Exemplary Project Screening and Validation Reports

Project Candidate:

MULTNOMAH COUNTY
NO PLEA BARGAINING UNIT

Multnomah County, Oregon

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EXEMPLARY PROJECT VALIDATION REPORT

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Multnomah County, Oregon

Submitted to:

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Law Enforcement Assistance Administration
National Institute of Law Enforcement
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Washington, D.C. 20531

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1.0 INTRODUCTION

The Multnomah County (Portland, Oregon and environs) District Attorney's High Impact Project consists of a largely autonomous unit of five deputy district attorneys. The unit was established to prosecute three "impact crime" categories of concern to the community: 1) Armed Robbery (Robbery I, a Class A Felony); 2) Burglary in a dwelling (a subsection of Burglary I, Class A Felonies); and 3) Receiving Stolen Property (Theft I, Class C Felony, subsection "fencing"). The overall goal is to deter the commission of these crimes by obtaining a high rate of conviction and incarceration in cases handled by the unit. To achieve this end, the unit has sought to:

(a) improve the quality of prosecution with the strategy of "vertical staffing" i.e., assigning each case to a single deputy district attorney who prosecutes from the investigatory screening stage through disposition;

(b) provide swift and complete prosecution of impact crimes while attempting to stay within the statutory maximum of 60 days allowed from arrest to trial; and

(c) reduce the incidence of negotiated pleas, or plea-bargaining.

The unit has been widely publicized and identified as a "no plea-bargaining" unit. Although limited restrictions on bargaining are observed, i.e., no reduction of the original, primary target crime charged, plea bargaining is permitted when it involves:

- dismissal of ancilliary charges which are not target crimes;
- dismissal of pending cases or cases under investigation by the District Attorney;
- negotiations regarding possible sentencing recommendations to the judge;
- negotiations regarding exchanges of information, e.g., identification of a "fence," for more lenient charging or sentencing;
- bargains struck because the case deteriorates over the course of prosecution; and

- exemptions made because the District Attorney or his Deputy identify "special considerations" e.g., sensitivity to unusual political or social circumstances affecting the case.

In short the unit attempts to address, in a systematic way, one of the most fundamental problems of prosecutors: how to focus law enforcement, investigatory and prosecutorial resources so that a conviction will be obtained without forcing the prosecutor to sacrifice the quality and weight of the case during plea bargaining.

The Multnomah District Attorney High Impact Unit was visited from April 25 through April 27, 1976, by L. Scott Harshbarger, chief, Public Protection Bureau, Department of the Attorney General, Massachusetts. During the on-site review the operations of the project were examined along with case files, and records. Both project personnal and representatives of the District Attorney's Office, the Public Defender's Office, the Judiciary and the City and County Police were interviewed.

This validation report incorporates information from the following sources:

- the exemplary project application;
- a preliminary evaluation prepared by the Oregon Law Enforcement Committee (the State Planning Agency)
- an evaluation prepared by Rand as part of a performance measures study for the National Institute
- the 1974 Annual Report of the Multnomah County District Attorney's Office.

1.1 Project Development

The Multnomah County District Attorney's Office has the responsibility for the prosecution of criminal offenses--misdemeanor, juvenile and felony--occuring both in the City of Portland and in the County. It deals directly with two independent police forces, both City and County. The District Attorney, a former state senator, was elected to office in 1972 and is just completing his first term. He expects to run un-opposed in the 1976 election.

The court system in Multnomah County is two-tiered, consisting of a District Court level with original jurisdiction over only misdemeanors. The District Court holds initial complaint arraignments and preliminary hearings

on felony matters. In Oregon there is an absolute right of trial de novo in the Circuit Court on all misdemeanors. Felonies are ultimately tried in the jury trial level court, the Circuit Court. Cases reach the Circuit Court by one of three routes: 1) preliminary hearing followed by a Grand Jury Action; 2) preliminary hearing followed by Information of the District Attorney; 3) direct presentment to the Grand Jury by the District Attorney. In the Multnomah court system, no case may be initiated unless upon the complaint of the District Attorney. As a result, neither a citizen nor the police may initiate criminal proceedings in the absence of an "issuing" by the District Attorney.

The DA's High Impact Unit was conceived early in 1973 and became operational in December of the same year. When the City of Portland's Police Bureau received a "High Impact" project grant from LEAA, the District Attorney's Office, already overburdened, perceived that there would be an influx of arrests for the designated target crimes. Therefore, the District Attorney determined that it was essential that the office plan carefully and move closer to a professional private law office model--tighter management, lower caseloads and better quality prosecution--in order to handle the new caseload efficiently. This required developing closer ties to police, particularly the Portland Police Bureau Detectives.* The District Attorney was especially concerned about the "plea-bargaining" practices of his office. He was aware that this area was potentially open for abuse if caseloads increased as anticipated. Moreover, he feared strong repercussions from both the public and the police if these new anti-crime efforts were not supported with effective prosecution.

In short, the District Attorney endeavored to professionalize the office of the local prosecutor, expand its traditional role and re-define its function in response to the prosecution of high impact crimes. The no plea-bargaining approach was intended to insure the successful conviction of impact crime defendants and was meant to restore a degree of public confidence in the prosecutor's ability to handle impact cases.

1.2 Project Organization

As Figure 1 illustrates, the District Attorney's Office is organized by units, generally coinciding with the functions of the District Circuit Court Systems. There were 52 Deputy District Attorneys as of January 1, 1976, in addition to the District Attorney and his Chief Deputy. The division of labor is split so that different attorneys work with a case

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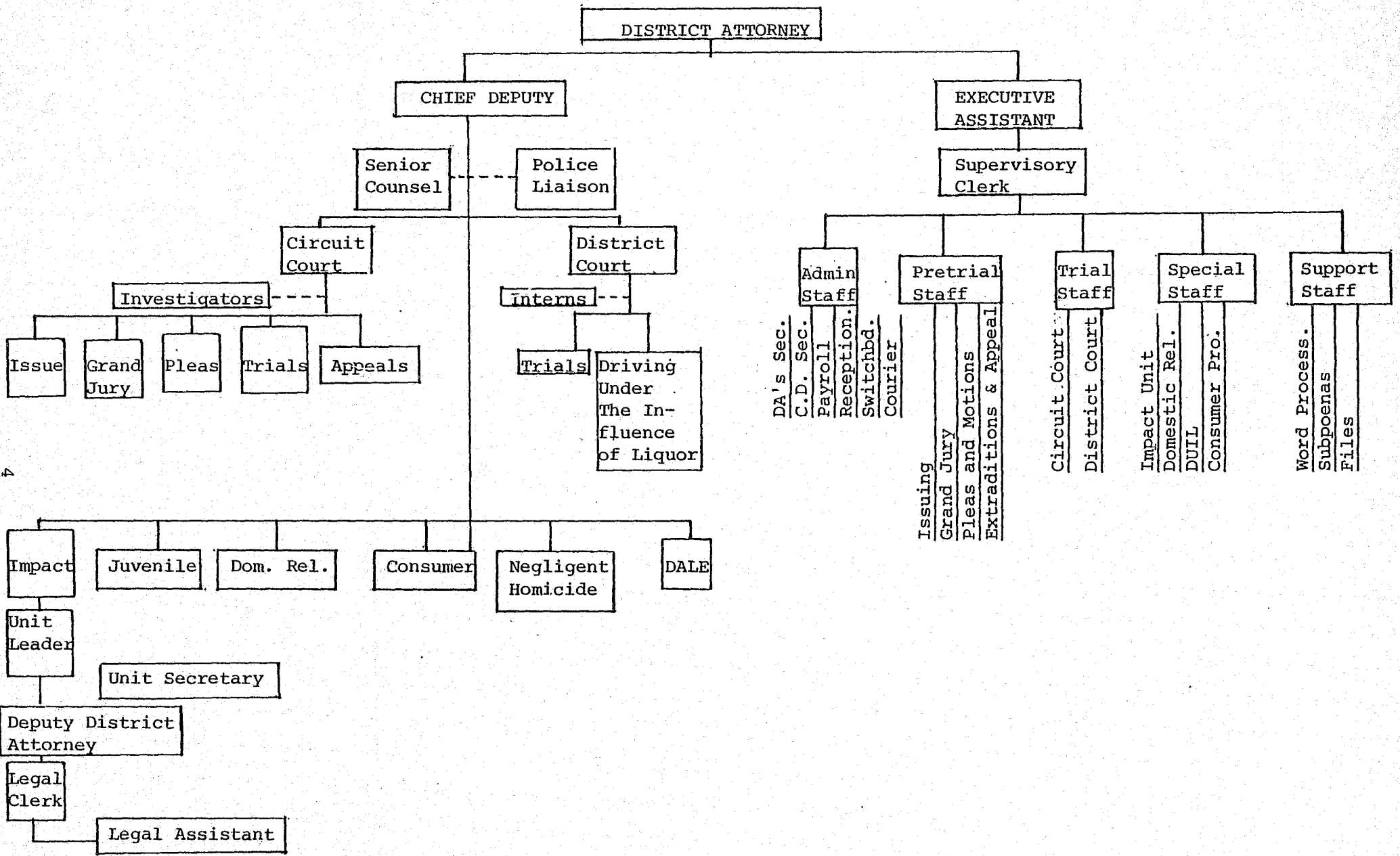
* Care was exercised to insure that duplication would be avoided with the functions of the legal advisor assigned to the Portland Bureau Strike Force. The Deputy District Attorneys were advised not to give Strike Force police legal advice, but to confine their attention to the evidentiary quality of the case.

ORGANIZATIONAL CHART - DISTRICT ATTORNEY'S OFFICE Figure 1



as it moves from one stage in the prosecution to another. The introduction of the DA's High Impact Unit represented a dramatic departure from this notion of specialized prosecutorial assignments to the "vertical staffing" strategy of assigning a single attorney who handles a case from investigation through trial.

The District Attorney's High Impact Crime Unit currently consists of a Unit Leader, four deputy district attorneys, a legal clerk, (a clerk/typist) a legal assistant and two legal stenographers. The original High Impact Unit staff consisted of six attorneys--three district court attorneys and three circuit court attorneys--drawn from the regular staff of District Attorney's Office. The three Circuit Court attorneys each had about one and a half years of experience, and were the most experienced attorneys in the District Attorney's Office. The three District Court Attorneys had had no previous jury trial experience. The original staffing concept operated on the notion that the Circuit Court Attorneys would rotate annually and the District Court Attorneys would rotate every six months back into the regular staffs of the DA's office. This rotation policy was adopted in order to use the High Impact Project (with its lower caseloads and close staff supervision) as a training ground. Moreover, project planners believed that rotation would stimulate the adoption of vertical staffing and "no plea bargaining" tactics in the regular divisions of the DA's office.

The Unit Leader elects all project staff, with approval from the DA, from other units within the DA's office. The Unit staff are perceived somewhat as an "elite" group within the DA's office because: 1) they are freed entirely from other responsibilities in the DA's office; 2) they have an independent "issuing" capability and utilize the vertical staffing approach, both which are viewed as "luxuries"; 3) the office is physically autonomous in location and operates virtually as an independent firm and 4) the ideology of "no bargaining" is seen as freedom to act aggressively and totally under control in the preparation and prosecution of target cases.

The unit did not begin to take cases until two months after formal grant award. The earlier months were used to develop procedures which the unit believes are responsible for a large measure of its success. These included:

- a policy of staff accessibility (on a 24-hour basis) to the police for advice and information;
- maintaining regular contact with police and witnesses on each case and keeping them informed and appropriately involved;
- the review of <u>all</u> arrests for target area offenses with police before issuing;

- maintaining continuity of counsel by the issuing attorney throughout all stages of processing;

- establishing a procedure requiring a written statement from the Deputy District Attorney concerning the reasons for not issuing a complaint, with copies being sent to the police and investigatory departments involved.

The second aspect of the project's start-up activities involved training staff attorneys, suppport staff, and the police High Impact Crime staff. Regular seminars on investigatory and trial techniques and tactics were held for new attorneys by the Unit Leader. Support staff received training in office policies, procedures, and certain legal administrative tasks which would expedite the paper processing and smooth the operational aspects of the project. Both formal and informal training sessions were held for the police who would be dealing with Unit Attorneys on a daily basis.

The second funding cycle (September 1975) of the Unit resulted in a reduction in the number of attorneys to four and the staff to three. A decrease in the number of trials--attributed by the project to a recognition that impact project cases are solid, and likely to end in conviction--precipitated the general decrease in workload, and hence staff. The decrease in workload is also attributable to a shift in the prior focus of the police departments on the use of crime-specific units to the current strategy of "neighborhood policing" teams. This shift reduced the number of plainclothes police available for target crimes investigation. The changing focus in the police department coincides with the winding down of federal funds for "High Impact Projects" and the increase in federal funds available for neighborhood policing. As of June 30, 1976 the Unit will again be reduced in size to 3 attorneys and 2 support staff because of budget cuts and smaller caseloads. However, the District Attorney is committed to the continuation of the project on local funds, and is currently contemplating modifying the selective prosecution of impact crimes to the prosecution of "career criminals." If such a new project is formulated and funded, the District Attorney expects to disband the Unit and transfer project staff directly to a career criminal-type program.*

In addition to staff cut-backs, the Unit has currently limited its formal training sessions for police and attorneys and has curtailed its 24-hour accessibility policy. Formal training has been limited since the police involved with the project are fewer in number and officers formerly trained are now familiar with the project. Training for attorneys has also been curtailed since the attorneys now being rotated into the unit all have Circuit Court experience.

* An overview of the career criminal program can be found inthe Abt Associates Inc. validation report on the Bronx Major Offenders Bureau, p. 24, May, 1976.

1.3 Intake and Caseload

Each morning when the computerized court docket (of arrests made the day before) arrives at the DA's office, the DA's High Impact Unit legal clerk reviews arrests which have been listed by the Portland or Multnomah County Police as one of the target crimes. The docket reflects data on arrests made the preceeding day and scheduled for arraignment. Under Oregon Law, a defendant must be arraigned within 24 hours. In selected instances, the legal clerk may call the appropriate police department to obtain additional information for establishing if the stated offense on the docket is a target crime that may be appropriate for the Unit. The legal clerk's inquiry to police is relatively simple. Robbery I cases must be Armed Robbery; Burglary I must be in a dwelling and Theft I crimes are limited to "fences." If the case is determined to be a target crime, the police are asked to come to the DA's office (which is located two blocks away) to discuss with the Deputy District Attorney on-duty whether a complaint will be issued. If a case should slip through the early morning review procedure and accidently be sent to the regular sections of the DA's office, it will be referred back to the Unit the same day by the regular office clerk on-duty.

Once a case is referred to the DA's High Impact Unit, it automatically becomes a "case" for statistical purposes, even if it subsequently is not prosecuted or issued. The deputy district attorney on-duty--a rotating assignment--reviews the case with the police and either:

1. "issues" a complaint for a target crime;

2. "declines" to issue the complaint for reasons which must be stated in writing (e.g., no crime, settlement, etc.);

3. "returns for further investigation" to the police with specific instructions for completing the case*; or

4. "issues for trial unit," a procedure whereby the Deputy DA may issue a complaint for a non-target crime to be handled by the regular office.

A fifth alternative route for a small percentage of impact crime cases involves direct presents to the Grand Jury. Since these cases go directly from the investigatory stage to Grand Jury presents, they are technically not considered Unit cases because of the lack of "review" at the intake level.

If a complaint does not "issue," the police are given written explanation

* This procedure may result in the double counting of cases. When the case returns after additional investigation, and a complaint is issued, it is considered as a new case. The unit estimates that roughly 50% of these cases returned for investigation re-appear and are issued, although no data exist to document this estimate.

of the reasons for the action taken. Copies of the decision go to both the DA's Office and the Police Supervisors. The Deputy DA who makes the issuing decision must appear the same day at the 2 p.m. arraignment in the District Court. The same Deputy DA will then handle the case through disposition. Cases are scheduled for a preliminary hearing at the time of arraignment.

Other than the requirement that the crime involved be a target offense, there are no other written criteria for the deputy district attorney on-duty to use in making the initial issuing decision. With experienced attorneys, there is no direct supervision or review of those decisions, absent some retrospective review which might result from a complaint from the police to the Unit Leader. The decisions of newer attorneys are "periodically reviewed." The Unit considers itself demanding about the evidence, and insists on good investigations as the key to quality cases. Since the attorney issuing must subsequently handle the case, each case can be readily traced to the attorney assigned, thereby improving the Unit Leader's ability to supervise all aspects of case handling.

The Unit's supervision of police investigations is, and always has been, limited to guidance on re-investigation and to insisting upon a generally high threshhold of evidence prior to issuing than normally expected.* The level of involvement with police investigations was clearly more intense at the outset of the project and had declined as the police adapted to more rigorous investigation requirements, were "trained" to prepare better case investigations and make better arrests, and a mutual credibility between prosecutors and police developed.

In 1975, the District Attorney issued 9251 complaints; did not issue complaints on 3094 matters; and directly presented 622 cases to the Grand Jury: a total of 13,320 matters. Of these nearly 10,000 complaints, 1955 were for felony crimes, as were almost all of the 622 direct presents. These figures exclude the 257 Impact Project cases. Added together, the number of felony complaints handled by the Multnomah County District Attorney during 1975 was 2834, 9% of which were Unit cases.

Table I breaks down 998 cases which were considered by the DA's High Impact Unit (i.e., reviewed by a deputy district attorney during screening/intake) during the 21 months between December 1973 and October 1975. Roughly half of these were subsequently either referred to another trial unit, returned to the police, or declined based on insufficient case merit. Excepting the 85 cases which were directly presented to the Grand Jury, 411

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* The Unit believes that approximately 10% of its caseload consists of cases "under investigation." Roughly half of these cases become "direct presents" when the police investigation is concluded. In most instances, the Unit role is limited to general legal advice rather than direct supervision of the investigation.

TABLE I

HIGH IMPACT UNIT CASES CONSIDERED

December 1973 - October 1975

	No.	Percentages
Cases Issued for Trial Units	130	13%
Cases Declined	215	22%
Cases Returned for Further Investigation	157	16%
Cases Issued for Impact Unit	411 (See Table II)	41%
Direct Presents	85	9%
TOTAL	998	

TABLE II

UNIT DISPOSITION OF CASES BY CHANGE

	Not true billed	Dismissed	Pled to Charge	Pled Pursuant to Bargain	Guilty	Not Guilty	Not Guilty (Insanity)	
Armed Robbery (Class A, Robbery I)	*-	-	104	1	34	7	3	149 (41%)
Burglary in a Dwelling (Class A, Burglary I)	-	-	132	6	41	1	6	186 (52%)
Receiving Stolen Property (Class C, Theft I)	-	-	18	0	55	1	0	24 (7%)
TOTALS	10	42	254	7	80	9	9	= 411
	(3%)	(10%)	(62%)	(2%)		Trials		
						24%		

* Information on disposition by crime category not available

(40%) of the cases reviewed were "issued" as impact cases. Table II illustrates the crime category and disposition of these cases. As is noted, 62% of all cases were disposed of by a plea to the original charge. If the cases which were dismissed or not true billed by the Grand Jury are subtracted from the total number of cases disposed, the DA's High Impact Unit obtained a plea to the original charge in 71% of the cases. The Unit handles an estimated 234 cases per year. With five full-time attorneys, each attorney assigned to the Unit is handling approximately 47 cases per year, or roughly one per week.

1.4 Case Processing

Once the case issues, no special priority is accorded it by the court system, (e.g., special bail considerations or trial scheduling) nor is it demanded by staff attorneys. The chart on the following page describes each step in the processing of a case through the Circuit Courts. It is important to make note of the fact that in 1970 the Oregon legislature passed a statute (ops 136.290) stipulating that "a defendant cannot be held for more than 60 days if he has not been brought to trial by that time and if he has not approved the delay." Since the statute was enacted, the existing backlog of untried cases has virtually been eliminated and an average time of 57 days between arrest and trial has been reported for the Multnomah County Circuit Courts. The Unit asserts that its capacity to engage in intensive case preparation yet still move cases from arrest to trial and disposition at least as quickly as other matters in the DA's office, is almost exclusively a function of the vertical staffing. This permits rapid movement once a case is prepared because no time is lost in the re-assignment to, and re-preparation by, another attorney.

Cases can be terminated with one of four types of dispositions: diversion, dismissal, guilty or acquittal. The later two dispositions are either obtained by plea, by submission of the transcript of the preliminary hearing (i.e., a Grand Jury finding of a true bill), by court trial, or by jury trial. In most instances the Unit insists on a strict policy of no reduction of the original or primary charge as part of a plea bargain or agreement. Since most of the cases of the unit are Class A felonies (Armed Robbery or Burglary in a dwelling), the target offense is generally the major and most serious charge against the defendant. The Unit policy is to make its case for trial or disposition on the major charge, not on a reduced version of it. The Unit maintains that its dispositional recommendation will not change, regardless of whether there is ultimately a plea or trial. This policy does not mean the project eschews concessions on subsidiary charges arising out of the same transaction, or agreement not to prosecute other pending or outstanding cases against a defendant, or agreements to make certain sentencing recommendations on a plea or make concessions on the original charge in those few cases where a concession will "turn" another major offender (e.g., a "fence"). The Unit does maintain, however, that its policy--however limited it may be as to strictures on bargaining--does not permit "giving away the shop" for illegitimate reasons,

CIRCUIT COURT CASE PROCESS

STEP	ACTION	PERSONNEL INVOLVED	LOCATION	CLERICAL INPUT	FOLLOW-UP & COMMENTS
1	Notification of Crime	Police or Complainant	Police Headquarters, other		Investigation begins to gather evidence supporting the fact that the crime was committed, also by whom.
2	Arrest	Police		Information of Felony or if arrest is made by warrant, an Affidavit in Support of Warrant	If defendant is already in custody an Information of Felony is issued by the prosecutor. At this stage many cases are not charged because the prosecutor determines that a case does not exist.
3	Initial Hearing (within 24 hrs. of arrest)	Defendant, Prosecutor, Judge	Courthouse		At this hearing bail is set, an attorney is appointed for defendant and a time is set for preliminary hearing.
4	Preliminary Hearing (within 5 days of arrest)	Defendant, Defense Counsel, Prosecutor, Judge & Witnesses	Courthouse		This hearing can be waived by the defendant or it can to avoided by the prosecutor if he presents the matter to Grand Jury earlier. Direct Presentment to Grand Jury is sometimes used to ensure that defendant remains in custody or on bail until arraignment.
5	Grand Jury Presentment	Prosecutor, Grand Jury, Witnesses	Courthouse	Subpoena list preparation, subpoenas, and correspondence validating evidence.	The case must be presented in a form which lays out a prima facie case for trial purposes. For the purpose of this unit, Directly after Preliminary Hearing prosecutor takes case and witnesses to Grand Jury Room and indicts case.
6	Indictment	Grand Jury to Judge & Prosecutor	Courthouse	Indictment	If the Grand Jury returns a true bill the case must be pleaded in proper indictment form and signed by Presiding Court Judge. Case may leave control of Impact Unit temporarily for drafting of indictment and presentation to the Judge by District Attorney's pleading expert.
7	Arraignment in Circuit Court	Defendant, Defense Counsel, Prosecutor, Judge	Courthouse	Motions, Demurrers, Psychiatric or Transport Orders, if any, and as required.	The Impact prosecutor will not appear at arraignments unless he plans to fight a challenge of bail status. If he does not appear, the arraignment will be handled by the deputy who handles all arraignments for the District Attorney.
8	Pre-Trial Conference	Defendant, Defense Counsel, Prosecuting Attorney	Impact Office, or if the defendant is in custody, at the police station	If the defendant pleads guilty to the charge or if (as will occur rarely) the case is bargained, the clerical workers will prepare the plea order and/or judgment order.	In all likelihood the pretrial conference will be held only with the supervising attorney present with the DDA handling the case. Plea bargaining will be discouraged so this conference will be a discovery process to allow the defense the right to prepare a defense to our charges
9	Trial	Defendant, Defense Counsel, Prosecutor, Witnesses, (Including police officers), Jury and/or Judge.	Courthouse	Jury Instructions, Judgment, & occasionally commitment papers and motions.	DDA must be present in court on a priority basis and no other duties can be handled while the case is in trial.
10	Sentencing (At least 48 hours after conviction)	Prosecutor, Defendant, Defense Counsel, Judge and sometimes witnesses	Courthouse	Judgment Order, Probation Order, Property Release, Commitments, Correspondence, Pre-sentence Report, Recommendations. (Some but never all of the above)	This hearing can involve an aggravation hearing at which witnesses are heard on the questions of why a harsh sentence should be levied on the defendant. This project will include more of this type of hearing to link our output with the monies that will be spent on corrections. A sentence should reflect the legal system's recommendation for treatment of the defendant.
11	Reactivation of Closed Cases			Order to Show Cause, Bench Warrant, Order for Continuance of Probation or Probation Revocation.	Any additional hearings related to the defendants who pass through the program will also be the responsibility of the project attorneys. If probation is granted to one of the target crime offenders, and he violates it in any fashion, Impact deputies will handle the Show Cause Hearings on whether the probation should be revoked. It is also anticipated that preliminary parole violation hearings in these cases will be handled where it is found appropriate.

e.g., poor preparation, entering pleas by defendants to offenses they did not commit, or lesser offenses when the more serious one is provable, in return for substantial concessions.

The Unit Attorneys and the District Attorney maintain this "no plea bargaining" approach has important benefits to the criminal justice system and the public:

- it provides the symbolic element needed to capture public support and victim and witness confidence in the system, to catch the "bad guys."
- it calls direct attention to a very controversial practice which should be made explicit if it is truly an essential element of a justice system and which is in need of reform;
- it stimulates better case preparation, more contact between the DA, police, and witnesses/victims, and the development of solid, quality cases;
- it clearly shifts the presumption from "bargain" as the initial response to "no bargain," thereby forcing the prosecution and defense to develop some sense of standards regarding the status of the defendant and the obligations of the office of the prosecutor.

The next section explores the Unit's ability to accomplish its objectives and discusses the project in relation to each of the five exemplary project selection criteria.

2.0 EXEMPLARY PROJECT CRITERIA

2.1 Measurability

The Oregon Law Enforcement Council conducted a preliminary evaluation of the District Attorney High Impact Program covering the period from November 1973 to June 1974, which was available for preparation of this validation report. A final evaluation extending this period to September 1975 has been prepared in draft form but was not available for this report. In addition Multnomah County was included in a multijurisdictional study conducted by the Rand Corporation. Most of the information for this report was drawn from 100-case samples drawn from records processed in 1973 (before most project activity) and in 1974. This report was available only in draft form, and findings may be subject to revision. Final publication is expected later this year.* Data for 1975 are drawn from tabulations prepared by the project.

The degree to which the District Attorney High Impact Project meets the criteria for designation as an exemplary project is discussed in this section.

Because the High Impact Program represents a coordinated design of approaches from a number of functional areas in addition to prosecution, it is not always possible to distinguish measures which might reflect the effects of the District Attorney's portion of the project from those of police or court effects. Portions of this section can therefore only be interpreted as descriptive of the entire ensemble of which the no plea bargaining project is but a part.

The project outcome goals described in the original grant application may be summarized in three categories:

I. Increasing the probability of conviction and sentencing on the most serious allegation

   a) Reduce the number of negotiated pleas** to 15% or fewer;

   b) Increase the frequency of guilty pleas to the charge;

   c) Reduce dismissal for lack of evidence;

   d) Increase number of convicts sentenced to prison.

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* Rand Document number 1917-DOJ and R 1918-DOJ: Measuring Performance of Prosecution, Defense and Courts (DRAFT). Hereafter cited as "Rand Study."

** Recall that this refers to negotiation on only the most serious charge.

II. Improve prevention and apprehension

a) Increase apprehension of fences and professional burglars;

b) Produce a deterrent and recidivism effect detectable in overall police statistics.

III. Keep court delay from increasing by more than 10 days over 1973 levels.

The only kind of comparison which seems at all possible, given the application of the program to all target offenses is that between 1973 (the year before the program) and later years. A randomized experiment could have been implemented for the first group of objectives, but was not considered by the project. Had a random sample of defendants been prosecuted in the traditional (negotiated plea) manner, it would have been possible to compare their plea and conviction rates to those obtained for experimental defendants, thereby obtaining a reliable measure of the impact of alternative prosecution strategies uncontaminated by the concomitant system changes which always lend ambiguity to year-to-year comparisons. Since our data are restricted to 1973-74 contrasts, every finding must be tempered by the knowledge that what is being tested is not only the effect of the District Attorney's program but of all the other changes that took place between those two years as well.

For two of the outcomes -- 15% negotiated pleas, and a maximum 10-day increase in court delay -- the goal statement is absolute rather than comparative. Since these two goals refer to system performance characteristics, and are thus unilaterally controllable by the system, they can be viewed as constraints, rather than objectives, so that their evaluation can be reduced to a (subjective) determination of whether the goals are within acceptable limits and an (objective) determination of whether they have been met.

2.2 Goal Achievement

I. Increasing the probability of conviction and sentencing on the most serious charge.

A. Reduce the number of negotiated pleas to 15% or fewer.

Figure 1 shows the flow of cases resolved in 1975.* Fewer than five percent of all guilty pleas came as a result of negotiation on the most serious charge. Other forms of negotiation were not proscribed by the project, and in some cases

* Source: Project statistics.

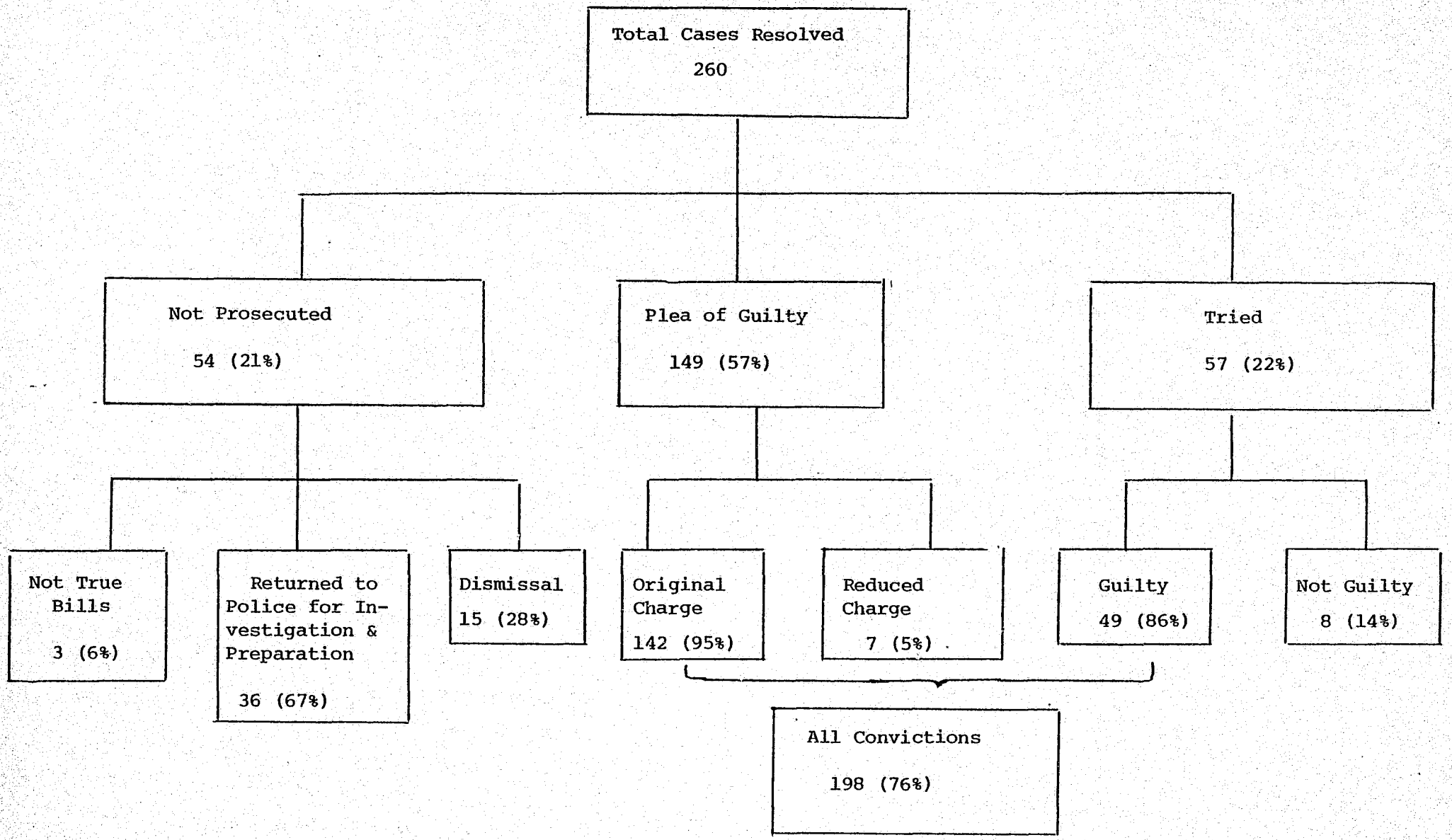

Figure 1

Resolution of Cases Prosecuted in 1975

continued unabated or at an even higher level. Table 1 shows the mean number of first degree charges brought in robbery and burglary (target plus non-target) cases in 1973 and 1974.

Table 1. Number of Charges[+]

	1973	1974
Robbery defendants (number of cases)	(83)	(78)
mean number of first degree charges	1.34	1.05
standard deviation	.83	.36
(total charges per defendant)	1.51	1.13
Burglary defendants (number of cases)	(88)	(82)
mean number of first degree charges	1.11	1.02
standard deviation	.38	.22
(total charges per defendant)	1.32	1.14

[+] Source: Rand study appendix

The decrease in first degree felony charges is significant (at the .05 level) in both crimes, suggesting that the chief effect of the program has been to change the form, rather than the amount of plea bargaining. The Rand report presents tabulations of the numbers of defendants entering various kinds of negotiated pleas (Table 2) and the number of pleas obtained in various negotiation contexts (Table 2a). These tables indicate two general facts about the changed plea negotiation rules:

1. Although bargains on the most serious charge were less frequent in 1974 than in 1973, other forms of negotiation increased somewhat. The net effect was still a lower rate of pleas with any form of negotiation.

2. Changes in comparable directions but with sometimes smaller magnitude were observed in the non-target crime of burglaries not in dwellings, indicating that there were tendencies to seek more straight pleas to the original charge outside the project as well as inside.

Table 2b summarizes the data in Table 2a, except that the base for percentages is all dispositions, rather than all guilty pleas. It shows that the net change is not in the number of bargains reached, but rather in the balance between cases with no plea at all and cases with totally unnegotiated pleas.

Table 2

Percent of Defendants Entering Bargains*

	Robbery		Burglary	
Type of Bargain	1973	1974	1973	1974
Charge Reduced	25%	5%	41%	18%
Count Reduced	8%	3%	11%	2%
Sentence	9%	8%	14%	20%
Drop Other Case	22%	19%	30%	22%

* Source: Rand study appendix.

Table 2a

Percent of Guilty Pleas Entered Pursuant to Negotiation*

Type of Plea	Robbery		Burglary in Dwellings		Burglary not in Dwellings	
	1973	1974	1973	1974	1973	1974
No Plea Bargains of any Kind	5%	43%	11%	30%	5%	27%
Straight Pleas with Other Plea Bargain Types						
• Sentence Agreement	0%	11%	5%	28%	0%	0%
• Drop Other Cases	18%	28%	9%	22%	5%	20%
• Both of the Above	0%	6%	2%	2%	0%	0%
Plea to at Least One Count of Most Serious Charge with Other Charges/Counts Reduced	18%	6%	6%	2%	5%	0%
Plea to Lesser Charges						
• With no Additional Plea Bargain Types	13%	4%	16%	8%	21%	20%
• With Sentence Agreement and/or drop other cases	46%	2%	41%	8%	64%	33%
All guilty pleas (N)	100% (39)	100% (53)	100% (44)	100% (36)	100% (19)	100% (16)
Percent of dispositions with guilty pleas	41%	61%	69%	82%	58%	50%

Table 2b

Percent of Cases with Pleas

	Robbery		Burglary in Dwellings	
	1973	1974	1973	1974
No Bargain	2%	26%	8%	25%
Bargain	39%	34%	61%	57%
No Plea	57%	39%	31%	18%
Total (N)	100% (95)	100% (87)	100% (64)	100% (44)

B. Increase the frequency of guilty pleas to the charge.

Since the prosecutor routinely reduced charges as an inducement to plead guilty in 1973, only a small percentage (8% of burglary, 0% of robbery) were able to plead to their original charge under the earlier system. In that same year 78% of the burglary cases and 75% of robbery cases resulted in pleas to negotiated charges. In 1974 the number pleading to the original charge had risen to 65% for burglary and 53% for robbery.* Table 3 shows the total number of convictions by plea of guilty in the period covered by the preliminary evaluation. Neither singly nor in combination do these data indicate a statistically significant improvement in the fraction of arraignments leading to conviction on a plea of guilty.

C. Reduce dismissal for lack of evidence.

The total number of cases dismissed for any cause during the Impact program has been small (see figure 1 for 1975's rate), with the result that the fraction dismissed for lack of evidence is even smaller. In the first 8 months of program operation 6 burglary and 8 robbery cases, out of 52 and 51 cases, respectively, were dismissed for any reason.** This total dismissal rate does not differ signigicantly from that in non-impact robbery and burglary cases. No comparison of reasons for dismissal seems possible with the data available.

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* Figures based on eight months (November through following June) as reported in Tables 9 and 10 of SPA evaluation.

** Source: OLEC preliminary evaluation.

Table 3

Total Pleas of Guilty*

(first eight months of project (1974) and same months of prior year)

		1973	1974
Robbery	Guilty Plea	12(75%)	29(57%)
	Not Guilty Plea	4	22
	Total Prosecuted	16	51
Burglary in Dwelling	Guilty Plea	34(86%)	34(65%)
	Not Guilty Plea	6	18
	Total Prosecuted	40	52

* Source: OLEC evaluation

D. Increase sentencing to prison.

Table 4 shows the rate of incarceration of those who plead guilty to two impact and one non-impact offense in 1973 and 1974. There is a dramatic and statistically significant (.05 level) increase in the incarceration rate for both target crimes. There is an equally dramatic and significant increase for burglaries of property other than dwellings. Since the impact program did not prosecute cases in the latter category, one must entertain the possibility that coincident changes in sentencing behavior independent of the Impact project had at least as much to do with this change as did any of the project's efforts. The magnitude of the non-impact portion of this change serves as an incidental useful cautionary note in the interpretation of other 1973-74 comparisons. We know the years differed in many important respects. This example reminds us that not all such differences can be ascribed to the project being studied, and that some of the changes can materially affect the outcome measures being reviewed.

Table 4+

Percent Incarcerated

	1973	1974
Robbery I	67%	87%
Dwelling Burglary I	36%	67%
Non-Dwelling Burglary I	15%	53%

+ Source: Rand Study

II. Improve prevention and apprehension.

Data on the offense and arrest rates do not show any evidence that the altered prosecution strategy improved the situation. In Portland FBI reported robbery increased 28.9% from 1486 in 1973 to 1916 in 1974.* Burglary in a dwelling rose from 7692 to 8765 (an increase of 13.5%). The non-impact crime of burglary not in a dwelling rose 5.4%, from 4298 to 4528.

Table 5 shows the arrest rates for all robberies and all burglaries reported in the City of Portland in 1973 and 1974. The change for burglaries, two-thirds of which are in dwellings and hence target crimes, is statistically significant, although small in absolute magnitude. Because of concurrent projects -- particularly the police component of the high impact program -- it is not possible

* Source: Portland Police Bureau

to determine whether this change represents a contribution of the prosecutor's office.

Table 5

Arrest Rates

	1973	1974	chi-square	P
Robbery	17.0%	19.0%	2.29	N.S.
Burglary	7.3%	8.0%	4.39	.036

III. Keep court delay within 10 days of 1973 levels.

Table 6

Median Elapsed Days+

	Robbery I		Dwelling Burglary I	
	1973	1974	1973	1974
Arraignment to guilty plea	37	21	33	31
Arraignment to trial	35	52	30	79
Arraignment to final disposition	71	64	68	68

+ Source: Rand study

Except for cases which were tried, in which delays increased substantially in both offense categories, the median times were not adversely affected, and sometimes improved, from the pre-program year to the first year of program experience. It appears that at least in cases which result in guilty pleas the objective of delay avoidance is met.

2.3 Efficiency

For the fiscal year ending June 30, 1975, total project operating costs were $227,071 of which 90% was Federal and 10% local. In the initial grant application, 84% of funds are for staff (8 professional, 3 clerical and stenographic) plus associated overhead and fringes. The two largest single direct cost items are office space ($25,000 for the two years), and witness and subpoena fees ($20,000 for two years).*

Unit costs for the exactly comparable budget period cannot be calculated from available data, since case statistics are compiled on a calendar year basis. Figure 4 gave 260 as the number of cases completed in 1975, for an average cost per resolution of $873. Fifty-four of these were not prosecuted for various reasons, leaving 206 arraignments (average cost $1100). Because prior years did not provide any method of separating costs of prosecuting target crimes from the cost of lesser offenses, whose resource demands were presumably significantly lower, no direct cost comparisons are either possible or appropriate.

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* Source: Grant Application.

2.4 Replicability

The Multnomah County District Attorney's High Impact Project has been publicized as a "no plea bargaining" project. If successful, the project would be achieving one of the most controversial of the National Advisory Standards: the Abolition of Plea Negotiation.* The arguments concerning the advisability of plea bargaining practices have centered on the one hand on issues related to the rights of the defendant to a day in court, on the merits of the original criminal charge, and on the other hand, on the necessity of expediting the caseflow of an already overburdened criminal justice system. That plea bargaining is a common, albeit ill defined, practice is not arguable.** What is troublesome with plea bargaining is how fundamentally it is linked to other proceedings in the criminal justice system and--despite the potential effects of this powerful tool--how little the practice has been governed by specific guidelines. By-and-large, plea bargaining practices are as variable as the discretion exercised by prosecutors in making charge decisions. Nevertheless, the Supreme Court has openly sanctioned plea bargaining as a potentially desirable part of the prosecutorial function.*** Thus, with the relative benefits of plea bargaining to the overall function of the criminal justice system it is probably not realistic to expect bargaining to stop altogether or for many prosecutors to adopt a "no plea" stance.

The difficulty in assessing Multnomah's "no plea bargaining" position is created by the project's limited definition of plea bargaining, confining it only to instances where defendants plead guilty to lesser or "other" charges. In fact, negotiations do occur between the DA and the defense counsel. It would appear as if the Multnomah High Impact Unit is rather more of a "selective prosecution" effort than it is a structured attempt to eliminate the practice of plea bargaining.

The ultimate authority of the prosecutor to decide whether or not to bring criminal action has been identified as the "power of selective enforcement." Given the unique position and broad discretion of the prosecutor with regard to intake, case movement, and dispositional recommendations, the prosecutor can substantially affect police arrest and charging policies; he can affect who the judiciary sees and under what set of proceedings; he can determine who the defense counsel will represent; and he can determine how the public views the success or relative failure of the justice system to "get criminals." The Multnomah Unit seeks to address the need for reform in the practice of plea bargaining by severely limiting prosecutorial discretion.

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* Courts, The National Advisory Commission on Standards and Goals, 3.1 "Abolition of Plea Negotiation," pp 46-49.

** A selected bibliography, Plea Bargaining, published by the National Institute of Law Enforcement and Criminal Justice, LEAA, contains annotations on a number of documents which explore issues and problems related to the practice of plea negotiation.

*** Sautobello V. New York, 92 Sup. ct. 495, 498 (1971)

However, the exchanges that are made with respect to ancilliary charges, sentence recommendations, turning evidence, etc.. have the effect of making the no plea stance somewhat illusory without bringing attention to the real issue--insuring protection of society from a definite class of career criminals. In this case, the "career criminal" is defined as perpetrators of burglaries, robberies, and "fences"; High Impact Crimes that are particularly subject to recidivism. By limiting the project to these crimes, it becomes clear that the intent is to insure that recidivists in these crimes are so charged to both identify them as such and to increase the likelihood of incarceration if convicted. The intent is not to eliminate plea bargaining in any event, because such a project would not benefit by crime-specific limitations.

In the application of a selective prosecution strategy there is little argument that the crucial stage for predicting success is at the level of intake; success not only for bringing about conviction, but success for insuring that the appropriate target group has been reached. Although the Unit is focusing on a specific target--the so called "High Impact" crimes--the operation is lacking in any written or uniform intake procedures which would permit objective evaluation or assessment by potential replicators. In fact, since each deputy district attorney on-duty not only screens for that day, but also assigns himself the cases, the intake system sustains the subjective bias of the "charge" or "no charge" decision completely through to disposition. Since the case does not come out of the purview of the attorney to whom it is originally assigned, few questions are ever posed with regard to the validity of the initial charge decision. The dangers of selective prosecution with regard to the intake procedure are particularly acute for the first offender who, by virtue of his crime, receives selective treatment unlike his counterparts in other parts of the system who may have committed equally serious offenses.* Within this perspective of the potential dangers of intake, therefore, serious questions may be raised regarding the Unit's lack of uniform guidelines and closer supervision on case screening. Without guidelines, "selective prosecution" becomes a term which may readily be applied to each attorney who makes charge decisions each day he is "on-duty."

The target crimes selected by the project are crime-specific (i.e., they are prosecuted because of the nature of the crimes without regard to the criminal record or special problems of the defendant), are limited to areas of particular concern to the public and the police, and are representative of a traditionally large volume of offenses where recidivism appears to be a problem. Because of the nature of these crimes, plea bargaining could readily be used to dispose of a large number of cases quickly and with

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* For additional discussion of the liabilities of selective prosecution as they relate to the initial intake decision, see the Abt Associates Inc. validation report on the Bronx Major Offenders Bureau, May 1976, p. the chapter of Replication.

limited prosecutorial resources. In Multnomah, the thrust by police on high impact crimes would logically raise the expectation that the district attorney would dispose of a large percentage of cases through pleas. The narrow focus and the concentration of prosecutorial resources on target crimes is unquestionably a legitimate response to the problem. Nonetheless, the lack of uniform guidelines and the disregard for the defendant as a factor to be considered in selective prosecution, may be the equivalent of "shooting a cannon to kill a gnat."* The recent implementation of a number of Career Criminal and Major Offender-type projects highlights a new awareness of the need to consider the criminal history of the defendant as a serious criterion in case selection if the focus is on reduced pleas and longer sentences.

