategy for conducting research within the social sciences, and often concerns itself with data that in some way or another can be *measured*. Further, quantitative research is conducted through the following prisms: measurement, causality, generalization and replication (Bryman, 2008, 162).

Measurement allows us to delineate between subtle differences in a large research field with a large amount of data. While a qualitative approach may provide us with a clearer picture of the extremes of the categories under research, a quantitative approach makes for a more useful approach when there are small differences between the data in the source material. Building on my findings in the initial test of the viability of using the qualitative approach on the source material, it seemed clear that there was not a large difference between the court judgments. As the written material followed a template and in most respects were limited in terms of freely based text and narrative, a quantifiable approach seemed to provide the most information.

While researchers use measurement to seek the answer to *how* things are and how they relate, causality is used to try to explain *why* things are the way they are (Bryman, 2008, 156). By examining the causes of the phenomenon being researched, one can identify which causes influence one another. With regards to gender bias in the courtroom, once observed and measured, finding the causes behind these findings may prove difficult to pinpoint. Finding a causal influence on gender bias means that both dependent and independent variables will need to be determined.

Social researchers most often want their findings to hold value beyond the scope of their specific research. Being able to create generalizations on a broader level not only reaffirms the findings but can also allow for the formulation of “lawlike findings” such as those found in natural sciences (Bryman, 2008, 156). In general, a representative sample is needed to induce whether the results of a research sample are not unique to that particular group or setting, and as such to be able to generalize the findings beyond the cases (Bryman, 2008, 156).

Having chosen the quantitative approach for this essay, one needs to address the question of which specific research technique that would be best suited to conduct the analysis. As the starting point for this thesis is to analyse written court judgments, content analysis appeared to be a feasible choice. Content analysis is, as described by Bryman: “[...] an approach to the analysis of documents and texts that seeks to quantify content in terms of predetermined categories and in a systematic and replicable manner” (Bryman, 2008, 275).

3.3 Data collection and sampling

The aim of the master’s thesis is to find out whether there exists a gender bias with regards to the sentencing imposed in cases relating to fraud of social benefits. I will seek to isolate the gender factor from other factors to explore if, and how the defendants’ gender influences the severity of the sentences imposed by the court. In order to so, one needs to select the sample to be analysed.

In the initial phase of the thesis, and as early as possible an assessment should be made of the source material: which sources are available, which sources are likely to prove useful to the analysis. Further, one should define a research sample. Sampling can be defined as the process of limiting, delineating and choosing a statistical sample (Bryman, 2008, 168), and suggests how research can be conducted on a smaller and more manageable source material.

The probing of the source material was carried out through an open and broad approach. The following table shows the results:

<i>Priority</i>	<i>Source data</i>	<i>Availability</i>	<i>Relevance</i>
1	Written judgments of the Norwegian District Court (“Tingretten”)	Limited	High
2	Archive of written judgments of NAV Kontroll	Not available	Low
3	Written judgments of the Norwegian Court of Appeals (“Lagmansretten”)	Average / limited	Average / high

Starting out it became clear that the written judgments of the Norwegian District Court was likely to contain the highest number of cases relating to fraud of social benefits. Further, the number of District Court numbers 63 different courts³, giving the greatest sample. However, it proved difficult to gain access to these sources.

As a test, written requests were made to two of the largest District Courts in Norway, that is *Oslo tingrett* and *Asker og Bærum tingrett*.⁴ The District Courts were both somewhat hesitant to give access to the judgments, but cited different concerns. *Oslo tingrett* stated that they would only be able to accommodate between 50 and 70 judgments. Further,

³ “Tingrettene” <https://www.domstol.no/no/om-domstolene/De-alminnelige-domstolene/tingrettene/>

⁴ Written requests were made by e-mail in June 2018

difficulties of locating judgments due to limitations of the court's electronic document system were given as a reason. *Asker og Bærum tingrett* informed that they were not able to accommodate the request of access without a reference to a specific case number or name of the involved parties. On the basis of these answers, it was decided that discard this source based on a lack of accessibility and practical difficulties.

An internal archive of court judgments belonging to my work place⁵ was also considered. The archive contained an excerpt of cases which has been investigated and tried in court, including the results of the courts' deliberations. Owing to lack of access and a lower degree of relevance, as well as to avoid convenience sampling, these sources were also disregarded.

Finally, the written judgments of the Norwegian Court of Appeal, *Lagmannsretten*, were considered. Access to these judgments was available online through the website *Lovdata*, and initial probing and test searches gave promising results. The sample was then evaluated with regards to access, sample size and selection:

Access

Written judgments from Norwegian judicial bodies are published on the website of *Lovdata*. Lovdata is a Norwegian foundation which contains, maintains and publishes judicial information. ("Lovdata in English") Parts of the website's content is free and openly available, while access to certain documents are limited access and the subject of subscription services. I gained access through University of Oslo. Bryman points to the fact that the process of gaining access to sources in itself is a political process. Gatekeepers, whether it is in the form of actual personages which needs to be negotiated with, or if it is on a systemic level, must be considered before making use of the material (Bryman, 2008, 131). This is also important from an ethic perspective, as one needs to ascertain whether access contain the risk of restraints or undisclosed influences on the material.

⁵ *NAV Kontroll* uncovers, investigates and report possible criminal offences to the police.

