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Gentrified Juries: A Study of Felony Convictions by Jury Trials in Gentrifying Cities

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Abstract

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Gentrification has become an important topic of conversation within neighborhoods and cities in the recent years. Some argue that this phenomenon is revitalizing neighborhoods and brings an overall positive change to the neighborhoods it occurs to. However, others have pointed out that gentrification has led many of the original residents to be faced with negative outcomes such as climbing rents and displacement. While there have been several studies outlining the effects of gentrification on current residents, those that explore the effects of gentrification on an area's criminal justice system have been limited. Gentrification is described as the the entry of white, affluent residents into neighborhoods originally inhabited by low-income communities of color. The change of demographics has the potential to alter the makeup of juries in the area, which can have an effect on the resulting conviction rates in criminal cases. In order to explore this effect, felony criminal case trial data was used from the ICPSR database and compared to the gentrification levels across some of the most populated cities across the United States. Results from this analysis suggest that areas where gentrification is more prevalent tend to have higher conviction rates. This result implies that residents of gentrifying areas might face harsher juries when involved in a felony case, an area of gentrification and criminal justice not explored before.

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1

Introduction

The phenomenon of gentrification is an entirely modern shift in urban migration patterns that has significant implications for neighborhood development, housing displacement, and communities of color (Maciag 2015; Huse 2014). While gentrification does indeed carry major ramifications on the economic life of an area, less interest has been paid to its impact on how residents interact with local criminal justice systems. Along with the economic change brought about by gentrification, there are also important changes in the local demography along the lines of race, class, and education (Maciag 2015). When a neighborhood's demographics change, the population of people eligible to serve in the area's jury pool is more likely to change with it. It is because of this change that I seek to determine whether gentrification has an effect on jury verdicts in criminal trials.

As will be further explored in the next few sections, the existing research indicates that all-white juries are more likely to convict defendants of color than white defendants (Sommers 2006, 2010). This research has brought me to focus on the incidence of guilty verdicts in felony criminal jury trials within a given area as well as the racial biases that lead to these outcomes. As some of the key indicators for gentrification include the displacement of lower-income residents of color with higher-income, more formally-educated white residents, the aim of this project is to study whether the degree of gentrification in an area would lead to higher conviction rates, particularly for people of color.

The findings of this project could have several different implications on our criminal justice system as they can lead to a better understanding of how gentrification affects multiple aspects of people's lives – beyond only fluctuations in housing markets. The results of this study would determine the necessity of bringing a new lens with which to consider modern urban development. Urban economic development has been described as either a furthering of modern residential segregation or as a morally-neutral method of increasing cities' tax bases while fighting the dreaded "urban blight" oft-maligned by proponents of the broken windows theory (Wilson 1982). This theory posits that more serious crimes were the result of an environment of disorder and disrespect for rules, as explained in the scenario where an area with vandalized windows would create a sense of unlawfulness that encourages more severe forms of criminality (Kelling and Coles 1998). Finding links between urban economic development and criminal convictions would bring a new narrative to this debate, particularly in terms of the ethical consequences of housing displacement's role in mass incarceration and unequal outcomes in the courts.

Furthermore, the existing research analyzes the process of either gentrification or racial bias in the criminal justice system, but rarely not both (Frey 1980; Maciag 2015; Noye 2015; Stevenson 2010). My thesis seeks to address the overlap between these two areas by first assessing the degree of gentrification in an area and then comparing it against the adjudicative outcomes of felony offenses. The purpose of this analysis is to determine whether changes in the socio-economic composition of the local population would impact the adjudicative outcomes of jury trials. This interdisciplinary approach fuses the research approaches used in political science and criminal sociology to answer a question about the effects of gentrification that cannot easily be answered by either field alone.

Although little attention has been paid to how the criminal justice system interacts with gentrifying communities, this topic has substantial implications for civil rights in democratic communities. Since the changing demographics within a court's jurisdiction changes the composition of its jury pool, this research could indicate a need to re-examine how a jury can fulfill its ideal role as an arbiter of justice that is both fair and representative of a defendant's peers. This gives rise to the question of what can be considered representative when rapid urban displacement increases the likelihood of white juries in historically black communities. If predominantly white juries typically convict a greater proportion of defendants that are black or Latino, then the disposition of felony cases could even be considered as yet another negative consequence of gentrification in a way similar to rapidly increasing rent prices and unaffordable costs to local businesses leading to the displacement of both residents and businesses

Urban Gentrification

The term gentrification was first documented to describe the housing situation in London, where a competition for space led residents of lower socioeconomic status to be pushed out by the higher-class gentry, with little effort to counteract this process (Glass 1964). Additionally, in the 1970s and 1980s, neoliberalism in America emerged from economic globalization and gentrification began to be seen as a positive improvement for poor urban districts without much government spending (Huse 2014). The United States soon began implementing federal policies that aided the gentrification process, such as the Empowerment Zone (EZ) Initiative as well as the Housing Opportunities for People Everywhere (HOPE VI) which, while well intentioned at incentivizing the creation of mixed-income neighborhoods, only led to further, rapid gentrification (Hyras 2008).

An aspect of gentrification that makes it such a compelling topic is how radically it turns decades of migration trends on their head. Rather than having white people entering black neighborhoods, much of America's cities had previously been characterized by the process of black entry into white-dominated urban areas after desegregation. Before the desegregation efforts in the 1960s, most cities suffered from housing segregation due to the prevalence of discriminatory policies such as Jim Crow laws and redlining, where home loans were denied to people of color hoping to buy a house and creating permanent renters. Once these practices became illegal, domestic migration trends changed and black people began moving from Southern agrarian areas to more industrialized urban centers due to the need for workers. As discussed by Frey, the growing black populations in cities led to the legal and de facto

segregation of cities as well as the wave of white flight, where white residents fled the cities en masse to the suburbs to avoid racial minorities, returning to a state of segregated cities throughout the United States. It was these racist social pressures that led to the establishment of black urban neighborhoods and the rise of the American ghetto, areas characterized by a lack of public services and private investment that are nearly exclusively populated by African-Americans and other racial minorities. In some of these cases, these areas are the very same areas that are now experiencing white entry and gentrification (Frey 1980).

Theories of Gentrification

It is now abundantly clear that the process of gentrification is a real phenomenon that has reshaped the economies and social dynamics of inner city communities (Kennedy 2001). Due to its significance in urban planning as well as the mixed impact that gentrification has had on local residents, there has been a growing and diverse debate in academia over how and why gentrification occurs. The primary tension in these arguments lies over whether it is the decisions of producers or consumers that leads to the influx of people and commercial activity into inner-city areas that were once primarily characterized by their severe level of disinvestment.

The supply-side approach to gentrification is most closely associated with Smith, a geographer and anthropologist who understood gentrification to be the result of capital movement in property markets. Smith argues that properties within disinvested urban communities have been gradually decreasing in their actual value, despite maintaining their potential value. The difference between actual and potential values is known as a rent gap, and

when it grows to be large enough, it creates an incentive to reinvest in these properties so that they may realize their full worth and produce a high return on their investment. This process occurs when other available markets are saturated to the point that purchasing and redeveloping property at their depressed prices becomes a profitable enough venture that the unattractive economic or social characteristics of a deteriorated neighborhood are perceived to be minor or possible to change (Smith 1979).

Rather than focusing on the financial incentives available to producers, fellow geographer Ley understands gentrification to be the result of changing consumer preferences among the middle class. Ley's demand-side understanding of the topic examines the characteristics of gentrifiers to better understand what motivates their movement to the inner-city, thus driving up the demand needed for the producer investments described in Smith's theory to become profitable. In his analysis, it was found that people who were part of gentrification-induced migration towards inner city neighborhoods were frequently educated, performed advanced services such as medicine, and were largely attracted to the politics, cultural amenities, and diversity that large cities bring. (Ley 1986) The tastes of the post-industrial new middle class residents are catered to in urban areas much better than in the alienated homogenous suburbs created during the age of white flight, which provides a rationale as to why people would be interested in moving to the cities in the first place.

While the concepts outlined in both the supply and demand-side approaches can together provide a broad framework from which to understand gentrification, more specific models explaining neighborhood change should also be examined. One such model is that of human ecology, which studies how humans interact with their environments in a similar fashion

to how plants and animals are observed. Applied to the context of urban neighborhoods, sociologists Park and Burgess argued that neighborhood growth and differentiation occur in similar patterns of movement found in nature. Different populations compete for space within an urban environment, whose individual preferences sort them into distinct communities in a process of natural differentiation. Park and Burgess also assume that people will naturally migrate away from the core of the city as they acquire more wealth. This assumption of residential preferences for middle and high-income residents primarily explains the process of suburbanization. However, if the process of gentrification were to be analyzed through the perspective of human ecology, it could be understood as members of a community expanding their territory into other areas matching their preferences and thus engaging in a process of competition with existing residents.

