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USE AND EFFECTIVENESS OF FINES, JAIL AND PROBATION IN MUNICIPAL COURTS

by

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and

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Use and Effectivenes of Fines, Jail, and Probation in Municipal Courts, by Daniel Glaser and Margaret A. Gordon, University of Southern Calif.


ABSTRACT

Lower courts sentence most persons arrested for felonies, as well as misdemeanors. Statistics are rare on their financial penalties, which are usually conditions of probation.

Offenses mainly determined penalties, but prior criminal record and drug problems best predicted postrelease recidivism and nonpayment of financial penalties, in Los Angeles Municipal Courts. These courts sentenced 55 percent to probation without financial penalties, 23 percent to probation plus financial penalties, 8 percent to jail (usually with probation) without financial penalties, and 14 percent to probation plus jail plus financial penalties.

Since jailing costs $900 per month, only incapacitates briefly, increases welfare costs, and criminalizes those not already highly criminalized, this study recommends on cost-benefit grounds:

1. Use probation without financial penalties only for indigent not highly criminalized offenders, but expand community service sentences.
2. Use financial penalties at rates proportional to European day fines, as well as community service sentences, for offenders who are neither indigent nor highly criminalized.
3. Reduce jail sentences for not highly criminalized offenders, and for the marginally criminalized replace jailing by house arrests and community service penalties, plus financial penalties for the non-indigent.
4. Researchers and court officials collaborate to extend such research, especially to superior and to juvenile courts.

The Use and Effectiveness of Fines, Jail, and Probation in Municipal Courts, by Daniel Glaser and Margaret A. Gordon, University of Southern California

## EXECUTIVE SUMMARY

### THE PROBLEM

Lower courts in the United States (often called "municipal courts") not only impose sentences following misdemeanor arrests, but due to plea bargaining, they also impose most sentences following felony arrests in California and other states. Their predominant penalty is probation, and their most severe punishment is jail. Conditions of probation may include--in any combination--jail, community service, fines, restitution, and diverse other monetary assessments, especially cost of probation services (commonly called "COPS").

Statistics are rare on conditions of probation other than jail. We do not know what kinds of offenders receive financial penalties, how many pay them, and what their consequences are for recidivism reduction. This pioneering effort to fill these knowledge gaps sought: (1) to identify the attributes of offenders that make them most likely to receive particular types of penalties; (2) to estimate the relative effectiveness of these penalty determinants in procuring money and reducing recidivism rates for various kinds of offenders; (3) to infer the policy implications of these findings from a costs-benefits perspective.

RESEARCH METHODS

Data for this study were compiled primarily from the files of the Los Angeles County Department of Probation for closed cases from the county's Municipal Courts. Using a computer-tape list of nearly 22,000 cases closed in 1984, we sampled from all persons convicted of assault, burglary, drug crimes, driving under the influence of intoxicating substances (abbreviated "DUI"), theft, and indecent exposure. These comprised 80 percent of the courts' cases. Persons convicted on multiple charges were designated in the list only by their most serious offense, using a Probation Department classification that stresses drug crimes. This partly explains why drug offenses comprised 52 percent of the cases.

Because our tape indicated that 55 percent of the courts' sentences were probation only, and only one-sixth to one-ninth had each of the other penalties (in various combinations), we supplemented random samples from each offense group by random selections within offense types of the recipients of fines, jail, restitution, or COPS. For 1121 cases we coded items checked off by probation officers on their standardized investigation forms, including details of each offender's prior criminal record, economic circumstances, and family status. From narrative accounts of the offenses, we coded aspects of each of the six types of crimes. For a two-year followup, we used supervision records for those with at least two years of probation in the community, 1987 criminal record sheets for the others, and data on payment of financial penalties.

We soon realized that regardless of whether financial penalties are called fines, restitution, or COPS, or any combination of these, only their sum is what offenders are told to pay, usually in monthly installments. Those with several types of monetary penalties have their payments assigned to pay one penalty at a time, in a standardized sequence determined by the probation office, so that most payers only know how much of their total they have paid. Therefore, it seemed reasonable for some of our tabulations to reduce 17 different combinations of punishments in our sample to the following four mutually exclusive categories:

Probation Only (15 percent of our sample)

Probation Plus Financial Penalties Only (41 percent)

Probation Plus Jail Only (19 percent)

Probation Plus Jail Plus Financial Penalties (25 percent)

"Only" above refers to the absence of jail or financial penalties or both, but there could be other special conditions, notably community service. The three percent of our cases who had jail without probation we combined with those who had jail plus probation; none had financial penalties without probation.

FINDINGS

The best predictors of recidivism and of nonpayment of financial penalties were extensive prior criminal record and prior drug problems, but the best predictor of the penalty was the offense, although all six of the crimes we studied could legally receive any of the four types of sentence we distinguished.

Multivariate statistical analysis indicated that drug offenses most enhanced the odds of getting punishment by probation only, indecent exposure predicted financial penalties alone, burglary and theft forecast jail without financial penalties, and all offender types--but especially DUI and burglars--were more likely than drug offenders to receive jail plus financial penalties. In 97 percent of our drug cases the charge was use or possession, rather than sale or manufacture, and PCP was the sole or principal drug in two-thirds of our cases. In addition to the offense as predictor of the penalty, having a high school or better education, no drug problem, and no prior conviction increased odds of probation only; having no prior conviction, no alcohol or drug problems, education through high school or beyond, and being white, raised the odds of probation plus financial penalties only; being black or hispanic, a prior drug problem, prior conviction, and being unemployed raised chances of jail terms witnout financial penalties; not having education through high school and being white significantly augmented offense in increasing the chances of getting probation plus jail plus financial penalties. Jailing, however, markedly reduced the chances of collecting a financial penalty from the offender.

Recidivism had much different predictors. Multivariate analysis showed that the odds of a postrelease arrest (during our 2-year followup period) were about doubled by having a prior conviction or drug problem. Weaker independent predictors of rearrest were youthful age, being black, and conviction for drug

offenses. Thus, offense only weakly affected prospects of rearrest, but was by far the strongest predictor of the penalty.

Odds of postrelease incarceration, in jail or prison, were tripled by a prior conviction or drug problem, but somewhat decreased with each year of age. Jail penalties for the current offense also increased the odds of subsequent reincarceration, independently of personal attributes or of the offense.

The odds of probation revocation were more than tripled by a prior drug problem, and were almost tripled by being convicted of DUI, when compared to the odds for revocation with drug offenses. Since DUI cases had lower rearrest rates and about the same reincarceration rates as the rest of the sample, rule violations were evidently more important than new crimes in their probation revocations. About half their arrests followed automobile accidents for which there were often large restitution charges, and they also often had special requirements for participation in treatment programs, both of which they sometimes neglected. Regardless of other attributes that we examined, odds of probation revocation were more than doubled for blacks compared to whites, increased with age, and were significantly increased if one had not completed high school, or was sentenced to probation plus jail plus a financial penalty.

About two-thirds of the fines and COPS penalties were paid in full, and 55 percent of the restitution charges, with only 11 percent of fines and COPS as well as 13 percent of restitution not paid at all. The strongest predictors of not paying financial

penalties in full were having a prior drug problem, being sentenced to jail in addition to receiving financial penalties, being black, and being sentenced for drug offenses. The total amount of financial penalties increased with income, and had medians of $489 for the employed, but $368 for the unemployed. The median totals of all monetary assessments were $542 for whites, $452 for hispanics, and $387 for blacks.

Our six separate offense groups differed somewhat from each other. Drivers under the influence were the oldest, with a median age of 32.5. Their 70 percent with prior arrests was the highest of any offense group, but their 24 percent postrelease arrest rate in our 2-year followup period was second lowest, yet their 44 percent probation revocation rate was the highest. Apparently their failure to pay high restitution obligations due to damage and injuries from accidents, and/or to meet the alcoholism control conditions of their probations, rather than new offenses, caused the revocations.

Burglars, with median age 21, were the youngest group, but overlapped considerably the thieves, drug offenders, and assaulters in most traits, including prior and postrelease crimes. The 49 percent postrelease arrest rate of drug offenders was the highest of all offense groups, although they were the most leniently penalized, most going to drug diversion programs. They were predominantly charged with PCP use or possession.

The indecent exposers, almost all of whom were males, were mostly charged with masturbating when visible to women whom they

did not know. Almost half were married, and they were more educated and affluent than the other offenders in our sample. Their 19 percent postrelease arrest rate was the lowest of any offense group, and their recidivism was most significantly predicted by prior criminal record, but they remain a puzzling category.

To keep the identity of the judges confidential, we assigned a number to each judge, and recorded the judge's number with each case's coded data. Because 218 different judges of the huge Los Angeles Municipal Court system sentenced our 1121 cases, the average was only 5.14 cases per judge. Of 32 judges who sentenced 10 or more persons in our sample, one judge with 16 cases who sentenced none to probation with monetary penalties only, but 12 to jail only, had the closest to a possible deviant sentencing pattern that we discerned. There was some variation in sentencing patterns among the 10 probation supervision districts with 53 or more of our sample's cases, but there was no explanation for these variations apparent in our data. Although there doubtless was some idiosyncratic sentencing, our findings that the offense is the strongest predictor of the penalty, but that recidivism was most strongly predicted by attributes of offenders, has some practical implications for sentencing policies.

DISCUSSION

Sentencing in the United States for well over a decade has been increasingly influenced by the just desert movement, which advocates emphasis on the offense, rather than on attributes of

the offender, in determining punishment. Arguments for this policy include abstract philosophical contentions that it is more just than sentencing by offender attributes, as well as claims that prediction of recidivism or rehabilitation is too unreliable a basis for determining sentences, that deterrence is greatest with penalties predictable on the basis of the offense, and that the public objects to persons convicted of the same offense receiving different penalties. Opposing arguments include evidence that: a. the public advocates penalties more severe than it is willing to pay for, and is less consistent than just desert proponents assume in supporting punishment only proportionate to the seriousness of the offense; b. the certainty of a penalty gives it more special and general deterrence than its severity, after some minimum necessary severity is achieved, for which fines often suffice, and would be preferable to diversion or probation witnout special conditions for many cases; c. certainty cannot be great because less than a tenth of serious criminal predations and a fraction of one percent of drug usages or sales result in government penalties; d. most high-rate offenders are so unspecialized in their offenses that chance alone determines the offense for which they are caught, which would be the basis for just desert penalties; e. statistical guidelines predict recidivism more accurately than case study predictions alone, whether by judges, psychiatrists, social workers or any other type of human being. Of course, these opposing arguments do not preclude using just desert for the crime as the basis for fixing

minimum and maximum permissible penalties for each offense.

Accordingly, we propose a cost-benefits approach to sentencing. Possible benefits include: deterrence of offenders so that they do not repeat their crimes; incapacitation of offenders so that they cannot commit crimes while incapacitated; deterrence of others, so that they are afraid to commit crimes; instilling a sense of justice in the community from the fairness and consistency of sentences, and from their neither greatly exceeding in severity the harm done by the crime nor being so negligible as to trivialize a serious offense; compensating both victims and the criminal justice system by collecting financial and/or service penalties from offenders. Costs of traditional penalties, include: the cost of incapacitation, estimated by Los Angeles County officials as $30 per day ($900 per month) for jailing (compared to $28 per month for probation supervision, with current high caseloads); the criminalizing effects of jailing on some offenders, especially those not previously much involved in crime or with criminals; the hidden costs of jailing, such as increased welfare costs for offenders' dependents when breadwinners are confined, or for released offenders if jailing results in their unemployment; what economists call opportunity costs, such as the possibility that many of those now jailed would be deterred as effectively by financial penalties that produce government income in excess of costs, or more cheaply than by jailing if given community service penalties, or if incapacitated by house arrest and electronic monitoring in the community.

RECOMMENDATIONS

1. Use sentences of probation only (but not precluding community service penalties) for offenders who combine a clear lack of current or prospective economic resources with no serious prior criminal record or drug problems, or none for several years of well adjusted life in the community.

Our data indicate that following this advice will mean more fines for many offenders now receiving probation only. It should also mean some effort to have potentially rehabilitative community service penalties for young offenders unable to pay fines who are from neighborhoods where most youths are unemployed and most families on welfare, which segregates them from employed persons.

2. Use sentences of probation plus financial penalties only (but not precluding community service penalties), with rates approximating European day fines, for offenders who combine some current or potential economic resources with no very serious prior criminality or drug problems, or none for several years of well adjusted life in the community.

This economically profitable sentence was associated with low recidivism rates. Day fines, successfully adopted in at least a half-dozen European countries and now tried in Staten Island, New York, have similar deterrent effects on the rich and the poor because each is fined so many days earnings, then pays what he or she earns minus deductions for bare necessities and for support of dependents.

3. Use jail sentences (with or without probation) for offenders

with the most serious prior criminal record or drug problems, adding financial penalties only for those who clearly have current or prospective economic resources.

Considering the brevity of jail terms, their $900 per month cost, and their indirect costs detailed above, much attention should be given to their replacement for the more marginal risk recipients by house arrest and electronic monitoring, with community work, training or other programs.

4. Foster more collaboration of judges, prosecutors, defense counsel, probation administrators and researchers in: a. improving the case record systems on which they all depend; b. extending the type of research reported here to superior and juvenile court records, to discern their division of labor with the municipal courts, and its consequences; c. interpreting the implications of research findings for sentencing policy, and for guiding further research.

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## Problem and Goals

The lower courts in the United States, called "municipal courts" or various other designations in different states, do not only impose all sentences following misdemeanor arrests. Because most felony charges are reduced to misdemeanors in plea bargaining before conviction occurs, in California and some other states these lower courts also impose most sentences following felony arrests. Their predominant penalty is probation, and their most severe penalty is a jail term, since only higher courts are authorized to send persons to prison.[1]

In Los Angeles and many other urban counties, fines, restitution, community service, and a variety of special financial assessments for serious crimes are almost always imposed as conditions of probation, and jail is also usually imposed as a condition of a longer probation term that continues in the free community after its jail component is completed. A frequent additional financial assessment is a charge for the cost of probation services, abbreviated "COPS."

Unfortunately, statistics are rarely compiled on the

frequency of these conditions of probation other than jail. They were not included in the nationally standardized classification of penalties for "Offender-Based Transaction Statistics" (OBTS), which record fines only when they are the only penalty and are not conditions of probation, which has become rare in California. We also have no data on what kinds of offenders receive the various types of monetary penalties that are conditions of probation, how many actually pay them, and what their consequences are for recidivism reduction.

This research is a pioneering effort to fill these knowledge gaps. Its goals have been: (1) to identify the attributes of offenders that make them most likely to receive particular types of penalties; (2) to estimate the relative effectiveness of these penalty determinates for recidivism reduction and money collection with various kinds of offenders; (3) to infer the policy implications of these findings from a costs-benefits perspective.

We believe that we have made important contributions to the achievement of these goals. This report describes how we proceeded, and presents our findings for six offenses collectively, as well as separately for each of these offense groups. It also discusses the implications of our findings for achieving a greater ratio of benefits to costs from sentencing.

## Research Methods

The data for this study were compiled from the files of the Los Angeles County Department of Probation for closed cases from the county's Municipal Courts. Because our research began late in 1986 and we wished to determine recidivism rates for offenders in a two-year followup period, we sampled from a computer tape, prepared for us by the Probation Department, that listed the 21,983 cases closed in 1984.

After deleting a few percent of the cases because they either began before 1981 or had been dismissed after case files were started for them, we had 21,529 cases from which to sample. We then divided them into the six categories of offense shown in Table 1: assault, burglary, drug crimes, driving under the influence of intoxicating substances (abbreviated "DUI"), theft, and indecent exposure. As the bottom row of Table 1 shows, these comprised almost 80 percent of the cases on the tape (total percentages add to 101 due to rounding each to the nearest whole number). Persons convicted on multiple charges involving different crimes were designated on the tape only by their most serious offense, using a Probation Department system of seriousness classification that stresses drug crimes. This partly explains why drug crimes comprise 52 percent of the cases.

Our plan was to include all of the 167 indecent exposure cases, and to begin our sampling by randomly selecting 150 from each of the five other offense groups. As Table 2 shows, over half the offenders sentenced by the court in 1984 received

probation only, and one to two ninths also received probation with the various financial penalties and/or jail (in diverse combinations that are not indicated). Therefore, we planned within each of the five offense groups other than indecent exposure also to select randomly 50 cases with fines, 50 with jail, 50 with restitution, and 50 with COPS (cost of probation services). This would total 1917 cases. We began with 350 assault cases selected in this fashion, and proceeded to collect data on them from Probation Department files, but found that this took our staff more time than we had scheduled and budgeted for this task.

To assure adequate data collection in the period for which our study was funded, we reduced the random samples from offense groups other than assault and drugs to 100 cases, We increased the random sample for drugs to 200, mistakenly assuming that there would be much variety in the substances used that would make a difference in their sentencing and recidivism patterns. We also reduced the random samples from penalty groups to 40 for assault and drug crimes, and to 30 for the other offenses. As Table 1 shows, however, we could not get 40 fined drug offenders as only 38 out of the 11,105 were listed as fined.

In addition, we found that many cases in our random samples for each offense had no sentence recorded on the list of 1984's closed cases provided by the Probation Department. Indeed, after our samples were drawn and our data collection was well underway, we found that sentences were reported on this computer-tape list

for only 16,Ø57 cases, as shown in Table 2. Of the 5,472 without sentence reported, 53 percent were designated "closed investigation" because a file was opened for presentence investigation but no sentence was imposed, 18 percent were closed as "off calendar" which we understand occurs if the subject absconds or dies before sentencing, 11 percent were revoked or terminated before sentencing, and some type of release without supervision was indicated for the remaining 18 percent.

Yet for many of those in the random samples with no sentence shown on the tape, we found sentencing information in the files. For example, some of those placed "off calendar" when they did not show up in court for sentencing were apprehended and sentenced later. In addition, we treated grants without supervision as a type of probation, as we also did specific diversion programs for drug offenders and for domestic conflict cases, and we determined the offenses and offender attributes statistically related to these types of case dispositions.

Not only were some cases in the random samples never sentenced, but we also found that the contents of a few files were too sparse to be useful, and files for many cases were unavailable. Therefore, as Table 3 shows, we procured sufficient information for our statistical analyses on only 1121 persons, comprising 77% of the sample that we sought. The tape's data on age and race for assault, the largest offense group in our sample, did not indicate that the sampled cases that were unavailable or lacked sufficient data for our research differed

significantly from those for which we procured usable data.

Furthermore, documents in some files indicated that restitution, fines or COPS assessments were frequently reduced or canceled by a court on the basis of circumstances, such as illness or unemployment, that developed between sentencing and completion of a probation term. Sometimes, however, the probation term was lengthened because of nonpayment or other violation not deemed justification for revoking probation. For all such cases we tabulated the court's final sentence. The penalty reductions and our oversampling for the types of penalties in which we were interested account for most of the differences between Tables 2 and 5 in penalty percentages for specific offenses.

We coded for statistical tabulation all the information in the files that seemed pertinent to our interests, relying mostly on the categories checked off by the probation officers in their standardized investigation report forms. Most of these items are shown in Table 4. They included for each offender the number of past misdemeanor and felony arrests and convictions, as well as simple classifications of employment status, debts, marital status, financial status, alcohol or drug problems, and much other personal information.

The files also had police reports and other documents with narrative accounts of the offenses, so we made our own coding systems to note distinctive details of the six types of crimes that we studied. To get a two-year postrelease followup of all

cases, we used the supervision records for those sentenced to at least two years of probation in the community. For those with briefer or no postrelease supervision, we coded information from 1987 criminal record sheets procured for us by the Probation Department. To maintain confidentiality we assigned our own research case numbers to all persons we studied, and did not retain their names or agency case numbers in our coded research information.

In this and similar studies, it must be realized that the only data available are in files and on computerized records designed for case administration rather than for compilation of statistics. That is why the information they contain was not always complete or recorded in a uniform manner, although the probation officer's largely precoded investigation report form was available for most cases, and usually had none or few of its items left blank if an entry was appropriate. The parenthesized numbers in the right-hand column of Table 4 indicate that only gender, age, and prior criminal record was indicated in the files for all 1121 cases. Of course, offense and sentence also were indicated. These items of information were provided on several forms, including the criminal record "rap sheet," so that if one form was missing the needed data could be obtained from another. An important product of our research findings from such imperfect files can be a demonstration of the policy guidance benefits that can result if court agencies in collaboration with statistical researchers develop more standardardized and complete records,

preferably computerized, that would be more useful for both administration and research.

After we had drawn our samples and were pretesting our data-collection forms, we found that in some cases there was assessed a small amount--from $15 to $50--designated "PA" in the sentence order, often in addition to a fine and/or COPS. We were told that PA stood for "penalty assessment," and that it could be regarded as an additional fine, so we added it to the fines. Later we learned that this was usually imposed when there was not a clear basis for restitution being paid to a specific person victimized in the crime, and it was contributed to the state's general fund for the indemnification of victims, or to other special funds.

The Municipal Courts impose their penalties in all possible combinations. Yet regardless of whether financial penalties are called fines, restitution, PA or COPS, or any combination of these, the sum of all these financial penalties that an individual receives is what he or she must pay to the probation office in monthly installments.

Furthermore, when probationers receive several different types of financial penalty simultaneously, they have no say as to which penalty their payments are assigned. The department policy when an individual has several types of financial penalties is to pay restitution first, when that is paid in full to assign the next payments to fines, then to pay any required PA amount, and to pay COPS last. Usually the offender only knows how much of

nis total payment obligation he nas completed; not to which of the separate penalty accounts his money has been transferred. Therefore, since the offenders have a similar payment experience regardless of the designations of their financial penalties, it seemed reasonable for many of our tabulations to combine all financial penalties. This permitted us to reduce the large variety of combinations of punishments in Municipal Courts to the following four mutually exclusive types of penalties (each of wnich is followed by the percentage of our sample receiving it):

Probation Only (15%)

Probation Plus Financial Penalties Only (41%)

Probation Plus Jail Only (19%)

Probation Plus Jail Plus Financial Penalties (25%)

By "only" above we refer to the absence of jail or financial penalties unless they are indicated, but there could be other special penalties or restrictions imposed as conditions of probation. We did collect some data on community service penalties, but this sentence was infrequent in our 1984 sample. Only about two percent of our cases had jail without probation, and because with caseloads of from one to several hundred per officer, few probationers received much supervision in the community, we combined the few jail only cases with those that had jail plus probation. No one received a financial penalty without probation.

Table 2 shows the proportions receiving these four penalties for each offense in the 16,057 cases of our sampling list for

which a sentence was recorded. Table 5 shows the proportions with each of these penalties for each offense in the 1121 cases of our sample. Had we been aware of the justifications for pooling financial penalties and, therefore, devised these four mutually exclusive categories early enough in this pioneering research, we might have sampled by the four categories to get one quarter of the cases from each. However, even this method would not have resulted in the same number of cases for each of the four penalty groups, because for many cases, information gleaned from the case files revised the information on sentencing indicated on the sampling tape. Furthermore, omitting the cases for which the tape indicated no sentence would mean losing some cases for which the files indicated that sentence was imposed later.

Our analysis began by finding which separate attributes of offenders were most associated with their getting a particular penalty, and with their recidivating. We then undertook multivariate analysis that takes into account relationships among these attributes. For example, both prior probation violation and prior incarceration predict severe penalties, but since most of those previously incarcerated also had probation previously, once one knows that a person had prior incarceration the most useful additional information for predicting the penalty and recidivism may not be whether there was also prior probation, but another item, such as age or prior drug problems. Our multivariate analysis attempts to determine what combination of

types of information about individuals makes the most accurate predictions.

The indicators of recidivism that we recorded from the supervision files and rap sheets covering the two-year followup period included information on postrelease misdemeanor or felony arrests or convictions, probation violation hearings, probation revocations, and incarcerations. We also had data on another aspect of postrelease adjustment, the payment of financial penalties, as well as completion of required community service penalties. The attributes of offenders predicting postrelease arrests, convictions and incarcerations were similar, but were often somewhat different from the best predictors of probation revocation.

Information on the payment of financial penalties and on the completion of community service obligations were gleaned from the supervision log cards, and occasionally from other documents in the case files. Although somewhat sloppily recorded and not in the files on every case, they permitted us to tabulate what seem to be the only statistics available on the completion of these conditions of probation, and on the attributes of offense and offender related to this completion. The county's statistics on payment of financial penalties are compiled by an office of the State Treasurer that contracts to do the bookkeeping and handle the banking for money collected by the Probation Department. However, their statements show only the total amount collected from all cases during a fiscal period, and the total amount due

on unpaid penalties as of the end of that period, rather than individual payment completion rates.

We investigated about a hundred distinctly different possible predictors of penalties and/or of recidivism, both individually and in multivariate analysis. Many of them we revised after our initial tabulations, in order to combine categories that separately had too few cases to yield statistically significant and valid relationships.

Tens of thousands of sentencing decisions are made in the Los Angeles Municipal Courts separately and independently each year by over 200 different judges. Although punishment is limited by laws on the minimum and maximum severity permissible for each type of offense, any statistical patterns of variation of penalties within the permissible range will suggest shared ideas among the judges as to the relative importance of various factors in deciding on an appropriate punishment.

Of course, factors that we could not investigate may also affect sentencing decisions. These uninvestigated factors include variations in court processing, such as private or public defense counsel, pretrial confinement or release, number of continuances, and congestion of the court calendar. These are not supposed to affect penalties, but it is often alleged that they are influential. Necessarily uninvestigated are items of information that we did not have in the files in a sufficiently uniform manner for many cases; we do not think there are serious omissions of this type, but there doubtless are some. Also, the

available information on several attributes of offenders was judgmental, hence of uncertain accuracy.

Although our data show that we were able to identify many factors statistically related to particular types of penalties, inability to predict the exact sentence for each case is due to the independence of the judges, their inconsistencies, and the deviations of each from any predominant pattern for all judges, as well as the limitations of file information, and of statistical methods. We also undertook some analysis of variation among judges and among probation supervision districts in penalties imposed, with findings that are summarized in a section of this report on judicial idiosyncracies and probation office subcultures.

## All Offenses

### Sentencing Variations for Six Crimes

Sentences recorded by the Los Angeles Municipal Courts for cases opened in 1981 or later and closed in 1984 are shown in Table 2. Although as already indicated, there was some incompleteness and inaccuracy in the computer tape from which that table was compiled, it probably yields percentages that are approximately correct. Surprisingly, it shows that persons convicted of drug crimes were most likely to receive the most lenient penalty, probation only; 82 percent of drug offenders had this sentence. The most severely punished from this perspective were those convicted of driving under the influence (DUI), of

whom only 20 percent received probation only. Drug offenders were also the least often jailed, with only 9 percent getting this punishment (alone, with probation, or with probation and a financial penalty), as contrasted with 40 percent for DUI cases and an even higher 50 percent for burglars, according to Table 2.

Table 2 also shows that financial penalties were made conditions of probation most often for DUI, imposed on 72 percent of this group, including 32 percent who also received a jail term. Returning to Table 1, it is evident that a majority of DUI cases were required to make restitution payments, because so many of them are caught only after auto accidents in which people are injured or property damaged, or both.

The variations in sentences by offense for our sample, shown in Table 5, reflect the fact that we oversampled the types of penalties in which we were especially interested: jail, fines, restitution and COPS. If it were not for our oversampling, we would not have had enough cases with some penalties in particular offense groups to permit significant statistical analysis. As indicated in the preceding section, at the time we oversampled for jail, fines, COPS and restitution we had not learned enough about the administration of the diverse types of financial penalties to realize that we would be justified in dealing with them collectively, thus making feasible our four mutually exclusive penalty categories.

As Table 5 shows, an unanticipated result of this oversampling by specific penalties instead of by our four

mutually exclusive categories is that we have too few "probation only" and "probation plus jail plus financial penalty" cases for some types of crimes. However, as already mentioned, any sampling by penalty group from the tape would have yielded a sentence distribution not quite as anticipated, for the case files sometimes showed that financial penalties were canceled by the court after they were entered on the tape record of initial sentencing.

Description of the Offense Groups

As Table 4 shows, our sample's six crime groups were quite diverse. A separate analysis of the predictors of penalties and of recidivism for each of these six types of offenders follows this discussion of all cases collectively, but some brief description of them all should preceded our analysis of the overall influences of offenses and of offender attributes on penalties and on postrelease behavior.

Assaulters were the largest group in our sample because we began collection of data for them first, and that experience made us realize that we had to reduce our samples for the other groups if we were to finish data collection in the time available. The assaulters included older married men with alcohol problems like the DUI and indecent exposure cases, as well as youths similar to the burglars, thieves and drug offenders. This may explain why they were intermediate, neither the highest nor the lowest of the offense groups, in education, income, marital status and almost

all the other attributes for which data are presented in Table 4.

The burglars were the youngest group, reflecting the fact that conflict with the law for this offense usually begins when the offenders are in the jurisdiction of the juvenile court. But those who are most active in this crime are unspecialized in their lawbreaking, so that their prior or subsequent offenses are about as likely to be drug crimes, theft or assault as another burglary. Table 4 shows that they were the least educated, most often unmarried, most often unskilled, poorest in employment stability and financial status, and youngest at first arrest, of all the six offense groups in our sample.

The contrast between our finding of lenient penalties for drug crimes and the severe penalties for large-scale drug smugglers and dealers that are publicized in newspapers and television is explained by the fact that of the 196 drug cases in our sample, 56 percent were charged only with use or being under the influence, and 41 percent merely with possession, leaving only a residual 3 percent charged with sale or manufacture, which are the most severely punished drug crimes.

Surprisingly, PCP was the only drug or the first drug mentioned in the offense descriptions in 62 percent of our drug cases, as compared with cocaine in 17 percent, heroin in 15 percent, marijuana in only 3 percent, and other drugs in 3 percent. Of course, the extent to which particular drugs or types of drug crimes are the basis for arrest or prosecution is not so much an index of the prevalence of their use in the

community as of police and court policies. We understand that in the early 198Øs there was a strong focus on PCP in law enforcement efforts, and a tendency to overlook marijuana possession in small quantitites, for which penalties had just been reduced. Only a minute fraction of the public's drug use comes to police attention, and then not so much from citizen complaints as from police initiative in looking for it, or from their encountering it accidentally while investigating other offenses.

Like tne assaulters, the drug offenders are intermediate between other offense groups in most of the attributes reported in Table 4. However, they have the most hispanics, which included half this group, and of course, they are highest in percentage said to have drug problems. They are close to the burglars and thieves in high proportion unskilled, and in low age at first arrest.

Drivers under the influence were the oldest of the offense groups, and only the indecent exposers had a smaller percentage of blacks, a higher percentage employed, a higher proportion with skilled or professional occupations, a higher percentage said to have good financial status, and a higher percentage whose source of income was earnings. Of course, the DUI cases were highest in percentage with reported alcohol problems, and they were also highest in percentages with prior arrests, convictions, probations, and incarcerations, as well as in median monthly income, and percentage separated or divorced. Their older age is

a factor in their accumulating longer criminal records than the other groups, especially as compared to the burglars. Although there was diversity among them, they seemed mostly to be persons for whom an occupational career with above average success had been impeded by chronic alcoholism.

Thieves were identified by their conviction under Article 484 of the California Penal Code, which includes not only theft but acts that other states often distinguish as fraud or confidence game. In our sample, this offense for 43 percent was shoplifting, for 21 percent theft as an employee, 16 percent fraud, 8 percent theft from the person or clothing of the victim, and 13 percent other types of theft. As Table 4 shows, one third of the thieves were females--the largest proportion of any of the six crime groups that we studied. The thieves were second to the burglars in youthfulness, and in young age at first arrest, but were highest in percent black, percent unemployed, and percent with no income.

The indecent exposers were the most unusual criminals in our sample. Only one was a woman, and two-thirds of the male offenders were arrested when masturbating in public view. As Table 4 shows, they were the most predominantly white, most highly educated, least unemployed, most with skilled or professional occupations, least often with drug problems, and highest percent married of any of our offense groups. More details on this group, and on the literature regarding them, are provided in the special section on them later in this report.

Some Explanation of Our Multivariate Prediction Tables

Table 6 summarizes the findings of our multivariate analysis of the items of information that predicted which of the four mutually exclusive types of penalty the Municipal Courts would impose. Before discussing its contents, it may be well to provide a nontechnical analysis of what the components of this table mean, an explanation that will also fit Tables 10 through 14, as well as the small tables in the text of the sections of this report on the six separate offenses.

For the multivariate analysis presented in these tables, we employed the statistical method of logistic regression. This is appropriate when the item to be predicted is a dichotomy, such as "yes" or "no," rather than a continuous measure such as number of people or annual income.

For Table 6, this procedure was done separately for each of the four penalties, each treated as a dichotomy. The table shows how much the odds of getting each penalty are multiplied by a unit change in the offender attributes or in the offense. In this analysis, all but age and monthly income are also used as dichotomies. Therefore, while a unit change in age is a change of one year and a unit change in income is a change of one dollar, the changes in the other attributes--such as having less than a high school education or being married--is a change from having that attribute to not having it, or vice-versa. The multipliers show how a unit change in an attribute or offense

would affect the odds of having the indicated penalty. These odds are conditional, in that they depend upon the values of each of the predictive attributes and the offense types.

To include as predictors in logistic regression those attributes, such as race or offense, that have more than two categories, all but one of their categories must each be treated as a separate dichotomous attribute (called a "dummy variable"). Thus, instead of race being a variable with categories white, black and hispanic, "black" is used to classify all cases as black or not-black, and "hispanic" is used to designate all cases as hispanic or not-hispanic, but white is omitted. With race thus treated as two separate attributes, black and hispanic, the omitted attribute white is the "reference category." This means that the multiplier effect shown for black is the amount by which the odds of receiving a particular penalty are multiplied--that is, increased or decreased--for a black offender, as compared to the odds for a white offender receiving that penalty. Similarly, the multiplier effect for hispanic relates the odds of a hispanic getting the penalty to the odds of a white getting it.

In addition, it should be noted that these are what statisticians call "partial" effects. This means that the multiplier effect for each attribute is the change in odds that results from having that attitude compared to not having it, or by a unit change in that attribute if it is not a dichotomy, regardless of whether offenders are similar or different in the other attributes of the model. ("Model," as the term is used in

this type of statistical analysis, refers to the set of attributes used in the analysis and the method of analysis employed).

Accordingly, Table 6 snows that the odds of receiving Probation plus Jail Only (without financial penalties) are nearly five times as great for a black offender as for a white offender. Thus, even if two of the subjects are alike on other attributes used in this analysis, if one is black and the other white, the odds of receiving that penalty are five times greater for the black. However, since these are partial effects, we can also assess the impacts of other attributes separately from the race effect, and vice versa. If a black offender has a drug problem, his odds of receiving probation and jail only are about 13 times as great as those of a white offender without a drug problem (4.964 x 2.594 = 12.877). Compared to another black offender without a drug problem, however, there is only a 2.5 multiplication of odds, i.e., the effect shows for Drug Problem.

To calculate the actual odds of receiving a particular penalty for a given offender, all of the attributes and offense types in the analysis have to be taken into consideration. The more two offenders differ on those characteristics that make substantial changes in the odds, the more their likelihood of receiving a certain type of penalty also will differ. However, the multiplier effects shown in Tables 6 and 10-14 allow us to assess the distinctive partial contribution of each attribute and offense employed in the analysis to the penalty or the indicator

of recidivism with which the table is concerned.

Multipliers of less than one in Table 6--those that begin with a zero before the decimal point--indicate that the attribute or offense to which they apply reduces the odds of getting the indicated penalty. Thus, for "Probation Only," the smallest entry is Ø.Ø66 after "DUI." This means that the odds of offenders in our sample getting this penalty were about .Ø66 as great if they were convicted of DUI as they were if convicted of the reference category, drug offenses. Indeed, consistent with Table 5, all five of the crimes for which figures are entered under Probation Only reduced the odds of getting this most lenient penalty, compared with those odds if convicted of drug offenses. On the other hand, Table 6 shows that for punishment by Probation plus Financial Penalty Only, none of the offenses other than Indecent Exposure greatly affected the odds, but they were raised about 5Ø percent by being employed, and they were much reduced by being black or by having an alcohol or drug problem or a prior conviction.

Under "Probation Only" in Table 6, the multiplier effect of 1.365 after "alcohol problem" surprisingly reveals that this mildest of our four types of penalty was somewhat more likely to be given to those in our sample who were reported to have alcohol problems than to those said to have no such problems. However, the absence of an asterisk after this figure indicates that in the small number of cases in our sample who received this penalty, the relationship to alcohol problems shown by these odds

was small enough to be caused readily by chance variations in the random selection of cases for the sample. Conversely, the three asterisks after the multiplier effect figure for DUI indicate that there was less than one chance in a hundred of multipliers this different from 1.000 being caused by chance.

Altogether, seven considerations affected our choice of attributes to be used in our multivariate analyses. The first, and primary concern was the correlation between the attribute (independent variable) and the variable to be predicted (dependent variable), which in Table 6 is the penalty (and in Table 10 are the indicators of recidivism). We tried to include only the attributes that most greatly affected the odds of getting this item to be predicted.

A second consideration was any strong correlation among the several attributes or offenses that were the predictors. For example, odds of getting a particular penalty and of postrelease recidivism were strongly affected by each indicator of prior criminality--prior arrests, prior convictions, prior probations, and prior incarcerations. However, these indicators are highly correlated with each other, since anyone with a prior conviction almost always has a prior arrest, almost everyone with prior probation or prior incarceration had both prior arrest and prior conviction, and people incarcerated are likely previously to have had probation. To include more than one of these four indicators of prior criminality would reduce the impact of each of them separately on the odds of a particular penalty or of postrelease

recidivism, and would raise the probability that any odds found could readily result from chance variations in sampling. It would thereby increase the prospect that a repetition of this study in a later period would find much different odds for these items. Therefore, only one of the criminal record items is included.

The third consideration was the number of cases for which no data were available on a particular attribute. These are shown by the totals of less than 1121, in parentheses, in the right-hand column of Table 4. In multivariate regression analyses with a given set of variables, all cases should have information on each of the variables used. Since we only had for every case the offense, the penalty, gender, age and the prior criminal record record items, our multivariate analyses must exclude some cases whenever we use variables other than these. The number excluded for each analysis, and other technical information, are reported at the bottom of these tables. We had to exclude some attributes that might have made stronger predictions because they could not be applied to nearly as many cases as the variables that we included.