Although *Lovdata* contains certain limitations in terms of access, the risk of skewed results seems very low. I base this on the fact that *Lovdata* is the only source of judicial verdicts which is approved by the Norwegian judicial authorities.

Sample size and selection

Questions of sample size is invariably linked to cost and time on the one hand, and *sufficient* size and precision on the other. As the scope of thesis is rather limited, the time constraints seems obvious. The same goes for cost, as the project does not have funding to support research assistants.

When considering if the sample is large enough, it is not the relative size of the sample that is the deciding factor, but the absolute size of the sample (Bryman, 2008, 179). Alan Bryman describes a representative selection as having a microcosm of the greater population of cases (Bryman, 2008, 168). Judgments were chosen for the sample based on both the factors of availability and access.

In order to produce comparable data, taking into account the limitation of the source material, i.e. the court judgments being researched, the selection of material has been made according to the following criteria:

- Cases being tried according to the Norwegian Penal Code §§ 270 and 271 (old penal code of 1902)⁶ and the Norwegian Penal Code §§ 371 and 372 which concerns *fraud* and *aggravated fraud* (new penal code of 2005)⁷
- The material will in part hold references to the Norwegian Penal Code § 166 (old penal code of 1902)⁸ and the Norwegian Penal Code § 221 (new penal code of 2005)⁹ wch concerns *giving false statement*

⁶ "Almindelig Borgerlig Straffelov av 22. mai 1902 nr.10 – 26. Kapitel. Bedrageri, utroskap og korrupsjon" *Lovdata.no*

https://lovdata.no/dokument/NLO/lov/1902-05-22-10/KAPITTEL_2-19#KAPITTEL_2-19

⁷ "Lov om straff 20. mai 2005 – Kapittel 30. Bedrageri, skattesvik og liknende økonomisk kriminalitet" *Lovdata.no*

https://lovdata.no/dokument/NL/lov/2005-05-20-28/KAPITTEL_2-15#%C2%A7372

⁸ "Almindelig Borgerlig Straffelov av 22. mai 1902 nr.10 – 15de Kapitel falsk forklaring" *Lovdata.no*

https://lovdata.no/dokument/NLO/lov/1902-05-22-10/KAPITTEL_2-8#KAPITTEL_2-8

⁹ "Lov om straff 20. mai 2005 – Kapittel 22. Uriktig forklaring og anklage" *Lovdata.no*

https://lovdata.no/dokument/NL/lov/2005-05-20-28/KAPITTEL_2-7#%C2%A7225

- A further limitation will be made so that only cases concerning fraud of social benefits, often referred to as welfare fraud will be analysed. These offences generally fall under the umbrella of the Norwegian Penal Code §§ 270 and 271 (old penal code of 1902) and the Norwegian Penal Code §§ 371 and 372.

The search function of Lovdata includes a high number of search variables and user definition. The following search laid the basis for the data capture:

<i>Search word / theme word:</i>	”Trygdebedrageri”, ie. Welfare fraud
<i>Source:</i>	”Lagmansretter”, ie. Court of Appeal
<i>Limitations:</i>	Search only in summaries

This search yielded 229 results. Other searches were initially tried, including searching without limitations of only summaries. This gave 438 results, but did, however, include a large number of cases which were deemed not be related to welfare fraud.

Of the 229 results, a number were excluded on the basis of not being relevant or wrongly labelled by Lovdata. This process of elimination was done as objectively as possible, and by implementing objective criteria to avoid sampling error. Nevertheless, the process will mean that there remains the risk of certain written judgments being included which should not have been, and the other way around. It will therefore remain a risk. According to Bryman, a certain degree of sampling error is likely to remain, regardless of precautions taken ahead of the information-gathering (Bryman, 2008, 170). Criteria for exclusion were as follows:

<i>Acquittals</i>	9
<i>Inadequate information in the judgment</i>	2
<i>Not pertaining to welfare fraud, or welfare fraud part of larger case complex</i>	18
<i>Total:</i>	29

A final limitation was made based on the year of the court judgments. Cases tried before 2008 were therefore excluded. Further, owing to the fact that in eight of the cases there were more than one person being indicted, the final sample included 141 cases for analysis.

4. Analysis

The analysis is made using IBM SPSS Statistics 25. SPSS is one of the most widely used program for statistical analysis in social science, as well as in both private and governmental organizations.

4.1 Descriptive analysis

The first part of the analysis chapter contains a presentation of the data material which has been gathered. The first analysis of the thesis will show how the cases are distributed among the different variables, one variable at a time. This is commonly referred to as a *univariate analysis*. It is one of the simplest forms of analysis, but nevertheless a vital part of the analysis chapter as a whole, as it lays the foundation for further analysis. The main objective for this analysis is to show, describe and summarize the data (Johannessen, 2010, 73).

Table 1

The distribution of gender among the cases. Univariate analysis (frequency) of the gender variable.

Gender distribution				
	Frequency	Percent	Valid Percent	Cumulative Percent
Female	66	46.8	46.8	46.8
Male	75	53.2	53.2	100.0
Total	141	100.0	100.0	

Note. Table contains all cases.

The findings of the univariate analysis in table 1 shows that the gender distribution of the cases is comparatively evenly distributed among the sexes. From this perspective the cases seem to constitute a representative sample.

Table 2

The age-distribution among the cases. The numeric value of age was recoded into new variable containing 6 new values (categories). Univariate analysis (frequency) was then done on the new variable.

