

CRIME AND CRIMINAL JUSTICE IN IOWA

VOLUME IV: COURT DISPOSITIONS

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STATE OF IOWA  
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OFFICE FOR PLANNING AND PROGRAMMING

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## PREFACE

This report is the fourth volume of the series of reports "Crime and Criminal Justice in Iowa" released by the Iowa Statistical Analysis Center in the Office for Planning and Programming. The series is being used as a vehicle to disseminate a large volume of crime and criminal statistics for Iowa, including data on reported crimes and arrests, pre-trial release practices, court dispositions, sentencing, probation, parole, community-based corrections, time served in prison, parole decision-making, recidivism, prison populations, and the flow of offenders through the criminal justice system.

The Crime and Criminal Justice series is believed to reflect the first attempt in Iowa to bring together statistical data on the full range of criminal justice operations in the state. Every effort has been made to provide basic non-technical criminal statistics of interest to the practitioner and layman alike. Data have been drawn from a variety of sources, including the Uniform Crime Reports of the FBI and the Iowa Department of Public Safety, Biennial Reports of the Iowa Board of Parole, and computerized case files maintained by the Iowa Department of Social Services on institutionalized and community-based offenders.

Volume I of the series is a purely descriptive compilation of basic statistics, envisioned as a form of "sourcebook" of information on crime and criminal justice for Iowa. Other volumes are offered to expand on individual topics found in Volume I and to provide a more analytic discussion of findings and results and possible implications for improved criminal justice in Iowa.

This volume of the series - Volume IV - was written to enhance the materials on court dispositions and sentencing contained in Chapters VII and VIII of Volume I. Topics addressed in this report include the volume of district court dispositions, an overview of dispositions during the period 1971-1976, and more detailed information on disposition patterns during the four-year period 1974-1977. Information is presented on dispositions of specific types of charges and, where possible, for individual sentencing jurisdictions (county or judicial district). In addition, more complete data on charge reduction than was included in Volume I are offered. Some data on the question of disparity in sentencing are presented, including analyses of jurisdictional and sex/race variations.

Another volume of the series will take a much closer look at felony sentencing practices in Iowa, including an analysis of factors associated with sentencing decisions, a discussion of the role of risk assessment in sentencing, and analyses of the convicted offender population in Iowa.

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## I. TRENDS IN DISTRICT COURT DISPOSITIONS

Every other year a report is issued by the Iowa Board of Parole summarizing parole activity in Iowa during the preceding biennium. In addition to data on parolees, this report provides extensive information on District Court dispositions as reported by the clerks of court in each of Iowa's 99 counties. Information includes the number of dispositions of selected types for the state as a whole and for individual counties. Furthermore, data are itemized on the number of fines and sentences for individual charges, and on the total cost of criminal prosecution in each county. Although limited in scope and burdened by overly broad disposition categories, the Biennial Reports can provide a means of monitoring the year-to-year variation in District Court activity in Iowa.

District Court disposition data as reported by the county clerks of court reflect dispositions of "individual" charges, which in many cases may involve multiple charges against individual offenders. Disposition data from this source thus reflect "charged-based" rather than "offender-based" dispositions. A discussion of this distinction and its implications for the interpretation of disposition statistics appears in Chapter VII of Volume I.

### A RISE IN TOTAL DISPOSITIONS

According to the Biennial Reports,<sup>1</sup> the total number of District Court dispositions in Iowa from FY1958 to FY1978 varied as follows:

<u>FISCAL YEAR</u>	<u>TOTAL DISPOSITIONS</u>	<u>FISCAL YEAR</u>	<u>TOTAL DISPOSITIONS</u>
1958	5510	1969	6379
1959	5513	1970	6944
1960	5823	1971	8101
1961	7115	1972	8991
1962	6168	1973	8785
1963	6318	1974	11,982
1964	6256	1975	12,539
1965	6075	1976	14,856
1966	6524	1977	17,347
1967	5515	1978	18,389
1968	5772		

Apparently, dispositions remained relatively stable during the sixties and have increased dramatically during the seventies. In fact, from FY1959 to FY1969 total dispositions increased by 15.7% while from FY1969 to FY1978 the increase was much larger at 188.3%. The relative stability in dispositions during the sixties would appear

<sup>1</sup> Data for FY1977 and FY1978 were obtained from the Division of Adult Corrections of the Iowa Department of Social Services prior to release of the Biennial Report for FY1977-1978.

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inconsistent with the 168.6% increase in the crime rate indicated in Table 1 of Volume II. In contrast, the 188.3% increase in dispositions during the seventies outpaced the 75.5% increase in the crime rate.