The fourth consideration was the split in our cases made by those attributes that were treated as dichotomies. We adopted a rule of automatically excluding any dichotomy that had less than 15 percent of the cases in one of its categories, and we preferred those that approached a 50-50 split, if all our other considerations were not greatly affected thereby.

A fifth consideration was a preference for objective information rather than subjective impressions. We preferred factual data, such as whether offenders were employed or not or their monthly income, to the officers' ratings of "employment stability" or "financial status," even when the latter affected the odds somewhat more than the objective items. The objective information is presumably more reliable, for it should be the same regardless of which officer reports it, while officers might disagree in their subjective assessments.

A sixth consideration was the practicality of a judge considering the attribute at sentencing. For example, although prior arrest was for some offenses a somewhat stronger predictor of postrelease criminality than prior conviction, we preferred to use prior conviction in Tables 6, 10 and 12. Thus, it cannot be contended that a judge influenced by our findings might deny someone probation on the basis of a past arrest on which the accused had been acquitted. Also, our odds in predicting postrelease incarceration and probation revocation were much higher than shown in Table 10 when we constructed a multivariate table in which postrelease arrest was used as one of the predictive attributes, but a judge at the time of sentencing does not know which offenders will have postrelease arrests, so this as impractical.

A final consideration affecting the attributes that we used in multivariate analyses was a desire for consistency in some tables or sets of tables. Thus, for the penalty predictions of

Table 6, the strongest odds for the impact of education are found with all but the probation plus jail cases by separating cases according to whether they had less than high school and those with high school or more; for the probation plus jail cases, the best prediction was by treating separately those with education beyond high school. However, for a simpler table we accepted a slight loss in statistical prediction power by using the same division on education (less than high school and high school or more) for all four penalty groups. Similar concern for consistency affected several other variables.

As may be inferred at this point, our multivariate analyses were repeated many times using different sets of variables and different types of dichotomies, before we decided which "models," as the statisticians call them, provided the most satisfactory tables in the light of all of the above considerations.

We should also add that in analyses such as those of Table 6, that estimated how various attributes and the offense affected the odds of someone getting a particular penalty, we had to take into account the fact that in order to get more cases with the infrequent penalties in which we were interested, we deliberately oversampled jail, fine, restitution and COPS cases. This made our sample not representative of the total list of cases from which it was selected. Therefore, before we began our analyses we deliberately weighted the cases according to their combination of specific types of financial and other penalties to make the proportions of each of 17 combinations of penalties identical in

our weighted sample to their proportions in the list of sentenced cases (for which four broader combinations of penalties are shown in Table 2).

In the section on separate offenses we employ stepwise logistic regression analysis. This means that while we begin with a set of potentially predictive attributes selected by the above criteria, we do not retain all of them. Let us call the number of attributes initially selected "n." We first determine which attribute makes the best prediction of the odds for the dependent variable, and include it in our prediction model. We then analyze which of the remaining n-1 attributes makes the best prediction after taking into consideration the effect of the first variable selected, and we add this to our model. The remaining n-2 attributes are then similarly examined to select the next best predictor taking into consideration the first two selections, and this process is continued until no additonal attributes add significantly to the strength of predictions from the variables already selected. Such a procedure relies less on the theoretical guidelines that determined the set of attributes initially employed, and more on what the data themselves reveal are statistically significant relationships. This approach is different from that of Tables 6 and 10-14, in which many non-significant attrubtes are retained, which allows us to compare the effects of the same attributes for different sentences and postrelease outcomes, to show how all the theoretically important attributes actually compare as

predictors. The stepwise procedure retains only relationships that are not likely to have occurred due to chance variation in the selection of the sample of cases.

Also included in some of our multivariate tables is the intercept, which is a technical concept of some complexity when more than two variables are used in a regression analysis. In Table 6, the intercept can be thought of as the adjusted odds of receiving a given penalty, versus not receiving it, afte the partial effects of the attributes and offenses used in the analysis have been accounted for. In general, the closer the intercept is to the overall odds of a case being in one category of the dependent variable rather than in another category, the weaker is one's predictive ability. For Table 6, after weighting, the odds from which the intercepts should deviate are 1.240, Ø.290, Ø.Ø86, and Ø.1ØØ. These differ appreciably from the intercepts 1.388, Ø.59Ø, Ø.1Ø3 and Ø.ØØ9.

To assess the overall ability of a multivariate regression table to guide the prediction of behavior involved in sentencing or other decisions, a summary measure is available, the coefficient of determination, or $R^2$. This estimates the proportion of the likelihood of being in one category of the dependent variable versus in the other that has been explained by its covariation with the predictive (independent) variables. For Table 6 this proportion differs for each column, but ranges from a low of only .Ø59--about 6 percent--for probation only, to a high of .115--11 1/2 percent--for probation plus jail only.

These coefficients are misleadingly low when using logistic regression analysis in which, for the sake of consistency and comparability from one table to the next, one includes both significantly related attributes and others not as significant but of theoretical interest. The latter may actually detract from the $R^2$ because this statistic adjusts for the number of variables used in the model. At the bottom of Table 12 we have "reduced model" $R^2$ values, which is the percent of likelihood explained by the significant predictors (those with asterisks) taken alone. These are somewhat higher than tne original $R^2$ because variables not contributing to the explained likelihood are excluded. Since with fewer variables one has fewer cases with missing information, the reduced model analyses used somewhat more cases. Usually the $R^2$ values are somewhat higher with reduced models, but occasionally they are diminished by effects of having more cases. In the multivariate regression analyses presented in small tables within the text on the separate offenses, stepwise methods are used that only include the most significant predictive variables, and they are for more homogenous populations since they cover only one offense. Therefore, they often yield much higher values for $R^2$

Multivariate Prediction of the Penalties

The figures in Table 6 show that the strongest influences on chances of getting the most lenient penalty, Probation Only, were those affecting who would not have it--all the crimes other than drug offenses. The reference category was drug offense, and all the other crimes have odds multipliers of less than 1.000, which means that they all have only a fraction of a drug offender's chances of getting this penalty. DUI with 0.066 and burglary with 0.112 have the lowest fractions, with assault 0.169, indecent exposure 0.173, and theft highest at 0.296. While this difference in getting probation only for the various offenses was indicated by Table 2 for all the 1984 cases to which our weighted sentence is proportional, what Table 6 estimates are the relative odds of receiving this sentence.

Having high school or higher education, having no drug problem, and having no prior conviction, were also strongly related to getting a probation only penalty, with only a 5 to 10 percent chance that variations in the sampling of our cases account for their odds being as different from 1.000 as they are. More noteworthy, perhaps, is that when the offense and these variables effects are taken into account, the impact on odds of getting this sentence were not significantly beyond chance for age, never married, income, employment or alcohol problem.

Probation plus Financial Penalties Only is shown by Table 6 to have been most strongly predicted by not being black, not having prior alcohol or drug problems or prior convictions, and

being convicted of indecent exposure.

Some bias in sentencing practice is suggested not only by probation plus financial penalty being less likely for blacks than for whites, but also by the fact that Table 6 shows further that odds of getting Probation plus Jail Only was most enhanced by being black. The odds of getting a jail only sentence were greater for blacks than for whites independently of the differences between these two racial groups on the other attributes measured.

The odds of jail sentences without financial penalties were also increased 2 1/2 times by being convicted of burglary or having a drug problem, and they were also increased by being unemployed, as well as by being hispanic or being convicted of theft. Once their collective impact on the odds of getting this sentence is taken into account, age, education and marital status have no significant impact, and alcohol problems have only a marginal influence.

The conditional odds of getting the most severe punishment, Probation plus Jail plus Financial Penalty, were high for all of the crimes we studied when compared to the odds of getting this most severe punishment for drug offenses, but were especially high for DUI and for burglary. They were lower for hispanics, but higher for those with less than a high school education. Once the impact of these attributes was taken into account, Table 6 indicates that employment, marital status, and drug or alcohol problems had little impact on the odds of getting jail plus

financial penalty. Also, for getting this or any of the three other types of punishment, age had relatively little impact once the more strongly influential attributes were taken into account.

Separate Predictors of Recidivism

Table 7 shows that indecent exposers had the lowest postrelease arrest rate and drug criminals the highest, with a similar contrast also applying to their postrelease conviction, probation revocation, and incarceration rates. Assaulters and thieves also had low reconviction rates. DUI offenders had low rates of postrelease arrest and conviction, but were the highest in probation revocation. This may reflect DUI's exceeding other offense groups in the prospect of having probation revoked for noncriminal conduct, such as failure to pay restitution, to refrain from drinking, or to attend required treatment or training programs.

The separate statistical relationships of some offender attributes to recidivism are indicated in the various parts of Table 8. The degree to which the recidivism indicators are predictable by the offender attributes is best measured by Cramer's V, but Gamma shows how consistently rates of recidivism increase or decrease with an increase in an offender attribute that is measurable in one direction (such as age or income) or by the absence or presence of an attribute (such as employment or prior probation). Gamma is inappropriate, however, for

attributes (such as marital status classified as "single," "married" and "separated or divorced") that have three or more categories that do not clearly measure different amounts of the same thing.

The Gamma number is preceded by a minus sign for those variables, such as occupational status and monthly income, in which an increase in the attribute is associated with a decrease in recidivism rates. For the relationship of recidivism to an attribute, however, the sign of Gamma reflects the direction in which the attribute is classified. Thus, entries for "Financial Status" on the probation officers' presentence reports, from which we drew our case data, has its categories in the sequence "Good," "Fair," "Marginal" and "Poor"; therefore, Gamma is positive for Financial Status because recidivism is higher for each "advance" in this attribute.

For all offense and penalty groups taken collectively, and each offender attribute considered separately, Table 8 shows by its Cramer's V values that seriousness of rearrest or reconviction was most closely related to a record of drug problems (Part B). Almost as closely related to this index of recidivism were prior arrests and prior confinements (Part A), an unskilled occupation (Part C), and poor financial status (Part D). Not far behind were prior convictions and prior probations (Part A), and employment stability (Part D). Probation revocation was most closely related to drug problems and prior arrests, but almost as closely to prior convictions and low

monthly income. Drug problem was by far the variable most related to postrelease incarceration, followed by prior confinements, prior arrests, and prior convictions (whether for misdemeanors or felonies, or both considered together), and also by unskilled occupation, poor financial status, low monthly income, or low educational attainment.

An anomaly in our findings for most of the offender groups was that those whom the probation officers classified at sentencing as having debts that were "excessive," rather than "reasonable" or "none," were the most likely to have no further difficulties with the law after release. Apparently, to have credit ratings good enough to acquire debts that seemed excessive was to have a nigh capacity for achieving a conventional way of life after the shock of conviction, but to have no debts was to have below average prospects of postrelease adjustment because of a poor employment record that also resulted in inability to buy anything on credit.

For all offenses taken collectively, alcohol problems were not nearly as closely related to postrelease recidivism as were drug problems. Rates for all indicators of recidivism diminished with age, as was to be expected from most prior research. Never married offenders had the highest rates of serious postrelease arrests and convictions, probation revocations, and incarcerations. Although married offenders had the lowest rearrest and postrelease incarceration rates, they had slightly higher rates of probation revocation than those who were

separated or divorced. One may speculate that the probation officers may have learned of rule violations from complaints by the spouses of probationers that they would not have received for separated or divorced offenders.

Recidivism rates by offense are analyzed separately in Table 9 for each of our four mutually exclusive types of penalties. For all offenses taken collectively, rates of postrelease arrest, incarceration and probation revocation were lower for those sentenced to financial penalties only, and higher for those jailed, than for those given the most lenient penalty, probation only. One might expect that probation only would be given to the lowest risk offenders and would be followed by the lowest recidivism rate, but this did not occur for all offenses taken collectively, although it did to a slight extent for drug offenders and burglars. Little difference in recidivism rates seemed to result from adding financial penalties to jail sentences, except for DUI cases, which had distinctly more postrelease arrests and convictions after jailing if they also had financial penalties. However, the few indecent exposers given jail without financial penalties had the highest recidivism rates. In general, the recidivism and financial payment statistics suggest a predominant tendency to cost-effectiveness in Municipal Court imposition of financial penalties and restraint from jailing, but not nearly its full achievement, a topic to be discussed further at several points in this report.

Tables 7, 8 and 9 imply that it is wise to impose probation

with financial penalties alone for cost-effective punishment of offenders who have little prior criminal record and some financial resources. Although it justifies jailing for incapacitation of previously confined or drug-addicted offenders to prevent their committing crimes in the community, since they have the highest rates of return to crime when they are released, it also suggests the urgent need for experimenting with alternatives to incarceration. Appropriately, Los Angeles county nas recently followed the lead of several other jurisdictions in trying out house arrest and other restraints in the community, combined with work training and placement, for those usually jailed offenders who are most likely to succeed with such measures.

Multivariate Prediction of Recidivism

In multivariate analysis of the predictors of postrelease recidivism for all cases taken collectively, we considered simultaneously all of our six offenses and four mutually exclusive types of penalties, in addition to attributes of offenders that taken separately were highly related to recidivism rates and not closely related to each other. This, more conclusively than the analysis of separate predictors, showed that neither the type of offense nor the type of penalty imposed was as closely related to the probability of recidivism as were some of the attributes of offenders.

The first indicator of recidivism investigated by

multivariate methods was rearrest during our 2-year followup period. This analysis, summarized in Table 10, estimates that those in our sample who had a drug problem, according to the probation officer's report, had odds of rearrest over twice as high as persons who had no drug problem. Independently, prior convictions also almost doubled the odds of rearrest. The odds of postrelease arrest diminished greatly with increasing age of the offender at sentencing, and dropped somewhat with conviction for theft as compared to conviction for drug offenses, but there was some increase in the odds of rearrest from being black. When the effects of all of these factors were taken into account, there was little additional impact from low education, not being married, monthly income, employment, alcohol problems, offenses other than theft, being hispanic, or the particular one of the four mutually exclusive penalties imposed, although jailing increased rearrest odds somewhat.

The second indicator of recidivism analyzed in Table 10 is postrelease incarceration in jail or prison. A prior drug problem more than tripled the odds of postrelease incarceration, while prior conviction almost tripled the odds, and each additional year of age reduced the odds more than five percent. The offenses did not as markedly affect the odds of postrelease incarceration, although they were highest for DUI offenders. Being sentenced to jail, however, greatly increased the odds of reincarceration within 2-years after release. Once the multivariate analysis took into account the independent effects

of these attributes, there were little additional effects from race, education, marital status, income, employment, alcohol problems, or the offense.

Multivariate analysis of the statistical predictors of probation revocation are also shown in Table 1Ø. They reveal some similarities to and some differences from the predictors of postrelease arrest or incarceration. For all three of these indices of postrelease difficulties with the law, the strongest predictor was a prior drug problem; it more than tripled the odds of probation revocation. The second strongest predictor of probation failure, however, was being convicted of DUI, which almost tripled the odds of probation revocation. Apparently there was much violation of the special requirements imposed on DUI probationers, but we do not know whether their high revocation rates were due to their missing restitution payments, neglecting to attend or pay for alcoholism treatment programs, or simply due to their further drinking and/or driving. The third strongest predictor of probation revocation, we regret to report, was being black, which more than doubled the odds of revocation. This may suggest that some aspects of probation supervision practices are correlated with race, but our guess is that the street environment and the law enforcement intensity in the ghetto areas in which poor blacks tend to be segregated increase their risk of being found to be probation violators, regardless of their behavior. Additional strong predictors of probation revocation, independently of the foregoing, were less than high

school education, and being sentenced to probation plus jail plus a financial penalty.

It will be noted in Table 10 that we had information on all attributes for only 873 cases in the analyses of postrelease arrest and incarceration, and only 825 for probation revocation. Although the same attributes were used for all three of these multivariate analyses, there were fewer probation cases because 29 persons in our sample received jail sentences without probation, and for about 50 of the probationers we had no definite indication of either satisfactory completion and discharge from probation or its revocation.

The $R^2$ figures indicate that our attributes account for 14 percent of the likelihood of postrelease incarceration, and about 9 percent of the likelihood of both postrelease arrests and probation revocation. These percentages are low partly because in this table we tried to include all theoretically important potential predictors of recidivism, and we chose to include the same possible predictors for all three indicators of recidivism, thus permitting comparative assessment of the separate predictive importance of all the variables studied for each of the three different indicators of postrelease adjustment. This contrasts with the higher percentages of explained variance obtained in some of the multivariate tables for the more homogenous separate offense groups, presented within the text later in this report, in which stepwise logistic regression analysis was employed which retains for each table only the predictor variables that are most

closely and independently related to the outcome studied.

Table 12 summarizes separate multivariate analyses of attributes related to postrelease arrest for each of the four mutually exclusive penalty groups. However, dividing the sample into four components means that there are fewer cases in each of the four analyses than in those of Table 10 that consider all penalty groups simultaneously. Therefore, there are fewer relationships in Table 12 that cannot readily be due to chance. The only strong predictor of postrelease arrest for all four penalty groups shown in this table is drug problem, but it is only highly significant with these smaller samples for those offenders sentenced to probation plus jail only. The older releasees were at sentencing, the less likely was their arrest in our 2-year followup period, but only for those sentenced to probation with both financial penalties and jail was this relationship clearly too strong to be explained by chance.

Postrelease incarceration for those sentenced only to probation was most likely if they were unemployed, Table 13 shows; for these leniently punished offenders, employment cut the odds of jailing or prison to almost a fourth of what it would otherwise be for offenders who were unemployed. Prior convictions also was a strong predictor of postrelease incarceration for those given probation only. For those with probation plus financial penalties only, youthful age, low education, drug problems as well as prior convictions appreciably increased odds of jailing or prison. A prior drug problem was

the only significant predictor of postrelease incarceration for those given jail only. For those with jail plus financial penalties, however, the odds of postrelease incarceration were about halved if they were employed as compared with the odds for similar offenders who were unemployed, but of course, these odds were increased by any prior conviction or prior drug problem. Rather small percentages of the likelihood of postrelease arrest or incarceration were explained in these separate penalty group analyses, and these proportions are only slightly higher for reduced model analyses that employ only the variables marked with asterisks.

Predictors of probation revocation for the separate penalty groups, as for other offender groups, differed somewhat from the predictors of postrelease arrest or incarceration, Table 14 shows. For those sentenced only to probation, being convicted of assault greatly increases the prospects of probation revocation, as does an alcohol problem, neither of which were so predictive of arrest or incarceration for this penalty group; unemployment and drug problems also much augmented their prospects of probation revocation. For those given probation with financial penalties only, all the offenses other than the reference category DUI markedly reduced odds of probation revocation. Presumably the high restitution charges for DUI cases, due to the injuries caused by the accidents in which so many were involved, made probation revocation rates especially high for those convicted of this offense. In addition, odds of revocation for

those with financial penalties only were increased by being black, of youthful age, less than high school education or having a drug problem. For the jail only group, probation revocation was only significantly predicted by a prior drug problem. Drug problems were supplemented by being black, of youthful age, and having prior convictions as predictors of revocation for those given probation plus jail plus financial penalties. The surprising finding for the latter group, however, was that being never married halved the odds of probation revocation.

Anomalous findings on probation revocation, as compared with the predictors of arrest or incarceration, suggest distinctive features of the administration of probation about which we can only speculate. For example, it is possible that difficulties of married probationers, such as family fights, are more likely to come to the attention of probation supervisors than difficulties of never married probationers. Again, proportions of likelihood explained were not very high, but were surprisingly highest for the probation only group.

## Attributes Predicting Payment Rates for Financial Penalties

About two-thirds of those sentenced to pay fines or COPS completed the payments in full, Table 7 shows, and 55 percent paid restitution in full. About a quarter paid fines or COPS in part, leaving only 11 percent paying nothing at all on these penalties. For restitution, 32 percent paid in part and 13 percent made no payments.

The size of financial penalties of all types varied with a number of personal attributes. Excluding cases in which there were no financial penalties, and a few percent for whom we had information that there were penalties but no figures on the amount, the median totals that offenders had to pay were: $408 for women and $498 for men; $542 for whites, $452 for hispanics, $387 for blacks, and $452 for others; $377 for those 18-22 years old, $369 for age 23-27, $518 for 28-34s, and $606 for age 35 and over. Especially relevant were education and income: the medians were $377 for those with less than a complete high school education, and $362 for those with a high school diploma only, but $613 for those with education beyond high school; they varied with income, from $400 for those with no reported income, to $609 for those with incomes of over $2000 per month. Those employed had median total monetary penalties of $487, while the median for the unemployed was $368, which raises a question of how much attention was given to ability to pay when sentencing. However, the relationship of the size of financial penalties to these attributes was much closer for fines than for restitution or COPS.

Total financial penalties for those in the six offense groups ranged from a low of only $160 for drug offenders to a high of $668 for DUI cases, still counting only those who received monetary punishments and for whom the files indicated the amounts levied. DUI cases paid most on all penalties, but especially on restitution, which ranged from a low of $57 for

burglars to a high of $1,050 for DUI cases; many of of the latter had to pay for injuries to persons and/or property in automobile accidents. Restitution was so rare for drug offenders in the total list from which we sampled, that we did not try to oversample restitution cases for them, and it also was rare for indecent exposure, for which we took all cases rather than a sample. Median fines were $608 for DUI, $417 for drug crimes, $378 for indecent exposure, $362 for assault, $360 for theft, and $333 for burglary. Median COPS assessments were $352 for DUI, $257 for indecent exposure, $225 for theft, $186 for assault, $138 for burglary, and $62 for drugs.

Indecent exposers, assaulters and thieves had the highest rates of completing payments of fines and COPS. Most thieves and assaulters paid restitution assessments in full, most drivers under the influence paid it in part, and burglars were intermediate in payment rates, slightly exceeding other offense groups in percentage not paying at all. This doubtless reflects the amount of restitution in relation to income; Table 4 shows that burglars and thieves were very low in income, while DUI was highest, with assaulters intermediate.

Table 8 shows that the factors separately associated with rates of payment of financial penalties have some similarities to but some differences from the factors predicting recidivism. Drug problems and prior criminal record, the best predictors of recidivism, were also associated with low rates of payments. These findings were not always statistically significant because

only two-thirds of our sample had financial penalties, as Table 5 shows, including 19 percent who also had a jail term. However, having debts, which we have indicated above was closely linked to nonrecidivism, was the attribute most strongly related to paying COPS. Surprisingly, although good financial status was highly related to payment of fines, it was not so closely linked to payment of restitution or COPS, and monthly income was not especially correlated with payment of financial penalties. These confusing findings for different types of financial penalty are to some extent consequences of the arbitrary sequence in which the probation department assigns money from those receiving multiple payments, with restitution paid first and COPS last.

For all cases, the rates of payment in full were, as expected, inversely related to the amount of total financial penalties imposed. This relationship was especially strong and significant for assault and drug cases. Rates of postrelease arrest or incarceration were not significantly related to the total size of financial penalties, but probation revocation rates increased directly with the amount to be paid, presumably because rates of nonpayment increased with the size of these levies. These consequences of the size of the financial penalties, however, were not strong or significant for those given probation plus financial payments only; they were especially strong for those give jail plus financial penalties. Jailing greatly reduced prospects of collecting fines, restitution or COPS, unless the amounts imposed were small.

For multivariate analysis we tried to identify factors affecting the odds that all financial penalties would be paid in full. As Table 11 shows, what we found was again that drug problems most strongly affected the conditional odds of fully paying financial penalties. Those with drug problems had one-third the odds of paying in full of persons without drug problems. Being black, being convicted of DUI as compared with having a drug offense, and having a jail sentence in addition to the financial payment, each about halved the conditional odds of payment in full. Additional but more marginal predictors of nonpayment were having less than a high school education, and each dollar lower in monthly income. Once these factors affecting odds of payment were taken into account, little impact on prospects of payment came from age, marital status, drug problems, prior convictions, or the offenses other than DUI.

Although Table 5 shows that 745 cases in our sample had financial penalties, Table 11 indicates that only for 539 of these 745 cases did we have information on all of the attributes used in our multivariate analysis, as well as information on their penalty payments. Indeed, we lacked penalty payment information on 11 percent of those with fines, 8 percent of those with restitution, and 11 percent of those with COPS. The $R^2$ for Table 11 indicates that our multivariate analysis explained only about 6 percent of the likelihood of payment of financial penalties in full.

Comparison of Penalty Predictors with Recidivism Predictors

Table 6 indicates that judges vary the sentences greatly according to the offense. Like Tables 1 and 2, it confirms that for cases closed in 1984, the Los Angeles County Municipal Courts tended to be most lenient for drug users and possessors, the reference category on offense, which gave all other offenses multipliers of less than one for probation only. They were more likely to jail burglars, but to give indecent exposers probation with financial penalties. Table 6 also showed most conclusively that in addition to basing the sentence largely on the offense, judges tended to jail disproportionately offenders who were black, hispanic, unemployed, of low education, and with prior drug problems, as well as those who had prior convictions.

Contrastingly, in our statistical tabulations of the predictors of recidivism, the offenses for which individuals in our sample were convicted were on the whole, not nearly as predictive of postrelease arrest, conviction or incarceration in our 2-year followup as were some of their personal attributes. Prior drug problems and prior criminal record were especially predictive of postrelease difficulties with law enforcement agencies.

While these are not new types of findings in criminological research, they may be the basis for questioning the wisdom of the court's emphasis on the offense in sentencing, which in turn reflects recent efforts in criminal law to make penalties depend more on the offense than the offender. Before presenting our

findings on the separate offenses, therefore, it may be appropriate to discuss this issue in sentencing philosophy.

## The Offense Versus Offender Attributes as the Basis for Sentence Determination

Sentencing policy in the United States since the early 1970s has been increasingly dominated by the just desert movement, which advocates emphasis on the offense, rather than on attributes of the offender, in determining punishment. The arguments in favor of punishment by the offense alone include abstract metaphysical contentions that it is more just than sentencing on the basis of offender attributes, as well as empirical claims that prediction of recidivism or rehabilitation is too unreliable a basis for determining sentences, that deterrence is greatest with penalties predictable on the basis of the offense, and that the public objects to persons convicted of the same offense receiving different penalties.[2]

Arguments opposing a focus only or primarily on just desert in sentencing are supported by this and other research. These arguments, all empirically grounded, include:

(1) the fact that when asked what punishments are appropriate for particular crimes, the public advocates more severe penalties than are usually imposed, but they also show by their votes on prison bond issues and taxes that they are unwilling to pay for such sentencing policies, and they actually do not consistently support making penalties proportionate in severity only to the

seriousness of the offense;[3]

(2) the evidence that the certainty of a penalty gives it more deterrent effect than its severity, after some minimum necessary severity is achieved;[4]

(3) the evidence that certainty cannot be great because less than a tenth of serious property crimes and only a minute fraction of one percent of drug usages or sales result in government penalties, plus the evidence that most high-rate offenders are so unspecialized in their offenses that chance alone largely determines the offense on which they are caught, which would be the basis for just desert penalties;[5]

(4) the evidence that statistical prediction of recidivism by the attributes of offenders more than by their offenses already is more accurate than the only alternative, case study predictions by judges, psychiatrists, social workers or any other type of human being, whether they claim to base their predictions on the offense, their experience, their training, or anything else.[6]

Accordingly, this research has sought to assess statistically both the offense and offender attributes, alone and in combination, as predictors of recidivism. The ultimate objective is to recommend sentencing principles, within just desert upper and lower limits of justifiable severity of punishment for the offense, that maximize social benefits in excess of costs.[7]

From the analysis thus far, it would seem that optimum sentencing policies for societal benefits in excess of costs

would impose incarceration or severe restraint in the community especially on offenders with prior drug problems and prior criminal records, and especially on those with these attributes who are convicted of burglary. Conversely, it would rely primarily on financial penalties for those with few or no prior arrests, good financial status and employment prospects, as well as no serious prior drug problems. This was the predominant sentencing pattern in the Municipal Courts of Los Angeles, but attention to its cost-effectiveness for recidivism reduction may make it an even more predominant and consistent sentencing policy.

## The Separate Offense Groups

Some refinement of the above conclusions on our total sample are provided by examination of our data on each of the six separate offense groups that we studied. While the analyses of all offenses that concerned us until this point showed that the offense was the main determinant of the penalty, here we shall be concerned with the predictors of what variation of punishment there was within a separate offense group, and what best predicted recidivism for penalty groups with that offense. We present tables on these matters with all of the relationships that we found were statistically significant.[8]

The multivariate analysis of penalty prediction within each offense group, done separately for each of the four mutually exclusive types of penalty, used stepwise logistic regression

with sets of attributes that separately were significantly predictive of that penalty for this offense, were not highly correlated with each other, and did not have too many cases for which information was missing. Nevertheless, for strong predictions of some of the penalties we had to use some groups of variables on which less than all cases had information, so there are fewer cases in most of the stepwise regression tables presented here than prior tables. The stepwise procedure identifies first the variable in the set that is most closely related to the outcome being predicted, then the next most closely related variable, then the next most, and so forth, until all variables in the set that most markedly account for the outcome statistically have been identified.

It should be noted that for these multivariate analyses, all cases in our sample for each offense group were weighted to make their proportions with each of 17 combinations of penalty correspond to the percentages with these combinations of penalties in all cases on our sampling tape with that offense. This corrected for our oversampling of infrequent penalties. When there was a choice, objective attributes such as marital status, education and monthly income were preferred to subjective assessments by the probation officers, such as their judgment of whether financial status was "good," "fair," "marginal" or "poor." Furthermore, for most of these analyses the attributes were regrouped into dichotomies, such as spouse is the victim or not, previously arrested or not, and so forth. Shown are the

effects of each of these variables on the odds of getting that penalty, and "p," the probability that their effect on the odds could be caused by chance. In addition, the percentage of the likelihood of receiving a given penalty that is explained by each table is indicated, that is, the table's coefficient of determination or $R^2$.

In the multivariate analysis of the predictors of indicators of recidivism--postrelease arrest, probation revocation and incarceration--we used three of the penalties as control variables before proceeding to stepwise prediction. This means that with the set of variables that we employed for logistic regression we included three types of penalties as dichotomies: Probation plus Financial Penalties Only; Probation plus Jail Only; Probation plus Jail plus Financial Penalties. This yielded the multipliers on the odds of getting these indicators of recidivism for each penalty, as compared with the odds for the reference variable, the omitted penalty, Probation Only. Often these odds were appreciable, but they had a very high probability (p) of being caused by chance. This means that the penalty had little probable effect in the recidivism prediction. These will be discussed separately for each offense's multivariate tables on recidivism.

Assault

Table 4, discussed earlier in this report, shows that our 262 assaulters tended to be slightly older than the other offenders whom we studied, and also had somewhat more extensive records of prior arrests, convictions, and incarcerations, but not more prior probations. They were intermediate among the six offense groups on almost all personal attributes.

The victims of their assaults were strangers in 31 percent of the cases, friends or acquaintances in 22 percent, spouses in 16 percent, persons in other love relationships in 14 percent, members of the family other than spouses in 6 percent, and miscellaneous other persons in 11 percent. Half the assaults were done without weapons other than hands, or in some cases feet. Only 6 percent of the assaults involved use of a gun, 14 percent a knife, and 30 percent other weapons, such as a stick or a hammer. Half the assaults occurred in a home, 29 percent on a street or other outdoor space, 7 percent in a bar, party or other drinking place, and 15 percent in miscellaneous other locations, such as a store or workplace.

In only 30 percent of our cases was the assaulter reported to have been intoxicated at the time of the offense, including ten percent of the cases in which both the offender and the victim were drunk. This contrasts with much criminological literature that reports drinking associated with most assaults, but it may also reflect incompleteness in the descriptions of offenses that we found in the files, perhaps in their accounts of

drinking. In only two percent of the cases was the victim alone reported to have been drunk, in three percent one or more participants were under the influence of drugs other than alcohol, and in 55 percent of the cases no intoxication was reported for any participant.

Twenty-three of our assault cases received a special diversion from the usual penalties that was designated as for domestic violence offenders, 5 were placed in other types of diversion programs, 26 were given summary probation, and 26 probation without supervision. These comprise 31 percent of all cases, the remaining 69 percent being on regular probation. Differences in probation outcome for these diverse dispositions were far beyond explanation by chance ($p < .000$): revocation rates were 25 percent for regular probation, but 50 percent for summary probation, 30 percent for domestic diversion, 4 percent for release without supervision, and zero for the 5 cases with other types of diversion. Differences in postrelease arrest and in incarceration rates both had a 7 percent probability of being due to chance, but they indicated that: (a) postrelease arrest rates in our 2-year followup period were 48 percent on summary probation, 39 percent in domestic diversion, 35 percent on regular probation, 20 percent in other diversion, and 15 percent for those without supervision; (b) postrelease incarceration rates were 30 percent for summary probation, 19 percent for regular probation, 7 percent for release without supervision, 4 percent for domestic diversion, and 20 percent for other

diversion. It would appear that the summary probation case selection was not very astute, and that domestic diversion was of no clear benefit. However, sometimes summary probation was given to someone already on regular probation for another offense. There are too few cases in these special categories to warrant analysis of the effects of the attributes of individuals within each group.

Table A1 presents our findings on the separate attributes of assaulters and assaults that were most predictive of the penalties imposed, as shown by Cramer's V and Gamma, two statistical measures of association that have already been discussed. Table A2 shows the best predictors of recidivism for assaulters in each of the four mutually exclusive penalty categories. On the whole, assaulters received penalties about as severe as the average for our total sample, and had recidivism rates similar to those of the entire sample. As Table 7 shows, 65 percent had no postrelease arrests, but 18 percent were incarcerated during our 2-year followup period. Although 47 percent had probation violations recorded in their supervision files, only 25 percent had their probation revoked. About two-thirds paid their financial penalties in full, but about ten percent paid nothing.

For assault, since 92 percent of the assaulters were males, we excluded females from the multivariate analyses. The following were our stepwise logistic regression findings for each of the four types of penalties for male assaulters, using sets of

up to 15 variables to determine which is the most predictive, which is the second most predictive, and so forth, until no further variables are markedly predictive.

Table A1 indicates that when the offender attributes were considered separately, having never had prior probation was most associated with an assaulter getting the penalty of <u>probation only</u>, and also highly predictive were being old at one's first arrest (often for this assault), and being married or otherwise related to the victim. Table A2 shows that prior criminal record, youthfulness at sentencing and at first arrest, as well as prior drug and alcohol problems, were the best predictors of recidivism for this group. Multivariate findings were as follows:

<u>Probation Only</u>

| <u>Predictive Variables</u> | <u>Multiplier of Odds</u> | <u>p</u> |
|---|---|---|
| Victim is Spouse of the Assaulter | 37.690 | Ø.ØØØØ |
| College Education | 9.267 | Ø.ØØØ2 |
| Monthly Income | Ø.999 | Ø.Ø1Ø2 |
| Prior Arrest | Ø.115 | Ø.ØØØ1 |

Clearly, within this set of variables that collectively best predicted the penalty of probation only for male assaulters, the single most predictive item was that the victim was the assaulter's wife. The odds of getting this lenient penalty were almost 38 times as great with spouse as victim as with other victims. Having a college education multiplied the odds of getting this penalty by more than nine. Greatly reducing the odds of getting this penalty, however, was any prior arrest. Also reducing the odds of this penalty was each dollar of income

(which increased the odds of financial penalties). These four predictors accounted for 30 percent of the likelihood of receiving this penalty. A total of 15 variables were used in the multivariate analysis for the 204 assault cases with all needed data. Not adding significantly to the effects on odds when these four predictors were taken into account were the 11 additional variables: black, hispanic, age, single, number of children, employed, drug problem, 21 years or older at first arrest, used no weapon (e.g., used fists) in assault, assault occurred in a residence, victim or suspect intoxicated.

Table A1's statistics indicate that punishment by <u>probation plus financial penalties only</u> was most strongly predicted separately for assaulters by absence of prior drug problems, lack of prior criminal record, and good financial status. Table A2 shows that the best predictors of recidivism for this group were low education, as well as drug problems and prior criminal record. Our multivariate findings were:

Probation plus Financial Penalty

| Predictive Variables | Multiplier of Odds | p |
|---|---|---|
| Assault Occurred in Residence | 2.565 | Ø.Ø272 |
| Used No Weapon (e.g., used fists) | 2.243 | Ø.Ø2Ø2 |
| Monthly Income | 1.ØØ1 | Ø.ØØØ5 |
| Prior Arrest | Ø.498 | Ø.Ø471 |
| Drug Problem | Ø.222 | Ø.Ø111 |
| Victim is a Relative of Assaulter | Ø.196 | Ø.ØØØ3 |

According to this best multivariate prediction, the odds of an assaulter being punished by probation with financial penalties but no jail were increased most by the assault occurring in a residence (rather than in a public place), and almost as much by no weapon being used other than parts of the body, usually the hands. Also slightly increasing these odds was each dollar of income, but the odds of getting this penalty were halved by a prior arrest, and divided by five if a relative other than the assaulter's spouse was the victim. However, although this analysis was undertaken with 13 variables, these six best predictors only accounted for one sixth of the likelihood with the 215 cases used for this analysis.

Table A1 shows that the characteristics of assaulters that were most associated separately with their getting probation plus jail only (or jail without probation) were drug problems, low income, unemployment, prior arrests, and prior convictions. Table A2 indicates that recidivism by assaulters jailed with no financial penalty was especially predicted by their having an unskilled occupation, as well as by drug problems, prior criminal record, and the victim being a friend or acquaintance or someone in a love-relationship (other than marriage) with the assaulter.

Multivariate findings were:

Probation plus Jail (including Jail Only)

| Predictive Variables | Multiplier of Odds | p |
|---|---|---|
| Prior Arrest | 6.Ø63 | Ø.ØØ24 |
| Black | 4.665 | Ø.ØØØ6 |
| Drug Problem | 2.255 | Ø.Ø825 |
| Monthly Income | Ø.998 | Ø.ØØØØ |
| Assault Occurred in a Residence | Ø.4Ø2 | Ø.Ø311 |

A prior arrest record multiplied sixfold the odds of an assaulter getting jailed as a condition of probation, without financial penalties. However, and independently of the other factors, being black multiplied the odds almost five times. Prior drug problems more than doubled the odds, but the odds were diminished somewhat by increased monthly income, and were markedly reduced if the assault occurred in a residence, rather than on a street or other public place. These five variables, out of 13 used in this analysis of 215 cases, accounted for 32 percent of the likelihood of male assaulters being jailed without financial penalties.