Age categories					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	21 - 30	19	13.5	13.5	13.5
	31 - 40	47	33.3	33.3	46.8
	41 - 50	42	29.8	29.8	76.6
	51 - 60	23	16.3	16.3	92.9
	61 - 70	9	6.4	6.4	99.3
	71 ->	1	.7	.7	100.0
	Total	141	100.0	100.0	

Note. Contains all cases and shows age at time of sentencing.

There was an even distribution of cases by age categories, with no cases under the age of 21 and only case over the age of 70.

Table 3

Mean, median and deviation in defendants' age at time of sentencing. Univariate, explorative analysis of the age variable.

Statistics of age		
N	Valid	141

Missing	0
Mean	42.61
Median	41.00
Std. Deviation	11.126
Skewness	.278
Std. Error of Skewness	.204
Kurtosis	-.570
Std. Error of Kurtosis	.406
Minimum	22
Maximum	71

The results of the explorative analysis of age are shown above. The mean and the median refer to the central tendency of the data sample. With regards to thesis' research sample, the mean age is 42.61 years while the median age is 41.00 years.

The standard deviation denotes dispersion, that is how far apart from each other the cases are. The higher the number, the higher deviation from the mean value. A low number means most cases are centred close to the mean value. In this case the standard deviation value is relatively high, meaning their cases are dispersed far apart. The skewness measures the unevenness of the distribution of data. Positive skewness indicates more high values than low in the distribution; negative skewness indicates more low values than high (Griffith, 2010, 335). Closely related is kurtosis, which measures how peaked a bell curve is. A positive number indicates there is more of a peak than standard; a negative number indicates a flatter line (Griffith, 2010, 335). In this case, both the skewness and kurtosis are slightly negative. In other words, the data sample contains cases evenly distributed among ages.

Table 4

Amounts – mean and median. Univariate, explorative analysis of the amount variable.

Statistics of embezzled amount

Amount		
N	Valid	141
	Missing	0
Mean		302202.04
Median		237076.00
Minimum		75788
Maximum		1743627

As shown in the table above, the embezzled amounts of the cases range from 75.788 to 1.743.627 NOK. The mean is 302.202, while the median is 237.076 NOK.

Table 5

Amounts divided by set categories. Univariate, explorative analysis of the amount variable.

Amount categories					
		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Under 100 000	2	1.4	1.4	1.4
	100 - 250 000	77	54.6	54.6	56.0
	250 - 500 000	47	33.3	33.3	89.4
	Over 500 000	15	10.6	10.6	100.0
	Total	141	100.0	100.0	

Note. This categorization reflects the decisions made during the process of data collection and sampling in chapter 3.3.

Table 6

Occurrence of either aggravating or mitigating circumstances. New value was computed based on whether any of the variables under aggravating / mitigating circumstances being present.

Aggravating and/or mitigating circumstances

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Present	120	85.1	100.0	100.0
Missing	System	21	14.9		
Total		141	100.0		

As the frequency analysis above shows, most of the written judgments in the research material contained at least one aggravating or mitigating circumstance. This certainly implies that these factors will hold great significance in ascertaining correlativeness in the further analyses.

Table 7

Occurrence of mitigating and aggravating circumstances by type of circumstance. Multivariate analysis of gender variable and all variables representing any of the circumstances.

Aggravating and/or mitigating circumstances by specific factor

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
Earlier convictions	6	4.3%	135	95.7%	141	100.0%
Did not plead guilty	4	2.8%	137	97.2%	141	100.0%
False statement	51	36.2%	90	63.8%	141	100.0%
Excessive time-use	86	61.0%	55	39.0%	141	100.0%
Role as caregiver	18	12.8%	123	87.2%	141	100.0%
Difficult personal history	26	18.4%	115	81.6%	141	100.0%

Note. “Did not plead guilty” only includes cases where this was discussed in the written judgment.

Excessive time-use is by far the most prevalent of the mitigating circumstances, being present in 61 % of the cases.

Table 8

Punishment awarded. New values were computed by altering variables from numeric to categorical. New category formed by separating cases where both custodial and probation were awarded. Multivariate analysis of all categories of punishment.

Case Processing Summary

	Cases					
	Valid		Missing		Total	
	N	Percent	N	Percent	N	Percent
Both custodial and probation	34	24.1%	107	75.9%	141	100.0%
Only custodial	75	53.2%	66	46.8%	141	100.0%
Only probation	11	7.8%	130	92.2%	141	100.0%
Only community sentence	21	14.9%	120	85.1%	141	100.0%

The table above shows that probation only was handed out by the court in just over half of the cases. In close to a quarter of the cases a combination of custodial and probation were awarded. Only probation and community service were more rare occurrences.

4.2 Regression analysis

Regression analysis is used to determine the relation between different variables. Dependent variables are tested by independent variables. The method can contain variables of different measurement, relations, observed or latent variables and data on several levels (Christophersen, 2009, 137).

Effects of gender on type of punishment

Table 9

Type of punishment and gender. Custodial and probation combined. Cross-tabulation with chi-square and odds-ratio.