Once in the system, the case selected for special prosecution dictates a relatively quick time to trial. Although Multnomah Unit cases receive no special review from the judiciary, the statutory 60 day limit greatly helps to expedite their cases and move them along quickly through the system.

other court systems, the lack of special review by the judiciary for selected cases, or a system calling for equal speed with respect to arrest-to-trial time lines, would surely neutralize, if not completely negate, the selective prosecution approach. The task of moving cases through the system is also benefited in Multnomah by the fact that for any complaint to issue it must be issued by the DA. This permits care to be exercised over the police with regard to arrest practices and it substantially enhances the ability of the prosecutor to fill the system with "quality cases" which do not require a myriad of continuances and delays in preparation. The requirement that the DA issue a complaint is not a common practice in most states. Other jurisdictions, therefore, may find it difficult to obtain the equivalent amount of control over caseflow.

The quality of the prosecutions achieved through selective case-screening and processing is not only dependent on the structure of the system but also on the operational methods developed by the district attorney to effectively control and monitor caseflow. The advantages of the vertical assignment of cases, concentration on building strong evidentiary cases in cooperation with the police, and the push for quick (and successful) conviction are self evident. However, the operational procedures of the Multnomah Unit are so highly dependent on the individual attorneys--lacking uniform policies and guidelines--that to draw clear conclusions about what criteria apply to the prosecutorial decisions is impossible. Nor are the negotiation techniques for the interactions with defendants and witnesses sufficiently documented to open them for further analysis or to consider transfer to other communities.

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* One of the judges interviewed for this validation report related the case of a 17 year old first offender who stole plates from a church parsonage (Burglary I) who was screened into the Unit because of the nature of his crime, and who subsequently received a great deal of attention in order to obtain probation or get the case dismissed without "reducing the original charge."

In sum, the Multnomah District Attorney High Impact Unit is addressing a problem faced by many DA's Offices--the career criminal. However, it is not addressing the problem by eliminating the practice of plea bargaining, which not only continues in other sections of the DA's Office but which also continues to a degree (by most definitions) in this crime-specific Unit. Moreover, as an approach to the problem of the career criminal, the Unit may be contrasted to other selective prosecution projects which have developed schemes for weighing factors relative to the defendant as well as the crime.

2.5 Accessibility

The Impact Project is fully receptive to review and observation by outside persons. The District Attorney and the Project Director are fully prepared to devote their time to explanation of the project's purposes and impacts. There is, however, a limitation in this regard because of the relative lack of written program and policy guidelines or manuals. The Project Director, in carrying a full caseload in addition to his other responsibilities, would necessarily have to limit his availability if there were a substantial volume of visitor inquiries.

The issue of future funding and the continued existence of the project, is open to question. As of June 30, 1976, the Project's LEAA funds will expire and the DA is seeking local funds for a reduced version of the current effort. Given this reduction, it is unlikely that the Project will be able to generate any more documentation than presently exists. Should the DA obtain LEAA funds for a "major violators" project, the emphasis and procedures of the Unit will certainly change.

3.0 STRENGTHS AND WEAKNESSES

3.1 Strengths

- The Unit represents a laudable attempt to coordinate resources with law enforcement officials concentrating on the prosecution of high impact crimes.

- The Unit's adoption of lateral staffing and swift case processing procedures insures both continuity of case handling and more efficient prosecution.

- The Unit's attempts to limit plea bargaining call attention to the potential liabilities of the practice, enhancing the public credibility of the prosecutor.

- The fraction of all cases resulting in a plea of guilty to the most serious charge was increased.

3.2 Weaknesses

- The Unit's definition of "no plea bargaining" as not negotiating on only the most serious charge is limited and somewhat misleading. In fact, more sentence agreements and agreements to drop other cases and charges were entered under the project than before.

- The Unit's lack of written guidelines and procedures regarding both the intake, processing and negotiation of impact cases may result in inconsistent staff practices and limits the unit's replication potential.

- The pre-post evaluation design does not permit one to separate the actions of the program from concommitant changes in Portland's general prosecution system.

APPENDICES

Appendix A: Exemplary Project Submission

Appendix B: Letters of Recommendation

Appendix C: Preliminary Evaluation Report (No. 1) by the Oregon Law Enforcement Council

Appendix A

Exemplary Project Submission

LEAA FORM 1331/8 (8-72)

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

TO : Mary Ann Beck, NILECJ
Exemplary Projects Advisory Board

DATE: February 25, 1976

THRU : J. Robert Grimes, ORO
Acting Assistant Administrator

FROM : Bernard G. Winckoski /s/
for Regional Administrator
Seattle Regional Office

SUBJECT: Exemplary Project Recommendation, Multnomah County District Attorney's Office, Portland, Oregon
74-DF-10-0107

Enclosed please find the appropriate material in support of exemplary project designation for the above-captioned grant.

This project has been well run and has had an excellent record of accomplishment.

I unhesitatingly recommend it to you as an exemplary project candidate.

Enclosure

LAW ENFORCEMENT COUNCIL
STATE PLANNING AGENCY

2001 FRONT STREET N.E. • SALEM, OREGON • 97310 • Phone (503) 378-4347

BERT W. STRAUB
GOVERNOR

WILLIAM H. YOUNG
Chairman

February 11, 1976

Mr. Bernard G. Winckoski
Regional Administrator
LEAA Seattle Regional Office
Federal Building
Room 3292
915 2nd Avenue
Seattle, WA 98174

Dear Mr. Winckoski:

We have received and enclose herewith a tabbed copy of the Multnomah County District Attorney's Office, Portland, Oregon, Exemplary Project Recommendation of their No Plea-Bargaining Unit project.

We forward our State Planning Agency endorsement herewith as a worthwhile exemplary project for your review and consideration.

If we can be of further assistance in this matter, please call.

Sincerely,

for Robert D. Houser
Administrator

RDH:AJB:ep
Enclosure

EXEMPLARY PROJECT RECOMMENDATION

MULTNOMAH COUNTY DISTRICT ATTORNEY'S OFFICE
PORTLAND, OREGON

"The question of guilt or innocence is not contested in the overwhelming majority of criminal cases. A recent estimate is that guilty pleas account for 90 percent of all convictions . . . A substantial percentage of guilty pleas are the product of negotiations between the prosecutor and defense counsel or the accused . . ."

President's Commission on
Law Enforcement and
Administration of Justice

"The whole [criminal justice] system - from criminal code to prison release - must be reformed from a single perspective: to speed, regularize and rationalize the process of law enforcement.

TIME, June 30, 1975

I. PROJECT DESCRIPTION

1. Name of the Program:

MULTNOMAH COUNTY DISTRICT ATTORNEY HIGH IMPACT PROGRAM

2. Type of Program

Prosecutor's No-Plea Bargaining Unit

3. Area or Community Served:

Multnomah County, Oregon

Approximate Population:

556,667

4. Administering Agency:

Multnomah County, Oregon
Multnomah County Courthouse
Portland, Oregon 97204

Project Director:

Harl Haas, District Attorney
Room 600, Multnomah County Courthouse
Portland, Oregon 97204
Phone: 248-3143

Operations Director:

Joel Grayson
Unit Leader
World Trade Building
Portland, Oregon
Phone: 248-5033

5. Funding Agency and Grant Number:

Grant No. 74-DF-10-0107

Mr. Bernard G. Winckowski
Regional Administrator
LEAA, Region X
Room 3292, Federal Building
915 - Second Avenue
Seattle, Washington 98174
Phone: (206)442-1170

6. Project Duration:

24 Months - October 1, 1973 to September 30, 1975

(Did not begin receiving cases until December, 1973)

7. Project Operating Costs:

	10/01/73-06/30/74	07/01/74-06/30/75	07/01/75-09/30/75	TOTAL
Federal:	$128,254	$204,361	$ 61,902	$394,517
State:	-	-	-	-
Local:	14,249	22,710	6,877	43,836
Private:	-	-	-	-
TOTALS:	$142,503	$227,071	$ 68,779	$438,353

(a) Start-up; one-time expenditures:

Equipment $ 14,757

(b) Annual Operating Costs $227,071

8. Evaluation Costs:

The State Planning Agency has conducted a preliminary evaluation of the project and will conduct a final study prior to the end of 1975-76. The cost of the preliminary effort was $7,500. It is estimated that the final report will cost $12,000.

9. Continuation:

The project ended its formal grant period on September 30, 1975. The Oregon Law Enforcement Council has awarded $70,000 in 1974 reallocation monies to the District Attorney's Office, which, coupled with a county appropriation of approximately $70,000, will assure the continuance of the project, as originally conceived and implemented until June 30, 1976. After that date the appropriation status of the project is uncertain.

II. ATTACHMENTS

ATTACHMENT A - PROGRAM REVIEW MEMORANDUM

1. PROJECT SUMMARY:

In October, 1973, the Multnomah County District Attorney's Office was awarded project funds under the City of Portland's High Impact program. The project was designed to accomplish the following:

(a) Improve the quality of cases coming to trial by providing a team of attorneys who would remain with an assigned case from initial screening to disposition.

(b) Provide swift and appropriate prosecution of target crime cases.

(c) Reduce the incidence of negotiated pleas in cases involving specific impact crimes.

The creation of a prosecuting unit which would adhere to a no-plea bargaining policy coupled with a vertical case-processing routine was felt to be the prosecutor's best approach to the problem of a dramatically climbing rate of stranger-to-stranger crime. Portland's designation as one of LEAA's "Impact Cities" underscored the problem the community and its criminal justice system faced.

The District Attorney's proposal conceived six project objectives which were considered the best index for evaluating the project's achievements:

1. Maintain an "original charge" conviction rate of 85%.
2. Maintain an "original charge" conviction rate 50% higher than the rate for the control group of prosecutions of similar offenses.

3. Maintain a rate of negotiated pleas of less than 5%.
4. Increase by 50% the rate of guilty pleas to the "original charge" over 1972 figures for selected target offenses.
5. Maintain a rate of cases dismissed for insufficient evidence 50% lower than for the control group.
6. Maintain an arrest-to-trial period equal to the control group.

Project Method

Each weekday morning an arrest docket arrives notify the unit's attorney of new cases. Shortly thereafter, representatives of the local police agencies arrive with all information known about the respective arrests to the unit office for review. If all necessary preliminary investigation has been completed, the staff attorney issues a formal complaint called an Information of Felony. Later in the afternoon, the defendant is arraigned on this Information of Felony, counsel is obtained and a date set for a preliminary hearing within five days of the defendant's arrest. At this point the subpoena clerk sends out notices to necessary witnesses to appear in advance shortly before the preliminary hearing. Concurrently, police investigation and case preparation continue at a rapid pace.

At the time of the preliminary hearing, the unit attorney presents evidence that a crime was committed and that there was probable cause to believe that the defendant committed the crime. Upon being satisfied of the above, the District Court judge then binds the case over to the Grand Jury or, at the unit attorney's discretion, allows the case to proceed directly to Circuit Court. During the maximum permissible

period of thirty days, the unit attorney has the opportunity to present witnesses to the Grand Jury including anticipated defense witnesses. Upon the return of an indictment, or if the case was sent directly to Circuit Court bypassing the Grand Jury, the defendant is arraigned on the now formal charge in Circuit Court. A date is set for a pre-trial conference and trial. The court seeks to set trial within sixty days of the defendant's initial arrest. At the pre-trial conference, the staff attorney, defense attorney and defendant exchange information for purposes of trial which includes disclosure of all the names and addresses of witnesses intended to be called by either side. During this stage, many defendants elect to plead guilty to the charge. Those convicted by plea or trial are sentenced approximately thirty days thereafter.

Between the time of conviction and sentencing, a federally-funded diagnostic center psychologically evaluates the defendant and completes a thorough investigation and background account for the court. At sentencing the staff attorney informs the court of any relevant facts in the case and makes recommendations on sentence and asks for restitutio for the crime victim. If the defendant receives probation and is later alleged to have violated the conditions of probation, the unit attorney will be present at the revocation hearing participating as an advocate. Finally, the unit communicates to the parole board on all defendants sentenced to the state penitentiary or correctional institutio

In summary, the staff attorney has an excellent opportunity in the program to understand, properly prepare, and prosecute defendants

for serious and violent crimes committed. With complete control over evidence gathering and witness preparation, the project has functioned as a successful and viable member of the criminal justice system.

2. CRITERIA ACHIEVEMENT

(a) Goal Achievement

Three operating project goals were addressed when the concept was originally developed: the quality of cases prosecuted, delay between arrest and trial, and plea bargaining. All were considered to be of such significance that any proposal submitted by the District Attorney for the Impact program would have to incorporate them.

Quality of Casework: Many individuals who are charged with a crime are not convicted because the evidence necessary for the conviction is not available. This causes the prosecutors and the courts to spend valuable time and money to partially process a case that will be dismissed either before or at trial for insufficient or improper evidence. A close relationship is necessary between the investigators and the prosecutors to enable cases to withstand the test of trial. The problem has generally been an economic one - lack of resources results in cases that neither the detective nor the prosecuting attorney have seen until the last minute.

In most instances, large urban prosecutor offices process criminal cases much in the manner Henry Ford built his cars - by assembly line. Different attorneys, specializing in one stage of criminal procedure, handle the same case. Files are passed from one deputy to another as the case makes its way to disposition. This specialization and division

of labor is necessary to meet the increase of criminal defendants. Scarce resources are seemingly spared.

However, the fault of this procedure comes in this Tinkers-to-Ever-to-Chance approach: no one will have the opportunity to take an adequate look at the unique characteristics of the defendant, the crime, and the needs of the victim. Further, communications between attorneys suffer, causing an uneven treatment of cases.

Trial Delay: ORS 136.290 requires that a defendant cannot be held more than 60 days if he has not been brought to trial by that time and if he has not approved the delay. In Multnomah County, arrest-to-trial times have met this statutory obligation. The Impact project, because of its vertical case handling procedure and no-bargaining position, could conceivably take more time. This apprehension was felt to be best met by incorporating an arrest-to-trial time as a program goal. By alerting the project's staff of this potential problem and identifying it as a program goal, the staff would be cognizant of the time they took to process cases.

Plea Bargaining: The project's first task was to determine an operating definition for what constituted "no plea bargaining." Conceptually any compromise between prosecutor and defendant is construed as a bargain each party affording the other an advantage of some kind. The prosecutor will get a conviction and save expensive legal time and the defendant reduces both his risk and legal bill. A problem arises when the concept is placed in the context of a program designed to eliminate it. The nature of some of the advantages is not easily recognized or very

visible as the bargaining process is a function of individual motivations, values, and goals. Neither side can ever really quite know what the other's advantage was, making it difficult to determine precisely what the bargain was.

The problem Impact confronted was, then, how to interpret "no-plea negotiations" in a manner that was uniform, consistent, amenable to evaluation, and comprehensive enough to envelope most of what is generally considered to be plea bargaining. After much discussion, all the participants agreed that the most useful definition, and the one most usually criticized, would be those bargains which reduce the criminal charge in return for a plea of guilty.

There were several reasons for this. First, the Court's Task Force to the 1967 President's Commission on Law Enforcement and Administration of Justice had stated, "The plea agreement follows several patterns. In its best known form it is an arrangement between the prosecutor and the defendant or his lawyer whereby the accused pleads guilty to a charge less serious than could be proven at trial." "Less serious" normally means a charge which statutorily carries a lower maximum penalty.

Secondly, the practice of reducing the criminal charge manifests more real and potential abuses of the plea bargaining process than any other form. Some of these are:

(a) An innocent defendant may be more inclined to accept a conviction of a lesser offense than asserting the right of trial and risking possible conviction of the original charge and the accompanying publicity.

(b) The chronic offender can take full advantage of a charge reduction bargain to realize excessively lenient treatment.

(c) The defendant is not convicted on the basis of the evidence but on such factors as time, money and personnel available.

Finally, the important evaluation criteria necessitated a quantifiable measure by which the absence of plea negotiation could be validated. Cases which were issued and subsequently reduced would be readily apparent in the progress reports. Percentages could be obtained and comparisons made which would be otherwise impossible or so complex as to make them undecipherable.

As part of the operating term "plea bargaining," the project was allowed to dismiss ancilliary charges. Prosecuting an individual on every count was not deemed essential to either the interest of the community or justice as long as the central criminal charge (Burglary I, Robbery I, Theft I) remained intact. A chronic offender's conviction of the central charge was viewed as a significant achievement; to pursue convictions for additional criminal charges - where the sentences would most probably be served concurrently - did not seem to be a rational distribution of the project's resources. However, there were exceptions, particularly in cases of additional serious and violent offenses.

To assist in the definition and achievement of the above goals, certain objectives were selected as criteria for the evaluation of the unit.

Caseload Quality

1. Maintain an "original charge" conviction rate of 85%.

For the first six months of operation, the unit noted that 65% of all burglary cases prosecuted pled guilty to the original charge. This was a substantial increase over the 27% noted in comparison burglary cases prosecuted in the central District Attorney's Office. Further, 77% of the burglary cases prosecuted by the unit resulted in guilty pleas to the original charge or went to trial and were found guilty, contrasted to 34% original charge convictions of the comparison burglary cases prosecuted. In the robbery category, 53% of the case population prosecuted pled guilty to the original charge. Overall, 65% pled guilty to the charge or were found guilty at trial. 50% of the Theft in the First Degree cases pled to the charge and an additional 20% were found guilty at trial. Summarizing the three categories, it is noted that 58% of the cases prosecuted by the unit have pled guilty to the original charge. This displaced a significant contrast with the 24% pleading to the original charge of the comparison offenses handled by the central District Attorney's Office.

71% of the Impact cases were convicted to the original charge either at a trial or by plea. This compares favorably with 31% convicted in such a manner by the main office with plea bargaining accounting for the remaining 47% of its total conviction record.

2. Maintain an original charge conviction rate 50% higher than the rate of comparison group prosecutions.

The combined total of burglary and robbery cases handled during the first six months of operation as compared to offenses of Burglary Not in a Dwelling, Burglary in the Second Degree, and Robbery in the

Second Degree cases handled by the main office shows a substantially greater proportion of cases handled by the Impact unit were pled guilty to the charge. 59% pled to the original charge as compared to 24% of comparison cases.

3. To increase by 50% the rate of guilty pleas to the original charge over 1972 figures for the selected target offenses.

65% of the burglary cases handled by the unit resulted in guilty pleas to the original charge as compared to 7% garnered in years 1972 and 1973. 53% of the robbery cases handled by the unit pled guilty to the original charge during the six-month period as compared to only 10% prosecuted in 1972 and 1973 by the main office. A nonsignificant difference in the proportion of cases pleading to the original charge of Theft in the First Degree as handled by the unit compared to the cases prosecuted by the main office was noted.

4. To maintain a rate of cases dismissed due to insufficient evidence 50% lower than for the comparison offenses.

12% of burglary cases handled by the unit resulted in dismissal contrasted to 15% of the comparison cases. In the robbery category, a significant difference was noted as only 16% of Robbery in the First Degree cases were dismissed as compared to 50% of the Robbery in the Second Degree cases handled by the main office. Therefore, in this category, the objective was obtained.

Arrest-to-Trial Delay

1. Maintain an arrest-to-trial period equal to the comparison offense cases.

Virtually no difference existed in the median number of days from arrest to trial between comparison and unit cases; 51 days in the Impact office compared to 50 days for the central office.

In summary, there was a noticeable improvement of case quality as substantiated by the preliminary evaluation statistics. Effective and appropriate prosecution of target crimes was provided by the unit without significant decreases in the amount of time needed for processing an Impact case. The unit was most successful in reducing negotiated pleas in all categories of target crimes.

No-Plea Bargain

1. To maintain a rate of negotiated pleas of less than 5%.

Only 3% of the cases prosecuted by the unit were pled pursuant to bargain during the first eight project months. This favorable rate was below the stated objective of 5%. By comparison, 47% of the cases of Burglary Not in a Dwelling, Burglary in the Second Degree and Robbery in the Second Degree, prosecuted by the central District Attorney's Office, were pled pursuant to bargain.

(b) Replicability

(1) The issue of no plea bargaining has split criminal justice observers since its "discovery" in the early twenties as the dominant method used by prosecutors to secure a conviction of guilty. It is an issue which has divided two national commissions - The President's Commission on Law Enforcement and Administration of Justice and the National Advisory Commission on Criminal Justice Standards and Goals - which were charged to put forth recommendations for reform. TIME

magazine recently noted plea bargaining as one of the major problems proposals for reform had to confront.

That it is a problem which is not indigenous to any one jurisdiction is obvious. It functions in prosecutor's offices throughout the country without regard to local custom, tradition, or law. It is, in some respects, a necessary evil with which prosecutors, financially ill-equipped to devote the necessary time and energy to all their serious cases, lean on as a method of expediting their caseload with a minimum amount of resources.

The Multnomah County District Attorney's Office is no different. The creation of the Impact project was primarily due to the recently-elected District Attorney's desire to minimize such practices, if possible, and judge the validity of the "clog-the-courts" argument. Strictly experiential at first, the unit's achievements have made it possible to replicate the policy in other areas of the office.

(2) Due to the demonstrative nature of the project, and the required evaluation studies that would detail the project's progress, Impact has routinely documented almost every facet of its operation. Case summaries have been keypunched by the State Planning Agency (OLEC), the agency responsible for evaluation, and preliminary results tabulated. On-site records further detail the project's continued progress for additional validity analysis.

(3) The key to the program's success principally revolves around the commitment in the District Attorney's Office and the close cooperation exhibited by the courts and the police. The office's reliance on

the courts to avoid possible scheduling conflicts was personally negotiated by the District Attorney. The law enforcement agencies of the county, never fans of plea negotiations, were enthusiastic about the concept although apprehensive toward the unit's dependance upon investigatory support. Considerable inter-agency discussion and numerous training sessions helped to explain the project's goals and provided a sympathetic understanding of the mutual problems which had to be surmounted.

The vertical case-handling method is seen as a distinct operational technique central to the prosecutor's ability to maintain both quality and accountability. Without in-depth knowledge by the deputy, case weaknesses go undetected and susceptability to plea offers increase. Managerial control, exercised by the District Attorney, is easier as deputies are accountable for the entire processing of an assigned case.

(4) The environment in which Impact operates is not radically different from areas of comparable size. Impact's concept is one which needs a commitment on the part of all elements of the criminal justice system to minimize the practice of plea bargaining.

(c) Measurability

The project formally ended its two-year period September 30, 1975, although it is assured of funding (block funds and local funds) until June 31, 1976. One preliminary evaluation by the Oregon Law Enforcement Council has been conducted (attached). A final two-year validity study is presently being conducted and is expected in February, 1976.

Evaluation	Evaluator	Duration	Documents
Preliminary	OLEC	11/73-6/74	Attached
Final	OLEC	11/73-9/75	Due 2/76

(d) Efficiency

(1) Although no formal cost/benefit analysis has been calculated, OLEC's preliminary evaluation indicates a strong performance vis-a-vis the project's stated objectives. Beyond those immediate objectives outlined for the project, its demonstration to the local criminal justice community of the ability to initiate a no-plea bargaining policy without the expected adverse consequences is considered its most important by-product. Any benefits that would be calculated would have to take this into account.

Additionally, the limiting of discretion after the original change has rationalized a process generally believed to be systemically irrational. We have not found that to be the case. Reform of plea bargaining practices, without an increase in arrest-to-trial time, can be implemented within the criminal justice system without a complete overhaul of the system. Rational and equitable treatment of offenders can be instituted without enormous expenditures of time and energy.

(2) It was generally felt that the project designed to abolish plea bargaining would have to be conducted within the context of a specialized trial team using vertical case processing techniques. Thus, the demonstrative aspects of the project necessitated a distinct unit apart from the main office, which could be visible both in structure and results. Other organizational structures were not seriously considered in view of this fact.

(e) Accessibility

(1) The Multnomah County District Attorney's Office welcomes additional validity analysis, publicity, and visitation on the Impact project.

The project has been a product we endeavor and offers valuable insights into the effectiveness of various no-plea bargaining programs.

(2) As mentioned earlier, the project ended its Impact funding September 30, 1975, but will continue at full strength until June 31, 1976, with State block funds. It is uncertain after that date what the County will be able to contribute, although the District Attorney is committed to the continuance of the project.

3. OUTSTANDING FEATURES:

(a) The use of a no-plea bargaining policy directed at armed robbers and home burglars.

(b) The use of vertical cases processing methods without an increase in trial delay.

(c) The appropriate treatment of "experienced" criminal offenders by not giving them the opportunity to plead guilty to a lesser charge, thus receiving a lighter sentence.

(d) Greater Police-District Attorney cooperation in the investigation and prosecution of serious offenses.

(e) Abolishes an assembly-line approach to the prosecution of criminal matters.

4. WEAKNESSES:

The following program element is considered to be the most critical and potentially the most troublesome in the implementation of a no-plea bargaining unit.

Police Cooperation: Impact's goal of effective and quality-conscious prosecution recognizes the crucial role police agencies have to play if the project is to succeed. Cases that would be prosecuted on the original charge have to be of such initial quality that prosecutors would not be forced to reduce the charge at a later stage because of absent or erroneous evidence. Good investigating support by the police is essential and any hesitation on the part of the agencies in providing that support will inhibit the project's success.

To alleviate the problem, Impact conducted meetings with the County's law enforcement agencies to explain the purposes of the project and its plan of operation. Through those initial discussions, the police recognized their vital role in the project and concurred with Impact's perception of its investigatory requirements.

It should be emphasized that this is not a problem which can be reduced with just an initial agreement or understanding. Police/Impact cooperation and coordination is a day-to-day maintenance effort; staff and police officer turnover, police reorganization, and changing interpretation of the law demand continual communication between agencies. The working relationships, based upon adequate information and updated training sessions with investigating officers and the project staff, is critical in realizing quality prosecution.

5. DEGREE OF SUPPORT:

The project was given wide circulation in the January, 1975, issue of Readers Digest which characterized it as "the most ambitious

effort to limit plea bargaining" in the country. Through this and other media publicity requests from across the country for additional information have been received. The May 12, 1975, issue of the Criminal Justice Newsletter reiterated the SPA evaluation findings which spurred further inquiries.

Locally, the project has been given high marks by members of the criminal justice community (letters enclosed). Cooperation by police and the courts has undoubtedly enhanced the project's ability to perform and their interest in the project's continuance enabled an increase in local funding commitment.

TABLE I

CASES CONSIDERED BY IMPACT
DECEMBER 1973 - OCTOBER 10, 1975

1.	Cases issued for trial units	130
2.	Cases declined	215
3.	Cases returned for further investigation	157
4.	Cases issued for Impact	400
5.	Direct presents	85
	Total cases considered	987

TABLE II

CASE DISPOSITION - IMPACT
DECEMBER 1973 - OCTOBER 10, 1975

1.	Not true bill		10	(3%)
2.	Pled to charge		254	(62%)
3.	Pled to lesser		7	(2%)
4.	Dismissed		42	(10%)
5.	Tried		98	(23%)
	a. Guilty	80 (82%)		
	b. Not Guilty	9 (9%)		
	c. NGI	9 (9%)		
	Total cases disposed		411	(100%)

TABLE III

IMPACT DISPOSITIONS BY CHARGE

	Robbery I	Burglary I	Theft I
Cases Tried	44	48	6
a. Guilty	34	41	5
b. NGI	3	6	0
c. Not Guilty	7	1	1
Pled to charge	104	132	18 (254)
Pled pursuant to bargain	1	6	0
Total:			
Found guilty or pled to charge	138	173	23

TABLE IV

TOTAL DISPOSITION

	Total	
Cases tried	98	
a. Guilty	80	(19%)
b. NGI	9	(2%)
c. Not Guilty	9	(2%)
Pled to charge	254	(62%)
Pled pursuant to bargain	7	(2%)
Subtotal:		
Found guilty or pled to charge	334	(81%)
Cases disposed	411	(100%)

DA's NO-PLEA BARGAINING UNIT

FINAL BUDGET

CATEGORY/ITEMS	QTY	1ST YEAR	2ND YEAR	TOTAL
A. Personnel:				
Unit Leader	1	$ 19,380	$ 20,646	$ 40,026
DDA II	2	32,904	35,207	68,111
DDA I	3	46,476	49,729	96,205
Legal Assistant	2	15.124	16,635	31,759
Legal Steno	1	8,520	9,368	17,888
Legal Steno	1	8,028	8,822	16,850
Legal Clerk	1	7,296	8,035	15,331
Sub-Totals:		$137,728	$148,442	$286,170
B. Fringe Benefits: (Included as part of indirect costs - normally calculated at 22% of base wages)				
C. Equipment:				
Tape Recorder	2	$ 240	Ø	$ 240
Electric Typewriter	3	990	Ø	990
Desks, Exec.	6	1,542	Ø	1,542
Desks, Sec.	2	230	Ø	230
Desks, Typists	3	413	Ø	413
Chairs, Typists	5	200	Ø	200
Chairs, Exec.	6	1,212	Ø	1,212
Cabinets, Filing	3	233	Ø	233
Bookcase	6	399	Ø	399
Chairs, Side	30	3,000	Ø	3,000
Tables, Back	6	1,872	Ø	1,872
Tables, Conf.	2	316	Ø	316
Rack, Coat	1	75	Ø	75
Coat Trees	3	75	Ø	75
IBM Dictation Equipment	-	3,960	Ø	3,960
Sub-Totals:		$ 14,757	Ø	$ 14,757
D. Other:				
Office Space Rental ($5/sq. ft. x 2,215 sq. ft.)		$ 14,400	$ 11,076	$ 25,476
Equip. Maint.		280	280	560
Printing		1,200	1,200	2,400
Business Cards		144	Ø	144
Legal Forms		1,000	1,000	2,000
Publications		2,200	650	2,850
Telephone		70	60	130
Witness Fees		10,000	10,000	20,000
Training		940	940	1,880
Sub-Totals:		$ 30,234	$ 25,206	$ 55,440
E. Indirect Costs:		------	------	$ 81,986
TOTALS		$182,719	$173,648	$438,353

THE OREGONIAN, FRIDAY, APRIL 11, 1975

County plea bargaining cut to 3% by Impact

Plea bargaining in home burglary, armed robbery and fencing cases was cut to 3 per cent last year under the federally funded Impact prosecution project for Multnomah County, according to a statewide group's evaluation.

The 3 per cent rate compares with a 76 per cent plea bargaining rate for the same crimes in 1973 and a 70 per cent rate for 1972.

The results contained in the evaluation by the Oregon Law Enforcement Council (OLEC) were achieved by a six-lawyer unit within the Multnomah County district attorney's Office during tha first six months of 1974. The project is continuing but is scheduled to end in November.

Dist. Atty. Harl Haas said he thinks the evaluation shows that "better than ever" prosecution results are possible with adequate funding. The project, the only one of its kind in the nation, is funded by a two-year, $437,313 grant from the federal Law Enforcement Assistance Administration.

Haas said he believes LEAA will give the project "every consideration for continued funding from some source."

The Impact prosecution project is an experimental attempt at achieving swift, efficient justice by drastically reducing plea bargaining in "target crime" cases. Plea bargaining, generally, is the practice of reducing a charge in exchange for a plea of guilty to the less serious charge.

A major objective of the project is to accept "negotiated pleas" to reduced charges in less than 5 per cent of the target cases.

The evaluation by OLEC, which administers OLEC funds in Oregon, says the Impact unit drastically reduced plea bargaining while nearly doubling the number of target crimes prosecuted (113 in 1974 compared with 58 for same 1973 period).

The evaluators noted that the number of cases plea bargained in the central DA's office decreased to 47 per cent (for selected comparison cases), compared with 81 per cent in 1973 and 73 per cent in 1972. They said this decline probably was attributable to "over-all policy directives."

The report notes that while 71 per cent of the cases prosecuted by the Impact unit ended either in conviction or pleas to the original charge, this figure falls short of the project goal of maintaining an "original charge" conviction rate of at least 85 per cent. Still, the report says, the figure is a "remarkable improvement" over previous years.

Eighty of 113 (71 per cent) Impact cases reportedly resulted in conviction by trial or a guilty plea to the original charge. There were 66 guilty pleas, representing 58 per cent of the total.

The report concluded there was no significant difference in the elapsed time between arrest and trial for Impact defendants as compared with other defendants.

The DA's Impact project is one of nearly 20 funded under Portland's $20 million High Impact Anti-Crime Program aimed at reducing burglaries and street crimes.

The National Conference on Criminal Justice, about three years ago, recommended that plea bargaining be phased out, contending that disposition of a case should depend on the evidence and on rehabilitative and deterrent needs, not convenience.

The OLEC evaluation notes that 80.6 per cent of the burglary convictions and 90.2 per cent of the robbery convictions in Portland in 1971 were the result of pleas to reduced charges.

1/75 Readers Digest

Getting a defendant to plead guilty by reducing the charge is a system in use all across the United States. Its consequences can be alarming

Plea Bargaining— A Grave Threat to Justice

By Irwin Ross

Early last year, a 19-year-old heroin addict in Portland, Ore., who had stolen $1000 from a business firm, pleaded guilty to one charge of second-degree burglary as part of a deal with the district attorney's office whereby two other charges were dropped. It was a typical plea bargain—an agreement to enter a guilty plea in return for some kind of consideration to the defendant—which saves the government the time and expense of a trial. The judge sentenced the youth to five years' probation, on condition that he make restitution and enroll in a drug rehabilitation program.

Within a matter of weeks, the young addict held up a state liquor store, and during his escape shot a policeman in the neck. The court gave him 40 years. This time there was no plea bargaining, for the case was handled by a new program in the D.A.'s office which attempts to hold plea bargaining to an irreducible minimum.

District attorney Harl Haas of Multnomah County, Oregon (the city of Portland and its environs), along with a number of his colleagues around the country, had become increasingly alarmed at the dangers in plea bargaining—not the least of which is putting a culprit back on the street when he should be behind bars. In 1973, the pres-

tigious National Advisory Commission on Criminal Justice Standards and Goals even proposed that plea bargaining be eliminated by 1978. Few prosecutors or defense counsels would go that far, but many agree that the present system often subverts justice and needs to be drastically reformed.

Crushing Case Load. Plea bargaining can take one of several forms: the reduction of charges (as from a felony to a misdemeanor), the dropping of charges, or agreement on a sentence recommendation to the judge. Though no one knows its full extent, its magnitude can be glimpsed in the volume of guilty pleas in every big city. According to a report of the National Advisory Commission, "In many courts, more than 90 percent of criminal convictions are based on the defendant's own plea of guilty." All authorities agree that a large proportion of the guilty pleas (though by no means all of them) result from bargains struck between defense counsel and prosecutor.

Why plea bargain? The primary motivation is the push by both prosecutors and judges to dispose of cases. With the relentless upsurge of crime in the last two decades, city courts and prosecutors' offices have been burdened with an ever-mounting case load. The simple fact is that cases somehow have to be cleared. And because the judicial system would grind to a halt if the bulk of

defendants were to insist on their constitutional right to a trial, the quickest and easiest way to clear those cases is by obtaining a guilty plea.

Bad Bargains? But, in their rush to dispose of cases, prosecutors can end up "giving away the courthouse." One example: the assistant district attorney in New York who reduced an armed-robbery charge to a misdemeanor, despite the fact that the defendant had held a knife to the victim. Somehow, the assistant district attorney had been persuaded by the defense counsel's argument that the case was a trifling one because the sum stolen was less than $100. "I boiled when I heard of it," said then district attorney Richard H. Kuh. Fortunately, the defendant had two more armed-robbery charges pending against him, which Kuh made sure were not bargained away.

The same pressure influences judges, who are often more lenient with defendants who plead guilty than with those convicted after trial. Legal purists find this discrimination intolerable, for no one should be penalized for exercising his constitutional right to a trial. Yet the practice occurs in many courts, and the consequence is that an innocent defendant can be victimized. The report of the National Advisory Commission observed, "An innocent defendant might be persuaded that the harsher sentence he must

face if he is unable to prove his innocence at trial means it is to his best interests to plead guilty, despite his innocence."

Another problem with plea bargaining is that in the crush of a big-city criminal-justice system, a defendant is likely to see a lawyer from the public defender's or legal-aid office for only a few minutes before appearing in court. With such brief contact, the lawyer may have little notion of whether the client is guilty or not, and is quite likely to present the plea bargain as the most desirable alternative. A survey in 1972 of 3400 criminal-justice practitioners in four states showed that 38 percent thought it probable that defense lawyers pressure clients into entering pleas which the clients regard as unsatisfactory.

Plea bargaining also encourages widespread cynicism toward the entire criminal-justice system, among defendants, the public and crime victims. Moreover, the plea-bargaining system encourages prosecutors to "over-charge"—leveling more serious charges than the crimes warrant—in order to enhance their bargaining power. The system also works very unevenly, depending on the predilections of prosecutors and the sophistication and bargaining skill of defense counsel. This results in some defendants getting off more lightly than others guilty of the same crimes.

On the Other Hand. If this were the whole story, it would be easy to advocate abolishing plea bargaining completely and enlarging expenditures for courts, judges and prosecutors to handle the expected increase in trials. But it is one of the complexities of the subject that there are reasons for plea bargaining that have substantial justification.

There is, for example, the use of the plea bargain to get information. Thus, in the Watergate cover-up

cases, John Dean, who had cooperated extensively with the special prosecutor, was allowed to plead guilty to a single count of obstructing justice and defrauding the United States—the other possible charges against him not being pressed. The consequence: he received a one-to-four-year prison term, less than he might otherwise have got. Similarly, a prosecutor may go easy on a burglar in order to nab the "fence," against whom a case is always harder to make.

The plea bargain can also be justified when a case deteriorates. For example, a young man stood trial in late summer 1974 in New York City for intentional murder, robbery and felony murder (murder that occurs in the course of a felony). The victim had been robbed and stabbed to death. Though two witnesses testified that the defendant had the stabbing knife in his possession at the time of the crime, a jury acquitted him of intentional murder, and on the second day of deliberations was deadlocked on the other charges.

Deciding not to go to another trial, the prosecution then worked out an agreement for the defendant to plead guilty to robbery, and the felony murder charge was dropped. In the end, the defendant received a sentence of up to 25 years, and would not be eligible for parole until after serving eight years and four months.

Ambitious Reform. While the outright abolition of plea bargaining is not the answer, the practice should be drastically reduced and hedged

with safeguards. Various reform efforts *are* under way. The district attorney's office in Brooklyn, N.Y., for instance, started a Major Offensive Bureau (MOB) in 1972 to prosecute aggravated crimes—burglary, robbery, rape, assault, attempted murder—in an expeditious manner and with a tough policy on plea bargaining.

Such a crackdown unquestionably results in more trials. But scattered experience around the country shows that the problem is not unmanageable. When a tough policy on plea bargaining was initiated by Cook County, Illinois, state's attorney Bernard Carey late in 1972, court trials increased from 1000 in all of 1973 to 700 in the first six months of 1974—but the additional load was readily accommodated by five new criminal courtrooms and later by the part-time use of 20 civil courtrooms. And the number of felony convictions zoomed from 5011 in 1973 to 3718 in the first half of 1974 (an annual rate of 7400).

By far the most ambitious effort to limit plea bargaining is going on in Oregon's Multnomah County, where, late in 1973, district attorney Haas set up a special unit of six deputy district attorneys to prosecute three types of crime—house burglary, armed robbery and fencing—as well as any felony murders that occur in the commission of these crimes. Not only are the cases carefully screened before being accepted, but each case is handled by a single deputy district attorney from start

to finish, thereby limiting the possibilities of oversight or sloppy preparation.

The rule is *no* plea bargaining, unless a case deteriorates or unless a burglar, say, is willing to testify against his fence. However, if more than one charge of the same sort is pending against a defendant, Haas is willing to accept a guilty plea to one indictment and not to press the others, inasmuch as the courts are likely to give concurrent rather than consecutive sentences.

The results of Portland's efforts have been impressive. In the first six months of the program, the plea-negotiation rate was a mere 2.7 percent, the conviction rate 90 percent. Yet Haas reports that there has been only a three-percent increase in trials. Why? The whole point of the new unit is to develop strong cases, and thus the defendant frequently sees no advantage in going to trial, even though he cannot make a deal for a reduced sentence.

The system of plea bargaining grew up over a long period of time, and clearly will not be cut down overnight. Yet it is not an immutable feature of our apparatus of criminal justice. Reform in this area requires determination and a measure of imagination on the part of a prosecutor; also, each metropolitan community will doubtless have to spend more money on courts and on the district attorney's office. But plea bargaining poses a grave threat to justice, and limits *must* be placed on it.

Appendix B

Letters of Recommendation

City of Gresham
150 West Powell Blvd.
Gresham, Oregon
665-3144

December 12, 1975

Harl Haas
District Attorney for Multnomah County
600 County Court House
Portland, Oregon 97204

Dear Mr. Haas:

Over the past two years the Investigators and Uniform Officers of the Gresham Police Department have had many cases involving Burglary and Robbery processed through the Impact Unit of the Multnomah County District Attorney's Office.

On every occasion the cases were processed through the Unit expeditiously with very few lost man hours due to waiting for appointments to see a Deputy District Attorney.

The assistance given by the Deputies in case preparation and additional follow-up was not only invaluable to insure conviction but also a tremendous training tool for those Police Officers who had occasion to deal with the Impact Unit.

The Investigators of this department found that in any legal question a phone call would be readily taken and advise given by any Deputy assigned to the Unit.

We have been most impressed with the situation whereby the Deputy District Attorney who issued on any given case carried the case through to trial and kept the Investigator apprised of the progress of the case through the judicial system.

Sincerely,

J. W. Slauson, Lieutenant
Acting Chief of Police

By: Dwight E. Vicars
Gresham Investigative Division

Larry D. Morgan
Gresham Investigative Division

HE CITY OF
ORTLAND
REGON

BUREAU OF
POLICE

IL GOLDSCHMIDT
MAYOR

B. R. BAKER
CHIEF OF POLICE

222 S.W. PINE
RTLAND, OR. 97204

MEMORANDUM

December 5, 1975

TO: Harl Haas, District Attorney

FROM: B.R. Baker, Chief of Police

SUBJECT: Exemplary Projects Program/No-Plea Bargaining Unit

The Portland Police Bureau supports the continuation of the "no-plea bargaining unit" which has operated within your office for the past two years. The concept of a continuous one-to-one relationship between investigating officers and the assigned deputy district attorney, from the intake process through prosecution, has proven itself.

If we may be of further assistance and support to you in obtaining a continuation grant under the Exemplary Projects Program, please advise my office.

B. R. Baker

B.R. BAKER
Chief of Police

BRB/dls

Appendix C

Preliminary Evaluation Report (No. 1) by the Oregon Law Enforcement Council

MULTNOMAH COUNTY DISTRICT ATTORNEY
HIGH IMPACT PROJECT

PRELIMINARY EVALUATION REPORT
(No. 1)

PREPARED BY

STATE PLANNING AGENCY

OF THE

OREGON LAW ENFORCEMENT COUNCIL

ROBERT D. HOUSER
ADMINISTRATOR

February, 1975

PREPARED UNDER GRANT 74-NI-10-0002 FROM THE NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION, DEPARTMENT OF JUSTICE. "POINTS OF VIEW OR OPINIONS STATED IN THIS DOCUMENT ARE THOSE OF THE AUTHOR(S) AND DO NOT NECESSARILY REPRESENT THE OFFICIAL POSITION OR POLICIES OF THE DEPARTMENT OF JUSTICE."

Impact Evaluation Unit staff responsible for the production of this report were:

Yosef Yacob, J.D.

and

Clinton Goff, Ph.D.
Impact Evaluation Unit Coordinator

We are appreciative of the cooperation and participation of the Multnomah County District Attorney's Impact office staff and the central office's administrative staff and personnel.

Harl Haas, District Attorney

Note to the Reader:

To facilitate the reading of this report, it is recommended that the Tables at the back be removed and placed at the side for ease of reference.

SUMMARY OF FINDINGS

1. During the first six months of the project's operation, 39 percent (66 of 169) BID and Robbery I cases considered by the District Attorney's Impact office were declined compared to 47 percent (40 of 85) of the comparison BNID, Burglary II, and Robbery II cases presented to the central office. The difference between the proportion of cases declined by the two offices is not significant. Overall, 42 percent of these offense cases have been declined for prosecution.

2. The most frequent reason given for declining cases by the District Attorney's Impact office was insufficient evidence.

3. The District Attorney's Impact office has declined a significantly lower proportion of Robbery I cases (31%) than the proportion of Robbery II cases considered by the central office (75%).

4. Eight percent of the BID and Robbery I cases were dismissed at the District Attorney's Impact office contrasted to nine percent of the BNID, Burglary II, and Robbery II cases considered by the central office. These proportions are not reliably different.

5. The proportion of Impact offenses (BID, Robbery I, and Theft I) cases declined or dismissed between comparable time periods in 1973 and 1974 are not reliably different.

6. For the combined offenses of Burglary I, Robbery I, and Theft I prosecuted by the project office, 58 percent (66 of 113) of the cases have pled to the original charge contrasted to 24 percent of the comparison cases prosecuted by the central office.

   Although 71 percent of the cases prosecuted by the District Attorney's Impact office have either pled to the original charge or were convicted at trial, this falls short of the objective to "maintain an 'original charge' conviction rate of 85 percent".

7. A significantly greater proportion (50%) of the Burglary I and Robbery I cases prosecuted by the Impact office pled guilty to the original charge compared to the proportion (24%) of the BNID, Burglary II, and Robbery II cases prosecuted at the central office.

8. Only three percent (3 of 113) of the cases prosecuted by the Impact office were pled pursuant to bargain compared to 47 percent (21 of 45) of the comparison cases prosecuted by the central office. This difference in proportions is highly significant, as well as being under the stated objective of maintaining a rate of negotiated pleas of less than five percent.

9. Sixty-five percent (34 of 52) of the Burglary in a Dwelling cases prosecuted by the Impact office pled to the original charge compared to seven percent (5 of 68) prosecuted in 1972 and 1973. The difference in proportions is highly significant.

   A significant increase in pleas to the original charge for Robbery I cases prosecuted by the Impact office is found when compared to cases prosecuted in 1972 and 1973. In the Impact office, 53 percent (27 of 51) have pled to the original charge contrasted to 10 percent (4 of 41) prosecuted during the previous two-year baseline.

10. Twelve percent of the BID cases handled by the Impact office have been dismissed contrasted to 15 percent of the comparison burglary cases. Although these proportions are not reliably different, the percentage of cases dismissed exceeds the stated objective.