Most of these findings indicate that assaulters with jail sentences and no financial penalties were predominantly poor risks, in that they had a high proportion with prior arrests and drug problems. However, being black was an attribute that also increased the chances of incarceration. This suggests that some racial bias in sentencing prevailed, since use of other variables that differentiated black offenders as a whole--such as lower average income, presence of a drug problem, and arrest history--did not eliminate a significant increment to the

prediction of jail sentence from being black.

Punishment by probation plus jail plus financial penalties was not very well predicted by the separate attributes of offense and offender presented in Table A1, but its best predictors were prior probation, using a weapon in the assault, having no more than high school education, and being employed. Table A2 indicates that recidivism of assaulters sentenced to jail plus financial penalties was best predicted by prior criminal record, but was separately predicted also by low educational attainment, and by the victim being the assaulter's spouse. Multivariate findings on prediction of this severe penalty identified the same four variables as Table A1 showed had the strongest separate relationships to this type of sentence:

Probation plus Jail plus Financial Penalty

| Predictive Variable | Multiplier of Odds | p |
|---|---|---|
| Prior Probation | 4.585 | Ø.ØØØ1 |
| Employed | 2.3ØØ | Ø.Ø418 |
| Less Than High School Education | 1.86Ø | Ø.Ø982 |
| Used no Weapon (e.g., used fists) | Ø.35Ø | Ø.ØØ75 |

In this multivariate analysis, prior probation was the attribute of an assaultive male that most increased his odds of getting this most severe of municipal court penalties. Being employed also increased the odds of a sentence to jail plus financial penalties, as did having less than a high school education. However, the odds of getting this sentence were cut by almost two-thirds if the assaulter used no weapon other than his fists or other parts of his body. These four predictors, out of 13 used in this analysis with 215 cases, accounted for only 9 1/2

percent of the likelihood of getting this severe penalty.

Multivariate prediction of recidivism for all assaulters, using three of the four types of penalties as dichotomous (dummy) control variables, then proceeding to stepwise logistic regression by personal attributes as predictive variables, yielded somewhat different results for each indicator of recidivism, as follows:

Postrelease Arrest of Assaulters

| Penalties as Control Variables | Multiplier of Penalties | p |
|---|---|---|
| Probation plus Jail only | 1.575 | Ø.5Ø67 |
| Probation plus Financial Penalties | Ø.456 | Ø.1914 |
| Probation plus Jail plus Financial Penalties | 1.26Ø | Ø.7Ø62 |
| Predictive Attributes | | |
| Drug Problem | 2.414 | Ø.Ø563 |
| Age | Ø.965 | Ø.Ø9Ø4 |
| Victim is a Stranger | Ø.431 | Ø.Ø225 |
| 21 Years Old or Older at First Arrest | Ø.355 | Ø.ØØ44 |

The above figures indicate that there is no basis for confidence in the multipliers shown for the effect of the penalty on the probability of postrelease arrest for assaulters, since the high p values indicate that chance alone could well have caused the multipliers shown here (which are all conditional on the odds impact of the omitted reference penalty, Probation Only). The stepwise analysis of the effects on odds of the predictive attributes of assaulters show that a drug problem more than doubled their odds of a postrelease arrest, while each year of age appreciately diminished these odds, and they were more than halved if a stranger was the victim or the assaulter was 21 years of age or older at first arrest. In addition to the penalty

control variables and these four attributes, eight additional attribute variables were employed that had no marked offense on the odds of an assaulter's postrelease arrest: white, less than high school education, income, single, employed, assault without a weapon (other than fists or other parts of the body), assault occurred in a residence, and victim or suspect intoxicated. This analysis, with 200 cases, accounted for 10 percent of the likelihood of postrelease arrest.

Postrelease Incarceration of Assaulters

| Penalties as Control Variables | Multiplier of Odds | p |
|---|---|---|
| Probation plus Jail Only | 1.766 | 0.5539 |
| Probation plus Financial Penalties | 0.943 | 0.9495 |
| Probation plus Jail plus Financial Penalties | 1.006 | 0.9945 |
| **Predictive Attributes** | | |
| Drug Problem | 5.109 | 0.0009 |
| Less Than High School Education | 2.541 | 0.0430 |
| 21 Years Old or Older at First Arrest | 0.251 | 0.0021 |

These figures indicate that the odds multipliers shown for the penalty having an impact on the chances of postrelease incarceration are probably due to chance. Of the predictive attributes, however, drug problems again were most important, multiplying the odds of postrelease incarceration more than five-fold, while they were increased 2 1/2 times by less than high school education, but cut to a fourth if the assaulter was 21 years or older at first arrest (which was often for this assault). This analysis with 12 variables and 200 cases accounted for 16 percent of the likelihood.

Revocation of Probation for Assaulters

| Penalties as Control Variables | Multiplier of Odds | p |
|---|---|---|
| Probation plus Jail Only | Ø.234 | Ø.Ø546 |
| Probation plus Financial Penalties | Ø.29Ø | Ø.Ø443 |
| Probation plus Jail plus Financial Penalties | Ø.434 | Ø.1861 |
| Predictive Attributes | | |
| Drug Problem | 2.524 | Ø.Ø672 |
| Income | Ø.999 | Ø.Ø11Ø |
| 21 Years or Older at First Arrest | Ø.486 | Ø.Ø714 |
| White | Ø.416 | Ø.Ø314 |

These figures reveal, as have our other relevant tabulations, that the predictors of probation revocation differ from those of other indicators of recidivism. The values of p for the control variables are sufficiently low to give us confidence that getting a sentence of probation plus jail or probation plus financial penalties reduces to about a quarter the odds of probation revocation that result from the reference penalty category, probation only. However, the multiplier shown for sentences of probation plus jail plus financial penalties has too high a probability of being caused by chance to merit much confidence. Drug problems again had the greatest impact of any attribute on the odds of this indicator of recidivism, for it more than doubled the odds, while they were slightly reduced by each dollar of income, and they were more than halved by being white, or by being 21 years old or older at this offense. This analysis with 12 variables was done with 192 assault cases that had probation sentences and information on all of the other variables, and it accounted for 9 percent of the likelihood of revocation among assaulters.

To summarize, all of our statistics on penalty predictors

for assaulters show that there is a tendency to impose financial penalties on those who are employed, whether or not they are also jailed. Yet our data on collection of financial penalties indicate that jailing greatly reduces the ability of the offenders to make payments, presumably because it eliminates immediate income, creates financial burdens for care of dependents, and impairs subsequent employability. This suggests the cost-benefits advantage to a government of alternatives to jailing, such as community service, for employed offenders. Also, where jail space and available jail staff permit it, weekend jail sentences for employed offenders permit them to support dependents and pay taxes, as well as financial penalties. However, persistence in employment or in sincere efforts to seek jobs should be a condition of probation with weekend jailing; experience in Los Angeles County when it had weekend jailing during the 1970s was that too many of those with this sentence were alcoholics who did not work regularly, and spent the weekends in jail contentedly sleeping off their drunkenness of the rest of the week.

The brutality of the assault, as indicated by whether the victim required medical aid, was only related to sentencing in that it was most predictive of the requirement that the offender make restitution payments. Intoxication of the assaulter or the victim was predictive of the length of the probation term, and use of a weapon of the length of the jail term. Financial penalties were least likely if the victim was the assaulter's

spouse. None of these features of the offense was highly predictive of recidivism, which is another piece of evidence that the offender's prior behavior record rather than the current offense is the best guide to cost-effective punishments.

In conclusion, our findings suggest that assaulters would be most cost-effectively sentenced: (a) if jail confinement, for purposes of preventing recidivism by incapacitating the offender, were imposed primarily on the basis of the seriousness of the prior criminal record, especially its starting at an early age; (b) if financial penalties were made conditions of probation primarily on the basis of prospective financial resources. These sentencing principles are independent of features of the offense, such as the weapon employed or the injuries inflicted, although the latter justifies restitution penalties. Also, surprisingly, the odds of postrelease arrest were found to be reduced by more than half if the victim was a stranger, rather than someone known to the offender.

## Burglary

For this crime, the unlawful entry into a building to commit a felony, usually theft, the median age of those arrested in the United States has not exceeded 19, so a large fraction appear in juvenile rather than municipal courts. But it is also a crime in which the offenders tend to have high recidivism rates, so that most adults convicted of this offense in California now receive a Superior Court prison term. In our sample, the median age of

burglars was 21, making it the youngest of the offense groups. It is probably because of this low age, and because burglars with the worst criminal records are in prison, that the burglars in our sample had a smaller percentage with prior arrests, convictions, probations or incarcerations than most of our other offender groups. Table 7 shows that the 40 percent postrelease arrest rate for burglars in our 2-year followup period exceeded that of all the other offense groups except drug offenders, as did their 36 percent postrelease incarceration rate. Their 42 percent probation revocation rate was slightly exceeded by both drug and DUI cases.

Surprisingly, 51 percent of our burglars committed their offense in a business building, and 28 percent burglarized autos, with only 16 percent burglarizing homes, and 4 percent other places, such as schools. In 13 percent of the burglary cases, extensive damage was done to the place burglarized, in 41 percent damage was only done to gain entrance, as by breaking doors or windows, and in 46 percent no significant damage was reported. In 2 percent of our burglary cases, the burglar assaulted someone they encountered although their prosecution was for the burglary; in 60 percent they encountered someone but there was no assault or threat of assault; in 38 percent no one was encountered by the offender in the place burglarized. Of course, these figures reflect the fact that about 90 percent of burglaries are not solved by the police, and those that are solved are disproportionately the ones in which someone has seen the

burglar.

In 19 percent of the burglaries no loss of property was reported, in 4 percent the loss was valued as less than $100, in 48 percent it was valued as between $100 and $999, and in 28 percent the loss was valued as $1000 or more. For cases in which loss was reported, the most valuable items taken in 40 percent were said to be portable appliances (such as televisions, radio sets, or vacuum cleaners), in 16 percent clothing, in 11 percent cash, in 8 percent food or beverages, in 8 percent auto parts, and in 8 percent tools (including garden tools), with 10 percent other items. On the whole, as will be seen, these features of the offenses somewhat affected penalties imposed, but had little effect on recidivism rates.

Eight of our sample's 165 burglars got jail terms without probation, 7 received summary probation, and 13 probation without supervision. For these small groups, the differences in postrelease recidivism rates from the rates for our burglars on regular probation were not significant.

Probation only was imposed on only 10 of the burglars in our sample, so one cannot generalize with confidence on them, although exploratory analysis suggested that excessive debts most distinguish this leniently treated group.

Probation plus financial penalties only was received by 55 of our burglars. Table B1 shows that they had significantly less prior confinement and more education, and more of them were married than the other burglars. Stepwise logistic regression

analysis with 12 variables for 142 cases revealed the following:

Probation plus Financial Penalties Only

| Predictive Variables | Multiplier of Odds | p Less |
|---|---|---|
| Than High School Education | Ø.5Ø8 | Ø.Ø964 |
| Prior Incarceration | Ø.131 | Ø.ØØ59 |

Prior incarceration reduced to almost an eighth the odds of receiving financial penalties only as a sentence for burglary, and having less than a high school education cut these odds in half. These two variables accounted for 7 percent of the likelihood of receiving this penalty. The variables that did not add significantly to prediction by these two alone in this multivariate analysis were age, white, married, employed, drug problem, under 18 years at first arrest, burglary of an auto, extent of property damage inflicted, someone encountered during the burglary, and total value of items taken.

Postrelease arrests and convictions of burglars sentenced to probation plus financial penalties only are shown in Table B2 to have been most accurately predicted by the separate attributes of drug problems, not taking anything of value, and oddly, by their being employed, but the validity of these predictions was rendered somewhat uncertain by the small size of this group and the high proportion of cells with low expected values.

Table B1 shows that probation plus jail only was imposed on burglars who differed significantly from the others by the separate attributes of prior probation, convictions and incarceration, lack of skilled occupation, drug problems, damage to the property that they burglarized, and surprisingly, by the

relatively small value of the loot in their burglaries. They were "losers" even in burglary. Multivariate analysis predicted this penalty as follows:

Probation plus Jail Only (or jail without probation)

| Predictive Variables | Multiplier of Odds | p |
|---|---|---|
| Prior Incarceration | 2.343 | Ø.Ø429 |
| Age | 1.Ø57 | Ø.Ø456 |
| Income from Earnings (in $5ØØ units) | Ø.498 | Ø.Ø676 |
| Place Burglarized was a Home | Ø.2Ø5 | Ø.Ø37Ø |

Prior detention, jailing or imprisonment more than doubled the odds of jailing without financial penalty for burglars similar on our other variables. These odds were also significantly increased for each year of age, but were halved for those offenders whose income was from their earnings (rather than from spouse, parents, welfare or other sources). The odds were cut by almost a fifth if the place burglarized was a home. Apparently this penalty was largely reserved for the more professionalized older burglars, previously confined, whose targets were businesses and other nonresidential structures, and who had no legitimate earnings. However, this analysis of 136 cases only accounted for 7 percent of the likelihood of getting this sentence.

Table B2 indicates that recidivism of burglars receiving jail-only sentences was predicted significantly only by indicators of prior criminality--previous arrests, convictions, probations and incarceration.

Table B1 shows that probation plus jail plus financial penalties, the most severe sentence of the Municipal Court, was

imposed on burglars who were younger at sentencing and at their first arrest than others, more often did extensive damage to the property they burglarized, and more often had prior misdemeanor convictions. Multivariate analysis yielded the following:

Probation plus Jail plus Financial Penalties

| Predictive Variables | Multiplier of Odds | p |
|---|---|---|
| Burglary of a Home | 4.1333 | Ø.ØØ85 |
| Age | Ø.843 | Ø.ØØ61 |

Those burglars whose target was a home had over four times the odds of receiving this most severe penalty of the Municipal Court of burglars with other targets. However, prospects of this penalty declined considerably with age. These two variables out of 12 used in the analysis accounting for 11 percent of the likelihood of receiving this punishment by 136 burglars. Table B2 indicates that recidivism of those with this most severe punishment was best predicted by prior alcohol problems and by all prior criminal record indicators.

Multivariate prediction of recidivism for burglars, using the types of penalties as control variables, yielded the following:

Postrelease Arrest of Burglars

| Penalties as Control Variables | Multiplier of Odds | p |
|---|---|---|
| Probation plus Jail Only | 2.292 | Ø.4378 |
| Probation plus Financial Penalties | 1.472 | Ø.7143 |
| Probation plus Jail plus Financial Penalties | 2.685 | Ø.3471 |
| Predictive Attributes | | |
| Drug Problem | 4.169 | Ø.ØØ48 |
| Prior Arrest | 4.136 | Ø.ØØ11 |
| Hispanic | 2.178 | Ø.Ø784 |

The high p values of the odds multipliers for the control

variables indicate that one cannot have confidence that any penalty significantly affected the odds of a postrelease arrest independently of a burglar's attributes. Of 13 predictive attributes employed to predict a burglar's arrest, three had marked impact: having a drug problem or a prior arrest each independently multiplied the odds of a postrelease arrest more than four-fold, and being hispanic more than doubled these odds. The attributes in this analysis that had no marked impact after stepwise inclusion of the above three were black, age, less than high school education, married, employed, no debts, under 18 years at first arrest, burglary of a business, someone encountered during the burglary, and total value of items taken. This analysis with 130 cases accounted for 11 percent of the likelihood of receiving this sentence.

Postrelease Incarceration of Burglars

| Penalties as Control Variables | Multipliers of Odds | p |
|---|---|---|
| Probation plus Jail Only | 1.975 | Ø.4723 |
| Probation plus Financial Penalties | 1.220 | Ø.8372 |
| Probation plus Jail plus Financial Penalties | 2.233 | Ø.391Ø |
| Predictive Attributes | | |
| Drug Problem | 6.Ø78 | Ø.ØØØ1 |
| Prior Incarceration | 3.Ø64 | Ø.Ø26Ø |

Consistent with most of our other recidivism prediction findings, drugs and prior criminal record were the best predictors, and penalties had no multiplicative effects that could not readily be due to chance. A drug problem multiplied the odds of a burglars postrelease incarceration six-fold, and prior incarceration tripled these odds. Nine additional variables employed in this

analysis, largely overlapping those listed under postrelease arrest above, had no marked impact to supplement that of these two variables and the control variables. This analysis with 146 cases accounted for 12 percent of the likelihood.

Revocation of Probation for Burglars

| Penalties as Control Variables | Multiplier of Odds | p |
|---|---|---|
| Probation plus Jail only | 1.138 | Ø.9Ø21 |
| Probation plus Financial Penalties | Ø.529 | Ø.5338 |
| Probation plus Jail plus Financial Penalties | 2.Ø81 | Ø.4636 |
| Predictive Attributes | | |
| Drug Problem | 15.612 | Ø.ØØØØ |
| Less Than High School Education | 2.68Ø | Ø.Ø3Ø4 |
| Age | Ø.877 | Ø.Ø314 |

The impact of penalties on probation revocation shown by the above odds multipliers could readily have been due to chance variations in sampling selection, but the increase in these odds well over 15 times for those with drug problems had less than one chance in ten thousand of being due to chance. Also significant was more than doubling of revocation rates for burglars with less than high school education, and a marked reduction in revocations with each year of age. This analysis, with 137 cases, accounted for 2Ø percent of the sentencing likelihood. The attributes having no marked multiplicative effects after the above were included were black, hispanic, married, employed, prior arrest, 21 years or older at first arrest, burglary of a home, someone encountered during the burglary, and total value of items taken.

In conclusion, our findings suggest that burglars with early and extensive prior criminality, and with drug or alcohol problems, are the offenders for whom incapacitation by

incarceration, in jail or prison, most effectively protects the public from recidivism. However, those sentenced in municipal courts are presumably not the most professional or large-scale burglars, when compared to those whom superior courts send to prison. In view of their relatively young age and the approximately $900 per month cost per person of jailing (Los Angeles County Sheriff's estimates), this may be the group that most warrants experiments with intensive community supervision, such as electronic monitoring, as well as remedial schooling, vocational training and employment placement. Lipsey's excellent analysis of training investments for juvenile probationers in Los Angeles County indicated that benefits exceed costs most for a middle-risk group[9]; the most criminalized are likely to recidivate regardless of assistance given them, and the least criminalized will not recidivate even if given no special programs. It seems likely that a middle-risk group in our burglars are those with prior criminal records who do not have serious drug problems, and showed some promise in school or employment.

## Drug Crimes

As Table 1 shows, over half of the 22,000 Los Angeles Municipal Court cases closed in 1984 were charged with drug offenses. For the 196 of this group in our sample, Table 7 reports that 49 percent had postrelease arrests in our 2-year followup period, the highest rate of any of the offense groups. They also were highest or nearly highest in having 37 percent incarcerated and 43 percent with their probation revoked. Very few were fined or ordered to pay restitution to anyone; over a fourth were assessed COPS, and although 59 percent paid this in full, theirs was the lowest repayment rate of any of our offense groups.

By their postrelease behavior, the drug offenders seemed to be the most criminalized of our offense groups, but most do not seem to have been hard core addicts. As indicated earlier in this report, PCP rather than heroin was the drug most frequently involved in the charges against them, but 97 percent had as their first charge use or possession rather than sale or manufacture, and the latter was never the second charge. For the 83 cases in which the accounts in the file indicated a value for the drugs involved, this value was less than $100 in 78 percent of the cases and between $100 and $499 in the remaining 22 percent.

For the drug offenders, almost all of the probation only cases and 61 percent of all in this offense group received a special form of probation known as "drug diversion," in which some treatment was supposed to be provided. An additional 17

percent received "summary probation," 3 percent received probation without supervision, and 5 of the 196 cases in this offense group received jail terms without probation. The recipients of summary probation, of probation without supervision and of jail without probation had appreciably higher postrelease recidivism rates than the others; the drug diversion cases had slightly lower rates. Before crediting treatment for the lower rates of the drug diversion group, it should be noted that those in diversion group were significantly less likely to have had prior convictions, prior alcohol problems, or even prior drug problems. It seems likely that selection of low risk cases contributed more than the treatment programs to the fact that 58 percent of the drug diversion cases had no postrelease arrests, compared to 51 percent of all drug offender cases.

Probation only was given to 70 drug offenders who, Table Dr1 shows, were most differentiated from the others by their lack of prior criminal record of any type, and by their better than average financial status at time of sentencing. Stepwise logistic regression with 11 variables, for 143 cases, showed the following three predictors as the best, explaining 10 percent of the likelihood of receiving this sentence:

Probation Only

| Predictive Variables | Multiplier of Odds | p |
|---|---|---|
| White | 2.221 | 0.0657 |
| Monthly Income | 1.001 | 0.0138 |
| Less Than High School Education | 0.343 | 0.0053 |

Being white more than doubled the odds of receiving this lenient

penalty, and these odds were also increased with each dollar increment of monthly income, but were cut by almost a third for those with less than a high school education. The eight variables in this analysis that did not add significantly to explanation by the above three were age, single, alcohol problem, prior incarceration, resides with family, 21 years or older at first arrest, convicted of drug use charge, and cocaine as primary drug involved.

Recidivism in the probation only recipients, as indicated by postrelease arrests or convictions, was best predicted by exceptionally unstable employment records and low income, according to Table Dr2. Their postrelease incarceration was best predicted by prior incarceration, which was apparently overlooked when their sentences were determined solely by their offense. Their probation revocation was predicted by unstable employment, and by being black, as well as by having many children, and having low monthly income. Again, the predictors of probation revocation are inexplicably somewhat different from those predicting arrest, conviction or incarceration. That being white is associated with receiving this most lenient of penalties, while being black is associated with getting probation revoked but not with arrest or incarceration, suggests that some racial bias is involved in case decisions.

<u>Probation plus financial penalties only</u> was imposed on 63 drug offenders who, Table Dr1 shows, more often than the other penalty groups, lacked a prior criminal record, were male, and

had possession as their drug charge. Stepwise regression with ten variables indicated that this sentence was best predicted by three of these:

Probation plus Financial Penalty Only

| Predictive Variable | Multiplier of Odds | p |
|---|---|---|
| Employed | 2.739 | Ø.Ø265 |
| Age | Ø.878 | Ø.ØØ36 |
| PCP is Primary Drug Involved | Ø.272 | Ø.ØØ42 |

Being employed nearly tripled the odds of getting financial penalties only as conditions of probation, while each year of age much reduced these odds, and they were reduced to only about one-fourth of what they would otherwise be if PCP was the primary drug involved. However, only 8 percent of the likelihood of this penalty was accounted for in this analysis of 149 cases.

Oddly enough, according to Table DR2, the postrelease arrest or conviction of drug offenders with probation plus financial penalties only were significantly predicted by their having prior alcohol problems; prior drug problems similarly characterized recidivist and nonrecidivist drug criminals with this penalty. Their probation revocation was predicted significantly by prior criminal record items, as well as by alcohol problems, and by their having more children than other drug offenders.

Probation plus jail only was the penalty for 5Ø drug offenders who, Table Dr1 shows, differed most significantly from the others by having more prior arrests, convictions, probations, and incarcerations. They also had the highest proportion whose drug use the probation officers designated as "clear problem," rather than "possible problem" or "no problem." They were the

youngest in age at first arrest, and had the poorest job and financial status. In our stepwise multivariate logistic regression, however, the following five of 11 variables used predicted this penalty:

Probation plus Jail Only:

| Predictive Variable | Multiplier of Odds | p |
|---|---|---|
| No Source of Income | 24.710 | 0.0000 |
| Less Than High School Education | 19.498 | 0.0001 |
| Convicted of Drug Use Charge | 5.894 | 0.0092 |
| Age | 1.197 | 0.0050 |
| White | 0.013 | 0.0014 |

Poverty, lack of education, and being nonwhite, tremendously increased the odds of a drug user getting a jail sentence without financial penalty, according to this rigorous and powerful statistical analysis. Also increasing the odds of this penalty appreciably were being convicted of drug use, rather than merely possession (manufacture or sales charges were rare in municipal court cases), and each year of age much increased the odds of a jail penalty. This analysis of 143 drug offense cases accounted for 32 percent of the likelihood of receiving this penalty.

The recidivists among jailed only drug users who had postrelease arrests or convictions were only significantly distinguished by their early age at first arrest, according to Table Dr2, but those whose probation was revoked were differentiated by having more prior misdemeanor arrests, probations and convictions than the other jailed drug offenders.

Jail plus financial penalties was imposed on only 13 drug offenders in our sample. They were significantly different from

the other penalty groups by having a larger proportion with prior misdemeanor convictions, but there were too few to warrant multivariate analysis of factors in their recidivism.

Multivariate analysis of postrelease adjustment indicators for the drug cases as a whole, using the penalty groups as control variables, had somewhat distinctive results, as is shown by the following tabulations:

Postrelease Arrest of Drug Offenders

| Penalties as Control Variables | Multiplier of Odds | p |
|---|---|---|
| Probation plus Jail Only | 1.496 | Ø.45Ø2 |
| Probation plus Financial Penalties | Ø.845 | Ø.6965 |
| Probation plus Jail plus Financial Penalties | 3.878 | Ø.1765 |
| Predictive Attributes | | |
| Monthly Income | Ø.999 | Ø.Ø29Ø |
| College Education | Ø.232 | Ø.Ø389 |
| Cocaine as Primary Drug Involved | Ø.229 | Ø.Ø154 |

Apparently, unlike the current age of "crack" or "rock" cocaine, in 1984 when the cases in our sample were closed the use of cocaine was associated with less criminality than use of other types of illegal drugs, particularly PCP, the then predominant substance in these Municipal Court cases. Chances of postrelease arrest were cut by a fourth if cocaine was the principal substance involved, or if they had a college education, and were also reduced by each additional dollar of monthly income. The impacts of penalties on postrelease arrest odds for drug offenders had a high probability of being due to chance, and the attributes that added little predictive significance to the above were black, hispanic, age, single, resides with family, alcohol problem, prior incarceration, under 18 years at first arrest, and

conviction for drug use charge. This analysis with 143 cases accounted for ten percent of the likelihood of postrelease arrest.

Postrelease Incarceration of Drug Offenders

| Penalties as Control Variables | Multiplier of Odds | p |
|---|---|---|
| Probation plus Jail Only | 2.465 | Ø.1236 |
| Probation plus Financial Penalties | 1.433 | Ø.4764 |
| Probation plus Jail plus Financial Penalties | 31.466 | Ø.ØØ7Ø |
| Predictive Attributes | | |
| Resides With Family | 6.341 | Ø.Ø311 |
| Monthly Income | Ø.999 | Ø.ØØ87 |
| Prior Incarceration | Ø.217 | Ø.ØØ2Ø |
| College Education | Ø.217 | Ø.Ø896 |

The above provides even more surprising findings on the predictors of postrelease behavior for that anomalous and changing offense category, drug offenders. Our 1984-closed drug cases, if given probation plus jail plus financial penalties, had over 31 times as much chance or postrelease incarceration as offenders with the reference category penalty, probation only. The drug offenders who resided with their families had over six times as much chance of postrelease incarceration as similar offenders not residing with their families. It is much more difficult to explain these statistically very significant findings than to explain the facts that odds of postrelease incarceration were cut to less than a quarter of what they would otherwise be if the subject had prior incarceration or had a college education. This analysis accounted for 18 percent of the likelihood of postrelease incarceration in 143 cases.

Revocation of Probation for Drug Offenders

| Penalties as Control Variables | Multiplier of Odds | p |
|---|---|---|
| Probation plus Jail Only | 4.282 | Ø.Ø2Ø4 |
| Probation plus Financial Penalties | 1.Ø42 | Ø.9286 |
| Probation plus Jail plus Financial Penalties | 3.11Ø | Ø.2138 |
| Predictive Attributes | | |
| Black | 3.555 | Ø.Ø2Ø8 |
| Age | 1.Ø69 | Ø.Ø663 |
| Monthly Income | 1.ØØ1 | Ø.Ø264 |
| College Education | Ø.123 | Ø.Ø1Ø6 |

For drug offenders, probation revocation had largely different predictors than postrelease arrest or incarceration. The odds of probation being revoked were increased four-fold by a drug offender being sentenced to jail without financial penalties, but they were cut to an eighth of what they would be for otherwise similar persons if the offender had some college education. Surprisingly, these odds also increased with age and with income, and they were increased well over three-fold by being black. Although the pattern of blacks having greater prospects of probation revocation was, unfortunately, revealed for several types of probationers, these other predictors for drug offenders are quite puzzling. Once all the above variables were taken into account, chances of revocation were not increased appreciably by being hispanic, married, residing with family, alcohol problems, being under 18 years old at first arrest, being convicted of drug possession, or cocaine being the primary drug involved. This analysis with 134 cases accounted for 11 percent of the likelihood of revocation.

In conclusion, our study indicates that drug offenders

sentenced in 1984 in the Los Angeles County Municipal Courts were almost all users or possessors of nonopiate drugs, rather than advanced addicts or dealers. Nevertheless, large proportions had prior criminal records, and their postrelease recidivism rates in our 2-year followup period was the highest of any offense group by the criteria of arrests, including felony arrests, and by postrelease incarceration. Those sentenced to jail plus financial penalties were especially likely to be reincarcerated after their release, and those sentenced to jail as a condition of probation without financial penalties were especially likely to get their probation revoked. Indeed, drug offenders were second only to DUI cases in rates of probation revocation.

These drug offenders seemed to be mostly unspecialized young lawbreakers greatly overlapping the burglary and theft groups, and almost as likely to recidivate by a nondrug as by a drug offense. They appear to have included many poor risks for the probation only penalty that they received more liberally than did the other offense groups. Judges apparently deemed the possession of small amounts of drugs not to be serious offenses when large fractions of the youth population were using drugs, and the judges seemed to have unwarranted faith in the effectiveness of the drug diversion programs. However, this was a diverse group. Those with better financial resources sentenced to probation only may well have been more deterred if given financial penalties, while experiments with community service and house-arrest sentences should be attempted with some of the

jailed middle-risk cases. These penalties would certainly be advantageous to the county economically. Of course, the problem of optimum sentencing for these cases can raise complex issues of the overall consequences of alternative drug control policies for society as a whole.

Driving Under the Influence

Of the 190 offenders in our sample convicted of driving under the influence of intoxicating substances (abbreviated "DUI"), alcohol was the substance in all but 6 cases. Details of the behavior leading up to the driving under the influence charge was available for only 104 of the cases, but for these, 9 percent were said to have killed or seriously injured someone, 7 percent to have injured someone less seriously, 33 percent to have had an automobile accident in which no personal injuries resulted, 50 percent to have been stopped for improper driving without having a collision, and 2 percent to have other events result in the DUI charge. As indicated in Table 2, their median age was 32.5, the highest of any of the offender groups that we studied, and they were also older than the others at their first arrest at the median age of 26.5. Nevertheless, their 74 percent with prior arrests was the highest such percentage for any of the offense groups, as was their 63 percent prior convictions, 53 percent prior probation, and 34 percent prior incarceration.

Only 24 percent of the DUI offenders were arrested in our 2-year followup period, Table 7 shows, which was much less than

the burglar and drug offender arrest rate, but 44 percent of the DUI cases had their probation revoked, which was slightly more than the burglars and drug criminals did. We did not tabulate reasons for probation revocation, but we have the impression that DUI cases more often than the other kinds of offenders had probation revoked for failing to obey special conditions imposed on them, particularly not paying restitution and other financial penalties, as well as drinking, driving while their license was suspended, and/or not attending driving school or alcoholism treatment programs.

Forty-three percent of our DUI cases received Summary Probation, but their postrelease recidivism rates were not significantly different from those on regular probation.

Only 11 DUI offenders in our sample were sentenced to <u>probation only</u>, too few for significant statistical findings.

<u>Probation plus financial penalties only</u> was the sentence of 79 DUI offenders. They most markedly differed from the other DUI cases by their absence of drug problems, but Table DUI1 shows that they also differed by lacking prior arrests or previous alcohol problems. Our stepwise regression analysis with 129 cases revealed that five attributes in a set of nine accounted for 15 percent of the variance, and each of these attributes greatly reduced the odds of a DUI offender getting a primarily monetary punishment:

Probation plus Financial Penalty

| Predictive Variable | Multiplier of Odds | p |
|---|---|---|
| Married | Ø.21Ø | Ø.ØØØ7 |
| Alcohol Problem | Ø.24Ø | Ø.Ø11Ø |
| Drug Problem | Ø.3Ø1 | Ø.Ø9Ø1 |
| Employed | Ø.377 | Ø.Ø413 |
| Prior Arrest | Ø.39Ø | Ø.Ø5Ø9 |

Surprisingly, being married divided almost into fifths the odds of a drunken driver getting a sentence of financial penalties only. For the other offenses that we studied, being employed increased the odds of monetary penalties only, but for DUI cases they reduced the odds of such a punishment to less than 40 percent of what it would be if they were unemployed. Similarly, alcohol problems, drug problems, and prior arrests reduced the prospects of getting a sentence without confinement. Fifteen percent of the likelihood of receiving this sentence was accounted for in this analysis of 129 cases.

Despite their lack of impact on sentences, drug problems and early age at first arrest most significantly predicted which drunken drivers with financial penalties only would have postrelease arrests and convictions in our 2-year followup period, Table DUI2 shows. Their prior detention or incarceration was the best predictor of their probation being revoked.

Probation plus Jail Only sentences were imposed in only 13 DUI cases, but they significantly differed from the others by the proportions who had prior drug problems, prior misdemeanor convictions, and older age. Those in this group who were rearrested or convicted, however, were significantly

differentiated from the others in this group only by their youth.

Probation plus Jail plus Financial Penalties, the Municipal Court's most severe punishment, was imposed on 85 DUI offenders who were most distinguished from the others by the proportion who were classified as having clear alcohol problems, as well as by prior arrests, convictions and probations, Table DUI1 shows. Our stepwise regression analysis with ten variables, for 120 cases, found that prior probation, which multiplied by five the odds of a drunken driver getting this double penalty, was the only variable that significantly predicted this sentence when the simultaneous impact of other variables was considered. It accounted for only 8.5 percent of the likelihood. Those drunken drivers in this most severely punished group with the most serious postrelease arrests and convictions significantly differed from the others, Table DUI2 shows, by their reported absence of prior drug problems, younger age at sentencing, and younger age at first arrest.

Multivariate analyses of recidivism indicators for DUI cases during our 2-year postrelease followup, like the foregoing analyses of penalty prediction, yielded only a few significant predictors, as follows:

Postrelease Arrest of DUI Offenders

| Penalties as Control Variables | Multiplier of Odds | p |
|---|---|---|
| Probation plus Financial Penalties | 1.217 | Ø.8250 |
| Probation plus Jail plus Financial Penalties | 3.330 | Ø.1613 |
| Predictive Attribute | | |
| Age | Ø.878 | Ø.ØØØ4 |

There were so few DUI cases sentenced to jail only that they and the few probation only were used together as a reference category for penalties, and there was no significant impact from the other two types of sentence. Indeed, age was the only attribute that markedly affected the odds of postrelease arrest for DUI cases, and aging greatly reduced these odds. The attributes having no significant impact after age and the penalties were taken into account were hispanic, less than high school education, single, employed, alcohol problem, prior incarceration, and 21 years or older at first arrest. This analysis of 115 cases accounted for almost 13 percent of the likelihood of arrest.

Postrelease Incarceration of DUI Offenders

| Penalties as Control Variables | Multiplier of Odds | p |
|---|---|---|
| Probation plus Financial Penalties | 2.472 | Ø.4252 |
| Probation plus Jail plus Financial Penalties | 9.375 | Ø.Ø415 |
| Predictive Attributes | | |
| Less than High School Education | 2.226 | Ø.Ø971 |
| 21 Years Old or Older at First Arrest | Ø.385 | Ø.Ø483 |

For DUI cases, being sentenced to probation plus jail plus financial penalties greatly increased the odds of postrelease incarceration. As already reported, many of these offenders had large restitution payments to make, and giving them a jail sentence plus large financial penalties much increased their prospects of subsequent serious offenses, as compared to the

consequences of giving similar offenders the other types of penalties. However, those whose first arrest did not come until they were 21 years old or older had less than forty percent of the postrelease incarceration risk of offenders whose arrest record began at an earlier age. Also, having less than a high school education more than doubled the odds of jail or prison confinement during our 2-year followup. When these variables were taken into account, no marked additional impact on the odds of postrelease incarceration came from being white, from age, being single, employment status, alcohol problems, or prior incarceration. This analysis with 115 cases, however, accounted for only nine percent of the likelihood of incarceration.

Probation Revocation of DUI Offenders

| Penalties as Control Variables | Multiplier of Odds | p |
|---|---|---|
| Probation plus Financial Penalties | 1.677 | Ø.5Ø94 |
| Probation plus Jail plus Financial Penalties | 2.446 | Ø.2423 |
| Predictive Attributes | | |
| Prior Incarceration | 2.361 | Ø.Ø513 |
| Age | Ø.951 | Ø.Ø24Ø |

The impacts of penalties on odds of probation revocation were not significant for DUI offenders, but these odds were more than doubled with prior incarceration, and reduced appreciably with increasing age. The impacts of these variables was not significantly augmented by the other attributes used in this analysis: white, less than high school education, married, no source of income, alcohol problem, and 21 years or older at first arrest. This analysis with 1Ø7 cases, however, accounted for little more than two percent of the likelihood of revocation.

Although many DUI offenders overlapped the other offense groups in having prior records of assault, burglary, drug crimes and/or theft, their persistence in alcohol-related vehicle offenses makes them on the whole a unique problem for the administration of justice. Organized protests by victims of their lethal crimes, especially by Mothers Against Drunk Driving (MADD), has resulted recently in a rapid increase of both the penalties and the arrest and prosecution rates for this offense. A recent Arizona study of sentencing for the charge of driving while intoxicated with a revoked license concluded that use of prison sentences for these offenders was least frequent for those who were most educated, but independently of education, was less frequent for Chicanos than for other ethnic groups.[10] A Houston study found no significant differences in recidivism rates for similar DUI cases given fines, probation or jail sentences, or for the provision of professional counseling on alcoholism for sucn cases; it concludes that experimentation should be done with long-term education and supervision programs, but that the present evidence is that jailing such offenders is not cost-effective.[11]

Theft

As indicated earlier, these 177 cases of our sample were convicted under California Penal Code Section 484 which includes not only theft, but acts that might in other state criminal codes be labeled fraud or confidence game. They could appropriately be called "thieves or cheats," but we have called them "thieves" for the sake of brevity.