Rather than considering neighborhood change as a reflection of processes that occur organically, the political economy paradigm considers this change to be a result of the choices of elites and the rational pursuit of profit from individuals. From this perspective, metropolitan political and economic actors such as policymakers and real estate developers wield a disproportionate amount of influence in the allocation of capital within urban areas (Hyra 2008; Kennedy 2001). These actors seek to raise property values in a case of mutual self-interest, where the municipal government would get an increase in their tax base while having fewer expenditures for social services and investors can profit off of property investments in derelict communities. There are clear benefits to the elites of the so-called "capitalist class" who seek to use their money for a return on investment. Beyond these larger-scale investors, the middle class also benefits from these changes, since the access to downtown employment and cultural

amenities suit their personal tastes. The combination of the actions and incentives for each of these actors lead to gentrification for the benefit of the ruling growth regime at the detriment of existing residents lacking the capital or influence to successfully resist these pressures (Freeman 2006).

Breaking away from the location constraints implicit in each of the previous models, the global perspective emphasizes international factors as the primary force in reshaping urban areas. This is due to the fact that globalization of trade has fundamentally changed how urban economies are structured. While intra-city competition for important industries and capital used to occur at the national level, the emergence and rise of international markets have brought this struggle to the world stage. This shift has made it so that cities that are capable of attracting multi-national firms to command global production lines boom, while those failing to adapt their infrastructure to be conducive to international trade will stagnate or decline (Hyrá 2008). Much of this infrastructure comes in the form of human capital, as it is necessary for global cities to attract high-skill managers and other professionals if they are to prosper. Most of these specialized jobs are located in the central business areas of global cities, which places a premium on the value of even the most blighted communities located downtown due to their location. For a city to intentionally expand its capacity to accommodate multi-national corporations and the professionals they employ, it will often gentrify the inner-city neighborhoods located closest to its central business hub (Hyrá 2008).

Process of Gentrification

Models are helpful for understanding the idea of gentrification on a broad conceptual level and help answer the question of how gentrification occurs, but it takes a more empirical analysis to dig deeper and see why it occurs as well as what its real-world impact is on the communities it reshapes. Since gentrification takes place when development by and for middle and upper-class professionals occurs in economically depressed communities, it can be identified by looking at the housing, fiscal, and personal attributes of an area's population. Increases in household value are typically reflected by greater property taxes and an uptick in the amount of and value of mortgages distributed in an area. The entry of gentrifiers can also be readily identified by several indicators, such as a higher per capita income and increases in the proportions of people that are white, college-aged, and have recently moved into an area (Zielenbech 1998; Powell and Spencer 2002; Kennedy 2001).

The increased presence of job opportunities and private investment accompanied by decreasing poverty in inner-city communities seems like a positive goal for an area's economic development – why, then, is gentrification often seen in a negative light? The primary distinction between gentrification and properly executed urban revitalization can be analyzed by looking at who benefits from the changes. Development should be undertaken for the benefit of existing residents within a declining community, with their economic and personal well-beings as the primary concern. The revitalization of a neighborhood should not only redevelop the properties located in a given area, but should also include the expansion of the capabilities of the people so that they may become more self-sustained to gain greater agency over their own lives and the fate of the greater community (Sen 1984). One means of discerning

between internal revitalization and gentrification is by observing a change in racial composition for an area, as neighborhoods whose economic conditions improve while the proportion of minority residents decrease are often gentrifying.

Although white entry into black neighborhoods is often the typical case and racial factors are frequently useful variables to use in identifying a gentrifying community, gentrification can also occur within the black community as differences in class and length of occupancy in an area can create similar tensions and ramifications as gentrification caused by white entry. Economic pressures from the entry of middle and upper-income black people can result in adverse results for lower-income black residents and leave them vulnerable even within a racially homogenous community. Despite this fact, most of the resistance to gentrification organized within communities is characterized by racial resentment rather than resistance to middle and upper-class persons as a whole because politics in the United States is more race than class-based, which pushes discussions of the topic back toward a focus on black-white race relations (Freeman 2006; Kennedy 2001).

The different variables discussed provide the tools for identifying gentrification and differentiating it from successful economic development for the existing residents. Now it is crucial to understand what factors create gentrification to begin with. The role of private investment in neighborhood change cannot be understated, and it plays a unique role in gentrification. The profit motive for investment in declining communities is largely rooted in speculation over expected future improvements on the acquired property itself as well as those around it. Real estate developers and private investors thus view the community's negative characteristics as temporary or controllable, while assessing the potential value gained from an

area's amenities as being particularly lucrative. Rather than having an interest in serving the existing community in terms of housing or commercial enterprises, investments that gentrify are made with the direct intent of profiting from a newer and more affluent population. Many times, these same investments are done as part of an effort to encourage the process of gentrification itself as apartments are refurbished and niche shops are created for the sole purpose of appealing to a higher-income clientele (Hyra 2008; Freeman 2006).

Government actors have also acted as contributors to gentrification, as their public sector policies and investment strategies have considerable influence over the state of inner-city communities. Cities throughout the U.S. have experienced a large loss of capital for decades as urban areas suffered from the migration of residents and businesses to the suburbs, the exit of industries as critical employment centers, and the reduction of state funding to urban areas. These pressures have pushed urban authorities to attract mobile capital by scanning the market for investment opportunities to make-over and promote inner-city areas so as to make them more attractive to affluent residents and highly trained professionals. Municipal actors have encouraged the gentrification of certain communities by providing subsidies as a way of incentivizing new construction and other changes to an area's fixed capital while undertaking other supply-side interventions to incentivize further development (Hyra 2008).

Even policies that have the intention of improving the conditions of low-income residents can sometimes have deleterious effects, as seen in the residential mix policies supported at the federal and local levels. Residential mixing aims to have residents with different incomes live together, with the underlying logic being that the entry of affluent

residents would better attract investment, advocate for services, support local businesses, positively interact with existing residents, and counteract social and racial segregation. The most expansive implementation of residential mix policy is the HOPE VI program developed by the U.S. Department of Housing and Urban Development. HOPE VI demolishes some of the most distressed public housing projects in the nation and replaces it with a mixed-income development that rehouses a portion of the original residents. The objective behind this policy is to reduce the social and economic isolation of inner-city neighborhoods by replacing the high-rises that helped create ghettos in the first place with new affordable housing mixed into middle-income communities. Despite its good intentions, the scholarly research on residential mixing consistently indicates that it contributes to gentrification since the early mixing stage is often temporary due to a lack of measures to protect low-income groups from displacement (Hyra 2008; Freeman 2006; Huse 2014).

The paradigm shift from white avoidance of racial minorities in urban areas to the active entry of white people into historically black and Latino neighborhoods came rapidly over the course of two decades. Freeman and Cain explore the underlying factors that led to this change in their analysis of whether white entry is simply a fleeting anomaly or if it is the beginning of a new era of urban housing and racial dynamics. Their study found that much of the reason for this change lies in the recorded lowering of white racial prejudice over time coupled with the lower crime rates that began in the 90s and have been steadily decreasing ever since. While these both sound like positive pressures indicative of improved race relations and more investment into urban services and infrastructure such as increased police presence or more streetlights, the question remains: to whose benefit or detriment do these changes affect?

There remains much concern over whether this new era will in fact constitute more harmonious racial integration or if it will simply lead to the displacement of black residents for the sake of white convenience (Freeman and Cai 2015).

The characteristics of the neighborhood itself are significant determinants of how it will change, whether it be through gentrification or local community development. As any real estate agent can attest, a property's value is based primarily on location, location, location. A neighborhood's locale can greatly increase its appeal to wealthier potential residents, as its closeness to downtown and other businesses can be useful for commuting, especially if there is nearby access to public transportation and traffic congestion is high. A city's access to rail lines and navigable waters can also reduce shipping costs for businesses that can more easily access economies of scale. On top of any business considerations, a neighborhood's proximity to desirable locales with beautiful environmental features such as a view of nature or interesting architecture and other physical amenities can make people more willing to move into declining communities provided that the price is low enough. Neighborhoods with more owner-occupants, particularly detached single-family homes are more likely to increase in value and be invested in, while dilapidated high-rises and environmental contamination will typically devalue and drive investors away from an area (Zielenbech 1998).

The degree of community organization within a neighborhood has a particularly strong influence over whether the benefits of development benefit the local residents or profit outside investors. Large local firms and nonprofits can strengthen a community by providing economic stability and encouraging other actors to invest into a community (Taub, Taylor, and Durham 1984). Community development organizations have also been strong advocates for the local

community's public interest, since their nonprofit status helps insulate them from the incentive to make a profit. The strength in a community's development does not only rest in large private or nonprofit institutions, however, as a closely coordinated community can ensure that the changes in a neighborhood are in its own interests. Communities with stronger interpersonal relationships have lower unemployment and high school drop out rates while raising their value to a neighborhood's residents. This social capital is often translated into local leadership, which can be particularly effective at catalyzing change in a neighborhood by gaining popular support and convincing key stakeholders in acting in to improve the community. (Taub, Taylor, and Durham 1984).