    Similar to the burglary offense, the proportion dismissed of the robbery cases prosecuted do not reliably differ between the offices. The Impact office met the objective on the robbery cases prosecuted.

11. The median number of days from arrest to trial period for the cases prosecuted by the Impact office is 51 compared to 50 days for all felony cases tried by the central office. Thus, the objective to maintain equal arrest to trial periods has been achieved.

I. Introduction

In 1971, only 16 percent of the reported burglaries and only 23 percent of the reported robberies in Portland were cleared by arrest. Of the 184 adults arrested and charged for burglary, only 75 percent were convicted, and 58 percent of the 209 persons arrested and charged for robbery were convicted.

Most of these convictions were the result of plea negotiation. In 1971, 80.6 percent of the burglary convictions and 90.2 percent of the robbery convictions were plea negotiated.

Because this practice is believed to reduce the deterrent effects of criminal sanctions, the National Conference on Criminal Justice has recommended its abrogation. According to the National Conference, the conviction of a defendant should depend on the evidence available and disposition should depend on what action would best serve rehabilitative and deterrent needs, not convenience.

The respect for criminal justice institutions is often reduced by the contact that citizens have with them as complainants, witnesses, jurors, or defendants. Expecting to find careful, deliberate proceedings, they are often confronted by a mass production process; with each official spending only a short time on any one case; with the defendant or victims as perplexed bystanders; and with decisions based on expediency.

Furthermore, the fact that opportunities and techniques for bargaining exist can have adverse effects upon attempts to rehabilitate offenders and generally decrease crime rates. If conviction on a charge is to be determined, in great part by skill of the offender in bargaining with the court, then the concept of justice based upon facts and rules of evidence becomes meaningless.

Plea bargaining, condemned by some as expediency and lauded by others as an integral part of the criminal justice system, constitutes a part of this report.

Purpose

The purpose of this report on the District Attorney's project is:

1. To provide information for assessing effectiveness of six months of operations.

2. The degree of success in meeting project goals and objectives.

3. To provide information for determining if proper modifications or redirections are required.

Throughout this report our objective is to describe things as they are. When the data suggests several hypotheses, we examine each to the best of our ability. Although in a few instances we have made value judgments, we have largely refrained from judging how things should be or from attempting to decide which of various policies in force in the different offices is best. These tasks will require considerable dialogue among many members of the legal and political community. This report could be one impetus to such a dialogue.

Approach

The approach used in determining success was a study of conditions before and after project impelmentation.

In line with the evaluation component of the project, the following quantitative comparisons were made with the results of the project office:

1. Data from similar offenses in 1972 and 1973.

2. A comparison group of concurrent prosecutions in the main office for equivalent categorical offenses.

In using the data, we have found it to be preferable to remove all pending cases for the reason the data would not be meaningful until these cases were complete.

In some cases, the method employed combines the measures obtained from more than one category in order to increase the sample size.

The ensuing pages present the results of the first six months of the District Attorney project. The contribution of this project to the overall Impact program goal of reducing burglary and stranger-to-stranger street crime in Portland by five percent in two years will be addressed in the final project evaluation report.

There are six essential performance measures that must be examined to assess the effectiveness of the D.A. Impact project office. Each has its unique meaning that cannot

be obtained from the others. Taken together, they present a fairly complete picture of prosecution effectiveness.

1. Rejection Rate - the percentage of cases presented by the police for prosecution in which the District Attorney refuses to file.

2. Dismissal Rate - the percentage of the defendants whom the court releases prior to adjudication. The dismissal may occur in district court, failure of the grand jury to indict, or it may result from a motion by the defense or prosecution in circuit court.

3. Plea to Charge Rate - the percentage of the defendants who plead guilty as charged.

4. Negotiated Plea Rate - the percentage of the defendants who plead guilty to any other charge.

5. Trial Conviction Rate - the percentage of cases that go to trial and result in a conviction.

6. Overall Conviction Rate - the percentage of cases which result in guilty pleas to the original charge or a conviction at trial.

II. Project Goals and Objectives

Goals

1. Improve quality of cases coming to trial by providing legal advice and casework assistance to police investigators.

2. Provide swift and appropriate prosecution of target crimes.

3. Reduce negotiated pleas in cases involving specific Impact crimes.

Objectives

1. Maintain an "original charge" conviction rate of 85 percent.

2. Maintain an "original charge" conviction rate of 50 percent higher than the rate for the comparison group of prosecutions of similar offenses.

3. Maintain a rate of negotiated pleas of less than 5 percent.

4. Increase by 50 percent the rate of guilty pleas to the "original charge" over 1972 figures for selected target offenses.

5. Maintain a rate of cases dismissed for insufficient evidence, 50 percent lower than for the comparison group.

6. Maintain an arrest-to-trial period equal to the comparison group.

III. Evaluation Results

A. Goal I: Improve the quality of cases coming to trial by providing legal advice and casework assistance to police investigatros.

Cases Declined - The number of cases declined and/or dismissed for lack of sufficient evidence and inadequate investigation during the recent project period was compared to the comparable time period in 1972-73 (Nov. 1, 1972-June 30, 1973). In addition, information was obtained on a comparison group of concurrent prosecutions in the main D.A. office.

The data on the current Impact and comparison offenses, as well as the 1973 offenses are presented in Tables 1-5.

The comparison of the proportion of burglary in a dwelling cases declined between the 1974 and 1973 figures, 45 percent and 38 percent, respectively, indicates that the difference is not significant (X^2 corrected = .48, 1 df.).

Similarly, the test between the proportions declined between the current burglary cases processed by the D.A.'s Impact office (45%) and the comparison burglary offenses handled by the central office (41%) indicates an insignificant difference (X^2 corrected = .19, 1 df.).

Reviewing the proportion of the Robbery I cases declined between the comparable time periods of 1973 and 1974 (Table 2), we find that the 43 percent declined in 1973 is not reliably different from the 31 percent declined in the D.A.'s Impact office (X^2 corrected = .78, 1 df, NS).

However, the 75 percent of the current comparison Robbery II cases declined is significantly greater than the proportion declined of the Robbery I cases considered by the Impact office (X^2 corrected = 8.91, 1 df, $p < .001$).

Table 3 presents the number of Theft I[1] cases declined by the D.A.'s office for comparable time periods in 1973 and 1974. The Fisher Exact Test indicates that the probability of the observed or a more extreme occurrence is equal to .11. Thus, it can be inferred, that although they have considered more cases of this offense (15 to 7), the proportion of cases declined is not reliably different, 33 percent in 1974 to 71 percent in 1973.

No contrast is provided for this specific offense with the cases handled by the main office because a "comparison" offense is not designated.

Presented in Table 4 are the figures indicating the number of Impact offense cases and the "comparison" offense cases declined during the first eight project months. The number of Theft I cases are not included with the Impact offenses since a comparison offense is not designated.

The figures indicate that 39 percent (66 of 169) of the BID and Robbery I cases considered by the Impact office were declined compared to 47 cases presented to the central office. The difference between the proportion of cases declined by the two offices is not significant (X^2 corrected = 1.18 1 df). Overall, 42 percent of these offense cases have been declined for prosecution by the two offices.

Table 5 presents the specific reasons for declining cases by offenses for comparable time periods (November through June) during 1972-73 and 1973-74.

The most frequent reason given for declining a case by the D.A.'s Impact office for the offense cases of BID, Robbery I, and Theft I was insufficient evidence. Of the total cases declined for these three offenses, 49 percent (35 of 71 cases) were declined for this reason.

1-The D.A.'s Impact project is focussing on Theft I cases that involve fencing operations.

The second most frequent reason for declining cases by the D.A.'s Impact office was due to discretionary refusal to prosecute. This reason was given for 21 percent (15 of 71) of the total cases declined.

The most frequently occurring reason for declining a case in the main D.A.'s office for the current comparison offenses of BNID, Burglary II, and Robbery II appears in the "other" category. Two-thirds of the cases declined (67%) were rejected and coded in this category.

Cases Dismissed

Table 6 presents the number and percent of Impact and comparison-designated burglary offense cases dismissed during comparable time periods. A comparison of the burglary in a dwelling (BID) cases dismissed in 1973 and 1974 indicates that the percentages are virtually the same, five and six percent, respectively; and do not differ (X^2 corrected = .01, 1 df, N.S.).

Likewise, a comparison between the BID cases dismissed (6%) and the BNID and Burglary II cases dismissed (9%) during the first eight (8) months reveals an insignificant difference (X^2 corrected = .08, 1 df, N.S.).

Similar comparisons were tested for the Robbery I and Robbery II cases dismissed by the D.A.'s office. It is notable that the Impact office has considered a larger number of Robbery I cases during the eight month period compared to the comparable time during 1973-74 cases compared to 28. Although they have dismissed 8 cases (11 percent), this is not significantly different from zero dismissals of 28 cases considered during the previous time period (X^2 corrected = 1.96, 1 df, N.S.).

A contrast between the 1974 Robbery I case dismissals (11%) and the comparison Robbery II cases (12%) handled by the main office reveals no difference (X^2 corrected = .06, 1 df, N.S.).

Only one (1) of 15 Theft I cases considered by the D.A.'s Impact office was dismissed compared to none of seven cases considered the previous year.

Eight percent of the combined Impact offense cases of Burglary in a Dwelling and Robbery I cases considered were dismissed contrasted to nine (9) percent of the BNID, Burglary II, and Robbery II cases considered by the central D.A.'s office (Table 8). Of course, these similar proportions are not reliably different.

Discussion

The tables and analysis of denials and dismissals in the previous section invite several observations. A number of factors may influence the rejection rates. Factors associated with the arresting agencies include changing standards used by the arresting agency and individual officers together with the thoroughness in building a case. Factors associated with the prosecution includes the competence of the individual deputy, the toughness or leniency of filing standards, the degree to which supervision and control over filing standards is actually exercised and the degree to which the D.A.'s office influences the arresting agency's changing standards. In addition, filing standards may be influenced explicitly or implicitly by "second guessing" on the part of the individual deputy as to how individual judges will act.

In reviewing the denial and dismissal rates for the Impact and main D.A.'s office, one finds a slightly lower percentage of cases declined or dismissed for the offenses handled by the D.A.'s Impact office. However, of the six comparisons made between the offices, only one is a reliable difference. The Impact D.A.'s office has declined a significantly lower proportion of Robbery I cases (31%) than the proportion of Robbery II cases considered by the main office (75%).

Reviewing the proportion of Impact offenses (BID, Robbery I, and Theft I) cases declined or dismissed between comparable time periods in 1973 and 1974 reveals that none of the six comparisons are reliably different.

Likewise, the comparison between the offenses considered by the D.A.'s Impact office and those comparison offenses presented to the central office reveal that the 47 percent declined and/or dismissed is not reliably different from the 56 percent rejected by the central office (X^2 corrected = 1.54, 1 df, N.S.).

Generally speaking, these findings are consistent with the views expressed with personnel in both offices of the Multnomah County District Attorney's office.

A key assumption underlying the above discussion is that the rejection decision is not arbitrary; that, in general, the probability of dismissal is greater on the average for those cases rejected than for those filed. There is no sound way of scientifically testing this assumption without taking a sample of rejected cases, filing them, and observing the results; an experiment that hardly seems justified considering the burden it might place on the dependents and the criminal justice system. Most people familiar with court practices would be convinced of the

validity of this assumption by simply comparing the characteristics of a sample of rejected and filed cases.

Objective 1:

The performance measure to maintain an "original charge" conviction rate of 85 percent.

Burglary Cases Prosecuted

The disposition of burglary cases prosecuted during comparable time periods from 1972-74 are presented in Table 9. As can be readily observed, the Burglary in a Dwelling cases prosecuted by the D.A.'s Impact office shows that 65 percent (34 of 52) have pled to the original charge. This compares to 27 percent (11 of 41) comparison burglary cases prosecuted in the main office. (A test of these are presented under Objective 2 below.)

Overall, we find that 77 percent of the BID cases prosecuted by the Impact office pled to the original charge or went to trial and were found guilty contrasted to 34 percent of the comparison burglary cases prosecuted. These differences in proportions are highly significant (X^2 corrected = 18.51, 1 df, $p < .001$).

Robbery Cases Prosecuted

Table 10 indicates the disposition of robbery cases prosecuted during comparable time periods from 1972-74. Fifty-three (53) percent of the Robbery I cases prosecuted by the Impact office pled to the original charge. Overall, 65 percent either pled to the charge or were found guilty.

Theft I Cases Prosecuted

The disposition of Theft I cases prosecuted during comparable time periods from 1972-74 are presented in Table 11. One observes that 50 percent (5 of 10) pled to the charge and an additional 20 percent were found guilty of the cases prosecuted in the D.A.'s Impact office.

It is interesting to observe the low number of Theft I cases prosecuted in 1972 and 1973; one and two, respectively. One of the three cases went to trial and the defendant(s) was found guilty.

Burglary I, Robbery I, and Theft I Cases Combined

Inspection of the figures in Table 12 indicates that 58 percent (66 of 113) of the cases prosecuted by the D.A.'s Impact office have pled to the original charge. This contrasts with 24 percent which pled to the original charge of the comparison offenses handled by the central District Attorney's office. (A test of these differences is presented under Objective 2 which follows below.)

Overall, 71 percent (80 of 113) of the Impact cases resulted in a conviction through pleading to the original charge or were found guilty at trial. This compares to 31 percent (14 of 45) of the comparison cases handled by the central District Attorney's office. (A test of these differences is presented below as part of Objective 2 presentation.)

Thus, we find that although 71 percent either pled to the original charge or were convicted at trial, this rate falls short of the stated objective to "maintain an 'original charge' conviction rate of 85 percent".

Discussion

This measure is the one most usually quoted in reference to a prosecutor's performance and does reflect the most comprehensive picture; yet taken by itself it can distort. Selecting only the "best" cases for prosecution can easily inflate the overall original charge conviction rate.

The relatively high plea to the original charge reflects the ability of the D.A.'s Impact office to convince the defendant that there is a high probability of his conviction (risk) or, at least, that there is a high quantity risk factor. However, the high plea to the charge rates may also reflect the defendant's desire to avoid a longer stay in custody, if pleading guilty means an earlier release from custody.

The overall original charge conviction rate in the Impact office exceeds the rate in the main office. However, the tables in this section show that few cases ever actually go to trial. It is also fair to say that the figures show the trial conviction rates to be approximately equivalent in both offices. The percentage of cases that actually go to trial vary from 20 percent in the project office to seven percent in the main office. This charcterizes the strict control over plea negotiation policy at the project office. Consequently, for all the felonies taken together, the trial conviction rates in the Impact office are below those of the main office. The differences in these rates may have little to do with performance, and may merely reflect that "weak" cases are negotiated in the office with only the strong cases making it to trial.

The results of this section mark a 71 percent overall conviction rate, short of the 85 percent projected. However, compared with the results of the central office and the prior years, both in conviction rate and total number prosecuted, the data convey a remarkable improvement.

Objective 2: The performance to maintain an "original" charge conviction rate of 50 percent higher than the rate for the comparison group prosecutions.

Burglary

The District Attorney's Impact office accepted for prosecution a total of 52 cases with charges of Burglary I. Thirty-four or 65 percent of the defendants pled guilty to the original charge contrasted to 11 of 41, or 27 percent of the comparison cases of Burglary not in a Dwelling and Burglary II cases.

The chi square test (corrected for continuity) indicates that a significantly greater proportion of the Impact cases pled guilty to the original charge contrasted with the comparison cases (Table 13).

Inspecting percentages without applying a statistical test indicates that the District Attorney's Impact office would have needed to achieve a conviction rate to the original charge of 40.5 to meet the stated objective. The 65 percent of the Burglary I cases pleading to the original charge exceeds the objective by 24.5 percent.

Robbery

Inspecting the robbery cases considered by the District Attorney's Impact and central office, we find that 27 of the 51 Robbery I (53%) pled guilty to the original charge contrasted to 0 of 4 (0%) of the comparison Robbery II cases. Applying Fisher's Exact Probability Test to the values in Table 14 indicates that the probability of these observed proportions is equal to .06. Although this is slightly larger than the .05 level to be considered statistically significant, it can be considered suggestive of a difference in the proportions pleading guilty to the original charge.

Theft I

Five (5) of the ten (10) Theft I cases prosecuted by the District Attorney's Impact office, or 50 percent, pled guilty to the original charge. A comparison between the District Attorney's Impact and central office is not feasible since there is not a comparison offense designated for this category.

Burglary and Robbery Combined

By combining the Burglary I and Robbery I cases considered by the District Attorney's Impact office and the comparison offenses of BNID, Burglary II, and Robbery II cases handled by the main office, we find a significantly greater proportion of the cases handled by the Impact office pled guilty to the original charge. Sixty-one of 103 Impact cases (59%) pled to the original charge compared to 11 of 45 (24%) of the comparison cases. The chi square test (corrected for continuity) computed on the numbers presented in Table 15 provides a chi square value of 13.80, significant beyond the .001 level.

Objective 3: The performance measure to maintain a rate of negotiated pleas of less than 5 percent.

Burglary

The number and percent of burglary cases prosecuted by the District Attorney's office for comparable time periods in 1972-74 are presented in Table 9.

The figures indicate that none of the 52 Burglary in a Dwelling cases prosecuted in the District Attorney's Impact office were pled pursuant to bargain. This contrasts with 64 percent (9 of 14) of the comparison burglary cases prosecuted by the main office. Similar figures for 1972 and 1973 indicate that 89 percent and 78 percent of the Burglary in a Dwelling cases were pled pursuant to bargain.

Robbery

The data relating to this objective for robbery are presented in Table 10. Two of the 51 Robbery I cases (4 percent) were pled pursuant to bargain compared to half (2 of 4) of the comparison Robbery II cases prosecuted in the central office.

Similarly, the figures indicate that 48 and 75 percent of the Robbery I cases were pled pursuant to bargain for the years of 1972 and 1973, respectively. In addition, a much smaller total number of cases were prosecuted by the District Attorney's office during the two preceeding time periods.

Theft I

The information relating to this objective for Theft I cases is contained in Table 11. Only one of the ten Theft I cases prosecuted by the District Attorney's Im-

pact office pled pursuant to bargain. As previously indicated, the project does not have an offense that serves as a comparison.

Furthermore, in the previous two years, there were only three cases prosecuted and two of those pled pursuant to bargain.

Burglary, Robbery, and Theft I Combined

By combining the BID, Robbery I, and Theft I cases, one observes that only three percent (3 of 113) of the cases prosecuted by the District Attorney's Impact office were pled pursuant to bargain during the first eight project months (Table 12). This compares to 47 percent (21 of 45) of the comparison BNID, Burglary II, and Robbery II cases prosecuted by the central office.

Chi square (corrected for continuity) test indicates that the difference in proportions of cases pled pursuant to bargain is highly significant (X^2 corrected = 45.04, 1 df, $P < .001$).

Discussion

The project according to the data received has maintained the rate of negotiated pleas of less than the stated objective of five (5) percent. This is greatly reduced from the preceeding two years for the same offense changes, 76 and 70 percent for 1973 and 1972, respectively. Additionally, the absolute number of cases prosecuted for these offense charges has risen from 54 in 1972, to 58 in 1973, to 113 during the initial eight months of the project.

It is also observed that the percentage of cases pled pursuant to bargain has also decreased in the central office (47%) for the selected offense cases compared to the figures of 81 percent in 1973 and 73 percent in 1972. These differences can probably be attributed to overall policy directives.

Objective 4: The performance measure to increase by 50 percent the rate of guilty pleas to the "original" charge over 1972 figures for the selected target offenses.

Burglary in a Dwelling

Although the stated objective is worded for the comparison with the 1972 data we have combined the 1972 and 1973 figures to compare with the 1974 project results.

As previously discussed, 65 percent (34 of 52) pled guilty to the original charge of the cases prosecuted in the District Attorney's Impact office compared to seven percent (5 of 68) prosecuted in 1972 and 1973 (Table 9). This difference in proportions is highly significant when tested by chi square (Table 16).

The data for this offense in 1972 indicated that two of 28 cases prosecuted (seven percent) pled to the original charge, while three of 40 cases (eight percent) pled to the original charge in 1973.

A literal interpretation of the objective would indicate that the District Attorney's Impact office would have met the objective if 10.5 percent of the BID cases had pled to the original charge.

Robbery

A highly significant increase in pleas to the original charge for the Robbery I cases prosecuted by the District Attorney's Impact office is also found when compared to the proportion of the cases handled in 1972 and 1973. Fifty-three (53) percent of the cases have pled to the original charge in 1974 compared to only 10 percent prosecuted in 1972 and 1973 (Table 17).

For the specific years, 0 of 16 cases pled to the original charge in 1973, while 4 of 25 (16 percent) pled to the original charge during the comparable time period in 1972.

Theft 1

Although there is not a statistically significant difference in the proportion of cases pleading to the original charge in 1974 compared to the two baseline years of 1972 and 1973, it is observed that five of the ten cases (50 percent) prosecuted by the Impact office pled to the original charge compared to none of the three (0 percent) cases prosecuted in the two previous years (Table 18). There was only one (1) case in 1972 and two (2) cases prosecuted in 1973 on this offense.

Objective 5: The performance measure to maintain a rate of cases dismissed for insufficient evidence 50 percent lower than for the comparison offenses.

Burglary

Six of the 52 (12 percent) Burglary in a Dwelling cases handled by the District Attorney's Impact office have

been dismissed contrasted to six of 41 (15 percent) BNID and Burglary II comparison cases. The proportions dismissed of the cases prosecuted do not significantly differ as portrayed in Table 19.

According to the stated objective, it would require that the percentage of cases dismissed by the Impact office would have been only 7.5 percent to attain one-half the percentage rate for the comparison cases.

Robbery

Eight of the 51 Robbery I cases prosecuted by the District Attorney's Impact office were dismissed compared to two (2) of four (4) Robbery II cases serving as the comparison offense. Similar to the burglary offense, the proportions dismissed of the cases prosecuted do not significantly differ (Table 20). Chi square corrected for continuity computed on the numbers result in a value of 1.08 with one degree of freedom. Fisher's Exact Probability Test provides the probability of .15 of observing this occurrence or of an even more extreme occurrence.

By inspecting percentages, one observes that 16 percent of the Robbery I cases were dismissed compared to 50 percent of the Robbery II cases. Thus, according to the stated objective, the District Attorney's Impact office attained the objective in reference to the robbery cases handled, as 16 percent is less than the 25 percent criteria (criteria derived from objective of 50 percent lower than for the comparison cases).

The reader is cautioned that a literal interpretation of the figures indicates that the objective was attained. Conversely, the application of statistical tests indicate that the proportion of cases dismissed do not differ significantly.

Objective 6: Maintain an arrest to trial period equal to the comparison offense cases.

The mean and median number of days from arrest to trial period for the two offices are presented in Table 21. Because of the inadequate sample size of comparison cases that went to trial, the central office figures reflect the arrest to trial period for all felony cases tried.

The figures indicate that based on the median (the midpoint of the distribution) there is virtually no difference in the number of days; 51 days in the Impact office compared to 50 days for the central office. However, the mean number of days for the Impact office exceeds the central office by thirteen days.

TABLE 1

BURGLARY IN DWELLING (IMPACT) AND BNID AND BURGLARY II (COMPARISON) CASES DECLINED BY DISTRICT ATTORNEY'S OFFICE FOR COMPARABLE TIME PERIODS IN 1972-73 AND 1973-74[1]

	BID (Im act)			BNID (Com arison - Bur lar II				
	Total No. Considered	Number Declined	%[2]	Total No. Considered	Number Declined	%[2]	Total No. Considered	Number Declined
1973	65	25	38	14	0	0	41	10
1974	95	43	45	32	18	56	37	10

[1]The eight months from November through the following June.

[2]Percent declined of total number considered for specific offense and time period; e.g. 25 of 68 equals 38 percent.

TABLE 2

ROBBERY I (IMPACT) AND ROBBERY II (COMPARISON) CASES DECLINED BY DISTRICT ATTORNEY'S OFFICE FOR COMPARABLE TIME PERIODS IN 1972-73 AND 1973-74[1]

	Robbery I (Impact)			Robbery II (Comparison)		
	Total No. Considered	Number Declined	%[2]	Total No. Considered	Number Declined	%[2]
1973	28	12	43	13	5	38
1974	74	23	31	16	12	75

[1]Eight months time period from November through the following June.

[2]Percent declined of total number considered for specific offense and time period.

TABLE 3

THEFT I CASES DECLINED BY DISTRICT ATTORNEY'S OFFICE FOR COMPARABLE TIME PERIODS IN 1972-73 AND 1973-74[1]

	Theft I (Impact)		
	Total No. Considered	Number Declined	% Declined
1973	7	5	71
1974	15	5	33

[1]Eight months time period from November through the following June.

TABLE 4

IMPACT OFFENSES (BID & ROBBERY I) AND

COMPARISON OFFENSES (BNID, BURGLARY II AND ROBBERY II) CASES

DECLINED BY DISTRICT ATTORNEY'S OFFICE FOR NOVEMBER, 1973-JUNE, 1974 PERIOD

	Impact Offenses BID & Robbery I		Comparison Offenses BNID, Burg. II, & Robbery II		
No. of Cases Declined	66	39%	40	47%	106
No. of Cases "Other" Handling	103	61%	45	33%	148
Total No. Considered	169	100%	85	100%	254

TABLE 5
REASON FOR DECLINING CASES BY OFFENSE FOR COMPARABLE TIME PERIODS
(8 MONTHS FROM NOVEMBER THROUGH JUNE)

Reason for Case Declined		Burglary in a Dwelling		Burglary Not in a Dwelling		Burglary II		Robbery I		Robbery II		Theft I	
		1972-73	1973-74	1972-73	1973-74	1972-73	1973-74	1972-73	1973-74	1972-73	1973-74	1972-73	1973-7
1-No Reason	No.												
	%												
2-Insufficient Evidence	No.	19	25		4	7	3	7	5	3	3	4	5
	%*	29	26		12	17	8	25	7	23	19	57	33
3-No Corpus of Crime	No.	1	2										
	%	2	2										
4-Discretionary Refusal to Prosecute	No.	2	10			1	1	1	5	1			
	%	3	11			2	3	4	7	8			
5-Indispensable Party's Refusal Prosecute	No.	3	3			1		2	4	1	2	1	
	%	5	3			2		7	5	8	12	14	
6-Search and Seizure	No.												
	%												
7-Unlawful Arrest	No.					1							
	%					2							
8-Superceded by a New Case	No.												
	%												
9-Transfer to Another Jurisdiction	No.		1					1	9				
	%		1					4	12				
0-Restitution Made	No.												
	%												
-Other	No.		2		14		6	1			7		
	%		2		44		16	4			44		
TOTAL DECLINED	No.	25	43	0	18	10	10	12	23	5	12	5	5
	%**	38	45	0	56	24	27	43	31	38	75	71	33
TOTAL CONSIDERED	No.	65	95	14	32	41	37	28	74	13	16	7	15

*Percent of Total Number Considered for specific offense and year, e.g. 19 of 65 equals 29 percent.
**The sum of the above percentages in column may not be equal due to rounding.

TABLE 6

BURGLARY IN DWELLING (IMPACT) AND BNID AND BURGLARY II (COMPARISION) CASES DISMISSED BY DISTRICT ATTORNEY'S OFFICE FOR COMPARABLE TIME PERIODS IN 1972-73 AND 1973-74[1]

	BID (Impact)			BNID (Comparison) - Burglary II					
	Total No. Considered	Number Dismissed	%[2]	Total No. Considered	Number Dismissed	%	Considered	Number Dismissed	%
1973	65	3	5	14	0	0	41	2	5
1974	95	6	6	32	1	3	37	5	14

[1]The eight months from November through June.

[2]Percent dismissed of total number considered for specific offense and time period; e.g. 3 of 65 equals five percent.

TABLE 7

ROBBERY I (IMPACT) AND ROBBERY II (COMPARISON) CASES DISMISSED BY DISTRICT ATTORNEY'S OFFICE FOR COMPARABLE PERIODS IN 1972-73 AND 1973-74

	Robbery I (Impact)			Robbery II (Comparison)		
	Total No. Considered	Number Dismissed	%	Total No. Considered	Number Dismissed	%
1973	28	0	0	13	0	0
1974	74	8	11	16	2	12

TABLE 8

IMPACT OFFENSES (BID & ROBBERY I)

AND COMPARISON OFFENSES (BNID, BURGLARY II, AND ROBBERY II) CASES

DISMISSED FOR NOVEMBER 1973-JUNE, 1974

	Impact Offenses BID & Robbery I		Comparison Offenses BNID, Burglary II, & Robbery II	
No. Cases Dismissed	14	8%	8	9%
No. Cases "Other" Handling	155	92%	77	91%
Total No. Considered	169	100%	85	100%

TABLE 9

DISPOSITION OF BURGLARY OFFENSE CASES PROSECUTED

FOR COMPARABLE TIME PERIODS[1] IN 1972-1974

	1974 (Impact)		1974 (Comparison)				1973						1972			
	BID		BNID		Burglary II		BID		BNID		Burglary II		BID		BNID		Burglary II	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Cases Tried																		
a) Found Guilty	6	12	0	-	3	11	3	8	1	7	1	3	0	-	1	7	2	6
b) Found NGI	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-	0	-
c) Found Not Guilty	1	2	0	-	0	-	0	-	0	-	1	3	0	-	0	-	0	-
Pled to Charge	34	65	4	29	7	26	3	8	2	14	2	6	2	7	0	-	10	32
Pled Pursuant to Bargain	0	-	9	64	10	37	31	78	11	79	25	81	25	89	13	87	19	61
Subtotal:																		
Found Guilty or Pled to Charge[2]	40	77	4	29	10	37	6	15	3	21	3	10	2	7	1	7	12	38
TOTAL CASES PROSECUTED	52		14		27		40		14		31		28		15		31	

[1]Eight months from November through the following June.

[2]Percentages may not equal sum of above for the two dispositions due to rounding errors.

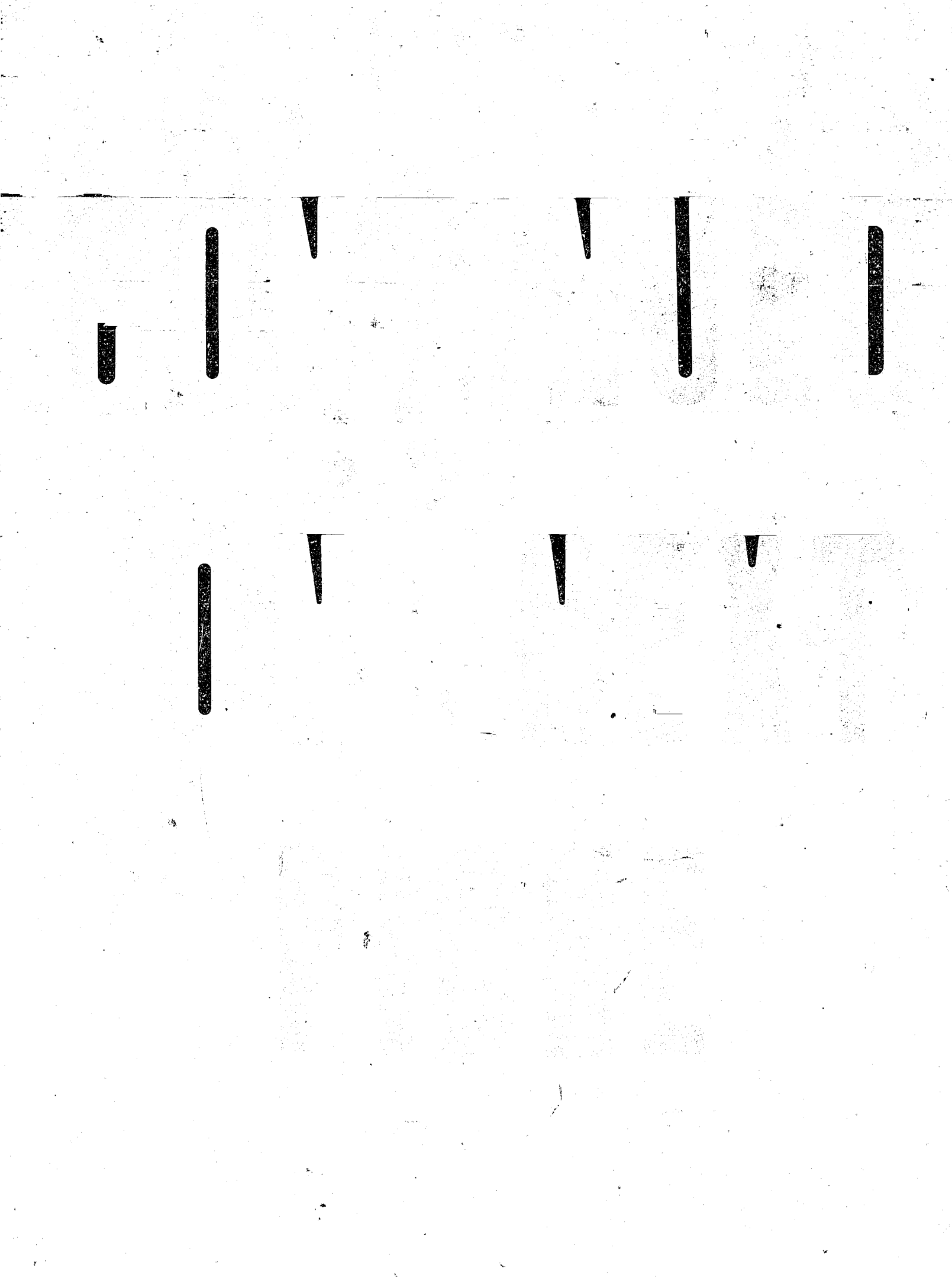


TABLE 10

DISPOSITION OF ROBBERY OFFENSE CASES PROSECUTED

FOR COMPARABLE TIME PERIODS[1] IN 1972-74

	1974				1973				1972			
	(Impact) Robbery I		(Comparison) Robbery II		Robbery I		Robbery II		Robbery I		Robbery II	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Cases Tried												
a) Found Guilty	6	12	0	–	4	25	1	12	7	28	1	11
b) Found NGI	3	6	0	–	0	–	0	–	0	–	0	–
c) Found Not Guilty	4	8	0	–	0	–	0	–	1	4	0	–
Pled to Charge	27	53	0	–	0	–	0	–	4	16	0	–
Pled Pursuant to Bargain	2	4	2	50	12	75	7	88	12	48	8	89
Subtotal:												
Found Guilty or Pled to Charge[2]	33	65	0	–	4	25	1	12	11	44	1	11
TOTAL CASES PROSECUTED	51		4		16		8		25		9	

[1]Eight months from November through the following June.

[2]Percentages may not equal sum of above for the two dispositions due to rounding errors.

TABLE 11

DISPOSITION OF THEFT I OFFENSE CASES PROSECUTED

FOR COMPARABLE TIME PERIODS[1] IN 1972-74

	1974 (Impact) Theft I		1973 Theft I		1972 Theft I	
	No.	%	No.	%	No.	%
Cases Tried						
a) Found Guilty	2	20	1	50	0	-
b) Found NGI	1	10	0	-	0	-
c) Found Not Guilty	0	-	0	-	0	-
Pled to Charge	5	50	0	-	0	-
Pled Pursuant to Bargain	1	10	1	50	1	100
Subtotal: Found Guilty or Pled to Charge	7	70	1	50	0	-
TOTAL CASES PROSECUTED	10		2		1	

[1]Eight months from November through the following June.

TABLE 12

DISPOSITION OF BURGLARY, ROBBERY, AND THEFT I CASES PROSECUTED

FOR COMPARABLE TIME PERIODS[1] IN 1972-1974

	1974				1973				1972			
	Burglary I.D. Robbery I Theft I		Burglary N.I.D. Burglary II Robbery II		Burglary I.D. Robbery I Theft I		Burglary N.I.D. Burglary II Robbery II		Burglary I.D. Robbery I Theft I		Burglary N.I.D. Burglary II Robbery II	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Cases Tried												
a) Found Guilty	14	12	3	7	8	14	3	6	7	13	4	7
b) Found NGI	4	4	0	-	0	-	0	-	0	-	0	-
c) Found Not Guilty	5	4	0	-	0	-	1	2	1	2	0	-
Pled to Charge	66	58	11	24	3	5	4	8	6	11	10	18
Pled Pursuant to Bargain	3	3	21	47	44	76	43	81	38	70	40	73
Subtotal: Found Guilty or Pled to Charge[2]	80	71	14	31	11	19	7	13	13	24	14	25
TOTAL CASES PROSECUTED	113		45		58		53		54		55	

[1]Eight months from November through the following June.

[2]Percentages may not equal sum for the two dispositions due to rounding.

TABLE 13

IMPACT (BURGLARY I) AND COMPARISON (BNID AND BURGLARY II)

CASES BY DISPOSITION

	Burglary I (Impact)	BNID & Burglary II (Comparison)
Plea to Original Charge	34	11
Other Dispositions*	18	30
Total Cases Prosecuted	52	41

x^2 corrected = 12.15, 1 df, $p<.001$

*Other Dispositions include: pled pursuant to bargain; cases dismissed; cases not true billed; and cases tried and found guilty or not guilty.

TABLE 14

IMPACT (ROBBERY I) AND COMPARISON (ROBBERY II)

CASES BY DISPOSITION

	Robbery I (Impact)	Robbery II (Comparison)
Plea to Original Charge	27	0
Other Dispositions*	24	4
Total Cases Prosecuted	51	4

Fisher Exact Probability Test = .06

*Other Dispositions include: pled pursuant to bargain, cases dismissed; not true billed; and cases tried and found guility or not guilty.

TABLE 15

IMPACT (BURGLARY I & ROBBERY I) AND

COMPARISON (BNID, BURGLARY II & ROBBERY II)

CASES BY DISPOSITION

	Burglary I and Robbery I	BNID, Burglary II, and Robbery II
Plea to Original Charge	61	11
Other Dispositions*	42	34
Total Cases Prosecuted	103	45

x^2 corrected = 13.80 P<.001 1 df

*Other Dispositions include: pled pursuant to bargain, cases dismissed; not true billed; and cases tried and found guilty or not guilty.

TABLE 16

COMPARISON OF BURGLARY IN DWELLING CASES

PLEAING TO ORIGINAL CHARGE IN 1974 WITH TWO YEARS BASELINE

	1974 (Impact Office)	1972 & 1973
Plea to Original Charge	34	5
Other Dispositions*	18	63
Total Cases Prosecuted	52	68

x^2 corrected = 42.63, 1 df, $p < .001$

*Other Dispositions include: pled pursuant to bargain; case dismissed; not true billed; and cases tried and found guilty/not guilty.

TABLE 17

COMPARISON OF ROBBERY I CASES PLEAING TO ORIGINAL CHARGE

IN 1974 WITH TWO YEARS BASELINE

	1974	1972 & 1973
Plea to Original Charge	27	4
Other Dispositions*	24	37
Total Cases Prosecuted	51	41

x^2 corrected = 17.09 1 df, $p < .001$

*Other Dispositions include: pled pursuant to bargain; case dismissed; not true billed; and cases tried and found guilty/not guilty.

TABLE 18

COMPARISON OF THEFT I CASES PLEAING TO ORIGINAL CHARGE IN 1974 (IMPACT) WITH TWO YEARS BASELINE (1972-73)

	1974 (Impact)	1972 & 1973 (Baseline)
Plea to Original Charge	5	0
Other Dispositions*	5	3
Total Cases Prosecuted	10	3

Fisher's Exact Probability Test $p = .20$ NS

*Other Dispositions include: pled pursuant to bargain; case dismissed; not true billed; and cases tried and found guilty or not guilty.

TABLE 19

COMPARISON OF BID (IMPACT) AND BNID AND

BURGLARY II (COMPARISON) CASES DISMISSED TO TOTAL CASES PROSECUTED

	BID	BNID & Burglary II
Dismissed	6	6
Other Dispositions*	46	35
Total Cases Prosecuted	52	41

x^2 corrected = .02 NS

*Other Dispositions include: pled pursuant to bargain; case dismissed; not true billed; and cases tried and found guilty or not guilty.

TABLE 20

COMPARISON OF ROBBERY I (IMPACT) AND ROBBERY II (COMPARISON)

CASES DISMISSED TO TOTAL CASES PROSECUTED

	Robbery I (Impact)	Robbery II (Comparison)
Dismissed	8	2
Other Dispositions*	43	2
Total Cases Prosecuted	51	4

x^2 corrected = 1.08 1 df NS

Fisher's Exact Probability Test = .15

*Other Dispositions include: Pled to charge; pled pursuant to bargain; not true billed; and cases tried and found guilty or not guilty.

TABLE 21

NUMBER OF DAYS FROM ARREST TO TRIAL FOR CASES PROSECUTED BY IMPACT AND CENTRAL OFFICE

	D.A.'s Impact Office	D.A.'s Central Office
Mean	69	54
Median	51	50

APPENDIX A

Multnomah County Criminal Justice System

The Police

The two largest arresting agencies in Multnomah County that seek felony complaints from the District Attorney are the Portland Police Bureau and the Multnomah County Sheriff's Department.

The Courts

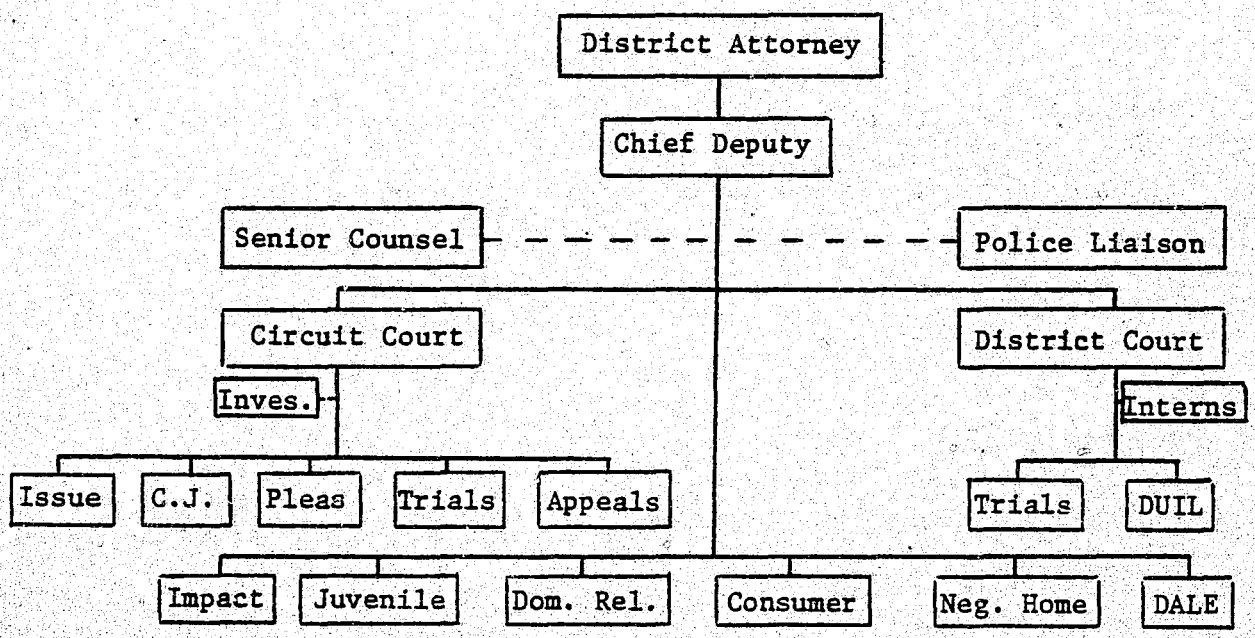
For felonies, the District Court handles the initial arraignment and preliminary hearing. The Circuit Court handles pleas, motions, and trials.

The District Attorney

The Multnomah County District Attorney is the focal point of this study. The largest prosecutor's office in the state, it employs 45 Deputy District Attorneys, and covers 564,652 residents of Multnomah County.

As shown in Figure I, the staff is organized to carry out a wide range of responsibilities. In this study, we concentrate exclusively on the work of the Impact Unit whose sole responsibility is prosecuting Robbery I, Burglary I, and Theft by receiving cases. These are the more serious and most frequent Impact offenses.

FIGURE I



A primary difference between the operation of this project and the daily operation of the District Attorney's office is the total follow-through concept of processing cases. The prosecutor has the responsibility for trying those cases he issues except where they must be divided to provide equitable caseloads. From the point of issuance at the sentencing hearing, the prosecutor has total responsibility for his case. In the main office (to handle the large number of cases) deputies are divided into specialized units: Complaints Issuance, Grand Jury, Pleas, and Trial Units.

The System at Work

Arrest

The entry point into the system for most defendants is by police arrest. After a felony arrest is made and the arrestee is booked, any subsequent investigation is usually handled by the department's detectives.

Issuing a Complaint

Within 48 hours after an arrest, the police must obtain a complaint from the District Attorney or release the defendant. In most cases the police office seeking an evaluation of a case will be the investigating officer assigned to the case.

When the police officer arrives at the appropriate unit, he is told which deputy to see; and sometimes the police can seek out a specific individual.

The deputy handling the case reviews the police reports, the defendant's prior record, and talks with the officer about the case. If he thinks the case should be filed, he fills out a formal complaint and the case proceeds. Otherwise he can reject it out-right, or suggest that some further investigation be performed and the case be resubmitted for filing.

Most felony arrests are rejected for lack of evidence connecting the defendant to the crime or indicating that a crime was committed or because the offense is not serious enough to warrant felony prosecution.

When he is deciding whether or not to file a case, the deputy does not apply some absolute standard. Most deputies would agree that careful consideration is given to the chance of winning the case in court.

Arraignment and Preliminary Hearing

The defendant's first encounter with the court system comes at his initial arraignment in District Court where he is brought before a judge who informs him of his constitutional rights. At this hearing, the defendant can apply for bail or for release on his own recognizance.

At the preliminary hearing stage, the deputy assigned to the court prepares to present a fairly complete case. The preliminary hearing can then result in the defendant being bound over for the Grand Jury, reduction of the charge to a misdemeanor, or dismissal of the case.

Circuit Court Arraignment and Trial

At this arraignment the defendant is assigned counsel if he has none; has the "information" read to him; is given a copy of the preliminary transcript; is again advised of his rights and is asked to plead.

Cases reaching the Circuit Court can be terminated with one of four types of disposition: diversion, dismissal, guilty, or acquittal.

Guilty or acquittal dispositions are obtained by four different methods: plea, submission on the transcript of the preliminary hearing, court trial, or jury trial.