For the 171 cases in which the offense was described, 43 percent consisted of shoplifting, 21 percent thefts by employees, 16 percent types of fraud, 8 percent taking items from the clothing or person of the victim (mostly pickpocketing), and 13 percent other types of theft. In 68 percent of the 164 in which the victim was described, it was a corporation or large business, in 15 percent a small business, and in 17 percent an individual or other. For the 165 cases in which the value of the thieve's loot was indicated, the median value was $388, with 11 percent estimated as over $5000 and 35 percent as under $100. In the 166 case for which the items taken were described, it was cash in 26 percent, jewelry or clothing in 24%, and a large diversity of other things in the remaining 50 percent.

As Table 4 shows, the thieves were second to the burglars in youthfulness, both at sentencing and at first arrest. They also were lowest of the offense groups in their percentage with prior arrest, prior convictions, and prior incarceration, and tied with the drug offenders but second to the burglars in low percentage with prior probation. This small prior criminal

record probably reflects both their youthfulness and the fact that so many were shoplifters or employee thieves engaging in illegal acts common in their age group, at which they were caught for the first time.

Ten percent of our thieves received Summary Probation, and smaller percentages other types of special probation grants, but they did not have significantly different recidivism rates from the three-fourths on regular probation.

Probation only was imposed on 25 thieves who differed most from the others, according to Table T1, by the small value of what they stole, but also differed significantly by their low employment stability, prior incarceration or detention, and shoplifting as their method of theft. Stepwise logistic regression with 11 variables showed that three attributes best predicted this mild penalty:

Probation Only

| Predictive Variable | Multiplier of Odds | p |
|---|---|---|
| Married | 3.753 | Ø.ØØ27 |
| Prior Arrest | Ø.297 | Ø.ØØ6Ø |
| Employee Theft | Ø.Ø23 | Ø.Ø428 |

Thieves who were married had close to four times as much chance as other thieves of getting a probation only sentence, but thieves with a prior arrest record had less than a third the odds of other thieves for this sentence, and employee thieves had miniscule prospects for this most lenient of court penalties. These three factors accounted for 14 percent of the sentencing likelihood in this analysis of 132 cases. The factors that added

little to prediction were black, hispanic, age, college education, no source of income, drug problem, total value of items taken, and large business as victim of theft.

Postrelease adjustment of thieves with probation only is shown by Table T2 to have only been significantly predicted for probation revocation, and this only by their having a prior drug problem.

Probation plus financial penalties only was imposed on 75 thieves who differed most significantly from the others, according to Table T1, by their employment stability, lack of prior incarceration or detention, and lack of prior drug problems. Stepwise logistic regression linked the following set of four attributes most closely to this penalty:

Probation plus Financial Penalties Only

| Predictive Variables | Multiplier of Odds | p |
|---|---|---|
| White | 5.848 | 0.0002 |
| Married | 0.447 | 0.0891 |
| Drug Problem | 0.221 | 0.0207 |
| Prior Detention | 0.058 | 0.0018 |

Being white increased the odds almost six-fold for a thief's getting probation with financial penalties only. However, being married surprisingly more than halved these odds, having had a drug problem reduced them to almost a quarter of what they would otherwise be, and they were almost negligible if one had prior detention. That being married reduced the odds is surprising because married persons have lower recidivism rates than single or divorced persons, on the whole, and are more likely to pay financial penalties. This analysis of 132 cases, in which ten

variables were used, accounts for 18 percent of the likelihood of receiving this penalty.

Those with postrelease arrests or convictions in this group were significantly differentiated, according to Table T2, only by the small proportion who were convicted of theft from their employer, their number of prior felony arrests, and the large proportion who lived alone, hence the small proportion living with their families.

Jail only (with or without probation) was imposed on 32 thieves who, Table T1 shows, differed significantly from the others by the extent of their prior arrests, convictions and probation, as well as their poor financial status, and absence of debts. Stepwise logistic regression analysis showed the following relationships:

Probation plus Jail Only

| Predictive Variables | Multiplier of Odds | p |
|---|---|---|
| Prior Arrest | 7.769 | Ø.ØØ1Ø |
| Drug Problem | 5.912 | Ø.Ø181 |
| Large Business as Victim of Theft | 3.134 | Ø.Ø92Ø |
| Married | Ø.2Ø9 | Ø.Ø166 |
| White | Ø.Ø3Ø | Ø.ØØØ3 |

Prior arrest and drug problem, greatly increased the odds of these thieves getting jailed, which might be justified by the fact that these two variables are the best predictors of recidivism. Also consistent with recidivism statistics is the finding that being married reduced the odds of jailing without financial penalties to only a fifth of what they otherwise would be; marriage was most associated with probation only. This

analysis of 132 cases, in which five variables proved strongly predictive, accounted for 34 percent of the likelihood of this sentence. The postrelease arrests and convictions of thieves with jail only, Table T2 shows, were significantly predicted by their prior drug problems, felony arrests, and felony convictions.

Jail plus financial penalties was imposed on 45 thieves who, according to Table T1, differed significantly from the others by the high value of their loot, the high proportion who stole from residences, the high proportion of their victims that were small businesses or individuals rather than corporations, and their high proportion of males. Stepwise logistic regression analysis using nine variables, indicated that only one variable, the total value of the items stolen, significantly affected the odds of getting jail plus financial penalties, by more than doubling them; it accounted for 16 percent of the sentencing likelihood in 132 cases.

Those with jail plus financial penalties who had postrelease arrests or convictions, according to Table T2, significantly differed from the others in the high proportion who had unskilled occupations, a small number of children, low value of their loot, and the victims who were individuals rather than small businesses or corporations.

Multivariate analysis of the postrelease adjustment of thieves in our sample had the following results:

Postrelease Arrest of Thieves

| Penalties as Control Variables | Multiplier of Odds | p |
|---|---|---|
| Probation Only | 1.177 | Ø.8255 |
| Probation plus Jail Only | Ø.684 | Ø.5823 |
| Probation plus Financial Penalties | Ø.615 | Ø.4Ø84 |
| Predictive Attributes | | |
| Prior Arrest | 4.126 | Ø.ØØ78 |
| Age | Ø.892 | Ø.ØØ55 |
| Employee Theft | Ø.294 | Ø.Ø821 |
| Married | Ø.17Ø | Ø.Ø113 |

The reference category for penalty for thieves was probation plus jail plus financial penalties, but no significant impact on odds of postrelease arrest came from any type of penalty. A prior arrest increased the odds of postrelease arrest for a thief more than four fold, while being married reduced them to less than a fifth of what they would otherwise be. Age also reduced the odds of postrelease arrest, and they were reduced to almost a fourth of what they would otherwise be if the thief were someone who stole from his employer. Once these variables were taken into account, the odds of postrelease arrest were not significantly affected by the other attributes used in the analysis: black, hispanic, college education, income, drug problem, total value of items taken, or small business as victim of the theft. This analysis with 133 cases accounted for 1Ø percent of the likelihood of postrelease arrest.

Postrelease Incarceration of Thieves

| Penalties as Control Variables | Multiplier of Odds | p |
|---|---|---|
| Probation Only | 1.810 | 0.4066 |
| Probation plus Jail Only | 0.970 | 0.9653 |
| Probation plus Financial Penalties | 0.452 | 0.2201 |
| Predictive Attributes | | |
| Drug Problem | 6.242 | 0.0007 |
| Prior Arrest | 3.197 | 0.0306 |
| Age | 0.887 | 0.0080 |

The penalties did not significantly affect odds of a thief's postrelease incarceration, but they were increased more than six-fold by a drug problem, and more than tripled by a prior arrest. The prospects of a thief's jailing or imprisonment diminished considerably with age. These are the predominant findings in most of our tabulations, and accounted for 15 percent of the incarceration likelihood in this analysis of 139 cases. These results were not significantly augmented by the other variables used in this stepwise regression, which were: black, hispanic, college education, single, no source of income, theft through fraud, total value of items taken, and large business as victim of theft.

Probation Revocation for Thieves

| Penalties as Control Variables | Multiplier of Odds | p |
|---|---|---|
| Probation Only | 1.326 | Ø.6543 |
| Probation plus Jail Only | Ø.657 | Ø.5277 |
| Probation plus Financial Penalties | Ø.561 | Ø.2256 |
| Predictive Attributes | | |
| Drug Problem | 2.39Ø | Ø.Ø768 |
| Total Value of Items Taken | 1.3Ø6 | Ø.Ø786 |
| Age | Ø.951 | Ø.Ø611 |

The above findings show no impact of penalties on probation revocation for thieves, and weaker impact of the predictive attributes than has been found for other offense groups or for postrelease arrest or incarceration for thieves. The one anomalous finding was that the total value of items taken increased the odds of a thief's probation revocation by about 3Ø percent, perhaps due to inability to pay restitution. In addition, these odds were more than doubled by a drug problem, but diminished somewhat by age. This analysis with 134 cases, however, accounted for only about two percent of the likelihood of probation revocation.

Our data suggest that most of the thieves closely resembled the burglars and drug offenders in being unspecialized young lawbreakers. Table 4 shows, however, that overall they had lower postrelease offense rates in our 2-year followup period, perhaps especially reflecting their less recidivistic component, those who were employee thieves. As with the others, it would appear that financial penalties should suffice for cost-effective deterrence of thieve's with little prior criminality or drug problems. Also, the better risks among the remainder might merit experimental trial in alternatives to jail, such as house arrest

and programs of work and/or training, perhaps as community service sentences.

Indecent Exposure

Known popularly as "flashers" and psychiatrically as "exhibitionists," these offenders are rarely studied by criminologists. All but one of our 131 cases were males, and they also differed significantly from the other offense groups by the fact that 65 percent were white, 29 percent hispanic, 5 percent black and 1 percent Asian in a county that by the 1980 census was 52 percent white, 28 percent hispanic, 13 percent black and 7 percent Asian. Of the convicted indecent exposers, 45 percent were married, an additional 14 percent had previously been married but were separated or divorced when their presentence reports were prepared, and almost half were the fathers of one or more children. Their median age of 28 was somewhat higher, and they were somewhat more educated, more affluent, and less often previously arrested than those in our five other offense groups, but 57 percent had previously been arrested and half had previously been convicted of a crime.

In 87 percent of the cases we studied, the victims of the offense were strangers to the offender, but perhaps this is due to such a crime often not being reported to the police when the person committing it is a relative, a friend or even an acquaintance. In 71 percent of the cases the audience to whom exposure was made was female, in 26 percent it was mixed in

gender, and in 3 percent it was exclusively male. In half the cases the members of the audience were all adults, in 38 percent they were children or teenagers, and in 12 percent they included both adults and juveniles. Automobiles were the settings of 45 percent of the exposures, 43 percent were on the street or another public place, and 12 percent were in part of a building--usually the offender's home--but exposed to public view.

In two-thirds of the 131 cases the offender was masturbating when exposing himself, in 11 percent an erect penis was exposed without masturbating, and in 21 percent there was no report on the state of the sexual organs when exposed. In 94 percent of the cases the exposure came as a sudden surprise to the victim; in only 3 percent did it follow flirtatious conduct, and 3 percent were preceded by non-flirtatious communication. Most of these percentages are fairly close to those of the nonrandom survey of sex offenders in prisons and mental hospitals initiated by Alfred C. Kinsey before his death and finished by Gebhard and associates, and also to the Romero and Williams findings on Philadelphia exhibitionists on probation.[12]

Thirty percent of the exposers were given special types of probation, including 17 percent granted probation without supervision, but there were no significant differences in their recidivism rates from those on regular probation.

Probation only was given to 23 exposers who, Table IE1 shows, differed significantly from the others in the proportion

reported to have shown good cooperation with the treatment specialist to whom the court referred them, but to have had poor employment stability and financial status, as well as prior felony convictions. Stepwise multivariate regression analysis with ten variables, however, showed a significant relationship of this mild penalty to only one variable, that the penis was not erect when exposed. While this tripled the odds of getting this penalty, this relationship only accounted for two percent of that likelihood. The attributes that showed no appreciable relationship to probation only after this one was taken into account were white, age, college education, married, no source of income, alcohol problem, previous probation, exposer exhibited himself from a residence, and young female(s) as the involuntary audience (victims).

Those with probation only who had postrelease arrests or convictions are shown by Table IE2 to have been significantly more educated, more often in poor health, with more prior felony arrests, and more often married than those not arrested in our 2-year followup period. The same or similar attributes differentiated those with this penalty whose probation was revoked.

Probation plus Financial Penalties Only was imposed on 74 exposers. They differed from the others significantly, according to Table IE1, by the proportion with reports of poor cooperation with treatment specialists, no drug problems, good employment stability and good financial status, as well as an unfavorable

prognosis from the treatment specialist. Stepwise logistic regression showed that three variables out of ten used markedly affected the odds of getting this penalty, as follows:

Probation plus Financial Penalty Only

| Predictive Variable | Multiplier of Odds | p |
|---|---|---|
| Employed | 4.821 | Ø.ØØ13 |
| Exposer Exhibited Himself From an Auto | 2.182 | Ø.Ø645 |
| Prior Incarceration | Ø.45Ø | Ø.Ø736 |

The odds of getting financial penalties only with probation were increased almost five-fold for exposers who were employed, and more than doubled if they exhibited themselves while in an auto, but were more than halved if they had prior prison, jail or juvenile detention confinement. This analysis with 112 cases accounted for 9 percent of the likelihood of receiving this penalty.

Those with probation plus financial penalties only who had postrelease arrests, convictions or probation revocations, according to Table IE2, differed significantly from those who did not by the proportion who were reported to have had poor cooperation with the treatment specialist; those arrested and convicted also had unfavorable prognoses by the treatment specialist and prior probation, while those whose probation was revoked also had less education and more prior convictions than the others.

Probation plus Jail Only was imposed on 22 exposers who, Table IE1 shows, differed most from the others by the proportion reported to have had drug problems, a poor employment record,

unskilled occupation, and prior incarceration or detention. Stepwise logistic regression showed that three variables were most important in predicting this penalty, as follows:

Probation plus Jail Only

| Predictive Variables | Multiplier of Odds | p |
|---|---|---|
| Penis Erect While Exposed | 6.329 | 0.0225 |
| Exposer Exhibited Himself from an Auto | 0.306 | 0.0808 |
| Employed | 0.103 | 0.0002 |

The factor most increasing the prospects of an exposer being jailed, but without financial penalty, was being unemployed; the odds of getting this penalty were only one-tenth as large for an employed exposer. Features of the exposure also affected its punishment, with odds of jail without financial penalty increased more than six-fold if the penis was erect while exposed, but reduced to less than a third of what it would otherwise be if the exposer exhibited himself from an auto. Data in the above table account for 17 percent of the sentencing likelihood.

Postrelease arrest of exposers sentenced to jail only, according to Table IE2, was most linked statistically to prior drug problems, and was usually by recurrence of the same offense, but was also highest for those who were married and those with no source of income at the time of sentencing. Although one must generalize from few cases here, this finding seems to justify the court's imposing jail most often on indecent exposers with drug problems (which was not its practice), but from another perspective, it shows the futility of brief jail terms as a means of protection from this crime.

Jail plus financial penalties was imposed on only 12 exhibitionists, too few for identifying significant predictors.

In multivariate analysis of recidivism for indecent exposers, those with penalties other than probation plus financial penalties only were so few that we had to use them collectively as a reference category, with which to compare the impact of probation plus financial penalties only. We found, however, that penalty had no significant impact on the odds of recidivism of indecent exposers; the odds multipliers that predicted postrelease difficulties for them were few, and for postrelease arrest quite unusual.

Postrelease Arrest of Indecent Exposers

| Penalties as Control Variables | Multiplier of Odds | p |
|---|---|---|
| Probation plus Financial Penalties Only | 0.590 | 0.2995 |
| Predictive Attribute | | |
| Penis Erect While Exposed | 0.233 | 0.0001 |

Exposers with their penis not reported as erect while exposed had four times the odds of postrelease arrest of similar exposers with their penises reported as erect. The attributes that had no significant impact once the penalties and state of the penis were taken into account, were white, age, less than high school education, married, employed alcohol problem, prior incarceration, exposing in a public place, and young female victim(s). This analysis with 112 cases, in which only 20 cases had postrelease arrests, accounted for little more than one percent of the arrest likelihood.

In a multivariate analysis of predictors of postrelease incarceration for exposers, using ten attributes, the only

statistically significant odds multiplier was no source of income, which more than tripled the odds, but was significant only at a .09 probability. This analysis with 115 cases, in which only 13 had postrelease incarceration, accounted for not even one percent of the likelihood of this outcome. Somewhat more successful stepwise regression results occurred for probation revocation, as follows:

Probation Revocation of Indecent Exposers

| Penalties as Control Variables | Multiplier of Odds | p |
|---|---|---|
| Probation plus Financial Penalties | 0.709 | 0.5447 |
| Predictive Attributes | | |
| Less than High School Education | 3.698 | 0.0254 |
| Married | 0.237 | 0.0246 |

Perhaps because of the stereotype of moron applied to sex offenders despite their distribution of I.Q.s comparable or superior to that of other lawbreakers, indecent exposers with less than high school education had well over triple the odds of probation revocation of otherwise similar indecent exposers. Married exposers, however, had less than a quarter of the odds of probation revocation of similar exposers who were unmarried. This analysis with 103 cases, 17 of whom had their probation revoked, accounted for 5 1/2 percent of the likelihood of revocation.

Indecent exposure is an offense for which there are only very speculative explanations. The gratification that the offenders get from their exhibitions is unclear, but when they recidivate it is often by the same offense. Because it is so puzzling, it is a crime in which the court seems most often to

seek assessments from various types of treatment specialists, including in our cases psychiatrists, psychologists, psychiatric social workers, and a sociologist (recently deceased) who has done published research on other types of sex offenders. Although it is easy to assert that mental health treatment is more appropriate than punishment for these persons who seem so irrational to most of us, a 10-year followup in Philadephia showed that exhibitionists in group psychotherapy programs had no less recidivism than similar offenders not receiving such treatment.[13]

A cost-benefits basis for sentencing indecent exposers is impeded by the difficulty of assessing the cost of this crime to society. It does less clear damage to its victims, the audience, than would be done my most violent or property offenses. If the exposer has economic resources, a financial penalty can be justified as enabling the government to recover the cost of arrest and prosecution, in addition to its possibly having deterrent effects.

Is the psychological pain that this crime causes to its involuntary audience sufficient to justify the government's spending $900 per month to jail an exhibitionist in order to incapacitate him from exposing himself in the outside community? If so, is the harm done by the offense sufficient to justify more than a brief jail term? It should also be noted that we found jail terms to be followed by the highest rates of recidivism, but we cannot know whether this is due more to the effects of jail

confinement than to those jailed being the exposers with the highest risk of recidivism when sentenced. Furthermore, it is probable that jailing reduces the offender's ability to pay a financial penalty. Yet, when confronted by exhibitionists who have already recidivated after lesser penalties, and who have a record of drug problems that our research shows are associated with repetition of crime, there is an understandable inclination of judges to impose jail terms. If the prospect of the offender paying financial penalties is low, then it is especially important to explore imaginatively the possibility of alternatives to jail, such as community service sentences.

## Judicial Idiosyncracies and Probation Office Subcultures as Determinants of Penalties

One of the persons employed by the National Institute of Justice to review our research proposal asserted that we would find few predictors of penalties because sentences vary so greatly with the idiosyncracies of judges. Asked to respond to this, we said only that we would investigate how diverse the judges were in their sentencing practices, which we have done.

The case files from which our data came included the name of the sentencing judge, and the name of the probation district responsible for the presentence investigation. To keep the identity of the judges confidential, we assigned a number to each judge, and recorded the judge's number with each case's coded data. To test the possibility that a shared probation office

subculture distinguishes sentencing recommendations of officers who work together, we also recorded the name of the district office for each case.

Because 218 different judges of the huge Los Angeles Municipal Court system sentenced the 1121 cases in our sample, there was an average of only 5.14 cases per judge. Since there were too few cases per judge within any offense group to permit analysis of their sentencing variation by offense, we pooled all offense groups together. This revealed that the judge whose number appeared most often had sentenced 33 of our cases, and next highest were two who each sentenced 29. Altogether, only 16 judges had sentenced 15 or more cases each, and another 16 had sentenced from 10 to 14 cases each. More important, there was no clear pattern of difference in use of the four mutually exclusive types of sentences by the judges. Of the 16 judges who each sentenced 15 or more cases, one with 16 cases sentenced no one to probation with monetary penalties only, but sentenced 12 cases--75 percent--to jail only. This is the most deviant sentencing pattern in all of these cases that we discerned in the 218 judges. Of course, with 218 judges it is probable that others have idiosyncratic sentencing patterns, but we could find no indication of any sufficiently deviant to discredit our research. The fact that we repeatedly found patterns of offenses and of offender attributes statistically associated with particular types of sentences certainly discredits the contention that judicial idiosyncracy is the sole determinant of variations

in penalties. Nevertheless, if the judges had been more consistent with each other in their sentencing policies, we probably would have been able to identify statistical predictors of their penalties that accounted for more of the sources of likelihood of an offender receiving a particular penalty than did our multivariate analyses.

Our 1121 cases were assigned to 18 different probation supervision districts, according to the case records, but we are informed that reorganizations changed district boundaries and office names somewhat, so that all 18 districts did not exist throughout the period from 1981 through 1984 when our cases were opened, and some names were incorrect designations. At any rate, 10 of the 18 districts contributed between 53 and 163 cases each, while the remaining 8 ranged from one to 27 cases each; 6 cases were supervised for other California counties, and for 19 cases the district was not indicated. Of the 10 districts with 53 or more cases, five had percentages with a particular type of penalty that differed by ten or more percentage points from the percentage with that penalty for all 1121 cases: South Central and Los Angeles (downtown) had respectively 55 and 26 percent with financial penalties only, compared with 41 percent for all cases; San Gabriel Valley had 28 percent with jail only compared to 18 percent for all cases; the East San Fernando Valley and Harbor districts had about 40 percent with jail plus financial penalties compared with 25 percent for all cases. One can only speculate as to why some districts have more and some have less

of the more severe or the more lenient penalties. It is somewhat surprising, for example, that one of the poorest areas, the predominantly black South Central district, had the highest percentage sentenced to financial penalties only. Perhaps they are more aware there than elsewhere of the limited benefits and great costs from jailing, compared to the clearer public benefit from financial penalties.

Although we failed to find clear and explainable patterns of idiosyncratic or subcultural sentencing, our findings of statistically significant relationships of offenses and some offender attributes to penalties, and especially, of offender attributes to recidivism, have important implications for court decisions in many cases.

## Concluding Discussion and Recommendations

This report has argued for the adoption of sentencing principles that maximize benefits and minimize costs for the community. The possible benefits for a community from sentencing criminals include:

a. Deterrence of offenders so that they do not repeat their crimes.

b. Incapacitation of offenders so that they cannot commit crimes during the period of their incapacitation.

c. Deterrence of others, so that they are afraid to commit crimes.

d. Instilling a sense of justice in the community from the fairness and consistency of sentences, and from their neither greatly exceeding in severity the harm done by the crime nor being so negligible as to trivialize a serious offense.

e. Compensation of victims by criminals for the cost of crimes to the victims, and compensation of the criminal justice system by criminals for the costs of their apprehension, prosecution, and control.

This research has focused on the last of these potential benefits, compensation by the offenders. It ignores another possible benefit, reformation of the offenders, except insofar as deterrence is an aspect of reformation. Our concern with benefits, particularly of the financial variety, is partly due to the costs of traditional sentences. These costs include:

a. The expense of incapacitation, now estimated by Los Angeles county officials as $30 per day ($900 per month) for jailing (compared to $28 per month for probation supervision, with present high caseloads).

b. The possible criminalizing effects of jailing on some offenders, especially those not previously much involved in crime or with criminals.

c. The hidden costs of jailing, such as increased welfare costs for offenders' dependents when a breadwinner is confined, or for the offenders on release if jailing diminishes their legitimate income prospects.

d. What economists call opportunity costs, such as the possibility that many of those now jailed would be deterred more effectively by financial penalties that provide income in excess of costs for the government, or more cheaply by their incapacitation through house arrest and electronic monitoring in the community.

Recommendations on Broad Sentencing Principles

This report has provided evidence and argument that benefits will be maximized and costs minimized by three broad sentencing principles. Although our research shows that these principles already are approximated by the Municipal Courts of Los Angeles County, considerable deviation from them that increases costs and reduces benefits was also noted. Therefore, we recommend that these principles be explicitly adopted as guidelines for sentence

negotiations and decisions, with some occasional modification for exceptional attributes of offenders or offenses detailed in this report, but not necessarily to the complete exclusion of all other sentencing considerations (such as assessment of harm done by the offense). These rules are:

1. Use sentences of probation without financial penalties (but not excluding community service) exclusively for offenders who combine a clear lack of economic resources (no source of income, no employment, little immediate employment potential, poor financial status) with no serious prior criminal record or drug problem, or none for several years of well adjusted life in the community.

More rigorous adoption of this principle, our data indicate, would reduce the proportion of drug offenders and some others receiving this sentence who have high recidivism rates, and would be deterred by more definite penalties, and/or be able to offset the cost of their criminal justice processing by paying financial penalties. The deterrent component of this sentence is only the threat of a more severe punishment for probation violation. With the high caseloads of Los Angeles probation officers preventing much field supervision, this penalty is in practice much like a suspended sentence. However, if stronger deterrence is deemed necessary for offenders with marginally serious prior criminality or drug or alcohol problems and no economic resources,

consideration should be given to imposing community service penalties, rather than incurring the $900 per month cost of jailing, plus its hidden additional costs described above.

Community service may be especially desirable for young offenders with little work experience, who live in neighborhoods where most young men are unemployed and their families on welfare. They cannot pay financial penalties, and if they are not already highly criminalized jail will make them so, but if they are scattered in small work groups with regular employees or volunteers of government or nonprofit organizations, it not only gives them needed work experience, but more contact with working adults than they get in their usual lives.

It should also be noted that mild punishments have repeatedly been proved to reduce recidivism more for unadvanced offenders than either no punishment or more severe penalties.[14] With caseloads of 200 to 300 per probation officer in Los Angeles, penalty with no conditions such as community service or financial penalties is equivalent to no punishment.

We have found no evidence that summary probation, probation without supervision, or diversion programs were particularly effective alternatives to regular probation, although our conclusions on this are based on a relatively small number of such cases in our sample. Much depends, of course, on how cases are selected for such special probation, and how diversion is administered, but the record where they have been rigorously evaluated has been more favorable for tangible alternative

experiences, such as community service and work camps, than for modest changes in supervision or counseling.

2. Use sentences of probation plus financial penalties but no jail (although not precluding community service), with rates approximating European day fines, for offenders who combine some economic resources (employment or employment potentiality, family support) with no very serious prior criminal record or drug problems, as well as for older offenders whose prior criminality or drug problems--if any--were followed by well-adjusted years.

We found that the economically profitable sentence of financial penalties without jail was disproportionately given to those convicted of indecent exposure, and next most often for DUI. Their low rearrest rates suggest the wisdom of this policy. The indecent exposure offenders also had the highest rate of paying their financial penalties; the DUI payment record was not so good, and their probation revocation rate was the highest of the offense groups studied, but these facts probably reflect their high restitution obligations as well as their alcoholism.

This research has not explored thoroughly the issue of what is the optimum size for financial penalties, although this should be done in future studies. Obviously a large fine can be a terrible or impossible burden for a poor person but not a strong deterrent for someone who is wealthy. Scandinavian countries pioneered, and West Germany, Austria and several other nations

have now adopted the day fine approach to this problem. Under this system, the judge imposes a penalty of so many days' income on each offender, so that those receiving the same sentence may pay different amounts. In Sweden the collection is by their equivalent of our Internal Revenue Service, which has income tax records. It deducts certain allowances for necessities and dependents, but charges some amount even to welfare recipients. It charges interest if payment is deferred, seizes wages or property if necessary, and collects from about 99 percent of those fined. Research in West Germany has shown that this system distinctly reduced recidivism, as well as the justice system's net costs.[15] Currently it is being experimentally introduced in Richmond County (Staten Island), New York, with the assistance of the Vera Foundation and the National Institute of Justice.

While day fines cannot readily be introduced, research on past experience with financial benefits might suggest penalty scales that would approximate those of day fines in their variation with the offender's ability to pay. The British and the Dutch, who use fines extensively (they provide the full costs of operating magistrate's courts in Britain), claim that in practice their fines approximate day fines.

While pooling of all financial penalties simplified our statistics and the sentencing principles set forth here, the judges must, of course, still differentiate fines, restitution, PA and COPS. Restitution tends logically to be based on the victims' injuries, property losses or other expenses due to the

crime, hence is determined by criteria quite different from those of the recommended sentencing principles. We suggest, however, than an effort be made to adjust nonrestitution financial penalties, taking the restitution amount into account, so as to make the total financial penalties an individual receives approximate day fine proportions. Further study of past financial penalties and their consequences, in relation to attributes of offenders, might facilitate the development by collaborating judges, probation officials and researchers of guidelines for financial penalties. These could be gradually refined on the basis of experience with them.

Finally, it should be noted that this second sentencing principle does not preclude the imposition of additional community service penalties, regardless of the offender's income and financial penalties.

3. Use sentences of jail (with or without probation) for offenders with the most serious prior criminal record or drug problems, adding financial penalties only for those who clearly have current or prospective economic resources.

Since jail is for a community its municipal court's most costly penalty, it should be used primarily for the most criminalized lawbreakers, for whom incapacitation seems most crucial. The courts seem to have followed this policy by imposing jail-only sentences disproportionately on those with

prior drug problems, on burglars, on those previously incarcerated, and on the unemployed. Independently of these selective factors, however, jail was used disproportionately for blacks, and to a lesser extent for hispanics.

Considering the short duration of Municipal Court jail terms, and the high recidivism rates that follow them, a community's benefits from such an expensive penalty do not seem great. With unadvanced offenders, the criminalizing effects of jail may create costs in excess of incapacitation benefits. Of course, faced with someone who has recidivated after more lenient penalties, judges often wish to seek some increased deterrent effect, and a jail term may be the only increment in severity that is available. For those middle risk cases now jailed, however, the further use of house arrest and electronic monitoring, as well as community service and training programs, should be explored; they may cost the county less than jailing, and they may not be as criminalizing or as much a source of increased welfare dependency as jailing.

Compared to those receiving jail only, the recipients of jail plus financial penalties were slightly more often employed, but compared to all those with other three penalty groups, they less often had a high school education, prior drug problems, or conviction for drug crimes. They were also more often white, independently of other attributes. Recidivism rates for offenders with this double penalty were somewhat lower than those of the persons sentenced only to jail, but this difference varied

somewhat by offense. However, this was the only type of sentence that appreciably increased the odds of probation revocation, perhaps because jailing reduced postrelease ability to pay financial penalties.

4. Foster collaboration of researchers with judges, prosecutors, defense counsel and probation officers in the improvement of case records and of statistical guidance for sentencing policies

This research was a pioneering effort to tabulate data on the correlates of past sentencing decisions and their consequences by pouring through case files not designed to be sources of statistics. While the files had diverse papers, not always uniform or neat, our main resource, the Probation Officer's Report form, is a great improvement for both our purposes and those of case administration over the verbose and discursive narrative presentence reports found in many other probation offices. In the 1980s, however, the system of files can be greatly improved by having a computerized form based on the current Probation Officer's Report for presentence data, supplemented by a computerized case log for recording penalty payments, community service, and other objective data on conformity to or violation of the conditions of probation. It could also record changes in the offender's presentence attributes or circumstances.

Such forms and computerization procedures should be designed

not only to provide ready access to standard types of information for probation and judicial needs, but could also be coded for ready tabulation of statistics such as those compiled in this research. By collaboration of researchers and administrators in designing the form, testing the entries for reliability and validity, as well as interpreting statistical findings, the knowledge we gathered in this study can be continually updated and otherwise improved. Such collaboration should also increase the extent to which findings from these data are applied for policy improvements. Ideally, a coordinated effort of this type can provide a kind of quality control on sentencing and correctional practices, as well as a continual cost-benefits assessment that takes into account all of the concerns of sentencing policy.[16]

Of course, the kind of research we have done, which we could now do much better on the basis of our experience, should be extended to the superior court files, as well as to those of the juvenile court. It should seek to trace the division of labor of these courts in dealing with their overlapping offender populations, and to compare their practices and effectiveness with similar types of lawbreakers. Ultimately, researchers, judges, prosecutors, defense counsel and probation staff should collaborate in interpretation of the findings from research, and in the guidance of further inquiries. Such coordinated efforts should lead to greater specificity than that of our four principles in recommendations on sentencing policies. It will be

especially useful if it is accompanied by improved statistics on the conformity of court sentences to stated principles, and on the consequences of such conformity and of nonconformity for various types of crime control.

## FOOTNOTES

1. In California, Municipal Courts also "certify" most felony cases to the Superior Courts for sentencing. This occurs if felony charges are negotiated while in the lower courts to a court-approved settlement that includes a prison term. See: Candace McCoy and Robert Tillman, Controlling Felony Plea Bargaining in California. Sacramento: Bureau of Criminal Statistics, 1986.
2. George Fletcher, Rethinking Criminal Law. Boston: Little Brown, 1978; Richard G. Singer, Just Desert. Cambridge, Mass.: Ballinger. 1979; Andrew von Hirsch, Doing Justice. Boston: Northeastern University Press, 1976; Ibid, Past or Future Crimes. New Brunswick, N.J.: Rutgers University Press, 1987.
3. Norval Morris, "Punishment, Desert, and Rehabilitation," in Herman Gross and Andrew von Hirsch, eds., Sentencing. New York: Oxford University Press: 1981; Stephen D. Gottfredson and Ralph B. Taylor, "Public policy and prison populations: Measuring opinions about reform." Judicature 68 (October-November, 1984): 291-317; Peter H. Rossi, Jon E. Simpson, and JoAnn L. Miller, "Beyond crime seriousness: Fitting the punishment to the crime." Journal of Quantitative Criminology 1 (1,1985):59-90; Alexis M. Durham III, "Crime Seriousness and Punitive Severity." Justice Quarterly 5 (March 1988):133-153; Sherwood E. Zimmerman, David J. van Alstyne and Christopher S. Dunn, "The National Punishment Survey and Public Policy Consequences." Journal of Research on Crime and Delinquency 25 (May, 1988):120-149.
4. Maynard L. Erickson and Jack P. Gibbs, "Findings on the Deterrence Question and Strategies for Future Research." Journal of Criminal Justice 4 (Fall, 1976):175-189; Charles R. Tittle, "Evaluating the Deterrent Effects of Criminal Sanctions," in Malcolm W. Klein and Katherine S. Teilmann, Handbook of Criminal Justice Evaluation. Beverly Hills, Calif.: Sage, 1980; Jonannes Andenaes, "Deterrence," in Encyclopedia of Crime and Justice. New York: Free Press, 1983.
5. Jan M. Chaiken and Marcia R. Chaiken, Varieties of Criminal Behavior. Santa Monica, Calif.: Rand Corp.; Ibid, "Crime rates and the active criminal," in James Q. Wilson, ed., Crime and Public Policy. New Brunswick, N.J.: Transaction Books, 1983.
6. Daniel Glaser, "Who gets probation and parole: Case study versus actuarial decision making." Crime and Delinquency 31 (July 1985):367-385.
7. Ibid, "Six principles and one precaution for efficient sentencing and corrections." Federal Probation 48 (December, 1984):22-28.
8. The tables of bivariate relationships for the separate offense groups present all relationships of offender attributes

to penalties or to indicators of recidivism that were significant at the 5 percent level of probability, were not dependent on single cases, and had expected frequencies of less than five in less than 91 percent of their cross-tabulations (most frequently these expected frequences were zero, which provides much confidence in the validity of the probability estimates).

9. Mark W. Lipsey, "Is delinquency prevention a cost-effective strategy?" Journal of Research in Crime and Delinquency 21 (November 1984):279-302.

10. Barbara Cable Nienstedt, Marjorie S. Zatz, and Thomas Epperlein, "Court Processing and Sentencing of Drinking Drivers." Journal of Quantitative Criminology 4 (March 1988):39-59.

11. Gerald R. Wheeler and Rodney V. Hissong, "Effects of Criminal Sanctions on Drunk Drivers." Crime and Delinquency 34 (January 1988):29-42.

12. Paul H. Gebhard, John H. Gagnon, Wardell B. Pomeroy, and Cornelia V. Christenson, Sex Offenders. New York: Harper & Row, 1965; Alex K. Gigeroff, J.W. Mohr, and R. E. Turner, "Sex offenders on probation: The exhibitionist." Federal Probation 32 (September, 1968):18-21; Joseph J. Romero and Linda M. Williams, "Recidivism among convicted sex offenders." Federal Probation 49 (March 1985):58-64.

13. Joseph J. Romero and Linda M. Williams, "Group psychotherapy and intensive probation supervision with sex offenders." Federal Probation 47 (December 1983):36-42.

14. Joan McCord, "Deterrence and the Light Touch of the Law," in David P. Farrington and J. Gunn, eds. Reactions to Crime. New York: Wiley, 1985.

15. Robert W. Gillespie, "Fines as an Alternative to Incarceration: The German Experience." Federal Probation 44 (December 1980):20-26; Hans J. Albrecht, "Recidivism after Fines, Suspended Sentences, and Imprisonment." International Journal of Comparative and Applied Criminal Justice 8 (Winter, 1984): 199-207; Sally T. Hillsman, Barry Mahoney, George F. Cole, and Bernard Auchter, "Fines as Criminal Sanctions." National Institute of Justice: Research in Brief (September 1987); Sally T. Hillsman and Judith A. Greene, "Tailoring Criminal Fines to the Financial Means of the Offender." Judicature 72 (June-July 1988):38-45.

16. For a discussion of strategies of institutionalizing more rational policymaking through evaluation research, see Chapter 9 of Daniel Glaser, Evaluation Research and Decision Guidance. New Brunswick, N.J.: Transaction Books, 1988.