Knowing the causes of gentrification can help community members and key decision-makers alike better recognize the structures that encourage gentrification and be able to harness a community's innate power to make development to help its long-term residents. The next step to grasping how gentrification functions is by assessing what consequences it may bring for an area. The increased value placed on the neighborhood by outsiders can attract outside persons that change how the community feels and functions. Local businesses will often gear their goods towards higher-income customers while changes in neighborhood composition can fundamentally alter the cultural fabric of a neighborhood. The community leadership and institutions that are often the strongest voices of a community are also likely to change to reflect the preferences of new entrants, as their votes and consumer base are likely to shift the interests of existing neighborhood powers or create new structures entirely. The changes that gentrification causes will often create conflicts in decision-making and community

goal-setting in areas with sharp income and racial inequalities between nearby households – oftentimes within the same neighborhood (Hyra 2008)

The swing in middle-income inward migration that gentrification brings generates benefits of its own. Changing the income mix of an area will often de-concentrate poverty and reduce the amount of social issues requiring public intervention while restoring some of the intra-class social ties that had been previously severed by suburbanization. Higher tax bases in an area generated by larger incomes and increased commercial activity allow for more government investment into public services. Local residents also benefit from greater access to retail amenities, as many previously disinvested inner-city areas were food deserts before the entry of grocery stores and other outlets that provide affordable access to more nutritious foods. In interviews with residents in gentrifying communities, qualitative research has shown an appreciation by long-term residents for access to a variety of new stores that were not previously available before gentrification (Freeman 2006).

Certain members of a gentrifying neighborhood's long-time residents benefit from the changes more than others, however, as long-time homeowners stand to benefit greatly from tightening property markets and rapid job growth downtown. A surge in demand that outpaces the supply of residences available increases the price of existing property and land, giving homeowners the ability to set higher rent or sale prices, especially if they invest in their own infrastructure to appeal to new residents. Although homeowners can be impacted by increasing property taxes, the effect of which can be a particularly sharp cost to those with marginal incomes, they are otherwise insulated from the displacing effects of gentrification compared to renters since most of their expenses are property maintenance and mortgage repayment.

Landlords, whether they be gentrifiers themselves or long-term homeowners in a community, will often react to the appreciation in property values by trying to maximize their profits. Property owners will often raise rents due to the increased demand, which may price out lower-income tenants. In cases where regulations or contracts may be allowing a tenant to pay their rent at a below-market price, owners may try forcing out residents as early as possible or spend effort trying to invalidate a contract. To be fair, while the occurrence of landlord harassment is a reality for many renters in gentrifying communities, landlords have also been important actors in mitigating rising rent costs when they have long-term relationships with their residents. Property owners will also invest in their property to appeal to the tastes of the incoming gentry by converting multifamily apartments into condominiums and changing single-occupancy hotels into office space. Gentrifying actors ranging from new residents to business and urban authorities are also more inclined to push out low-income minority residents, homeless people, and other vulnerable populations through greater building code enforcement and increased policing of public order violations. These myriad pressures encourage original residents to move and ultimately threaten their housing stability.

When a household is forced to leave for reasons beyond its control despite meeting all previously imposed conditions of occupancy, then displacement is said to occur. The mechanisms of displacement include economic pressure where the cost of housing increases until it is no longer affordable and social pressure that have residents being disconnected from their communities as familiar social networks and businesses are pushed out. Gentrification can also affect the population through succession, where residents may not be personally pushed out, but rising prices may be prohibitive to their families or friends seeking a neighborhood to

move into. This process plays out much less neatly in practice for many of these households, as relocating can be difficult and perilous for low-income persons. Most of those who are displaced have done so involuntarily, as there is a steep psychological cost to relocation that makes people willing to pay more in rent or taxes as long as they do not have to leave an area with strong emotional and social ties. Low-income residents have particularly great incentives to remain in their neighborhoods due to their increased reliance on informal arrangements for neighbor childcare, lending relationships with local banks, and credit with merchants they have developed a relationship with. Firms displaced by gentrification also pay a penalty, as small businesses can find it difficult to generate start-up capital and build a market for their wares in a new location (Zielenbech 1998). Overall, gentrification can be understood to be a complex phenomenon that is generated by a confluence of factors and individual decisions which can bring economic opportunity or instability depending on the household.

Gentrification and the Criminal Justice System

Although the prevalence of gentrification is rare nationally, it has been accelerating in several urban areas. Gentrification is not a phenomenon in all cities, however, as areas like New York and Seattle have been experiencing significantly higher rates of gentrification than Detroit or Cleveland, for instance. Maciag's (2015) report on the depth of gentrification in different areas comes from the extraction of factors such as median household value, income, education, and other variables available at the census tract level. These findings have practical applications for identifying what degree of gentrification a city is undergoing, through the use of census statistics.

A criminological study on the effect of gentrification on reported crime rates by Kreager, Lyons, and Hays analyzes how criminality and the justice system relate to urban development. In this longitudinal study of Seattle crime rates from 1982 to 2000, the authors found that the extent of reported crime in a neighborhood varied depending on the degree of gentrification it was undergoing. At first, crime spiked during the initial transition of changing demographics and increased residential investments, but overall the continuous process of gentrification would gradually push down crime compared to non-gentrified areas. This study provides an additional variable to observe and potentially control for, as the degree of gentrification appears to have tangible impacts on reported and potentially actual crime rates (Kreager, Lyons, and Hays 2011).

Changing the demographics of a county also alters the demographics of the county court's jury pool. The basis of the research question lies in how to test whether the changes in the racial and socio-economic composition of urban counties due to gentrification has any measurable effect on jury outcomes in one direction or another. In a series of interviews with residents and court officials in the Williamsburg neighborhood of Brooklyn, Josh Saul (2014) found that educated white residents were much more likely to "hijack" and lead a jury towards unanimous guilty verdicts in criminal cases while being less likely to convict in civil trials. These results are good anecdotal support for the base argument.

Gentrification's potential effect on jury composition could occur based on how the juror selection process is done. Usually, a county's court selects potential jurors by using a jury pool, which is based on voter registration or driver's license information that is collected by the state. These potential jurors receive a summons and they should show up for their jury duty. When

they arrive, a series of questions is asked of them, and unqualified jurors are dismissed. As gentrification changes a county's demographics, the pool from which these jurors are selected may also change and potential outcomes are described in the next section.

Conviction Without Representation

America's courtrooms have historically been and continue to be biased against African-Americans and other racial minorities – whether it be through systematic juror underrepresentation or from disproportionately strong sentencing and conviction rates (Hoffner 2004). In *Batson v. Kentucky* (1986), a prosecutor used his peremptory challenges to strike all four black people from a jury trial during selection. This led defendant James Batson, who is black and was found guilty by an all-white jury, to sue the state for violating his Sixth Amendment right to a fair trial and his Fourteenth Amendment right to equal protection of the laws. The Supreme Court found in favor of Batson because racial discrimination in jury selections deprives the accused of their equal protection rights and hurts the community as it “undermines public confidence in the fairness of our system of justice.” The Supreme Court thus declared exclusion from a jury panel on the basis of race as being unconstitutional, a ruling that established the so-called Batson challenge, which objects to peremptory challenges being made on a discriminatory basis (*Batson v. Kentucky* 1986).

Despite being such a landmark decision, *Batson* remains under-enforced to this day due to a process whereby prosecutors can easily justify their strikes on non-racially motivated reasons in case of a Batson challenge by the defense. Grosso and O'Brien's analysis of North Carolina capital punishment cases found that from 1990-2001 prosecutors exercised

peremptory strikes on black jurors at more than twice the rate of non-black jurors (Grosso and O'Brien 2012). From 2005-2009, a study by the Equal Justice Initiative found that Houston County, Alabama struck 80 percent of black jurors from capital cases. An additional study of over 300 Caddo Parish, Louisiana cases from 2003-2012 found that nearly half of black jurors were struck compared with only 15 percent of nonblack jurors (Noye 2015).

Clearly, juror discrimination continues to be a stubborn and rampant problem in the United States. In the most recent legal development on *Batson's* precedent, *Foster v. Chatman* has been heard by the US Supreme Court in 2015. In this case, black defendant Timothy Foster contested his conviction after the prosecutor used peremptory challenges to strike every potential black juror from the trial jury. Upon further investigation it was found that the prosecutor marked every black person's name from a juror list with a "B" – all of whom got challenged and blocked from serving. The more things change, the more they stay the same.

While *Foster v. Chatman* involved explicit racial bias, there are also cases that do not involve peremptory strikes that still resulted in the exclusion of black jurors. How have scholars and the courts understood these less direct methods? In *Swain v. Alabama (1965)*, the defense argued that there was a great racial disparity as only 8 jurors from a pool of 100 persons were black with all eight being struck by the prosecution. The primary legal argument focused on how chronically underrepresented black jurors were in Talladega County as they appeared on an average of about 10% of jury panels despite constituting 26% of the eligible population. The Supreme Court ruled against Swain, holding that a defendant in a criminal case is not constitutionally entitled to a proportionate number of their race in the jury.

John De Cani, a professor of statistics at Wharton who provided expert testimony in *Swain*, later revisited the case and found evidence indicating the chronic practice of biased jury selection in favor of choosing white jurors. De Cani drew from a large pool of juror compositions and compared them against the proportional size of their communities to find that the black population was extremely underrepresented. His results indicate that despite population growth in the black population, the jury selection process would remain inelastic to this growth by continuing to over-represent white jurors (De Cani 1974). These results can be explained by the method in which jury pools are drawn, which are often outdated and exclude minority residents. States often use data from voter registration rolls or driver's license applications, which does not completely represent the population in an area (Ralland 2008; Caprathe 2011).