Type of punishment	Gender				Expected count		Odds ratio
	Male		Female		Male	Female	(OR)*
	n	%	n	%	n	n	Male
Custodial and probation	21	61.8	13	38.2	18.1	15.9	1.22
Custodial only	41	54.7	34	45.3	39.9	35.1	1.06
Probation only	6	54.5	5	45.5	5.9	5.1	1.03
Community sentence	7	33.3	14	66.7	11.2	9.8	0.38

Pearson Chi-Square

	Value	df	Asymptotic Significance (2-sided)
Custodial and probation	1.323 ^a	1	.250
Custodial only	.140	1	.708
Probation only	.009	1	.925
Community sentence	3.908	1	.048

^a 0 cells (0.0%) have expected count less than 5. The minimum expected count is 30.89 for custodial, 5.15 for probation, 15.91 for custodial and probation and 9.83 for community sentence

The chi-square test (χ^2 test) is used to determine how certain we can be that there exists a relationship between two variables in the data material. The Pearson chi-square value is mostly useful in deciding whether the assumption is valid or violated. It is defined by the number of cells having an expected count of less than 5 (Bryman, 2008, 334). The minimum expected counts are listed per test. None of the tests above were violated.

The value from the chi-square holds little meaning without being interpreted in relation to its associated level of *Statistical significance* (p) (Bryman, 2008, 334-335). The level of statistical significance most used in social sciences, as well as in this thesis, is $p < 0.05$. This is referred to as the alpha level. Findings with values under the the alpha level implies that there is a statistical significance, while levels above this level means that there is not a statistical significance.

The findings in table 9 shows that males have a 22 per cent increased odds of receiving punishment which included both custodial and probation, 6 per cent increased odds of receiving custodial punishment only, 3 per cent increased odds of receiving probation only, and 38 per cent *decreased* chance of receiving community sentence compared to females. However, looking at the Pearson Chi-square test, only the results of community sentence shows a value under $p < 0.05$, being statistical significant. In the other cases we will have to accept that there is no clear difference.

Table 10

Type of punishment and gender. All occurrences of custodial and probation. Cross-tabulation with chi-square and odds-ratio.

Type of punishment	Gender				Expected count		Odds ratio
	Male		Female		Male	Female	(OR)*
	n	%	n	%	n	n	Male
Custodial	62	56.9	47	43.1	58.0	51.0	1.40
Probation	27	60.0	18	40.0	23.9	21.1	1.20

Pearson Chi-Square			
	Value	df	Asymptotic Significance (2-sided)
Custodial	2.625 ^a	1	.105
Probation	1.231	1	.267

^a 0 cells (0.0%) have expected count less than 5. The minimum expected count is 14.98 for custodial and 21.06 for probation.

Further tests were conducted based on all occurrences of custodial and probation separately. Note that table 10 also includes cases where persons have received both custodial punishment, as well as probation, making the number of occurrences higher than the number of cases (154 occurrences in the 141 cases). The findings in table 10 shows that males have 40 per cent increased odds of receiving custodial punishment, and 20 per cent increased odds of receiving probation. Although exhibiting a somewhat clearer significance, none show a clearly statistical significance in relation to $p < 0.05$.

Effects of aggravating and mitigating circumstances on type of punishment

Table 11

Correlations between gender, type of punishment and aggravating and mitigating circumstances. Bivariate correlation analysis with Pearson correlation.

	<i>Gender</i>	<i>Earlier convictions</i>	<i>Did not plead guilty</i>	<i>False statement</i>	<i>Excessive time use</i>	<i>Role as caregiver</i>	<i>Difficult personal history</i>	<i>Custodial</i>	<i>Probation</i>	<i>Community sentence</i>
<i>Gender</i>	1	-.013	-.011	-.004	.153	-.280**	-.140	.136	.093	-.166*
Pearson Corr.										
Sig. (2-tailed)		.874	.898	.965	.070	.001	.097	.107	.271	.048
N	141	141	141	141	141	141	141	141	141	141
<i>Earlier</i>	-.013	1	.176*	-.012	-.048	.025	.172*	-.054	-.144	.109
Pearson Corr.										

				.874		.037	.884	.576	.772	.042	.528	.088	.197
			N	141	141	141	141	141	141	141	141	141	141
<i>Did not plead guilty</i>				-.011	.176*	1	-.040	-.039	.063	.139	.093	-.117	-.071
			N	141	141	141	141	141	141	141	141	141	141
				.898	.037		.640	.650	.461	.100	.275	.167	.400
<i>False stm.</i>				-.004	-.012	-.040	1	-.064	.110	-.053	.232**	-.135	-.108
			N	141	141	141	141	141	141	141	141	141	141
				.965	.884	.640		.453	.194	.529	.006	.109	.204
<i>Excessive time use</i>				.153	-.048	-.039	-.064	1	-.086	-.032	-.051	.298**	.008
			N	141	141	141	141	141	141	141	141	141	141
				.070	.576	.650	.453		.309	.705	.545	.000	.927
<i>Role as caregiver</i>				-.280**	.025	.063	.110	-.086	1	.092	-.148	-.034	.258**
			N	141	141	141	141	141	141	141	141	141	141
				.001	.772	.461	.194	.309		.277	.080	.689	.002