Table 1

JAIL, FINE, RESTITUTION AND COPS*
PENALTIES IMPOSED FOR VARIOUS OFFENSE GROUPS
BY THE MUNICIPAL COURTS OF LOS ANGELES COUNTY
IN ALL CASES CLOSED IN 1984 AND OPENED 1981 OR LATER
(THE POPULATION FROM WHICH WE SAMPLED)

| Penalty | | Assault | Burglary | Drug Crimes | Driving Under the Influence | Theft | Indecent Exposure | All Other Crimes | All Cases |
|---|---|---|---|---|---|---|---|---|---|
| Jail | No. | 246 | 252 | 612 | 910 | 383 | 25 | 1057 | 3485 |
| | % | 25% | 42% | 6% | 37% | 24% | 15% | 23% | 16% |
| Fine | No. | 218 | 240 | 38 | 469 | 348 | 8 | 1143 | 2464 |
| | % | 22% | 40% | 0.3% | 19% | 22% | 5% | 25% | 11% |
| Restitution | No. | 194 | 141 | 180 | 1267 | 323 | 62 | 1226 | 3393 |
| | % | 20% | 24% | 1.6% | 51% | 21% | 37% | 27% | 16% |
| COPS | No. | 137 | 97 | 638 | 628 | 228 | 40 | 808 | 2576 |
| | % | 14% | 16% | 6% | 25% | 15% | 24% | 17% | 12% |
| Total Cases: | | 990 | 598 | 11105 | 2479 | 1565 | 167 | 4625 | 21529 |
| % by Offense: | | 5% | 3% | 52% | 12% | 7% | 1% | 21% | 100% |

* "COPS" is an acronym for "Cost of Probation Services." Since these penalties are not mutually exclusive, and are not exhaustive of all penalties or of non-penalty dispositions, the percentages for these four penalties do not add to 100 percent.

Table 2

NUMBER AND PERCENTAGE OF
CASES CLOSED BY THE MUNICIPAL COURTS OF LOS ANGELES IN 1984
AND OPENED IN 1981 OR LATER FOR WHOM A PENALTY WAS RECORDED,
BY OFFENSE, AND BY FOUR MUTUALLY EXCLUSIVE PENALTY CATEGORIES

| Penalty | Assault | Burglary | Drug Crimes | Driving Under the Influence | Theft | Indecent Exposure | All Other Crimes | All Cases |
|---|---|---|---|---|---|---|---|---|
| Probation Only* | 363<br>45% | 132<br>26% | 5889<br>82% | 462<br>20% | 543<br>43% | 47<br>33% | 1452<br>37% | 8888<br>55% |
| Probation plus Financial Penalties Only* | 195<br>24% | 121<br>24% | 662<br>9% | 922<br>40% | 336<br>27% | 69<br>49% | 1379<br>35% | 3684<br>23% |
| Probation plus Jail Only* | 82<br>10% | 61<br>12% | 466<br>7% | 181<br>8% | 121<br>10% | 15<br>11% | 342<br>9% | 1268<br>8% |
| Probation plus Jail plus Financial Penalties | 164<br>20% | 191<br>38% | 146<br>2% | 729<br>32% | 262<br>21% | 10<br>7% | 715<br>18% | 2217<br>14% |
| Total Cases: | 804 | 505 | 7163 | 2294 | 1262 | 141 | 3888 | 16,057 |
| % by Offense: | 5% | 3% | 45% | 14% | 8% | 1% | 24% | 100% |

* "Only" here refers to the absence of jail or financial penalties or both, unless otherwise indicated, but not necessarily to the absence of other penalties, such as community service.

Table 3

THE NUMBER OF SENTENCED CASES IN OUR SAMPLE WITH USABLE FILE DATA, BY OFFENSE, AS PERCENTAGE OF THE CASES RANDOMLY SELECTED FROM THE TOTAL OFFENSE GROUP OR FROM SPECIFIC PENALTY CATEGORIES WITHIN IT

| Item: | Assault | Burg-lary | Drug Crimes | Driving Under the Influence | Theft | Indecent Exposure | All Cases |
|---|---|---|---|---|---|---|---|
| No. of Cases Found That Were Sentenced and had Usable Files: | 262 | 165 | 196 | 190 | 177 | 131 | 1121 |
| Their Percentage of the Randomly Selected Cases: | 85% | 75% | 62% | 86% | 80% | 78% | 77% |

Table 4

ATTRIBUTES OF CASES IN OUR SAMPLE, BY OFFENSE

| Attribute: | Assault | Burglary | Drug Crimes | Driving Under the Influence | Theft | Indecent Exposure | All Cases (No.With Data) |
|---|---|---|---|---|---|---|---|
| Percent Male | 89 | 88 | 74 | 89 | 66 | 99 | 84 (1121) |
| Median Age | 27.5 | 21.2 | 25.1 | 32.5 | 24.4 | 28.7 | 26.7 (1121) |
| Percent by Race: | | | | | | | |
| White | 44 | 46 | 31 | 52 | 45 | 66 | 46 |
| Black | 20 | 19 | 19 | 7 | 23 | 5 | 16 |
| Hispanic & Other ("other" varies from less than one to nearly 3 percent) | 35 | 35 | 50 | 41 | 32 | 29 | 38 (1109) |
| Percent by Education Completed: | | | | | | | |
| Less than H.S. | 46 | 60 | 50 | 40 | 35 | 41 | 46 |
| High School | 27 | 30 | 35 | 36 | 39 | 24 | 32 |
| More than H.S. | 27 | 10 | 15 | 24 | 25 | 35 | 23 (988) |
| Percent by Marital Status: | | | | | | | |
| Single | 40 | 74 | 57 | 35 | 54 | 41 | 50 |
| Married | 32 | 19 | 27 | 36 | 29 | 45 | 31 |
| Separated or Divorced | 28 | 7 | 16 | 29 | 17 | 14 | 19 (982) |
| Percent Employed: | 62 | 56 | 58 | 72 | 48 | 74 | 61 (991) |
| Percent by Occupation Category: | | | | | | | |
| Unskilled | 41 | 57 | 56 | 36 | 44 | 30 | 44 |
| Skilled or Professional | 59 | 43 | 44 | 64 | 56 | 70 | 56 (755) |
| Percent by Employment Stability Classification: | | | | | | | |
| Good | 50 | 28 | 43 | 71 | 48 | 70 | 50 |
| Fair | 31 | 43 | 44 | 21 | 38 | 19 | 33 |
| Poor | 19 | 29 | 13 | 8 | 15 | 11 | 16 (785) |
| Median Monthly Income: | $638 | $193 | $459 | $756 | $192 | $750 | $513 |
| Percent With No Income (included in above median calculations): | 20 | 37 | 28 | 17 | 42 | 18 | 27 (932) |
| Percent by Financial Status Classification: | | | | | | | |
| Good | 20 | 13 | 15 | 28 | 16 | 39 | 21 |
| Fair | 31 | 24 | 35 | 40 | 31 | 34 | 32 |
| Marginal | 24 | 27 | 27 | 17 | 26 | 13 | 23 |
| Poor | 25 | 36 | 23 | 15 | 28 | 14 | 24 (888) |

(continued on next sheet)

Table 4, Continued: Attributes of Sample Cases, by Offense

| Attribute: | Assault | Burglary | Drug Crimes | Driving Under the Influence | Theft | Indecent Exposure | All Cases (No.With Data) |
|---|---|---|---|---|---|---|---|
| Percent by Source of Income: | | | | | | | |
| None | 11 | 15 | 15 | 14 | 26 | 13 | 16 |
| Earnings | 62 | 57 | 58 | 73 | 48 | 74 | 61 |
| Family | 6 | 15 | 8 | 2 | 13 | 4 | 8 |
| Public Aid (including unemployment insurance, gov't. pensions & welfare) | 16 | 10 | 16 | 9 | 11 | 5 | 12 |
| Other | 5 | 3 | 2 | 2 | 3 | 4 | 3 |
| | | | | | | | (970) |
| Percent by Debts: | | | | | | | |
| None | 27 | 45 | 28 | 22 | 33 | 6 | 28 |
| Reasonable | 58 | 42 | 58 | 64 | 55 | 79 | 58 |
| Excessive | 16 | 13 | 13 | 14 | 12 | 15 | 14 |
| | | | | | | | (814) |
| Percent by Alcohol Problem: | | | | | | | |
| None | 60 | 77 | 82 | 19 | 89 | 86 | 69 |
| Possible | 20 | 17 | 15 | 73 | 11 | 14 | 23 |
| Clear Problem | 20 | 6 | 3 | 8 | -- | -- | 8 |
| | | | | | | | (982) |
| Percent by Drug Problem: | | | | | | | |
| None | 83 | 74 | 19 | 89 | 82 | 94 | 72 |
| Possible | 12 | 15 | 69 | 11 | 18 | 6 | 23 |
| Clear Problem | 5 | 10 | 13 | -- | -- | -- | 5 |
| | | | | | | | (982) |
| Median Age at First Arrest | 23.0 | 19.7 | 20.4 | 26.5 | 22.3 | 25.0 | 22.0 |
| | | | | | | | (1097) |
| Percent with Prior: | | | | | | | |
| Arrest | 69 | 59 | 65 | 74 | 45 | 57 | 63 |
| | | | | | | | (1121) |
| Conviction | 55 | 45 | 49 | 63 | 40 | 50 | 51 |
| | | | | | | | (1121) |
| Probation | 39 | 34 | 36 | 53 | 36 | 46 | 40 |
| | | | | | | | (1121) |
| Incarceration | 30 | 22 | 33 | 34 | 21 | 33 | 29 |
| | | | | | | | (1121) |

Table 5

NUMBER OF CASES IN THE SAMPLE IN EACH OF FOUR MUTUALLY EXCLUSIVE PENALTY CATEGORIES, BY OFFENSE

| Penalty: | Assault | Burglary | Drug Crimes | Driving Under the Influence | Theft | Indecent Exposure | All Cases |
|---|---|---|---|---|---|---|---|
| PROBATION ONLY: | | | | | | | |
| No. of cases: | 26 | 10 | 70 | 11 | 25 | 23 | 165 |
| % of total: | 10% | 6% | 34% | 6% | 14% | 18% | 15% |
| PROBATION PLUS FINANCIAL PENALTIES | | | | | | | |
| No. of cases: | 115 | 55 | 63 | 79 | 75 | 74 | 461 |
| % of total: | 44% | 33% | 32% | 42% | 42% | 56% | 41% |
| PROBATION PLUS JAIL (OR, IN 24 CASES, JAIL WITHOUT PROBATION) | | | | | | | |
| No. of cases: | 51 | 41 | 50 | 15 | 32 | 22 | 211 |
| % of total: | 19% | 25% | 26% | 8% | 18% | 17% | 19% |
| PROBATION PLUS JAIL PLUS FINANCIAL PENALTIES | | | | | | | |
| No. of cases: | 70 | 59 | 13 | 85 | 45 | 12 | 284 |
| % of total: | 27% | 36% | 7% | 45% | 26% | 9% | 25% |

Table 6

MULTIPLIER EFFECTS OF OFFENDER ATTRIBUTES AND OFFENSE ON THE CONDITIONAL ODDS OF RECEIVING EACH OF FOUR TYPES OF PENALTIES[a]

| Attribute or Offense | Types of Penalties | | | |
|---|---|---|---|---|
| | Probation Only | Probation + Financial Penalty Only | Probation + Jail Only | Probation + Jail + Financial Penalty |
| Black | Ø.775 | Ø.341*** | 4.964*** | Ø.7Ø3 |
| Hispanic | 1.222 | Ø.7Ø3 | 1.986*** | Ø.675* |
| White | ref.categ. | ref.categ. | ref.categ. | ref.categ.[b] |
| Age | 1.Ø1Ø | 1.ØØ9 | Ø.991 | Ø.988 |
| Less than H.S. | Ø.687* | Ø.729* | 1.293 | 1.779*** |
| Never Married | Ø.741 | 1.295 | Ø.979 | Ø.997 |
| Monthly Income | 1.ØØØ | 1.ØØØ | 1.ØØØ | 1.ØØØ |
| Employed | 1.Ø19 | 1.5Ø7** | Ø.614** | 1.225 |
| Alcohol Problem | 1.365 | Ø.558*** | 1.371 | 1.11Ø |
| Drug Problem | Ø.631* | Ø.52Ø*** | 2.594*** | Ø.79Ø |
| Prior Conviction | Ø.735* | Ø.687** | 1.515** | 1.384 |
| Assault | Ø.169*** | 1.297 | 1.5ØØ | 29.Ø65*** |
| Burglary | Ø.112*** | Ø.64Ø | 2.577*** | 43.833*** |
| Drug Offense | ref.categ. | ref.categ. | ref.categ. | ref.categ. |
| DUI | Ø.Ø66*** | 1.396 | 1.Ø57 | 78.8Ø3*** |
| Theft | Ø.296*** | Ø.937 | 1.8Ø9* | 22.152*** |
| Indecent Exposure | Ø.173*** | 2.Ø68** | 1.363 | 11.549** |
| No. of Cases | 863 | 863 | 863 | 863 |
| Intercept | 1.388 | Ø.59Ø | Ø.1Ø3*** | Ø.ØØ9*** |
| $R^2$ | Ø.Ø59 | Ø.Ø82 | Ø.115 | Ø.Ø94 |

* = p < .1Ø  ** = p < .Ø5  *** = p < .Ø1

[a] These effects (the antilogs of the logistic regression coefficients) represent the amount by which the odds of receiving a given penalty are multiplied per unit change in each independent variable, or (for a dichotomous attribute) the amount by which the odds for those having the attribute are multiplied compared to the odds for those who do not.

[b] ref.categ. = reference category. This is the omitted category from a set of mutually exclusive categories measuring one attribute (e.g., race), when each category is used as a separate dichotomous measure (dummy variable). The effects of the included categories are then relative to that of the reference category.

Table 7

THE PERCENTAGES OF CASES IN OUR SAMPLE WITH VARIOUS INDICATORS OF POSTRELEASE ADJUSTMENT IN A 2-YEAR FOLLOWUP PERIOD, BY OFFENSE

| Postrelease Recidivism Indicators (No. of cases: 262) | Assault | Burglary 115 | Drug Crimes 196 | Driving Under the Influence 190 | Theft 177 | Indecent Exposure 131 | All Cases 1121) |
|---|---|---|---|---|---|---|---|
| ARRESTS AND CONVICTIONS (classified by the most serious, on scale shown): | | | | | | | |
| None: | 65 | 60 | 51 | 76 | 75 | 81 | 67 |
| Misdemeanor Arrest(s): | 11 | 7 | 8 | 6 | 8 | 5 | 8 |
| Misdemeanor Conviction(s): | 12 | 18 | 21 | 12 | 11 | 11 | 14 |
| Felony Arrest(s) | 8 | 5 | 12 | 2 | 3 | zero | 6 |
| Felony Conviction(s): | 3 | 10 | 9 | 4 | 3 | 3 | 5 |
| PROBATION OUTCOME: | | | | | | | |
| No Violation: | 53 | 42 | 46 | 37 | 57 | 66 | 50 |
| Violations, but Not Revoked: | 22 | 16 | 11 | 20 | 11 | 16 | 16 |
| Revoked: | 25 | 42 | 43 | 44 | 32 | 18 | 34 |
| POSTRELEASE INCARCERATION (jail or prison): | | | | | | | |
| No: | 82 | 64 | 63 | 74 | 81 | 88 | 75 |
| Yes: | 18 | 36 | 37 | 25 | 19 | 12 | 25 |
| PAYMENT OF FINES BY THOSE FINED: | | | | | | | |
| Paid None: | 11 | 14 | zero | 15 | 8 | 3 | 11 |
| Paid Part: | 23 | 30 | 50 | 33 | 17 | 16 | 25 |
| Paid in Full: | 66 | 56 | 50 | 52 | 75 | 81 | 64 |
| (No. Fined: | 97 | 66 | 10 | 132 | 71 | 75 | 451) |
| PAYMENT OF RESTITUTION BY THOSE WITH RESTITUTION AS PART OF SENTENCE: | | | | | | | |
| Paid None: | 10 | 18 | zero | 14 | 10 | 67 | 13 |
| Paid Part: | 27 | 38 | 25 | 57 | 23 | zero | 32 |
| Paid in Full: | 63 | 44 | 75 | 29 | 67 | 33 | 55 |
| (Total Nos.: | 60 | 55 | 4 | 21 | 52 | 3 | 195) |
| PAYMENT OF "COPS" BY THOSE WITH "COPS" AS PART OF SENTENCE: | | | | | | | |
| Paid None: | 7 | 8 | 22 | 8 | 14 | zero | 11 |
| Paid Part: | 21 | 31 | 19 | 31 | 20 | 17 | 23 |
| Paid in Full: | 71 | 61 | 59 | 61 | 67 | 83 | 66 |
| (Total Nos.: | 56 | 36 | 54 | 51 | 51 | 30 | 278) |

Table 8

ALL OFFENSE GROUPS COMBINED:

PERCENTAGES WITH VARIOUS INDICATORS OF POSTRELEASE ADJUSTMENT:

Part A. BY PRIOR ARRESTS, CONVICTIONS, PROBATIONS, AND CONFINEMENTS

| Postrelease Behavior Indicator | Prior Arrests | | Prior Convictions | | Prior Probations | | Prior Confinements s | |
|---|---|---|---|---|---|---|---|---|
| | None | One or More | None | One or More | None | One or More | None | One. or More |
| MOST SERIOUS POSTRELEASE ARREST OR CONVICTION: | | | | | | | | |
| None: | 78 | 60 | 74 | 61 | 71 | 62 | 72 | 55 |
| Misdemeanor Arrest: | 6 | 9 | 7 | 9 | 7 | 9 | 7 | 10 |
| Misdemeanor Conviction: | 11 | 16 | 13 | 15 | 14 | 14 | 13 | 17 |
| Felony Arrests: | 3 | 7 | 4 | 7 | 5 | 6 | 5 | 8 |
| Felony Conviction: | 2 | 8 | 2 | 9 | 3 | 9 | 3 | 11 |
| (Total Cases: | 410 | ***701 | 549 | ***572 | 668 | ***453 | 797 | ***324) |
| | V=.20; G=.38 | | V=.18; G=.28 | | V=.15; G=.20 | | V=.20; G=.33 | |
| PROBATION OUTCOME: | | | | | | | | |
| No Violation: | 61 | 43 | 57 | 42 | 54 | 42 | 53 | 40 |
| Violations, but Nor Revoked: | 13 | 19 | 12 | 20 | 14 | 20 | 15 | 19 |
| Revoked: | 27 | 39 | 31 | 38 | 21 | 37 | 31 | 41 |
| (Total Cases: | 405 | ***648 | 525 | ***528 | 633 | ***420 | 763 | ***290) |
| | V=.17; G=.28 | | V=.16; G=.22 | | V=.12; G=.17 | | V=.12; G=.22 | |
| POSTRELEASE INCARCERATION (jail or prison): | | | | | | | | |
| No: | 87 | 68 | 84 | 67 | 81 | 66 | 82 | 60 |
| Yes: | 13 | 32 | 16 | 33 | 19 | 34 | 18 | 40 |
| (Total Cases: | 420 | ***701 | 549 | ***572 | 668 | ***453 | 797 | ***324) |
| | V=.21; G=.51 | | V=.19; G=.42 | | V=.17; G=.37 | | V=.23; G=.50 | |
| PAYMENT OF FINES BY THOSE FINED: | | | | | | | | |
| Paid None: | 9 | 12 | 10 | 12 | 11 | 10 | 10 | 12 |
| Paid Part: | 20 | 29 | 20 | 30 | 19 | 34 | 24 | 30 |
| Paid in Full: | 72 | 59 | 70 | 58 | 70 | 56 | 66 | 58 |
| (No. Fined: | 186 | * 265 | 220 | * 231 | 264 | ** 187 | 344 | ns 107) |
| | V=.13; G=-.24 | | V=.12; G=-.21 | | V=.16; G=-.22 | | V=.07;G=-.15 | |
| PAYMENT OF RESTITUTION BY THOSE WITH RESTITUTION AS PART OF SENTENCE: | | | | | | | | |
| Paid None: | 14 | 13 | 16 | 10 | 15 | 10 | 13 | 13 |
| Paid Part: | 25 | 38 | 26 | 40 | 27 | 41 | 27 | 48 |
| Paid in Full: | 61 | 49 | 58 | 51 | 58 | 49 | 60 | 39 |
| (Total Cases: | 93 | ns 102 | 114 | ns 81 | 126 | ns 69 | 149 | * 46) |
| | V=.15; G=-.17 | | V=.15; G=-.06 | | V=.14; G=-.09 | | V=.20;G=-.28 | |
| PAYMENT OF "COPS" BY THOSE WITH "COPS" AS PART OF SENTENCE: | | | | | | | | |
| Paid None: | 6 | 14 | 8 | 14 | 11 | 11 | 9 | 15 |
| Paid Part: | 14 | 29 | 17 | 30 | 18 | 32 | 19 | 35 |
| Paid in Full: | 81 | 57 | 75 | 56 | 72 | 57 | 71 | 49 |
| (Total Cases: | 108 | ***170 | 148 | ** 130 | 171 | * 107 | 213 | ** 65) |
| | V=.24; G=-.48 | | V=.20; G=-.36 | | V=.17; G=-.26 | | V=.20;G=-.39 | |

Significance: *=.05, **=.01, ***=.001 ns=>.05; V=Cramer's V, G=Gamma

Table 8. PERCENTAGES WITH VARIOUS INDICATORS OF POSTRELEASE ADJUSTMENT:
Part B. BY REPORTS ON THEIR DRUG & ALCOHOL PROBLEMS, & DEBTS

| Postrelease Behavior Indicators | Alcohol Problems | | | Drug Problems | | | Debts | | |
|---|---|---|---|---|---|---|---|---|---|
| | None | Pos-sible | Clear | None | Pos-sible | Clear | None | Reas-onable | Exces-sive |
| MOST SERIOUS POSTRELEASE ARREST OR CONVICTION: | | | | | | | | | |
| None: | 69 | 65 | 65 | 75 | 49 | 50 | 58 | 71 | 76 |
| Misdemeanor Arrest: | 7 | 7 | 12 | 8 | 9 | 4 | 9 | 8 | 4 |
| Misdemeanor Conviction: | 14 | 15 | 12 | 12 | 21 | 18 | 20 | 13 | 8 |
| Felony Arrest: | 5 | 6 | 8 | 3 | 11 | 14 | 6 | 4 | 5 |
| Felony Conviction: | 5 | 6 | 3 | 3 | 11 | 14 | 7 | 4 | 6 |
| (Total Cases: | 677 | ns230 | 75 | 710 | ***222 | 50 | 227 | **475 | 112) |
| | V=.05; G=.06 | | | V=.21; G=.46 | | | V=.11; G=-.22 | | |
| PROBATION OUTCOME: | | | | | | | | | |
| No Violation: | 55 | 40 | 54 | 57 | 38 | 31 | 39 | 56 | 62 |
| Violations, but Nor Revoked: | 15 | 19 | 19 | 18 | 12 | 16 | 17 | 16 | 11 |
| Revoked: | 30 | 41 | 27 | 26 | 50 | 53 | 44 | 28 | 27 |
| (Total Cases: | 645 | **209 | 74 | 682 | ***200 | 45 | 215 | ***461 | 93) |
| | V=.09; G=.15 | | | V=.17; G=.39 | | | V=.13; G=-.27 | | |
| POSTRELEASE INCARCERATION (jail or prison): | | | | | | | | | |
| No: | 78 | 70 | 73 | 83 | 58 | 52 | 67 | 80 | 82 |
| Yes: | 22 | 30 | 27 | 17 | 42 | 48 | 33 | 20 | 18 |
| (Total Cases: | 677 | * 230 | 75 | 710 | ***222 | 50 | 227 | ***475 | 93) |
| | V=.08; G=.17 | | | V=.28; G=.56 | | | V=.14; G=-.27 | | |
| PAYMENT OF FINES BY THOSE FINED: | | | | | | | | | |
| Paid None: | 9 | 10 | 13 | 8 | 18 | 37 | 15 | 8 | 7 |
| Paid Part: | 22 | 31 | 32 | 23 | 45 | 25 | 33 | 21 | 27 |
| Paid in Full: | 70 | 59 | 55 | 70 | 37 | 37 | 52 | 71 | 66 |
| (No. Fined: | 255 | ns110 | 31 | 349 | *** 38 | 8 | 82 | ns211 | 41) |
| | V=.09; G=-.21 | | | V=.18; G=-.54 | | | V=.12; G=22 | | |
| PAYMENT OF RESTITUTION BY THOSE WITH RESTITUTION AS PART OF SENTENCE: | | | | | | | | | |
| Paid None: | 12 | 17 | 23 | 10 | 26 | 67 | 9 | 12 | 21 |
| Paid Part: | 26 | 45 | 46 | 28 | 43 | 33 | 46 | 25 | 21 |
| Paid in Full: | 62 | 38 | 31 | 61 | 30 | -- | 46 | 63 | 58 |
| (Total Cases: | 129 | ns 29 | 13 | 144 | *** 23 | 3 | 46 | ns 73 | 19) |
| | V=.16; G=-.39 | | | V=.22; G=-.57 | | | V=.17; G=.12 | | |
| PAYMENT OF "COPS" BY THOSE WITH "COPS" AS PART OF SENTENCE: | | | | | | | | | |
| Paid None: | 11 | 9 | 7 | 6 | 22 | 37 | 19 | 6 | -- |
| Paid Part: | 18 | 36 | 43 | 23 | 22 | 12 | 33 | 18 | 27 |
| Paid in Full: | 71 | 55 | 50 | 70 | 56 | 50 | 48 | 77 | 73 |
| (Total Cases: | 197 | * 58 | 14 | 200 | *** 59 | 8 | 52 | ***145 | 26) |
| | V=.14; G=.24 | | | V=.19; G=-.35 | | | V=.21; G=.40 | | |

Significance: *=.05, **=.01, ***=.001, ns=>.05; V=Cramer's V, G=Gamma

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Table 8. PERCENTAGES WITH VARIOUS INDICATORS OF POSTRELEASE ADJUSTMENT: Part C. BY PRIOR MISDEMEANOR AND FELONY CONVICTIONS, AND BY OCCUPATION

| Postrelease Behavior Indicators | Prior Misdemeanor Convictions | | | Prior Felony Convictions | | | Occupation | |
|---|---|---|---|---|---|---|---|---|
| | None | One | 2/More | None | One | 2/More | Un-Skilled | Skilled or Professional |
| MOST SERIOUS POSTRELEASE ARREST OR CONVICTION: | | | | | | | | |
| None: | 73 | 62 | 60 | 69 | 47 | 50 | 60 | 75 |
| Misdemeanor Arrest: | 7 | 7 | 10 | 8 | 10 | 9 | 8 | 9 |
| Misdemeanor Conviction: | 13 | 17 | 14 | 13 | 19 | 17 | 17 | 11 |
| Felony Arrest: | 4 | 6 | 7 | 5 | 13 | 9 | 6 | 4 |
| Felony Conviction: | 2 | 8 | 8 | 5 | 10 | 15 | 8 | 2 |
| (Total Cases: | 559*** | 241 | 318 | 994*** | 78 | 46 | 332 *** | 425 |
| | V=.12; G=.22 | | | V=.12; G=.37 | | | V=.20; G=-.33 | |
| PROBATION OUTCOME: | | | | | | | | |
| No Violation: | 57 | 41 | 43 | 52 | 25 | 42 | 49 | 58 |
| Violations but Not Revoked: | 12 | 19 | 21 | 16 | 24 | 17 | 16 | 16 |
| Revoked: | 31 | 40 | 36 | 33 | 51 | 42 | 35 | 26 |
| (Total Cases: | 532*** | 230 | 288 | 947*** | 67 | 36 | 301 * | 405) |
| | V=.11; G=.16 | | | V=.09; G=.31 | | | V=.10; G=-.17 | |
| POSTRELEASE INCARCERATION (jail or prison): | | | | | | | | |
| No: | 83 | 71 | 65 | 78 | 54 | 48 | 68 | 84 |
| Yes: | 17 | 29 | 35 | 22 | 46 | 52 | 32 | 16 |
| (Total Cases: | 559*** | 241 | 318 | 994*** | 78 | 46 | 332 *** | 423 |
| | V=.19; G=.35 | | | V=.19; G=.53 | | | V=.19; G=.42 | |
| PAYMENT OF FINES BY THOSE FINED: | | | | | | | | |
| Paid None: | 9 | 11 | 12 | 10 | 18 | 23 | 11 | 8 |
| Paid Part: | 20 | 28 | 32 | 25 | 36 | 15 | 25 | 23 |
| Paid in Full: | 71 | 61 | 55 | 65 | 45 | 62 | 65 | 69 |
| (No. Fined: | 222 ns | 107 | 120 | 414 ns | 22 | 13 | 114 ns | 210) |
| | V=.10; G=.-.21 | | | V=.08; G=-.27 | | | V=.05; G=.09 | |
| PAYMENT OF RESTITUTION BY THOSE WITH RESTITUTION AS PART OF SENTENCE: | | | | | | | | |
| Paid None: | 16 | 7 | 12 | 13 | 50 | -- | 22 | 9 |
| Paid Part: | 27 | 35 | 42 | 31 | 50 | 60 | 32 | 26 |
| Paid in Full: | 57 | 57 | 45 | 56 | -- | 40 | 46 | 65 |
| (Total Cases: | 115 ns | 40 | 40 | 186 ns | 4 | 5 | 50 * | 80) |
| | V=.11; G=-.07 | | | V=.15; G=-.48 | | | V=.22; G=.37 | |
| PAYMENT OF "COPS" BY THOSE WITH "COPS" AS PART OF SENTENCE: | | | | | | | | |
| Paid None: | 9 | 15 | 11 | 9 | 35 | -- | 12 | 8 |
| Paid Part: | 17 | 23 | 38 | 22 | 40 | 33 | 16 | 22 |
| Paid in Full: | 74 | 62 | 52 | 69 | 25 | 67 | 72 | 70 |
| (Total Cases: | 151 ** | 61 | 66 | 255*** | 20 | 3 | 85 ns | 136) |
| | V=.16; G=-.29 | | | V=.19; G=-.61 | | | V=.08; G=-.01 | |

Significance: *=.05, **=.01, ***=.001, ns=>.05; V=Cramer's V, G=Gamma

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Table 8. PERCENTAGES WITH VARIOUS INDICATORS OF POSTRELEASE ADJUSTMENT
Part D. BY PROBATION OFFICER REPORTS ON THEIR ECONOMIC STATUS

| Postrelease Behavior Indicators | Financial Status | | | | Employment Stability | | | Monthly Income | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Good | Marginal | Fair | Poor | Good | Fair | Poor | None | $1-500 | $501-1000 | $1001+more |
| **MOST SERIOUS POSTRELEASE ARREST OR CONVICTION:** | | | | | | | | | | | |
| None: | 76 | 72 | 64 | 59 | 76 | 62 | 60 | 63 | 64 | 67 | 81 |
| Misdemeanor Arrest: | 5 | 8 | 9 | 8 | 6 | 11 | 7 | 8 | 8 | 9 | 6 |
| Misdemeanor Conviction: | 10 | 12 | 15 | 17 | 11 | 12 | 16 | 14 | 15 | 14 | 9 |
| Felony Arrest: | 4 | 4 | 8 | 7 | 3 | 7 | 8 | 6 | 7 | 6 | 2 |
| Felony Conviction: | 5 | 4 | 3 | 9 | 4 | 7 | 9 | 8 | 7 | 4 | 2 |
| (Total Cases: | 186 | 284 | * 204 | 214 | 395 | ***261 | 129 | 252 | 207 | 266 | ns 207) |
| | | V=.10; G=.20 | | | | V=.14; G=.26 | | | | V=.09; G=-.20 | |
| **PROBATION OUTCOME:** | | | | | | | | | | | |
| No Violation: | 67 | 57 | 49 | 44 | 62 | 48 | 41 | 40 | 56 | 50 | 67 |
| Violations, but Not Revoked: | 10 | 14 | 16 | 16 | 14 | 16 | 17 | 18 | 16 | 17 | 14 |
| Revoked: | 22 | 29 | 35 | 40 | 24 | 36 | 43 | 43 | 28 | 34 | 19 |
| (Total Cases: | 181 | 269 | ***191 | 192 | 380 | ***242 | 115 | 227 | 195 | 260 | ***196) |
| | | V=.12; G=.22 | | | | V=.13; G=.27 | | | | V=.15; G=-.22 | |
| **POSTRELEASE INCARCERATION (jail or prison):** | | | | | | | | | | | |
| No: | 84 | 81 | 78 | 64 | 84 | 74 | 64 | 69 | 73 | 79 | 88 |
| Yes: | 16 | 19 | 22 | 36 | 16 | 26 | 36 | 31 | 27 | 21 | 12 |
| (Total Cases: | 186 | 284 | ***204 | 214 | 395 | ***261 | 129 | 252 | 207 | 266 | ***207) |
| | | V=.18; G=.29 | | | | V=.18; G=.34 | | | | V=.17; G=.29 | |
| **PAYMENT OF FINES BY THOSE FINED:** | | | | | | | | | | | |
| Paid None: | 4 | 9 | 22 | 10 | 6 | 14 | 18 | 11 | 16 | 7 | 5 |
| Paid Part: | 18 | 25 | 22 | 36 | 20 | 27 | 21 | 28 | 16 | 31 | 18 |
| Paid in Full: | 78 | 66 | 55 | 54 | 74 | 59 | 62 | 61 | 68 | 62 | 77 |
| (No. Fined: | 110 | 130 | *** 58 | 61 | 199 | * 85 | 34 | 75 | 75 | 116 | ns 111) |
| | | V=.18; G=-.29 | | | | V=.13; G=-.29 | | | | V=.15; G.16 | |
| **PAYMENT OF RESTITUTION BY THOSE WITH RESTITUTION AS PART OF SENTENCE:** | | | | | | | | | | | |
| Paid None: | 11 | 9 | 9 | 23 | 9 | 24 | 24 | 19 | 12 | 11 | 3 |
| Paid Part: | 19 | 34 | 29 | 33 | 26 | 38 | 29 | 33 | 30 | 33 | 22 |
| Paid in Full: | 70 | 57 | 63 | 44 | 65 | 38 | 47 | 48 | 58 | 57 | 75 |
| (Total Cases: | 27 | 44 | ns 35 | 39 | 66 | * 45 | 17 | 54 | 33 | 46 | ns 32) |
| | | V=.17; G=-.23 | | | | V=.19; G=-.29 | | | | V=.17; G=.16 | |
| **PAYMENT OF "COPS" BY THOSE WITH "COPS" AS PART OF SENTENCE:** | | | | | | | | | | | |
| Paid None: | 7 | 11 | 12 | 7 | 9 | 24 | 24 | 19 | 12 | 11 | 3 |
| Paid Part: | 20 | 19 | 28 | 25 | 17 | 30 | 30 | 28 | 15 | 24 | 22 |
| Paid in Full: | 73 | 70 | 60 | 67 | 77 | 52 | 60 | 59 | 82 | 57 | 73 |
| (Total Cases: | 56 | 94 | ns 50 | 40 | 60 | * 63 | 20 | 46 | 55 | 79 | * 77) |
| | | V=.08; G=-.10 | | | | V=.18; G=-.37 | | | | V=.19; G=-.37 | |

Significance: *=.05, **=.01, ***=.001, ns=>.05; V=Cramer's V, G=Gamma

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Table 8. PERCENTAGES WITH VARIOUS INDICATORS OF POSTRELEASE ADJUSTMENT: E. BY AGE, MARITAL STATUS, AND EDUCATION

| Postrelease Behavior Indicators | Age | | | | Marital Status | | | Education | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 18-22 | 23-27 | 28-34 | 35 & Over | Single | Married | Separated/Divorced | Under H.S. Grad. | H.S. | Over H.S. |
| MOST SERIOUS POSTRELEASE ARREST OR CONVICTION: | | | | | | | | | | |
| None: | 57 | 64 | 73 | 80 | 61 | 77 | 69 | 61 | 69 | 79 |
| Misdemeanor Arrest: | 10 | 7 | 6 | 7 | 10 | 6 | 9 | 8 | 9 | 9 |
| Misdemeanor Conviction: | 18 | 16 | 12 | 9 | 15 | 10 | 15 | 18 | 11 | 9 |
| Felony Arrest: | 6 | 8 | 6 | 1 | 7 | 3 | 5 | 7 | 5 | 2 |
| Felony Conviction: | 8 | 5 | 4 | 3 | 7 | 5 | 2 | 7 | 6 | 2 |
| (Total Cases: | 359 | 275 | 248 | ***239 | 497 | 304 | *** 191 | 451 | ***314 | 223 |
| | | V=.12; G=-.26 | | | | V=.12 | | V=.13; G=-.26 | | |
| PROBATION OUTCOME: | | | | | | | | | | |
| No Violation: | 46 | 46 | 55 | 55 | 49 | 58 | 48 | 44 | 54 | 64 |
| Violations, but Not Revoked: | 16 | 16 | 14 | 20 | 15 | 15 | 22 | 16 | 15 | 17 |
| Revoked: | 38 | 39 | 32 | 25 | 36 | 28 | 30 | 40 | 31 | 18 |
| (Total Cases: | 344 | 261 | 225 | ** 223 | 470 | 291 | * 176 | 426 | ***291 | 214) |
| | | V=.09; G=-.12 | | | | V=.08 | | V=.13; G=-.26 | | |
| POSTRELEASE INCARCERATION (jail or prison): | | | | | | | | | | |
| No: | 70 | 71 | 81 | 82 | 72 | 82 | 76 | 70 | 77 | 88 |
| Yes: | 30 | 29 | 19 | 18 | 28 | 18 | 24 | 30 | 23 | 12 |
| (Total Cases: | 359 | 275 | 248 | ***239 | 497 | 304 | ** 161 | 451 | ***314 | 223) |
| | | V=.13; G=-.22 | | | | V=.10 | | V=.17; G=-.33 | | |
| PAYMENT OF FINES BY THOSE FINED: | | | | | | | | | | |
| Paid None: | 13 | 15 | 10 | 5 | 11 | 7 | 10 | 14 | 8 | 4 |
| Paid Part: | 30 | 20 | 23 | 26 | 24 | 27 | 23 | 29 | 24 | 20 |
| Paid in Full: | 57 | 65 | 66 | 69 | 65 | 67 | 67 | 57 | 69 | 77 |
| (No. Fined: | 131 | 103 | 98 | ns 119 | 196 | 132 | ns 73 | 164 | ** 131 | 107) |
| | | V=.10; G=.14 | | | | V=.05 | | V=.13; G=.30 | | |
| PAYMENT OF RESTITUTION BY THOSE WITH RESTITUTION AS PART OF SENTENCE: | | | | | | | | | | |
| Paid None: | 13 | 16 | 15 | 8 | 16 | 8 | 9 | 19 | 10 | 6 |
| Paid Part: | 35 | 30 | 23 | 36 | 31 | 27 | 37 | 31 | 37 | 25 |
| Paid in Full: | 52 | 54 | 62 | 56 | 53 | 65 | 53 | 50 | 53 | 70 |
| (Total Cases: | 77 | 43 | 39 | ns 36 | 93 | 49 | ns 32 | 78 | ns 49 | 47) |
| | | V=.09; G=.07 | | | | V=.10 | | V=.15; G=.27 | | |
| PAYMENT OF "COPS" BY THOSE WITH "COPS" AS PART OF SENTENCE: | | | | | | | | | | |
| Paid None: | 13 | 13 | 10 | 4 | 12 | 7 | 10 | 14 | 9 | 6 |
| Paid Part: | 25 | 25 | 22 | 18 | 12 | 7 | 10 | 14 | 9 | 6 |
| Paid in Full: | 62 | 62 | 67 | 78 | 64 | 73 | 65 | 61 | 67 | 76 |
| (Total Cases: | 101 | 61 | 67 | ns 49 | 140 | 81 | ns 48 | 15 | ns 85 | 67) |
| | | V=.09; G=.16 | | | | C=.07 | | V=.10; G=.22 | | |