If the *Swain* case argued that black jurors were being statistically underrepresented before even being struck by a prosecutor, it is important to understand the processes through which the judicial system can disfavor black juror representation. In Fukurai, Butler, and Krooth's (1991) analysis of racial disenfranchisement in the jury system, they found several institutional biases that prevented full community jury participation. Jury qualification questionnaires and gerrymandered judicial districts impact both the number of black jurors available and what courts they represent. General trends can also affect non-white representation, as racial minorities are more likely to be placed in secondary labor markets with high levels of mobility, such temporary farm workers that migrate from place to place based on the season. (Fukurai, Butler, and Krooth 1991). This trend combined with a lower incidence of residential ownership increases the likelihood that a jury summons is undeliverable due to a

changed address. These residential market characteristics are exacerbated by changes that are typically brought about by gentrification. Home mailing addresses used by courts to send jury summons are infrequently updated and thus cannot accommodate for a recent change in address changes. Since gentrifying areas often displace existing residents from their homes within a few years, this could potentially lead to a disproportionate number of people of color who would be unable to respond to a summons until the next jury pool update.

Bias in the Courtroom

One of the primary underlying reasons why racial under-representation in jury trials is considered to be such a significant denial of a defendant's rights is the implication that jurors who are racial minorities would act in a way that could change a jury's outcome. Existing research on this topic reveals that racially diverse juries reach guilty verdicts at equal proportion among defendants of all racial backgrounds than all-white juries (Sommers 2006; Glasser 2015). It is still difficult to determine what impact a jury's racial composition may have had on the outcome of a specific case due to restrictions for accessing juror lists and privacy protections for jury deliberations, as well as the multitude of variables (types of evidence, prosecutor's preferences) that can affect a trial's outcome. In lieu of such specific measurements, statistical relationships connecting harsher sentences for racial minorities and juror responses in mock trials can estimate the impact of juror diversity on sentencing outcomes.

Sommers' (2010) psychological research analyzed the influence of juror diversity on group decision-making while gauging the nature of discussions that occur during deliberations.

He did this through the use of mock jury trials with the same case but different juror racial compositions. Sommers found that verdicts are influenced by a jury's racial makeup through multiple processes. First, he found that diverse juries during deliberations had more discussions, were more likely to properly use evidence, and were more willing to discuss racism than all-white juries. Jurors in diverse groups were also less likely to cast guilty votes than their peers in all-white juries. Interestingly, juror diversity had impacts beyond adding underrepresented voices to jury deliberations, as the presence of a black juror reduced the likelihood for mock jurors to cast guilty votes before the deliberations even occurred (Sommers 2006). If the presence of black jurors has such a noticeable effect on both the quality of deliberations and likelihood of a conviction, then this carries special weight in situations where black people are being pushed out of their county courthouse's jurisdiction. Should gentrification decrease the incidence of black people being in the jury pool, then the increased likelihood of all-white juries could lead to wide sentencing disparities for identical charges in the same community depending on whether the jury was diverse.

Additional research by Brian Johnson looked at the sentencing disparities among defendants by using a variety of extralegal factors such as race, socioeconomic status, and appearance of defendants. Johnson found that there were upward and downward departures from standard sentencing depending on the appearance of the defendant. Specifically, black and Latino defendants faced harsher sentencing when compared to their white counterparts. Additionally, these defendants faced even harsher sentences when facing a jury trial, as Johnson concluded that defendants that exercised their right to a trial were often seen as not showing remorse for their actions (Johnson 2006). The results of these studies again highlight

the racial bias that exists in the courtroom and lead to the conclusion that minority defendants receive harsher sentences when facing a jury trial. An interesting study in sentencing by Samborn (2002) highlights how the number of defendants who take guilty plea bargains in criminal justice cases has increased over time. The majority of this change is attributed to the Sentencing Reform Act of 1984, which is thought to compel defendants to accept a guilty plea because they are more likely to receive a harsher sentence if they go to trial. This has led to a lower percentage of cases reaching a court room in recent years.

Beyond sentencing disparities, Bottoms and Tankebe (2012) advocate for having diverse juries as a way to instill trust in the criminal justice system. They argue that defendants who are tried by diverse juries feel less resentment towards the system and that their case was tried fairly in comparison to those tried by all-white juries. This then leads to a lower rate of recidivism among defendants. This study highlights the benefits towards the criminal justice system as lower recidivism rates can lead to lower crime rates in the area.

Capital punishment cases stand apart from all other criminal trials in terms of the wide gulf in their racial disparities and severity. As found in a study by Glaser, Martin, and Kahn (2015), the outcomes of capital punishment cases with similar charges and evidence in mock jury trials diverge greatly depending on the race of the defendant. In cases where a white defendant's maximum penalty is enhanced from life without parole to the death penalty, jurors are more likely to acquit the defendant when anticipating the administration of the death penalty (from 66.7% to 55.1%) – typically due to personal feelings or because jurors will often demand a higher standard of evidence in capital punishment cases. However, when a black defendant's maximum penalty increases from life imprisonment to the death penalty, the

opposite effect occurs. Rather than having their acquittal rate increase at a similar rate than white defendants to avoid the application of the death penalty, black defendants are actually more likely to be convicted in capital cases (from 67.7% to 80%) than even before. To be clear, the possibility of a death sentence actually appears to induce jurors to rule more harshly when the defendant is black. These findings reflect a great deal about the state of civil rights in America and indicate one of the most powerful instances of the damage caused by juror racial bias.

The results of this study and others (Baldus, et al. 1998) have established that there is a significant degree of discrimination in the administration of the death penalty. While these studies focus on cases where execution is a possible outcome, the results may be indicative of how juries deliberate in felony cases. Under this assumption, defendant's race should be considered as a useful variable to account for its significance in jury outcomes and to understand if gentrification would further deepen sentencing disparities between white and non-white defendants.

Racial composition of the jury has been demonstrated to have implications for the outcomes of jury verdicts and therefore processes such as gentrification that alter an area's demographics deserve a closer analysis. With black residents being pushed out of the area, juries are likely to become less diverse and could result in harsher sentencing. This study will test whether the changes in the degree of gentrification in urban communities has any influence on the incidence of guilty verdicts in criminal jury trials.

2

Data Collection

The purpose of this study is to determine if gentrification has an effect on jury verdicts in select urban communities in the United States. As urban communities undergo gentrification the makeup of those areas changes from a primarily low-income community comprised mostly of racial minorities to higher-income, predominantly white residents. Such a study requires separate metrics to assess both the extent of an area's gentrification as well as its criminal trial conviction rates.

Gauging Gentrification

Gentrification is a broad concept that is often difficult to define, let alone measure accurately. In broad strokes, gentrification is primarily characterized by: the entry of middle-class or affluent people into poorer areas, the remodeling of public and residential spaces, and

the displacement of low-income people from their homes – often in that order (Guerrieri, Hartley, and Hurst 2013). For this study to be successful, it would be useful to incorporate these characteristics as best as possible into the operationalization of gentrification to be used as an independent variable. Fortunately, the first two characterizations are possible to measure through census data by looking at a census tract’s median household income and median home value.

To aid in the identification of cities to be studied and to establish the degree of an area’s level of gentrification, this study relies on the reporting and methodology of *Governing’s* “Gentrification in America Report.” The *Governing* report not only makes important conclusions about the process of urban gentrification, but it also applies quantitative methods to measure and map gentrifying census tracts in the 50 most populous cities in the US based on prior research on the subject (Freeman 2005).

Governing applied two tests to determine to what degree a census tract gentrified. The first test identifies lower-income neighborhoods in each city by observing whether:

- The tract had a population of at least 500 residents at the beginning and end of a decade and was located within a central city
- The tract’s median household income was in the bottom 40th percentile when compared to all tracts within its metro area at the beginning of the decade
- The tract’s median home value was in the bottom 40th percentile when compared to all tracts within its metro area at the beginning of the decade

The second test used the tracts that were considered eligible to gentrify due to low-income status and assessed whether those areas had gentrified by the end of the decade by determining if:

- An increase in a tract’s educational attainment, as measured by the percentage of residents age 25 and over holding bachelor’s degrees, was in the top third percentile of all tracts within its metro area

- The percentage change in a tract's median home value, when adjusted for inflation, was in the top third percentile of all tracts within its metro area
- The percentage increase in a tract's inflation-adjusted median household income was in the top third of all tracts within its metro area

The *Governing* study assigned scores gauging the extent of gentrification within a city by calculating the proportion of a city's census tracts eligible for gentrification that actually gentrified over the period 2000-2010. Following the procedure used by *Governing*, I calculated gentrification scores for the same group of cities for the 1990s, calculating the percentage of eligible census tracts that gentrified between 1990 and 2000.