When plea bargaining occurs, the considerations the defendant receives in return for his guilty plea might include any of the following:

-To drop some counts.
-To accept a plea to a lesser included offense.
-To not file prior convictions.
-To omit allegedly habitual offender pleading.
-To recommend against consecutive sentencing.
-To recommend against prison time.
-Plea to charge for dismissal of a separate case.
-Plea to a separate case for dismissal of this charge.
-Plea to a different charge.
-To recommend commitment to a particular institution.
-To refrain from opposing probation at the probation and sentencing hearing.

Probation and Sentencing Hearing

The final step in adjudication for the guilty defendant is a probation and sentencing hearing, scheduled after his guilt is determined. A probation and sentencing report is prepared to assist the judge. Whether the defendant is permitted to be at large or is held in custody is left to the judge's discretion.

- o *consistent* with other members of a set of measures in producing inferences
- o *complementary* to other members of a set of measures in contributing the intended information
- o *implementable* in terms of the cost and availability of data required to support the measure

These criteria (defined more fully in Section III) aided in the selection of statistical performance measures for the issue areas analyzed in the demonstration phase. Rather than merely listing the sets of selected performance measures here, in the discussion of study findings to follow we discuss the relevant sets we used in drawing specific inferences about performance. (For the reader interested in a detailed discussion of the rationale for selecting each measure or set of measures and the limitations or ambiguities inherent in them, see Section III.)

Summary Start here

FINDINGS: HOW PERFORMANCE CHANGED IN ONE JURISDICTION

As an illustration, we here summarize, in largely qualitative terms, the specific findings on year-to-year performance changes within *one* of the selected jurisdictions -- namely, Multnomah County. (Detailed *quantitative* findings for both Multnomah and Dade Counties are found in Sections V and VI, respectively.

In Multnomah, the performance analysis is largely keyed to a preliminary evaluation of the systemwide effects of a No Plea Negotiation Experiment introduced by the District Attorney's Office in late 1973 - early 1974. Funded partially through the LEAA as part of Portland's High Impact Anti-Crime Program, it provided a special (additional) six-prosecutor trial unit, known as the Impact Unit. Unlike other units, Impact Unit attorneys follow cases through from issuance to final disposition. There were three broad operating goals: to improve the quality of cases coming to trial by providing legal advice and casework assistance to police investigators; to provide swift and appropriate prosecution of target (i.e., Impact) crimes -- dwelling

burglaries, serious robberies and "fencing" --; and to reduce negotiated pleas. Negotiated pleas were defined to be only *charge reductions;* no mention was made of *other* forms of plea bargaining, such as sentence agreements, agreements to drop other pending cases or reduction in counts (but not charge level). Nor was any specific goal set regarding sentencing severity in Impact offenses, as compared with sentences imposed prior to the Experiment.

Below we pinpoint our major findings. For each finding, we summarize the changes (or lack of change) in the relevant measures and the rationale for drawing the inference, and finally, where appropriate, indicate to what extent each finding must be qualified because of the nature and sample size of the data or the limited success of the supporting statistical analysis (described in Appendix E) or the inherent ambiguity of the performance measure(s).

ONE • CASE QUALITY OF IMPACT OFFENSES IMPROVED SIGNIFICANTLY(1)*

Rationale

For Impact crimes, the Experiment resulted in relatively little change in overall rejection rates and felony filing rates on the most serious charge, but much less frequent rejections by reason of evidence deficiency. Moreover, within this broad rejection reason category, the frequency of cases rejected because they needed more police investigation declined markedly; this was not so for a comparable non-Impact crime. On the other hand, rejections for both proper non-evidentiary reasons and for purely discretionary reasons rose, but the latter increased much less relative to the decline in evidence-deficiency rejections. Also, nonconviction rates (dismissals and trial acquittals or mistrials) declined significantly for Impact crimes, but not for a comparable non-Impact offense. From these indicators we can conclude that both the quality of individual cases (better police investigation) *and* the relative frequency of good cases (tightened charging standards) were enhanced.

Qualifications

From these indicators it is not possible to distinguish the improvement of police investigations from the elevation of the screening threshold.

*Performance measure sets relevant to the first twelve findings are listed in the footnotes at the end of this Summary and Conclusions.

TWO • PLEA BARGAINING OBJECTIVES OF THE EXPERIMENT WERE SUCCESSFUL[2]

Rationale

Guilty plea convictions on reduced charges were virtually eliminated and plea convictions at the highest orginal level increased markedly for Impact offenses. But one comparable non-Impact offense showed weaker, but similar, changes -- indicating some spillover effects of the Experiment. Moreover, the District Attorney achieved the plea bargaining objectives of the Experiment with no apparent attempt to reduce the booking charge level of a potential Impact case (which would have made it a non-Impact case on which plea bargaining was not constrained by the Experiment). This is supported by the fact that filing rates (of Impact-defined cases at booking) on lesser charges *decreased markedly* during the experiment.

THREE • CHARGING STANDARDS WERE TIGHTENED FOR IMPACT CASES[3]

Rationale

Since overall rejection rates for one Impact offense remained unchanged *and* the relative frequency of rejection by reason of evidence deficiency declined, it is reasonable to conclude that the charging threshold was raised *and* that police investigations improved. (This assumes that the proportion of cases rejected on non-evidentiary (purely) discretionary grounds did not change materially; in fact, this proportion did increase somewhat, but relatively little compared to the decrease in rejections by reason of evidentiary deficiency.) Had the prosecutor not tightened his standards, he would have rejected a *smaller* proportion of cases during the Experiment, other things equal.

FOUR • CHARGING ACCURACY DID NOT LESSEN FOR IMPACT CASES[4]

Rationale

One ambiguous indicator of possible improvement in charging accuracy or police investigation is that non-conviction rates (dismissals, trial acquittals,

mistrials) fell markedly for Impact crimes, but not for one comparable non-Impact crime. But this indicator alone cannot disclose whether one or both are responsible. (From the case audit of burglary guilty plea cases we concluded that case strength was high before and during the Experiment.) Changes in other measures normally relevant to charging accuracy (lower charge-bargaining and higher straight-plea rates) must be attributed to the policy ground rules of the Experiment. Thus, we can conclude only that charging accuracy *did not lessen*.

FIVE • THERE WAS A YEAR-TO-YEAR SHIFT IN THE PLEA BARGAINING BALANCE: SYSTEM GAINS INCREASED AND CONCESSIONS TO DEFENDANTS DECREASED[5]

Rationale

Systemwide *gains* and other operational impacts included the following: there were lower dismissal rates and higher plea and overall conviction rates for Impact crimes; a large rise occurred in the proportion of defendants incarcerated and in Sentence Severity imposed for Impact crimes (and some non-Impact crimes as well); most of the observed increase in the Sentence Severity Score of Robbery I cases and all of the observed increase for Burglary I cases were attributable to the Experiment (perhaps resulting unintentionally); and although delay for felony cases as a whole showed a year-to-year increase, Impact crimes were moved more expeditiously. Compared with straight pleaders, systemwide *concessions* per convicted defendant fell markedly for both Impact crimes. (Convicted defendants here include those convicted at trial as well as those who received a plea *bargain*.) Concessions granted robbery defendants who entered a charge-bargain or count-bargain showed little year-to-year change, no matter which Sentence Severity Index is applied; the direction of year-to-year changes in concessions granted burglary plea bargainers depended on which Index was used, because the frequency of non-incarceration sentences were relatively greater in the latter year and the different Indices apply different relative weights to non-incarceration as opposed to incarceration sentence components.

SIX • SENTENCING VARIATION REMAINED RELATIVELY CONSTANT FROM YEAR-TO-YEAR WITH "ILLEGITIMATE" FACTORS HAVING LITTLE EFFECT IN ONE OFFENSE AND DECREASING EFFECTS IN ANOTHER[6]

Rationale

Although the *average* Sentence Severity Score rose in Impact offenses, and one non-Impact offense as well, the variability of the scores showed little change. In Burglary I-cases, "illegitimate" factors contributed little to sentence variation in both years, indicating evenhandedness in sentencing. In Robbery I cases, "illegitimate" factors, particularly pretrial custody status and the choice of a bench or jury trial (compared with a straight plea) accounted for a large, but decreasing over time, portion of the variation of the Sentence Severity Score explained in our analysis. In both crimes the nature of charges and counts accounts for a large portion of the total variation explained, and prior record is next in importance in explaining that variation due to "legitimate" factors.

SEVEN • DISPOSITION AND SENTENCING WERE RATHER EVENHANDED AND BECOMING MORE SO[7]

Rationale

Minority Status: Black burglars or robbers in the early year had higher dismissal rates and lower plea and overall conviction rates, suggesting either overarrests, overprosecution or the application of a double standard. (Our data could not discern which hypotheses best explained the observed differences.) These differences disappeared in 1974 Burglary I cases. Mixed effects of minority status on the Sentence Severity Score existed in 1973, depending on offense, but these differences disappeared in 1974.

Pretrial Custody Status: Some mixed effects of custody status (in jail or not) on dispositions existed in 1973, but these differences were reduced or disappeared in 1974, depending on offense. There were mixed effects of custody status on the Sentence Severity Score, depending on offense and year; hence, these data must be interpreted as being inconclusive.

Type of Defense Attorney: Although there were some dispositional and sentencing outcomes that were somewhat more favorable for defendants having public defender representation (higher dismissal rate, lower overall conviction probability in robbery, less severe sentences in robbery), our general conclusion is that type of defense attorney had little effect. We have no reason to believe that, taken as a group, public defenders, retained counsel and court-appointed attorneys were not equally effective.

Trial versus Straight Plea: Conviction by trial seems to result in little or no penalty in the Sentence Severity Score compared with straight pleas.

Qualifications

The observed differences attributable to minority status and trials are based on small sample sizes and sometimes on simple cross-tabulations, which means that inferences cannot be confidently drawn. The "trial effect," especially, needs to be analyzed in more depth, using a large sample of defendants who go to trial.

EIGHT • *DEFENDANTS WITH MORE SERIOUS PRIOR RECORDS FARED NO WORSE IN THE ADJUDICATION PHASE, BUT ONCE CONVICTED, THEY WERE SENTENCED MORE SEVERELY*[8]

Rationale

No consistent differences in dispositional measures associated with prior criminal record showed up in either year, suggesting little or no effect of prior record either before or during the Experiment. More serious prior records, however, tended to be associated with higher Sentence Severity Score in *both* years, suggesting that no special effect was associated with the Experiment.

NINE • *ELAPSED TIME MEASURES SHOWED YEAR-TO-YEAR INCREASES FOR THE GENERAL CASELOAD, BUT IMPACT CASES WERE EXPEDITED. ONLY TYPE OF ATTORNEY AND COURT CALENDAR CROWDING SHOWED CONSISTENT EFFECTS ON DELAY*[9]

tionale

Most elapsed time and continuance measures exhibited year-to-year increases nd a significant fraction of cases exceeded the 60-day standard for the felony aseload in general. However, most delay measures for Impact offenses showed ittle or no year-to-year change, indicating that special efforts were made to xpedite Impact cases. There were either no effects or mixed effects on delay ssociated with pretrial custody status and type of disposition (dismissal, lea, trial), indicating that these effects on delay are inconclusive. Representation by private attorneys and the increasingly crowded court calendar generally ntroduced more delay.

'EN • *BASED ON THEIR MAIL SURVEY RESPONSES, THE USE OF VICTIMS AND OTHER WITNESSES SEEMED TO BE REASONABLE. ON THE OTHER HAND, JUROR IDLENESS WAS EXCESSIVE.*[10]

ationale

Almost all victims and other witness indicated they cooperated with the prosecutor when requested. Average number of appearances per disposition were between 2.5 and 3.0 for victims and other witnesses and each appearance averaged about 1.8 to 1.9 hours. Although jurors' time seemed to be relatively equally split between civil matters, criminal matters and simply waiting, during the period of duty surveyed, they spent a significant proportion of their time in idleness.

Qualifications

Responses are based on memory and do not often properly account for all the time a lay participant spent.

ELEVEN • *NO CONCLUSIONS CAN BE DRAWN REGARDING HOW EFFICIENTLY PRACTITIONER (JUDGE, PROSECUTOR, PUBLIC DEFENDER) TIME IS UTILIZED*[11]

Rationale

No data were available to estimate such measures for the District Attorney's Office or the Public Defender's Office. Although some relevant data were available and were collected for the Court, serious shortcomings (inaccuracies, incompleteness) made it infeasible to make adequate estimates. (We describe in Section V the results obtained and the reasons why we rejected them.)

TWELVE • *ON THE WHOLE, PERFORMANCE IMPROVED FROM YEAR-TO-YEAR: ONLY DELAY FOR THE ENTIRE FELONY CASELOAD WAS SOMEWHAT WORSE, BUT PERFORMANCE ON ALL OTHER ISSUES (FOR WHICH DATA WERE AVAILABLE) WAS EITHER BETTER OR NO WORSE. ADDITIONAL SYSTEM COSTS INCURRED WERE MODEST.*[12]

Rationale

Given the findings mentioned above, it seems reasonable to conclude that, on the whole, performance improved between 1973 and 1974; that the No-Plea Negotiation Experiment's goals were largely achieved; and that this Experiment had a substantial effect in improving overall performance. These overall performance gains were achieved at a cost increase of about 25 percent in prosecutorial staff assigned to felony cases, or about a 13 percent in staff for the entire Office. There was no evidence of additional costs incurred in the Court or in the Public Defender's Office as a result of the Experiment.

THIRTEEN • *THERE WAS NO DISCERNIBLE YEAR-TO-YEAR SHIFT TOWARD EITHER POLAR MODEL OF THE CRIMINAL PROCESS IN THE COURTS*

Finally, one can ask whether there was a discernible shift between 1973 and 1974 in Multnomah County toward one of the two polar *criminal process* models developed by Packer* and Goldstein.** (See Table 6 and the accompanying

*H. Packer, *The Limits of the Criminal Sanction*, Stanford University Press, Stanford, 1968.

**A. Goldstein, "Reflections on Two Models: Inquisitorial Themes in American Criminal Procedure," Stanford Law Review, Vol. 26, May 1974.

discussion in Section III for an attempt to translate the values expressed by the Crime Control/Inquisitorial Models and the Due Process/Adversarial Models into implied magnitude and directions for performance measures.) Since we analyzed only two Impact offenses and one non-Impact offense, we must limit the context of this question to these offenses.

Between 1973 and 1974, some of the performance measures for both Impact offenses changed in a direction that would indicate movement toward a Crime Control Model. Other performance measures changed in a direction indicating movement toward a Due Process Model. Still other measures showed *mixed* changes among offenses in their shift toward one or another Model. Given these mixed changes in the performance measures, one can conclude that *no discernible trend* is present toward either polar model in Multnomah between 1973 and 1974. (See expanded discussion in Section V.)

END

FINDINGS: A COMPARISON OF PERFORMANCE IN MULTNOMAH AND DADE COUNTIES IN 1974

Multnomah and Dade Counties with their respective Circuit Courts differ in many essential respects. (See Section IV for a descriptive comparison and Section VIII for a quantitative comparison.) It is clear that the comparison of these two jurisdictions ought not to be approached as if one were assessing a competition between two similar entities operating in like environments and seeking to achieve well-defined, common goals. When we observe differences in the results of applying the same performance measures to the two jurisdictions, our interpretation of these differences must necessarily be cautious, for the differences may reflect disparities in the nature of the two systems and not their relative effectiveness. Nevertheless, comparisons of the two jurisdictions may be meaningful, at least from the point of view of the communities upon whom the outputs of these court systems have impact.

The comparisons made here are based largely on data obtained from the 1974 exemplary-offenses case samples -- that is, from four samples each roughly numbering 100 cases which involve the two exemplary offenses in the two jurisdictions respectively. In summary, we observed the following.

V. APPLICATION OF PERFORMANCE MEASURES IN MULTNOMAH COUNTY

In Section IV we described in largely qualitative terms the organization, operation, and policies of the court, prosecution, and public defender agencies in Multnomah County. In this section, using data collected from the agencies' records and from mail surveys of victims, witnesses, and jurors, we apply the statistical performance measures in this jurisdiction. For illustrative purposes, our analysis is largely built around a preliminary evaluation of the systemwide effects of a "No-Plea Negotiation Experiment" introduced by the District Attorney's Office in late 1973-early 1974. First, we describe briefly the objectives and nature of the experiment. Next, we provide the reader with a statistical overview of system resources defendant-related characteristics and the outputs of felony proceedings before and during the experiment. Then, taking each of the major issue areas discussed in Section III, we attempt to show how performance has changed between these two time periods and to what extent performance changes are attributable to the experiment or to other identifiable factors. Finally, we summarize these findings and comment on to what extent we find it possible to characterize changes in "overall" performance.

THE DISTRICT ATTORNEY'S "NO-NEGOTIATION EXPERIMENT"

Toward the end of calendar year 1973 a special trial unit, known as the Impact Unit, was formed in the District Attorney's Office and became fully operational by January 1974. It was funded partially through the LEAA as part of Portland's (Oregon) High Impact Anti-Crime program. There were three broad operating goals: to improve the quality of cases coming to trial by providing legal advice and casework assistance to police investigators; to provide swift and appropriate prosecution of target crimes; and to reduce negotiated pleas. The target (or Impact) crimes were dwelling burglaries, serious robberies, and "fencing."

Six additional deputy prosecutors and five support persons were funded under the grant and assigned to the Impact Unit. In a departure from the usual procedure employed with cases other than target crimes,

in which a case moves between DA units, an attorney in the Impact unit retains a case from filing to final disposition. Also, deputies work with detectives on a day-to-day basis, assisting with case preparation whenever requested. We observed two other departures from the usual procedures in Impact cases: case folders are in a distinctive bright orange (clearly conveying to the judge and defense attorney that this is an Impact case); and more extensive presentence investigation reports are prepared more frequently in Impact cases.

The program's goal of reducing negotiated pleas deserves some elaboration. In this aspect of the experiment the District Attorney's objective was to reduce only plea agreements involving *charge reduction*. The program goals were silent on other forms of plea agreements, such as to reduce the number of counts (but not the charge level), to recommend or not to oppose specific sentences, to not file or not prosecute other cases pending against the defendant, or combinations of the foregoing, in return for guilty pleas.

More specific objectives within the broad goals were also specified. These included maintaining a high "original charge" conviction rate of 85 percent, maintaining a rate of negotiated pleas (i.e., charge-reduction plea bargains) of less than 5 percent, reduction of the dismissal rate for insufficient evidence, and maintaining an arrest-to-trial period for Impact offenses equal to that for a comparison group of offenses. Since the nature of any plea bargain is recorded in a special form filed with the court and since we captured this information in our data collection effort, it was possible (as is discussed below) to determine how plea bargaining changed during the experiment as compared with before it, and to trace its consequences on other outcomes.

A STATISTICAL OVERVIEW

In Tables 13 through 18 we provide a statistical overview of caseloads and dispositions in the Circuit Court, inmate population of Oregon felony correctional institutions, and a variety of defendant-related and other characteristics. The information was collected from two sources: from statistics provided by various criminal justice agencies in Multnomah County and the State of Oregon, and from data samples collected by research team members from agency records. The collection procedures for the latter are described in Appendix D together with descriptions of the samples themselves.

General characteristics of the court, prosecution, and public defender agencies are summarized in Table 13. Most of the information summarized is taken from the descriptions provided in the preceding section. Criminal case filings and backlog (i.e., pending or open cases) in Circuit Court are shown in Table 14, and felony inmates confined in Oregon correctional institutions are shown in Table 15.

Table 13

CHARACTERISTICS OF PROSECUTION, DEFENSE, AND COURT AGENCIES IN MULTNOMAH COUNTY

CIRCUIT COURT	
Number of courts	1 Chief Criminal Court (no trials except on stipulated facts) 10 civil/criminal trial courts
Number of felony cases filed/yr	2500 (approx.)
Number of felony trials/yr	300 (approx.)
Method of electing judges	Nonpartisan; 6-yr term
Juries	
Term of duty	4-5 weeks
Pool of venirepersons	200
Jury size	12
Sentencing	
Statutory maxima by felony level	Life: life, no minimum A: 20 yrs. B: 10 yrs. C: 5 yrs.
Court discretion	May impose maximum lower than statutory maximum; concurrent or consecutive
Typical percentage of imposed sentence actually served (all felonies)	33 %
DISTRICT ATTORNEY'S OFFICE	
Number of prosecutors	
Total (felonies + misdemeanors)	50
Felonies only	27
Number of felony cases filed per year÷ number of felony-assigned deputies	100 (approx.)
PUBLIC DEFENDER'S OFFICE	
Number of felony case adjudications	1400
Number of attorneys	
Total	12
Felonies only	8
Number of felony cases adjudicated per year÷ number of felony-assigned defenders	175 (approx.)

Table 14

CRIMINAL CASES[a] FILED AND PENDING IN MULTNOMAH COUNTY CIRCUIT COURT, 1971-1975

FY	Filings	Date	Pending Cases (Backlog)
1971-72	2466	-	-
1972-73	2928	December 1972	597
1973-74	3250	December 1973	533
1974-75	3657	December 1974	774
		November 1975	1008

[a]Includes criminal appeals from lower court
Source: Circuit Court, Multnomah County

Table 15

INMATES[a] CONFINED IN OREGON FELONY CORRECTIONAL INSTITUTIONS 1972-1975 (selected dates)

Date	Number of Inmates Confined
January 1, 1972	1899
January 1, 1973	1595
January 1, 1974	1659
January 1, 1975	1886
June 30, 1975	2054
December 1, 1975	2205

[a]Excludes inmates on work release
Source: Oregon Department of Corrections

Notice that case filings have steadily increased between 1971 and 1975 and that backlog doubled between end-1973 and end-1975. The number of felony inmates in Oregon's correctional institutions (excluding those on work release) declined somewhat between 1972 and 1974, but increased steadily thereafter. By June 30, 1975, the number of inmates (2054) exceeded the single cell capacity of 1918 beds (including work release inmates) in the entire system, and by December of 1975 inmates exceeded capacity by almost 300. During the past few years there has been no increase in state correctional facilities for felony inmates. Multnomah County facilities (Rocky Butte Jail) were nearly full, too. Until mid-1973 the average daily count ran somewhat over 400 inmates. After a remodeling in mid-1973, which reduced capacity to 340, in 1974 the average daily count rose to near-capacity (288 in August and 335 in December).

Table 16 displays the mix of felony cases, by offense type, closed in 1973 and 1974. Offenses against persons in other than robbery declined from 16 percent in 1973 to 9 percent in 1974. Offenses against property also declined during that period--45 to 37 percent--mainly due to a decrease in burglary and theft offenses. The relative proportion of drug offenses, however, increased sharply from 26 to 38 percent during that period. (However, none of these changes were statistically significant.)

Table 16

DISTRIBUTION OF FELONY CASES BY OFFENSE TYPE IN MULTNOMAH COUNTY
(Entries in percent of all cases)

Offense Type	1973[a]		1974[a]	
Offenses Against Persons	25		20	
Robbery		9		11
Other		16		9
Offenses Against Property	45		37	
Burglary		21		16
Theft		16		13
Other		8		8
Drug Offenses	26		38	
All Other Felony Offenses	4		5	
Total	100		100	

[a]Based on a random sample of 100 felony cases in each year (the "general" samples--see Appendix D).

In Table 17 we display trends in the characteristics of felony defendants processed in Circuit Court. Compared with 1973, burglary and robbery defendants in 1974 tended to be somewhat younger and less educated and had resided longer in Multnomah County, although these differences were not statistically significant. In 1974 fewer burglary and robbery defendants were Black. Prior records of these defendants changed only slightly over the two years; about half had no prior record and 15 to 17 percent had prior prison records. In 1973 about half of all felony defendants had public defenders whereas in 1974 only a third did. In 1973 over 80 percent of all felony defendants made bail or OR, whereas in 1974 only 70 percent did.

Table 17

SELECTED CHARACTERISTICS OF MULTNOMAH COUNTY FELONY DEFENDANT 1973, 1974
(Entries in percent of all defendants)

Defendant Characteristics	1973	1974
Age[a]		
Under 21	40	46
21-29	47	39
30 and over	13	15
Ethnic Group[a]		
Black	45	30*
Spanish surname	4	0
Other minority	8	13*
Majority	43	57*
Transients[a]		
(i.e., <2 years living in county)	15	11
Less than High School Education[a]	57	50
Prior Record[a]		
None	47	52*
Minor	20	12*
Major	18	19
Prison	15	17
Type of Defense Attorney:[b]		
Public Defender	50	33*
Private (court appointed or defendant retained)	50	67*
Pre-Trial Custody Status:[b]		
In jail (or jail *and* bail or OR)[c]	17	30*
Released on bail or OR	83	70*

[a]Based on 100-case random smaples for each exemplary offense in each period, and weighted by their relative frequency of occurrence as shown in Table 16.

[b]Based on a 100-case random sample of all felony defendants. In each period.

[c]The defendant is in jail part of the time and free part of the time.

*Statistically significant change between 1973 and 1974 at the 95 percent level i.e. there is a 5% chance that a difference at least this large would occur

In Table 18 we present an overview of felony case dispositions, sentences and delay based on an examination of a random sample of almost 100 Circuit Court case folders in each of the two years. Pretrial dismissal rates remained relatively constant over the two years at 35-38 percent, although the proportion dismissed for other reasons (as compared with those dismissed for insufficient evidence) declined significantly in 1974 compared with 1973. The trial rate also declined (but not significantly) from 13 percent in 1973 to 7 percent in 1974; this decline was fairly evenly split between jury and court trials. Trial conviction rates, however, remained fairly constant.

For all felonies, the overall rates of pretrial guilty pleas (52-53 percent) showed little change over the two years and the relative proportion pleading guilty to original charges as opposed to lesser charges also showed little change over this time period. (However, as we shall demonstrate below, the picture for the specific Impact offenses of Dwelling Burglary I and Robbery I was very different.) With pretrial dismissal, guilty plea and trial conviction rates fairly constant over the two years, overall conviction rates too, showed little change--remaining at roughly 60 percent of all felony dispositions.

Somewhat over 60 percent of all felony defendant sentences were non-incarcerations--i.e., probation, fines, restitutions, etc. or combinations of these elements--and little change in these rates occurred over these two years. Of the 32 to 39 percent incarcerated, the relative proportion receiving jail sentences (compared with prison sentences) declined significantly in 1974 compared with 1973. Although we cannot demonstrate it conclusively, this phenomenon may be related to the fact that the total number of confinements in state felony correctional institutions was rising rapidly (see Table 15) during this period and approaching the single cell capacity of the entire system. (Again, as we shall demonstrate below, the sentencing picture for felony defendants charged with Impact offenses was very different.)

Median elapsed time from arrest to trial and from arrest to final disposition increased by 50 and 25 percent respectively, between 1973 and 1974. In 1973, the median arrest-to-trial period was barely within the statutory standard of 60 days for individual cases, but in 1974 it rose to 84 days. (However,

Table 18

FELONY CASE DISPOSITIONS, SENTENCES, AND DELAY IN MULTNOMAH CIRCUIT COURT[a]

(Entries in percent of all dispositions)

	1973		1974	
Pretrial dismissals	35		38	
For insufficient evidence		16		8
For other reasons		9		30*
Trials	13		7	
Jury		5		2
Court		8		5
Trial conviction rates[b]	75		72	
Trial acquittal rate[b]	25		14	
Trial dismissal, mistrial[b]	0		14	
Pretrial pleas of guilty	52		53	
To original charges		22		19
To lesser charges		30		34
Overall conviction rate	62		58	
N (dispositions)	(94)		(95)	
Sentences				
Suspended sentences	2		0	
Non-incarceration (probation, fine, restitution, etc.)	66		61	
Incarcerated	32		39	
Jail (and any lesser)		11		28*
Prison (and any lesser)		21		11
N (convictions or sentencings)	(57)		(53)	
Median elapsed time (days)				
From arrest to trial	56		84	
From arrest to final dispostion	62		77	
From arraignment to final disposition	34		63	

[a]Based on random sample of 100 felony cases from each period.

[b]Based on number of trials.

*Statistically significant difference between 1973 and 1974 at the 95% level.

of even more significance for the operation of the Circuit Court itself, the median time from arraignment to final disposition almost doubled between 1973 and 1974. As we shall indicate below in our more detailed discussion of the delay issue, part of the rise in elapsed time seems to be related to the steady rise in the number of case filings and backlog. For example, between end of 1973 and end of 1974 the number of cases pending rose by almost 50 percent (see Table 14).

Finally, to provide a general context for the subsequent analysis of each issue, we show in Figs. 1 and 2, what happens to robbery and burglary arrestees at the various stages between arrest and final disposition for the two years (1973 figures in italics and 1974 figures in normal typeface). Our focus is on the flow of those defendants who are originally arrested on these charges, then charged by the prosecutor with at least one count of these offenses, and arraigned in Circuit Court.

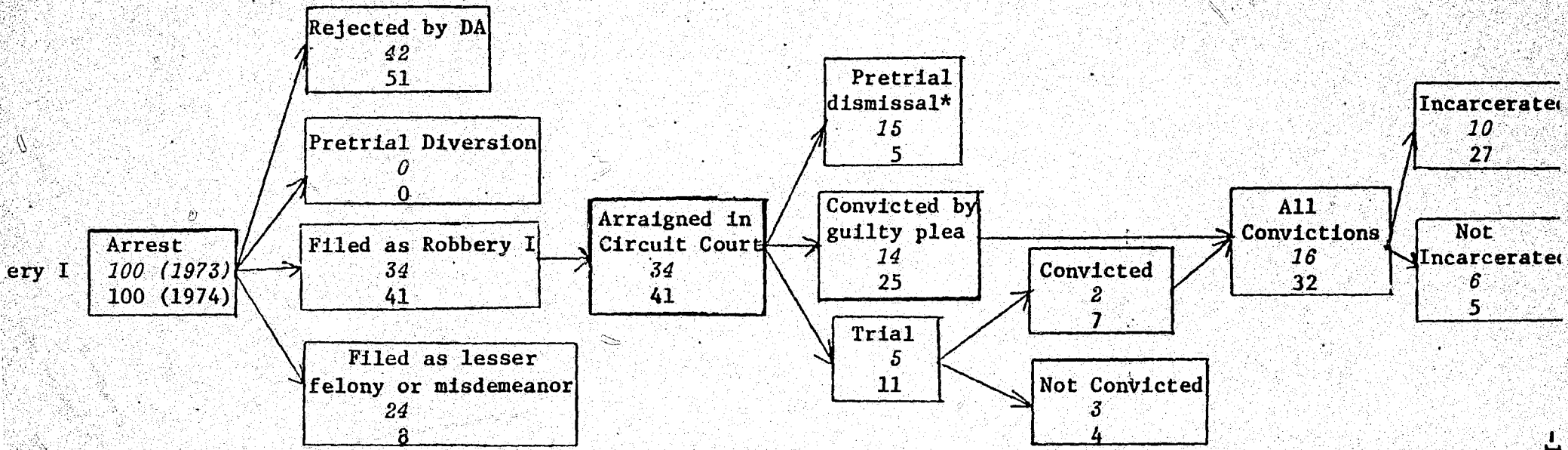
PROSECUTORIAL SCREENING

Here we apply the performance measures to the two prosecutorial issues discussed in Section III--the charging threshold* and charging accuracy.

Charging Threshold

In Tables 19 and 20 we present performance measures relevant to gauging changes in prosecutorial charging threshold. Table 19 shows the screening actions taken in 1973 and 1974 by the prosecutor's office on cases booked by the police in which the highest police booking charge was Robbery I (an Impact offense in 1974). Some cases contained only one Robbery I count, others contained multiple Robbery I counts and still others had one or more Robbery I counts plus one or more lesser charges. Table 20 shows similar data for cases booked by the police in which the highest booking charge was Burglary I. (In Oregon, Burglary I includes all dwelling burglaries as well as some non-dwelling burglaries.) As mentioned above, the No-Plea Negotiation Experiment focused on *dwelling* burglaries in 1974. However, because police booking records

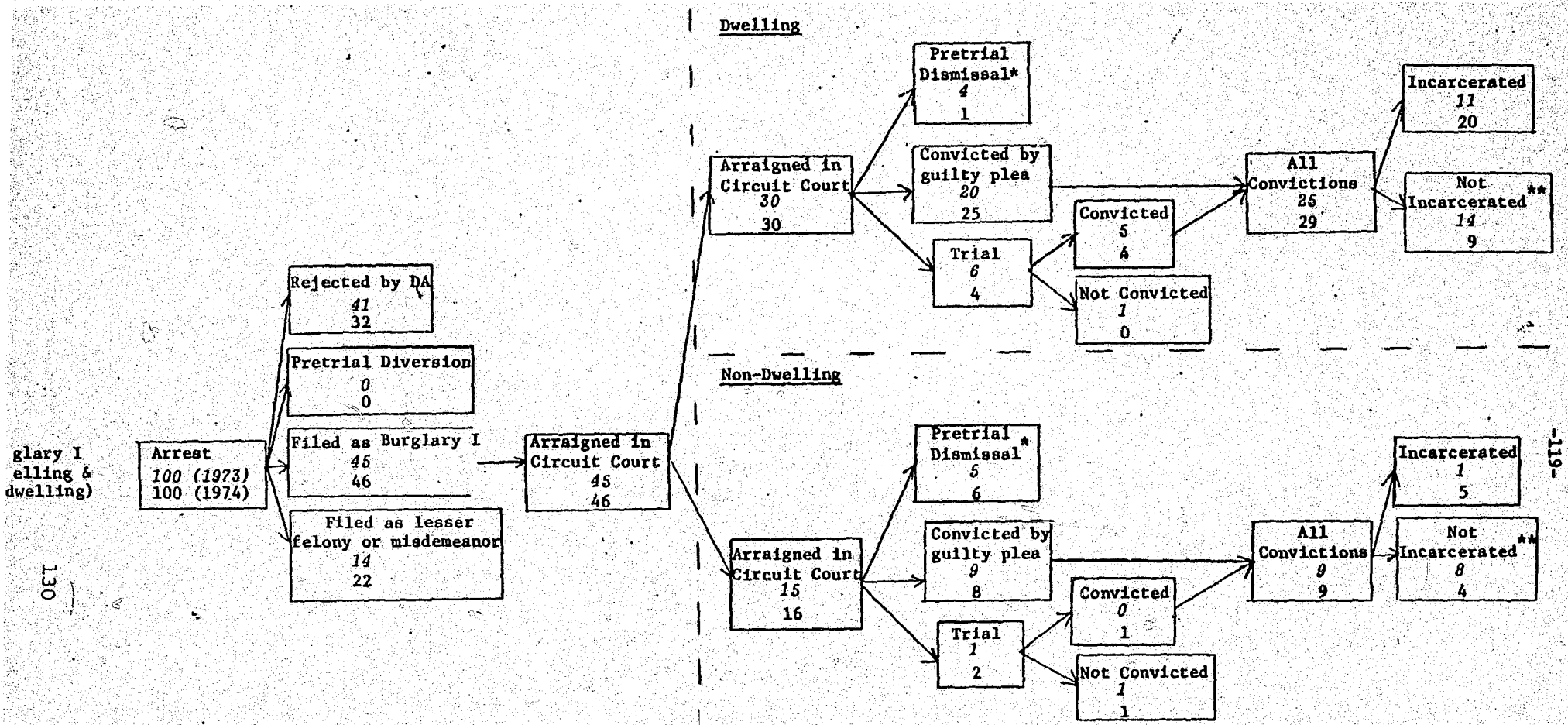
*That is, the case strength that suffices for the filing of felony charges.



*Includes cases charged as Robbery I or Burglary I that are dismissed in lower court or in Circuit Court before trial on a motion by the prosecutor or after a hearing on a motion by the defense.

**Includes incarceration sentences imposed, but suspended.

Fig. 1--Movement of Robbery I cases from arrest through final disposition in the Circuit Court of Multnomah County, 1973 and 1974 (in percent of arrests)



*Includes cases charged as Robbery I or Burglary I that are dismissed in lower court or in Circuit Court before trial on a motion by the prosecutor or after a hearing on a motion by the defense.

**Includes incarceration sentences imposed, but suspended

Fig. 2--Movement of Burglary I cases from arrest through final disposition in the Circuit Court of Multnomah County, 1973 and 1974 (in percent of arrests)

Table 19

PROSECUTORIAL SCREENING ACTIONS ON CASES BOOKED BY POLICE ON AT LEAST ONE ROBBERY I CHARGE
MULTNOMAH COUNTY, 1973 AND 1974

(Entries Are Percent of All Police Bookings)

Year	1973	1974
Rejected outright	42	51
Pretrial diversion	0[a]	0[a]
Filed on (at least) the most serious charge (Felony A)	34	41
Filed on lesser felony charge (Felony B or C) or charges	21] 24	5] 8*
Filed as a misdemeanor	3]	3]
All police bookings (N)	100 (58)	100 (100)

[a] There are no pretrial diversion programs in Multnomah County

* Statistically significant charge between 1973 and 1974 at the 95% level

Table 20

PROSECUTORIAL SCREENING ACTIONS ON CASES BOOKED BY POLICE ON AT LEAST ONE BURGLARY I CHARGE
MULTNOMAH COUNTY, 1973 AND 1974

(Entries Are Percent of All Police Bookings)

Year	1973	1974
Rejected outright	41	32
Pretrial diversion	0[a]	0[a]
Filed on (at least) the most serious charge (Felony A)	45	46
Filed on lesser felony charge (Felony B or C) or charges	8] 14	16] 22
Filed as a misdemeanor	6]	6]
All police bookings (N)	100 (112)	100 (112)

[a] There are no pretrial diversion programs in Multnomah County

do not distinguish between Dwelling Burglary I and Nondwelling Burglary I we could not present screening actions for each sub-offense category separately. The data are based on samples for each year and each offense taken from police booking records. Data on prosecutorial screening actions on cases in which an information was filed was gathered from card files in the District Attorney's Office. If a card was missing, our interpretation was that the case had been rejected outright by the prosecutor.

Turning first to police-booked Robbery I cases, we see that betweeen 1973 and 1974, there was no statistically significant change in either the outright rejection rate or in the filing rate on the most serious charge. Taken *alone* these two performance measures suggest that no major changes in prosecutorial charging policies and standards for Robbery occurred as a result of the No-Plea Negotiation Experiment.

Given one of the objectives of the experiment--to reduce dramatically the rate of guilty pleas in which charges are reduced in Impact cases--it has been suggested that an improper way of furthering this objective is for the prosecutor to screen out potential Impact cases at the charging stage by reducing the booking charge from a Robbery I to some lesser charge. These cases then enter the system as non-Impact cases, and even if they were subsequently charge-bargained, they would not be counted as Impact cases that were charge-bargained. The fact that the filing rate on lesser charges (i.e., Felony B, Felony C or misdemeanor) *decreased* significantly (from 24 percent in 1973 to 8 percent in 1974) suggests, at the very least, that there was *no* attempt by the prosecutor's office to use this subterfuge.

Turning next to Burglary I bookings, we see that no statistically significant changes occurred in any of the prosecutorial filing actions over the two year period. Based on these performance measures alone, we infer that the charging threshold for Burglary I as a whole did not shift materially. (But since the data could not be estimated separately for dwelling and non-dwelling burglaries, we cannot make inferences

Table 21

FREQUENCY OF REASONS GIVEN FOR REJECTION IN BOOKINGS BY POLICE AS ROBBERY I AND DWELLING BURGLARY I CASES MULTNOMAH COUNTY, 1973 AND 1974

(Entries Are Percent of All Cases Rejected)

Highest Police-Booked Charge	Robbery I		Burglary I (Dwelling Only)	
Year	1973	1974	1973	1974
Evidence Deficiency				
Insufficient evidence and absence of indispensable parties	53	40	59	60
No corpus of crime	0	0	0	2
Evidence inadmissible	0	0	0	1
Good case but needs more investigation	31	15**	30	20
	84	55*	89	83
Proper Reasons Other Than Evidence Deficiency	8	19	7	7
Interests of Justice (discretionary refusal to prosecute)	8	26**	4	10
All rejections (N)	100(13)	100(48)	100(27)	100(80)

*Statistically significant change between 1973 and 1974 at almost a 95% level of confidence

**Statistically significant change between 1973 and 1974 at slightly over an 80% level of confidence

from these data about whether the Impact experiment affected charging standards in dwelling burglaries differently from non-dwelling burglaries.) However, the results of the case auditing exercise (see Section VII), in which small samples of dwelling and non-dwelling burglaries were examined, revealed that for both years and both types of burglaries there was no discernible change in the strength of the average case. The audit suggested that almost all of the filed cases were strong. However, the case audit was designed primarily to illuminate plea bargaining, and since no rejected cases were audited, it cannot be used to assess adherence to charging standards.

Recall that in Section III we argued that to illuminate the charging threshold issue one should examine the changes in the relative frequency of reasons for rejection. If, for example, the relative proportion of outright rejections by reason of evidence deficiency declines, while the overall rejection rate remains relatively constant between two periods of time, it is fair to infer that the police investigations have improved *and* that the prosecutor has raised his charging threshold. Had the prosecutor not raised it, he would have rejected outright a *smaller* proportion of cases in the latter time period, other things equal.

In Table 21 we display the relative frequency of rejection reasons Robbery I and Dwelling Burglary I in the two time periods. These data were gathered and classified (by study team members) from narratives in "prosecution declined" memorandums on file in the prosecutor's office. Notice first that the percent of rejections calling for more investigation declined (although not statistically significant for the small sample size) for both Impact crimes in 1974. This is a strong indicator that one of the experiment's goals was being achieved--namely, improving the quality of cases presented by the police by providing legal advice and assistance to police investigators. Notice futher that robbery rejections for evidence deficiencies declined dramatically, from 84 percent in 1973 to 55 percent in 1974. (Statistically significant at almost a 95 percent level of confidence). Proper non-evidentiary reasons were more frequent

n 1974 as was the pure exercise of discretion by the prosecutor, but he latter rose only from 8 to 26 percent between years--much less .an the decline in evidence deficiency rejections. This coupled ith the fact that overall rejection rates and filing rates at the most erious charge level remained relatively consistent, indicates that he charging threshold for Impact robberies was raised as well. or Dwelling Burglary I the evidence is more ambiguous: since ejections for evidence deficiencies declined only slightly in 1974, this one indicator seems to suggest that the charging threshold is ot noticeably higher under the experiment. But as we noted above, the data were not available to estimate *overall* rejection and filing rates for dwelling burglaries separately, so we cannot tell whether they have risen, declined or remained unchanged over the time period. All we know is that such performance measures showed little change for *all* Burglary I's. However, as we noted above, the case audit conclusions support the inference that the charging threshold for both dwelling and non-dwelling burglaries was high, but did not change materially over the two years.

We have drawn inferences about changes in charging standards from our observations of year-to-year changes in the performance measures. But some of the observed changes in the performance measures might be explained by changes in factors *other* than charging standards, such as arrestee-related characteristics. For example, if it is thought that the arrestee's prior record or age might affect the prosecutor's screening actions and if these characteristics change from one year to the next for the average burglary or robbery arrestee, not all of the observed changes in the performance measures could be attributed to charging threshold differences. It is here that one needs statistical tools such as multivariate analysis to reveal such effects if they exist. Although we apply such tools below (see Appendix E for results and a methodological discussion) in attempting to explain conviction probability, sentence severity and elapsed time, we were not able to apply them to the analysis of prosecutorial screening actions. The reason is that little, if any, data are collected by the court or prosecutorial agencies on background characteristics of arrestees

whose cases are rejected by the prosecutor.

Charging Accuracy

Turning next to the issue of charging accuracy, we display in Table 22 a set of performance measures discussed in Section III as being relevant to this issue. The measures (dispositions subsequent to screening actions) were calculated from samples of data collected from Circuit Court felony case files and other court, prosecutor and public defender agency records. Approximately 100 cases in which the highest charge of Burglary I was filed by the prosecutor were selected for each year; similar samples were collected for cases in which the highest charge was Robbery I. Measures for dwelling and non-dwelling burglaries are shown separately, because the former is an Impact crime in 1974 whereas the latter is not.

What inferences can we draw as to changes in charging accuracy? One ambiguous measure is the proportion of defendants *not* convicted. For the Impact crimes of Robbery I and Dwelling Burglary I there was a dramatic reduction in non-convictions, particularly in the robbery pretrial dismissal rate; for the non-Impact crime of Non-Dwelling Burglary I there was no such decline. This is one clear indicator that the case quality of Impact crimes improved markedly in 1974 compared with 1973, whereas no such change seems to have occurred in non-dwelling burglaries. To what extent better case quality is a result of better police investigative work or improved charging accuracy cannot be ascertained from these data. From an examination of the reasons for rejection we concluded above that police investigation *did* improve. But whether charging accuracy improved also is unclear. The case audit exercise (see Section VII), at least, suggests that the strength of both dwelling and non-dwelling burglary cases *did not fall* from year to year. To the extent that subjective judgments by practitioners regarding the strength of cases is a measure of charging accuracy, we can at least conclude that charging accuracy did not decline in 1974.

The fact that Robbery I and Dwelling Burglary I convictions on original charges rose markedly in 1974 and concomitantly, convictions on reduced

Table 22

CHARGING ACCURACY PERFORMANCE MEASURES
MULTNOMAH COUNTY BURGLARY I AND ROBBERY I CASES, 1973 AND 1974

(% of all dispositions)

Offense	Robbery I		Dwelling Burglary I		Non Dwelling Burglary I	
Year	1973	1974	1973	1974	1973	1974
Not Convicted						
Pretrial dismissal	44	12*	14	5*	33	38
Trial acquittal, dismissal, hung jury	9	12	3	0	9	6
	53	24*	17	5*	42	44
Convicted on All Original Charges						
By guilty plea	10	54*	19	67*	6	23*
By trial	6	13	11	12	0	3
	16	67*	30	79*	6	26*
Convicted on at Least One Most Serious Original Charge (with Other Charges and/or Counts Reduced						
By guilty plea	7	4	11	2*	3	0
By trial	0	0	3	0	0	0
	7	4	14	2*	3	0
Convicted on Lesser Charge(s)						
By guilty plea	24	4*	39	12*	49	27*
By trial	0	1	0	2	0	3
	24	5*	39	14*	49	30
All dispositions (N)	100(95)	100(86)	100(64)	100(56)	100(33)	100(32)
Trial conviction rate**	33	52	82	100	0	50
Trial acquittal, dismissal, mistrial rate**	64	48	18	0	50	50

*Statistically significant differences between 1973 and 1974 at the 95% level.