Significance: *=.05, **=.01, ***=.001, ns=>.05; V=Cramer's V, G=Gamma

Table 9
PERCENTAGE OF CASES WITH VARIOUS INDICATORS OF POSTRELEASE RECIDIVISM IN A 2-YEAR FOLLOWUP, BY PENALTY GROUP AND BY OFFENSE

| Indicator of Postrelease Recidivism: | Assault | Burglary | Drug Crimes | Driving Under the Influence | Theft | Indecent Exposure | All Cases |
|---|---|---|---|---|---|---|---|
| **SENTENCED TO PROBATION ONLY:** | | | | | | | |
| Most Serious Arrest or Conviction: | | | | | | | |
| No Arrest | 65 | 70 | 56 | 64 | 76 | 83 | 65 |
| Misd.Arrest | 15 | -- | 7 | 27 | 8 | -- | 8 |
| Misd.Conviction | 12 | -- | 20 | -- | 12 | 17 | 15 |
| Felony Arrest | 8 | 20 | 13 | 9 | -- | -- | 8 |
| FelonyConviction | -- | 10 | 4 | -- | 4 | -- | 4 |
| Postrelease Incarceration: | | | | | | | |
| No | 88 | 70 | 76 | 91 | 72 | 87 | 79 |
| Yes | 12 | 30 | 24 | 9 | 28 | 13 | 21 |
| Probation Violations: | | | | | | | |
| None | 64 | 60 | 51 | 36 | 68 | 77 | 59 |
| Some, but not revoked: | 4 | -- | 12 | 18 | -- | 18 | 9 |
| Revoked: | 32 | 40 | 37 | 45 | 32 | 5 | 32 |
| No. of cases: | 26 | 10 | 70 | 11 | 25 | 23 | 165 |
| % of total: | 10% | 6% | 34% | 6% | 14% | 18% | 15% |
| **SENTENCED TO PROBATION PLUS FINANCIAL PENALTIES ONLY:** | | | | | | | |
| Most Serious Arrest or Conviction: | | | | | | | |
| No Arrest | 77 | 69 | 62 | 82 | 84 | 84 | 77 |
| Misd. Arrest | 8 | 5 | 8 | 3 | 7 | 4 | 6 |
| Misd.Conviction | 10 | 16 | 17 | 9 | 8 | 9 | 11 |
| Felony Arrest | 4 | 5 | 6 | 3 | 1 | -- | 3 |
| FelonyConviction | 2 | 4 | 6 | 4 | -- | 3 | 3 |
| Postrelease Incarceration: | | | | | | | |
| No | 87 | 76 | 75 | 87 | 92 | 89 | 85 |
| Yes | 13 | 24 | 25 | 13 | 8 | 11 | 15 |
| Probation Violation: | | | | | | | |
| None | 65 | 51 | 64 | 45 | 63 | 68 | 60 |
| Some, but not revoked: | 17 | 23 | 5 | 19 | 15 | 18 | 16 |
| Revoked | 18 | 26 | 31 | 36 | 23 | 14 | 24 |
| No. of cases: | 115 | 55 | 63 | 79 | 75 | 74 | 461 |
| % of total: | 44% | 33% | 32% | 42% | 42% | 56% | 41% |

Table 9, cont'd.: Percent With Recidivism Indicators, by Pnlty & Offense

| Indicator of Postrelease Recidivism: | Assault | Burglary | Drug Crimes | Driving Under the Influence | Theft | Indecent Exposure | All Cases |
|---|---|---|---|---|---|---|---|
| SENTENCED TO PROBATION PLUS JAIL (+ IN 29 CASES, JAIL WITHOUT PROBATION) | | | | | | | |
| Most Serious Arrest or Conviction: | | | | | | | |
| No Arrest | 56 | 46 | 34 | 93 | 71 | 68 | 52 |
| Misd.Arrest | 20 | 5 | 8 | -- | 7 | 5 | 7 |
| Misd.Conviction | 10 | 24 | 18 | 7 | 16 | 18 | 18 |
| Felony Arrest | 10 | 5 | 20 | -- | 4 | -- | 10 |
| FelonyConviction | 4 | 20 | 20 | -- | 2 | 9 | 13 |
| Postrelease Incarceration: | | | | | | | |
| No | 83 | 51 | 40 | 80 | 78 | 77 | 59 |
| Yes | 17 | 49 | 60 | 20 | 22 | 23 | 41 |
| Probation Violation: | | | | | | | |
| None | 35 | 16 | 14 | -- | 40 | 43 | 41 |
| Some, but not revoked | 33 | 3 | 14 | 55 | 16 | 7 | 16 |
| Revoked | 32 | 13 | 73 | 45 | 44 | 50 | 42 |
| No. of cases: | 51 | 41 | 50 | 15 | 32 | 22 | 211 |
| % of total: | 19% | 25% | 26% | 8% | 18% | 17% | 19% |
| SENTENCED TO PROBATION PLUS JAIL PLUS FINANCIAL PENALTIES: | | | | | | | |
| Most Serious Arrest or Conviction: | | | | | | | |
| No Arrest | 56 | 59 | 38 | 68 | 71 | 83 | 63 |
| Misd. Arrest | 20 | 12 | 8 | 7 | 7 | 17 | 12 |
| Misd.Conviction | 10 | 17 | 54 | 18 | 16 | -- | 16 |
| Felony Arrest | 10 | 3 | -- | 2 | 4 | -- | 5 |
| FelonyConviction | 4 | 8 | -- | 5 | 2 | -- | 5 |
| Postrelease Incarceration: | | | | | | | |
| No | 83 | 61 | 23 | 60 | 78 | 100 | 69 |
| Yes | 17 | 39 | 77 | 40 | 22 | -- | 31 |
| Probation Violation: | | | | | | | |
| None | 35 | 27 | 27 | 27 | 40 | 58 | 32 |
| Some, but not revoked | 33 | 15 | 27 | 17 | 16 | 8 | 21 |
| Revoked | 32 | 58 | 45 | 56 | 44 | 33 | 47 |
| No. of cases: | 70 | 59 | 13 | 85 | 45 | 12 | 284 |
| % of total: | 27% | 36% | 7% | 45% | 26% | 9% | 25% |

Table 10

MULTIPLIER EFFECTS OF OFFENDER ATTRIBUTES, OFFENSE AND PENALTY ON THE CONDITIONAL ODDS OF POSTRELEASE ARREST, INCARCERATION, AND PROBATION REVOCATION[a]

| Attribute, Offense or Penalty | Postrelease Arrest | Postrelease Incarceration | Probation Revocation |
|---|---|---|---|
| Black | 1.567* | 1.497 | 2.227*** |
| Hispanic | 1.202 | 1.062 | 1.254 |
| White | ref. categ. | ref. categ. | ref. categ.[b] |
| Age | 0.949*** | 0.943*** | 0.966*** |
| Less than High School | 1.289 | 1.361 | 1.644*** |
| Never Married | 1.301 | 0.958 | 0.859 |
| Monthly Income | 1.000 | 1.000 | 1.000 |
| Employed | 1.066 | 1.002 | 0.836 |
| Alcohol Problem | 1.177 | 1.165 | 1.037 |
| Drug Problem | 2.132*** | 3.150*** | 3.196*** |
| Prior Conviction | 1.896*** | 2.970*** | 1.273 |
| Assault | 1.122 | 0.874 | 1.034 |
| Burglary | 0.798 | 1.566 | 1.656 |
| Drug Offense | ref. categ. | ref. categ. | ref. categ. |
| DUI | 0.634 | 1.589 | 2.946*** |
| Theft | 0.557* | 0.878 | 1.530 |
| Indecent Exposure | 0.699 | 0.914 | 1.357 |
| Probation Only | ref. categ. | ref. categ. | ref. categ. |
| Probation + Financial Penalty Only | 0.737 | 0.859 | 0.883 |
| Probation + Jail Only | 1.511 | 1.720* | 1.092 |
| Probation + Jail + Financial Penalty | 1.247 | 1.519 | 1.804* |
| No. of Cases | 873 | 873 | 825 |
| Intercept | 0.802 | 0.359* | 0.383* |
| $R^2$ | 0.094 | 0.137 | 0.089 |

* = p < .10 ** = p < .05 *** = p < .01

[a] These effects (the antilogs of the logistic regression coefficients) represent the amount by which the odds of receiving a given penalty are multiplied per unit change in each independent variable, or (for dichotomous variables) the amount by which the odds for those having the attribute are multiplied compared to the odds for those who do not.

[b] ref categ. = reference category. This is the omitted category from a set of mutually exclusive categories measuring one attribute (e.g., race), when each category is used as a separate dichotomous measure (dummy variable). The effects of the included categories are then relative to that of the reference category.

Table 11

MULTIPLIER EFFECTS OF OFFENDER ATTRIBUTES, OFFENSE AND PENALTY ON THE CONDITIONAL ODDS OF PAYING FINANCIAL PENALTIES IN FULL[a]

| Attribute or Offense | Multiplier of Odds |
|---|---|
| Black | 0.415*** |
| Hispanic | 0.775 |
| White | reference category[b] |
| Age | 1.013 |
| Less Than High School Education | 0.698* |
| Never Married | 1.132 |
| Montnly Income | 1.000* |
| Employed | 0.821 |
| Alconol Problem | 0.780 |
| Drug Problem | 0.329*** |
| Prior Conviction | 0.816 |
| Assault | 0.676 |
| Burglary | 0.569 |
| Drug Offenses | reference category |
| DUI | 0.437* |
| Theft | 0.770 |
| Indecent Exposure | 0.808 |
| Probation plus Jail plus Financial Penalty | 0.503*** |
| Probation plus Financial Penalty Only | reference category |

No. of Cases Witn Financial Penalties in This Analysis = 533

Intercept = 4.583 $R^2$ = 0.062

* = P < .10 ** = p < .05 *** = p < .01

[a] These effects (tne antilogs of the logistic regression coefficients) represent the amount by which tne odds of someone with financial penalties paying them in full are multiplied per unit change in each independent variable, or (for a dichotomous attribute) tne amount by wnicn tne odds of making full payment are multiplied for those having tne attribute compared to tne odds for those who do not.

[b] "Reference category" is tne omitted category from a set of mutually exclusive categories measuring one attribute (e.g., race), when each category is used as a separate dicnotomous measure (dummy variable). The effects of tne included categories are tnen relative to that of tne reference category.

Table 12

MULTIPLIER EFFECTS OF OFFENDER ATTRIBUTES AND OFFENSE ON THE CONDITIONAL ODDS OF POSTRELEASE ARREST FOR PENALTY GROUPS[a]

| Attribute or Offense | Types of Penalties | | | |
|---|---|---|---|---|
| | Probation Only | Probation + Financial Penalty Only | Probation + Jail Only | Probation + Jail + Financial Penalty |
| Black | 1.372 | 1.256 | 1.913 | 2.100* |
| Hispanic | 1.397 | 1.061 | 1.062 | 1.440 |
| White | ref. categ. | ref. categ. | ref. categ. | ref.categ.[b] |
| Age | 1.004 | 0.972 | 0.966 | 0.881*** |
| Less than H.S. Education | 1.108 | 1.569* | 1.850 | 0.839 |
| Never Married | 1.160 | 1.779* | 2.177* | 0.578 |
| Employed | 0.332*** | 1.660* | 1.603 | 0.895 |
| Alcohol Problem | 0.787 | 1.223 | 1.203 | 1.054 |
| Drug Problem | 3.223* | 1.891 | 3.557*** | 2.045* |
| Prior Conviction | 1.913 | 1.465 | 2.135* | 2.410*** |
| Assault | 2.188 | 1.434 | 2.256 | 1.122 |
| Burglary | ref. categ. | 1.504 | 2.036 | 0.610 |
| Drug Offense | 1.140 | 1.585 | 1.748 | ref. categ. |
| DUI | ref. categ. | ref.categ. | ref. categ. | 0.643 |
| Theft | 0.661 | 1.053 | 1.698 | 0.416 |
| Indecent Exposure | 0.578 | 1.076 | ref. categ. | ref. categ. |
| No. of Cases | 149 | 388 | 157 | 235 |
| Intercept | 0.258 | 0.148** | 0.138 | 13.867** |
| $R^2$ | 0.000 | 0.019 | 0.035 | 0.050 |
| $R^2$ for a reduced model, using only attributes with p = <0.1 : | 0.048 | 0.034 | 0.082 | 0.068 |

* = p < .10 ** = p < .05 *** = p < .01

[a] These effects (the antilogs of the logistic regression coefficients) represent the amount by which the odds of receiving a given penalty are multiplied per unit change in each independent variable, or the amount by which the odds are multiplied for those having the attribute compared to those who do not.

[b] ref. categ. = reference category. This is the omitted category from a set of mutually exclusive categories measuring one attribute (e.g., race), when each category is used as a separate dichotomous measure (dummy variable). The effects of the included categories are then relative to that of the reference category.

Table 13
MULTIPLIER EFFECTS OF OFFENDER ATTRIBUTES AND OFFENSE ON THE CONDITIONAL ODDS OF POSTRELEASE INCARCERATION FOR FOUR MUTUALLY EXCLUSIVE PENALTY GROUPS[a]

| Attribute or Offense | Probation Only | Probation + Financial Penalties Only | Probation + Jail Only | Probation + Financial Penalties + Jail |
|---|---|---|---|---|
| Black | 1.309 | 1.726 | 1.306 | 1.893 |
| Hispanic | 1.263 | 0.578 | 0.974 | 1.680 |
| White | ref.categ. | ref.categ. | ref.categ. | ref.categ.[b] |
| Age | 0.999 | 0.932*** | 0.946 | 0.962 |
| Less than HS | 0.835 | 2.234** | 1.132 | 1.621 |
| Never Married | 0.678 | 0.969 | 1.180 | 1.210 |
| Employed | 0.292*** | 1.484 | 1.801 | 0.540* |
| Alcohol Problem | 0.905 | 1.205 | 0.620 | 1.426 |
| Drug Problem | 2.763* | 4.155*** | 5.664*** | 2.968*** |
| Prior Conviction | 3.279** | 2.512*** | 1.694 | 3.646*** |
| Assault | 0.603 | 0.788 | 2.009 | 0.407 |
| Burglary | ref.categ. | 1.198 | 2.660 | 1.425 |
| Drug Offenses | 0.750 | 0.647 | 1.591 | ref.categ. |
| DUI | ref.categ. | ref.categ. | ref.categ. | 1.488 |
| Theft | 1.301 | 0.557 | 1.409 | 0.631 |
| Indecent Exposure | 0.696 | 0.978 | ref.categ. | ref.categ. |
| No. of Cases | 149 | 388 | 157 | 235 |
| Intercept | 0.251 | 0.364 | 0.352 | 0.274 |
| $R^2$ | 0.000 | 0.085 | 0.049 | 0.085 |
| $R^2$ for a reduced model, using only attributes with p = <0.1 : | 0.058 | 0.110 | 0.077 | 0.086 |

* = p < .10 ** = p < .05 *** = p < .01

a These effects (the antilogs of the logistic regression coefficients) represent the amount by which the odds of receiving a given penalty are multiplied per unit change in each independent variable, or the amount by which the odds are multiplied for those having the attribute compared to those who do not.

b ref.categ. = reference category. This is an omitted category from a set of mutually exclusive categories measuring one attribute (e.g., race), when each category is used as a separate dichotomous measure (dummy variable). The effects of the included categories are then relative to that of the reference category (or categories).

Table 14
MULTIPLIER EFFECTS OF OFFENDER ATTRIBUTES AND OFFENSE ON THE CONDITIONAL ODDS OF PROBATION REVOCATION FOR FOUR MUTUALLY EXCLUSIVE PENALTY GROUPS[a]

| Attribute or Offense | Probation Only | Probation + Financial Penalties Only | Probation + Jail Only | Probation + Financial Penalties + Jail |
|---|---|---|---|---|
| Black | 2.763* | 2.562** | 1.038 | 2.565** |
| Hispanic | 1.408 | 1.442 | 0.722 | 1.509 |
| White | ref.categ. | ref.categ. | ref.categ. | ref.categ.[b] |
| Age | 1.006 | 0.965* | 0.967 | 0.959* |
| Less than HS | 2.079 | 1.844** | 0.767 | 1.556 |
| Never Married | 1.060 | 1.100 | 2.113 | 0.501* |
| Employed | 0.291*** | 1.056 | 0.972 | 0.715 |
| Alcohol Problem | 2.860** | 0.936 | 0.570 | 1.149 |
| Drug Problem | 5.842*** | 2.824** | 2.920** | 3.081*** |
| Prior Conviction | 3.350** | 0.771 | 1.211 | 1.900** |
| Assault | 6.866** | 0.305*** | 0.541 | 0.660 |
| Burglary | ref.categ. | 0.263** | 0.958 | 2.168 |
| Drug Offenses | 1.773 | 0.220** | 1.323 | ref.categ. |
| DUI | ref.categ. | ref.categ. | ref.categ. | 1.687 |
| Theft | 4.180* | 0.406* | 0.550 | 1.371 |
| Indecent Exposure | ref.categ. | 0.336** | ref.categ. | ref.categ. |
| No. of Cases | 146 | 380 | 120 | 232 |
| Intercept | 0.031** | 1.069 | 1.034 | 0.986 |
| $R^2$ | 0.120 | 0.025 | 0.000 | 0.042 |
| $R^2$ for a reduced model, using only attributes with p = <0.1 : | 0.151 | 0.048 | 0.066 | 0.045 |

* = p < .10 ** = p < .05 *** = p < .01

a These effects (the antilogs of the logistic regression coefficients) represent the amount by which the odds of receiving a given penalty are multiplied per unit change in each independent variable, or the amount by which the odds are multiplied for those having the attribute compared to those who do not.

b ref.categ. = reference category. This is an omitted category from a set of mutually exclusive categories measuring one attribute (e.g., race), when each category is used as a separate dichotomous measure (dummy variable). The effects of the included categories are then relative to that of the reference category (or categories).

Table A1

SEPARATE PREDICTORS OF PENALTIES FOR ASSAULT

| Penalties (with their categories and frequencies) | Predictors (ranked by strength of relationship) | Strength of Relationship* | p.(by Chi Sq.) | % <5 EF** |
|---|---|---|---|---|
| Length of Probation Term: 12 mos. or less (48); 18 or 24 mos. (155); 36 or more mos. (55) [Omits 4 with no probation] | Prior Fel.Arr.(None 188,One 40,2+ 30) | G .359 | .003 | zero |
| | Any Prior Convictions (No 117,Yes 141) | G .355 | .004 | zero |
| | Prior Detention/Incarc. (No 181,Yes 77) | G .329 | .006 | zero |
| | Prior Misd.Conv.(None 121,One 59,2+ 78) | G .298 | .018 | zero |
| | Prior Probation (No 157, Yes 101) | G .283 | .046 | zero |
| | Intoxication at Offense [Low if None (135); Average if Both(35) or Assaulter Only (72); High if Victim Only (6) or if Either, From Drugs (7)] | V .184 | .035 | 46 |
| | Age (18-22 63, 23-27 66, 28-34 64, 36 or over 65) | G .130 | .026 | zero |
| | Debts (None 48, Reasonable 106, Excessive 29) | G-.073 | .002 | zero |
| | Assaulter Intoxicated at Offense (No 161, Yes 97) | G .028 {V .177} | .017 | zero |
| Jail (as condition of probation): No (141); Yes (121) | Drugs (Not a Problem 201, Possible Problem 30, Clear Problem 11) | G .644 | .000 | zero |
| | Prior Detention/Incarc. (183, Yes 79) | G .550 | .000 | zero |
| | Any Prior Arrest (No 81, Yes 181) | G .497 | .000 | zero |
| | Monthly Income (None 46, $1-500 48, 501-1000 80, 1001-1500 27, 1501-2000 17, 2001 or over 14 | G-.408 | .001 | zero |
| | Prior Fel.Arr.(None 189, One 40, 2+ 33) | G .374 | .008 | zero |
| | PriorMisd.Arr.(None 92, One 55, 2+ 115) | G .373 | .001 | zero |
| | Employed at Arrest (No 96, Yes 153) | G-.362 | .004 | zero |
| [continued on next sheet] | PriorMisd.Conv.(None 123,One 59, 2+ 80) | G .361 | .000 | zero |
| | Employment Stability (Good 93, Fair 57, Poor 35) | G .358 | .002 | zero |
| | Any Prior Conviction (No 119, Yes 143) | G .331 | .006 | zero |
| | Financial Stability (Good 44, Fair 66, Marginal 52, Poor 53) | G .326 | .011 | zero |
| | Prior Probation (No 159, Yes 103) | G .325 | .008 | zero |
| | Age at 1st Arrest (16-17 43, 18-20 62, 21-29 94, 30-64 52) | G-.316 | .009 | zero |
| | Occupation (Unskilled 81, Skilled or Professional 117) | G-.299 | .035 | zero |
| | Education (<H.S.113, H.S. 67, >H.S.66) | G-.255 | .050 | zero |

*G=Gamma (for two variables each ordered from low to high or high to low)
V=Cramer's V (for two variables where only one, or neither, is ordered)
**Percent of cells with expected frequency 5 or less. The lower this figure, the more likely the chi square probability is valid.

Table A1, sheet 2: SEPARATE PREDICTORS OF PENALTIES FOR ASSAULT

| Penalties | Predictors | Strength | p. | %<5E |
|---|---|---|---|---|
| Jail, continued: | Source of Income [64% if Family (14) or Other (11), 63% if No Income (27), 51% if Public Assistance (39), 37% if Earnings (148)] | V .219 | .022 | zero |
| | Weapon [62% if Gun (16), 59% if Knife (37), 53% if Other Weapon (77), 36% if No Weapon (130)] | V .207 {G-.334} | .011 | zero |
| Length of Jail Term, in Days: 1-10 (36); 11-20 (13); 21-30 (25); 31 or more (47) [Omits 141 with no jail term] | Prior Fel.Arr.(None 76, One 25, 2+ 20) | G .409 | .001 | 25 |
| | Drugs (No Problem 79, Possible Problem 22, Clear Problem 9) | G .257 | .034 | 50 |
| | Employment Stability (Good 30, Fair 35, Poor 18) | G .118 | .061 | 25 |
| | Weapon [High if Knife (22) or No Weapon (e.g., fists) (47); Low if Gun (10) or Other Weapon (e.g., hammer, stick) (41)] | V .257 | .005 | 43 |
| Fine (as condition of probation): No (144); Yes (118) | Drugs(NoProblem 201,Possible30,Clear11) | G-.453 | .004 | zero |
| | Financial Status (Good 44, Fair 66, Marginal 52, Poor 53) | G-.353 | .002 | zero |
| | Monthly Income (in $500s, as on Jail) | G .308 | .037 | zero |
| | Relationship to Victim [60% if Friend or Acquaintance (57), 50% if Other (28), 47% if Stranger (81), 41% if Other Love Relationship (37), 33% if Spouse (42), 20% if Other Family Member (15)] | V .212 | .039 | zero |
| Amount of Fine: $1-250 (37); 251-500 (49); 501-750 (25); 751 or more (7) [Omits 144 with no fine] | Age at 1st Arrest(16-17 18, 18-20 30, 21-29 41, 30 and Over 27) | G .272 | .006 | 31 |
| Restitution (as condition of probation): No(193); Yes (69) | Victim Injury (No Medical Aid Received 125, Medical Aid Received 120) | G .447 | .001 | zero |
| | Victim Intoxicated (No 23, Yes 31) | G .386 | .036 | zero |
| | Relationship to Victim [39% if Friend or Acquaintance (57), 31% if Stranger (81), 27% if Other Love Relationship (37), 18% if Other (28), 10% if Spouse (42)] | V .230 | .017 | zero |
| Cost of Probation Services | Employed at Arrest (No 96, Yes 153) (COPS) (as condition of probation: No (189); Yes (73) | G .295 | .041 | zero |
| Amount of COPS: $1-100(21); 101-200(14); 201-600(25); 601 or more (6) [Omits 189 with no COPS and 7 with no information on amount of COPS] | Any Prior Conviction (No 33, Yes 33) | G .398 | .034 | 25 |
| Community Service (as condition of probation): No (239); Yes (23) [continued] | Prior Detention/Incarc. (No 183,Yes 79) | G-.666 | .019 | zero |
| | Sex[21% if Female(28), 7% if Male(234)] | V-.155 | .012 | 25 |
| | Age(18-22 64, 23-27 66,28-34 67,35+ 65) | G-.494 | .018 | zero |
| | Prior Misd.Arr.(None 92,One 55, 2+ 115) | G-.433 | .047 | zero |
| | Relationship to Victim [21% if Other (28), 11% if Other Love Relationship (37), 10% if Stranger (81), 9% if Friend or Acquaintance (57), | V .209 | .046 | 33 |

Table A1, sheet 3: SEPARATE PREDICTORS OF PENALTIES FOR ASSAULT

| Penalties | Predictors | Strength | p. | %<5E |
|---|---|---|---|---|
| Community Service, continued: | None if Spouse (42) or Other Family Member (15)] Setting of Offense [18% if Street or Other Outdoors (74), 8% if Other (39),5% if Home (129) None if Bar, Party or Other Drinking Place (17)] | V .202 | .015 | 25 |
| | Weapon [14% if No Weapon (130), 8% if Knife (37), 3% if Other Weapon (77), None if Gun (16)] | V .190 | .025 | 25 |
| Any Financial Penalties: No (86); Yes (176) | Drugs(No Problem201,Possible30,Clear11) | G-.546 | .001 | zero |
| | Prior Fel.Conv.(None237, One 14, 2+ 11) | G-.484 | .027 | 33 |
| | Employed at Arrest (No 96, Yes 153) | G .322 | .015 | zero |
| | Financial Status (Good 44, Fair 66, Marginal 52, Poor 53) | G-.295 | .044 | zero |
| | Prior Detention/Incarc. (No183, Yes 79) | G-.275 | .043 | zero |
| | Any Prior Arrest (No 81, Yes 181) | G-.273. | .061 | zero |
| | Relationship to Victim [81% if Friend or Acquaintance (57), 72% if Stranger (81), 71% if Other (28), 68% if Other Love Relationship (37), 53% if Other in Family (15), 45% if Spouse (42)] | V .250 | .006 | zero |
| | Source of Income [74% if Earnings, 72% if Public Assistance (39), 56% if No Income (27), 43% if Family (14), 36% if Other (11)] | V .237 | .009 | zero |
| | Marital Status [76% if Single (100), 71% if Divorced (41), 65% if Married (79), 46% if Separated (28)] | V .196 | .023 | zero |
| Total Finan- Penalties as conditions of probation): $1-250 (59); 251-500 (42); 501-750 (31); 751 or more (44) [Omits 86 | Injury (No Medical Aid(82), Medical Aid (87) | G .284 | .001 | zero |
| | Education (<H.S.11 9. H.S.67, >H.S.66) | G .263 | .028 | zero |
| | Relationship to Victim [High if Friend or Acquaintance (46); Average if Spouse (19) or Other Love Relationship (25); Low if Other in Family (8), Stranger (58) or Other (20)] | V .233 | .017 | 41 |
| | Any Prior Arrest (No 61, Yes 115) | G-.055 | .026 | zero |
| | with no financial penalties as conditions of probation] | | | |
| Probation Only Only: No (236) Yes (26) | Prior Probation (No 159, Yes 103) | G-.498 | .027 | zero |
| | Age at First Arrest (as above) | G .480 | .037 | 25 |
| | Prior Conviction (No 119, Yes 143) | G-.426 | .031 | zero |
| | Relationship of Assaulter to Victim [33% if Spouse, 16% if Other Love Relationship (37), 7% if Other in Family (15), 4% if Friend or Acquaintance (57), 4% if Strange (81), 11% if Other(28)] | V .375 {G-.706} | .000 | 33 |
| | Marital Status [21% if Separated (28), 15% if Married (79), 10% if Divorced (41), 4% if Single (100)] | V .200 | .019 | 25 |
| Probation with Financial Penalties, But No Jail[contd.} | Drug Use (No problem,etc. as above) | G-.527 | .008 | zero |
| | Prior Detention/Incarceration(as above) | G-.489 | .000 | zero |
| | Any Prior Arrests (No 81, Yes 181) | G-.393 | .002 | zero |
| | Prior Misd.Arr.(None 92,One 55, 2+ 115) | G-.316 | .008 | zero |

Table A1, sheet 4: SEPARATE PREDICTORS OF PENALTIES FOR ASSAULT

| Penalties | Predictors | Strength | p. | %<5E. |
|---|---|---|---|---|
| Probation with Financial Penalties Only, continued: No (147); Yes (115) | Prior Fel.Arr. (None 189,One 40, 2+ 33) | G-.314 | .041 | zero |
| | Financial Status (Good 44, Fair, 66, Marginal 52, Poor 53) | G-.251 | .020 | zero |
| | Prior Misd,Conv.(None123,One 59, 2+ 80) | G-.242 | .010 | zero |
| | Alcohol (No Problem 146, Possible Problem 50, Clear Problem 48) | G-.190 | .032 | zero |
| Probation With Jail, But Without Financial Penalties: No (211); Yes (51) [Includes 4 without probation] | Drugs(NoProblem 211,Possible30,Clear11) | G .727 | .000 | zero |
| | Monthly Income (None 46, $1-500 48, 501-1000 80, 1001-1500 27, 1501-2000 17, 2001+ 14) | G-.608 | .000 | 25 |
| | Any Prior Arrests (No 81, Yes 181) | G .545 | .003 | zero |
| | Employed (No 96, Yes 153) | G-.529 | .000 | zero |
| | Financial Status (Good etc. as above) | G .519 | .001 | zero |
| | Prior Fel.Conv.(None 237.One 14, 2+ 11) | G .513 | .020 | 33 |
| | Prior Detention/Incarc.(No 183, Yes 79) | G .473 | .015 | zero |
| | Employment Stability (Good 93. Fair 57, Poor 35) | G .441 | .009 | zero |
| | Prior Misd.Arr.(None 92,One 55, 2+ 115) | G .426 | .005 | zero |
| | Prior Fel.Arr. (None 189,One 40, 2+ 33) | G .393 | .012 | zero |
| | Prior Misd.Conv.(None123,One 59, 2+ 80) | G .342 | .015 | zero |
| | Any Prior Convictions (No 119, Yes 143) | G .333 | .040 | zero |
| | Alcohol(No Problem 146,Poss.50,Clear48) | G .333 | .034 | zero |
| | Source of Income [55% if Other (11), 37% if No Income (27), 28% if Family (14), 18% if Public Assistance (39), 11% if Earnings (148)] | V .309 | .000 | 30 |
| Probation With Both Jail And Financial Penalties: No (192); Yes (70) | Prior Detention/Incarceration(as above) | G .297 | .036 | zero |
| | Prior Probation (No 159, Yes 103) | G .292 | .032 | zero |
| | Age at 1st Arrest (16-17 43, 18-20 62, 21-29 94, 30 and over 52) | G-.233 | .070 | zero |
| | Weapon [44% if Gun, 35% if Other (e.g, stick) (77), 30% if Knife (37),19% if None (130)] | V .186 | .030 | zero |
| | Setting (47% if Bar, Party or Other Drinking Place (17), 34% if Street, Park or Other Outside Area (74),23% if Home (129), 15% if Other (39) | V .185 | .031 | zero |

Table A2

SEPARATE PREDICTORS OF RECIDIVISM FOR ASSAULTERS IN FOUR PENALTY GROUPS

| Recidivism Indicators | Predictors (Ranked by Relationship Strength) | Strength of Relationship* | p. by Chi Square | %<5 EF ** |
|---|---|---|---|---|
| A. Sentenced to Probation Only (26 cases) | | | | |
| Postrelease Arrests: No (17); Yes (9) | Previous Probation (No, Yes) | G .855 | .018 | 50 |
| | Age (18-22,23-27,28-34,35 & Over) | G-.190 | .050 | 87 |
| Postrelease Convictions: No (22); Yes (4) | Prior Convictions (No,Yes) | G 1.0 | .003 | 50 |
| | Prior Felony Convictions (0,1,2+) | G 1.0 | .003 | 83 |
| | Previous Probation (No,Yes) | G .935 | .002 | 75 |
| | Age at 1st Arrest (as above) | G-.911 | .038 | 75 |
| | Prior Misdemeanor Convictions | G .897 | .011 | 83 |
| | Alcohol(No,Possible,Clear Problem) | G .758 | .002 | 66 |
| Postrelease Incarceration: No (23); Yes(3) | Age at 1st Arrest(16-17,18-20,etc) | G -1.0 | .004 | 75 |
| | Drugs (No,Possible,Clear Problem) | G 1.0 | .005 | 75 |
| | Prior Felony Convictions (0,1,2+) | G .760 | .018 | 83 |
| | Prior Felony Arrests (0,1,2+) | G .702 | .006 | 83 |
| B. Sentenced to Probation plus Financial Penalties Only (115 cases) | | | | |
| Postrelease Arrests: No (88); Yes (27) | Education (as above) | G-.408 | .051 | zero |
| | Prior Felony Arrests | G .364 | .011 | 33 |

*G=Gamma (for two variables each ordered from low to high or high to low); V=Cramer's V (for two variables with only one or neither ordered)

** Percent of cells with expected frequency 5 or less. The lower this figure, the more likely the chi square probability is valid.

Table A2, Sheet 2

| Indicators | Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| B. cont'd. | Sentenced to Probation plus Financial Penalties | | | |
| Postrelease Convictions: No (100); Yes (15) | Drugs (No,Possible,Clear Problem) | G .714 | .024 | 50 |
| | Education (<H.S.,H.S.,Any College) | G-.599 | .014 | zero |
| | Prior Detention/Incarceration | G .581 | .019 | 25 |
| | Occupation(Unskilled,Skill/Prof.) | G-.533 | .052 | 25 |
| | Prior Felony Arrests | G .519 | .000 | 33 |
| | Age at 1st Arrest(16-17,18-20etc.) | G-.486 | .050 | 37 |
| Postrelease Incarceration: None (100); Jail or Prison (15) | Drugs (No,Possible,Clear Problem) | G .834 | .000 | 50 |
| | Prior Detention/Incarceration | G .686 | .002 | 25 |
| | Any Prior Arrests (No, Yes) | G .683 | .020 | zero |
| | Prior Felony Arrests (0.1.2+) | G .626 | .000 | 33 |
| | Age at 1st Arrest(16-17,18-20etc.) | G-.595 | .001 | 37 |
| | Education (<H.S.,H.S.,Any College) | G-.563 | .030 | 33 |
| | Prior Misdemeanor Conviction | G .508 | .027 | 33 |
| | Any Prior Conviction | G .236 | .011 | zero |
| Probation Violation: None (74); | Education (<H.S.;H.S.;AnyCollege) | G-.340 | .005 | 33 |
| | Prior Detention/Incarceration | G .335 | .041 | 33 |
| | Debts (None,Reasonable,Excessive) | G-.109 | .020 | 44 |
| Violation Hearing, No Revocation (19); Revoked (21) [Probation Outcome Missing (1)] | | | | |
| C. Sentenced to Probation Plus Jail (47 cases) or Jail Without Probation (4 cases) | | | | |
| Postrelease Arrests: No (26); Yes (25) | Occupation (Unskilled,Skill/Prof.) | G-.755 | .009 | zero |
| | Relationship to Victim [High if Other Love, Friend/Acquaintance, Other; Low if Kin, Stranger] | V .542 | .012 | 83 |
| | Drugs (No,Possible,Clear Problem) | G .529 | .060 | 33 |
| | Source of Income [High if None; Low if Welfare, Other] | V .474 | .046 | 70 |
| | Prior Felony Arrests | G .462 | .035 | zero |
| Postrelease Convictions: No (33); Yes (18) | Occupation (as above) | G-.667 | .037 | zero |
| | Relationship to Victim [High if Spouse, Friend/Acquaintance, Other; Low if Other Love Relationship, Kin, Stranger] | V .537 | .013 | 75 |
| Postrelease Incarceration: No (34); Yes (17) | Prior Arrest | G 1.0 | .044 | 50 |

Table A2, Sheet 3

| Indicators | Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| C continued: Sentenced to Jail, with or without Probation | | | | |
| Probation Violation: None (20); Violation Hearing, No Revocation (12); Revoked (13) [Not on probation (4); Probation Outcome Missing (2)] | Drugs (No Problem, Possible Problem, Clear Problem) | G .641 | .033 | 66 |
| D. Sentenced to Probation plus Jail plus Financial Penalties (70 cases) | | | | |
| Postrelease Arrests: No (39); Yes (31) | Prior Arrests (No, Yes) | G .781 | .004 | zero |
| | Prior Convictions (No, Yes) | G .464 | .050 | zero |
| | Sex [High if Male] | V .257 | .032 | 25 |
| Postrelease Convictions: No (56); Yes (14) | Education(<H.S.,H.S.,Any College) | G-.667 | .048 | 33 |
| | Prior Felony Arrests (No, Yes) | G .415 | .014 | 33 |
| | Relationship to Victim [High if Spouse] | V .412 | .037 | 66 |
| Postrelease Incarceration: No (58); Yes (12) | Any Prior Conviction (No,Yes) | G 1.0 | .003 | 25 |
| | Any Prior Arrest (No,Yes) | G 1.0 | .038 | 25 |
| | Prior Detention/Incarceration | G .835 | .001 | 25 |
| | Prior Misdemeanor Convictions | G .770 | .005 | 50 |
| | Prior Misdemeanor Arrests(0,1,2+) | G .695 | .039 | 33 |
| | Employed (No, Yes) | G .609 | .029 | 25 |
| | Relationship to Victim [High if Spouse] | V .405 | .043 | 75 |
| Probation Violation: None (24); Violation, Not Revoked (23); Revoked (22) [Missing data 1] | Any Prior Arrest (No, Yes) | G .653 | .005 | zero |
| | Prior Felony Arrests (0,1,2+) | G .535 | .020 | 44 |

Table B1

SEPARATE PREDICTORS OF PENALTIES FOR BURGLARY

| Penalties (with their categories and frequencies) | Predictors (ranked by strength of relationship) | Strength of Relationship* | p.(by Chi Sq. | % <5 EF** |
|---|---|---|---|---|
| Length of Probation Term: 12 mos. or less (20); 18 or 24 mos. (106); 36 mos. (55) [Omits 8 with no probation] | Drug Use (No problem 111, Possible Problem 23, Clear Problem 14) [abbreviated henceforth] | G .710 | .000 | 44 |
| | Prior Felony Arrest (None 128, One 13 Two or more 10) [abbreviated henceforth] | G .534 | .012 | 44 |
| | Alcohol Use(Noprob.116,Poss.24,Clear9) | G .486 | .008 | 44 |
| | PriorDetention/Incarceration(No124,Y33) | G .453 | .006 | zero |
| | Prior Misd.Con.(None 86,One 32, 2+ 39) | G .204 | .028 | 22 |
| | Monthly Income (None 51, $1-500 58, | G -.132 | .046 | 55 |
| | Victim Assault(Yes4,No93,NoEncounter60) | G .045 | .048 | 33 |
| Jail: As condition of probation (92)+(8) jail without probation, = (100); No jail (65) | Occupation (Unskilled65,Skilled/Prof50) | G -.418 | .021 | zero |
| | Education(<H.S.93,H.S.47,SomeCollege15) | G.-.397 | .002 | zero |
| Length of Jail Term, in Days: 1-10 (24); 11-20 (8); 21-30 (25); over 30 (43) | Prior Probation (No 65, Yes 35) | G .508 | .013 | 39 |
| | Any Prior Arrest (No 39, Yes 61) | G .419 | .045 | 25 |
| | Setting of Offense [Median over 30 for Home(15); 21-30 for Business (55), Auto(5) & Other(2)] | V .249 | .028 | 56 |
| | Occupation (Unskilled 45,Skill/Prof 24) | G .017 | .020 | 25 |
| Fines (as condition of probation): No (95); Yes (70) | Victim Assault(Yes4,No98,NoEncounter63) | G -.176 | .047 | 33 |
| Amount of Fine: $1-250 (25); 251-500 (30); 501-750 (9); 751 or more (6) [omits those not fined] | Prior Felony Arr.(None 60,One 5, 2+ 5) | G .632 | .001 | 66 |
| | Race [Median 251-500 for Whites 19] (35) & Hispanics (19); exactly 250 for Blacks (16)] | V .312 | .034 | 50 |
| | Any Prior Conviction (No 41, Yes 29) | G .242 | .017 | 37 |
| | PriorMisd.Con.(None 41, One 14,2+ 15) | G .225 | .043 | 41 |
| | Prior Probation (No 50, Yes 20) | G .177 | .014 | 37 |
| | Prior Detention/Incarc.(No 59, Yes 11) | G .151 | .024 | 50 |
| Restitution (as condition of probation): No (106);Yes(59) | Damage(Extensive21,BreakLock 68,None76) | G -.617 | .000 | zero |
| | LootValue(<$100 30,100-999 63,1000+ 37) | G .556 | .001 | zero |
| | Victim Assault(Yes4,No98,NoEncounter63) | G .540 | .001 | 33 |
| | Sex [39% for Males(145);10% Females(20) | V .200 | .010 | zero |

*G=Gamma (for two variables each ordered from low to high or high to low)
V=Cramer's V (for two variables where only one, or neither, is ordered)
**Percent of cells with expected frequency 5 or less. The lower this figure, the more likely the chi square probability is valid.