Counting Convictions

Criminal justice data was obtained through the Inter-University Consortium for Political and Social Research (ICPSR) to assess various aspects of the criminal justice system—for example, changes in arrest charges, demographics of defendants, adjudication type, and sentencing outcomes for felony cases. The ICPSR's dataset 2038, "State Court Processing Statistics, 1990-2009: Felony Defendants in Large Urban Counties (United States Department of Justice 2014)" was used. Twenty-two of the counties in this data set corresponded to the cities used in the *Governing* gentrification study. The data is ideal for the analysis as it represents nearly two decades of detailed criminal case information. The data set was constructed by tracking the outcomes of felony cases filed in May of a given year through their resolution or 12 months after filing.

There are two strategies that will be used to analyze the relationship between gentrification and the outcomes of felony trials. Firstly, descriptive statistics will be used to

determine the proportion of cases within each urban area that went to trial and the proportion of those that resulted in a conviction. I used a one-way Analysis of Variance (ANOVA) to test whether there was any relationship between a city's gentrification score and the percentage of felony cases that went to trial that resulted in a conviction. For a second test of the effects of gentrification, I conducted a multivariate analysis of adjudicative outcomes for felony cases that went to trial, incorporating the city's gentrification score and several independent variables to control for the characteristics of the cases, such as the defendant's race, age, gender, seriousness of current charges, prior arrests and convictions, and type of trial (bench or jury).

A limitation in the ICPSR data is that it is not complete. There are gaps in years for several cities where no information on felony cases is included. Specifically, data is only available for the years: 1992, 1994, 1996, 1998, 2000, 2002, 2004, 2006, 2008, and 2009. Some cities also have no data reported for some of the years listed and there are also cities with only a relatively small number of felony cases. In order to account for these issues, the statistical analysis sometimes excludes certain cities that lack data and/or eliminates cities with fewer than 100 trials over the study period

3

Results

Tables 1 and 2 give a summary of the data that is used for this thesis. There are twenty-two cities that are both in the *Governing* report as well as in the ICPSR data set for their respective counties. Table 1 corresponds to the 1990s while Table 2 corresponds to the 2000s.

Table 1: Summary of Felony Cases by Gentrification Ranking from 1990-1999

City	Gentrification Score 1990-2000	Total Number of Felony Cases 1990-1999	Percent of Felony Cases with Trials	Percent of Convictions in Trial Felony Cases
Indianapolis	3.3	1340	6.6	48.9
Detroit	3.5	982	11.4	61.6
Phoenix	3.7	2564	1.7	79.1
Dallas	3.9	1283	6.8	78.2
Oakland	3.9	833	1.1	100
Ft. Worth	4.0	254	0.0	--
Memphis	4.3	1361	0.1	1.0
Philadelphia	4.7	1263	14.3	61.3
Miami	4.8	2265	13.1	75.0
Boston	6.4	1165	1.6	0.0
Los Angeles	7.3	6465	2.3	70.9
Milwaukee	7.5	1410	3.8	77.8
Houston	7.8	1873	2.7	80.0
Columbus	7.9	--	--	--
New York	10.1	8442	1.0	46.4
Baltimore	10.2	1376	14.2	46.9
Tucson	11.1	1155	6.8	73.4
El Paso	11.8	--	--	--
Atlanta	16.3	816	23.0	91.0
Chicago	16.4	2721	7.8	71.1
San Francisco	21.6	1054	1.0	81.8
Seattle	37.5	1249	6.5	82.7

Table 2: Summary of Felony Cases by Gentrification Ranking from 2000-2009

City	Gentrification Score 2000-2010	Total Number of Felony Cases 2000-2009	Percent of Felony Cases with Trials	Percent of Convictions in Trial Felony Cases
Indianapolis	12.2	1981	6.1	61.7
Detroit	3.5	1473	6.6	57.7
Phoenix	14.2	2167	1.5	78.8
Dallas	10.2	987	5.3	86.5
Oakland	29.3	934	0.7	100
Ft. Worth	21.5	1550	3.7	91.2
Memphis	8.8	1196	0.3	3.0
Philadelphia	28.7	1687	12.8	63.0
Miami	12.8	2350	2.4	53.6
Boston	21.1	--	--	--
Los Angeles	15.1	5413	2.8	77.9
Milwaukee	12.1	655	3.1	65.0
Houston	18.4	2674	2.0	90.7
Columbus	12.2	758	0.8	66.7
New York	29.8	4627	1.1	53.1
Baltimore	23.2	1329	17.9	59.2
Tucson	8.3	2432	3.5	70.6
El Paso	11.8	1435	1.7	66.7
Atlanta	46.2	479	1.3	16.7
Chicago	16.8	3901	5.9	80.0
San Francisco	18.8	--	--	--
Seattle	50.0	428	5.4	91.3

Figures 1 and 2 have clear outliers in the data. While there are some notable trends in the conviction rates as the gentrification score increases, an analysis of variance (ANOVA) is required to test for the effects of gentrification on felony convictions. Gentrification scores less than 10 are assigned “low”, 10-24.9 are “moderate” and 25 or greater are “high”. Tables 3 and 4 show these categories as well as the means of each group.