**Based on number of trials

charges declined, must be attributed to the policy ground rules of the No-Plea Negotiation Experiment and not to improved charging accuracy. (On the other hand, if the same year to year changes in all of these performance measures had occurred *without* introducing such an experiment, one could conclude that charging accuracy had indeed improved dramatically.)

Of some note also is the fact that non-dwelling burglary convictions on original charges also rose in 1974, but not as greatly as for dwelling burglaries. And convictions on reduced charges also declined in 1974. This pattern seems to suggest that some spillover effect was at work in non-Impact crime cases, even though the non-dwelling and dwelling burglary cases are handled by two different units within the prosecutor's office.

As discussed in Appendix E, we attempted to explain and predict conviction probabilities (no conviction, i.e. dismissals; conviction on original charges; conviction on fewer counts, with no level reduction; and conviction at reduced charge level) as related to non-accuracy factors such as defendant-related characteristics, number and level of original charges, and so on. But the attempt was unsuccessful in that none of the factors we chose seems to be related to conviction probability. If our technical approach was correct, this suggests that variables or factors *other* than the ones we hypothesized may be related to the probability of conviction and that future research be directed along these lines.

PLEA BARGAINING

We turn now to the measurement of the effects of plea bargaining. Before we display the sets of performance measures (discussed in Section III) for gauging the extent of concessions to defendants, on the one hand, and the operational impacts or "gains" to the system, on the other hand, it is instructive to show in some detail the changes in the *nature* of plea bargaining as affected by the No-Plea Negotiation Experiment. In other words, we must first show to what extent the major policy objectives of the experiment have been implemented -- reducing charge bargains to virtually zero and increasing dramatically guilty pleas to the highest original

charge. Recall that the experiment's goals were silent on other types of plea bargains, such as reduction in the number of counts of lesser charges, the reduction in number of counts (of highest) original charges, sentence agreements, or agreements not to prosecute other cases.

In Table 23 we display how guilty plea rates, by type of plea, changed between 1973 and 1974 for the two Impact offenses (Robbery I and Dwelling Burglary I) and the non-Impact offense of Non-dwelling Burglary I. The most striking change is that negotiated pleas in Impact cases in which the charge was *reduced from the original level* (with or without other bargain types such as sentence agreements or agreements to drop other cases) dropped dramatically in 1974. In the case of robbery the charge reduction rate dropped from 59 percent in 1973 to only 6 percent -- essentially meeting the experiment's target of 5 percent. In the case of dwelling burglary the rate declined from a similar level in 1973 to 16 percent -- somewhat in excess of the 5 percent target, but a dramatic decline nevertheless. For the non-Impact offense of non-dwelling burglary there seemed to be a spillover effect; whereas 85 percent of pleas were charge-bargained in 1973, only 53 percent were so disposed in 1974, and all of the decline was in charge bargains with *other* types of plea bargains.

Concomitantly, straight plea rates with or without other plea bargains rose significantly in 1974, not only for the Impact offenses, but for the non-Impact offense as well. In 1973 straight pleas with or without other plea bargains accounted for roughly 25 percent of robbery or dwelling burglary guilty pleas. In 1974 they accounted for over 80 percent, and roughly 50 percent involved sentence agreements or agreements to drop other cases. A similar, but less pronounced, increase occurred in 1974 non-dwelling burglary guilty pleas as well, indicating the presence of a spillover effect to non-Impact offenses. Incidence of count bargaining -- a guilty plea to at least one count of the highest original charge, but where the number of counts of highest original and/or original lesser charges is reduced -- was low for all three offense categories and showed little year-to-year change.

In summary, implementation of the new No-Plea Negotiation policy resulted in much lower incidence of charge bargaining, a much higher incidence of

Table 23

RESULTS OF PLEA BARGAINING IN MULTNOMAH COUNTY, 1973 AND 1974

(Entries are percent of all pleas of guilty)

Offense	Robbery I		Dwelling Burglary I		Non-Dwelling Burglary I	
Year	1973	1974	1973	1974	1973	1974
Level of Plea						
No Plea Bargains of Any Kind						
Straight Pleas (to *all* original charges & counts)	5	43*	11	30*	5	27*
Straight Pleas with Other Plea Bargain Types						
Sentence agreement	0	11*	5	28*	0	0
Agreement to drop other cases	18	28*	9	22*	5	20*
Combination of the above	0	6*	2	2	0	0
	18	45*	16	52*	5	20*
Plea to at Least One Count of Most Serious Charge with Other Charges and/or Counts Reduced						
With no additional plea bargain types	5	2	0	0	0	0
With sentence agreement and/or agreement to drop other cases	13	4	6	2	5	0
	18	6	6	2	5	0
Plea to Lesser Charge(s)						
With no additional plea bargain types	13	4*	16	8	21	20
With sentence agreement and/or agreement to drop other cases	46	2*	41	8*	64	33*
	59	6*	57	16*	85	53*
All Guilty Pleas (N)	100(39)	100(53)	100(44)	100(46)	100(19)	100(16)
Gross Plea Rate (N÷# dispositions)	41	61*	69	82*	58	50

*Statistically significant change between 1973 and 1974 at the 95% level

pleas to at least one count of the highest original charge and a sizeable increase in other forms of plea bargaining for the Impact offenses. In comparison, one non-Impact offense showed similar spillover tendencies.

Given this changed pattern of plea bargaining, what was the pattern of systemwide concessions and "gains"? Tables 24 and 25 summarize these impacts in gross terms. In Table 24 we display a set of performance measures of the systemwide impacts or gains; these include dispositional, imposed sentence severity and delay measures. The experiment's effect was to significantly reduce dismissal rates and significantly increase overall guilty plea and conviction rates for Impact offenses, whereas these measures showed little year-to-year changes for other felony offenses. Only robbery trial rates increased significantly, whereas other Impact of non-Impact offenses showed little change. We cannot explain why only robbery trial rates increased except to speculate that if 1974 defendants were aware that robbery sentences had risen significantly (see below), they were more willing to go to trial on the chance that they would be acquitted.

We have displayed five measures of sentence severity imposed: the percent incarcerated (in jail or in state prison) and the Sentence Severity Index scores for all four sets of weights described in Section III, (but sentence severity values are not shown separately for dwelling and non-dwelling burglaries). A greater proportion of defendants pleading guilty to robbery charges were incarcerated in the later period and received stiffer sentences. Defendants pleading guilty to either dwelling or non-dwelling burglary charges also were more likely to be incarcerated (notice that the year-to-year *rate* of increase in percent incarceration is greater for non-dwelling burglary) and receive more severe sentences. Even though a greater proportion of dwelling, as compared with non-dwelling, burglars were incarcerated in the later period, the multivariate regression analysis using Sentence Severity Index A (see Appendix E) showed that the independent effect of burglary in a dwelling on Sentence Severity Index score was not significant.

The experiment's goals were silent on sentence severity. That is, no explicit policy was enunciated calling for more severe or less severe sentencing in Impact offenses. Nevertheless, it is of interest to ask whether or not there was a discernible effect on sentence severity that could be attributed to the experiment -- that is, were judges sentencing

MEASURES OF OPERATIONAL IMPACTS OR GAINS AS A RESULT OF PLEA BARGAINING IN MULTNOMAH COUNTY, 1973 AND 1974

Offense Type	Robbery I		Dwelling Burglary I		Non-Dwelling Burglary I		All Burglary I		All Felonies	
Year	1973	1974	1973	1974	1973	1974	1973	1974	1973	1974
Dispositional Measures										
Dismissal rate (%)	44	12**	14	5*	33	38	20*	17*	35	38
Trial rate (%)	15	27**	17*	13**	9	13	14	13*	13	7
Guilty plea rate (%)	41	61**	69*	82**	58	50	65	70*	52	53
Overall conviction rate (%)	47*	77**	83*	95**	58	56	75	80*	62	58
Sentence Severity Measures										
% of guilty pleaders incarcerated	67	87*	36	67*	15	53*	33	64*	32	39
Sentence severity imposed (Index A score)	16.7	26.5*	-	-	-	-	11.4	16.9*	-	-
Sentence severity imposed (Index B score)	20.9	43.9*	-	-	-	-	10.4	20.4*	-	-
Sentence severity imposed (Index C score)	25.0	61.2*	-	-	-	-	9.4	23.9*	-	-
Sentence severity imposed (Index D score)	43.8	116.5*	-	-	-	-	19.0	47.0*	-	-
Median Elapsed Time Measures Days										
Arraignment to guilty plea	37	21	33	31	29	21	31	29	23	29
Arraignment to trial	35	52	30	79	25	72	30	76	30	49
Arraignment to final disposition	71	64	68	68	61	61	58	66	34	63
Continuances & Witness Appearances										
No. days cont'd/total no. cases										
Per uncontested case	-	-	-	-	-	-	-	-	7	9
Per trial	-	-	-	-	-	-	-	-	14	13

*Statistically significant change between 1973 and 1974 at the 95% level.

**Statistically significant change between all felonies and the indicated offense at the 95% level within the same year.

Table 25

CONCESSIONS AS A RESULT OF PLEA BARGAINING IN MULTNOMAH COUNTY, 1973 AND 1974

xpressed as Reductions in Sentence Severity Index Score from Straight-Plea Score)

Sentence Severity Index	Type of Defendant	Burglary I		Robbery I	
		1973[a]	1974[b]	1973[c]	1974[d]
A	Per convicted defendant (including those tried)	5.2	2.1	9.1	1.3
	Per defendant with charge bargain	9.3	9.3	12.4	10.7
	Per defendant with count bargain	NS	NS	16.8	22.2
B	Per convicted defendant (including those tried)	6.8	15.1	23.0	1.9
	Per defendant with charge bargain	12.2	18.0	31.2	31.3
	Per defendant with count bargain	NS	34.9	43.8	NS
C	Per convicted defendant (including those tried)	8.5	23.4	41.0	3.1
	Per defendant with charge bargain	15.1	26.8	49.9	51.9
	Per defendant with count bargain	NS	57.3	70.9	NS
D	Per convicted defendant (including those tried)	17.0	37.7	57.8	NS
	Per defendant with charge bargain	30.2	50.7	72.6	NS
	Per defendant with count bargain	NS	86.7	126.2	NS

[a] 56% of those convicted pled to reduced charges
15% pled to reduced counts at same level

[b] 23% of those convicted pled to reduced charges
30% pled to reduced counts at same level

[c] 51% of those convicted pled to reduced charges
17% pled to reduced counts at same level

[d] 6% of those convicted pled to reduced charges
3% pled to reduced counts at same level

NS = not significantly different from zero at the 90% level

differently because of the presence of the experiment. To answer this question requires that we adjust for year-to-year changes in the population characteristics of defendants and cases. Using Sentence Severity Index A, which is closest to the weighting scheme devised by the California Bureau of Criminal Statistics, we can estimate what the mean Sentence Severity Index score would have been had there been no plea bargaining policy change. To do this, we apply the 1973 sentence severity equations (shown in Appendix E) in conjunction with the 1973 average charge bargaining rate (no policy change) and the 1974 averages for defendant and case characteristics to estimate the 1974 predicted score had there been no policy change. We hypothesize that the 1974 predicted score will be lower than the 1974 observed score -- the difference being attributable to the effect of the experiment.

Table 26 summarizes these results. For Robbery I, it appears that the observed increase in Sentence Severity Index score was 9.8 (or 37 percent of the 1974 observed value), but after adjusting for changes in defendant and case characteristics, the increase attributable to the policy change was 5.2 (or 20 percent of the 1974 observed value). For Burglary I as a whole the observed increase was 5.5. (or 33 percent of the 1974 observed value), but after adjusting for changes in population characteristics, the increase attributable to the policy change is slightly larger (5.8), or about 35 percent of the 1974 observed value. Thus, our hypothesis that the experiment did indeed (albeit perhaps unintentionally) induce more severe sentences is confirmed.

Returning to other plea bargaining impacts on the system, Table 24 also indicates that, by and large, the experiment had little effect on median elapsed times from arraignment to guilty plea or from arraignment to final disposition for Impact offenses. But for felony cases as a whole, the period to final disposition almost doubled, probably as a consequence of the growing caseload and backlog pressures noted above. This suggests that Impact cases (and Non-dwelling Burglary I cases as well) were treated more expeditiously than the average felony case. The arrest-to-trial period, however, increased by 50 to 100 percent for offense categories shown, but the estimates are based on very small samples.

It is very clear that, in Robbery I offenses, the amount of Sentence Severity conceded per *convicted* defendant (measured by any of the Indices) fell dramatically in 1974. In any given year it is also clear that a robbery defendant who is successful in obtaining a reduction in charge level in return for a plea of guilty receives more of a concession than the average convictee.

For reasons we cannot explain, count bargaining in Robbery I seems to produce even greater concessions than charge bargaining. There also seems to be a little year-to-year change in concessions per defendant who enters a charge bargain or count bargain, which suggests that the effect of the experiment was not to change the concession for any specific type of plea bargain, but to change the proportion of defendants pleading within each type. We note further, that compared with pure straight pleas, our statistical analysis revealed no significant independent effect of *other* plea bargain types (sentence agreement or agreements to drop pending cases) on sentence severity.* This is perhaps to be expected for the latter but not for the former, for the very nature of a sentence agreement plea bargain should be to reduce the expected severity. But in our data collection we could capture only the *fact* that sentence agreements were reached or that the prosecutor agreed not to oppose a defense recommendation, not the actual sentence discussed by the practitioners involved (since these were never recorded). This suggests that such data be recorded routinely in court files if their effects are to be analyzed and interpreted.

In our statistical analysis we also found that independent effect of the number of original Robbery I (or other charges of equivalent level) charges was positively related to Sentence Severity Score, but that the number of additional charges at lesser levels was not. (The independent effects of other variables such as defendant background characteristics, prior record, custody status and type of defense attorney, on Sentence Severity Score will be discussed below when we address the issues of sentence disparity and evenhandedness.)

The sentence concession results for Burglary I are somewhat different. We noted above that the independent effect of burglary in a dwelling on

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*In discussing the independent effects of other types of plea bargains, number of original charges at each level of seriousness, etc. on sentence severity, we use the estimates based on Sentence Severity Index A as being ative of the others.

Sentence Severity Score was not significant. It is apparent from Table 25 that the amount of concession per *convicted* defendant as measured by Index A fell significantly in 1974 compared to 1973, but rose when measured by the other three indexes. Index A weights non-incarceration sentences (years of probation, dollars of fine) relatively higher compared to jail or prison sentences than the other three indices. Apparently more burglars who obtained a charge bargain or a count bargain in 1974 were receiving non-incarceration sentences; since these receive less (or zero) weight in Indexes B, C and D the amount of concession measured against straight pleaders (who were receiving incarceration sentences more frequently) rose. As with robbers who pled guilty, burglars who obtained a charge bargain or a count bargain received less severe sentences than straight pleaders. And the same pattern existed, in that count bargaining in burglars seemed to produce even greater sentence concessions than charge bargaining. As with robbery, the sentences of burglars who pled guilty and were able to have other cases dropped or to make sentence agreements were not significantly different from those of straight pleaders. Unlike robbers, the number of counts of original felony charges (at any level) did not affect Sentence Severity Score.

SENTENCE VARIATION

Addressing the issue of sentencing variation, Tables 27 and 28 display the frequency of sentence type and amount imposed, by conviction level, for Robbery I and Burglary I cases in both periods. For clarity, sentence categories have been aggregated into two non-incarceration categories (probation alone, probation plus other -- i.e. fine, restitution, community service, or rehabilitation program) and two incarceration categories (jail alone or with any non-incarceration sentence, prison alone or with any non-incarceration sentence). In addition, we show the average Sentence Severity Score for Index A and a measure of its variability (the standard deviation).

For Robbery I cases, in which all defendants were initially charged with at least one count at the Felony A level, notice that in 1973 about half of the defendants were convicted at the Felony A level, whereas in 1974 almost all were so convicted. In 1973, 16 percent of those convicted

Table 26

DIFFERENCES IN SENTENCE SEVERITY IMPOSED ATTRIBUTABLE OF THE NO-PLEA NEGOTIATION EXPERIMENT IN MULTNOMAH COUNTY

Average Score of Sentence Severity Index A for defendants pleading guilty	Robbery I	Burglary I
1973 observed score	16.7	11.4
1974 observed score	26.5	16.9
1974 predicted score, assuming no policy change but 1974 defendant and case characteristics	21.3	11.1
1973 to 1974 total observed increase	9.8	5.5
1973 to 1974 increase attributable to policy	5.2	5.8

Some rise in continuance-induced delay was apparent in uncontested cases (from 7 days per average case in 1973 to 9 in 1974), but for the few trials such delay declined slightly between these two years.

Turning next to plea bargaining concessions, Table 25 displays three different concession measures, all expressed in terms of Sentence Severity Score reductions from *straight plea* scores. (Our statistical analysis using Index A revealed that electing a court or jury trial did not generally affect sentence severity when compared with that received on a straight plea. However, our trial sample was very small and we cannot make accurate estimates of this hypothesized effect.) Using each of the Sentencing Severity Indices, we show in each year and for both Robbery I and Burglary I the average amount of Sentence Severity Score conceded per *convicted defendant* (those who plead guilty and those are are convicted at trial), per defendant who *pled guilty to lesser charges*, and per defendant with a *count bargain* (i.e., a plea to at least one highest original charge, but where one or more counts of any original charges is dismissed in return for a guilty plea). (Concession values are shown only if they differed from zero at the 90 percent significance level.)

Table 27

IMPOSED SENTENCE TYPE AND AMOUNT BY CONVICTED CHARGE LEVEL IN MULTNOMAH COUNTY ROBBERY I CASES, 1973 AND 1974
(% of all convicted at a given level)

Sentence Type	Probation Only*			Probation* and other			Jail Alone and Jail & Other*			Prison Alone and Prison & Other*					Sentence Severity Score Index	
Sentence Amount (Yrs.)	<2	2-4	≥5	<2	2-4	≥5	<6	6-11	≥12	<2	3-4	5-10	11-20	≥21	Mean	Standard Deviation
Convicted Charge Level																
Felony A																
1973 (N = 19)	-	-	-	-	-	16	-	-	11	-	21	47	-	5	20.8	11.0
1974 (N = 59)	-	-	-	-	2	5	2	2	9	-	2	44	32	2	26.8	10.9
Felony B																
1973 (N = 9)	-	-	-	11	-	22	-	-	33	-	11	22	-	-	16.8	8.9
1974 (N = 2)	-	-	-	-	-	100	-	-	-	-	-	-	-	-	10.0	-
Felony C																
1973 (N = 10)	-	-	10	-	20	20	-	-	20	10	20	-	-	-	12.3	8.4
1974 (N = 2)	-	-	-	-	-	-	-	-	50	-	-	50	-	-	22.5	0.7
Misdemeanor																
1973 (N = 2)	-	-	-	-	-	-	100	-	-	-	-	-	-	-	5.5	6.4
1974 (N = 0)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

*Jail sentences in months; probation or prision sentences in years.

Note: Total number of convictions: 1973, N = 40; 1974, N = 63.

Table 28

IMPOSED SENTENCE TYPE AND AMOUNT BY CONVICTED CHARGE LEVEL IN MULTNOMAH COUNTY BURGLARY I CASES, 1973 AND 1974

(% of all convicted at a given level)

	Probation Only*			Probation, and other			Jail Alone and Jail & Other*			Prison Alone and Prison & Other*					Sentence Severity Score-Index A	
Sentence Amount (Yrs.)	<2	2-4	≥5	<2	2-4	≥5	<6	6-11	≥12	<2	3-4	5-10	11-20	≥21	Mean	Standard Deviation
Dwelling Burglary I																
Convicted Felony A																
1973 (N = 28)	-	3	11	-	4	18	4	7	21	-	-	28	4	-	17.7	7.6
1974 (N = 45)	-	2	7	-	-	11	2	-	22	-	11	41	4	-	20.4	8.1
Convicted Felony B																
1973 (N = 2)	-	-	-	-	-	50	50	-	-	-	-	-	-	-	13.0	4.2
1974 (N = 0)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Convicted Felony C																
1973 (N = 13)	-	23	-	8	23	15	8	-	23	-	-	-	-	-	9.4	6.8
1974 (N = 5)	-	-	20	-	40	-	40	-	-	-	-	-	-	-	8.4	3.0
Convicted Misdemeanor																
1973 (N = 8)	13	12	-	63	-	12	-	-	-	-	-	-	-	-	3.7	2.9
1974 (N = 1)	-	-	-	-	100	-	-	-	-	-	-	-	-	-	4.0	0
Non-Dwelling Burglary I																
Convicted Felony A																
1973 (N = 3)	-	-	33	-	-	33	-	-	-	-	-	33	-	-	16.0	10.4
1974 (N = 7)	-	-	14	-	-	14	30	-	14	-	-	14	14	-	13.5	11.7
Convicted Felony B																
1973 (N = 2)	-	-	-	-	-	100	-	-	-	-	-	-	-	-	10.0	0
1974 (N = 3)	-	-	-	-	-	33	33	-	33	-	-	-	-	-	9.6	9.3
Convicted Felony C																
1973 (N = 9)	-	22	-	-	33	22	11	-	11	-	-	-	-	-	7.6	5.9
1974 (N = 2)	-	-	-	-	50	-	50	-	-	-	-	-	-	-	11.1	6.9
Convicted Misdemeanor																
1973 (N = 4)	-	25	-	50	25	-	-	-	-	-	-	-	-	-	3.6	1.9
1974 (N = 3)	-	-	-	-	67	-	33	-	-	-	-	-	-	-	4.3	2.9
All Burglary I																
Convicted Felony A																
1973 (N = 31)	-	3	13	-	3	19	3	7	19	-	-	30	3	-	17.5	7.7
1974 (N = 52)	-	2	8	-	-	11	6	-	21	-	10	36	6	-	19.3	9.0
Convicted Felony B																
1973 (N = 4)	-	-	-	-	-	75	25	-	-	-	-	-	-	-	11.5	3.0
1974 (N = 3)	-	-	-	-	-	33	33	-	33	-	-	-	-	-	9.6	9.3
Convicted Felony C																
1973 (N = 22)	-	23	-	5	27	18	9	-	18	-	-	-	-	-	8.6	6.4
1974 (N = 7)	-	-	14	-	43	-	43	-	-	-	-	-	-	-	9.2	4.0
Convicted Misdemeanor																
1973 (N = 12)	8	17	-	49	8	8	-	-	-	-	-	-	-	-	3.7	2.6
1974 (N = 4)	-	-	-	25	50	-	25	-	-	-	-	-	-	-	4.3	2.4

*Jail sentences in months; probation or prison sentences in years.
"-" denoted zero

NOTE: Total number of convictions: Dwelling Burglary I: 1973, N=51; 1974, N=51
Nondwelling Burglary I: 1973, N=18, 1974, N=15
All Burglary I: 1973, N=69, 1974, N=66

were given non-incarceration sentences, whereas in 1974 this category fell to 7 percent. Concomitantly, sentences with some prison time for Felony A level convictees rose from 73 percent in 1973 to 80 percent in 1974. The average Sentence Severity Score increased about 30 percent from year to year, but the standard deviation showed little change over that period. In 1973, 33 percent and 50 percent of defendants convicted at the Felony B and C levels, respectively, received non-incarceration sentences.

For dwelling burglary cases, in which all defendants were initially charged with at least one count at the Felony A level, about 55 percent were convicted at the Felony A level, but in 1974 almost 90% were so convicted. At the Felony A conviction level, the percent non-incarcerated fell from 36 percent in 1973 to 20 percent in 1974; there was a corresponding increase over the two-year period in percent prison sentences imposed. But the average Sentence Severity Score rose only 15 percent over the time period, with some increase in variability (as measured by the standard deviation).

Different trends in average sentence severity and sentence variability were apparent in non-dwelling burglaries. Most 1973 non-dwelling burglars were convicted at lesser charge levels; in 1974 most were convicted at the higher charge levels. At the higher conviction levels, year to year average Sentence Severity Score decreased or remained relatively constant, whereas at the lesser conviction levels it increased.

For dwelling and non-dwelling burglaries together, conviction at the highest level rose from 45 percent in 1973 to almost 80 percent in 1974, with an accompanying rise in average Sentence Severity Score and variability.

Essentially, Tables 27 and 28 display *what* happened in sentencing. Now we turn to *why*, i.e., how much of the observed variation in severity is accounted for by various "legitimate" and "illegitimate" factors. Table 29 summarizes these results, which are taken from Appendix E. (In this discussion we focus only on how much of the variation is accounted

Table 29

RIANCE IN SENTENCE IMPOSED ACCOUNTED FOR BY SELECTED FACTORS
MULTNOMAH COUNTY ROBBERT I AND BURGLARY I CASES, 1973 AND 1974
(% of Variation in Sentence Severity Score Index A accounted for[a])

Offense	Burglary I		Robbery I	
Year	1973	1974	1973	1974
"Legitimate" Factors				
Age	1	3	3	6
Prior criminal record				
Minor	1	1	1	NS
Major	1	NS	1	11
Prison	2	5	11	9
Community ties	0	4	2	4
Nature of charges and counts	20	15	30	18
Total variance explained	25	28	48	48
"Illegitimate" Factors				
Minority status				
Black	1	NS	1	NS
Other	NS	-	1	NS
Pretrial custody status				
In jail	2	NS	3	5
On bail or OR	0	NS	9	3
Defended by private attorney				
Defendant-retained	NS	NS	1	NS
Court-appointed	NS	NS	1	NS
Convicted at trial				
Court	NS	1	11	NS
Jury	NS	0	0	NS
Proxy for correctional facilities crowding	NS	6	2	3
Total variance explained	3	7	29	11
Total variance explained (including that from non-significant variables and the constant term)	31	38	79	61

[a]Entries only for variables in regression equations which were statistically significant at the 95% level and in which the regression coefficient on that variable was statistically significant at the 50% level; entry NS (not significant) otherwise.

for by each factor;* when we discuss the evenhandedness issue below we show the *direction* (i.e., more or less severity) of the effect as well.)

Our statistical analysis of sentencing variation in Robbery I cases shows that a very large percentage of the total variation (79 percent in 1973 and 61 percent in 1974) is accounted for by all of the factors that we included. About 48 percent is accounted for by "legitimate" factors in both years. The nature and number of original charges and the nature of plea bargaining were the most important of these "legitimate" factors in 1973, accounting for 30 percent; in 1974 they accounted for 18 percent. Prior criminal record (compared with no prior record) explained 13 percent of the variation in 1973, but it explained 24 percent in 1974. Apparently prior criminal record contributed more to sentencing disparity in the later period. This was also true for the factor of age.

"Illegitimate" factors as a whole accounted for less of the variation in robbery sentences than did "legitimate" factors and their effect decreased over time (falling from 29 percent in 1973 to 11 percent in 1974). Minority status, or the fact that a defendant had a private attorney (either retained or court-appointed) accounted for little or none of the disparity. Compared with defendants whose pretrial custody status included *both* time in jail and time on bail or OR, being in jail or on bail or OR exclusively accounted for a significant proportion of the variation explained by "illegitimate" factors. Compared with straight pleas, electing a jury trial had no significant effect on disparity. But electing a court trial did account for 11 percent of the variation in 1973, whereas in 1974 it had no effect. Our proxy for crowding of the correctional facilities accounted for a small amount of the sentence variation.

The results of our analysis of Burglary I cases were quite different. The factors used in the statistical analysis were able to explain a smaller percent of the total variation in sentencing (31 and 38 percent in the

*The reader will note that in Table 29 we have employed rather weak standards for gauging statistical significance of the factors affecting sentencing variation. We have included effects that are statistically significant at the 50% level or higher (i.e., the chances are better than even that a particular factor has an effect that is not zero). Had we applied stricter standards, such as a 95% level of confidence (i.e., the chances are 95 percent or higher that the effect is not zero), more of the entries would be shown as not statistically significant (NS).

years, respectively) than in our analysis of Robbery I cases. (This ...icates that factors *excluded* from the burglary analysis account for ... of the variation.) But *most* of the accounted-for variation is ...lained by "legitimate" factors (25 and 28 percent in two years) and the ...ect of "illegitimate" factors is either very small or not significant ...all. The nature of the charges and counts explains almost all of the ...legitimate" variation accounted for in 1973 and over half of it in 1974; ... prior criminal record also accounts for a significant portion in 1974.

In summary, we feel that sentencing variation performance measures ...e useful and that appropriate statistical analysis helps to reveal the extent to which various factors account for that variation. In Multnomah ...unty, we found that "illegitimate" factors accounted for little or none of the sentence disparity in burglary cases in both years -- indicating ...venhandedness in sentencing. In robbery cases, however, "illegitimate" ...actors (particularly, pretrial custody status and election of court trials) ...ccounted for a large, but decreasing over time, portion of the sentence ...ariation; such outcomes should trigger judges' attention. If these effects persist, it may be an indication of inconsistency or lack of evenhandedness in sentencing over the long term.

EVENHANDEDNESS

In this discussion we focus exclusively on the effects on dispositional outcomes and sentences imposed that are attributable or related to "illegitimate" factors.* If "illegitimate" factors are influential in

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*We do not here consider "evenhandedness" of delay, since delay (or elapsed time between important stages in adjudication) is jointly determined by court system characteristics (e.g., calendar crowding and management), by prosecutorial readiness, and by defendant-influenced factors (e.g., number of continuances requested by the defense in a case. The latter sometimes are deliberate attempts to slow down proceedings in the belief that it would redound to the defendant's advantage (e.g., the hope that a prosecution witness would be unavailable after the case has been continued several times). Thus, one could not say whether the court system is or is not evenhanded in the speediness of justice, if much of the variation in delay is defendant-induced. (And as we show in the discussion of the delay issue above, a large proportion of continuances granted *are* requested by the defense.)

affecting these performance measures one can conclude that like-situated defendants are not being treated consistently or evenhandedly.

Dispositional Measures

We turn first to dispositional measures, such as rejection rate at screening, felony charging rate, dismissal rate, trial rate, straight plea rate, charge bargain rate, acquittal rate, etc. For these measures we postulate that the following are "illegitimate" factors: ethnicity (or minority status), pretrial custody status and type of defense counsel. Few would argue that ethnicity alone should be a legitimate influence on dispositional outcomes under our system of justice. Most would agree that pretrial custody status should *not* affect whether an arrestee is charged or rejected or whether a defendant is dismissed, pleads guilty, or is convicted or acquitted at trial. However, the fact that a defendant is in jail or out on bail or OR may *actually* be related to dispositional outcome. One argument holds that defendants out on bail or OR can help built a better defense by seeking out witnesses. Another contends that defendants held in jail have more incentive to plea bargain, rather than demand a trial, especially in cases for which the probability of receiving a non-incarceration sentence is high -- since this is a way of spending less total time in jail (pretrial and post conviction). Most would also agree that whether a defendant has the services of a public defender, a court-appointed attorney or retains counsel himself should not influence his disposition. Again, the type of defense attorney may *actually* influence outcomes. One argument is that a wealthier defendant who retains private counsel may be able to provide more resources in building a defense. Another is that public defenders may be able to achieve better (from the defendant's viewpoint) outcomes because they know the system and the practitioners more intimately. Whichever views one holds, it is clearly useful to test whether these effects are present in a jurisdiction and, if so, how they are changing over time.

As we mentioned previously, our multivariate regression analysis was not successful in revealing the independent effects of various "legitimate" and "illegitimate" factors on the probability of dismissal

or conviction (at various levels). Thus, we must turn to cross-tabulations as an analytical device for disclosing the presence or absence of such effects, keeping in mind the caveat that any such observed effects may, in fact, be partially due to *other* factors. In Table 30, we show dispositional measures by pretrial custody status.* In cases of robbery, most defendants were held in jail during both years. First we note that there seem to be some differences in disposition rates associated with jail or non-jail status, but differences between non-jail categories (bail or OR) are small, except for trial conviction rates. (The latter are based on very small trial sample sizes, however, so we cannot place much confidence in these estimates.) There are year-to-year differences in straight plea rates; in 1973 jailed defendants were more likely to plead guilty than non-jailed defendants, whereas in 1974 the differences were small. In 1973 jailed defendants were more likely to have their case dismissed, whereas in 1974 the reverse was true. And in 1973 jailed defendants were less likely to be convicted (by any means) whereas in 1974 they were more likely to be convicted.

In burglary cases similar observations to those made for robbery cases hold for straight plea rates of jailed defendants in both years. In 1973 jailed defendants were less likely to plea bargain, but in 1974 the differences are statistically significant. For most of the other types of disposition, custody status does not seem to have much effect.

Table 31 shows similar dispositional measures by type of attorney. Public defenders seem to be able to do better for defendants at burglary or robbery trials (in terms of fraction of dispositions that are acquittals) than either type of private attorney, but again, most differences are not statistically significant. Public defenders seem to do marginally better for their clients than retained counsel, in terms of lower overall robbery conviction rates, in both time periods; in burglary cases, this seems to hold in 1974, but not in 1973. However, the differences are generally not statistically significant. In general, overall conviction rates for court

*Table 30, as well as Tables 31 and 32 below, do not include *rejection* rate by any of the "illegitimate" factors. Ethnicity and pretrial custody status is usually not recorded in court or prosecution agency files for rejectees and often a suspect may not have an attorney at the time when the screening decision to reject is made.

TABLE 30

EVENHANDEDNESS: THE RELATIONSHIP BETWEEN PRETRIAL CUSTODY STATUS AND DISPOSITIONAL MEASURES IN MULTNOMAH COUNTY ROBBERY AND BURGLARY CASES, 1973 AND 1974

(% of all defendants in a custody status category)

Offense	Robbery I						All Burglary I					
Year	1973			1974			1973			1974		
Pretrial Custody Status	Jail	Bail	OR	Jail	Bail	OR	Jail	Bail	OR	Jail	Bail	OR
Not Convicted												
Pretrial dismissal	46	23	35	7*	14	20	24	29	15	17	25	14
Trial acquittal, dismissal, mistrial	9	15	10	10	14	13	9	0	2	2	13	0
	55	38	45	17*	28	33	33	29	17	19	38	14
Convicted												
Straight plea	19	0†	0†	59†	58*	47*	20	0	13	46*	50*	58*
Received plea bargain (reduced charges and/or counts)	22	47	50†	9	14	0*	36	71	63†	25	0*	17*
Gross plea rate (# pleas÷N)	41	47	50	68†	72	47	56	71	76	71		75
At trial	4	15	5	15†	0	20	11	0	7	10	12	11
Conviction Rate (# convictions÷N)	45	62	55	83†	72	67	67	71	83	81	62	86
All dispositions (N)	100(54)	100(13)	100(20)	100(58)	100(7)	100(15)	100(45)	100(7)	100(40)	100(40)	100(8)	100(36)
Trial conviction rate (# trial convictions÷# trials)	29	50	33	60	0	60	55	0	78	83	48	100

*Statistically significant change between 1973 and 1974 in the same custody status category at the 95% level.

†Statistically significant change between the indicated pretrial custody status category and jail within a given offense/year combination at the 95% level.

Table 31

EVENHANDEDNESS: THE RELATIONSHIP BETWEEN TYPE OF DEFENSE ATTORNEY AND DISPOSITIONAL MEASURES IN MULTNOMAH COUNTY ROBBERY I AND BURGLARY I CASES, 1973 AND 1974
(% of all defendants in a defense attorney category)

Offense	Robbery I						All Burglary I					
Year	1973			1974			1973			1974		
Type of Defense Attorney	Public Defender	Court-Apptd.	Defendant-Retained	Public Defender	Court-Apptd.	Defendant-Retained	Public Defender	Court-Apptd.	Defendant Retained	Public Defender	Court-Apptd.	Defendant-Retained
Not Convicted												
Pretrial dismissal	45	44	38	12*	13*	12	17	18	30	22	15	10
Trial acquittal, dismissal, hung jury	7	17	0	18*	7*	0	4	9	7	5	0	0
	52	61	38	30*	20*	12	21	27	37	27	15	10
Convicted												
Straight plea	13	4	0	51*	60*	38	20	0	7	49*	49	60*
Received plea bargain (reduced charges and/or counts)	35	26	39	5*	7	25	57	27	48	19*	18	20
Gross plea rate (# pleas ÷ N)	48	30	39	56	67*	63	77	27†	55 †	68	67	80
At trial	0	9	23	14	13	25	2	46†	8	5	18	10
Conviction rate (# convictions ÷ N)	48	39	62	70*	80*	88	79	73	63	73	85	90
All dispositions (N)	100(54)	100(23)	100(13)	100(43)	100(30)	100(8)	100(54)	100(11)	100(27)	100(41)	100(33)	100(10)
Trial conviction rate (#trial convictions ÷ # trials)	0	35	100	44	65	100	33	83	50	50	100	100

*Statistically significant change between 1973 and 1974 in the same defense attorney category at the 95% level.

†Statistically significant change between the indicated type of attorney and the public defender within a given offense/year combination at the 95% level.

appointed attorneys are somewhere in between. As to overall trial rates (i.e., the sum of trial convictions and trial acquittals, dismissals and mistrial cases in Table 31), no consistent differences are observed among types of defense counsel, implying that attorney fee compensation systems (described in Section IV) do not seem to influence dispositional outcomes. But one cannot make high confidence inferences from such small samples. (The number of trials in our samples varied between 2 and 11 for a given combination of offense type, year and type of attorney.*) No consistent differences in straight plea or plea bargaining rates seem to be associated with attorney type either.

Table 32 shows the effect of minority status on dispositional outcomes. Since in Multnomah, over half of the case files do not identify defendant ethnicity, sample sizes are quite small. This means that only very large differences in dispositional rates among ethnicity groups will be statistically significant. Compared with majority defendants, Black defendants tend to have higher pretrial dismissal rates, are somewhat less likely to plead guilty, and are less likely to be ultimately convicted in such cases. However, the differences generally are not statistically significant. Year to year changes in these disparities for robbery are small; but in 1974 burglaries the effect of minority status disappears. To the extent that such small samples permit *any* inferences, these findings suggest either that cases against Blacks tended to be weaker, reflecting over-arrests by the police or over-prosecution by the

*It is worth mentioning that manual data collection for rare events that would illuminate, say, the effect of attorney type on trial rate or the effect of trial convictions (compared with straight plea convictions) on sentence severity (discussed below), or the effect of trials on *any* other performance measure is very expensive. For example, if one wanted to be certain to obtain a sample of at least 20 burglars in 1973 who were defended at trial by court-appointed attorneys, and if burglaries represented 20% of all felonies, court-appointed attorneys represented 20% of all burglars and only 10% of all burglary cases went to trial, one would need to examine 5000 felony case records occurring in a one year period, on the average.

Table 32

EVENHANDEDNESS: THE RELATIONSHIP BETWEEN MINORITY STATUS AND DISPOSITIONAL MEASURES IN MULTNOMAH COUNTY ROBBERY AND BURGLARY CASES, 1973 AND 1974

(% of All Defendants in an Ethnic Category)

fense	Robbery I[a]						All Burglary I[a]					
ar	1973			1974			1973			1974		
hnic Category	Majority	Black	Other Minority	Majority	Black	Other Minority	Majority	Black	Other Minority	Majority	Black	Other Minority
t Convicted												
Pretrial dismissal	36	63	25	5 *	50 +	0	9	42	0	25	25	100
Trial acquittal, dismissal, hung jury	21	6	25	23	0	0	9	8	0	0	0	0
	57	68	50	28	50	0	18	50	0	25	25	100
onvicted												
Straight plea	29	19	0	58	50	50	18	17	0	50	37	0
Received plea bargain (reduced charges and/or counts)	14	13	50	5	0	0	46	16	100	8 *	25	0
Gross plea rate (# pleas ÷ N)	43	32	50	63	50	50	64	33	100	58	62	0
At trial	0	0	0	9	0	50	18	17	0	17	13	0
Conviction rate (# convictions ÷ N)	43	32	50	72	50	100	82	50	100	75	75	0
All dispositions (N)	100(14)	100(16)	100(4)	100(22)	100(6)	100(2)	100(11)	100(12)	100(1)	100(12)	100(8)	100(1)
rial conviction rate (# trial convictions ÷ # trials)	0	0	0	28	0	100	67	67	-	100	-	-

[a]Note: In Multnomah County, well over half of the case files and other records do not identify defendant ethnicity.

*Statistically significant change between 1973 and 1974 in the same ethnic category at the 95 percent level.

+Statistically significant change between the indicated ethnic category and the majority category within a given offense/ year combination at the 95 percent level.

District Attorney's Office, or that a double standard is applied to Black defendants. Given the data at our disposal we could not resolve the question of which hypothesis best explains the observed differences. Moreover, one must keep in mind the caveat that whatever differences are revealed by cross-tabulating disposition rates by ethnic group, some of the observed differences may be due to *other* factors.

Sentence Severity Measures

In the previous discussion of sentencing disparity we showed (among other things) how much of the total variation explained in our statistical analysis was attributable to each of the "illegitimate" factors. (These factors included the three examined above under dispositional evenhandedness--ethnicity, custody status, attorney type as well as conviction at trial.) Here we try to show, in addition, the *magnitude* and *direction* of each significant effect. That is, we address the question: What is the magnitude and direction of the change in average Sentence Severity Score (for Index A) associated with a given illegitimate factor? Table 33 summarizes the results of the multivariate statistical analysis for both offenses and both time periods. This procedure makes it possible to hold constant the influence on sentence severity (as measured by Index A) of all specified factors other than the factor being examined. That is, we can estimate the independent effect on Sentence Severity Score imposed, for example, of having obtained a pretrial release, while holding constant the influences of other potential causative factors--charges and counts, age, prior record, type of counsel, method of conviction, etc. For each independent causative factor, Table 33 indicates both the direction of influence and its magnitude, expressed as a proportion of the average Sentence Severity Score (Index A) imposed in the given offense/year combination.

No clear trends emerge with regard to minority status in 1973, partly because of the small samples. Black burglars fared 24 percent worse than White burglars in 1973, but Black robbers fared 24 percent

Table 33

_VENHANDEDNESS IN SENTENCE SEVERITY IMPOSED: THE INDEPENDENT EFFECT OF EGITIMATE FACTORS IN MULTNOMAH COUNTY BURGLARY AND ROBBERY CASES, 1973-1974

(% of change in average Sentence Severity Index A Score associated with a change in a given factor[a])

Offense	Burglary I		Robbery I	
Year	1973	1974	1973	1974
_nority Status[b]				
Black	+24 (57%)*	NS	-24 (71%)*	NS
Other	NS	—	+40 (71%)	NS
retrial Custody Status[c]				
In jail	+50 (86%)*	NS	+111 (93%)*	+39 (96%)*
On bail or OR	NS	NS	+250 (90%)*	+50 (72%)*
_fended by Private Attorney[d]				
Retained	NS	NS	+37 (85%)*	NS
Court-appointed	NS	NS	+20 (61%)	NS
onvicted at Trial[e]				
Court	+18[e]	+8[e]	—[e]	-9[e]
Jury				

\+ = Sentence Severity Score increased
\- = Sentence Severity Score decreased

[a] Entries only for variables in regression equations which were statistically significant at the 95% level and in which the regression coefficient on that variable was statistically significant at the 50% level; entry NS (not significant) otherwise.

[b] Measured against White (majority) status

[c] Measured against mixed pretrial custody status

[d] Measured against defense by public defender

[e] Measured against straight-plea conviction. Entries computed from matching pairs of defendants and cases similar in most respects, except that one was convicted at trial and the other pled guilty to all original charges (see discussion in text).

* Entries in parenthesis are the level of statistical significance of the regression coefficient.

better, in terms of average Sentence Severity Index A score. Other minorities (mainly Oriental and American Indian in Multnomah County) were treated the same as Whites in 1973 burglary cases, but fared 40 percent worse in robbery cases. However, 1974 minority status was *not* significantly related to sentence severity in either offense, suggesting more evenhanded treatment of offenders.

Independent effects of pretrial custody status are mixed too. Compared with defendants who spent some of their time in jail and part in OR or out on bail, 1973 burglars who were in jail all the time fared 50 percent worse, whereas defendants who were never jailed fared no better or worse. In 1974 burglaries, custody status had no significant effect. In robberies, jailees fared worse in both years, but inexplicably, those on bail or OR all the time fared even worse. These data must be interpreted as being inconclusive in gauging trends in evenhandedness in sentencing as affected by custody status.

Compared with burglars defended by the Public Defender's Office, those defended by either type of private attorney fared no better or no worse in both years. This was also true for 1974 robbery defendants. But 1973 robbery defendants had sentences imposed that were 20 or 37 percent more severe if they were defended by court-appointed or retained counsel, respectively. From these data we can conclude that type of defense attorney had little independent effect on Sentence Severity Score.

Unfortunately the number of trial convictions included in our yearly random samples of 100 burglaries and 100 robberies was very small; therefore, we cannot rely on the regression results reported in Appendix E. Alternatively, we attempted to select matched pairs of convictees in each sample differing only in whether they were convicted at trial or pleaded guilty to all original counts and charges. These cases were matched exactly on the following characteristics:

year, offense (burglary, whether dwelling or non-dwelling), number and level of original and convicted charges, and prior criminal record category. In addition, if possible, the cases were also matched on defendant custody status and age. We then computed the percentage difference in mean Sentence Severity Score for the group convicted at trial and the group who made straight pleas of guilty. These results are shown in Table 33. Note that because of too few trials, we could not make meaningful estimates for 1973 robberies. For the other three entries, numbers of trials (both court and jury) varied between six to eight. From these small samples it would seem that convictions at trial result in an increase in sentence severity of about 8 to 18 percent over those imposed on straight pleaders. However, this "penalty" imposed by the court system does not account for the probability that a defendant will be acquitted at trial or have the charges reduced (presumably resulting in a lesser sentence). For 1974 robberies, the trial effect is to slightly *reduce* sentence severity. Thus, to the limited extent we can conclude *anything* from these small samples, it would seem that trials have little effect on sentence severity compared with straight pleas.

* * * * * * *

In summary, our findings regarding evenhandedness of dispositional and sentencing outcomes as affected by minority status, pretrial custody status, type of attorney and choice of trial versus straight plea are:

Minority Status: Because ethnicity data were not recorded in well over half of the cases examined, sample sizes by ethnic group were quite small and statistically reliable inferences are difficult to draw. For these small samples, Black robbery defendants in both years tended to have higher dismissal rates and lower guilty plea and overall conviction rates, suggesting either over-arrests by the police or over-prosecution by the District Attorney's Office or the application of a double standard. Given these data, we could not resolve the question of which hypothesis best explains the observed differences. These same ethnic differences were also present in 1973 burglaries but disappeared in 1974, indicating a trend toward more evenhandedness in dispositions. Imposed sentence

severity differences associated with ethnic group were mixed in both offenses in 1973 but these differences disappeared in 1974, indicating a trend toward more evenhandedness in sentencing.