Table BI, Sheet 2

| Penalties | Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| Amount of Restitution: $1-500 (40); 501-1000 (7); 1001-1500 (3); 1501-2000 (1); 2001 or more (6) | LootValue(<$100 4,100-999 24,1000+ 21) | G .852 | .037 | 86 |
| | Damage(Extensive15,BreakLock 29,None13) | G -.313 | .014 | 80 |
| | PriorMisd.Arr.(None 26, One 11, 2+ 20) | G -.073 | .047 | 80 |
| Cost of Probation Services (COPS) (as condition of probation): No (128); Yes (37) | Prior Detention/Incarc.(No 129,Yes 36) | G -.595 | .022 | zero |
| | VictimAssault(Yes4,No98,NoEncounter63) | G .576 | .002 | 33 |
| Amount of COPS: $1-100 (13); 101-200 (12); 201-600 (9); 601 or more (1) | AlcoholUse(NoProblem28,Poss.P5,ClearPl) | G .714 | .005 | 75 |
| | Monthly Income (None 8, $1-500 16, 501-1000 6, 1001-1500 2, 1501-2000 1, 2001 or more 1) | G .511 | .000 | 91 |
| | Debts(None13,Reasonable 18,Excessive 2) | G .444 | .005 | 75 |
| | PriorMisd.Arr.(None 17, One 6, 2+ 12) | G .114 | .042 | 83 |
| Any Financial Penalties: No (52); Yes (113) | Prior Detention/Incarc.(No 129,Yes 36) | G -.631 | .000 | zero |
| | Prior Fel.Con.(None 149, one 7, 2+ 9) | G -.609 | .018 | 50 |
| | Damage(Extensive21,BreakLock68,None70) | G -.464 | .003 | zero |
| | DrugUse(NoProb.115,Poss.P.24,ClearP.16) | G -.458 | .008 | zero |
| | Any Prior Convictions (No 90, Yes 75) | G -.445 | .005 | zero |
| | LootValue(<$100 30,100-999 63,1000+ 37) | G .423 | .026 | zero |
| | Prior Probation (No 109, Yes 56) | G -.420 | .009 | zero |
| | Prior Fel.Arr.(None 132, one 16, 2+ 17) | G -.415 | .054 | zero |
| | VictimAssault(Yes4,No98,No Encounter63) | G .352 | .005 | 33 |
| | Valuables Taken [85% if Other (13); 81% if Appliances (53); 80% it Tools (10); 73% if Auto Equipt.(11); 60% if Cash (15); 45% if Food(11); 43%if Clothing (21)] | V .346 | .014 | 33 |
| | PriorMisd.Con.(None 92, One 16, 2+ 17) | G -.276 | .040 | zero |
| | Age of 1st Arrest (16-17 35, 18-20 84, 21-29 38, 30-64 8) | G .178 | .044 | zero |
| Amount of Total Financial Penalties: $1-250 (37); 251-500 (35); 501-750 (17); 751 or more (24) [omits those without fin.pen.] | LootValue(<$100 16,100-999 44,1000+ 31) | G .515 | .003 | 33 |
| | Debts(None 46,Reasonable44,Excessive 9) | G .364 | .026 | 33 |
| | Financial Status (Good 14, Fair 22, Marginal 29, Poor 32) | G -.361 | .004 | 50 |
| | Setting [Median $250 for Home (22); 251-500 for Business (52), Auto (35) & Other (4) | V .226 | .044 | 37 |
| | Damage(Extensive 17,BreakLock54,None42) | G -.175 | .004 | zero |
| | Age of 1st Arrest (16-17 18, 18-20 63, 21-29 28, 30-64 4) | G -.096 | .052 | 43 |
| Probation Only No (155); Yes (10) | Occupation(Unskilled 65, Skill/Prof 50) | G .753 | .043 | 50 |
| | Prior Detention/Incarc. (No 129,Yes 36) | G .600 | .026 | 25 |
| | Debts(None63,Reasonable59,Excessive 18) | G .465 | .052 | 50 |
| | VictimAssault(Yes4,No 98,NoEncounter63) | G .011 | .000 | 50 |

Table BI, Sheet 3

| Penalties | Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| Probation With Financial Penalties Only No (110);Yes(55) | Prior Detention/Incarc. (No 129,Yes 36) | G -.594 | .005 | zero |
| | Education(< H.S. 93,H.S. 47,College 15) | G .380 | .009 | zero |
| | Marital Status [100% if Divorced (3); 38%if Married(29),32%if Single(116),13%if Separated(8)] | V .226 | .047 | 37 |
| Probation with Jail Only (or Jail Without Probation) No (124); Yes (41) | Prior Fel.Conv.None 149, One 7, 2+ 9) | G .716 | .020 | zero |
| | Prior Detention/Incarc. (No 129,Yes 36) | G .538 | .002 | zero |
| | Occupation (Unskilled 65,Skill/Prof.50) | G -.484 | .020 | zero |
| | VictimAssault(Yes4,No68,No Encounter63) | G -.460 | .032 | 33 |
| | Drug Use(NoProb.115,PossP.24,ClearP.16) | G .433 | .020 | zero |
| | LootValue(<$100 30,100-999 63,1000+ 37) | G -.425 | .044 | zero |
| | Damage(Extensive21,BreakLock68,None76) | G .400 | .035 | zero |
| | Prior Probation (No 109, Yes 56) | G .399 | .021 | zero |
| | Any Prior Conviction (No 90, Yes 75) | G .338 | .052 | zero |
| Probation With Both Jail and Financial Penalties: No (106; Yes (59) | Damage(Extensive 21,BreakLock68,None76) | G -.445 | .003 | zero |
| | Age(18-22 104,23-27 36,28-34 11,35+ 14) | G -.432 | .031 | zero |
| | PriorMisd.Con(None 92, One 32, 2+ 41) | G -.146 | .029 | zero |
| | Age of 1st Arrest(16-17 35, 18-20 84, | G -.126 | .026 | zero |

Table B2
SEPARATE PREDICTORS OF RECIDIVISM FOR BURGLARS
IN FOUR PENALTY GROUPS

| Recidivism Indicators | Predictors (ranked by strength of relationships) | Strength of Relationship* | p. by Chi Square | %<5 EF ** |
|---|---|---|---|---|
| A. Sentenced to Probation Only (only 10 cases; too few for analysis) | | | | |
| B. Sentenced to Probation plus Financial Penalties (55 cases) | | | | |
| Most Serious Post-release Arrest or Conviction: None (38); Misd.Arrest (3); Misdemeanor Conviction (9); Felony Arrest (3); Felony Conviction (2) | Drugs (No Problem,Possible,Clear Problem) | G .652 | .002 | 86 |
| | Victim's Loss (None, Some) | G-.592 | .024 | 70 |
| | Employed (No, Yes) | G .397 | .047 | 70 |
| Post-release Incarceration: No (42); Yes (13) | Drugs (No Problem,Possible,Clear Problem) | G .758 | .010 | 66 |
| | Occupation (Unskilled,Skilled/Professional) | G-.627 | .049 | zero |
| Probation Violation: None (27); Some, but not revoked (12); Revoked (13); No Probation or No Information on Violation (2) | Prior Felony Conviction (None,One,2 or more) | G 1.000 | .012 | 50 |
| | Drugs (No Problem,Possible,Clear Problem) | G .813 | .006 | 66 |
| | Education (<H.S., H.S. Diploma,Some College) | G-.597 | .004 | 55 |
| | Loot's Value (<$100, 100-999, 1000 or more) | G-.557 | .011 | 66 |
| | Alcohol (No Problem,Possible,Clear Problem) | G .510 | .003 | 66 |
| | Employment Stability (Good, Fair, Poor) | G .509 | .000 | 66 |
| | Financial Status (Good,Fair,Marginal,Poor) | G .468 | .021 | 83 |
| | Most Valuable Item Taken [Low if Clothing) | V .545 | .015 | 90 |
| C. Sentenced to Probation plus Jail (33 cases) or Jail Only (8 cases) | | | | |
| Most Serious Post-Release Arrest or Conviction: None (19); Misd.Arrest (2); Misd.Conviction (10); Felony Arrest (2); Felony Conviction (8) | Prior Convictions (No, Yes) | G .639 | .049 | 70 |
| | Prior Detention or Incarceration (No, Yes) | G .588 | .028 | 70 |
| | Prior Probation (No, Yes) | G .420 | .017 | 70 |
| | Prior Misdemeanor Arrest (None,One,2or more) | G .367 | .013 | 85 |
| Post-release Incarceration: No (25); Yes (16) | Prior Detention or Incarceration (No, Yes) | G.593 | .041 | zero |
| Probation Violation: None(16);Some but not Revoked(3);Revoked(13);No Probation or No Info.(9) | Drugs (No Problem, Possible, Clear Problem) | G .359 | .050 | 77 |
| | No. of Children (None, One, 2 or more) | G-.343 | .042 | 77 |

*G=Gamma (for two variables each ordered from low to high or high to low); V=Cramer's V (for two variables with only one or neither ordered)
** Percent of cells with expected frequency 5 or less. The lower this figure, the more likely the chi square probability is valid.

Table B2, Sheet 2 Burglar Recidivism Predictors by Penalty Groups

| Indicator | Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| D. Sentenced to Probation plus Jail plus Financial Penalties (59 cases) | | | | |
| Most Serious Post-release Arrest or Conviction: None (35); Misd. Arrest (7); Misd. Conviction (10); Felony Arrest (2); Felony Conviction (5) | Prior Convictions (No, Yes) | G .483 | .049 | 70 |
| | Prior Felony Arrests (No, Yes) | G .441 | .044 | 80 |
| | Alcohol (No Problem, Possible, Clear Problem) | G .403 | .043 | 80 |
| | Prior Felony Conviction (None, 1, 2 or more) | G .291 | .007 | 70 |
| Time to First Postrelease Arrest: <6 mos.(9); 6-11 mos.(8); 12-17 mos.(6); 18-24 mos.(1) | Prior Felony Arrest (None, One, 2 or More) | G .925 | .012 | 83 |
| | Anything Taken by Burglar (No, Yes) | G-.804 | .039 | 62 |
| Post-release Incarceration: No (36); Yes (23) | Alcohol (No Problem, Possible, Clear Problem) | G .658 | .007 | 50 |
| | Prior Detention or Incarceration (No, Yes) | G .656 | .027 | zero |
| | Prior Probation (No, Yes) | G .653 | .011 | zero |
| | Prior Arrest (No, Yes) | G .560 | .026 | zero |
| | Prior Convictions (No, Yes) | G .532 | .033 | zero |
| Probation Violation: None (16); Some, but not Revoked (9); Revoked (34) | Prior Probation (No, Yes) | G .400 | .007 | 33 |
| | Prior Arrest (No, Yes) | G .357 | .046 | zero |

Table Dr1

SEPARATE PREDICTORS OF PENALTIES FOR DRUG OFFENSES

| Penalties (with their categories and frequencies) | Predictors (ranked by strength of relationship) | Strength of Relationship* | p.(by Chi Sq. | % <5 EF** |
|---|---|---|---|---|
| Length of Probation Term: 12 mos. or less (88); 18 or 24 mos. (75); 36 mos. (28); no probation (5) | Type of Drug [Low if PCP (109) or Cocaine (35); High if Heroin (19) or Marijuana (15)] | V .227 | .013 | 33 |
| | PriorFel.Conv.(None157,One 20, 2+ 14) | G .529 | .002 | zero |
| | PriorDet/Incarceration (No 130,Yes61) | G .514 | .000 | zero |
| | PriorMisd.Arr.(None76, One 31, 2+ 84) | G .438 | .000 | zero |
| | Prior Probation (No 122, Yes 69) | G .407 | .004 | zero |
| | Any Prior Convictions (No 98, Yes 93) | G .376 | .008 | zero |
| | PriorFel.Arr.(None117, One 28, 2+ 46) | G .370 | .001 | zero |
| | PriorMis.Con.(None101, One 46, 2+ 44) | G .335 | .029 | zero |
| | Race [Low or High if Hispanic (94); Medium if White (60) or Black (33); Low if Other (1)] | V .185 | .044 | 33 |
| | Alcohol(NoProblem137,Poss.P25,ClearP5) | G .155 | .016 | 44 |
| | Age at 1st Arrest(16-17 33, 18-20 78, 21-29 62, 30-64 18) | G-.135 | .047 | zero |
| | Drug Use (No Problem 32, Possible Problem 116, Clear Problem 21) | G .124 | .011 | 22 |
| Jail (with or without probation or other penalty) No (133); Yes (63) | PriorMis.Arr.(None77, One 32, 2+ 87) | G .761 | .000 | zero |
| | Prior Det./Incarceration(No 131,Yes 65) | G .740 | .000 | zero |
| | Any Prior Arrest (No 68, Yes 128) | G .699 | .000 | zero |
| | PriorFel.Con.(None 159, One 21, 2+ 16) | G .606 | .000 | zero |
| | PriorFel.Arr.(None 118, One 29, 2+ 49) | G .642 | .000 | zero |
| | PriorMis.Con.(None 102, One 47, 2+ 47) | G .629 | .000 | zero |
| | Prior Probation (No 125, Yes 65) | G .611 | .000 | zero |
| | Age at 1st Arrest (16-17 35, 18-20 80, 21-29 63, 30-64 18) | G .494 | .000 | zero |
| | Monthly Income (None 45, $1-500 37, 501-1000 50, 1001-1500 15, 1501-2000 8, 2001+ 3) | G .482 | .012 | 33 |
| | Employed (No 73, Yes 99) | G-.478 | .003 | zero |
| | Drug Use (No Problem 32, Possible Problem 119, Clear Problem 22) | G .469 | .003 | zero |
| | EmploymentStab.(Good58,Fair60,Poor18) | G .450 | .024 | zero |
| | Type Drug [68% Jail if Heroin (19), 40% if Other (10), 35% if PCP (114), 7% if Mar.(15), 6% if Coc.(35)] | V .383 | .000 | zero |
| | Financial Stability (Good 24, Fair 46, Marginal 44, Poor 38) | G .358 | .028 | zero |

*G=Gamma (for two variables each ordered high to low or low to high)
V=Cramer's V (for two variables where only one or neither is ordered)
** Percent cells with expected frequency 5 or less. The lower this figure, the more likely the chi square probability is valid.

Table Dr1, Sheet 2 Predictors of Penalties for Drug Offenders

| Penalties | Best Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| Jail: continued from previous page: | | | | |
| | Source of Income [50% Jail if No Income (26), 36% if Family (14), 33% if Public Assistance, 16% if Earnings (98), zero if Other (3)] | V .301 | .004 | 30 |
| | Drug Charge [50% Jail if Sale (4), 42% if Use or Under the Influence (110), 17% if Possession (79); One Other jailed & 1 Mfr. not jailed] | V .294 | .002 | 60 |
| | Any Prior Conviction (No 99, Yes 97) | G .222 | .000 | zero |
| | Debts(None40,Reasonable82,Excessive19) | G -.051 | .035 | zero |
| Days of Jail Term: 1-10 (4); 11-20 (2); 21-30 (22); Over 30 (35) [omits those not jailed] | Any Prior Arrest (No 8, Yes 55) | G .647 | .028 | 75 |
| | Residential Situation [Median is over 30 days if Alone (5) or With Family (32), 30 days if Other (2), and 15 if cohabitating (1)] | V .601 | .000 | 87 |
| | Type Drug [All jailed over 30 days if heroin (13), Marijuana (1) or Other (4); median 25 days if PCP (40), 20 if Cocaine (2)] | V .383 | .009 | 85 |
| Fine: No (183); Yes (13) | Value of Drugs Involved (<$100 78, $100-499 5) | G .726 | .032 | 50 |
| | Age (18-22 69, 23-27 61, 28-34 46, 35 or over 20) | G .502 | .029 | 50 |
| | Alcohol (No Problem 140, Possible Problem 75, Clear Problem 5) | G .339 | .004 | 33 |
| | Drug Charge [None fined if sale (4) or Mfr.(1); 10% fined if possession (79), 4% if Use (110); Other fined (1)] | V .300 | .002 | 60 |
| | Type Drug [27% fined if Marijuana (15), 20% if Other(10), 6% if Cocaine (15) & 3% if PCP (114)] | V .286 | .003 | 40 |
| | Residential Situation [27% fined if Alone (11), 5% if Family (129) or Other (22), None if Cohabiting (3)] | V .239 | .024 | 50 |
| | Drug Use (No Problem 32, Possible Problem 75, Clear Problem 22) | G .190 | .024 | 33 |
| Cost of Probation Services (COPS): No (110);Yes(62) | Prior Fel.Con.(None 159,One 21, 2+ 16) | G -.565 | .022 | zero |
| | Prior Fel.Arr.(None 118,One 29, 2+ 49) | G -.468 | .002 | zero |
| | Prior Det./Incarceration (No 131,Yes65) | G -.332 | ,044 | zero |
| | Employed (No 110, Yes 62) | G .323 | .042 | zero |
| Amount of COPS: [continued on next page] | Prior Fel.Con.(None 57, One 3, 2+ 1) | G .699 | .000 | 83 |
| | Age (18-22 25,23-27 17,28-34 13,35+ 6) | G .512 | .006 | 81 |
| | Drug Use (No Problem 12, | G .422 | .008 | 83 |

Table Dr1, Sheet 3 Predictors of Penalties for Drug Offenders

| Penalties | Best Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| Amount of COPS: continued from previous page: | | | | |
| $1-100 (49); | Possible Problem 42, Clear Problem 6) | | | |
| 101-200 (6); | Residential Situation [Median under | V .388 | .008 | 83 |
| 201-600 (5); | $100 Family (43) or Other (9);$101-200 for Alone | | .388 | |
| 601+ (1) | $101-200 for Alone (5) or Cohabiting (1)] | | | |
| [omits those | Prior Fel.Arr.(None 46, One 10, 2+ 5) | G .365, | .003 | 83 |
| | Education (Less than H.S.Diploma 32, | G .229 | .017 | 75 |
| | Diploma 19, Some College 9) | | | |
| | Alcohol (NoP. 51, PossP.7,ClearProb.1) | G -.129 | .014 | 66 |
| | Employment Stab. (Good22,Fair22,Poor5) | G -.085 | .046 | 77 |
| Community Service (as a condition of probation): No (164); Yes (6) | Health (Good 156, Fair 13, Poor 1) | G .432 | .000 | 50 |
| Any Financial Penalties: No (103); Yes (69) | PriorFel.Conv.(None 159, One 21, 2+ 16) | G -.500 | .029 | zero |
| | PriorFel.Arr. (None 118, One 29, 2+ 49) | G -.442 | .004 | zero |
| | Employed (No 73, Yes 99) | G .307 | .048 | zero |
| | Prior Probation (No 125, Yes 71) | G -.305 | .048 | zero |
| Amt. of Total Financial Penalties: $1-250 (57); 251-500 (8); 501-750 (6); 751+ (2) [omits those without financial penalties] | Alcohol (No Problem 57, Possible | G .539 | .002 | 75 |
| | Problem 8, Clear Problem 3) | | | |
| | Age(12-22 27, 23-27 22, 28-34 16,35+ 8) | G .448 | .015 | 75 |
| | Race [$1-250 for 83% of Hispanics (35), | V .360 | .006 | 75 |
| | 80% of Whites (26) & 67% of Blacks (9)] | | | |
| Probation Only: No (104); Yes (66) | Prior Det./Incarceration(No 131,Yes 65) | G -.510 | .001 | zero |
| | Any Prior Conviction (No 99; Yes 97) | G -.451 | .002 | zero |
| | PriorMis.Conv.(None 102,One 47, 2+ 47) | G -.451 | .002 | zero |
| | Any Prior Arrest (No 126, Yes 70) | G -.438 | .002 | zero |
| | PriorMis.Arr. (None 77, One 32, 2+ 87) | G -.428 | .002 | zero |
| | Prior Probation (No 125, Yes 71) | G -.354 | .023 | zero |
| | Financial Status (Good 24, Fair 56, | G -.196 | .045 | zero |
| | Marginal 44, Poor 38) | | | |
| Probation plus Any Financial Penalties: No (133); Yes (63) | PriorFel.Arr.(None 118, One 29, 2+ 49) | G -.503 | .001 | zero |
| | PriorDet./Incarceration(No 131,Yes 65) | G -.423 | .010 | zero |
| | PriorMis.Arr.(None 77, One 32, 2+ 87) | G -.361 | .003 | zero |
| | Prior Probation (No 125, Yes 71) | G -.349 | .030 | zero |
| | Any Prior Conviction (No 99, Yes 97) | G -.328 | .028 | zero |
| | Drug Charge [100% if Mfr.(1), 43% if | V .238 | .027 | 60 |
| | Possession (79), 25% if Use or Under Influence (110), | | | |
| | None if Sale (5) or Other (1) | | | |
| | Sex[37% if Male(146),18% if Female(50)] | V .177 | .013 | zero |
| Jail Only (as [continued on next page] | PriorMis.Arr.(None 77, One 32, 2+ 87) | G .811 | .000 | zero |
| | Any Prior Arrest (No 68, Yes 128) | G .800 | .000 | zero |
| | Prior Det./Incarceration (No131,Yes65) | G .747 | .000 | zero |

Table Dr1, Sheet 4 Predictors of Penalties for Drug Offenders

| Penalties | Best Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| [continued from previous page] condition of probation or without probation): No (146); Yes (50) | Any Prior Conviction (No 99, Yes 97) | G .724 | .000 | zero |
| | PriorFel.Con.(None 159, One 21, 2+ 16) | G .695 | .000 | zero |
| | PriorFel.Arr.(None 118, One 29, 2+ 49) | G .684 | .000 | zero |
| | PriorMis.Con.(None 102, One 47, 2+ 47) | G .655 | .000 | zero |
| | Prior Probation (No 125, Yes 71) | G .624 | .000 | zero |
| | Drug Use (No Problem 32, Possible Problem 119, Clear Problem 22) | G .558 | .007 | zero |
| | Age at 1st Arrest (16-17 35, 18-20 80, 21-29 63, 30-64 18) | G-.530 | .000 | zero |
| | Employed (No 73, Yes 99) | G -.515 | .003 | zero |
| | Monthly Income (None 45, $1-500 37, 501-1000 50, 1001-1500 15, 1501-2000 8, 2001+ 3) | G -.509 | .031 | 33 |
| | Occupation(Unskilled98,Skilled/Prof24) | G -.485 | .034 | zero |
| | Financial Status (Good 24, Fair 56, Marginal 44, Poor 38) | G .422 | .026 | zero |
| | Type Drug [53% if Heroin (19), 31% if PCP(114),20% if Other(10),None if Coc.(35)or Mar.(15)] | V .374 | .000 | 30 |
| | Source of Income (38%if No Income(26), 36% if Family (14), 26% if Public Assistance (27), 11% if Earnings (98), None if Other (3) | V .288 | .008 | 30 |
| | Drug Charge [35% if Use or Under the Influence (110), 25% if Sale (4), 11% if Possession (110), None if Mfr.(1) or Other (1)] | V .276 | .005 | 60 |
| | Debts (None40,Reasonable82,Excessive9) | G -.051 | .033 | zero |
| Probation plus Jail plus Financial Penalties: No (183); Yes (13) | PriorMis.Conv.(None 102,One 47, 2+ 47) | G .190 | .033 | 33 |
| | Residential Situation[36% if Alone(11),33% if Cohabiting(3), 5% if Other(22),2% if Family(129)] | V .407 | .000 | 50 |
| | Race [39% if Black (36), 32% if Hispanic (96), 8% if White (60), None if Other (1)] | V .281 | .002 | 25 |

Table Dr2
SEPARATE PREDICTORS OF RECIDIVISM FOR DRUG OFFENDERS IN FOUR PENALTY GROUPS

| Recidivism Indicators | Predictors (Ranked by Relationships Strength) | Strength of Relationship* | p. by Chi Square | %5 EF ** |
|---|---|---|---|---|
| A. Sentenced to Probation Only (70 cases) | | | | |
| Postrelease Arrests or Convictions: (One 39; Misd. Arr.Only 5; MisdConv,NoFel.Arr.14; Fel.Arr.,NoConv.9; Fel.Convictions3) | Source of Income [Hi if None--5; Lo if Earnings--39; Hi if Public Assistance--15; Other 1] | V .343 | .015 | 88 |
| | Employment Stability (Good 24, Fair 23, Poor 7) | G .247 | .001 | 86 |
| Postrelease Time Before First Arrest | Residential Stability (Transient 28, Stable 2) | G .959 | .042 | 75 |
| | Alcohol Use (No Problem 24, Possible Problem 5, Clear Problem 1) | G-.043 | .012 | 83 |
| Postrelease Incarceration (No 20; Yes30) | Prior Detention or Incarceration (No 57, Yes 13) | G .692 | .006 | 25 |
| | Employed (No 28, Yes 39) | G -.581 | .027 | zero |
| | Prior Felony Conviction (None 62, One 6, Two or More 2) | G .531 | .032 | 66 |
| Probation Violations (None 35; RuleViol. 8; Revoked 25) | Employment Stability (as above) | G .513 | .026 | 55 |
| | Race [Lo if White 27; Hi if Black 13, Hispanic 27, Other 1] | V .373 | .004 | 58 |
| | No. of Children (None 33, One 13, 2 or More 20) | G .326, | .022 | 44 |
| | Monthly Income (None 12, $1-500 13, 501-1000 20, 1001-1500 6, 1501-2000 6, 2001 or more 1) | G -.232 | .020 | 77 |
| B. Sentenced to Probation plus Financial Penalties (63 cases) | | | | |
| Postrelease Arrests or Convictions: (None 38; Misd. Arrests Only 5; Misd. Convictions, No Felony Arr. 10; Felony Arr., No Felony Convictions 3; Felony Convictions 4) | Alcohol Use (No Problem 51, Possible Problem 17, Clear Problem 2) | G .262 | .005 | 86 |

*G=Gamma (for two variables each ordered from low to high or high to low); V=Cramer's V (for two variables with but one or neither ordered)
** Percent of cells with expected frequency 5 or less. The lower this figure, the more likely the chi square probability is valid.

Table Dr2, Sheet 2

| Indicators | Best Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| B Cont'd.: Sentenced to Probation plus Financial Penalty | | | | |
| Postrelease Incarceration: (No 47; Yes 16) | Drug Use(NoProb.13,Poss.42,ClearP5) | G .845 | .019 | 50 |
| | Prior Arrests (No 26, Yes 37) | G .612 | .034 | zero |
| | Age | G -.552 | .018 | 37 |
| | (18-22 23, 23-27 20, 28-34 14, 35+ 6) | | | |
| | Age at 1st Arrest | G -.453 | .041 | 25 |
| | (16-17 9, 18-20 22, 21-29 25, 30-64 7) | | | |
| Probation Outcome: (No Viol.38; Rule Viol.2; Revoked 18) | Prior Convictions (No 38, Yes 23) | G .412 | .027 | 33 |
| | Prior Misdemeanor Convictions | G .279 | .022 | 55 |
| | (None 38, One 13, 2+ 10) | | | |
| | No.of Children (None28,One10,2+ 20) | G .261 | .023 | 44 |
| | AlcoholUse(NoProb.49,Poss7,ClearP2) | G .213 | .042 | 77 |
| | Prior Misd Arr.(None30,One15,2+ 16) | G .197 | .029 | 55 |
| | Prior Probation (No 46, Yes 15) | | | |
| C. Sentenced to Probation Plus Jail (45 cases) or Jail Without Probation (5 cases) | | | | |
| Postrelease Arrests or Convictions | ~Age at 1st Arrest | G -.310 | .025 | 90 |
| | (16-17 17, 18-20 23, 21-29 9, 30 or older 1) | | | |
| Postrelease Time Before First Arrest (<6mos. 20; 6-11 mos. 7; 12-17 mos. 2; 18-24 mos. 4; no data 17) | Occupation | G 1.000 | .036 | 87 |
| | (Unskilled 12, Skilled or Professional 2) | | | |
| | Age at 1st Arrest | G .514 | .040 | 87 |
| | (16-17 12, 18-20 15, 21-29 5, 30 or more 1) | | | |
| | Race [Long if White 2; Black 9, Short if Hispanic 22] | V .506 | .010 | 83 |
| | Drug [Long if Heroin--8; Short if PCP--24] | V .511 | .039 | 75 |
| | Residential Stability | V .704 | .019 | 87 |
| | [Short if Transient--18; Long if Stable 2] | | | |
| Probation Outcome (NoViol.6; Rule5,Rvke27) | ~Prior Misdemeanor Arrests | G .828 | .010 | 88 |
| | (None 2, One 3, 2 or more 32) | | | |
| | ~Prior Probation (No 12, Yes 25) | G .526 | .049 | 66 |
| | ~Any Prior Convictions(No 7, Yes 30) | G .500 | .031 | 66 |

Table Dr2, Sheet 3

| Indicators | Best Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| D. Sentenced to Probation plus Jail plus Financial Penalty (13 cases) | | | | |
| Postrelease Arrests or Convictions | Health (Good 8, Fair 1) (None 5; One 1; 2+ 7) | G-.500 | .011 | 83 |

Table DUI1

SEPARATE PREDICTORS OF PENALTIES FOR DRIVING UNDER THE INFLUENCE

| Penalties (with their categories and frequencies) | Predictors (ranked by strength of relationship) | Strength of Relationship* | p. by Chi Sq. | % <5 EF** |
|---|---|---|---|---|
| Length of Probation Term: 12 mos. or under (3); 18 or 24 mos. (42); 36 mos.((143) | Alcohol (No Problem 25, Possible Problem 96, Clear Problem 11) | G-.474 | .017 | 66 |
| | Residential Stability (Transient 33, Stable 3) | G-.563 | .000 | 66 |
| | Driver's Condition [Short if Drunk (182); Long if Drugged (6)] | V .233 | .006 | 66 |
| Jail (with or without probation or other penalty): No (90); Yes (100) | Alcohol (as above) | G .467 | .032 | zero |
| | Employed (No 38, Yes 96) | G .412 | .025 | zero |
| | PriorMisd.Arr.(None 50, One 41, 2+ 96) | G .395 | .005 | zero |
| | Prior Conviction (No 70, Yes 120) | G .385 | .008 | zero |
| | Prior Arrest (No 50, Yes 140) | G .383 | .016 | zero |
| | PriorMisd.Con.(None 67, One 43,2+ 77) | G .370 | .007 | zero |
| | Prior Fel.Arr.(None 145,One 28, 2+ 14) | G .326 | .031 | zero |
| | Prior Probation (No 90, Yes 100) | G .304 | .032 | zero |
| | Prior Detention or Incarceration (No 126, Yes 64) | G .294 | .052 | zero |
| | Marital Status [68% jailed if Married, 45% if Separated or Divorced, 43% if Single] | V .233 | .023 | zero |
| Days of Jail Term: 1-10 (62); 11-20 (8); 21-30 (5); 31 or more (25( [omits those not jailed] | Driver's Condition [Median under 10 days if drunk (97), 21-30 days if drugged] | V .500 | .000 | 62 |
| | Age(18-22 14,23-27 19,28-34 30,35+ 37) | G .382 | .000 | 62 |
| | Income Source [Median under 10 days if Earnings (56) or Public Assistance (6), 21-30 days if Family(1),31 or more days if No Income(6)or Other(1)] | V .360 | .007 | 90 |
| | Employment Stability (Good 42, Fair 14, Poor 2) | G .294 | .051 | 75 |
| Fine: No (42); Yes (148) | Prior Felony Conviction (None 169, One 15, 2 or More 3) | G-.410 | .038 | 50 |
| | Prior Felony Arrest (None 145, One 28, 2 or More 14) | G-.244 | .038 | zero |

*G=Gamma (for two variables each ordered high to low or low to high)
V=Cramer's V (for two variables where only one or neither is ordered)
**Percent cells with expected frequency 5 or less. The lower this figure, the more likely the chi square probability is valid.