Figure 1: Trial Verdicts for Gentrified Cities 1990-1999

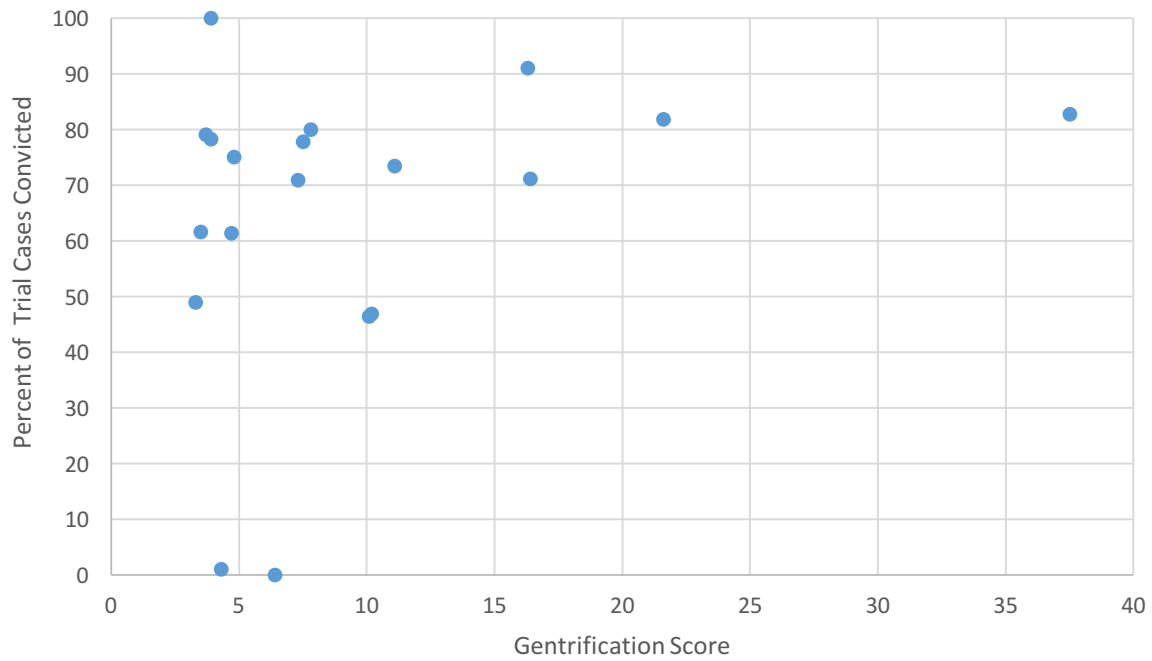


Figure 2: Trial Verdicts for Gentrified Cities 2000-2009

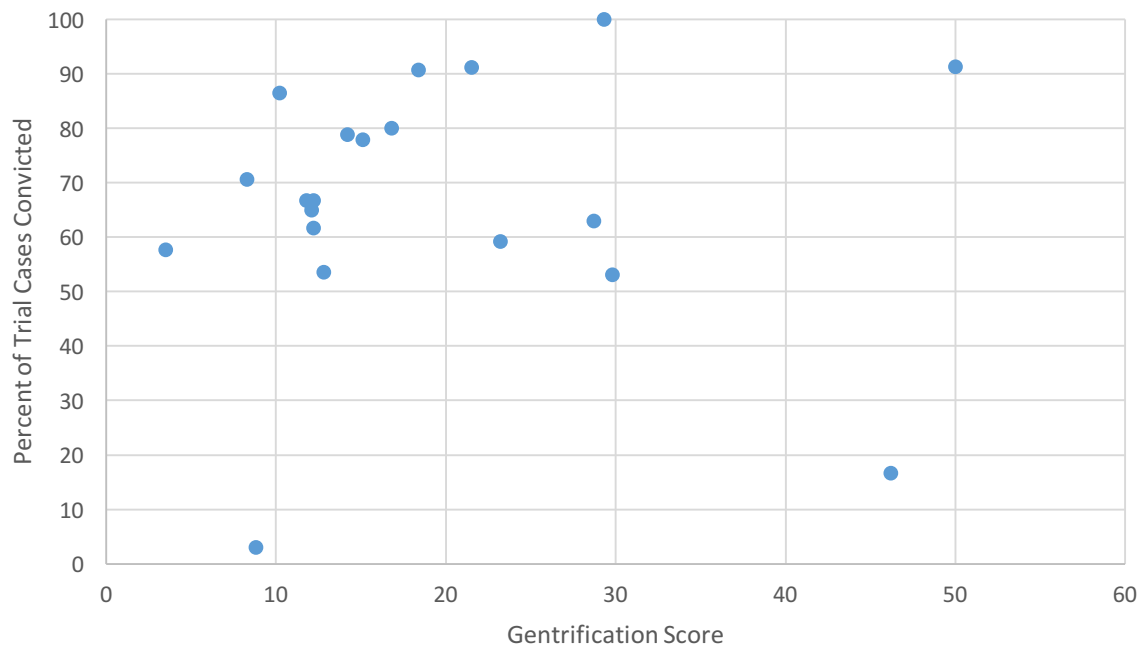


Table 3: Mean Felony and Gentrification Scores 1990-2000

City	Gentrification Score 1990-2000	Gentrification Level	Total Number of Felony Cases 1992-1999	Percent of Felony Cases with Trials	Percent of Convictions in Trial Felony Cases
Indianapolis	3.3	Low	1340	6.6	48.9
Detroit	3.5	Low	982	11.4	61.6
Phoenix	3.7	Low	2564	1.7	79.1
Dallas	3.9	Low	1283	6.8	78.2
Oakland	3.9	Low	833	1.1	100
Ft. Worth	4.0	Low	254	0	--
Memphis	4.3	Low	1361	0.1	1.0
Philadelphia	4.7	Low	1263	14.3	61.3
Miami	4.8	Low	2265	13.1	75.00
Boston	6.4	Low	1165	1.6	0
Los Angeles	7.3	Low	6465	2.3	70.9
Milwaukee	7.5	Low	1410	3.8	77.8
Houston	7.8	Low	1873	2.7	80.0
Mean	5.0		1774	5.0	61.2
New York	10.1	Moderate	8442	1	46.4
Baltimore	10.2	Moderate	1376	14.2	46.9
Tucson	11.1	Moderate	1155	6.8	73.4
Atlanta	16.3	Moderate	816	23	91.0
Chicago	16.4	Moderate	2721	7.8	71.1
San Francisco	21.6	Moderate	1054	1	81.8
Mean	14.3		2594	9.0	68.4
Seattle	37.5	High	1249	6.5	82.7

Table 4: Mean Felony and Gentrification Scores 2000-2009

City	Gentrification Score 2000-2010	Gentrification Score	Total Number of Felony Cases 2000-2009	Percent of Felony Cases with Trials	Percent of Convictions in Trial Felony Cases
Detroit	3.5	Low	1473	6.6	57.7
Tucson	8.3	Low	2432	3.5	70.6
Memphis	8.8	Low	1196	0.3	3.0
Mean	6.9		1700	3.5	43.8
Dallas	10.2	Moderate	987	5.3	86.5
El Paso	11.8	Moderate	1435	1.7	66.7
Milwaukee	12.1	Moderate	655	3.1	65
Columbus	12.2	Moderate	758	0.8	66.7
Indianapolis	12.2	Moderate	1981	6.1	61.7
Miami	12.8	Moderate	2350	2.4	53.6
Phoenix	14.2	Moderate	2167	1.5	78.8
Los Angeles	15.1	Moderate	5413	2.8	77.9
Chicago	16.8	Moderate	3901	5.9	80
Houston	18.4	Moderate	2674	2.0	90.7
Ft. Worth	21.5	Moderate	1550	3.7	91.2
Baltimore	23.2	Moderate	1329	17.9	59.2
Mean	15.0		2100	4.4	73.2
Philadelphia	28.7	High	1687	12.8	63
Oakland	29.3	High	934	0.7	100
New York	29.8	High	4627	1.1	53.1
Atlanta	46.2	High	479	1.3	16.7
Seattle	50.0	High	428	5.4	91.3
Mean	36.8		1631	4.3	64.8

Tables 3 and 4 show a clear difference in group means, as cities with low gentrification have lower conviction rates in trials than cities with moderate or high gentrification levels. In order to control for differences that may be caused by the data gaps in several cities, an ANOVA test was run for cities that have data for least 4 years in each decade. Table 5 shows the number of years of data in the ICPSR data set for each city in each of the two decades being studied.

Table 5: Number of Years of Available Data for Cities in Studied Decades

City	Years with Felony Data 1990-1999	Years with Felony Data 2000-2009
Boston	2	0
Detroit	5	5
Milwaukee	4	2
Dallas	5	5
Houston	5	5
Philadelphia	5	3
Los Angeles	5	5
Memphis	5	5
Indianapolis	2	5
Oakland	3	3
Phoenix	5	5
Ft. Worth	2	5
Miami	5	5
Chicago	5	5
San Francisco	4	0
Atlanta	3	3
Baltimore	3	5
New York	5	2
Tucson	3	5
Seattle	5	2

Table 8.1: Explanation of Variables Used in Logistic Regressions

Jury Trial	Denotes whether a jury trial was used, coded as 1 = jury trial, 0 otherwise.
Gent. Score	Gentrification score of the city
Year	Number of years from the base census year (e.g., 1990 for 1990s trials and 2000 for trials in the 2000s)
Female	Denotes whether a defendant is female, coded as 1 = female, 0 = male
Age	Age of defendant at arrest
Black	Denotes whether the race of a defendant is black, coded as 1 = black, 0 otherwise
Hispanic	Denotes whether a defendant is Hispanic, coded as 1 = Hispanic, 0 otherwise
Total Charges	Number of charges defendant was charged with at time of arrest
Violent	Denotes whether the primary charge was for a violent crime, coded as 1 for violent crime, 0 otherwise
Drug	Denotes whether the primary charge was for a drug related crime, coded as 1 = drug-related crime, 0 otherwise
Public Order	Denotes whether the primary charge disturbed public order, coded as 1 = public order, 0 otherwise
CJ Status	Denotes whether the defendant had prior criminal justice status at time of arrest, coded as 1 = active, 0 otherwise
PF Arrest	Number of prior felony arrests
PF Conviction	Number of prior felony convictions

Table 8.2: Logistic Regression of Felony Convictions in Selected Cities: 1990-2009

Variable	Full Model				Reduced Model (No. Cases in Cities ≥ 100)			
	Odds Ratio	Std. Err.	z	P> z	Odds Ratio	Std. Err.	z	P> z
Jury Trial	1.33	0.13	2.95	0.00	1.26	0.13	2.26	0.02
Gent. Score	1.01	0.01	1.74	0.08	1.01	0.01	2.18	0.03
Year	0.91	0.02	-5.36	0.00	0.91	0.02	-5.74	0.00
Female	0.83	0.11	-1.35	0.17	0.83	0.11	0.42	0.16
Age	0.99	0.00	-1.44	0.15	0.99	0.00	-1.21	0.23
Black	0.83	0.09	-1.69	0.09	0.87	0.10	-1.30	0.20
Hispanic	1.03	0.17	0.15	0.88	1.21	0.21	1.07	0.28
Total Charges	1.00	0.02	-0.13	0.90	1.00	0.02	0.06	0.95
Violent	0.57	0.07	-4.63	0.00	0.57	0.07	-4.52	0.00
Drug	0.89	0.11	-0.92	0.36	0.87	0.11	-1.05	0.29
Public Order	0.67	0.12	-2.29	0.02	0.69	0.12	-2.05	0.04
CJ Status	1.27	0.13	2.38	0.02	1.18	0.12	1.63	0.10
PF Arrest	0.97	0.02	-1.34	0.18	0.97	0.02	-1.39	0.16
PF Conviction	1.09	0.03	2.65	0.01	1.09	0.03	2.79	0.00
Intercept	4.45	0.98	6.80	0.00	4.18	0.96	6.26	0.00
Log likelihood	-1499.77				-1405.79			
N	2516				2336			
LR χ^2	89.77				86.97			
df	14				14			
Prob > χ^2	0.00				0.00			

Cases from all cities were used for the full model. The cities excluded for the reduced model were: Boston, Columbus, El Paso, Ft. Worth, Memphis, Oakland, Phoenix and San Francisco

The odds ratio expresses the relationship between each variable and the trial outcome. This value reports the percentage change in the “odds” by which each variable increases (values greater than 1) or decreases (values less than 1) the probability of a conviction. For example, an odds ratio of 1.33 for the “Jury Trial” variable indicates that the odds of a defendant’s

conviction are 33% greater when the case is tried by a jury as opposed to a bench trial. Table 8.2 demonstrates that the level of gentrification is a significant predictor of felony conviction and has a positive relationship with this outcome. The odds of a felony conviction increase, on average, about 1 percent for each additional point on the city's gentrification score, controlling for all other variables included in the analysis. In order to further explore the effects of gentrification, the probability of conviction at different levels of gentrification is calculated, holding all of the other variables in the analysis at their means. As shown below, the probability of felony conviction in trial cases increases from 66 percent in cities with no eligible tracts gentrifying to 80 percent in cities where 60 percent of the eligible census tracts gentrified.