Pretrial Custody Status: Some differences in dispositional rates associated with being in custody or not (out on bail or OR) were observed in 1973 burglaries and robberies. But these differences generally disappeared in 1974, indicating a movement toward more evenhandedness in dispositions. Jailed burglars and robbers tended to have more severe sentences imposed in 1973, but pretrial custody status had no effect in 1974 burglaries. However, custody status effects were mixed in 1974 robberies. Consequently, these data must be interpreted as being inconclusive in gauging custody status effects on the evenhandedness of sentencing.

Type of Defense Attorney: Compared to private attorneys, public defenders seemed to achieve higher dismissal rates for burglary and robbery defendants in both years and somewhat lower likelihood of overall conviction in robbery cases, but little differences associated with type of attorney were observed in trial or straight guilty plea or plea bargaining rates. As to Sentence Severity Score, no differences between type of attorney were present in burglary cases in both years and in 1974 robberies, but 1974 robbery defendants defended by private attorneys received somewhat more severe sentences. In short, although there were some dispositional and sentencing outcomes that were somewhat more favorable for defendants having public defender representation, our general conclusion is that type of defense attorney had little effect.

Trial vs. Straight Pleas: To the limited extent we can conclude *anything* from our small samples of defendants convicted at trial, it would seem that conviction at trial imposed little or no penalty in terms of sentence severity imposed compared with similar defendants making straight pleas of guilty. A more statistically reliable analysis would require larger sample sizes of defendants who choose a trial.

HOW THE COURT SYSTEM TREATS DEFENDANTS WITH PRIOR CRIMINAL RECORDS

Although not an issue that fits neatly into one of the several issue categories we have addressed in this study, it seems useful to examine how a jurisdiction treats defendants with prior criminal records as compared with those with no prior record. National concern with the broader issue of the "habitual offender" or the "career criminal" is evidenced by recent LEAA action grants aimed at focusing special prosecutorial resources on the career criminal in several jurisdictions, and by at least one LEAA research grant aimed at examining the nature and number of habitual offenders, their impact on criminal behavior, their contacts with public agencies, the impact of public agencies on their behavior, and alternative programs for dealing with segments of the habitual offender population.

Dispositional Measures

In Table 34 we show dispositional measures by the four criminal record categories* (none, minor, major, prison) employed by the California Bureau of Criminal Statistics. As indicated in the discussion of the evenhandedness issue, we show only dispositional measures for defendants arraigned in Circuit Court. Prosecutorial rejection rate, by prior record, is not shown because data on the suspect's prior criminal record are generally not present in the prosecutor's files for those who are rejcted. Again, one must keep in mind the caveat that, observed differences shown in cross-tabulations of performance measures by prior record may, in fact, be partially due to *other* factors.

From Table 34 it appears that the only statistically significant difference associated with prior record is that 1974 robbery defendants with more serious prior records are not convicted more often than those with less serious records. Otherwise, observed differences were not significant. From Table 34, then, it is fair to conclude that no special

*See Section III for simplified definitions of these categories.

Table 34

EVENHANDEDNESS: THE RELATIONSHIP BETWEEN PRIOR RECORD AND DISPOSITIONAL MEASURES IN MULTNOMAH COUNTY ROBBERY AND BURGLARY CASES, 1973 AND 1974
(% of all defendants in prior criminal record category)

Offense	Robbery I								All Burglary I							
Year	1973				1974				1973				1974			
Prior Criminal Record	None	Minor	Major	Prison	None	Minor	Major	Prison	None	Minor	Major	Prison	None	Minor	Major	Prison
Not Convicted																
Pretrial dismissal	39	47	32	31	12	21*	9	6	17	28	7	33	17	14*	11	27
Trial acquittal, dismissal, mistrial	4/43	20/67	16/48	0/31	5/17	21/42	9/18	11/17*†	0/17	11/39	14/21	9/42	2/19	0/14	0/11	9/36
Convicted																
Straight plea	7	6	15	23	65	37*	82	55*	15	6	36	8	52	43*	66	28*
Received plea bargain (reduced charges and/or counts)	46	27	37	31	6	7	0	11	62	44	36	42	21	14*	17	27
Gross plea rate (# pleas÷N)	53	33	52	54	71	44	82	66	77	50	72	50	73	57	83	55
At trial	4	0	0	15	12	14	0	17	6	11	7	8	8	29*	6	9
Conviction rate (# convictions÷N)	57	33	52	69	83	58	82	83*	83	61	79	58	81	86	89	64
All dispositions (N)	100(26)	100(15)	100(19)	100(13)	100(34)	100(14)	100(11)	100(18)	100(47)	100(18)	100(14)	100(12)	100(48)	100(7)	100(18)	100(11)
Trial conviction rate (#trial convictions÷#trials)	50	--	0	100	67	40	--	60	100	50	33	50	80	100	--	50

*Statistically significant change between 1973 and 1974 at the 95% level within a given prior record category/offense combination.

†Statistically significant change at the 95% level between the weighted average of "Major and Prison" categories and the weighted average of "None and Minor" categories within a given offense/year combination.

attention was focused on burglary or robbery defendants with prior criminal records and no improvements in conviction rate or conviction level of these defendants resulted in either year. It is true that higher conviction rates and higher conviction levels resulted for *all* burglary and robbery defendants in 1974 and were associated with the No-Plea Negotiation Experiment (as we have shown in the above discussion of the issues of Screening Accuracy and Plea Bargaining). But the Experiment did not set out to focus *special* attention on defendants with heavy prior criminal records, and thus one should not have expected differential treatment by prior record to result.

Sentence Severity Measures

In our discussion above of the Sentence Variation issue, (see Table 29), we showed, of the total variation in Sentence Severity Index A Score explained in our statistical analysis, the percentage that was accounted for by prior criminal record category, among other factors. In Table 35, we show the size and direction of the independent effect of prior record, in terms of the percent change in Sentence Severity Score (Index A) associated with a minor, major or prison record. The change in Sentence Severity Score is measured against defendants with *no* prior criminal record.

In robbery cases in both years, the effect of prior record was to increase Sentence Severity Score by 30 to 69 percent, depending on year and category of prior record. Although there were some inconsistencies, the more serious prior records tended to be associated with higher Sentence Severity Score. This observation also held for 1974 burglary defendants. Compared with defendants with no prior record, 1973 burglary defendants with a minor prior record received somewhat more severe sentences, but defendants with more serious prior records received *less* severe sentences. This latter anomalous result is not explainable in terms of the gross data we collected, but one may speculate that for 1973 burglary defendants with prior major or prison records, there may have been *other mitigating circumstances*

Table 35

THE INDEPENDENT EFFECT OF PRIOR CRIMINAL RECORD ON SENTENCE SEVERITY IN MULTNOMAH COUNTY BURGLARY AND ROBBERY CASES, 1973 AND 1974
(% Change in Sentence Severity Index A Score associated with a given category of prior record[a])

Offense	Burglary I		Robbery I	
Year	1973	1974	1973	1974
Prior Record[b]				
Minor	+20	+19	+39	NS
Major	-33	NS	+30	+54
Prison	-44	+59	+69	+45

[a] Entries only for variables in regression equations which were statistically significant at the 95% level and in which the regression coefficient on that variable was statistically significant at the 50% level; entry NS (not significant) otherwise.

[b] Measured against no prior record.

associated with their background, case or behavior that would account for their higher sentences.

* * * * *

In summary, then, dispositional outcomes in burglary and robbery cases were generally not affected by defendant prior record in either year. In terms of sentence severity imposed there was a trend toward more severe sentences for defendants with some prior criminal record, and, in general, the more serious the prior record, the more severe the sentence. This kind of analysis is useful in establishing "current practice" with regard to treatment of "habitual offenders" in a jurisdiction. If a special program were introduced that focused on offenders with serious prior record, dispositional and sentence outcomes under the program could be evaluated by comparing them with "current practices" outcomes.

DELAY

Here we apply several performance measures that illuminate the speediness of justice from a variety of viewpoints. First we illustrate *what* happened in Multnomah County, in terms of three measures of elapsed time between major events--median number of days, minimum number of days for the longest 10 percent of cases, and the percent of cases exceeding some elapsed time standard--and in terms of continuances. Then, we attempt to analyze *why*--that is, we estimate the magnitude and direction of the change in one elapsed time measure associated with selected factors that we hypothesized would influence the speediness of justice.

Table 36 displays the several measures of delay for four offense categories (a random sample of all felonies, robberies, dwelling and non-dwelling burglaries) in both years. For all felonies, median number of days from arrest or arraignment to dismissal, to guilty plea and

to final disposition* showed fairly consistent year-to-year increases. Very large year-to-year increases in time between conviction and sentencing are also apparent, probably largely due to the more frequent use of presentence investigation reports in 1974, particularly in the more serious offenses. Median number of days between arrest and trial and between arraignment and trial also rose consistently from year to year. And the minimum time for the longest 10 percent of cases also showed fairly consistent year-to-year increases between major events, although the small sample size (e.g. the longest 10 percent of 20 cases dismissed in a give offense-year sample = 2 cases) makes for low confidence in this statistic.

For the two Impact offenses of robbery and dwelling burglaries, year-to-year trends were mixed. Some elapsed time measures showed year-to-year decreases or no change (e.g. median time between arrest and dismissal, from arrest or arraignment to final disposition or to guilty plea for robberies; from arrest or arraignment to guilty plea and from arraignment to final disposition for dwelling burglaries). Still other rose in 1974 such as arrest or arraignment-to-trial periods. Dwelling burglary elapsed time measures behaved in a similar way to elapsed time measures for all felonies.

The major point to note here is that Impact offenses did *not* generally contribute to year-to-year increases in delay experienced for the felony caseload as a whole, suggesting that Impact cases were expedited consciously or unconsciously.

In Table 36 we have also included a measure of the extent to which the 60-day time standard is being met. The standard actually applies only to the arrest-to-trial period (of individual cases); however, it is useful to show separately the percent of cases exceeding 60 days from arrest to dismissal, to guilty plea, to trial and to "final adjudication" (i.e., dismissals, guilty pleas and trials together,

*Final disposition is taken as the date of: dismissal, non-conviction at trial, or sentencing as a result of a guilty plea or a conviction at trial.

Table 36

SURES OF ELAPSED TIME IN MULTNOMAH COUNTY FELONY CASES, 1973 AND 1974

nse	All Felonies		Robbery I[a]		Dwelling Burglary I[a]		Non-Dwelling Burglary I[a]	
	1973	1974	1973	1974	1973	1974	1973	1974
Arrest to: dian # da s)								
Dismissal	29	41	63	26	42	47	17	71
Guilty plea	57	51	65	54	65	51	66	82
Trial	56	84	51	81	52	93	61	118
Final disposition	62	77	86	86	85	97	61	97
Minimum # days for longest 10% of cases)								
Dismissal	197	154	--	--	--	--	--	--
Guilty plea	90	93	--	--	--	--	--	--
Trial	107	149	--	--	--	--	--	--
Final disposition	159	151	--	--	--	--	--	--
(% Cases exceeding 60-day standard)								
Dismissal	*31*	*38*	*51*†	*38*	*40*	--	*25*	*55**
Guilty plea	*48*	*44**	*66*†	*34**†	*52*	*44**†	*58*	*63*
Trial	*50*	*100**	*36*	*69**†	*38*	*83**†	--	--
All cases[b]	*42*	*46*	*57*†	*42**	*50*	*46*	*46*	*61*
m Arrai nment to: Median # days)								
Dismissal	29	46	79	--	78	--	69	84
Guilty plea	23	29	37	21	33	31	29	21
Trial	30	49	35	52	30	79	25	72
Final disposition	34	63	71	64	68	68	32	61
(Minimum # days for longest 10% of cases)								
Dismissal	184	110	--	--	--	--	--	--
Guilty plea	85	82	--	--	--	--	--	--
Trial	53	92	--	--	--	--	--	--
Final disposition	145	130	--	--	--	--	--	--
nviction to Sentencing (Median # days)	2	34	41	35	19	33	2	31

[a] Entries for minimum number of days for longest 10% of cases omitted because f small sample size.

[b] Excluding elapsed time between conviction and sentencing.

* Statistically significant change between 1973 and 1974 at the 95% level with- n a given offense category.

† Statistically significant change at the 95% level between the indicated ffense category and "All Felonies" within a given year.

excluding the time between conviction and sentencing). Notice that although the *median* number of days from arrest to dismissal, guilty plea or trial was less than 60 days for all felonies in 1973, in fact, 31, 48 and 50 percent of those dispositions, respectively, exceeded the 60-day standard. And in 1974 larger fractions of those dispositions exceeded the 60-day standard.

In general, a greater fraction of 1973 robbery and burglary dispositions exceeded the standard compared with all felonies taken together (although the differences between burglaries and all felonies were not statistically significant). In 1974 fewer robbery dispositions exceeded the time standard. One point of interest is that in 1974, *most* trials for robbery, dwelling burglaries, and all felonies exceeded the standard, whereas half or less did so in 1973. The main points are that a very large proportion of adjudicated cases exceeded the time standard and that, in general, delay was worse during 1974.

Although they provide only indirect measures of overall delay, continuance measures provide additional insight, particularly with regard to which classes of practitioners are responsible for delay and how continuance policy is being applied. Table 37 displays a number of continuance measures, by contested (trials) and uncontested disposition, for all felony cases in both periods. For un-contested cases, about one-third of all cases were continued in both periods, but the average number of continuances per case rose in 1974. Since the average continuance involved 15 to 16 days in both periods, this meant that the average number of continued days per uncontested case (continued and non-continued) rose from 7 in 1973 to 9 in 1974. Although half or more of the continuances were attributed to the defense in both periods, those attributed to the prosecution declined in 1974.

For contested cases, the picture was somewhat different. Compared with uncontested cases, a greater fraction of contested cases are continued and more continuances are granted in the average case; moreover, both measures rose in 1974 over 1973. But since the average continuance declined from 14 to 9 days over the two years, the number of continued days per

Table 37

CONTINUANCE MEASURES IN MULTNOMAH COUNTY, 1973 AND 1974
(Based on a 100-case sample of all felony cases in each period)

Year	1973	1974
For Uncontested Cases		
(N)	(73)	(80)
# cases continued ÷ # cases	33%	31%
# continuances ÷ # cases	.46	.59
# days continued ÷ # continuances	15	16
# days continued ÷ # cases	7	9
% of total number of continuances attributed to:		
defense	57%	49%
prosecution	26%	15%
court and other*	17%	36%
For Contested Cases		
(N)	(20)	(15)
# cases continued ÷ # cases (%)	45%	60%
# continuances ÷ # cases	1.00	1.40
# days continued ÷ # continuances	14	9
# days continued ÷ # cases	14	13
% of total number of continuances attributed to:		
defense	25%	29%
prosecution	35%	19%
court and other*	40%	52%

*Attributed to court alone, defense and prosecution jointly, and unidentified attribution.

average contested case remained relatively constant. Unlike uncontested cases, only about 25 to 30 percent of trial case continuances are attributable to the defense; that attributable to the prosecution declined over time. In contested cases, a large proportion of continuances are attributable to the court and jointly to the prosecution and defense in both periods.

Next, we turn to an analysis of what affects delay. We selected average elapsed time between arraignment and final disposition as a reasonable overall measure of the delay introduced into felony proceedings in Circuit Court. We hypothesized that four factors could influence this measure of delay.* Pretrial custody status could affect elapsed time; defendants on bail or OR might seek to delay proceedings for their advantage, whereas defendants in jail might have less incentive to ask for continuances, so as to minimize pretrial jail time. Type of defense attorney could affect delay, especially if one category of attorney tended to know the system better than another; however, we had no prior hypothesis as to *which* type of attorney would be associated with longer or shorter elapsed times. A trend over time toward heavier caseloads (or court calendar crowding), we hypothesized, should result in increased delay. Finally, the type of disposition -- dismissal, plea bargain and trial -- could affect delay. Compared with straight pleas, we hypothesized that dismissed cases should be shorter and cases disposed by plea bargain and trial should be longer on the average.

Table 38 shows these results for arraignment-to-final disposition period in all felonies and in robberies for both periods. Custody status had little or no effect on court delay overall (i.e., for the entire felony caseload) in both years. Compared with robbery defendants who spent part of pretrial time in jail and part time out on bail or OR,

*Since we had no prior hyptheses as to why factors *other* than the four selected should influence delay, we do not show their effect. The results of the statistical analysis displayed in Appendix E, does, however, include the effects of other (control) variables on elapsed times.

Table 38

INDEPENDENT EFFECT OF HYPOTHESIZED INFLUENTIAL FACTORS ON AVERAGE ELAPSED TIME FROM ARRAIGNMENT TO FINAL DISPOSITION FOR ALL FELONIES AND FOR ROBBERIES IN MULTNOMAH COUNTY, 1973 AND 1974

(% change in average elapsed time associated with a given factor[a])

e	All Felonies		Robbery I	
	1973	1974	1973	1974
1 custody status[b]	-13	NS	+95	+44
r or OR	NS	NS	+74	+88
d by private attorney[c]	+76	+48	+84	-37
of disposition[d]				
ssal	NS	-93	NS	- 66
bargained	NS	-68	+98	+110
ed	-60	+51	-67	+ 98
or court calendar crowding	+ 9	+ 5	+ 7	+ 2
t of variance explained	(12)	(18)	(26)	(33)
l factors considered				

[a] Entries only for variables in regression equations which were statistically ignificant at the 95% level and in which the regression coefficient on that variable was statistically significant at the 50% level; entry NS (not significant) therwise.

[b] Measured against mixed custody status.

[c] Measured against defense by public defender.

[d] Measured against straight-plea conviction.

defendants in jail exclusively or out of jail exclusively tended to have more delay, and the relative effect varies from year to year. In 1974, being out on bail or OR introduced more delay than being held in jail. In 1973, the effects were inexplicably reversed, but the difference in magnitude was small.

The independent effect of being represented by a private attorney (whether retained or court-appointed) compared with public defender representation was to lengthen the arraignment-to-final disposition period by approximately 50 to 75 percent (depending on year) in all felony cases. In robbery cases, this effect was present in 1973, but was reversed in 1974. In general though, we can conclude that private attorneys introduce more delay in felony proceedings. Two hypotheses come to mind to explain these findings: either private attorneys deliberately ask for, and are granted, more continuances in the hopes of more favorable (to the defendant) sentences or they ask for, and are granted, continuances because of more calendar conflicts among cases they handle. Given these data, we cannot choose between these hypotheses.

We found that there was a small, but a highly (statistically) significant positive effect of court calendar crowding on elapsed time. This effect varied between two and nine percent depending on year and type of offense. Since backlog and filings steadily increased over this two year period (see Table 14 above) our hypothesis is confirmed. However, the small size of the effect is somewhat surprising.

Having a case dismissed, compared with a straight plea, had no effect in 1973 for either robbery cases or all felony cases, but in 1974 there was a large decrease in delay associated with this type of disposition -- confirming our hypothesis. Plea bargaining was associated with more delay in robbery cases in both periods, but in the average felony case the effects were mixed (no effect in 1973, but *less* delay in 1974). Inexplicably, for both offense categories, going to trial was associated with *less* delay in 1973, but *more* delay in 1974. Overall, therefore, these data must be viewed as inconclusive with respect to the independent influence of type of disposition on delay.

USE OF VICTIMS, WITNESSES AND JURORS

As indicated in Appendix D, essentially no data were recorded in available court records that would allow us to estimate measures of the use of victims, other witnesses and jurors. The sole exception was data on the number of victims and witnesses called per trial* -- only one ingredient necessary for estimating number of witness and victim appearances per disposition. Consequently, we used responses from these lay participants to our mail survey questionnaires as a basis for making rough estimates of such measures.**

Table 39 displays the resulting measures of the use of victims and other witnesses. The data reflect cases that were active during March-August of 1974; we selected older cases to be certain that they would have been closed by the time the mail surveys were administered (early fall of 1975), since we were interested in the victims' and witnesses' knowledge of the case outcome, among other things.

The survey responses indicated that the overwhelming proportion of victims and other witnesses were cooperative in the proceeding (about 90 percent) and only a few percent indicated that they were not asked for their cooperation. The average number of appearances per victim (2.5) was slightly higher than for other witnesses (1.9). But since the number of victims called per trial (about 1.0) was less than the number of other witnesses called per trial (2.5), the resulting number of victim or witness appearances per disposition were 2.5 and 2.9 respectively. And average victim time per appearance (1.8 hours) was about the same as that of other witnesses (1.9 hours).

Table 40 displays measures of the use of juror time; jurors who served during the month of August 1975 were queried. The major point to note is that about 40 percent of juror time on the average was spent unproductively waiting in the jury room or elsewhere. About half their time was spent on

*Data were not recorded on number of witnesses or victims called per *uncontested* case.

**Since the mail surveys rely on the memories of victims, witnesses and jurors, the measures must of necessity be viewed as very rough approximations which cannot be checked for accuracy.

Table 39

MEASURES OF THE USE OF VICTIMS AND OTHER WITNESSES IN MULTNOMAH COUNTY, MARCH-AUGUST 1974

Lay Participant	Victims	Other Witnesses (Mainly prosecution witnesses)
operativeness		
% cooperative	89	93
not cooperative	6	3
not asked	5	4
Total responses (N)	100(105)	100(89)
erage number of appearances per victim or other witness	2.5	1.9
erage number of victim and other witness appearances per disposition	2.5*	2.9**
me per victim or other witness appearance		
% less than 1 hour	24	14
% 1-2 hours	50	48
% 3 hours (all morning or afternoon)	21	34
% 6 hours (all day)	5	4
Total responses (N)	100(93)	100(85)
erage time per appearance (hours)	1.8	1.9

Source: Responses of victims and other witnesses to Rand mail surveys, except for number of victims or other witnesses called per trial (see below).

* Assumes one victim per disposition x 2.5 victim appearances per victim = 2.5 victim appearances per disposition

** 1.5 witnesses per trial disposition (calculated from trial court records) x 1.9 witness appearances per witness = 2.9 witness appearances per disposition.

Table 40

MEASURES OF THE USE OF JUROR TIME IN MULTNOMAH COUNTY, JUNE 1975
(% of jurors responding, except final column)

ercent of Time Spent	None	Less than 25%	25%-44%	50%-74%	75%-100%	% Time spent in activity
s						
in jury room (N=163)	0	29	37	26	8	41
ewhere						
election - criminal (N=159)	0	70	24	3	3	22
- criminal (N=173)	6	46	31	12	5	28
lection - civil (N=155)	3	71	20	3	3	20
al - civil (N=168)	18	50	23	5	4	19

criminal cases, split fairly evenly between voir dire and in trial. And about 40 percent of their time, split evenly between voir dire and in trial, was spent on civil cases. (Notice that the average time per activity, when summed over all activities, is in excess of 100 percent; apparently responding jurors neglected to allocate their time accurately across activity categories. Thus, *ratios* between categories is a more meaningful measure. If we take time in civil trial as an index of 100 percent, jurors tend to spend about the same time in voir dire for civil trials, about 220 percent as much time in voir dire for criminal trials, 280 percent as much time in criminal trials and about 400 percent as much time waiting unproductively.

THE USE OF JUDICIAL TIME: THE WEIGHTED CASELOAD APPROACH

One objective of our study was to analyze the use of judicial time in various court activities occurring in felony criminal proceedings. The analysis is described below, but we rejected the results because of deficiencies in the available raw data. These problems will be explained after the analytical approach has been described. Our experience illustrates how difficulties can be encountered in working with court data generated for another purpose. Our failure to obtain acceptable results does not imply that the objective was infeasible, but rather that its implementation required data collection efforts beyond the means of our study.

The vehicle of analysis was the so-called "weighted caseload" approach (described in Sec. III), a procedure in which various activities comprising a criminal proceeding are measured by their respective average durations and frequencies of occurrence per proceeding. These in turn are combined into a performance measure termed *the average time (judge-time in this study) required to process a case to disposition.*

One use of weighted-caseload analysis is to determine the impact of policies that alter the relative mix of activities within the proceeding (e.g., the impact of a change in plea bargaining policies and a consequent changed in the frequency of related activities). Another use is to translate

a projection of future case loads into requirements for practitioners and other court personnel. And a third use is to estimate the impact of procedural changes (e.g., the adoption of omnibus hearings) that may alter the average time consumed in affected court activities.

Weighted caseload analyses have been and are being performed in a number of jurisdictions.* Our planned work was to go a step further than prior applications of this approach, since we undertook to separate the calculations by broad offense classes. These more detailed results could then be used to deal directly with changes in the mix of offense types.

Data Collection

The Circuit Court in Multnomah County does not routinely collect data of the type required for weighted caseload analysis. Nevertheless, we hoped to collect data ourselves from at least a sample of judges for a period of one or two months. It turned out that a logging procedure for court clerks had been initiated in June 1975 to collect data that would help to resist County efforts to reduce (clerk) personnel. This procedure required clerks to log their workday activities both in and out of the court room, to record the time for each activity, and to indicate whether the activity was related to a civil or criminal matter. Since the court clerk must be present when the judge is on the bench and since we knew the kinds of activities that the judge must preside over, it was possible to infer from the clerk logs how judges used their courtroom time. It was possible also to infer the amount of judicial time consumed off the bench, presumably in chambers, but its allocation to various matters could not be ascertained. At best, the off-bench time could be pro-rated between criminal and civil matters on the basis of the corresponding division of time on the bench.

The Chief Criminal Court -- which handles all pre-trial matters, as well as guilty pleas and sentencing flowing from guilty pleas -- was not included in the clerk logging program. However, a daily schedule routinely

*The Judicial Council of California, for example, has implemented regular judicial weighted caseload analyses for the past ten years or more.

prepared for that courtroom showed for each activity therein: the scheduled time, defendant's name, case number, type of activity, and defense counsel.

Offense type, an item of information that we needed, was absent both from the clerk's logs and the schedule of the Chief Criminal Court. But we could obtain this information indirectly from a daily schedule of court appearances routinely prepared by the Office of the District Attorney. This schedule could be matched with the Chief Criminal Court schedule on the basis of defendants' names. The match with the trial court clerk logs could be made on the basis of the type of activity, but ambiguities would sometimes arise when a day's activities in a single courtroom were numerous.

Difficulties in using these reports notwithstanding, copies of the Chief Criminal Court schedule and the prosecutor's court appearance schedule were obtained for each judicial day in July 1975. Trial court clerk logs were available for only 119 of the 185 judge-days during that month. Weighted caseload calculations were made separately for the Chief Criminal Court and the trial courts, both because of the missing data problems and because of differences in activities between the two.

The gross number of dispositions for the entire Circuit Court during the month of July 1975 was taken from the monthly criminal statistics prepared by the Chief Criminal Clerk. Bench warrants, which are included among dispositions for the Court's reporting purposes, were excluded for our purposes.

Analysis

We aggregated court activities into seven types, namely: arraignments, motion hearings, plea hearings, other hearings, court trials, jury trials, and sentencing hearings. The average duration of each type of activity in each of the two types of courts was calculated. The relative frequency of each type of activity per disposition was also calculated. The product of these two measures -- that is, the average bench-time-per-specified-activity-

type times the average frequencies-per-disposition-for-a-specified-activity-type -- provided the total bench time per disposition for that activity type. Summing these bench times over all activity types then provided the total judge-time consumed in the courtroom (i.e., the bench time) per disposition. Total time in chambers for trial judges was prorated between civil and criminal matters on the basis of the identifiable split of bench time on civil and criminal matters. Time in chambers for the Chief Criminal Judge was estimated to be 10 percent of bench time.

The results of these calculations for felonies as a whole are displayed in Table 41. Similar results, not displayed, were obtained for *four felony types*. Some of the entries in Table 41 have questionable magnitudes. The rates of occurrence of plea hearings and sentencing hearings seem unduly low, for example. The combined judicial time per disposition of 118 minutes is *less than one-half of the average time reported for Superior Courts in California.*[*] These questionable results underscore the doubts that we had about the adequacy of the data available to use for these purposes, as will be next discussed.

Data Deficiencies

The most serious shortcoming in the data sources was the substitution of the clerks' logs for direct records of the use of judicial time. While clerks' logs enabled us to infer how judges' bench time was distributed, they gave no indication as to how the judges employed their off-bench time. And even for the purpose of estimating the use of bench time, the clerks' logs were of uneven quality. Some appeared to be complete, to the point of explicitly identifying the parties in both civil and criminal cases. Others, however, contained only a few cryptic entries per day. (We did not use the latter logs, since the inference was strong that some courtroom activities had simply not been recorded.) Between these two extremes, some clerks failed to designate whether the noted activity was a civil or criminal

[*] Final Report, *Judicial Weighted Caseload System Project for the Judicial Council of California,* Arthur Young and Company, May 1974.

Table 41

WEIGHTED CRIMINAL CASELOAD ANALYSIS
CIRCUIT COURT, MULTNOMAH COUNTY, JULY 1975
(felonies plus misdemeanor appeals;
all time entries in minutes)

Activity Type	Average Bench Time per Activity		Average Frequency per Disposition		Average Bench Activity-Time per Disposition		
	CCC*	TC**	CCC	TC	CCC	TC	Total
Arraignments	11	--	.88	--	10	--	10
Motion hearings	23	58	.09	.02	2	1	3
Plea hearings	17	--	.48	--	8	--	8
Other hearings	20	24	.14	.16	3	4	7
Court trials	--	101	--	.03	--	3	3
Jury trials	--	394	--	.07	--	28	28
Sentencing hearings	20	20	.15	.16	3	3	6
Total bench time per disposition					26	39	65
Estimated off-bench time per disposition					3	50	53
Estimated total judge-time per disposition					29	89	118

*CCC = Chief Criminal Court.

**TC = trial courts.

matter. It was usually possible for us to make this identification by using the District Attorney's schedule of court appearances, but even so, over 20 percent of total bench time remained unidentified. This data defect could have produced a significant undercounting of criminal case activities, which in turn could have caused a substantial underestimate of judge-time consumed per criminal disposition. Also, some clerk logs for some courtrooms were missing. These data gaps might have biased the mix of bench activities in our data base, since we observed that types of cases and types of activities within cases tended not be uniformly distributed among judges.

Our estimates of the frequencies of some types of courtroom activities could not, unfortunately, be compared with similar items reported in the Court's monthly criminal statistics since their definitions of these activities differed from those used in the logging procedure.

The Chief Criminal Court schedules were deficient for our purposes because they contained *scheduled times* for activities rather than *actual times consumed*. In some instances, we elected to use standard time factors prepared by the chief criminal clerk rather than using scheduled times.

We took the count of dispositions directly from the Circuit Court's monthly criminal statistics summary. Since the Court does not report dispositions by offense type, we estimated the distributions for July by offense type by means of a sample of 400 dispositions selected from all dispositions occurring during the first ten months of 1975. (The sampling was made by means of the Cumulative Status Report, which specified the type of offense but not the date of disposition.)

Other data shortcomings would have been avoidable if our resources had permitted us to collect data over a longer period (or over several periods). One month's data were too few to permit analyses of relatively uncommon offense types or reliable estimates of the duration of a relatively infrequent activity such as a trial. Also, more extended data collection facilitates the statistical analysis of courtroom activities that tend to

be cyclical. For example, when a trial judge takes his turn as Chief Criminal Judge, his case disposition rate immediately increases about twentyfold, but the increase in his sentencing hearings lags because of the period of time required to prepare presentence investigation reports. Thus, one would expect sentencing hearings to be relatively infrequent during the first month of a new Chief Criminal Judge's term. The month that we studied, July 1975, was the first month of this term.

Concluding Remarks

Most of the data barriers that we encountered could be readily overcome in a future weighted caseload analysis effort. Modest changes in logging procedures and their supervision would markedly enhance the quality of those data sources for weighted caseload analyses. While the data collection period should be lengthened to at least several months, the relatively frequent activities need not be exhaustively reported. For example, ten percent of the arraignments over a period of three months should probably suffice. On the other hand, trials should be completely reported because of their infrequency.

The principal open question is how to obtain reliable data on the amount of off-bench time judges devote to various matters, given their sensitivity to "monitoring." Their cooperation probably hinges on being persuaded beforehand of the value of weighted caseload information. It could be helpful if a data collection scheme were devised to preserve anonymity of information about individual judges.

GAUGING OVERALL PERFORMANCE: SUMMARY AND COMMENTS

Here we summarize our findings in qualitative terms. Each major finding or inference is stated, together with a discussion noting the year-to-year changes (or lack of change) in the relevant set of performance measures. Where appropriate, we also indicate to what extent, and why, each finding must be qualified, given the nature and sample size of the data and the success of the supporting statistical analysis described in Appendix E. Finally, we discuss whether there was a clear discernible trend toward one or another of the polar models (Crime Control or Due Process) in Multnomah County.

Findings Relevant to Whether the No-Negotiation Experiment Achieved its Objectives

I. *Case Quality in Impact Crimes Improved Significantly*

Rationale: For Impact crimes, the experiment resulted in relatively little change in overall rejection rates and felony filing rates on the most serious charge, but much less frequent rejections by reason of evidence deficiency. Moreover, within this broad rejection reason category, the frequency of cases rejected because they needed more police investigation declined; this was not so for a comparable non-Impact crime. Also, non-conviction rates (dismissals and trial acquittals or mistrials) declined significantly for Impact crimes, but not for a comparable non-Impact offense. From these indicators we can conclude that both the quality of individual cases (better police investigation) and the relative frequency of good cases (tightened charging standards) improved.

Qualification: From these indicators it is not possible to separate the improvement in better police investigations from the elevation of the screening threshold.

APPENDIX E
DESCRIPTIONS OF VARIABLES AND RESULTS OF STATISTICAL ANALYSES

In this Appendix we define all of the variables used in the multivariate regression equations, present the means and standard deviations for all variables, and indicate the results of the multivariate analysis for conviction probability, sentence severity and case duration. A final section presents the formulas used to evaluate the statistical significance of differences between means and proportions for tables in the text.

DEFINITION OF VARIABLES

Table E.1 describes each of the variables used and indicates how each was constructed. It will be noted that most independent variables were transformed into dichotomous zero/one dummies. We experimented with a community ties index to measure how established a defendant was in the local community, which we hypothesized would influence the sentence imposed on him, and other outcome as well. Its construction is explained in Note 1 to Table E.1. Methods used to collect the samples and definitions of the offense classification are given in Appendix D.

MEANS AND STANDARD DEVIATIONS OF VARIABLES

Tables E.2 through E.5 contain the means (μ) and standard deviations (σ) of all variables utilized in the multivariate analysis by jurisdiction and year. Three dashes (---) or a blank indicate that the variable did not apply (e.g., OFF IN DWELL. for Robberies), that information was not available (e.g., SENT. BARG. in Dade County) or was not collected (e.g., ORIG. A(1°) CHGS. for All Felonies). A single zero (0) indicates that the event did not occur in that particular sample (e.g., JURY TRIAL in Dade County B & E Offenses, 1975). Statistics for a sub-sample of convictees only (by plea of guilty or by trial) are shown for the exemplary offenses since the sentence severity equations were estimated for these defendants only.

RESULTS OF THE MULTIVARIATE ANALYSES

Tables E.6 through E.25 present the results for the multivariate regression equations using ordinary least squares estimation. All variables

were run in their linear forms since we had no theoretical justification for transforming them.

The column headings indicate the regression coefficient and its T value. η is the elasticity, evaluated at the mean, and shows for each variable the percentage change in the independent variable associated with a one percent change in the independent variable.

The values for the dichotomous variables should be interpreted as the effect of the variable listed as compared to a situation in which the *excluded* variable obtains. For example:

Included Variable	Excluded Variable
BLACK	Non-black
OTHER MINORITY	Black or Majority
MIN. P.R. MAJ. P.R. PRIS. P.R.	No Prior Record
JAIL CUSTODY BAIL O.R.	Combination of Jail and Bail or O.R.
CT. APP. COUNS. DEF. RET. COUNS.	Public Defender
OFF. IN DWELL.	Offense not in dwelling
CHG. RED. BARG. COUNT. RED. BARG. DISM. & TRI. ACQ.	Conviction on all charges and counts
SENT. BARG. DROP OTH. CASE BARG.	No such bargain
COURT TRIAL JURY TRIAL	No trial for conviction and duration eqns; straight plea for sentence eqns.
PUB. DEFDR.	Private Counsel
PROP. OFF. DRUG OFF. OTH. OFF.	Remaining offense types

R^2's, adjusted R^2's and the F statistic for each equation are given at the foot of the tables. Whether or not the regression equation is significant (i.e., whether the composite of independent variables explains more of the variance in the dependent variable than random chance alone)

can be evaluated in terms of the F statistic with the appropriate degrees of freedom (D.F.). For reference, the F value must be at least as high as 1.93 for D.F. = 20, 70 and at least as high as 1.84 for D.F. 25, 50 at the 95 percent level of confidence.

Determinants of Conviction

Our purpose in running these equations was to estimate the effect of the hypothesized independent variables on the probability of conviction at the three alternative levels plus non-conviction which are indicated in the column headings. The independent variables reflect characteristics of the defendant, his pretrial status and type of counsel, the original charges filed against him, whether he was tried, and the influence of the case backlog (a proxy variable for which is MO. FIN. DISPO.) These regressions are based on samples of all defendants. Adjusted R^2's are mostly under 0.10 and rarely exceed 0.30. In only 13 of 32 equations was the F test met. We therefore tend to place little faith in the model we developed to explain conviction level.

Determinants of Sentence Severity

Our purpose in running these equations was to estimate the contribution of the hypothesized independent variables to a score which indicates the severity of the sentence imposed on the defendant. The sentence score was generated according to four alternative indices (see Section III). In addition to the independent variables employed in the conviction equations, we added the type of bargain (and, therefore, type of disposition) the defendant had.* The samples of course contained only defendants who were convicted. R^2's (except for the 1974 Dade Robberies) were mostly in excess of 0.40. Six out of 32 equations failed to meet the F test but four of these failures were for 1974 Robbery cases in Dade County (Table E.20). There does appear to be a good deal of volatility in the size, signs, and significance of the coefficients on independent variables across indices, years, offenses and jurisdictions; more work on the sentence severity model thus seems indicated.

*In these equations the variable MO. FIN. DISPO. is best interpreted as a proxy for crowding in county and state correctional facilities which built up steadily over time in both jurisdictions.

The Determinants of Case Duration

Our purpose in running these equations was to estimate the contribution of the hypothesized independent variables to case elapsed time measured from arraignment to final disposition. We used samples of All Felonies, for which we had fewer and somewhat different data elements, as well as samples of our exemplary offenses. Adjusted R^2's mostly exceeded 0.20 and never fell below 0.10 for those equations it was possible to estimate. (Time truncation in the sample of All Felonies for Dade in 1975 precluded the calculation of meaningful estimates; the estimates for the exemplary offense samples for Dade 1975 should be treated with great caution as well.) The F statistics were acceptable at a 95 percent level of confidence in seven equations out of eleven. Since the estimates do not behave very consistently in magnitude and direction across years, offenses or jurisdictions, we feel that more work on both model specification and data improvement is necessary.

TEST FOR SIGNIFICANCE OF DIFFERENCE BETWEEN STATISTICS

In performing statistical tests of the difference between two proportions, we used the following formula:*

$$T = \frac{P_1 - P_2}{\sqrt{\frac{p'q'}{N_1} + \frac{p'q'}{N_2}}}$$

where P_1 = the proportion for the first sample

P_2 = the proportion for the second sample

N_1 = the size of the first sample

N_2 = the size of the second sample

$$p' = \frac{P_1N_1 + P_2N_2}{N_1 + N_2}$$

$$q' = 1-p'$$

*Adopted from P.G. Hoel, *Introduction to Mathematical Statistics*, New York, Wiley, 1974, pp. 148-151.

In performing statistical tests of the difference between two means, we used the standard formula, i.e.:

$$T = \frac{\mu_1 - \mu_2}{\sqrt{\frac{\sigma_1^2}{N_1} + \frac{\sigma_2^2}{N_2}}}$$

where μ_1 = the mean for the first sample

μ_2 = the mean for the second sample

σ_1 = the standard deviation of the first sample

σ_2 = the standard deviation of the second sample

N_1 = the size of the first sample

N_2 = the size of the second sample

T statistics were evaluated at the 95 percent level of confidence. Tests of differences between proportions or between means were applied to all year-to-year comparisons and sometimes to other comparisons such as prior record classes within a given year or race/ethnic classes within a given year or to jurisdiction comparisons (e.g., proportion of Robbery defendants obtaining pretrial dismissal) within a given year.

TABLE E.1

DEFINITION OF VARIABLES

ABBREVIATION	DESCRIPTION	CONSTRUCTION
COM. TIES INDEX	A proxy variable constructed to reflect the strength of the defendant's community ties	Adjusted score based on a principal components analysis of variables reflecting defendant's socio-economic and family attributes[1]
AGE	Age of defendant	Less than 20 yrs. old = 0 20-30 yrs. old = 1 Over 30 yrs. old = 2
BLACK	Race of defendant	Other race = 0 Black = 1
OTHER MINORITY	Ethnic category of defendant	Anglo, Black = 0 Spanish surname, Asian, American Indian = 1
MIN. P.R.[2]	Defendant has minor prior criminal record	No record, major or prison record = 0 minor record = 1
MAJ. P.R.[2]	Defendant has major prior criminal record	No record, minor or prison record = 0 major record = 1
PRIS. P.R.[2]	Defendant has prison prior criminal record	No record, minor or major record = 0 prison record = 1
JAIL CUSTODY	Defendant was confined to jail prior to case disposition	Bail, O.R. or combination of bail/O.R. and jail = 0 Jail = 1
BAIL[3]	Defendant was out on bail prior to case disposition	O.R., jail or combination of bail/O.R. and jail = 0 O.R. = 1
O.R.[3]	Defendant was out on own recognizance prior to disposition	Bail, jail or combination of bail/O.R. and jail = 0 O.R. = 1

TABLE E.1

DEFINITION OF VARIABLES (Cont.)

ABBREVIATION	DESCRIPTION	CONSTRUCTION
CT. APP. COUN.[4]	Defendant was represented by counsel appointed by the court	Public defender or defendant-retained counsel = 0 Court appointed counsel = 1
DEF. RET. COUN.[4]	Defendant was represented by counsel he retained himself	Public defender or court appointed counsel = 0 Defendant-retained counsel = 1
ORIG. A(1°) CHGS.	A level (Multnomah) or first degree (Dade) charges originally filed against defendant	Total number of counts at that level
ORIG. B(2°) CHGS.	B level (Multnomah) or second degree (Dade) charges originally filed against defendant	Total number of counts at that level
ORIG. C(3°) CHGS.	C level (Multnomah) or third degree (Dade) charges originally filed against defendant	Total number of counts at that level
ORIG. MISD. CHGS.	Misdemeanor charges originally filed against defendant	Total number of misdemeanor counts

TABLE E.1

DEFINITION OF VARIABLES (Cont.)

ABBREVIATION	DESCRIPTION	CONSTRUCTION
OFF. IN DWELL.	The Burglary (Multnomah) or Breaking and Entering Offense (Dade) took place in a dwelling	Not in dwelling = 0 In dwelling = 1
CHG. RED. BARG.	The charges(s) upon which the defendant was convicted by plea (or at trial) was at a level or a degree lower than that at which he was originally charged	Convicted on all charges or at same level (degree) as original charges or not convicted = 0 Convicted at reduced charge level (degree) = 1
COUNT RED. BARG.	The defendant was convicted by plea (or at trial) on fewer total counts than originally filed against him but at the same level (degree) as the original charges	Convicted on all charges or at a reduced charge level or not convicted = 0 Convicted on fewer counts, same level (degree) = 1
SENT. BARG.[5]	The defendant negotiated an agreement on or was given an assurance as to his sentence in return for a plea or prosecutor agreed not to oppose a sentence recommendation made by defense	Did not get sentence bargain = 0 Did get sentence bargain = 1
DROP OTH. CASE BARG.[5]	The prosecutor agreed to drop other pending cases(s) against defendant in return for a guilty plea in this case	Had no other cases dropped = 0 Had other cases dropped = 1

TABLE E.1

DEFINITION OF VARIABLES (Cont.)

ABBREVIATION	DESCRIPTION	CONSTRUCTION
COURT TRIAL	Defendant was tried by judge (i.e., no jury)	Did not have court trial = 0 Had court trial = 1
JURY TRIAL	Defendant was tried by jury	Did not have jury trial = 0 Had jury trial = 1
MO. FIN. DISPO.[6]	Month in which final disposition of the case occurred	Numbered sequentially by month beginning January, 1973
PUB. DEFDR.[7]	Defendant was represented by the Public Defender	Was not represented by Public Defender = 0 Was represented by Public Defender = 1
NO. DEFS.[7,8]	Number of defendants involved in case	Total number
PROP. OFF[7]	Felony offenses against property (e.g., theft, larceny burglary)	Offense against person, involving drugs, or other offense type[9] = 0 Offense against property = 1
DRUG OFF.[7]	Felony offense involving sale or possession of drugs, etc.	Offense against person, property, or other offense type = 0 Offense involving drugs = 1

TABLE E.1

DEFINITION OF VARIABLES (Cont.)