<i>Difficult personal history</i>	Pearson Corr.	-.140	.172*	.139	-.053	-.032	.092	1	-.397**	.067	.366**
	Sig. (2-tailed)	.097	.042	.100	.529	.705	.277	.000	.431	.000	.000
	N	141	141	141	141	141	141	141	141	141	141
<i>Custodial</i>	Pearson Corr.	.136	-.054	.093	.232**	-.051	-.148	-.397**	1	-.029	-.772**
	Sig. (2-tailed)	.107	.528	.275	.006	.545	.080	.000	.736	.000	.000
	N	141	141	141	141	141	141	141	141	141	141
<i>Probation</i>	Pearson Corr.	.093	-.144	-.117	-.135	.298**	-.034	.067	-.029	1	-.286**
	Sig. (2-tailed)	.271	.088	.167	.109	.000	.689	.431	.736	.001	.001
	N	141	141	141	141	141	141	141	141	141	141
<i>Community sentence</i>	Pearson Corr.	-.166*	.109	-.071	-.108	.008	.258**	.366**	-.772**	-.286**	1
	Sig. (2-tailed)	.048	.197	.400	.204	.927	.002	.000	.000	.001	.001
	N	141	141	141	141	141	141	141	141	141	141

** . Correlation is significant at the 0.01 level (2-tailed).

* . Correlation is significant at the 0.05 level (2-tailed).

The correlation analysis in table 11 was conducted to determine the relationship between the variables gender, the different categories of gender, and all of the mitigating and aggravating circumstances. The strength is measured by a coefficient, in this case Pearson

correlation test (Pearson R). The value can be anything between -1 and 1, and the strength of the relationship is often measured according to the following scale (Almquist et al., 2014, 141):

Figure 1

Strength of correlation

<i>Negative</i>	<i>Positive</i>	<i>Result</i>
-1	1	Perfect
-0.9 to -0.7	0.7 to 0.9	Strong
-0.6 to -0.4	0.4 to 0.6	Moderate
-0.3 to -0.1	0.1 to 0.3	Weak
0	0	Zero

Positive numbers means that the variable has a positive effect correlation, while negative numbers means a negative effect on correlation. Findings in table 11 which have a significance level of at least $p < 0.01$ contains are flagged with ** and as such are considered to be highly statistical significant. Relevant correlations are written in bold font in table 11. Although only showing a weak to moderate correlation, several findings are noteworthy:

- giving *false statement* correlates with receiving a custodial prison term.
- *excessive time-use* correlates with receiving probation
- being a *caregiver* correlates with receiving community sentence
- having a *difficult personal history* has a moderate *negative* correlation on receiving a custodial prison term and a *positive* correlation on receiving community sentence.

Having established a series of correlations, further analysis was conducted to test these on the relationships between gender, special circumstances and the punishment given.

Table 12

Males only, community sentence. Controlled for mitigating and aggravating circumstances. Multiple linear regression analysis.

Model Summary^{c,d,e}				
Model	R			

	Gender = Male (Selected)	Gender ~= Male (Unselected)	R Square	Adjusted R Square	Std. Error of the Estimate	
1	.318 ^a	1.000	0.101	0.089	0.29164	
a. Predictors: Excessive time-use						
c. Unless noted otherwise, statistics are based only on cases for which Gender = Male.						
d. Dependent Variable: Community sentence						
e. Linear Regression through the Origin						
Coefficients^{a,b,c}						
Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	Excessive time-use	0.118	0.041	0.318	2.881	0.005
a. Dependent Variable: Community sentence						
b. Linear Regression through the Origin						
c. Selecting only cases for which Gender = Male						

A regression analysis with a stepwise method was chosen for the table above. By selecting the stepwise method, SPSS will only include significant predictors of the regression model. This means only factors which contribute uniquely to predicting the community sentence will be included.

The coefficient B-value shows the value 0.118, meaning that excessive time-use gives slight increase of 0.118 points towards community sentence if you are male. The p -value is < 0.05 , meaning it is statistically significant and a predictor for community sentence for males. This was the only circumstance which gave a clear reading when combined with males and community sentence. The R of the Model summary, which is actually the Pearson correlation value, shows the value .318.

Table 13¹⁰

Females only, community sentence. Controlled for mitigating and aggravating circumstances. Multiple linear regression analysis.

In case of females receiving community sentence, two circumstances are considered significant. In model 2 the coefficient B-value for only difficult personal history shows the value 0.488, meaning that this factor gives a significant predictor of community sentence for females. In the same way, the role as caregiver gives us the value 0.237. The p -value is < 0.018 , meaning it is statistically significant and a predictor of community sentence if you are female. The R of the Model summary, the correlation value, shows the value .645 for model 2, a moderate to strong correlation. The results are quite different from that of males and community sentence, where only excessive time-use constituted a weak predictor for males receiving community sentence.

Table 14¹¹

Males only, probation. Controlled for mitigating and aggravating circumstances. Multiple linear regression analysis.

With regards to probation and males, three circumstances are considered significant. In model 3 the coefficient B-value for excessive time-use shows the value 0.392, meaning that this factor gives a significant predictor of probation for males. In the same way, difficult personal history gives us the value 0.521. Earlier convictions gives the value -0.652, which is a strong predictor *against* probation. The highest p -value is < 0.042 , meaning all statistically significant and a predictor of probation if you are male. The R of the Model summary, the correlation value, shows the value .671 for model 3, a moderate to strong correlation.

Table 15¹²

Females only, probation. Controlled for mitigating and aggravating circumstances. Multiple linear regression analysis.

¹⁰ Tables 13 through 17 are found in the appendix.

¹¹ Tables 13 through 17 are found in the appendix.

¹² Tables 13 through 17 are found in the appendix.