Table 9: Estimation of the Probability of Conviction by Level of Gentrification

Gentrification Score	Probability of conviction	Std. Err.	z	P> z
0	0.66	0.02	38.39	0.00
5	0.68	0.01	53.72	0.00
10	0.69	0.01	69.44	0.00
15	0.70	0.01	67.18	0.00
20	0.71	0.01	53.11	0.00
25	0.73	0.01	41.66	0.00
30	0.74	0.02	34.10	0.00
35	0.75	0.03	29.05	0.00
40	0.76	0.03	25.56	0.00
45	0.77	0.03	23.04	0.00
50	0.78	0.04	21.17	0.00
55	0.79	0.04	19.75	0.00
60	0.80	0.04	18.66	0.00

4

Analysis and Discussion

Using the methods in the *Governing* report to calculate the gentrification scores for each of the cities in the 1990s allowed for the comparison of gentrification over time. Specifically, the number of cities in this study that were categorized as having moderate or low gentrification rose from the first decade to the next while the number of cities having low gentrification sharply declined. This trend indicates that gentrification has become more prevalent in the recent years within highly populated cities. While some do not believe in the increasingly gentrified cities across America, the comparisons of the gentrification scores across both decades studied indicate that it has become a more prevalent phenomenon. If this trend continues, the results of this thesis would be highly applicable.

The ANOVA tests ran on each decade indicates that there is a significant difference in conviction rates between each gentrification category for the 2000s but not for the 1990s. This

result can be explained in two ways. First, the lack of felony case data available in the 1990s did not allow for many cities in the moderate or high gentrification category to be included. As can be seen in Tables 6.1 and 6.2, removing a restriction to allow more cities to be included increased the significance of the difference, but not by much. Secondly, as gentrification is more evident in the 2000s and the range of gentrification is greater, the relationship between gentrification and felony conviction rates is stronger. Table 4 shows a steady, linear increase in the mean of the felony conviction rates as the extent of gentrification increases.

To quantify this value, the results of the logistic regression must be examined. The first interesting point that is noted in the results of the regression is that there are several differences in the odds ratios and significance values when comparing the model that uses all data available as opposed to only the cities with 100 or more cases. The data using cities with 100 or more cases will be used to evaluate the effects of each variable on the conviction outcome. The most pertinent result from this statistical test is the effect of gentrification on conviction outcomes. The logistic regression shows that gentrification variable has a significant relationship with the likelihood of conviction of a defendant. More specifically, an increase in the gentrification score by 1 percentage point in the city that the defendant is being tried in also increases the odds of the defendant being convicted by 1 percent. This result explains the role that gentrification has on the criminal justice system, as it indicates that cities with higher levels of gentrification tend to convict more of their defendants in felony cases.

Contrary to prior research, the logistic regression did not show a significant finding with race or ethnicity. The results indicate that the odds of conviction for a defendant who is black are lower than for other races, however this result was not statistically significant. Additionally,

Hispanic defendants are shown to have higher odds of being convicted than non-Hispanic defendants, but again this result was not significant. When examining the felony case data that was used for this regression, it was found that 66% of felony defendants were black and 15% were Hispanic. Although black people were disproportionately represented in felony defendants, their rates of conviction by trial were not statistically significantly different from white defendants.

Additional variables were also used to account for the conviction outcomes in the sample cities. The odds of conviction for felony defendants who have trials by jury are 26% higher than defendants who have a bench trial. This showcases the importance of jury selection in gentrified cities. The age and gender of a defendant were found not to be statistically significant, though the odds ratios indicated that the odds of conviction were lower for female and older defendants. The total number of charges the defendant was charged with also proved not to be significant.

An interesting result of the logistic regression is observed when examining the type of felony that defendants were charged with. Violent crimes, drug related crimes, and public order crimes were all shown to have lower odds of conviction when compared to the control crime type, property crime. While the drug related crime variable proved not to be significant, the results of the other two crime variables indicate that courts are more likely to convict defendants charged with a property crime. An active criminal justice status at the time of arrest also led to greater odds of being convicted, but this result was not significant. A defendant who had prior felony arrests had lower odds of being convicted, but this was again, not significant. Lastly, a prior felony conviction increases the odds of a defendant being convicted, and this

result was statistically significant.

The estimation of the gentrification score on conviction rates further explores the gentrification score's effect on the conviction outcome. This test estimates how gentrification levels change the likelihood of a defendant being convicted. The gentrification scores that were used for the estimation were all proven to be significant and there is an increasing trend at each 5% level. This result again supports the initial hypothesis that gentrification leads to higher conviction rates in an area.

5

Implications and Conclusions

The analysis of the data has led to some very interesting results. Below I describe possible changes in public policy that would address these results as well as further studies to broaden the scope of my project.

Policy Recommendations

Sommers' studies show that black defendants have higher conviction rates when facing an all-white jury than a jury where at least one juror is black (Sommers 2006). Additionally, the results of this thesis show that defendants in cities with higher gentrification levels, where gentrification is often described as white residents entering an area, have higher conviction rates. This leads to the need to address the issue of jury composition in order ensure a more representative jury that would allow defendants to be tried by a jury of their peers and thus

ensure equal protection under the law. Some might suggest that having required quotas for different races in a jury would be a solution to this issue, however, such a solution is likely unconstitutional and impractical in areas with low racial diversity or high juror absenteeism.

There are other possible steps that can be taken to address potential jury racial homogeneity. First, the ability of prosecutors and lawyers to exercise peremptory challenge during *voir dire*, which allows them to strike a set number of jurors from the jury pool with no explanation should be removed. This practice, as seen in the *Foster* case, can lead to prosecutors striking black or other minority jurors in order to tilt the odds towards a favorable outcome. There is little benefit in the criminal justice system for the continuation of this practice and the documented cases prove that this can and has been abused. In fact, in the recent unanimous Supreme Court case decision for *Rivera v. Illinois (2009)*, the court found that denying peremptory challenge to an attorney does not violate the constitution provided that all the jurors are qualified and unbiased. This legal precedent would strengthen support towards passing legislation that supports this recommendation.

Additionally, legal barriers that prevent defendants from suing on the basis of racial discrimination in the court room should be reexamined. As seen by the Supreme Court cases described above, racial discrimination in jury selection continues to be a problem in the criminal justice system. If defendants feel that their case has been treated unfairly when a prosecutor helps to select the jury, they should have a right to have the jury selection process examined in order to have assurance that the jury was not biased against them before arguments even began. The burden of proof should be put on the prosecutor to guarantee no prejudices were

used to select the jury. If all jurors struck during *voir dire* had a logical reason given for their removal, then this would help the defendant have greater confidence in the system.

Another, more feasible way to achieve jury representation involves changing the method and frequency of creating jury selection pools. This method varies between states and a more uniform and comprehensive method should be used. States use different sources to create their jury rolls, such as voter registrations or driver's license information. Instead, states should compile multiple sources including ones already in use as well as other sources such as tax returns to compile more exhaustive lists. The reasoning for doing this is that people of color are severely underrepresented in voter registrations and a state that uses this as their primary pool would be more likely to have homogenous juries. Some states also fail to update their jury pools regularly, which leads to populations who moved around for seasonal, low-skilled work, to not receive their jury summons (Ralland 2008; Caprathe 2011).

Jury duty should also be changed to include better incentives in order to lower excusal and non-appearance rates. Courts should implement maximum terms for jurors so that the possibility of serving on long trials does not deter people from responding to their summons. Additionally, compensation rates should be increased, as jurors who are selected will sometimes have to be excused from work without pay in order to serve. This especially impacts low-income jurors who work for hourly wages that would have to be given for the days they serve, a luxury many cannot afford. By compensating jurors with a base minimum-wage or higher pay for their service, this situation could be avoided and greater jury diversity could be achieved.

Lastly, the ban that prevents people with prior felonies from serving as jurors should be removed. As more Americans begin to realize the degree to which the U.S. justice system has been punitive towards minority defendants, penalties for those convicted of a felony beyond their original sentence should be seen as unnecessary, additional punishment. There are current efforts to ban questions relating to prior felony convictions on job applications in order to prevent bias against people who have completed their sentence and a similar push should be taken towards their ability to serve in juries. Data shows that 10% of the United States population as well as 30% of black men are deemed ineligible to serve due to this restriction (Kalt 2013). This again leads to less availability of black jurors and more instances of a racially homogeneous courts, all while further depriving persons convicted of felonies from the responsibilities due to any American citizen and denying them the opportunity to fully reintegrate within society. In order to stop the vicious cycle of minority defendants having larger conviction rates due to unfair juries, these convicted felons should be allowed to serve.

Further Studies

In order to increase the scope of this study, the conviction rates across the United States should be tested along with gentrification scores of each area. Ideally, this would include a complete set of all felony conviction rates and would not face similar gaps in data. This would lead to more applicable results that would further strengthen the argument that gentrification leads to higher conviction rates of felony defendants. Additionally, if data could be gather for specific neighborhoods rather than large cities, one could analyze the effects of gentrification more closely, as gentrification occurs at the neighborhood level and not necessarily in all areas

of a city or county. While this study has led to some interesting results, the neighborhood-level analysis would lead to a more detailed study of the effect of gentrification.