ABBREVIATION	DESCRIPTION	CONSTRUCTION
OTH. OFF.[7]	All felony offenses other than against persons, property, or involving drugs (e.g., flight to avoid prosecution, bribery, etc.)	Offense against persons, property or involving drugs = 0 Other offenses = 1
CONV. ON ALL CHGS. & COUNTS	The defendant was convicted on all charges and counts originally filed against him	Convicted on reduced charges or fewer counts or not convicted = 0 Convicted on all charges and counts = 1
CONV. ON FEWER COUNTS	SEE "COUNT RED. BARG." VARIABLE	
CONV. ON RED. CHGS.	SEE "CHG. RED. BARG." VARIABLE	
DISM. & TRI. ACQ.	Defendant was dismissed, nol prossed or diverted before trial or trial ended in acquittal, mistrial, or dismissal	Defendant was convicted = 0 Defendant was not convicted = 1
SSI A[10]	Score for defendant on Sentence Severity Index A	Value of score
SSI B[10]	Score for defendant on Sentence Severity Index B	Value of score
SSI C[10]	Score for defendant on Sentence Severity Score C	Value of score
SSI D[10]	Score for defendant on Sentence Severity Index D	Value of score
ELT:AFD	The duration of the case	The no. of days elapsed from arraignment in Circuit Court to final disposition (e.g., dismissal, acquittal, sentencing)

NOTES

(TABLE E.1)

[1] A principal components analysis was performed in order to devise a variable which would reflect the strength of the defendant's ties to the community in which he lived. The variables included in the analysis were:

Variable	Construction
Transiency	Less than 2 years residence in county = 0 2 or more years residence = 1
Occupation and Employment	Unemployed, disabled, ill, out of labor force = 0 Operative, laborer, service worker = 1 Sales, craftsman and foreman, operative, student, armed forces = 2 Professional, technical, manager, official, proprietor = 3
Estimated Annual Income	0-$4,999 = 0 $5,000-$9,999 = 1 $10,000 and over = 2
Educational Attainment	Not a high school graduate = 0 High school graduate = 1
Marital Status	Never married = 0 Ever married = 1
Number of Dependents	None = 0 Some = 1

In many cases no defendant data on these variables were available. In those cases the mean value of the variable for the appropriate sample--e.g., 1974 released defendants in Dade County--was used for each defendant for whom the information was missing.) Only one important component was extracted. An examination of correlations between the variables in that component and the weighting coefficients for the variables indicated that all variables should be retained in computing a score for the component. The simple algegraic sum of the variable scores constituted an adequate estimate of the component. The signs associated with the weighting coefficients were taken into account in reversing the component, i.e., variables associated with negative weights were reversed so that a high score reflects strong community ties.

NOTES (Cont.)

(TABLE E.1)

[2]Based on California Bureau of Criminal Statistics Criteria for prior record categories. See Section III (p. 71).

[3]For the samples of All Felonies, both categories of pretrial release were combined into a single variable, i.e., "Did not obtain pretrial release" = 0; "Did obtain pretrial release (i.e., Bail or O.R.)" = 1.

[4]For Robbery and Burglary (B & E) offenses only.

[5]Data on this variable not available in Dade County.

[6]Variable is a proxy introduced to reflect the steady build-up over time in the felony case backlog and the crowding in correctional facilities (county jails, state prisons) which occurred in both jurisdictions.

[7]For All Felonies sample only.

[8]Data on this variable not available in Multnomah County.

[9]Offenses against persons include homicide, rape, assault, robbery, etc.

[10]See Section III, especially Table 5, for details of formulas for indices.

TABLE E.2

MEANS AND STANDARD DEVIATIONS OF VARIABLES
MULTNOMAH COUNTY, 1973

OFFENSE	ROBBERIES				BURGLARIES				ALL FELONIES	
SUB-SAMPLE	ALL DEFENDANTS		CONVICTEES		ALL DEFENDANTS		CONVICTEES			
μ=MEAN σ=STD.DEV.	μ	σ		σ		σ	μ	σ		σ
Independant Variables										
COM. TIES INDEX	0.01	1.98	0.09	2.36	-0.00	1.84	0.03	1.80	---	---
AGE	1.76	0.63	1.69	0.64	1.72	0.69	1.70	0.68	---	---
BLACK	0.18	0.39	0.12	0.33	0.13	0.33	0.09	0.29	---	---
OTHER MINORITY	0.05	0.22	0.05	0.22	0.01	0.11	0.02	0.12	---	---
MIN. P.R.	0.14	0.35	0.12	0.33	0.19	0.40	0.15	0.36	---	---
MAJ. P.R.	0.20	0.41	0.22	0.42	0.14	0.35	0.14	0.35	---	---
PRIS. P.R.	0.14	0.35	0.20	0.40	0.14	0.35	0.11	0.31	---	---
JAIL CUSTODY	0.59	0.49	0.51	0.51	0.41	0.49	0.35	0.48	0.15	0.36
BAIL	0.13	0.34	0.20	0.40	0.07	0.25	0.06	0.24	0.83	0.38
O.R.	0.24	0.43	0.27	0.45	0.44	0.50	0.49	0.50		
CT. APP. COUN.	0.27	0.44	0.22	0.42	0.13	0.33	0.12	0.33	---	---
DEF. RET. COUN.	0.14	0.35	0.17	0.38	0.30	0.46	0.25	0.43	---	---
ORIG A(1°)CHGS.	1.34	0.82	0.51	1.05	1.11	0.38	1.12	0.41	---	---
ORIG B(2°)CHGS.	0.06	0.24	0.12	0.33	0.08	0.31	0.08	0.27	---	---
ORIG C(3°)CHGS.	0.07	0.30	0.09	0.37	0.06	0.23	0.08	0.27	---	---
ORIG. MISD. CHGS.	0.04	0.19	0.07	0.26	0.07	0.30	0.09	0.34	---	---
OFF. IN DWELL	---	---	---	---	0.65	0.48	0.72	0.45	---	---
*CHG. RED. BARG.	0.25	0.44	0.51	0.51	0.41	0.49	0.55	0.50	0.30	0.46
*COUNT. RED. BARG.	0.08	0.28	0.17	0.38	0.11	0.32	0.15	0.36		
SENT. BARG.	0.09	0.30	0.20	0.40	0.14	0.35	0.18	0.39	---	---
DROP OTH.CASE BARG.	0.22	0.41	0.44	0.50	0.30	0.46	0.40	0.49	---	---
COURT TRIAL	0.06	0.24	0.05	0.22	0.07	0.25	0.06	0.24	0.06	0.24
JURY TRIAL	0.06	0.24	0.07	0.26	0.06	0.23	0.06	0.24	0.08	0.27
MO. FIN. DISPO.	16.78	4.42	17.20	4.86	15.36	4.10	5.65	4.11	13.78	6.03
PUB. DEFENDER									0.50	0.50
PROP. OFF.									0.44	0.50
DRUG OFF.									0.29	0.46
OTHER OFF.									0.01	0.11
Dependent Variables										
conv.on)ALL CHGS.&COUNTS	0.16	0.37	0.32	0.47	0.22	0.41	0.29	0.46	0.28	0.45
*(conv.on)FEWER COUNTS	0.08	0.28	0.17	0.38	0.11	0.32	0.15	0.36		
*(conv.on)REDUCED CHGS.	0.25	0.44	0.51	0.51	0.41	0.49	0.55	0.50	0.30	0.46
ISM.& TRI.ACQ.(i.e., no conv.)	0.51	0.50	0.00	0.00	0.26	0.44	0.00	0.00	0.43	0.50
SSI A	8.26	11.23	16.73	10.65	8.43	8.72	11.41	8.30		
SI B	10.31	18.59	20.86	21.98	7.70	12.43	10.42	13.46		
SI C	12.35	27.17	25.00	34.48	6.97	17.49	9.43	19.81		
SSI D	21.64	64.82	43.80	71.87	14.07	31.64	19.04	35.56		
ELT:AFD	61.18	54.41	73.29	55.99	55.01	64.15	63.28	63.30	33.85	50.19

*The same variable was used as an independent for sentence and duration equations, and as a dependent for conviction equations, i.e.:

CHG. RED. BARG. ≡ (conv. on) RED. CHGS.

COUNT RED. BARG. ≡ (conv. on) FEWER COUNTS

TABLE E.3

MEANS AND STANDARD DEVIATIONS OF VARIABLES
MULTNOMAH COUNTY 1974

OFFENSE	ROBBERIES				BURGLARIES				ALL	
ub-Sam le	All Defendants		Convictees		All Defendants		Convictees		FELONIES	
N σ=ST.DEV.	μ	σ	μ	σ	μ	σ	μ	σ	μ	σ
endent Variables										
TIES INDEX	0.00	1.96	-0.18	1.85	0.01	2.21	0.05	1.88	---	---
	1.88	0.74	1.88	0.78	1.59	0.68	1.55	0.65	---	---
K	0.06	0.25	0.03	0.18	0.10	0.30	0.09	0.29	---	---
MINORITY	0.03	0.16	0.03	0.18	0.01	0.11	0.00	0.00	---	---
P.R.	0.18	0.39	0.13	0.34	0.09	0.28	0.09	0.29	---	---
P.R.	0.10	0.31	0.12	0.32	0.22	0.42	0.24	0.43	---	---
S. P.R.	0.21	0.41	0.22	0.42	0.13	0.34	0.11	0.31	---	---
CUSTODY	0.60	0.49	0.65	0.48	0.34	0.48	0.35	0.48	0.29	0.46
	0.09	0.29	0.08	0.28	0.10	0.30	0.08	0.27	0.69	0.46
	0.19	0.40	0.17	0.38	0.44	0.50	0.47	0.50		
PP. COUN.	0.37	0.49	0.40	0.49	0.40	0.49	0.42	0.50	---	---
RET. COUN.	0.09	0.29	0.10	0.30	0.11	0.31	0.14	0.35	---	---
G A(1°)CHGS.	1.05	0.36	1.07	0.41	1.02	0.22	1.03	0.25	---	---
B(2°)CHGS.	0.04	0.19	0.05	0.22	0.02	0.22	0.00	0.00	---	---
C(3°)CHGS.	0.04	0.19	0.03	0.18	0.06	0.24	0.05	0.21	---	---
G MISD.CHGS.	0		0		0.04	0.25	0.05	0.27	---	---
. IN DWELL.	---	---	---	---	0.63	0.48	0.74	0.44	---	---
RED. BARG.	0.05	0.22	0.07	0.25	0.18	0.39	0.23	0.42	0.35	0.48
NT.RED.BARG.	0.03	0.16	0.03	0.18	0.02	0.16	0.03	0.17		
T. BARG.	0.08	0.27	0.10	0.30	0.20	0.40	0.24	0.43	---	---
OTH.CASE BARG.	0.19	0.40	0.25	0.44	0.22	0.42	0.27	0.45	---	---
T TRIAL	0.12	0.32	0.05	0.22	0.05	0.22	0.05	0.21	0.09	0.29
Y TRIAL	0.15	0.36	0.15	0.36	0.09	0.28	0.09	0.29	0.01	0.11
FIN. DISPO.	24.73	8.87	26.70	5.73	25.32	9.01	25.83	8.84	25.40	8.92
DEFDR.									0.33	0.47
. OFF.									0.33	0.47
OFF.									0.42	0.50
ER OFF.									0.03	0.16
ident Variables										
v.on)ALL CHGS. & COUNTS	0.69	0.46	0.90	0.30	0.60	0.49	0.74	0.44	0.24	0.43
nv.on)FEWER COUNTS	0.03	0.16	0.03	0.18	0.02	0.16	0.03	0.17		
conv.on)REDUCED CHGS.	0.05	0.22	0.07	0.25	0.18	0.39	0.23	0.42	0.35	0.48
. & TRI.ACQ.	0.23	0.42	0.00	0.00	0.20	0.40	0.00	0.00	0.41	0.50
.e., no conv.)										
A	20.40	14.43	26.52	10.33	13.62	10.95	16.92	9.63		
B	33.74	31.57	43.87	29.14	16.43	18.94	20.41	19.10		
C	47.09	49.59	61.22	48.27	19.23	28.26	23.89	29.69		
D	89.59	105.34	116.87	106.30	37.80	36.75	46.97	59.80		
FD	40.92	47.82	50.97	49.45	41.05	48.00	46.55	48.11	44.10	50.79

*See note to Table E.2.

TABLE E.4

MEANS AND STANDARD DEVIATIONS OF VARIABLES
DADE COUNTY, 1974

OFFENSE	ROBBERIES				B & E OFFENSES				ALL FELONIES	
SUB-SAMPLE	ALL DEFENDANTS		CONVICTEES		ALL DEFENDANTS		CONVICTEES			
=MEAN, σ=STD.DEV.	μ	σ	μ	σ	μ	σ	μ	σ	μ	σ
Independent Variables										
COM. TIES INDEX	0.00	1.65	-0.16	1.69	0.00	2.35	0.07	2.64	---	---
AGE	1.66	0.70	1.63	0.68	1.68	0.72	1.73	0.69	---	---
BLACK	0.70	0.46	0.70	0.46	0.49	0.50	0.49	0.50	---	---
OTHER MINORITY	0.09	0.28	0.08	0.27	0.13	0.33	0.11	0.31	---	---
MIN. P.R.	0.28	0.45	0.32	0.47	0.16	0.37	0.16	0.37	---	---
MAJ. P.R.	0.12	0.32	0.14	0.35	0.17	0.38	0.21	0.41	---	---
PRIS. P.R.	0.08	0.27	0.06	0.25	0.06	0.24	0.05	0.23	---	---
JAIL CUSTODY	0.84	0.37	0.89	0.32	0.24	0.43	0.26	0.44	0.20	0.40
BAIL	0.09	0.28	0.05	0.21	0.51	0.50	0.47	0.50	0.72	0.45
O.R.	0.02	0.15	0.03	0.18	0.16	0.37	0.16	0.37		
CT. APP. COUN.	0.05	0.23	0.02	0.13	0.02	0.14	0.03	0.16	---	---
DEF. RET. COUN.	0.11	0.31	0.13	0.34	0.18	0.39	0.16	0.37	---	---
ORIG A(1°) CHGS.	1.20	0.68	1.30	0.82	0.03	0.23	0.04	0.26	---	---
ORIG. B(2°) CHGS.	0.33	0.54	0.35	0.54	0.89	0.54	0.95	0.55	---	---
ORIG. C(3°) CHGS.	0.10	0.36	0.08	0.33	0.75	0.73	0.74	0.77	---	---
ORIG. MISD. CHGS.	0.02	0.15	0.03	0.18	0.20	0.47	0.19	0.49	---	---
OFF. IN DWELL.	---	---	---	---	0.55	0.50	0.52	0.50	---	---
* CHG. RED. BARG.	0.12	0.32	0.17	0.38	0.08	0.28	0.11	0.31	0.11	0.31
*COUNT. RED. BARG.	0.12	0.32	0.17	0.38	0.19	0.39	0.25	0.43		
COURT TRIAL	0.09	0.28	0.03	0.18	0.08	0.28	0.08	0.28	0.07	0.25
JURY TRIAL	0.11	0.31	0.03	0.18	0.03	0.18	0.03	0.16	0.08	0.27
MO. FIN. DISPO.	21.52	8.93	23.41	6.16	20.57	7.90	22.11	5.36	22.03	8.47
PUB. DEFENDER									0.67	0.47
NO. DEFS.									0.82	0.78
PROP. OFF.									0.48	0.50
DRUG OFF.									0.20	0.40
OTHER OFF.									0.01	0.10
ependent Variables										
conv.on)ALL CHGS. & COUNTS	0.44	0.50	0.65	0.48	0.49	0.50	0.64	0.48	0.55	0.50
(conv.on)FEWER COUNTS	0.12	0.32	0.17	0.38	0.08	0.28	0.25	0.43		
(conv.on)REDUCED CHGS.	0.12	0.32	0.17	0.38	0.19	0.39	0.11	0.31	0.11	0.31
DISM.& TRI.ACQ.(i.e., no conv.)	0.32	0.47	0.00	0.00	0.23	0.42	0.00	0.00	0.34	0.48
SI A	13.06	14.75	19.28	14.18	10.04	9.90	13.06	9.38		
SSI B	21.72	29.49	32.06	30.88	11.23	16.25	14.62	17.16		
SI C	30.38	45.82	44.84	49.57	12.43	23.84	16.18	26.09		
SI D	58.45	99.54	86.29	110.73	17.94	45.18	23.36	50.36		
LT:AFD	110.43	93.92	124.83	93.24	78.46	89.92	81.26	94.24	92.63	87.97

*See note to Table E.2.

TABLE E.5

MEANS AND STANDARD DEVIATIONS OF VARIABLES
DADE COUNTY, 1975

NSE	ROBBERIES				B & E OFFENSES				ALL	
SAMPLE	ALL DEFENDANTS		CONVICTEES		ALL DEFENDANTS		CONVICTEES		FELONIES	
EAN σ=STD.DEV.	μ	σ	μ	σ	μ	σ	μ	σ	μ	σ
endent Variables										
OM. TIES INDEX	0.00	2.29	0.03	2.50	-0.00	2.19	-0.03	2.28	---	---
E	1.79	0.66	1.71	0.64	1.74	0.64	1.77	0.65	---	---
ACK	0.66	0.48	0.64	0.48	0.55	0.50	0.55	0.50	---	---
THER MINORITY	0.05	0.23	0.03	0.17	0.11	0.31	0.11	0.31	---	---
N. P.R.	0.26	0.44	0.30	0.46	0.23	0.42	0.22	0.42	---	---
J. P.R.	0.15	0.36	0.13	0.34	0.18	0.39	0.20	0.40	---	---
RIS. P.R.	0.05	0.23	0.07	0.26	0.09	0.28	0.10	0.30	---	---
IL CUSTODY	0.85	0.36	0.88	0.32	0.37	0.49	0.40	0.49	0.32	0.47
IL	0.02	0.15	0.01	0.12	0.37	0.49	0.35	0.48	0.64	0.48
.R.	0.01	0.10	0.14	0.12	0.18	0.39	0.18	0.39		
. APP. COUN.	0.04	0.20	0.04	0.21	0.03	0.18	0.02	0.16	---	---
F. RET. COUN.	0.13	0.34	0.10	0.30	0.07	0.25	0.06	0.24	---	---
IG A(1°) CHGS.	1.14	0.38	1.10	0.30	0.02	0.15	0.02	0.16	---	---
RIG B(2°) CHGS.	0.47	0.67	0.46	0.70	0.83	0.51	0.82	0.52	---	---
IG C(3°) CHGS.	0.11	0.34	0.10	0.35	0.95	0.73	0.98	0.74	---	---
IG. MISD. CHGS.	0.01	0.10	0		0.20	0.43	0.21	0.44	---	---
FF. IN DWELL.	---	---	---	---	0.53	0.50	0.52	0.50	---	---
HG. RED. BARG.	0.13	0.34	0.17	0.38	0.05	0.23	0.06	0.24	0.16	0.37
UNT. RED. BARG.	0.15	0.36	0.20	0.41	0.27	0.45	0.30	0.46		
URT TRIAL	0.07	0.26	0.03	0.17	0.03	0.18	0.04	0.19	0.03	0.18
URY TRIAL	0.03	0.18	0		0		0		0	
. FIN. DISPO.	31.71	9.85	33.65	6.09	33.12	7.24	33.80	5.57	34.18	3.96
. DEFDR.									0.63	0.48
. DEFS.									0.68	0.47
ROP. OFF.									0.44	0.50
G OFF.									0.17	0.38
H. OFF.									0.08	0.28
ndent Variables										
v.on)ALL CHGS.	0.46	0.50	0.62	0.49	0.51	0.50	0.63	0.48	0.53	0.50
COUNTS										
nv.on)FEWER COUNTS	0.15	0.36	0.20	0.41	0.27	0.45	0.30	0.46		
nv.on)REDUCED CHGS.	0.13	0.34	0.17	0.38	0.05	0.23	0.06	0.24	0.16	0.37
& TRI.ACQ.(i.e., conv.)	0.27	0.44	0.00	0.00	0.11	0.31	0.00	0.00	0.32	0.47
A	14.75	12.59	20.09	10.39	11.74	9.31	13.17	8.85		
B	19.13	20.20	26.06	19.36	14.04	15.64	15.75	15.73		
C	23.51	29.66	32.03	30.43	16.34	22.81	18.34	23.40		
D	41.71	69.59	56.82	75.84	26.80	42.68	30.07	44.13		
AFD	66.89	39.06	71.51	30.70	56.86	52.89	54.07	41.06	49.84	43.62

*See note to Table E.2.

TABLE E.6

THE DETERMINANTS OF CONVICTION FOR BURGLARY DEFENDANTS
MULTNOMAH COUNTY, 1973

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

	All Chgs.& Counts			Fewer Counts			Reduced Chgs.			Dism.& Tri.Acq.		
	Coef	T	r	Coef	T	r	Coef	T	r	Coef	T	η
[illegible] INDEX	0.00	0.13	0.00	0.00	0.29	0.00	0.00	0.11	0.00	-0.01	0.37	-0.00
	-0.04	0.48	-0.28	0.02	0.62	0.34	0.03	0.37	0.13	-0.02	0.23	-0.12
	0.08	0.54	0.04	-0.02	0.30	-0.02	-0.07	0.44	-0.02	0.02	0.11	0.01
[illegible] MINORITY	-0.06	0.13	-0.00	0.45	1.97	0.04	-0.05	0.09	-0.00	-0.34	0.69	-0.01
[illegible] P.R.	-0.15	1.14	-0.13	0.06	0.91	0.10	-0.22	1.50	-0.10	0.31	2.20	0.23
[illegible] P.R.	0.09	0.61	0.06	-0.01	0.09	-0.01	-0.09	0.50	-0.03	0.00	0.00	0.00
[illegible] P.R.	0.02	0.11	0.01	-0.01	0.14	-0.01	-0.15	0.78	-0.05	0.14	0.79	0.07
[illegible] CUSTODY	-0.15	0.82	-0.28	-0.14	1.54	-0.50	0.12	0.60	0.12	0.16	0.84	0.26
[illegible]	-0.26	1.00	-0.08	-0.13	0.99	-0.08	0.37	1.26	0.06	0.02	0.06	0.00
[illegible]	-0.21	1.03	-0.42	-0.15	1.52	-0.59	0.40	1.73	0.43	-0.04	0.17	-0.06
[illegible] APP. COUN.	0.06	0.38	0.03	-0.10	1.27	-0.11	-0.02	0.13	-0.01	0.06	0.37	0.03
[illegible] RET. COUN.	-0.11	1.06	-0.15	-0.01	0.14	-0.02	-0.12	0.97	-0.08	0.24	2.04	0.27
[illegible] 1(1°)CHGS.	-0.23	1.67	-1.18	0.51	7.40	4.96	-0.16	1.01	-0.43	-0.12	0.81	-0.51
[illegible] 2(2°)CHGS.	-0.08	0.47	-0.03	0.14	1.75	0.10	-0.05	0.30	-0.01	-0.01	0.06	-0.00
[illegible] 3(3°)CHGS.	-0.10	0.50	-0.03	-0.10	1.00	0.05	0.53	2.43	0.07	-0.34	1.62	-0.74
[illegible] MISD.CHGS.	-0.10	0.64	-0.03	0.42	5.17	0.25	-0.14	0.75	-0.02	-0.17	1.00	-0.05
[illegible] IN DWELL.	0.22	2.24	0.67	0.02	0.34	0.10	-0.00	0.01	-0.00	-0.24	2.20	-0.59
[illegible] TRIAL	0.14	0.74	0.04	0.11	1.21	0.07	-0.35	1.63	-0.06	0.01	0.47	0.02
[illegible] TRIAL	0.34	1.64	0.09	0.13	1.26	0.06	-0.34	1.46	-0.05	-0.13	0.56	-0.03
[illegible] DISPO.	0.01	1.15	0.93	-0.00	0.26	-0.20	-0.00	0.15	-0.07	-0.01	0.78	-0.56
[illegible]	0.38	1.07		-0.39	2.23		0.46	1.15		0.55	1.45	
[illegible]		0.31			0.71			0.38			0.28	
[illegible] Multicolin.		0.10			0.25			0.16			0.03	
[illegible] Regressors		0.21			0.46			0.21			0.25	
		0.11			0.62			0.19			0.07	
[illegible] Error		0.39			0.20			0.44			0.43	
[illegible] atic (D.F.)		1.51 (20,67)			8.25 (20,67)			2.03 (20,67)			1.33 (20,67)	

TABLE E.7

THE DETERMINANTS OF CONVICTION FOR BURGLARY DEFENDANTS
MULTNOMAH COUNTY, 1974

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

	All Chgs.& Counts			Fewer Counts			Reduced Chgs.			Dism. & Tri.Acq.		
ables	Coef	T	η	Coef	T	η	Coef	T	η	Coef	T	η
.TIES INDEX	0.01	0.49	0.00	-0.02	2.25	-0.01	0.02	0.70	0.00	-0.01	0.55	-0.00
	-0.10	1.00	-0.27	0.03	0.94	1.84	0.07	0.75	0.62	0.00	0.01	0.01
K	-0.03	0.21	-0.01	0.01	0.25	0.05	-0.03	0.16	-0.01	0.05	0.33	0.02
ER MINORITY	-0.61	1.15	-0.01	-0.11	0.69	-0.05	-0.31	0.63	-0.02	1.03	2.23	0.06
.P.R.	0.01	0.06	0.00	0.02	0.46	0.09	-0.07	0.40	-0.03	0.03	0.21	0.01
P.R.	-0.01	0.42	-0.00	0.03	0.75	0.27	-0.02	0.15	-0.02	-0.01	0.04	-0.01
.P.R.	-0.15	0.78	-0.03	0.11	1.96	0.60	-0.09	0.51	-0.07	0.13	0.77	0.09
L CUSTODY	0.08	0.40	0.05	0.03	0.48	0.39	-0.23	1.23	-0.43	0.12	0.71	0.22
	0.28	1.19	0.05	-0.05	0.70	-0.19	-0.39	1.74	-0.21	0.16	0.75	0.08
	0.03	0.17	0.02	0.25	0.05	0.05	-0.15	0.89	-0.37	0.12	0.75	0.27
APP.COUN.	-0.07	0.61	-0.05	-0.00	0.10	-0.06	0.06	0.59	0.14	0.01	0.09	0.02
RET.COUN.	0.02	0.14	0.00	-0.04	0.84	-0.19	0.11	0.65	0.06	-0.09	0.58	-0.05
A(1°)CHGS.	-0.34	1.48	-0.58	-0.03	0.46	-1.32	0.43	1.98	2.40	-0.06	0.29	-0.31
G B(2°)CHGS.	-0.07	0.29	-0.00	-0.05	0.71	-0.05	-0.13	0.60	-0.02	0.25	1.21	0.03
C(3°)CHGS.	-0.50	2.07	-0.05	0.04	0.52	0.09	0.21	0.91	0.07	0.26	1.21	0.08
MISD.CHGS.	-0.15	0.64	-0.01	0.37	5.41	0.55	-0.05	0.22	-0.01	-0.18	0.87	-0.03
. IN DWELL.	0.54	4.66	0.58	-0.03	0.99	-0.89	-0.12	1.09	-0.42	-0.39	3.81	-1.26
.T TRIAL	0.24	0.96	0.01	-0.02	0.30	-0.04	-0.06	0.27	-0.02	-0.15	0.71	-0.04
TRIAL	0.05	0.28	0.01	0.02	0.42	0.08	-0.13	0.76	-0.06	0.06	0.36	0.03
FIN.DISPO.	-0.00	0.33	-0.08	0.00	1.14	2.07	-0.00	0.14	-0.11	0.00	0.14	0.09
tant	0.82	2.20		-0.06	0.50		-0.09	0.26		0.33	1.01	
	0.46			0.52			0.21			0.36		
to Multicolin.	0.10			0.15			0.02			0.07		
to Regressors	0.36			0.36			0.19			0.29		
R^2	0.28			0.36			-0.04			0.15		
dard Error	0.42			0.12			0.40			0.37		
atistic (D.F.)	2.56 (20,61)			3.25 (20,61)			0.83 (20,61)			1.73 (20,61)		

TABLE E.8

THE DETERMINANTS OF CONVICTION FOR ROBBERY DEFENDANTS
MULTNOMAH COUNTY, 1973

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

Variables	ALL CHGS & COUNTS Coef	T	η	FEWER COUNTS Coef	T	η	REDUCED CHGS Coef	T	η	DISM & TRI ACQ Coef	T	η
COM.TIES INDEX	0.01	0.57	-0.00	-0.02	1.21	-0.00	0.02	0.58	-0.00	-0.01	0.35	-0.00
AGE	-0.01	0.07	-0.07	0.07	1.19	1.43	-0.12	1.11	-0.83	0.06	0.46	0.20
BLACK	0.01	0.12	0.02	-0.06	0.81	-0.13	-0.10	0.75	-0.07	0.15	0.92	0.05
OTHER MINORITY	-0.16	0.71	-0.05	0.07	0.49	0.04	0.07	0.26	0.01	0.02	0.07	0.00
JUN.P.R.	-0.00	0.01	-0.00	-0.02	0.25	-0.04	-0.04	0.26	-0.02	0.07	0.35	0.02
MAJ.P.R.	0.04	0.35	0.06	-0.06	0.81	-0.15	0.07	0.51	0.06	-0.05	-0.32	-0.02
PRIS.P.R.	0.17	1.29	0.16	-0.07	0.86	-0.12	-0.07	0.43	-0.04	-0.18	-0.96	-0.05
JAIL CUSTODY	0.25	0.98	0.92	-0.08	0.49	-0.54	-0.13	0.43	-0.30	-0.04	0.12	-0.05
BAIL	0.12	0.45	0.10	0.11	0.67	0.17	0.10	0.33	0.05	-0.33	0.92	-0.09
O.R.	0.06	0.24	0.09	0.06	0.38	0.16	-0.05	0.19	-0.05	-0.06	0.18	-0.03
CT.APP.COUN.	-0.08	0.80	-0.14	0.02	0.33	0.07	-0.10	0.83	-0.10	0.16	1.14	0.08
DEF.RET.COUN.	0.15	0.97	0.13	-0.11	1.19	-0.19	-0.01	0.04	-0.00	0.03	0.13	0.01
ORIG A(1°)CHGS	0.01	0.23	0.11	0.20	5.83	3.16	-0.05	0.80	-0.27	-0.16	2.15	-0.42
ORIG B(2°)CHGS	-0.04	0.19	-0.01	0.06	0.49	0.04	0.38	1.61	0.90	-0.40	1.46	-0.05
ORIG C(3°)CHGS	-0.13	0.82	-0.06	-0.08	0.83	-0.07	-0.23	1.28	-0.07	-0.02	0.11	-0.00
ORIG MISD.CHGS	-0.17	0.65	-0.04	0.27	1.64	0.12	0.27	0.88	0.04	-0.37	1.03	-0.03
DROP OTH.CASE BARG.												
COURT TRIAL	0.27	1.41	0.10	-0.09	0.73	-0.06	-0.32	1.42	-0.08	0.14	0.53	0.02
JURY TRIAL	0.45	2.48	0.17	-0.13	1.17	-0.10	-0.18	0.85	-0.04	-0.13	0.53	-0.02
MO.FIN.DISPO.	0.00	0.24	0.27	0.02	2.40	3.11	-0.00	0.26	-0.21	-0.01	1.05	-0.50
Constant	-0.12	0.35		-0.52	2.40		0.68	1.69		0.95	2.02	
R^2	0.26			0.50			0.28			0.25		
Due to Multi-colinearity	0.09			0.03			0.11			0.04		
Due to Regressors	0.18			0.47			0.17			0.21		
Adj R^2	0.04			0.35			0.07			0.03		
Standard Error	0.36			0.23			0.42			0.50		
F statistic (D.F.)	1.17(19,63)			3.27(19,63)			1.31(19,63)			1.13(19,63)		

TABLE E.9

THE DETERMINANTS OF CONVICTION FOR ROBBERY DEFENDANTS
MULTNOMAH COUNTY, 1974

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

	All Chgs. & Counts			Fewer Counts			Reduced Chgs.			Dism. & Tri.Acq.		
	Coef	T	η	Coef	T	η	Coef	T	η	Coef	T	η
[illegible] INDEX	-0.01	0.23	-0.00	0.00	0.17	0.00	-0.01	0.43	-0.00	-0.01	0.48	-0.00
	0.02	0.22	0.06	0.02	1.02	1.50	-0.02	0.51	0.90	-0.02	0.21	-0.14
	-0.39	1.69	-0.04	-0.02	0.45	-0.05	-0.05	0.47	-0.07	0.47	2.38	0.13
[illegible]NORITY	-0.18	0.50	-0.01	-0.02	0.21	-0.02	0.39	2.16	0.20	-0.19	0.63	-0.02
[illegible]	-0.08	0.50	-0.02	0.02	0.69	0.16	-0.05	0.65	-0.18	0.11	0.80	0.08
[illegible]	0.26	1.42	0.04	0.00	0.05	0.01	-0.06	0.66	-0.12	-0.20	1.30	-0.09
[illegible]	0.04	0.22	0.01	0.00	0.11	0.04	-0.12	1.30	-0.48	0.07	0.48	0.07
[illegible]STODY	0.13	0.71	0.11	-0.00	0.07	-0.06	-0.09	1.02	-1.05	-0.03	0.23	-0.09
	0.09	0.33	0.01	0.01	0.26	0.05	-0.12	0.94	-0.22	0.02	0.09	0.01
	0.10	0.50	0.03	-0.06	1.35	-0.44	-0.15	1.41	-0.55	0.10	0.57	0.08
[illegible]ON.	0.00	0.00	0.00	-0.03	1.30	-0.47	0.02	0.31	0.13	0.01	0.14	0.02
[illegible]OON.	-0.06	0.26	-0.01	0.06	1.26	0.21	-0.06	0.52	-0.10	0.06	0.30	0.02
[illegible]CHGS.	0.09	0.52	0.14	-0.00	0.08	-0.12	0.02	0.23	0.40	-0.11	0.73	-0.48
[illegible]CHGS.	-0.48	1.67	-0.03	0.66	11.05	0.99	0.01	0.07	0.01	-0.19	0.77	-0.03
[illegible]CHGS.	-0.33	0.95	-0.02	0.02	0.22	0.02	0.35	2.03	0.26	-0.03	0.11	-0.01
[illegible]. CHGS.	0			0			0			0		
[illegible]TIAL	-0.38	2.10	-0.06	-0.03	0.92	-0.15	-0.08	0.87	-0.17	0.49	3.22	0.24
[illegible]TIAL	-0.00	0.01	-0.00	-0.07	1.87	-0.42	-0.04	0.47	-0.13	0.12	0.75	0.07
[illegible].DISPO.	0.01	1.92	0.45	-0.00	0.22	-0.29	0.00	0.32	0.50	-0.01	2.41	-1.43
[illegible]	0.23	0.78		0.00	0.03		0.18	1.20		0.59	2.32	
		0.29			0.74			0.24			0.39	
[illegible]lticolin.		0.06			0.15			0.00			0.06	
[illegible]egressors		0.23			0.59			0.24			0.34	
		0.08			0.66			0.01			0.21	
[illegible] Error		0.45			0.09			0.22			0.38	
[illegible]tic (D.F.)		1.35 (18,59)			9.35 (18,59)			1.04 (18,59)			2.13 (18,59)	

TABLE E.10

THE DETERMINANTS OF CONVICTION FOR B&E DEFENDANTS
DADE COUNTY, 1974

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

	All Chgs.& Counts			Fewer Counts			Reduced Chgs.			Dism.& Tri.Acq.		
Variables	Coef	T		Coef	T		Coef	T		Coef	T	
COM. TIES INDEX	0.04	1.40	0.00	-0.01	0.53	-0.00	-0.01	0.70	-0.00	-0.02	0.11	-0.00
AGE	0.07	0.88	-0.24	0.10	1.79	0.92	0.04	0.88	0.82	-0.08	1.12	-0.55
BLACK	0.09	0.77	-0.09	0.12	1.29	0.30	-0.76	1.06	-0.44	0.05	0.53	0.12
OTHER MINORITY	0.05	0.27	0.01	-0.15	1.20	-0.10	-0.02	0.15	-0.02	0.12	0.82	0.07
MIN. P.R.	-0.03	0.21	-0.01	-0.06	0.58	-0.05	0.14	1.63	0.27	-0.05	0.37	-0.03
ADJ. P.R.	0.30	1.93	0.10	-0.11	0.98	-0.97	-0.08	0.91	-0.16	-0.10	0.79	-0.08
PRIS. P.R.	0.05	0.20	0.01	-0.21	1.22	-0.69	-0.05	0.38	-0.04	0.21	1.08	0.06
JAIL CUSTODY	0.10	0.50	0.05	-0.13	0.84	-0.16	0.01	0.05	0.02	0.02	1.00	0.02
BAIL	0.12	0.62	-0.12	0.08	0.05	0.02	-0.05	0.40	-0.27	0.16	0.95	0.35
O.R.	-0.04	0.19	-0.01	-0.09	0.56	-0.08	-0.00	0.03	-0.01	0.14	0.73	1.00
CT. APP. COUN.	0.14	0.37	-0.01	-0.31	1.12	-0.03	0.42	1.91	0.11	0.03	0.09	0.00
DEF.RET.COUN.	-0.24	1.51	-0.09	0.00	0.26	0.00	0.09	1.04	0.20	0.14	1.04	0.11
ORIG A(1°)CHGS.	-0.21	0.86	-0.01	0.24	1.34	0.04	0.03	0.18	0.01	-0.06	0.27	-0.00
ORIG B(2°)CHGS.	-0.04	0.42	-0.08	0.14	1.91	0.68	0.02	0.41	0.26	-0.13	1.42	-0.48
ORIG C(3°)CHGS.	-0.20	2.71	-0.30	0.22	4.08	0.87	-0.01	0.24	-0.09	-0.01	0.16	-0.03
ORIG MISD.CHGS.	-0.17	1.47	-0.07	0.21	2.52	0.22	-0.07	1.06	-0.17	0.03	0.29	0.02
OFF. IN DWELL.	-0.10	0.87	-0.11	-0.09	0.99	-0.25	0.06	0.89	0.40	0.13	1.26	0.30
COURT TRIAL	0.20	1.03	0.03	-0.05	0.36	-0.02	0.03	0.27	0.03	-0.18	-1.09	-0.07
JURY TRIAL	-0.03	0.11	-0.00	-0.01	0.06	-0.00	-0.12	0.67	-0.04	0.17	0.64	0.02
NO. FIN. DISPO.	0.01	1.50	0.43	0.01	1.29	0.70	0.00	0.45	0.44	-0.02	3.18	-1.65
Constant	0.75	2.41		-0.36	1.58		-0.02	0.14		0.63	2.39	
R^2	0.27			0.36			0.18			0.25		
Due to Multicolin.	0.04			0.03			0.03			0.03		
Due to Regressors	0.30			0.39			0.15			0.29		
Adj. R^2	0.07			0.19			-0.04			0.05		
Standard Error	0.49			0.36			0.28			0.17		
F Statistic (D.F.)	1.34 (20,74)			2.08 (20,74)			0.84 (20,74)			1.25 (20.74)		

TABLE E.11

THE DETERMINANTS OF CONVICTION FOR B&E DEFENDANTS
DADE COUNTY, 1975

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

	All Chgs.& Counts			Fewer Counts			Reduced Chgs.			Dism.& Tri.Acq.		
iables	Coef			Coef	T	n	Coef	T	n	Coef	T	n
. TIES INDEX	-0.01	0.22	-0.00	0.00	0.00	-0.00	0.00	0.19	-0.00	0.00	0.21	-0.00
	0.01	0.11	0.03	-0.44	0.54	-0.28	0.06	1.51	2.07	-0.03	0.55	-0.49
CK	-0.06	0.52	-0.06	0.01	0.12	0.03	0.03	0.55	0.33	0.02	0.25	0.10
R MINORITY	-0.21	1.02	-0.04	0.15	0.79	0.06	-0.07	0.68	-0.13	0.13	1.03	0.13
. P.R.	0.05	0.35	0.02	0.03	0.27	0.03	-0.06	1.00	-0.27	-0.02	0.18	-0.03
. P.R.	0.01	0.06	0.00	0.10	0.71	0.07	-0.08	1.11	-0.28	-0.03	0.27	-0.04
. P.R.	0.38	1.67	0.06	-0.17	0.85	-0.05	-0.06	0.55	-0.09	-0.15	1.07	-0.12
CUSTODY	0.16	0.69	0.10	0.07	0.36	0.10	0.05	0.46	0.34	-0.28	1.98	-0.97
IL	0.14	0.63	0.09	-0.03	0.15	-0.04	0.07	0.70	0.49	-0.18	1.34	-0.62
.	-0.04	0.17	-0.01	0.14	0.64	0.09	0.08	0.70	0.27	-0.17	1.17	-0.30
PP.COUN.	-0.22	0.70	-0.01	-0.35	1.29	-0.04	0.27	1.83	0.16	0.31	1.58	0.09
.RET.COUN.	-0.33	1.45	-0.04	0.28	1.41	0.07	-0.07	0.68	-0.09	0.12	0.83	0.07
IG A(1°)CHGS.	0.07	0.19	0.00	0.01	0.03	0.00	-0.04	0.21	-0.02	-0.04	0.18	-0.01
B(2°)CHGS.	-0.02	0.13	-0.02	0.06	0.61	0.20	-0.02	0.35	-0.30	-0.03	0.39	-0.22
C(3°)CHGS.	-0.15	1.90	-0.25	0.18	2.55	0.62	0.05	1.22	0.78	-0.07	1.49	-0.63
G MISD.CHGS.	-0.12	0.81	-0.04	0.26	1.99	0.19	-0.05	0.79	-0.20	-0.09	0.94	-0.15
. IN DWELL.	-0.18	1.54	-0.17	0.10	0.96	0.20	0.06	1.10	0.61	0.02	0.28	0.10
JRT TRIAL	0.07	0.23	0.00	0.07	0.24	0.01	-0.05	0.35	-0.03	-0.09	0.44	0.03
TRIAL	0			0			0			0		
IN.DISPO.	0.01	1.19	0.54	0.00	0.31	0.26	0.00	0.56	1.24	-0.01	2.78	-4.05
istant	0.45	1.12		-0.13	0.37		-0.21	1.10		0.89	3.52	
	0.21			0.23			0.16			0.23		
e to Multicolin.	0.02			0.03			-0.02			-0.17		
to Regressors	0.19			0.20			0.18			0.39		
R^2	0.00			0.03			0.06			0.02		
ndard Error	0.50			0.44			0.23			0.31		
tatistic (D.F.)	0.98 (19,72)			1.14 (19,72)			0.74 (19,72)			1.10 (19,72)		

TABLE E. 12

THE DETERMINANTS OF CONVICTION FOR ROBBERY DEFENDANTS
DADE COUNTY, 1974

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

	All Chgs.& Counts			Fewer Counts			Reduced Chgs.			Dsm.& Tri.Acq.		
Variables	Coef	T	η	Coef	T	η	Coef	T	η	Coef	T	η
[illegible] TIES INDEX	-0.03	0.78	-0.00	-0.01	0.65	-0.00	0.01	0.39	0.00	0.03	1.02	0.00
[illegible]	0.01	0.13	0.04	-0.04	0.76	-0.54	0.09	1.51	1.21	-0.06	0.79	-0.30
[illegible]E	-0.33	2.55	-0.52	0.08	0.97	0.46	0.16	1.72	0.92	0.10	0.84	0.21
[illegible] MINORITY	-0.50	2.17	-0.10	-0.04	0.27	-0.03	0.18	1.11	0.13	0.36	1.76	0.10
[illegible] P.R.	0.00	0.00	0.00	-0.04	0.60	-0.10	-0.01	0.09	-0.02	0.05	0.48	0.43
[illegible]. P.R.	0.33	1.93	0.09	-0.00	0.04	-0.00	-0.12	0.97	-0.12	-0.21	1.37	-0.08
[illegible]. P.R.	0.09	0.43	0.02	-0.01	0.04	-0.00	-0.20	1.38	-0.13	0.12	0.62	0.03
[illegible] CUSTODY	0.47	2.07	0.90	-0.15	1.05	-1.06	-0.14	0.87	-0.99	-0.19	0.91	-0.48
[illegible]	0.32	1.21	0.06	-0.21	1.27	-0.15	-0.28	1.52	-0.21	0.17	0.72	0.05
[illegible].A.	0.14	0.35	0.01	0.24	0.94	-0.04	0.76	2.67	0.14	-0.67	1.82	-0.04
[illegible] APT.COUN.	0.18	0.76	0.02	-0.32	2.17	-0.14	-0.05	0.30	-0.02	0.19	0.89	0.03
[illegible] NET.COUN.	0.07	0.36	0.02	0.02	0.21	0.02	0.03	0.19	0.02	-0.12	0.69	-0.05
[illegible] A(1°)CHGS.	-0.03	0.34	-0.07	0.16	3.34	1.61	-0.04	0.75	-0.40	-0.09	1.35	-0.34
[illegible] B(2°)CHGS.	-0.14	1.51	-0.11	0.13	2.26	0.38	0.00	0.04	0.01	0.01	0.08	0.01
[illegible] C(3°)CHGS.	-0.43	2.50	-0.09	0.41	3.86	0.34	0.01	0.11	0.01	0.00	0.03	0.00
[illegible] MISD.CHGS.	0.48	1.22	0.02	0.06	0.26	0.01	-0.17	0.62	-0.03	-0.37	1.06	-0.02
[illegible] TRIAL	-0.13	0.66	-0.02	-0.11	0.90	-0.08	-0.10	0.74	-0.07	0.34	1.94	0.09
[illegible] TRIAL	-0.29	1.78	-0.07	-0.03	0.34	-0.31	-0.06	0.53	-0.05	0.38	2.65	0.13
[illegible] DISPO.	0.02	3.06	0.94	-0.11	0.32	-0.23	0.00	0.69	0.55	-0.02	3.75	-1.40
[illegible]	-0.05	0.17		0.07	0.35		0.01	0.02		0.98	3.36	
[illegible] Multicolin		0.38			0.43			0.29			0.44	
[illegible] Regressors		-0.01			0.10			0.07			0.04	
[illegible]		0.39			0.33			0.21			0.40	
[illegible]		0.22			0.29			0.10			0.30	
[illegible]		0.44			0.27			0.31			0.39	
[illegible] (D.F.)		2.35 (19,73)			2.94 (19,73)			1.56 (19,73)			3.05 (19,73)	