The coefficient B-value in model 1 shows the value 0.400, meaning that excessive time-use is a significant predictor of probation for females. This is almost exactly the same level as in the relation of male and excessive time-use. The p -value is < 0.00 , meaning it is statistically significant and a predictor for probation for females. This was the only circumstance which constituted a predictor for female and probation. The R of the Model summary, the correlation value, shows the value .558 for model 1, a moderate correlation.

Table 16¹³

Males only, custodial. Controlled for mitigating and aggravating circumstances. Multiple linear regression analysis.

Looking at the relation between males and custodial prison, two circumstances are considered significant. In model 2 the coefficient B-value for excessive time-use shows the value 0.583, meaning that this factor gives a significant predictor of custodial for males. Likewise, false statement gives us the value 0.581 and is also a significant predictor for custodial prison. All p -value is < 0.000 , meaning all statistically significant and predictors of custodial for males. The R of the Model summary, the correlation value, shows the value .775 for model 2, a strong correlation.

Table 17¹⁴

Females only, custodial. Controlled for mitigating and aggravating circumstances. Multiple linear regression analysis.

The findings in the relation between females and custodial prison, differ little from the relation between males and custodial prison. The same two circumstances, excessive time-use and false statement are considered significant. In model 2 the coefficient B-value for excessive time-use shows the value 0.523, meaning that this factor gives a significant predictor of custodial for males. Likewise, false statement gives us the value 0.592 and is also a significant predictor for custodial prison. All p -value is < 0.000 , meaning all statistically significant and predictors of custodial for females. The R of the Model summary, the correlation value, shows the value .744 for model 2, a strong correlation.

¹³ Tables 13 through 17 are found in the appendix.

¹⁴ Tables 13 through 17 are found in the appendix.

5. Discussion and conclusion

The primary research hypothesis was the following:

1. *“Males are less likely than females to receive probation and community sentence, and more likely to receive custodial punishment in cases of welfare fraud in the Norwegian Court of Appeal”*

Looking at the results of the analyses that were conducted, the results were multifaceted. This is something to be expected, as we had a large number of variables that were analysed in relation to each other with the goal of findings correlations. As such, the analysis as a whole was rather exploratory in nature. Nevertheless, the results that were uncovered makes it possible to identify certain important connections to draw conclusions from.

The results from the regression analysis found that when taking into account gender *alone*, women had a greater chance of receiving probation or community sentence rather than custodial, than that of men (expected count). Further, the odds of men receiving custodial was 1.22 (odds ratio), implying 22 per cent increased odds of receiving custodial when being male. At the same time, the chance of receiving community sentence was 0.38, meaning a 38 per cent decreased odds of receiving this form of punishment if you are a male. However, only the results of community sentence and male is statistical significant. Further tests were conducted by combining all cases of probation and custodial, counting all occurrences of probation and custodial, including cases where persons received both forms of punishment. The results showed that male still held a higher odds of receiving custodial punishment. The hypothesis is therefore found to be true.

The secondary hypotheses were the following:

6. *“Mitigating circumstances constitute positive predictors in terms of receiving probation and community sentence for both genders”*
7. *“Mitigating circumstances have a stronger correlation with receiving probation and community sentence for females, than for males”*

8. *"Aggravating circumstances have a negative correlation with receiving probation and community sentence for both genders"*
9. *"Aggravating circumstances have a stronger negative correlation with receiving probation and community sentence for males, than for females"*

The descriptive analysis of the aggravating and mitigating circumstances found these to be factors in the sentencing in more than 85 per cent of the cases. As a result, it became clear that these special circumstances warranted that further analyses should be conducted. This held particularly importance in cases with "excessive time-use", which was found to be present in 61 per cent of the total number of cases.

Correlations between special circumstances and the type of punishment received were found for both sexes, including excessive time-use, giving false statement and role as caregiver. However, certain correlations were stronger for one of the genders. Taking into account only the statistical significant findings, the following could be found: excessive time-use only constituted a slight predictor for males receiving community sentence, while for women both difficult personal history and role as caregiver showed moderate to strong correlation of receiving community sentence.

In the case of probation, excessive time-use remained a moderate predictor of probation for both genders, while male also showed a positive correlation for difficult personal history and probation. However, males did also show a strong *negative* correlation between earlier convictions and probation, implying a stronger predictor for males receiving custodial for repeat-offences than that of women.

In cases of custodial prison, both genders saw similar correlations between giving false statement, excessive time-use and receiving custodial prison. Although both factors being statistically significant factors for males and females, the link between excessive time-use and custodial prison seems odd, and might be explained by the large occurrence of this factor in the data material (61 per cent).

With regards to the 2nd hypothesis, mitigating circumstances seem to have a positive correlation towards receiving probation or community sentence, even though they do differ

in strength with regards to the factor and the gender. With this in mind, the 2nd hypothesis can be said to hold true.

In the 3rd hypothesis it is more difficult to conclude: mitigating factors, including difficult personal history and role as caregiver are moderate / strong predictors of community sentence, this is not the case for men. However, in the case of probation, there is little difference between the genders. As such, the 3rd hypothesis is only partially true. The findings suggests a link to the works of Doerner & Demuth, 2012 as well as Bickle & Peterson, 1991 when arguing that courts' sentencing to a certain degree try to reinforce traditional family-based gender roles, while at the same time ensuring that women stay at home and continue to serve as caregivers. Further, the argument that by sending mothers to prison, families would be seriously disrupted seems to also be a valid factor in Norwegian court deliberation.