While I was not able to determine that race was a significant variable in conviction outcomes, the results indicating that gentrified cities have higher conviction rates lead to new questions. The data set used in this study did not indicate the education level or income of defendants, which are additional determinants of the gentrification in a city. There could be a bias against defendants of lower income or education level in jury trials, one that could explain the increase in conviction rates in gentrified cities. If one was to obtain this information for felony defendants, this could be studied further, though it might prove to be difficult. An alternative study to be performed could involve testing the incidence of convictions in mock trials such as the ones in the Sommers' study, this time varying income or education levels that the mock jury would be aware of.

Additional information about the case that would be useful if it could be obtained is the demographics of the jury deliberating on each case. This would allow for Sommers' results to be validated in recent felony cases where both the races of the defendant and jurors are known. Additionally, knowing the race, socio-economic status, and education level of juries over time in an area undergoing gentrification would help establish if jury composition has indeed changed as an area gentrifies.

Conclusion

Gentrification in America is a phenomenon that has been received increasing attention. While many propose theories for this phenomenon describing social and economic forces that

cause changes to an area's population demographics, the effects that gentrification has on the lives of residents as the neighborhoods around them change has not been sufficiently studied. More specifically, the effects of gentrification on the criminal justice system has received little attention.

Gentrification is partly described as the change in population demographics of an area from lower-income, less-educated residents to residents that have higher incomes and some form of post-secondary education. This change in demographics can also change the pool from which potential jurors can be selected and therefore change the makeup of juries of trials in that area. The effect this has on the proportion of guilty verdicts for felony cases has been examined in this thesis. It was determined that as a city's gentrification score increases, so does the rate of guilty verdicts in that city. This is a consequence of gentrification that had not been previously studied, and it is sure to add to the ongoing debate about the effects of the gentrification phenomenon.

The results of this analysis favor a change in policy to ensure that defendants have a right to a fair trial when their neighborhood is gentrifying around them. New legislation should be introduced to ensure a diverse demographic composition of juries so that a defendant could be tried fairly. When the jury is composed of gentrifiers with fewer social connections to the original community, it is much more likely that they would be more likely to convict long-term residents accused of a felony.

The effects that gentrification brings to a neighborhood will continue to be an ongoing topic of discussion. Both positive and negative aspects of this phenomenon should be thoroughly studied before governments and firms push for changes towards more gentrified

cities. As a society, we cannot ignore the loss that the residents of gentrifying neighborhoods must endure. Considering the particularly deleterious impact that gentrification has on society's most vulnerable residents, we cannot allow for the increased destabilization of low-income residents when the very existence of the same low-income neighborhoods was created by institutionalized racism and economic marginalization in the first place. Americans must have a moral reckoning in terms of its responsibility to these communities to ensure that their wellbeing and empowerment is the primary motive for revitalization rather than simply the convenience of outsiders moving into these neighborhoods.

References

- Baldus, David C., George Woodworth, David Zuckerman, Neil Alan Weiner, and Barbara Broffitt. 1998. "Racial Discrimination and the Death Penalty in the Post-Furman Era: An Empirical and Legal Overview with Recent Findings from Philadelphia." *Cornell Law Review*. 83. 1638-1770
- Batson v. Kentucky*. 476 U.S. 79.
- Bottoms, Anthony and Justice Tankebe. 2012. "Beyond Procedural Justice: A Dialogic Approach to Legitimacy in Criminal Justice". *The Journal of Criminal Law and Criminology*. 102(1): 119-170
- Caprathe, William J. 2011. "Are Your Jury Pools Representative of Your Community?" STJ Conference.
- De Cani, John S. 1974. "Statistical Evidence in Jury Discrimination Cases." *The Journal of Criminal Law and Criminology* 65: 234–38
- Foster v. Chatman*. 2015. U.S.
- Freeman, Lance. 2005. "Displacement or Succession? Residential Mobility in Gentrifying Neighborhoods." *Urban Affairs Review*. 40(4): 463-491.
- Freeman, Lance. 2006. "There Goes the 'Hood'". Temple University Press.
- Freeman, Lance, and Tiancheng Cai. 2015. "White Entry into Black Neighborhoods: Advent of a New Era?" *Annals of the American Academy of Political and Social Science* 660: 302–318. 40: 463-491
- Frey, William H. 1980. "Black In-Migration, White Flight, and the Changing Economic Base of the Central City" *American Journal of Sociology* 85: 1396-1417.

- Fukurai, Hiroshi, Edgar W. Butler, and Richard Krooth. 1991. "Where Did Black Jurors Go? A Theoretical Synthesis of Racial Disenfranchisement in the Jury System and Jury Selection." *Journal of Black Studies* 22: 196–215.
- Glaser, Jack, Karin Martin, and Kimberly B. Kahn. 2015. "Possibility of Death Sentence Has Divergent Effect on Verdicts for Black and White Defendants." *University of California, Berkeley Goldman School of Public Policy Working Paper No. GSPP09-002*.
- Grosso, Catherine M. and Barbara O'Brien. 2012. "A Stubborn Legacy: The Overwhelming Importance of Race in Jury Selection in 173 Post-Batson North Carolina Capital Trials." *Iowa Law Review*. 97: 1531-1559.
- Guerrieri, Veronica, Daniel Hartley, and Erik Hurst. 2013. "Endogenous Gentrification and Housing Price Dynamics." *Journal of Public Economics* 100(April): 45-60
- Hoffner, Paul J., Charles Loeffler, Kevin Blackwell, and Patricia Valentino. 2004 "Fifteen Years of Guidelines Sentencing: An Assessment of How Well the Federal Criminal Justice System is Achieving the Goals of Sentencing Reform." United States Sentencing Commission.
- Huse, Tone. 2014. "Everyday Life in the Gentrifying City: On Displacement, Ethnic Privileging and the Right to Stay Put". Ashgate Publishing Ltd.
- Hyra, Derek S. 2008. "The New Urban Renewal: The Economic Transformation of Harlem and Brozenville." University of Chicago Press.
- Johnson, Brian D. 2003. "Racial and Ethnic Disparities in Sentencing Departures Across Modes of Conviction." *Criminology*. 41(2): 449-490.
- Kalt, Brian C. 2003 "The Exclusion of Felons from Jury Service". *American University Law Review*. 53 (1).

- Kelling, George L. and Catherine M. Coles. 1998. "Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities. Free Press.
- Kennedy, Maureen and Paul Leonard. 2001. "Dealing with Neighborhood Change: A Primer on Gentrification and Policy Choices." The Brookings Institution Center on Urban and Metropolitan Policy.
- Kreager, Derek A., Christopher J. Lyons, and Zachary R. Hays. 2011. "Urban Revitalization and Seattle Crime, 1982–2000." *Social Problems* 58(November): 615–39.
- Ley, David. 1986. "Alternative Explanations for Inner-City Gentrification: A Canadian Assessment" *Annals of the Association of American Geographers*. 76(4): 5121-535.
- Maciag, Mike. 2015. "Gentrification in America Report." *Governing*, February.
<http://www.governing.com/mag/september-2015-table-of-contents.html>.
- Noye, Ursula. 2015. "Blackstrikes: A Study of the Racially Disparate Use of Preemptory Challenges by the Caddo Parish District Attorney's office" *Reprive Journal - Australia*.
- Powell, John A. and Marguerite L. Spencer. 2003. "Giving Them the Old "One-Two". Gentrification and the K. O. of Impoverished Urban Dwellers of Color." *Berkeley Law Scholarship Repository*.
- Rivera v. Illinois*. 2009. 556. U.S.
- Samborn, Hope V. 2002. "The Vanishing Trial." *ABA Journal*. 25.
- Saul, Josh. 2014 "When Brooklyn Juries Gentrify, Defendants Lose." *New York Post*.
- Sen, Amartya. 1984. "Resources, Values, and Development". Harvard University Press.
- Smith, Neil. 1979. "Toward a Theory of Gentrification: A Back to the City Movement by Capital, not People". *Journal of the American Planning Association*. 45(4): 538-548.

Sommers, Samuel R. 2006. "On Racial Diversity and Group Decision Making: Identifying Multiple Effects of Racial Composition on Jury Deliberations." *Journal of Personality and Social Psychology* 90: 597–612.

Sommers, Samuel, R. 2010. "Race and the Decision Making of Juries." *Legal and Criminological Psychology* 12(December): 171–87.

Stevenson, Bryan A. 2010. "Illegal Racial Discrimination in Jury Selection: A Continuing Legacy." *Equal Justice Initiative*. 4-44.

Swain v. Alabama. 1965. 380 U.S. 202.

Taub, Richard. P, D. Garth Taylor, and Jan D. Durham. 1984. "Paths of Neighborhood Change: Race and Crime in Urban America." Chicago University Press.

United States Department of Justice. Office of Justice Programs. Bureau of Justice Statistics. 2014. *State Court Processing Statistics, 1990-2006: Felony Defendants in Large Urban Counties: Version 5*. Ann Arbor, MI: Inter-university Consortium for Political and Social Research.

Wilson, James Q. and George L. Kelling. 1982. "Broken Windows: The police and neighborhood safety." *The Atlantic*. 1-9.

Zielenbech, Sean. 1998. "The Art of Revitalization". Northwestern University.