TABLE E. 13

THE DETERMINANTS OF CONVICTION FOR ROBBERY DEFENDANTS
DADE COUNTY, 1975

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

iables	All Chgs.&Counts Coef.	T	η	Fewer Counts Coef	T	η	Reduced Chgs. Coef	T	η	Dism & Tri. Acq. Coef	T	η
TIES INDEX	0.03	1.17	0.00	-0.13	0.85	-0.06	-0.01	0.52	-0.00	-0.00	0.27	-0.00
	-0.06	0.67	-0.24	-0.00	0.05	-0.04	-0.05	0.75	-0.67	0.11	1.54	0.75
.CK	-0.10	0.81	-0.14	-0.12	1.50	-0.53	0.09	1.05	0.47	0.13	1.31	0.32
R MINORITY	-0.53	1.95	-0.06	0.36	2.03	0.13	0.08	0.44	0.03	0.09	0.41	0.02
.. P.R.	-0.03	0.25	-0.02	-0.08	0.89	-0.13	0.23	2.46	0.45	-0.12	1.12	0.11
. P.R.	-0.14	0.89	-0.05	0.02	0.24	0.02	0.07	0.67	0.09	0.04	0.33	0.02
. P.R.	-0.05	0.19	-0.01	0.35	2.20	0.12	-0.07	0.42	-0.03	-0.23	1.19	-0.05
CUSTODY	0.03	0.15	0.05	0.10	0.81	0.58	-0.05	0.37	-0.33	-0.09	0.52	-0.26
L	0.35	0.80	0.02	-0.05	0.19	0.01	-0.06	0.19	-0.01	-0.24	0.69	-0.02
	0.47	0.89	0.01	0.09	0.26	0.01	-0.36	0.98	-0.03	-0.19	0.47	-0.01
APP. COUN.	0.13	0.43	0.01	0.05	0.24	0.01	-0.20	1.00	-0.07	0.03	0.13	0.01
. RET. COUN.	-0.11	0.63	-0.03	-0.07	0.58	-0.06	0.03	0.28	0.03	0.14	1.02	0.07
. A (1°) CHGS.	-0.10	0.68	-0.26	-0.11	1.16	-0.88	0.18	1.67	1.58	0.04	0.34	0.17
. B.(2°) CHGS.	-0.16	1.88	-0.16	0.19	3.59	0.61	-0.01	0.24	-0.05	-0.02	0.36	-0.04
. C (3°) CHGS.	-0.26	1.49	-0.06	0.16	1.36	0.11	0.18	0.51	0.15	-0.08	0.56	-0.03
G. MISD. CHGS.	0.23	0.36	0.01	-0.35	0.82	-0.02	0.11	0.24	0.01	0.00	0.00	0.00
RT TRIAL	-0.24	1.05	-0.04	-0.13	0.85	-0.06	-0.08	0.47	-0.04	0.45	2.42	0.13
TRIAL	-0.39	1.03	-0.03	-0.07	0.27	-0.01	-0.31	1.16	-0.08	0.76	2.53	0.09
FIN. DISPO.	0.01	1.01	0.39	0.01	2.20	1.71	0.00	0.83	0.81	-0.02	3.79	-2.02
istant	0.73	2.26		-0.08	0.40		-0.17	0.75		-.52	2.03	
		0.27			0.39			0.20			0.41	
ue to Multicolin.		0.03			0.01			0.00			0.09	
ie to Regressors		0.24			0.30			0.20			0.32	
R^2		0.08			0.24			0.00			0.26	
ndard Error		0.48			0.31			0.34			0.38	
tatistic (D.F.)		1.44 (19,74)			2.54 (19,74)			1.00 (19,74)			2.73 (19,74)	

TABLE E.14

THE DETERMINANTS OF SENTENCE SEVERITY FOR BURGLARY CONVICTEES
MULTNOMAH COUNTY, 1973

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

	SSI A			SSI B			SSI C			SSI D		
Variables	Coef	T	η	Coef	T	η	Coef	T	η	Coef	T	η
SERIOUSNESS INDEX	-0.39	0.69	-0.00	-1.71	2.04	-0.01	-3.04	2.47	-0.01	3.40	1.32	0.01
AGE	1.65	0.98	0.25	5.56	2.23	0.91	9.48	2.60	1.71	16.62	2.17	1.49
BLACK	2.77	0.79	0.02	5.87	1.12	0.05	8.96	1.17	0.09	18.24	1.14	0.09
OTHER MINORITY	-2.58	0.29	-0.00	-1.44	0.11	-0.00	-0.30	0.02	-0.00	-3.99	0.10	-0.00
MEN.P.R.	2.25	0.72	0.03	2.78	0.60	0.04	3.32	0.49	0.05	8.20	0.58	0.07
MED.P.R.	-3.75	1.04	-0.05	-8.83	1.64	-0.12	-13.91	1.76	-0.20	-25.97	1.57	-0.19
MIN.P.R.	-4.97	1.35	-0.05	-7.48	1.37	-0.08	-10.00	1.25	-0.11	-6.18	0.37	0.03
JAIL CUSTODY	5.73	1.50	0.18	12.87	2.26	0.44	20.01	2.39	0.75	32.51	1.86	0.60
JAIL	0.42	0.07	0.00	4.62	0.53	0.03	8.83	0.69	0.06	41.78	1.56	0.13
P.B.	1.34	0.33	0.06	6.11	1.00	0.29	10.87	1.22	0.57	24.92	1.34	0.64
PT.APP.COUN.	-1.71	0.45	-0.02	-2.77	0.49	-0.03	-3.83	0.46	-0.05	-12.32	0.71	-0.08
PUB.DEF.COUN.	0.49	0.21	0.01	2.22	0.63	0.05	3.95	0.77	0.10	0.69	0.06	0.01
PRIG A(1°)CHGS.	-1.30	0.30	-0.13	1.89	0.29	0.20	5.08	0.54	0.60	18.32	0.93	1.08
PRIG B(2°)CHGS.	4.44	0.96	0.03	10.90	1.57	0.08	17.35	1.71	0.14	35.28	1.66	0.14
PRIG C(3°)CHGS.	4.79	1.28	0.03	2.38	0.43	0.02	-0.04	0.00	-0.00	2.45	0.14	0.01
PRIG MISD.CHGS.	-6.12	1.65	-0.05	-8.74	1.58	-0.08	-11.36	1.40	-0.11	-19.87	1.17	-0.10
PROP.IN DWELL.	0.58	0.24	0.04	0.05	0.01	0.00	-0.48	0.09	-0.04	-1.37	0.12	-0.05
CHG.RED.BARG.	-9.33	3.66	-0.45	-12.22	3.21	-0.65	-15.10	2.70	-0.89	-30.19	2.59	-0.88
COUNT RED.BARG.	2.02	0.36	0.05	1.24	0.15	0.02	0.45	0.04	0.01	-8.08	0.31	-0.07
DIST.BARG.	0.01	0.00	0.00	0.94	0.22	0.02	1.88	0.29	0.04	-2.28	0.17	-0.02
DROP OTH.CASE BARG.	-0.42	0.18	-0.01	-0.05	0.01	-0.00	0.32	0.06	0.01	-11.65	1.08	-0.24
COURT TRIAL	-0.90	0.19	-0.00	3.48	0.49	0.02	7.85	0.76	0.05	5.27	0.24	0.02
JURY TRIAL	3.08	0.57	0.02	9.93	1.24	0.06	16.79	1.43	0.11	11.83	0.48	0.04
PROP.FIN.DISPO.	0.11	0.45	0.15	-0.27	0.77	-0.41	-0.65	1.26	-1.08	-1.18	1.10	-0.97
Constant	10.60	1.34		1.40	0.12		-7.79	0.45		-13.11	-0.36	
R^2		0.58			0.64			0.65			0.52	
Due to Multicolin.		0.27			0.29			0.25			0.12	
Due to Regressors		0.31			0.36			0.39			0.40	
$\bar{R}^2$		0.33			0.43			0.44			0.23	
Standard Error		6.80			10.15			14.88			31.11	
F Statistic (D.F.)		2.30 (24,40)			3.03 (24,40)			3.06 (24,40)			1.82 (24,40)	

TABLE E.15

THE DETERMINANTS OF SENTENCE SEVERITY FOR BURGLARY CONVICTEES
MULTNOMAH COUNTY, 1974

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

	SSI A			SSI B			SSI C			SSI D		
bles	Coef	T	η	Coef	T	η	Coef	T	η	Coef	T	η
IES INDEX	1.44	2.11	0.00	2.30	1.73	0.01	3.16	1.51	0.01	-0.31	0.07	-0.00
	-3.83	1.76	-0.35	-6.55	1.55	-0.50	-9.27	1.39	-0.60	0.86	0.06	0.03
	-0.20	0.05	-0.00	-8.77	1.23	-0.04	-17.34	1.54	-0.07	-14.67	0.65	-0.03
MINORITY	0			0			0			0		
P.R.	3.15	0.87	0.02	4.69	0.66	0.02	6.22	0.56	0.02	2.19	0.10	0.00
.R.	1.83	0.65	0.03	1.17	0.21	0.01	0.50	0.06	0.01	-8.17	0.46	-0.04
P.R.	10.02	2.39	0.06	24.58	3.02	0.13	39.14	3.06	0.17	52.04	2.01	0.12
CUSTODY	-0.14	0.03	-0.00	1.52	0.18	0.03	3.17	0.24	0.05	6.39	0.24	0.05
	2.94	0.55	0.01	7.12	0.68	0.03	11.29	0.69	0.04	4.50	0.14	0.01
	-2.73	0.68	-0.08	-6.56	0.84	-0.15	-10.40	0.84	-0.20	-20.38	0.81	-0.20
P.COUN.	1.56	0.65	0.04	7.74	1.68	0.16	13.93	1.91	0.25	25.30	1.72	0.23
RET.COUN.	1.85	0.59	0.01	3.52	0.58	0.02	5.20	0.54	0.03	-8.73	-0.45	-0.03
A(1°)CHGS.	5.49	1.24	0.33	16.22	1.89	0.82	26.94	1.99	1.16	73.32	2.67	1.61
B(2°)CHGS.	0			0			0			0		
C(3°)CHGS.	-3.68	0.58	-0.01	1.72	0.14	0.00	7.12	0.37	0.01	24.21	0.61	0.02
MISD.CHGS.	1.16	0.22	0.00	3.06	0.30	0.01	4.95	0.31	0.01	92.34	2.85	0.09
N DWELL.	2.69	0.99	0.12	1.52	0.29	0.06	0.35	0.04	0.01	5.63	0.34	0.09
KED.BARG.	-9.29	3.40	-0.12	-18.03	3.40	-0.20	-26.78	3.21	-0.25	-50.67	3.00	-0.25
T RED.BARG.	-12.55	1.50	-0.02	-34.90	2.15	-0.05	-57.26	2.24	-0.07	-86.69	1.68	-0.06
BARG.	-0.88	0.29	-0.01	-2.24	0.38	-0.03	-3.60	0.39	-0.04	-9.00	0.48	-0.05
OTH.CASE BARG.	3.02	1.04	0.05	2.73	0.49	0.04	2.43	0.28	0.03	7.36	0.41	0.04
T TRIAL	-4.73	0.91	-0.01	-6.24	0.62	-0.01	-7.75	0.49	-0.01	-20.19	0.63	-0.02
TRIAL	2.61	0.68	0.01	0.83	0.11	0.00	-0.94	0.08	-0.00	-1.58	0.07	-0.00
N.DISPO.	0.30	2.57	0.47	0.45	1.93	0.56	0.59	1.61	0.63	0.70	0.96	0.39
ant	7.63	1.05		1.75	0.12		-4.12	0.19		-47.11	1.05	
		0.62			0.63			0.62			0.62	
to Multicolin.		0.23			0.24			0.24			0.27	
to Regressors		0.38			0.39			0.39			0.35	
R^2		0.42			0.44			0.43			0.42	
dard Error		7.34			14.24			22.43			45.42	
tistic (D.F.)		3.13 (22,43)			3.36 (22,43)			3.22 (22,43)			3.17 (22,43)	

TABLE E. 16

THE DETERMINANTS OF SENTENCE SEVERITY FOR ROBBERY CONVICTEES
MULTNOMAH COUNTY, 1973

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

	SSI A			SSI B			SSI C			SSI D		
Variables	Coef	T	η	Coef	T	η	Coef	T	η	Coef	T	η
OM.TIES INDEX	0.99	1.58	0.01	1.67	1.40	0.01	2.35	1.23	0.01	1.28	0.33	0.00
GE	-5.74	1.96	-0.58	-11.10	2.00	-0.90	-16.45	1.85	-1.11	-33.98	1.87	-1.31
BLACK	-4.03	1.08	-0.03	-6.10	0.87	-0.04	-8.17	0.72	-0.04	-29.81	1.29	-0.08
THER MINORITY	6.61	1.10	0.02	7.46	0.65	0.02	8.31	0.45	0.02	-37.70	1.01	-0.04
N.P.R.	6.53	1.17	0.05	11.71	1.10	0.07	16.90	0.99	0.08	48.41	1.39	0.13
MAJ.P.R.	5.12	1.31	0.07	15.40	2.08	0.16	25.68	2.16	0.23	74.30	3.06	0.37
PRIS.P.R.	11.39	3.59	0.13	22.43	3.73	0.21	33.48	3.46	0.26	92.78	4.70	0.41
AIL CUSTODY	18.58	1.97	0.57	13.93	0.78	0.34	9.28	0.32	0.19	36.73	0.63	0.43
BAIL	26.80	3.03	0.31	25.20	1.50	0.24	23.60	0.88	0.18	41.89	0.76	0.19
O.R.	14.65	1.55	0.24	9.79	0.55	0.13	4.93	0.17	0.05	40.89	0.70	0.25
.APP.COUN.	3.32	0.89	0.04	3.86	0.55	0.04	4.40	0.39	0.04	-4.06	0.17	-0.02
F.RET.COUN.	6.22	1.50	0.06	5.28	0.67	0.04	4.35	0.35	0.03	-15.53	0.60	-0.06
ORIG A(1°)CHGS.	4.00	2.38	0.36	10.62	3.34	0.77	17.24	3.37	1.04	47.17	4.52	1.63
IG B(2°)CHGS.	-0.87	0.20	-0.01	4.11	0.49	0.02	9.09	0.68	0.04	30.22	1.10	0.08
IG C(3°)CHGS.	2.45	0.68	0.01	3.68	0.54	0.02	4.90	0.45	0.02	-20.29	0.91	-0.05
ORIG MISD.CHGS.	-0.34	0.05	-0.00	-1.38	0.11	-0.00	-2.42	0.12	-0.01	-49.03	1.19	-0.08
G.RED.BARG.	-12.44	3.31	-0.38	-31.15	4.38	-0.76	-49.86	4.36	-1.02	-72.58	3.11	-0.85
OUNT RED.BARG.	-16.80	3.11	-0.17	-43.80	4.29	-0.36	-70.86	4.31	-0.48	-126.23	3.76	-0.49
ENT.BARG.	-10.83	2.48	-0.13	-6.17	0.74	-0.06	-1.50	0.11	-0.01	-16.41	0.60	-0.07
OP OTH.CASE BARG.	-5.94	1.84	-0.16	-9.29	1.52	-0.20	-12.64	1.28	-0.22	-45.89	2.28	-0.46
URT TRIAL	-35.94	3.66	-0.10	-60.67	3.27	-0.14	-85.39	2.86	-0.17	-146.99	2.41	-0.16
URY TRIAL	1.49	0.25	0.01	15.40	1.37	0.05	29.32	1.62	0.09	57.86	1.56	0.10
.FIN.DISPO.	0.52	1.63	0.53	0.34	0.56	0.28	0.16	0.16	0.11	-1.75	0.88	-0.69
onstant	2.44	0.19		22.18	0.89		41.92	1.05		77.58	0.95	
		0.86			0.88			0.88			0.88	
ue to Multicolin.		0.07			0.21			0.24			0.15	
Due to Regressors		0.79			0.67			0.64			0.73	
J.R^2		0.67			0.72			0.71			0.72	
ndard Error		6.11			11.57			18.60			37.98	
Statistic (D.F.)		4.54 (23,17)			5.53 (23,17)			5.24 (23,17)			5.49 (23,17)	

TABLE E.17

THE DETERMINANTS OF SENTENCE SEVERITY FOR ROBBERY CONVICTEES
MULTNOMAH COUNTY, 1974

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

	SSI A			SSI B			SSI C			SSI D		
bles	Coef	T		Coef	T		Coef	T		Coef	T	
TIES INDEX	1.44	1.77	0.01	4.11	1.72	0.02	6.78	1.69	0.02	14.84	1.55	0.02
	-5.37	2.38	-0.38	-13.19	1.99	-0.57	-21.02	1.89	-0.65	-36.20	1.36	-0.59
	1.49	0.18	0.00	1.49	0.06	0.00	1.50	0.04	0.00	8.09	0.08	0.00
R MINORITY	-3.96	0.50	-0.00	-10.60	0.46	-0.01	17.24	0.45	-0.01	-28.24	0.31	-0.01
.R.	1.32	0.31	0.01	1.32	0.11	0.00	1.33	0.06	0.00	-1.20	0.02	-0.00
.R.	14.31	3.15	0.06	42.72	3.21	0.11	71.14	3.19	0.14	143.05	2.68	0.14
.P.R.	11.90	2.77	0.10	31.38	2.48	0.15	50.85	2.40	0.18	88.91	1.76	0.17
CUSTODY	10.27	2.15	0.25	23.09	1.65	0.34	35.91	1.53	0.38	63.68	1.14	0.36
	8.14	1.29	0.03	13.53	0.73	0.03	18.92	0.61	0.03	53.91	0.72	0.04
	5.22	1.02	0.03	4.34	0.29	0.02	3.46	0.14	0.01	-6.88	0.11	-0.01
P.COUN.	-1.37	0.50	-0.02	-2.53	0.31	-0.02	-3.68	0.27	-0.02	-7.56	0.23	-0.03
ET.COUN.	-2.97	0.57	-0.01	-7.62	0.50	-0.02	12.27	0.48	-0.02	4.60	0.08	0.00
A(1°)CHGS.	7.16	1.99	0.29	19.58	1.86	0.48	32.00	1.81	0.56	57.88	1.37	0.53
G B(2°)CHGS.	17.39	1.64	0.03	54.07	1.73	0.06	90.76	1.74	0.07	212.68	1.70	0.09
C(3°)CHGS.	1.46	0.15	0.00	4.05	0.14	0.00	6.65	0.14	0.00	-14.74	0.13	-0.00
MISD.CHGS.	0			0			0			0		
RED.BARG.	10.74	2.04	-0.03	-31.33	2.03	-0.05	51.93	2.00	-0.06	-93.94	1.51	-0.05
T RED.BARG.	22.15	1.71	-0.03	-61.43	1.61	-0.05	00.71	1.58	-0.05	-127.33	0.83	-0.04
T.BARG.	-5.61	1.24	-0.02	-17.10	1.29	-0.04	28.60	1.29	-0.05	-60.29	1.13	-0.05
OTH.CASE BARG.	3.37	1.02	0.03	6.63	0.68	0.04	9.89	0.61	0.04	32.77	0.84	0.07
T TRIAL	-0.19	0.04	-0.00	-1.43	0.09	-0.00	-2.66	0.10	-0.00	-4.37	0.07	-0.00
Y TRIAL	1.59	0.33	0.01	4.91	0.35	0.02	8.23	0.35	0.02	18.45	0.33	0.02
IN.DISPO.	0.38	1.60	0.38	0.83	1.20	0.50	1.28	1.11	0.56	3.11	1.12	0.71
stant	7.50	0.94		0.37	0.02		-6.76	0.17		-39.23	0.42	
		0.59			0.55			0.54			0.46	
to Multicolin.		0.03			0.01			0.02			0.05	
ue to Regressors		0.61			0.54			0.52			0.41	
. R^2		0.34			0.28			0.27			0.13	
dard Error		8.40			24.67			41.34			98.90	
tatistic (D.F.)		2.37 (22,37)			2.06 (22,37)			1.98 (22,37)			1.42 (22,37)	

TABLE E.18

THE DETERMINANTS OF SENTENCE SEVERITY FOR B & E CONVICTEES
DADE COUNTY, 1974

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

	SSI A			SSI B			SSI C			SSI D		
Variables	Coef	T		Coef	T		Coef	T		Coef	T	
C M.TIES INDEX	0.30	0.66	0.00	0.97	1.25	0.00	1.63	1.42	0.01	2.41	1.23	0.01
A E	0.78	0.48	0.10	1.44	0.53	0.17	2.10	0.52	0.22	1.40	0.20	0.10
BLACK	2.86	1.23	0.11	3.68	0.94	0.12	4.50	0.78	0.14	7.27	0.74	0.15
THER MINORITY	6.65	1.75	0.06	8.06	1.26	0.06	9.46	1.00	0.06	18.55	1.15	0.08
N.P.R.	3.91	1.33	0.05	7.71	1.57	0.09	11.51	1.57	0.12	26.12	2.10	0.18
MAJ.P.R.	8.52	3.03	0.13	3.73	2.91	0.19	18.94	2.71	0.24	29.56	2.48	0.26
PRIS.P.R.	8.50	1.82	0.04	9.64	1.23	0.04	10.79	0.93	0.04	12.35	0.63	0.03
JAIL CUSTODY	3.36	0.89	0.07	12.35	1.96	0.22	21.34	2.28	0.34	36.31	2.28	0.40
BAIL	-1.08	0.29	-0.04	1.71	0.28	0.05	4.50	0.49	0.13	8.81	0.57	0.18
O.R.	-1.09	0.27	-0.01	2.82	0.41	0.03	6.72	0.66	0.07	14.60	0.84	0.10
C.APP.COUN.	6.79	1.05	0.01	3.48	0.32	0.01	0.17	0.01	0.00	0.16	0.01	0.00
L.F.RET.COUN.	3.34	1.12	0.04	2.79	0.56	0.03	2.24	0.30	0.02	2.22	0.18	0.02
ORIG A(1°)CHGS.	9.80	2.38	0.03	32.42	4.70	0.09	55.05	5.38	0.14	133.76	7.68	0.24
ORIG B(2°)CHGS.	0.96	0.49	0.07	4.71	1.45	0.30	8.46	1.75	0.49	20.96	2.55	0.85
ORIG C(3°)CHGS.	1.26	0.81	0.07	0.47	0.18	0.02	-0.31	0.08	-0.01	-0.36	0.06	-0.01
ORIG MISD.CHGS.	-1.84	0.78	-0.03	-3.35	0.85	-0.04	-4.86	0.83	-0.06	-5.00	0.50	-0.04
OFF.IN DWELL.	2.82	1.23	0.11	3.11	0.81	0.11	3.40	0.59	0.11	0.61	0.06	0.01
C G.RED.BARG.	-6.47	1.89	-0.05	-7.62	1.32	-0.06	-8.76	1.03	-0.06	-14.31	0.98	-0.07
COUNT RED.BARG.	-0.48	0.16	-0.01	0.95	0.19	0.02	2.39	0.33	0.04	0.44	0.04	0.00
COURT TRIAL	0.26	0.07	0.00	3.31	0.53	0.02	6.35	0.68	0.03	8.40	0.53	0.03
JURY TRIAL	10.47	1.70	0.02	14.57	1.41	0.03	18.67	1.22	0.03	25.63	0.98	0.03
F.FIN.DISPO.	-0.88	0.43	-0.15	-0.20	0.59	-0.31	-0.32	0.63	-0.43	-0.56	0.64	-0.53
Constant	4.88	0.68		-2.98	-0.25		-10.84	0.60		-24.26	0.79	
R		0.50			0.58			0.60			0.69	
Due to Multicolin.		0.12			0.15			0.15			0.14	
Due to Regressors		0.38			0.43			0.46			0.55	
Adj. R^2		0.28			0.40			0.43			0.55	
Standard Error		7.93			13.30			19.74			33.61	
F Statistic (D.F.)		2.30 (22,50)			3.18 (22,50)			3.44 (22.50)			5.08 (22,50)	

TABLE E.19

THE DETERMINANTS OF SENTENCE SEVERITY FOR B & E CONVICTEES
DADE COUNTY, 1975

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

ables	SSI A Coef	T	η	SSI B Coef	T	η	SSI C Coef	T	η	SSI D Coef	T	η
TIES INDEX	-1.00	0.23	-0.00	-0.18	0.26	-0.00	-0.27	0.27	-0.00	0.99	0.47	0.00
	0.81	0.57	0.11	1.59	0.70	0.18	2.36	0.71	0.23	1.18	0.17	0.07
CK	1.78	0.90	0.07	2.39	0.76	0.08	2.99	0.65	0.09	-6.87	0.71	-0.13
R MINORITY	-1.97	0.59	-0.02	-1.21	0.22	-0.01	-0.44	0.06	-0.00	-5.34	0.33	-0.02
P.R.	3.52	1.53	0.06	4.50	1.22	0.63	5.46	1.02	0.07	13.96	1.24	0.10
.P.R.	5.59	2.22	0.09	7.48	1.86	0.09	9.35	1.59	0.10	20.02	1.63	0.13
.P.R.	9.06	2.56	0.07	18.15	3.21	0.11	27.22	3.31	0.14	45.80	2.66	0.15
CUSTODY	4.13	1.05	0.13	7.83	1.24	0.20	11.55	1.26	0.25	16.61	0.87	0.22
	1.26	0.33	0.03	-0.20	0.03	-0.00	-1.65	0.19	-0.03	-1.83	1.00	-0.02
	0.85	0.21	0.01	-3.13	0.47	-0.04	-7.10	0.74	-0.07	-18.42	0.92	-0.11
PP.COUN.	7.38	1.27	0.01	10.02	1.08	0.02	12.64	0.93	0.02	6.19	0.22	0.01
RET.COUN.	1.08	0.28	0.01	3.79	0.29	0.01	2.49	0.28	0.01	-4.26	0.23	-0.01
G A(1°)CHGS	4.41	0.75	0.01	15.61	2.08	0.03	34.81	2.54	0.05	83.14	2.90	0.07
B(2°)CHGS	-0.43	0.24	-0.27	1.05	0.36	0.05	2.53	0.60	0.11	4.42	0.50	0.12
C(3°)CHGS	1.42	1.12	0.11	1.83	0.90	0.11	2.24	0.76	0.12	2.74	0.44	0.09
G MISD.CHGS	-0.63	0.27	-0.01	-3.08	0.82	-0.04	-5.53	1.02	-0.63	-12.73	1.12	-0.09
IN DWELL.	6.42	3.39	0.26	11.31	3.73	0.38	16.18	3.67	0.46	25.29	2.75	0.44
RED.BARG.	-9.33	2.42	-0.04	-12.28	1.99	-0.05	-15.24	1.70	-0.05	-23.38	1.25	-0.05
NT RED.BARG.	-0.89	0.43	-0.02	0.11	0.03	0.00	1.09	0.23	0.02	-1.08	0.11	-0.01
T TRIAL	0.07	0.01	0.00	-0.98	0.13	0.00	-2.04	0.18	0.00	-5.61	0.24	-0.01
Y TRIAL	0			0			0			0		
IN.DISPO.	-0.29	1.82	-0.75	-0.64	2.50	-1.37	-0.98	2.65	-1.81	-1.68	2.17	-1.89
stant	12.00	1.54		18.54	1.49		25.08	1.39		58.19	1.54	
	0.49			0.58			0.60			0.51		
ue to Multi-colinearity	0.11			0.22			0.25			0.18		
e to Regressors	0.37			0.36			0.35			0.33		
R^2	0.31			0.44			0.46			0.34		
ndard Error	7.37			11.79			17.15			35.85		
atistic (D.F.)	2.71(21,60)			4.00(21,60)			4.32(21,60)			2.99(21,60)		

TABLE E.20

THE DETERMINANTS OF SENTENCE SEVERITY FOR ROBBERY CONVICTEES
DADE COUNTY, 1974

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

	SSI A			SSI B			SSI C			SSI D		
riables	Coef	T	η	Coef	T	η	Coef	T	η	Coef	T	η
COM. TIES INDEX	-0.54	0.42	-0.00	-1.05	0.39	-0.01	-1.55	0.36	-0.01	-2.08	0.21	-0.00
E	1.78	0.52	0.15	-3.00	0.42	-0.15	-7.77	0.68	-0.28	-19.93	0.77	-0.38
ACK	-4.92	0.99	-0.18	-10.07	0.97	-0.22	-15.22	0.92	-0.24	-36.56	0.98	-0.30
OTHER MINORITY	-22.25	2.19	-0.09	-48.64	2.29	-0.12	-75.03	2.21	-0.13	-150.44	1.96	-0.14
N. P.R.	-3.82	0.88	-0.06	-20.13	2.22	-0.20	-36.44	2.52	-0.26	-88.90	2.71	-0.33
J. P.R.	6.36	0.97	0.05	-6.63	0.49	-0.03	-19.63	0.90	-0.06	-51.73	1.05	-0.09
PRIS. P.R.	1.31	0.16	0.00	-1.75	0.10	-0.00	-4.80	0.18	-0.01	-16.75	0.27	-0.01
JAIL CUSTODY	18.61	1.53	0.86	24.14	0.95	0.67	29.67	0.73	0.59	47.63	0.52	0.39
IL	2.30	0.16	0.01	-10.35	0.35	-0.02	-23.00	0.49	-0.02	-60.11	0.56	-0.03
R.	14.78	0.86	0.02	14.99	0.42	0.01	15.21	0.27	0.01	27.01	0.21	0.01
CT. APP. COUN.	4.62	0.32	0.00	12.81	0.43	0.01	21.01	0.44	0.01	46.95	0.43	0.01
F. RET. COUN.	-1.93	0.27	-0.01	-4.01	0.27	-0.02	-6.10	0.26	-0.02	-23.34	0.44	-0.34
IG A(1°)CHGS.	1.33	0.52	0.09	6.15	1.15	0.25	10.97	1.28	0.32	26.49	1.36	0.40
ORIG B(2°)CHGS.	1.58	0.42	0.03	-2.21	0.28	-0.02	-6.00	0.47	-0.05	-11.05	0.38	-0.04
RIG C(3°)CHGS.	0.09	0.01	0.00	3.19	0.18	0.01	6.29	0.22	0.01	18.62	0.29	0.02
IG.MISD.CHGS.	8.97	0.63	0.01	-7.50	0.25	-0.01	-23.98	0.50	-0.02	-77.48	0.72	-0.03
CHG. RED. BARG.	-10.88	1.89	-0.09	-24.20	2.01	-0.13	-37.53	1.95	-0.15	-82.20	1.88	-0.17
UNT RED.BARG.	-6.75	0.95	-0.06	-18.38	1.33	-0.10	-30.48	1.39	-0.12	-79.22	1.59	-0.16
URT TRIAL	-6.75	0.56	-0.01	-34.22	1.36	-0.03	-61.69	1.54	-0.04	-130.34	1.44	-0.05
RY TRIAL	-3.91	0.35	-0.01	-14.75	0.63	-0.15	-25.59	0.69	-0.02	-60.12	0.71	-0.22
MO.FIN.DISPO.	0.37	1.01	0.45	0.85	1.10	0.62	1.32	1.08	0.69	2.83	1.02	0.77
nstant	-3.16	0.17		15.95	0.41		35.05	0.56		92.98	0.66	
R^2	0.42			0.47			0.47			0.46		
ue to Multicolin	0.17			0.16			0.13			0.09		
ue to Regressors	0.25			0.31			0.34			0.37		
Adj. R^2	0.13			0.20			0.21			0.18		
tandard Error	13.24			27.70			44.17			100.24		
statistic (D.F.)	1.44 (21,41)			1.72 (21,41)			1.77 (21,41)			1.65 (21,41)		

TABLE E.21

THE DETERMINANTS OF SENTENCE SEVERITY FOR ROBBERY CONVICTEES
DADE COUNTY, 1975

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

ables	SSI A Coef	T	η	SSI B Coef	T	η	SSI C Coef	T	η	SSI D Coef	T	η
.TIES INDEX	-0.17	0.37	-0.00	0.58	0.67	0.00	1.33	0.94	0.00	5.65	1.52	0.00
	4.87	2.77	0.41	8.13	2.42	0.53	11.40	2.10	0.61	14.49	1.01	0.44
K	5.64	2.16	0.18	9.67	1.93	0.24	13.69	1.69	0.27	30.91	1.45	0.35
ER MINORITY	10.23	1.46	0.01	21.61	1.61	0.02	32.98	1.52	0.03	70.37	1.23	0.04
P.R.	-7.43	2.83	-0.11	-11.73	2.34	-0.14	-16.04	1.98	-0.15	-31.37	1.46	-0.17
P.R.	-3.14	0.93	-0.02	-10.98	1.70	-0.05	-18.83	1.81	-0.08	-22.78	0.83	-0.05
.S.P.R.	-4.95	1.16	-0.02	-2.23	0.27	-0.01	0.49	0.04	0.00	70.15	2.00	0.09
CUSTODY	8.08	2.14	0.36	14.28	1.98	0.48	20.49	1.75	0.57	42.22	1.37	0.66
	0.90	0.09	0.65	8.19	0.42	0.00	15.48	0.49	0.01	-9.59	0.12	-0.00
..	3.51	0.39	0.00	2.44	0.14	0.01	1.37	0.05	0.00	10.93	0.15	0.00
APP.COUN.	0.34	0.06	0.00	-2.02	0.19	-0.00	-4.37	0.25	-0.01	12.80	0.28	0.01
RET.COUN.	13.39	3.34	0.07	21.69	2.82	0.08	30.00	2.41	1.00	69.51	2.12	0.12
A(1°)CHGS	0.18	0.05	0.01	-13.68	2.10	-0.58	-27.54	2.62	-0.95	-70.43	2.53	-1.37
G B(2°)CHGS	3.42	2.04	0.08	8.44	2.63	0.15	13.46	2.60	0.19	22.41	1.64	0.18
C(3°)CHGS	0.87	0.27	0.00	-4.66	0.75	-0.02	-10.19	1.02	-0.03	-39.98	1.51	-0.07
MISD.CHGS	0			0			0			0		
RED.BARG.	-3.19	1.07	-0.03	2.90	0.51	0.02	8.99	0.98	0.05	19.51	0.80	0.06
T RED.BARG.	-1.11	0.35	-0.01	-8.25	1.34	-0.06	-15.38	1.55	-1.00	-39.43	1.50	-0.14
T TRIAL	5.17	0.86	0.01	-2.63	0.23	-0.00	-10.42	-0.56	-0.01	-20.94	0.42	-0.01
TRIAL	0			0			0			0		
FIN.DISPO.	0.01	0.06	0.02	-0.24	0.74	-0.31	-0.49	0.93	-0.52	-1.09	0.78	-0.64
tant	0.72	1.00		16.58	1.17		32.44	1.41		85.64	1.41	
	0.59			0.56			0.54			0.48		
e to Multi-colinearity	0.19			0.12			0.08			0.08		
e to Regressors	0.40			0.44			0.45			0.40		
R^2	0.43			0.39			0.36			0.28		
ndard Error	7.88			15.09			24.40			64.47		
atistic (D.F.)	3.65(19,49)			3.32(19,49)			2.99(19,49)			2.37(19,49)		

TABLE E.22

THE DETERMINANTS OF CASE DURATION* FOR ROBBERIES, BURGLARIES, ALL FELONIES
MULTNOMAH COUNTY, 1973

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

Variables	Robberies Coef	T	n	Burglaries Coef	T	n	Variables (cont'd)	All Felonies Coef	T	n
OM. TIES INDEX	-0.32	0.10	-0.00	-0.66	0.16	-0.00	PUB. DEFDR. NO. DEFS.	-24.33	2.07	-0.36
AGE	18.77	1.54	0.54	-8.19	0.75	-0.26				
BLACK	7.51	0.48	0.02	23.07	1.09	0.05	PROP. OFF.	-15.51	1.09	-0.20
THER MINORITY	5.11	0.17	0.00	8.02	0.11	0.00	DRUG OFF.	-9.96	0.60	-0.08
MIN. P.R.	-23.44	1.27	-0.06	16.60	0.82	0.06	OTHER OFF.	-35.33	0.70	-0.01
MAJ. P.R.	-7.57	0.46	-0.03	3.67	0.16	0.01	JAIL CUST.	-13.34	0.35	-0.06
RIS. P.R.	0.42	0.02	0.00	14.09	0.58	0.03	BAIL(&OR)	0.19	0.01	0.00
AIL CUSTODY	58.95	1.77	0.57	-36.18	1.31	-0.27	CHG.RED.BAR.	-8.19	-0.54	-0.07
BAIL	41.11	1.13	0.09	-35.00	0.87	-0.04	COURT TRIAL	-19.24	0.68	-0.04
.R.	47.97	1.55	0.19	-20.72	0.66	-0.17	JURY TRIAL	-5.68	0.20	-0.01
T.APP.COUN.	45.11	3.29	0.20	-0.87	0.04	-0.00	DIS&TRI.ACQ.	-10.94	0.39	-0.14
DEF.RET.COUN.	57.62	2.87	0.14	27.94	1.70	0.15	MO.FIN.DISP.	3.25	3.41	1.32
ORIG A(1°)CHGS.	-6.19	0.67	-0.14	-13.92	0.50	-0.28				
RIG B(2°)CHGS.	0.14	0.01	0.00	22.44	0.94	0.03				
ORIG C(3°)CHGS.	-39.64	1.93	-0.05	52.69	1.73	0.05				
ORIG MISD.CHGS.	-4.03	0.11	-0.00	-33.16	1.14	-0.04				
HG.RED.BARG.	16.82	0.79	0.07	-25.94	1.29	-0.19				
COUNT RED.BARG.	58.44	1.81	0.08	20.20	0.51	0.04				
ENT.BARG.	-11.77	-0.43	-0.02	-22.54	0.97	-0.06				
ROP OTH.CASE BARG	15.67	0.80	0.06	-20.13	1.04	-0.11				
COURT TRIAL	-26.30	0.99	-0.03	-42.54	1.46	-0.05				
URY TRIAL	-9.95	0.38	-0.01	-42.52	1.31	-0.04				
ISM.& TRI.ACQ.	-6.72	0.34	-0.06	-54.33	2.51	-0.26				
MO.FIN.DISPO.	3.91	2.77	1.07	3.45	3.76	1.80				
onstant	-100.87	1.98		29.42	0.54			26.81	0.63	
R^2		0.48			0.40				0.24	
Due to Multicolin		0.01			0.00				0.01	
Due to Regressors		0.47			0.40				0.22	
Adj. R^2		0.26			0.17				0.10	
Standard Error		46.71			58.27				47.64	
statistic (D.F.)		2.22 (24,58)			1.77 (24,63)				1.72 (12,67)	

*Elapsed time from arraignment to final disposition.

TABLE E.23

THE DETERMINANTS OF CASE DURATION* FOR ROBBERIES, BURGLARIES, ALL FELONIES
MULTNOMAH COUNTY, 1974

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

ables	Robberies Coef	T	η	Burglaries Coef	T	η	Variables (cont'd)	All Felonies Coef	T	η
M.TIES INDEX	0.24	0.08	-0.00	-1.80	0.58	-0.00	PUB. DEFDR.	-23.05	1.91	-0.17
	16.25	1.84	0.75	-3.31	0.31	-0.13	NO. DEFS.			
K	5.08	0.23	0.01	0.17	0.01	0.00	PROP. OFF.	4.07	0.27	0.03
ER MINORITY	-12.73	0.38	-0.01	-9.26	0.17	-0.00	DRUG OFF.	4.33	0.28	0.04
N.P.R.	-3.22	0.23	-0.01	-38.61	1.99	-0.08	OTHER OFF.	24.85	0.65	0.01
P.R.	-8.66	0.50	-0.02	2.62	0.18	0.01	JAIL CUST.	-18.12	0.37	-0.12
.P.R.	-16.71	0.99	-0.08	-19.71	0.97	-0.06	BAIL(&O.R.)	-16.30	0.34	-0.26
IL CUSTODY	20.40	1.28	0.30	18.16	0.88	0.15	CHG.RED.BARG.	-30.76	1.98	-0.24
	19.82	0.84	0.04	6.71	0.26	0.02	COURT TRIAL	28.67	0.95	0.06
	41.06	2.13	0.19	16.67	0.87	0.18	JURY TRIAL	173.98	1.82	0.05
APP.COUN.	-7.14	0.66	-0.06	-2.08	0.17	-0.02	DIS.&TRI.ACQ.	-103.47	2.08	-0.96
RET.COUN.	-15.02	0.74	-0.03	-13.71	0.75	-0.04	MO.FIN.DISP.	2.20	3.62	1.27
A(1°)CHGS.	9.51	0.63	0.24	11.72	0.47	0.29				
G B(2°)CHGS.	8.31	0.19	0.01	24.57	1.01	0.01				
C(3°)CHGS.	40.93	1.30	0.04	10.48	0.40	0.02				
MISD.CHGS.	0			-39.26	1.31	-0.03				
.RED.BARG.	29.62	1.27	0.04	-2.63	0.18	-0.01				
T RED.BARG.	55.14	0.98	0.03	114.28	2.46	0.07				
.BARG.	2.16	0.11	0.00	0.12	0.01	0.00				
P OTH.CASE BARG.	-2.94	0.20	-0.01	-24.91	1.51	-0.13				
T TRIAL	34.18	1.92	1.00	8.92	0.33	0.01				
TRIAL	32.86	1.92	0.12	48.50	2.46	0.10				
M.& TRI.ACQ.	-46.19	3.35	-0.26	-27.25	1.68	-0.13				
IN.DISPO.	1.00	1.63	0.60	2.07	3.33	1.28				
stant	-40.15	1.42		-20.35	0.51			95.75	1.42	
		0.53			0.42				0.29	
to Multicolin.		0.18			0.01				0.08	
e to Regressors		0.35			0.40				0.37	
R^2		0.33			0.17				0.16	
ard Error		39.07			43.75				46.49	
tatistic (D.F.)		2.67 (23,54)			1.69 (24,57)				2.24 (12,65)	

*See note to Table E.22.

TABLE E.24

THE DETERMINANTS OF CASE DURATION* FOR ROBBERIES, B&E OFFENSES, ALL FELONIES
DADE COUNTY, 1974

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

Variables	Robberies Coef	T	η	B&E Offenses Coef	T	η	Variables (cont'd)	All Felonies Coef	T	η
OM. TIES INDEX	10.53	2.16	0.00	-3.97	0.96	-0.00	PUB. DEFDR.	5.72	0.32	0.04
AGE	-32.18	2.61	-0.49	11.99	0.91	0.26	NO. DEFS.	1.61	0.09	0.01
LACK	2.58	0.13	0.02	46.73	2.33	0.29	PROP. OFF.	-18.81	1.07	-1.00
THER MINORITY	37.57	1.06	0.03	61.18	2.14	0.10	DRUG OFF.	-20.55	0.92	-0.04
MIN. P.R.	-13.82	0.81	-0.03	3.63	0.15	0.01	OTHER OFF.	-130.08	1.80	-0.02
MAJ. P.R.	14.58	0.56	0.02	32.20	1.29	0.07	JAIL CUST.	19.22	0.63	-0.04
RIS. P.R.	18.91	0.60	0.01	4.00	0.11	0.00	BAIL(&O.R.)	-1.37	0.05	-0.01
AIL CUSTODY	39.63	1.15	0.30	-65.80	1.99	-0.20	CHG.RED.BAR.	-27.48	1.06	-0.03
BAIL	111.77	2.77	0.09	-58.35	1.83	-0.38	COURT TRIAL	30.46	0.93	0.02
R.	25.05	0.39	0.00	-18.85	0.52	-0.04	JURY TRIAL	22.95	0.66	0.02
.APP.COUN.	12.60	0.36	0.01	18.57	0.31	0.00	DIS.&TRI.ACQ.	-20.32	0.68	-0.07
DEF.RET.COUN.	-2.63	0.09	-0.00	45.45	1.81	0.10	MO.FIN.DISP.	6.19	6.07	1.47
RIG A(1°)CHGS.	13.29	1.10	0.14	-10.75	0.27	-0.00				
RIG B(2°)CHGS.	10.52	0.73	0.03	-2.56	0.15	-0.03				
ORIG C(3°)CHGS.	20.17	0.72	0.02	1.90	0.14	0.02				
ORIG MISD.CHGS.	-102.27	1.76	-0.02	0.58	0.03	0.00				
CHG.RED.BARG.	-12.71	0.49	-0.01	30.95	0.94	0.03				
COUNT RED.BARG.	-46.96	1.63	-0.05	-4.23	0.16	-0.01				
COURT TRIAL	10.01	0.34	0.01	37.43	1.16	0.04				
JURY TRIAL	15.54	0.62	0.02	33.95	0.69	0.01				
ISM.& TRIAL ACQ.	-39.02	1.89	-0.11	31.07	1.34	0.09				
MO. FIN. DISPO.	5.85	5.75	1.14	5.93	5.00	1.56				
onstant	-12.54	0.24		-73.11	1.41			-23.73	0.51	
R^2	0.64			0.41				0.45		
Due to Multicolin.	0.28			0.04				0.13		
Due to Regressors	0.36			0.46				0.32		
$\bar{R}^2$	0.52			0.24				0.37		
Standard Error	64.83			78.63				69.98		
statistic (D.F.)	5.59 (22,70)			2.32 (22,72)				5.40 (12,79)		

*See note to Table E.22.

TABLE E.25

THE DETERMINANTS OF CASE DURATION* FOR ROBBERIES AND B & E OFFENSES
DADE COUNTY, 1975**

(Multivariate Regression Equation Results,
Ordinary Least Squares Estimation)

	Robberies			B&E Offenses		
	Coef	T	η	Coef	T	η
INDEX	3.34	2.24	0.00	-0.22	0.09	0.00
	6.38	1.13	0.17	-2.78	0.34	-0.09
	-6.18	0.81	-0.06	9.60	0.87	0.09
RITY	0.78	0.05	0.00	12.19	0.65	0.02
	-5.04	0.60	-0.02	18.70	1.55	0.08
	18.75	1.96	0.04	-6.08	0.44	-0.02
	-3.62	0.23	-0.00	25.88	1.28	0.04
DY	17.78	1.50	0.23	15.71	0.77	0.10
	-1.68	0.06	-0.00	42.22	2.16	0.27
	44.52	1.38	0.01	60.78	2.82	0.20
COUN.	10.82	0.60	0.01	106.08	3.68	0.06
COUN.	-22.51	2.10	-0.04	-10.59	0.52	-0.01
CHGS.	-28.42	3.00	-0.48	-19.80	0.57	-0.01
CHGS.	2.16	0.40	0.02	7.63	0.72	0.11
CHGS.	-18.50	1.68	-0.03	0.93	0.13	0.02
CHGS.	-97.33	2.44	-0.02	-5.01	0.37	-0.02
BARG.	-0.32	0.03	-0.00	-16.58	0.74	-0.02
BARG.	-0.57	0.51	-0.00	15.62	1.29	0.07
TRIAL	20.70	1.41	0.02	6.45	0.22	0.00
TRIAL	100.51	4.19	0.05	0		
DISPO.	1.88	4.96	0.89	2.64	3.70	1.54
TRT.ACQ.	-9.93	1.07	-0.04	34.15	1.99	0.07
	17.85	0.89		-86.18	2.22	
		0.58			0.46	
Multicolin.		0.07			0.02	
Regressors		0.50			0.45	
		0.44			0.30	
Error		29.13			44.11	
Statistic (D.F.)		4.37 (22,71)			2.90 (21,70)	

Note to Table E.22.

Because of the biases resulting from the time truncation in the sample of 1975 cases, we did not estimate no regression equation for ALL FELONIES in that period.