Looking at the 4th and 5th hypotheses, aggravating circumstances is only a negative predictor of probation in the case of males and difficult personal history. As such, the 5th hypotheses of aggravating circumstances being stronger negative predictors for probation and community sentence is only true if based upon the weak findings in the 4th hypothesis.

The main findings echoes the work of Bontrager & Stupi, 2013, Daly, 1989 and Spohn & Holleran, 2002 which all argue that women may receive more lenient punishment than men when all other factors are considered. There are no findings which suggests a link to the theories of *Evil Women*, where women have been treated harsher based on them transgressing their traditional gender-roles. One might derive from this that this theory is somewhat obsolete, or owing to difference in culture or perceptions of traditional gender-roles in the United States.

That said, the findings of this thesis is based on a rather limited source material, as well as the fact that only a limited number of factors in the written judgments were analysed. However, a complementary project where interviews of judges, lawyers and defendants had been conducted seems a fruitful approach to further elaborate on the subject.

Bibliography

Books and articles

Almquist, Y.B., Ashir, S. & Brännström, L. (2014) *A guide to quantitative methods*, Stockholm: CHESS

Bickle, G.S. & Peterson, R.D. (1991) "The Impact of Gender-Based Family Roles on Criminal Sentencing", *Social Problems*, Vol. 38, No. 3, pp. 372-394

Blumer, H. (1956) "Sociological Analysis and the 'Variable'", *American Sociological Review*, No. 21, pp. 683-690

Bontrager, S., Barrick, K & Stupi, E. (2013) "Gender and sentencing: A meta-analysis of contemporary research", *The Journal of Gender, Race & Justice*, Vol. 16, No. 2

Bryman, A. (2008) *Social Research Methods* (3rd edition), Oxford: Oxford University Press

Christoffersen, K-A. (2009) *Databehandling og statistisk analyse med SPSS* (4th edition), Oslo: Unipub

Daly, K. (1989) "Rethinking judicial paternalism: Gender, work-family relations, and sentencing", *Gender and Society*, Vol. 3, No. 1

Doerner, J.K & Demuth, S. (2012) "Gender and Sentencing in the Federal Courts: Are Women Treated More Leniently?", *Criminal Justice Policy Review*, Vol. 20, No. 10, pp. 1-28

Embry, R. & Lyons, P.M. (2012) "Sex-Based Sentencing: Sentencing Discrepancies Between Male and Female Sex Offenders", *Feminist Criminology*, Vol. 7, No. 2

Griffith, A. (2010) *SPSS For Dummies 2nd Edition*, Hoboken, New Jersey: Wiley Publishing

Johannessen, A. (2010) *Introduksjon til SPSS, 4th edition*, Oslo: Abstrakt forlag

Spohn, C. & Holleran, D. (2002) “The Effect of Imprisonment on Recidivism Rates of Felony Offenders: A Focus on Drug Offenders”, *Criminology*, Vol. 40, No. 2, pp. 329-358

Williams, M. R. (1999) “Gender and Sentencing: An Analysis of Indicators”, *Criminal Justice Policy Review*, Vol. 10, No. 4, pp. 471-490

Online resources

“Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols No. 11 and No. 14, articles 6 and 13.”

<https://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680063765>

Accessed 4th August 2018

“Lovdata in English”, *Lovdata*

https://lovdata.no/info/information_in_english

Accessed: 4th August 2018

NAV Kunnskap:

<https://www.nav.no/no/NAV+og+samfunn/Kunnskap/Relatert+informasjon/nav-og-kunnskap>

Accessed: 4th August 2018

SPSS Tutorials, “SPSS Stepwise Regression – Example 2”

<https://www.spss-tutorials.com/spss-stepwise-regression-example-2/>

Accessed 15th August 2018

Statistics Norway (Statistisk sentralbyrå):

https://www.ssb.no/a/kortnavn/a_krim_tab/tab/tab-2013-01-24-43.html

Accessed: 4th August 2018

“Tingrettene”, *Domstolene*

<https://www.domstol.no/no/om-domstolene/De-alminnelige-domstolene/tingrettene/>

Accessed: 4th August 2018

Laws cited

”Almindelig Borgerlig Straffelov av 22. mai 1902 nr.10 – 15de Kapittel. Falsk forklaring”

Lovdata.no

https://lovdata.no/dokument/NLO/lov/1902-05-22-10/KAPITTEL_2-8#KAPITTEL_2-8

Accessed: 11th August 2018

”Almindelig Borgerlig Straffelov av 22. mai 1902 nr.10 – 26 Kapittel. Bedrageri, utroskap og korrupsjon” *Lovdata.no*

https://lovdata.no/dokument/NLO/lov/1902-05-22-10/KAPITTEL_2-19#KAPITTEL_2-19

Accessed: 11th August 2018

”Lov om straff 20. mai 2005 – Kapittel 30. Bedrageri, skattesvik og liknende økonomisk kriminalitet” *Lovdata.no*

https://lovdata.no/dokument/NL/lov/2005-05-20-28/KAPITTEL_2-15#%C2%A7372

Accessed: 11th August 2018

”Lov om straff 20. mai 2005 – Kapittel 22. Uriktig forklaring og anklage” *Lovdata.no*

https://lovdata.no/dokument/NL/lov/2005-05-20-28/KAPITTEL_2-7#%C2%A7225

Accessed: 11th August 2018

Appendix

Table 13

Females only, community sentence. Controlled for mitigating and aggravating circumstances. Multiple linear regression analysis.