Table DUI1, Sheet 2 Penalty Predictors for DUI

| Penalties | Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| Amount Fined: $1-250 (3); 251-750 (23), 501-750 (110), 751= (11) | Sex [Most $501-750 for both Male (132) and Female (15) but smaller proportion Males < $500] [omits those not fined] | V .283 | .008 | 50 |
| Restitution: No (165); Yes (25) | Injury [44% if Death or Other Serious Injury (9), 38% if Collision but No Personal Injury (34),14% if Nonserious Injury (7), 6% if No Collision (52), None if Other (2)] | V .410 {G-.624} | .002 | 40 |
| Cost of Probation Services (COPS): No (134); Yes 56 | Injury [46% if No Collision, 24% if No Personal Injury, 14% if Nonserious Injury, 11% if Death or Serious Injury, None if Other . [frequencies as in preceding] | V .303 {G .454} | .049 | 50 |
| Community Service: No (172); Yes (18) | Alcohol(No Problem 25, Possible Problem 96, Clear Problem 11) | G-.689 | .010 | 33 |
| | Employment Stability (Good 75, Fair 22, Poor 9) | G .486 | .035 | 33 |
| | PriorFel.Arr.(None 145, One 28, 2+ 14) | G .252 | .031 | 33 |
| | Sex [29% if Female(21);7% if Male(169)] | V-.230 | .002 | 25 |
| Any Financial Penalty: No (28); Yes (162) | Drugs (Possible Problem (117), Clear Problem (15) [no information on 58] | G-.600 | .037 | 43 |
| | PriorFel.Conv.(None 169, One 15, 2+ 3) | G-.534 | .011 | 50 |
| | Prior Detention or Incarceration (No 126, Yes 64) | G-.383 | .048 | zero |
| | PriorFel.Arr.(None 145, One 28, 2+ 14) | G-.326 | .014 | 33 |
| Amt. of Total Financial Penalties: $1-250 (8); 251-500 (20); 501-750 (79); 751+ (55) | Age (18-22 31,23-27 36,28-34 35,35+ 60) [omits those with no financial penalties] | G .020 | .037 | 43 |
| Probation Only: No (179); Yes (11) | Injury [None if Killed or Serious Injury (9), Nonserious Injury (7), or Collision Without Personal Injury(34), 6% if No Collision (52), 50% if Other (2)] | V .367 {G .976} | .007 | 60 |
| | Prior Fel.Conv.(None 169, One 15,2+ 3) | G .578 | .050 | 50 |
| | Prior Fel.Arr.(None 145, One 28,2+ 14) | G .558 | .012 | 33 |
| | Source of Income [50% if Family (2), 11% if No Income (19), 4% if Earnings (96), None if Public Assistance (12) or Other (3)] | V .276 | .039 | 60 |
| Probation plus Financial Penalties: No (111);Yes(79) | Drugs (Possible Problem 117, Clear Problem 15) [no information on 58] | G-.668 | .024 | zero |
| | Prior Fel.Arr.(None 145, One 28,2+ 14) | G-.544 | .004 | zero |
| | Prior Arrest (No 50, Yes 190) | G-.472 | .002 | zero |
| | Alcohol(No Problem 25, Possible Problem 96, Clear Problem 11) | G-.462 | .037 | zero |
| | Prior Conviction (No 70, Yes 120) | G-.392 | .007 | zero |

[continued on next sheet]

Table DUI1, Sheet 3 Penalty Predictors for DUI

| Penalties | Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| [continued from prior sheet] | Prior Detention/Incarceration (No 126, Yes 64) | G-.366 | .018 | zero |
| | Prior Probation (No 90, Yes 100) | G-.360 | .011 | zero |
| | Marital Status [53% if Single or if Separated or Divorced, 24% if Married] | V .280 | .004 | zero |
| | No. of Children (None 62,One 22,2+ 52) | G-.231 | .021 | zero |
| | [Also significant are Prior Misd. Arrest and Prior Misdemeanor Conviction by None, One & Two or More] | | | |
| Jail (With or without probation: No (175); Yes (15) | Prior Misdemeanor Conviction (None 67, One 43, 2 or More 77) | G .413 | .029 | zero |
| | Age (18-22 35, 23-27 39, 28-34 44, 35+ 72) | G .298 | .012 | 37 |
| Probation plus Jail plus Financial Penalties: No (105): Yes (85) | Alcohol (No Problem 25, Possible Problem 96, Clear Problem 11) | G .580 | .004 | zero |
| | Prior Arrest (No 50, Yes 140) | G .400 | .015 | zero |
| | Prior Conviction (No 70, Yes 120) | G .372 | .012 | zero |
| | Prior Probation (No 90, Yes 100) | G .303 | .034 | zero |
| | [Also significant are Prior Misd. Arrest, Prior Felony Arrest & Prior Misd. Conviction by None, One & 2+] | | | |

Table DUI2

SEPARATE PREDICTORS OF RECIDIVISM FOR DRIVERS UNDER THE INFLUENCE IN FOUR PENALTY GROUPS

| Recidivism Indicators | Predictors (Ranked by Strength of Relationship) | Strength of Relationship* | p. by Chi Square | %<5 EF ** |
|---|---|---|---|---|
| A. Sentenced to Probation Only (only 11 cases; too few for analysis) | | | | |
| B. Sentenced to Probation plus Financial Penalties (79 cases) | | | | |
| Most Serious Postrelease Arrest or Conviction: None (65); Misd.Arrest (2); Misd. Conv. (7); Felony Arrest (2); Felony Conviction (3) | Drugs(NoProblem 51, PossibleProblem 2) | G .627 | .015 | 90 |
| | Prior Fel.Arr.(None 56, One 7, 2+ 1) | G-.588 | .025 | 66 |
| | Age at 1st Arrest (16-17 2, 18-20 19, 21-29 23, 30 or older 30) | G-.586 | .008 | 85 |
| | Driver's Condition [Low if Drunk (77); High if Drugged (2)] | V .488 | .001 | 80 |
| | Prior Fel.Conv.(None 75, One 3, 2+ 0) | G .420 | .017 | 80 |
| | Prior Fel.Arr. (None 69, One 8, 2+ 1) | G .179 | .014 | 80 |
| Postrelease Incarceration: No (48); Yes 6) | Injury [100% if Other (1), 19% if No Collision, None if Killed or Seriously Injured (4), Seriously Injured (4), Nonserious Injury (3), or Collision But No Personal Injury (20)] {G 1.00} | V .493 | .011 | 80 |
| | Prior Detention or Incarceration (No 60, Yes 19) | G. 594 | .040 | 25 |
| | Age at 1st Arrest (as above) | G-.296 | .009 | 62 |
| Probation Violation: None (34); Some but Not Revoked (14); Revoked (27) | Health (Good 50, Fair 5)[No info. 14] | G-.1.00 | .047 | 50 |
| | Prior Det. or Incarceration(No56,Yes19) [No Prob.2,NoInfo.2] | G .587 | .011 | zero |
| C. Probation plus Jail (only 15 cases; too few for analysis) | | | | |
| D. Probation plus Jail plus Financial Penalties (85 cases) | | | | |
| Most Serious Postrelease Arrest or Conviction: None (58); Misd.Arrest (6); Misd.Conv. (15); Felony Arrest (2); Felony Conv. (4) | Drugs (No Problem 54, Possible Prob.8) | G-.422 | .043 | 70 |
| | Age (18-22 13, 23-27- 19, 28-34 22, 35 or older 31) | G-.339 | .016 | 75 |
| | Age at First Arrest (16-17 10, 18-20 17, 21-29 27, 30 or older 34) | G-.315 | .002 | 75 |

*G=Gamma (for two variables each ordered from low to high or high to low); V=Cramer's V (for two variables with but one or neither ordered)

** Percent of cells with expected frequency 5 or less. The lower this figure, the more likely the chi square probability is valid.

Table DUI2, Sheet 2 Predicting Recidivism for DUI by Penalty Groups

| Indicators | Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| Probation Violation: None (22); Violated but Not Revoked (14); | Debts (None 13, Reasonable 31, Excessive 7) | G-.597 | .021 | 55 |
| | Previous Detention or Incarceration [No 51, of whom 22% had no violation, 25% violated but were not revoked, and 53% were revoked; Yes 31, of whom 35% had no violation, only 3% were violated but not revoked, and 61% were revoked] | G .000 {V .297} | .027 | zero |

Table T1
SEPARATE PREDICTORS OF PENALTIES FOR THEFT

| Penalties (with their categories and frequencies) | Predictors (ranked by strength of relationship) | Strength of Relationship* | p.(by Chi Sq. | % <5 EF |
|---|---|---|---|---|
| Length of Probation Term: 12 mos. or less (37); 18 or 24 mos.(94); 36 mos. (41) | Drugs (No Problem 127, Possible Problem 25) | G .551 | .011 | zero |
| | Occupation (Unskilled 44, Skilled/Professional 59) | G .484 | .017 | zero |
| | Loot's Value (Under $100 55, 100-499 33, 500-999 25, 1000-4999 30, 5000 & over 18) | G .457 | .000 | zero |
| | Employment Stability (Good 60, Fair 46, Poor 17) | G-.306 | .036 | 22 |
| | PriorMisd.Arr.(None 102,One 22, 2+ 48) | G .191 | .030 | zero |
| Jail (with or without probation or other penalty): No (100); Yes (77) | Prior Fel.Arr.(None 151,One 12, 2+ 14) | G .542 | .016 | zero |
| | Prior Fel.Conv.(None 163,One 12, 2+ 2) | G .410 | .037 | 33 |
| | Financial Status (Good 23, Fair 43, Marginal 36, Poor 39) | G .370 | .020 | zero |
| | Employed (No 83, Yes 76) | G-.327 | .037 | zero |
| | PriorMisd.Arr.(None 102,One 22, 2+ 53) | G .325 | .011 | zero |
| | Debts (None46,Reasonable77,Excessive16) | G-.322 | .044 | zero |
| | Prior Arrests (No 98, Yes 79) | G .300 | .043 | zero |
| | Source of Income [60% if No Income(42), 59% if Public Assistance (17), 35% if Family (20), 34% if Earnings (76), None if Other (4)] | V .279 | .015 | zero |
| | Age at First Arrest (16-17 21, 18-20 60, 21-29 53, 30-64 43) | G-.275 | .009 | zero |
| | Sex[66% if Male(116),28% if Female(61)] | V .229 | .002 | zero |
| | Type of Victim [64% if Individual or Other (28), 48% if Small Business (25), 37% if Corporation or Large Business (111)] | V .208 | .029 | zero |
| Fine (as condition of probation): No (105: Yes (72) | Prior Detention/Incarc.(No 140,Yes 37) | G-.506 | .008 | zero |
| | Employment Stability (Good 61, Fair 48, Poor 19) | G-.396 | .008 | zero |
| | Financial Status (Good 23, Fair 43, Marginal 36, Poor 39) | G-.355 | .003 | zero |
| | Employment (No 83, Yes 76) | G .349 | .025 | zero |
| Amount of Fine: $1-250 (17); 251-500 (43); 501-750 (6); 751 or more (6) [omits those not fined] | Loot's Value (Under $100 22, 100-499 15, 500-999 14,1000-4999 9, 5000 or more 6) | G .393 | .030 | 80 |
| | Monthly Income (None 25, $1-500 10, 501-1000 14, 1001-1500 11, 1501-2000 3, 2001-9000 1) | G .340 | .020 | 79 |
| | Residential Situation [High fine if Alone (8), Cohabiting (1) or Other (7); Low fine if With Family (51)] continued on next page | V .297 | .038 | 87 |

*G=Gamma (for two variables each ordered from low to high or high to low)
V=Cramer's V (for two variables where only one, or neither, is ordered)
**Percent of cells with expected frequency 5 or less. The lower this figure, the more likely the chi square probability is valid.

Table T1, Sheet 2 Penalty Prediction for Theft

| Penalties | Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| Amount of Fine, continued: | PriorMisd.Arr.(None 45, One 12, 2+ 15) | G .140 | .035 | 66 |
| | Prior Fel.Arr.(None 64, One 3, 2+ 5) | G-.042 | .048 | 66 |
| Restitution (as condition of probation): No (124); Yes (53) | Loot's Value (Under $100 58, 100-499 34, 500-999 25, 1000-4999 30, 5000+ 18) | G .621 | .000 | zero |
| | Theft Method [64% if Employee Theft, 66% if Deception or Fraud, 23% if From Person or Person's Clothing, 11% if Shoplifting, 9% if Other] | V .517 | .000 | zero |
| | Occupation(Unskilled47,Skilled/Prof.59) | G .513 | .011 | zero |
| | Most Valuable Loot [65% if Cash, 19% if Appliances or Other; 15% if Jewelry or Clothing] | V .453 | .000 | zero |
| | Education (<H.S. 56, H.S.62, >H.S.40) | G .397 | .012 | zero |
| | PriorMisd.Conv.(None 108,One 32, 2+ 37) | G-.361 | .017 | zero |
| | Times Married (Never84,Once 59, 2+ 13) | G .119 | .011 | zero |
| Amount of Restitution: Under $100 (14); 100-499 (11); 500-999 (1); 1000-4999 (4); 5000 or more(13) [omits those without restitution] | Occupation(Unskilled 9,Skilled/Prof.25) | G .905 | .009 | 70 |
| | Residential Situation [Low if with Family (34) or Cohabiting (2); High if Alone (2) or Other (5)] | V .493 | .002 | 85 |
| | Type of Victim [Low if Corporation (10); High if Small Bus. (10) or Individual (6)] | V .419 | .025 | 80 |
| | Age at 1st Arrest (16-17 5, 18-20 17, 21-29 16, 30-64 15) | G .410 | .005 | 90 |
| | Education(<H.S. 10, H.S. 16, >H.S. 18) | G .208 | .002 | 80 |
| COPS: No (124); Yes (53) | Employment Stability (Good 61, Fair 48, Poor 19) | G-.469 | .016 | zero |
| | Employed (No 83, Yes 76) | G .369 | .024 | zero |
| | Financial Status (Good 23, Fair 43, Marginal 36, Poor 39) | G-.308 | .014 | zero |
| Amount of COPS: $1-100 (14); 101-200 (10); 201-600 (24); 601 and over (3) [omits those without COPS] | Health (Good 46, Fair 3) | G-1.00 | .031 | 62 |
| | Employment Stability (Good 24, Fair 9, Poor 3) | G-.784 | .024 | 83 |
| | Marital Status [Low Amt. if Married (13),High if Separated or Divorced (8). Average if Single (28)] | V .368 | .039 | 66 |
| | Type of Victim [Low if Corporation (36); High if Small Business (6) or Individual (8)] | V .360 | .044 | 75 |
| | PriorMisd.Conv.(None 32, One 10, 2+ 9) | G .355 | .000 | 75 |
| [continued on next page] | PriorMisd.Arr.(None 29, One 7, 2+ 15) | G .254 | .003 | 66 |
| | Prior Probation (No 32, Yes 19) | G .236 | .024 | 37 |
| | Prior Conviction (No 31, Yes 20) | G .199 | .009 | 37 |

Table T1, Sheet 3 Penalty Prediction for Theft

| Penalties | Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| Amount of COPS, continued: | Prior Fel.Conv.(None 45, One 5, 2+ 1) | G .160 | .007 | 75 |
| | Debts(None 14,Reasonable27,Excessive 5) | G .076 | .050 | 66 |
| Any Financial Penalties: No (59); Yes (118) | Employment Stability (Good 61, Fair 48, Poor 19) | G-.542 | .000 | zero |
| | Alcohol (No Problem 139, Possible Problem 17) | G-.485 | .036 | zero |
| | Prior Detention or Incarceration (No 140, Yes 37) | G-.450 | .009 | zero |
| | Loot's Value (Under $100 58, 100-499 34, 500-999 25, 1000-4999 30, 5000 or more18) | G .402 | .004 | zero |
| | Prior Misd.Conv.(None 108,One 32,2+ 37) | G-.366 | .001 | zero |
| | Prior Misd.Arr.(None 102,One 22, 2+ 53) | G-.361 | .015 | zero |
| | Financial Status (Good 23, Fair 43, Marginal 36, Poor 39) | G-.331 | .002 | zero |
| | Theft Method [89% if Employee Theft, (36), 85% if Deception or Fraud (27),64% if Other(22) 55% if Shoplifting (73), 54% if From Person or Person's Clothing (13)] | V .325 | .001 | zero |
| | Most Valuable Loot [84% if Cash (43), 63% if Other (83), 62% if Jewelry or Clothing (40)] | V .198 | .038 | zero |
| Amount of Total Financial Penalties: $1-250 (29); 251-500 (23); 501-750 (20); 751 or more (46) [omits those without any financial penalties] | Health (Good 97, Fair 9) | G-.686 | .031 | 50 |
| | Occupation(Unskilled30,Skilled/Prof.46) | G .628 | .000 | zero |
| | Loot's Value (Under $100 29, 100-499 24, 500-999 22, 1000-4999 23, 5000 + 14) | G .516 | .000 | 50 |
| | Education (<H.S. 37, H.S. 39. >H.S. 31) | G .386 | .007 | zero |
| | Theft Method [High if From Person or Person's Clothing (7), By Deception or Fraud (23) or EmployeeTheft(32);Low if Shoplifting(40)or Other (14) | V .310 | .001 | 45 |
| | Most Valuable Loot [High if Cash (36); Low if Jewelry or Clothing (25) or Other (52)] | V .238 | .045 | zero |
| | Age at 1st Arrest (16-17 13, 18-20 35, 21-29 37, 30-64 33) | G .042 | .034 | zero |
| Community Service: No (143); Yes (34) | Loot's Value (Under $100 58, 100-499 34, 500-999 25, 1000-4999 30,5000 or over 18) | G-.405 | .021 | zero |
| | Employed (No 83, Yes 76) | G-.387 | .042 | zero |
| | Prior Misd. Arr.(None 102,One 22,2+ 53) | G-.374 | .033 | zero |
| | Source of Income [100% if Other (4), 30% if Family (20), 29% if Public Assistance (17), 19% if No Income (42), 14% if Earnings (76)] | V .341 | .001 | 40 |
| | Type of Victim [36% if Small Business (25), 20% if Corporation or Large Business (111), 7% if Individual or Other (28)] | V .205 | .032 | zero |
| Probation Only: No (152); Yes (25) cont'd. | Loot's Value (as above) | G-.569 | .007 | 40 |
| | Employment Stability (Good 61, Fair 48, Poor 19) | G .486 | .001 | zero |
| | Prior Detention/Incarc.(No 140,Yes 37) | G .427 | .045 | zero |

Table T1, Sheet 4 Penalty Prediction for Theft

| Penalties | Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| Probation Only, continued from previous page: | Theft Method [22% if Shoplifting (73), 18% if Other (22), 15% if From Person or Person's Clothing(13), 4% if By Deception or Fraud (27), 3% if Employee Theft (36)] | V .245 | .036 | 30 |
| | PriorMisd.Conv.(None 108, One 32,2+ 37) | G .139 | .041 | zero |
| Probation plus Financial Penalties: No (102); Yes (75) | Employment Stability (as above) | G-.499 | .003 | zero |
| | Prior Detention/Incarc.(No 140,Yes 37) | G-.470 | .012 | zero |
| | Drugs(No Problem128, Possible Prob.28) | G-.439 | .041 | zero |
| | Employed (No 83, Yes 76) | G .395 | .010 | zero |
| | Financial Status (Good 27, Fair 43, Marginal 36, Poor 39) | G-.384 | .003 | zero |
| | PriorMisd.Arr.(None 102, One 22, 2+ 53) | G-.337 | .001 | zero |
| | PriorMisd.Conv.(None 108,One 32, 2+ 37) | G-.330 | .016 | zero |
| | Theft Method[58% if Employee Theft(36), 56% if Deception or Fraud(27), 41% if Shoplifting(73) 27% if Other(22), 8% if From Person or Person's Clothing (13)] | V .288 | .007 | zero |
| | Type of Victim [48% if Corporation or Large Business (111), 44% if Small Business (25). 21% if Individual or Other (28)] | V .197 | .042 | zero |
| | Sex [54% if Female(61),36%if Male(116)] | V-.172 | .022 | zero |
| Jail (with or without probation), Without Financial Penalties: No (145); Yes (32) | Prior Arrest (No 98, Yes 79) | G .481 | .008 | zero |
| | PriorMisd.Arr.(None 102,One 22,2+ 53) | G .474 | .010 | zero |
| | Financial Status (Good 23, Fair 43, Marginal 36, Poor 39) | G .445 | .012 | zero |
| | Prior Probation (No 114, Yes 63) | G .418 | .022 | zero |
| | Debts (None46,Reasonable77,Excessive16) | G-.414 | .042 | zero |
| | PriorMisd.Arr.(None 108,One 32, 2+ 37) | G .397 | .029 | zero |
| | Prior Conviction (No 106, Yes 71) | G .381 | .040 | zero |
| Probation plus Jail plus Financial Penalties: No (132); Yes (45) | Loot Value (Under $100 58, 100-499 34, 500-999 25, 1000-4999 30, 5000+ 18( | G .473 | .001 | zero |
| | Theft Method [46% if From Person or Person's Clothing (13), 41% if Other (22), 31% if Employee Theft (36), 40% if Deception or Fraud (27), 15% if Shoplifting (36)] | V .245 | .036 | zero |
| | Type of Victim [43% if Individual or Other (28), 40% if Small Business, 19% if Corporation or Large Business | V .241 | .009 | zero |
| | Sex [31% if Male (116), 15% if Female (61)] | V .178 | .018 | zero |

Table T2

SEPARATE PREDICTORS OF RECIDIVISM FOR THEFT IN FOUR PENALTY GROUPS

| Recidivism Indicators | Predictors (Ranked by Strength of Relationship) | Strength of Relationship* | p. by Chi Square | %<5 EF ** |
|---|---|---|---|---|
| A. Sentenced to Probation Only (25 cases) | | | | |
| Postrelease Incarceration: No (18); Yes (7) | Drug (No Problem 18, Possible Prob. 5) | G .905 | .006 | 50 |
| | Alcohol (No Problem 19, Poss. Prob. 4) | G .837 | .033 | 50 |
| | Marital Status [67% if Separated or Divorced (3), 45% if Single (11), Zero if Married (9)] | V .550 | .031 | 66 |
| | Race [50% if White (10), 12.5% if Hispanic (8), zero if Black (6)] | V .500 | .050 | 66 |
| Probation Violation: None (17), Revoked (8) | Drugs (No Problem 18, Possible Prob. 5) | G .867 | .016 | 50 |
| B. Sentenced to Probation plus Financial Penalties (75 cases) | | | | |
| Most Serious Postrelease Arrest or Conviction: None (63); Misd.Arrest(5); Misd.Conviction (6); Felony Arrest (1) | Theft Method [High if from Person (1), or by Fraud and Deception (15), Low if by Employee Theft (21); average if Shoplifting (30)] | V .595 | .000 | 80 |
| | Prior Fel.Arr. (None 68, One 3, 2+ 4) | G .538 | .003 | 83 |
| | Residential Situation[High if Alone(6), Cohabiting (1) or Other (9);Low if With Family(60)] | V .404 | .000 | 81 |
| Postrelease Incarceration: No (69); Yes (6) | Employment Stability (Good 33, Fair 18, Poor 2) | G .886 | .045 | 66 |
| | Age at 1st Arrest (16-17 5, 18-20 23, 21-29 22, 30-64 25) | G-.804 | .016 | 62 |
| | Prior Fel.Conv.(None 70, One 3, 2+ 2) | G .784 | .001 | 66 |
| | Financial Status (Good 11, Fair 26, Marginal 15, Poor 8) | G .500 | .021 | 50 |
| | Residential Situation [100% if Cohabiting (1), 22% if Other (9), 17% if Alone (6), 4% if With Family (50)] | V .458 | .003 | 62 |
| Probation Violation: None (47); Violated but not Revoked (11); Revoked (17) | Prior Felony Arrest (None 68, One 3, Two or More 4) | G .462 | .022 | 66 |

*G=Gamma (for two variables each ordered from low to high or high to low); V=Cramer's V (for two variables with but one or neither ordered)

** Percent of cells with expected frequency 5 or less. The lower this figure, the more likely the chi square probabgility is valid.

Table T2 Predicting Recidivism for Theft in Four Penalty Groups

| Indicators | Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| C. Sentenced to Jail (with or without probation) and No Financial Penalties (32 cases) | | | | |
| Most Serious Postrelease Arrest or Conviction: None (19); Misd.Arrest (4); Misd.Conviction (3); Felony Arrest (2); Felony Conviction (4) | Drugs (No Problem 18,Possible Prob. 6) | G .795 | .047 | 87 |
| | Prior Felony Conv.(None 27, One 5) | G .451 | .002 | 90 |
| Postrelease Incarceration: No (21); Yes 11) | Drugs (same as above) | G .951 | .001 | 50 |
| Probation Violation: None (15); Violated but not Revoked (1); Revoked (9)] [no probation 5; no data on violations 2] | Type of Victim [High violation rate if from Small Business (2) or from an Individual (6); Low if from a Corporation or Large Business (14)] | V .528 | .015 | 77 |
| D. Sentenced to Probation plus Jail plus Financial Penalties (45 cases) | | | | |
| Most Serious Postrelease Arrest or Conviction: None (32); Misd.Arrest(3); Misd.Conv. (7); FelonyArr.(2); Felony Conv. (1) | Occupation (Unskilled 11, Skilled or Professional 17) | G-1.00 | .019 | 80 |
| | Loot's Value (Under $100 5, 100-499 8, 500-999 11, 1000-4999 12, 5000 or over 7) | G-.526 | .046 | 88 |
| | Type of Victim [Low if Small Business (10), High if Individual or Other (12); average if Corporation or Large Business (21)] | V .441 | .033 | 80 |
| | No. of Children (None 25, One 5, 2+ 13) | G-.183 | .013 | 86 |
| Postrelease Incarceration: No (35);Yes (10) | Drugs (No Problem 33,Possible Prob. 10) | G .758 | .010 | 25 |
| | Prior Conviction (No 26, Yes 19) | G .635 | .044 | 25 |
| Probation Violation: None (18); Violated but not Revoked (7); Revoked (10) | Prior Arrests (No 25, Yes 20) | G .548 | .049 | 33 |

Table IE1

SEPARATE PREDICTORS OF PENALTIES FOR INDECENT EXPOSURE

| Penalties (with their categories and frequencies) | Predictors (ranked by strength of relationship) | Strength of Relationship* | p. by Chi Sq. | % <5 EF* |
|---|---|---|---|---|
| Length of Probation Term: 12 mos. or Less (18); 18 or 24 mos. (76); 36 mos. (32) | Prior Record of Similar Offenses (None 63, One 22, 2 or More 39) | G .496 | .004 | zer |
| | Prior Convictions (No 62, Yes 64) | G .451 | .018 | zer |
| | Prior Arrests (No 53, Yes 73) | G .420 | .035 | zer |
| | Relationship to Audience (Victim) [High if Neighbor or Acquaintance (17); Low if Stranger (106)] | V .233 | .036 | 33 |
| | Treatment Specialist's Prognosis (Favorable 27, Mixed or Unfavorable 10) | G .213 | .038 | 50 |
| Jail (with or without other penalty): No (97); Yes (34) | Drugs (No Problem 117, Possible Prob.7) | G .909 | .000 | 25 |
| | Employed (No 31, Yes 90) | G-.625 | .001 | zer |
| | Monthly Income (None 22, $1-500 22, 501-1000 31, 1501-2000 9, 2001-9000 7) | G-.600 | .001 | zer |
| | Employment Stability (Good 73, Fair 20, Poor 11) | G .586 | .005 | 35 |
| | Financial Status (Good 46, Fair 41, Marginal 15, Poor 17) | G .534 | .001 | 25 |
| | Residential Situation [88% jailed if Other (8), 37% if Alone (19), 20% if With Family (90), None if Cohabiting (2)] | V .398 | .000 | 37 |
| | Source of Income [50% jailed if No Income (16) or Public Assistance (6), 40% if Family (5) or Other (5), 18% if Earnings (92)] | V .289 | .035 | 70 |
| | Relationship to Audience (Victims) [47% jailed if Neighbors or Aquaintances (17), 23% if Strangers(111)] | V .182 | .040 | 25 |
| | No. of Children (None 62,One 17, 2+ 42) | G-.022 | .032 | zer |
| Fined: No (54); Yes (77) | Cooperation in Counseling (Good 36, Mixed or Poor 6) | G-.838 | .014 | 50 |
| | Drugs(No Problem 117, Possible Prob.7) | G-.805 | .016 | 50 |
| | Employed (No 31, Yes 90) | G .728 | .000 | zer |
| | Employment Stability (same as above) | G-.699 | .000 | zer |
| | Prognosis by Treatment Specialist Favorable 27, Mixed or Unfavorable 10) | G-.694 | .026 | 25 |
| | Financial Status (same as above) | G-.607 | .000 | zer |
| | Health (Good 105, Fair or Poor 15) | G-.529 | .036 | zer |
| [continued on next page] | Monthly Income (same as above) | G .424 | .001 | 25 |
| | Source of Income [68% fined if | V .371 | .002 | 60 |

Table IE1, Sheet 2 Penalty Predictors for Indecent Exposure

| Penalties | Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| Fines, cont'd.: | Earnings (92), 40% if Family (5) or Other (5), 19% if No Income (16)] | | | |
| | Prior Detention/Incarceration (No 88, Yes 43) | G-.358 | .046 | zer |
| | Residential Situation [100% if Cohabiting (2), 63% if With Family (90), 53% if Alone (19), None if Other (8)] | V .340 | .003 | 50 |
| | Debts (None 7, Reasonable 86, Excessive (16) | G-.205 | .016 | 33 |
| Amount Fined: $1-250 (16); 251-500 (44); 501-750 (10); 751 or more (6) | Health (Good 65, Fair or Poor 5) [omits those not fined] | G-.900 | .018 | 50 |
| | Employed (No 8, Yes 62) | G .359 | .004 | 50 |
| | Monthly Income (None 4, $1-500 12, 501-750 24, 1001-1500 19, 1501-2000 7, 2001-9000 4) | G .200 | .019 | 83 |
| Restitution: No (128); Yes (3) | Drugs (No Problem 117, Possible Prob.7) | G .811 | .035 | 50 |
| COPS: No (101); Yes (30) | Employed (No 31, Yes 9) | G .863 | .002 | zer |
| | Employment Stability (Good 73, Fair 20, Poor 11) | G-.672 | .024 | zer |
| | Occupation (Unskilled 31, Skilled or Professional 71) | G .592 | .016 | zer |
| | Monthly Income (as above) | G .459 | .012 | zer |
| | Source of Income [30% if Earnings (2), 6% if No Income (16), None if Family (5), Public Assistance (6) or Other (5)] | V .285 | .039 | 70 |
| Amount of COPS: $1-100 (8); 101-200 (5) 201-600 (14); 601 or more (3) | Residential Situation [High if Alone (5), Low if With Family (23)] | V .608 | .016 | 75 |
| | Sex of Audience (Victim) [High if Male (1) or Mixed (7); Lower if Female (22)] [omits those without COPS] | V .491 | .025 | 83 |
| Any Financial Penalty: No (45); Yes (86) | Employed (No 31, Yes 90) | G .747 | .000 | zer |
| | Employment Stability (same as above) | G-.726 | .000 | zer |
| | Drugs (No Problem 117,Poss.Problem 7) | G-.677 | .035 | 50 |
| | Financial Status (same as above) | G-.627 | .000 | zer |
| | Health (Good 105, Fair or Poor 15) | G-.548 | .024 | zer |
| [continued on next sheet] | Monthly Income (same as above) | G .489 | .001 | 25 |
| | Occupation(Unskilled31,Skilled/Prof.71) | G .478 | .021 | zer |

Table IE1, Sheet 3 Penalty Predictors for Indecent Exposure

| Penalties | Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| Any Financial Penalty, cont'd. | Source of Income [77% if Earnings (92), 40% if Family (5) or Other (5), 33% if Public Assistance (6), 25% if No Income (16)] | V .428 | .000 | 60 |
| | Prior Incarceration (No 88, Yes 43) | G-.373 | .040 | zer |
| | Residential Situation [100% if Cohabiting (2), 76% if With Family (90), 16% if Alone (19), 12.5% if Other (4)] | V .327 | .005 | 37 |
| Amount of Total Financial Penalties: $1-250 (20); 251-500 (34), 501-750 (18), 751 or more (14)] | Employed (No, Yes 69) | G .530 | .003 | 50 |
| | Location of Offense [High if on Street (31); Low if in Offender's Home (11); Average if in Auto (42)] | V .274 | .049 | 41 |
| Community Service: No (126); Yes (5) | Employment Stability (as above) | G .816 | .000 | 50 |
| | Age (18-22 18, 23-27 44, 28-34 33, | G-.786 | .000 | 50 |
| Probation Only: No (108); Yes (23) | Cooperation with Treatment Specialist (Good 36, Poor or Mixed 6) | G .778 | .018 | 25 |
| | Employment Stability (as above) | G .516 | .046 | 33 |
| | PriorFel.Conv.(None 117,One 9, 2+ 5) | G .452 | .005 | 50 |
| | Financial Status (as above) | G .220 | .005 | 25 |
| Probation plus Financial Penalties Only: No (57); Yes (74) | Cooperation With Treatment Specialist (as above) | G-.818 | .021 | 50 |
| | Drugs (No Problem 117, Possible Prob.7) | G-.792 | .021 | 50 |
| | Employment Stability (as above) | G-.743 | .000 | zer |
| | Employed (No 31, Yes 90) | G .704 | .000 | zer |
| | Treatment Specialist's Prognosis (Favorable 27, Mixed or Unfavorable 10) | G-.553 | .000 | zer |
| | Financial Status (as above) | G-.553 | .000 | 25 |
| | Monthly Income (as above) | G .549 | .000 | 25 |
| | Occupation (as above) | G .408 | .046 | zer |
| | Source of Income [66% if Earnings (92), 40% if Family (5) or Other (5), 33% if Public Assistance(6) and 19% if No Income (16 | V .340 | .003 | 50 |
| | Residential Situation [100% if Cohabiting (2), 62% if With Family (92), 47% if Alone (19), and None if Other (8) | V .340 | .003 | 50 |

Table IE1, Sheet 4 Penalty Predictors for Indecent Exposure

| Penalties | Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| Jail (with or without probation) Without Any Financial Penalty: No (109); Yes (22) | Drugs (as above) | G .881 | .000 | 25 |
| | Employed (No 31, Yes 90) | G-.791 | .000 | zer |
| | Employment Stability (as above) | G .654 | .003 | 33 |
| | Monthly Income (as above) | G-.638 | .001 | 50 |
| | Occupation (as above) | G-.581 | .019 | 25 |
| | Prior Detention or Incarceration (No 88, Yes 43) | G .502 | .017 | zer |
| | Residential Situation [75% if Other (8), 26% if Alone (19), 11% if With Family (90), None if Cohabiting (2)] | V .432 | .000 | 50 |
| | Source of Income [50% if Public Assistance (6), 44% if No Income (19), 40% if Family (5) or Other (5), 8% if Earnings (92)] | V .424 | .000 | 70 |
| | Debts (None 7, Reasonable 86, Excessive 16) | G .185 | .008 | 33 |
| Probation plus Jail plus Financial Penalty: No (119); Yes (12) | Relationship to Audience (Victims) [29% if Neighbor or Acquaintance (17), 6% if Stranger (111)] | V .269 | .002 | 25 |
| | Age and Sex of Audience (Victims) [21% if Teenage or Younger Girls (38), 6% if Mixed Gender (34); 4% if Adult Women or Age Not Indicated (53), None if Males (4)] | V .264 | .029 | 62 |

Table IE2

SEPARATE PREDICTORS OF RECIDIVISM FOR INDECENT EXPOSURE CASES IN FOUR PENALTY GROUPS

| Recidivism Indicators | Predictors (Ranked by Strength of Relationship) | Strength of Relationship* | p. by Chi Square | %<5 EF ** |
|---|---|---|---|---|
| A. Sentenced to Probation Only (23 cases) | | | | |
| Most Serious Postrelease Arrest or Conviction: None (19); Misdemeanor Conviction (4) | Education (<H.S. 8,H.S. 7, >H.S. 6) | G 1.00 | .013 | 50 |
| | Prior Fel. Arr.(None 18, One 3, 2+ 2) | G .727 | .005 | 83 |
| | No.Times Married(None 9, One 11, 2+ 2) | G .551 | .001 | 66 |
| Postrelease Incarceration: No (20); Yes (3) | Prior Fel. Conv. (None 18, One 5) | G 1.00 | .000 | 75 |
| | Prior Fel. Arr. (None 18, One 3, 2+ 2) | G 1.00 | .000 | 83 |
| | No.Times Married(None 9, One 11, 2+ 2) | G 1.00 | .001 | 66 |
| | No. of Children (None 11, One 5, 2+ 5) | G 1.00 | .004 | 83 |
| | Prior Detention/Incarc. (No 15, Yes 8) | G 1.00 | .011 | 50 |
| | Health (Good 17, Fair or Poor 5) | G .829 | .051 | 75 |
| Probation Violation: None (17): Violated but Not Revoked (4); None Revoked [No information on 2} | Employed (No 7, Yes 14) | G-.814 | .049 | 50 |
| | Prior Fel. Arr. (None 17, One 3, 2+ 2) | G .750 | .023 | 88 |
| | Prior Fel. Conv. (None 17, One 5) | G .731 | .021 | 83 |
| | No. of Children (None 11, One 11,2+ 5) | G .714 | .032 | 83 |
| | Marital Status [75% violated but not revoked if Separated or Divorced (4) and 12.5% if Single (8); None of 9 Married probationers) | V .706 | .005 | 66 |
| | Source of Income [75% Violated but not Revoked if No Income (4) and 7% if Earnings (14); None with other sources of income violated] | V .694 | .039 | 90 |
| | No.Times Married (None 8, One 11, 2+ 2) | G .608 | .009 | 66 |

Table IE2, Sheet 2 Predicting Recidivism for Indecent Exposure

| Indicators | Predictors | Strength | p. | %<5EF |
|---|---|---|---|---|
| B. Sentenced to Probation plus Financial Penalties (74 cases) | | | | |
| Most Serious Postrelease Arrest or Conviction: None (62); Misd.Arrest(3); Misd.Conv.(7); Felony Conviction(2) | Prior Fel. Arr. (None 63, One 5, 2+ 6) | G .680 | .003 | 75 |
| | Prior Probation (No 44, Yes 30) | G .418 | .039 | 75 |
| | Prior Misd.Conv.(None 41,One 15, 2+ 18) | G .398 | .004 | 75 |
| | Race [High if Hispanic (22); Low if Black (3) or Other (1); Average if White (48)] | V .287 | .033 | 87 |
| | Prior Misd.Arr. (None 36,One 13, 2+ 25) | G .252 | .031 | 75 |
| | Prognosis by Treatment Specialist [High if Favorable (18);Low if Mixed or Unfavorable(3)] | G .250 | .037 | 83 |
| | Debts (None 2,Reasonable53,Excessive 6) | G-.173 | .019 | 83 |
| | Employment Stability (Good 55, Fair 7, Poor 2) | G .101 | .048 | 75 |
| Postrelease Incarceration: No (66); Yes (8) | Prior Fel. Arr.(None 63, One 5, 2+ 6) | G .881 | .000 | 50 |
| | Prior Fel.Conv.(None 67, One 3, 2+ 4) | G .881 | .000 | 66 |
| | Prior Detention/Incarc. (No 54, Yes 20) | G .700 | ,017 | 25 |
| | Age at 1st Arrest (16-17 3, 18-20 15, 21-29 36, 30 or older 20) | G-.688 | .007 | 62 |
| | Prior Probation (No 44, Yes 30) | G .680 | .036 | 50 |
| | Race [100% if Other (1), 12.5% if White (48), 5% if Hispanic (22), None if Black (3)] | V .361 | .022 | 62 |
| Probation Violation: No (66); Violated but not Revoked (13); Revoked (10) | Education (<H.S. 25, H.S. 16, >H.S. 27) | G-.506 | .033 | 66 |
| | Prior Fel.Conv.(None 65, One 3, 2+ 4) | G .437 | .001 | 66 |
| | Debts(None 2,Reasonable 53,Excessive 5) | G .339 | .009 | 66 |
| | Race [High if Black (3) or Hispanic (21) or Other (1); Low if White (47)] | V .339 | .011 | 66 |
| | Alcohol (No Problem 61,Possible Prob.7) | G .293 | .013 | 50 |
| | Prior Conviction (No 38, Yes 34) | G .142 | .046 | zero |
| C. Sentenced to Jail (with or without probation) and No Financial Penalties (22 cases) | | | | |
| Postrelease Incarceration: No (17); Yes (5) | Race [100% if Black (2), 17% if Hispanic (6), 15% if White (13)] | V .581 | .029 | 83 |
| Postrelease Recurrence of Indecent Exposure (in 2-year followup): None (20); Some (2) | Drugs (No Problem 16,Possible Prob. 5) | G 1.00 | .008 | 75 |
| D. Sentenced to Probation plus Jail plus Financial Penalties (12 cases) | | | | |
| Probation Violation: None (7); Violated but Not Revoked (1); Revoked (4) | Offensive Act (44% revoked if Exposer Was Masturbating (9): None Revoked if Exposer Was Displaying a Penis Erection (1) or Displaying Penis Without Erection Reported (2)] | V .751 | .009 | 88 |