Model Summary^{d,e,f}						
Model	R		R Square	Adjusted R Square	Std. Error of the Estimate	
1	Gender = Female (Selected)	Gender ≠ Female (Unselected)				
1	.601 ^a		0.362	0.352	0.37081	
2	.645 ^c	1.000	0.416	0.397	0.35754	
a. Predictors: Difficult personal history						
c. Predictors: Difficult personal history, Role as caregiver						
d. Unless noted otherwise, statistics are based only on cases for which Gender = Female.						
e. Dependent Variable: Community sentence						
f. Linear Regression through the Origin						
Coefficients^{a,b,c}						
Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	Difficult personal history	0.563	0.093	0.601	6.068	0.000
2	Difficult personal history	0.488	0.094	0.522	5.171	0.000
	Role as caregiver	0.237	0.098	0.246	2.432	0.018

a. Dependent Variable: Community sentence
b. Linear Regression through the Origin
c. Selecting only cases for which Gender = Female

Table 14

Males only, probation. Controlled for mitigating and aggravating circumstances. Multiple linear regression analysis.

Model Summary^{e,f,g}						
Model	R		R Square	Adjusted R Square	Std. Error of the Estimate	
	Gender = Male (Selected)	Gender ~= Male (Unselected)				
1	.620 ^a		0.384	0.376	0.47402	
2	.646 ^c		0.417	0.401	0.46424	
3	.671 ^d	1.000	0.450	0.427	0.45419	
a. Predictors: Excessive time-use						
c. Predictors: Excessive time-use, Difficult personal history						
d. Predictors: Excessive time-use, Difficult personal history, Earlier convictions						
e. Unless noted otherwise, statistics are based only on cases for which Gender = Male.						
f. Dependent Variable: Probation						
g. Linear Regression through the Origin						
Coefficients^{a,b,c}						
Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	Excessive time-use	0.451	0.066	0.620	6.794	0.000
2	Excessive time-use	0.408	0.068	0.560	5.964	0.000

	Difficult personal history	0.315	0.154	0.191	2.037	0.045
3	Excessive time-use	0.392	0.067	0.539	5.827	0.000
	Difficult personal history	0.521	0.181	0.317	2.876	0.005
	Earlier convictions	-0.652	0.315	-0.217	-2.066	0.042
a. Dependent Variable: Probation						
b. Linear Regression through the Origin						
c. Selecting only cases for which Gender = Male						

Table 15

Females only, probation. Controlled for mitigating and aggravating circumstances. Multiple linear regression analysis.

Model Summary ^{c,d,e}					
Model	R		R Square	Adjusted R Square	Std. Error of the Estimate
	Gender = Female (Selected)	Gender ~ = Female (Unselected)			
1	.558 ^a	1.000	0.311	0.301	0.43677
a. Predictors: Excessive time-use					
c. Unless noted otherwise, statistics are based only on cases for which Gender = Female.					
d. Dependent Variable: Probation					
e. Linear Regression through the Origin					
Coefficients^{a,b,c}					

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	Excessive time-use	0.400	0.074	0.558	5.418	0.000
a. Dependent Variable: Probation						
b. Linear Regression through the Origin						
c. Selecting only cases for which Gender = Female						

Table 16

Males only, custodial. Controlled for mitigating and aggravating circumstances. Multiple linear regression analysis.

Model Summary ^{d,e,f}						
Model	R		R Square	Adjusted R Square	Std. Error of the Estimate	
	Gender = Male (Selected)	Gender ~ = Male (Unselected)				
1	.694 ^a		0.481	0.474	0.65941	
2	.775 ^c	1.000	0.601	0.590	0.58243	
a. Predictors: Excessive time-use						
c. Predictors: Excessive time-use, False statement						
d. Unless noted otherwise, statistics are based only on cases for which Gender = Male.						
e. Dependent Variable: Custodial						
f. Linear Regression through the Origin						
Coefficients ^{a,b,c}						
Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		

1	Excessive time-use	0.765	0.092	0.694	8.282	0.000
2	Excessive time-use	0.583	0.090	0.528	6.444	0.000
	False statement	0.581	0.124	0.383	4.675	0.000
a. Dependent Variable: Custodial						
b. Linear Regression through the Origin						
c. Selecting only cases for which Gender = Male						

Table 17

Females only, custodial. Controlled for mitigating and aggravating circumstances. Multiple linear regression analysis.

Model Summary ^{d,e,f}					
Model	R		R Square	Adjusted R Square	Std. Error of the Estimate
	Gender = Female (Selected)	Gender ~= Female (Unselected)			
1	.641 ^a		0.411	0.402	0.65264
2	.744 ^c	1.000	0.554	0.540	0.57248
a. Predictors: Excessive time-use					
c. Predictors: Excessive time-use, False statement					
d. Unless noted otherwise, statistics are based only on cases for which Gender = Female.					
e. Dependent Variable: Custodial					
f. Linear Regression through the Origin					
Coefficients ^{a,b,c}					
Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		

1	Excessive time-use	0.743	0.110	0.641	6.734	0.000
2	Excessive time-use	0.523	0.108	0.451	4.832	0.000
	False statement	0.592	0.131	0.423	4.525	0.000
a. Dependent Variable: Custodial						
b. Linear Regression through the Origin						
c. Selecting only cases for which Gender = Female						