One possible explanation for this apparent discrepancy lies in the "age-bulge" movement discussed in Volume II in relation to crime and arrest patterns. Demographic analysis of the general population of the state indicates the presence of a bulge in the age distribution of the population resulting from the post-war baby boom. During the sixties the presence of the age-bulge was felt only in the juvenile population of the state, and - as a result - the increase in crime in Iowa was concentrated among juveniles. In the seventies, however, the age-bulge progressively expanded young adult populations and led to an increase in adult crime, and ultimately to an increase in District Court dispositions. This does not mean, however, that there were no other factors associated with the increase in dispositions in the seventies.

#### CHANGING CHARACTER OF DISPOSITIONS

According to Table 20 and Figure 5 in Volume I, the character - as well as the volume - of District Court dispositions in Iowa has changed in recent years. In particular, the percent of dispositions resulting in dismissal has increased steadily since the mid-sixties. In FY1966, 19.2% of dispositions were dismissals. By FY1976, after 10 years, 37.0% of dispositions were dismissals. During the sixties, 19.7% of dispositions were dismissals, while in seventies (through FY1976) 33.8% were dismissals.

Although dismissals have increased substantially, acquittals have varied only slightly, ranging from a low of 1.3% in FY1960 to a high of 3.1% in FY1969. During the sixties, 2.2% of dispositions were acquittals, while in the seventies 2.0% were acquittals.

Another noticeable trend lies in the percent of prison sentences suspended. This percentage increased from 20.3% in FY1958 to a high of 59.9% in FY1974. The percent suspended increased from 34.9% in the sixties to 50.5% in the seventies.

Along with an increase in the percent of prison sentences suspended, there has been a marked rise in the use of deferred judgment (sentence), which became legal in the early seventies in Iowa. Prior to FY1971, there were no deferred judgments granted in Iowa. By FY1975, 9.2% of dispositions were of this type. As most deferred judgments lead to dismissal of charges, the total volume of dismissals has risen even more than indicated by the Biennial Reports.

According to an estimate developed by the SAC staff from three data sources (see page 53 and Table 21 in Volume I), 43.4% of (final) District Court dispositions during the three-year period 1974-1976 were dismissals, including 7.2% resulting from deferred judgments.

With an additional 1.8% of dispositions being acquittals, this estimate would mean that 45.2% of charges disposed of in the District Courts of Iowa during this span of time did not result in criminal convictions.

With dismissals, deferred judgments, and suspended prison sentences on the rise (as percentages of total dispositions), there was a corresponding decrease in the use of fines/jail sentences and prison commitment (see Figure 5 in Volume I). Due to limitations imposed by the disposition categories appearing in the Biennial Reports, it is not possible to establish conclusively - from this source - that incarceration rates (percent of those found or pleading guilty who are placed in jail or prison) have fallen or that the use of probation has risen,<sup>1</sup> although Table 20 and Figure 5 in Volume I would strongly suggest this.

To gain some idea of the trend in incarceration rates for District Court cases in Iowa it has been necessary to consult another source of disposition data, namely a data book of statistical information on crime and criminal justice in Iowa disseminated by the Advisory Commission on Corrections Relief (see pp. 45-46 of Volume I). The Advisory Commission statistically summarized the disposition reports from the county clerks of court for the calendar years 1971 through 1976 in a number of tables showing dispositions broken into more meaningful categories than those included in the Biennial Reports. The Commission tables give the total number of dispositions per year and per Judicial District in each of the following categories

- DISMISSAL
- FINE
- OTHER PROBATION/RES. CORR.<sup>2</sup>
- STATE PRISON COMMITMENT
- ACQUITTAL
- DEFERRED JUDGMENT
- COUNTY JAIL PLACEMENT

Additionally, the Commission constructed tables showing dispositions of selected types of felony and misdemeanor (indictable) offenses. For these tables the Commission collapsed the categories above into three composite categories as follows:

- DISMISSAL/ACQUITTAL
- FINE/PROBATION (including deferred judgments and residential corrections placements)
- JAIL/PRISON (all incarcerations)

Tables 1 through 3 below are reproduced from Chapter VII of Volume I. They provide an overview of 1971-1976 District Court dispositions

<sup>1</sup> Throughout the Crime and Criminal Justice series the term "probation" refers to instances in which the offender is granted a deferred judgment or receives a suspended jail or prison sentence, and probation cases (few) in which no sentence is specified. In Iowa in recent years virtually all persons receiving such sentences have been placed under the supervision of probation officers.

<sup>2</sup> Mostly suspended jail and prison sentences.

Table 1

IOWA DISTRICT COURT DISPOSITIONS  
1971-1976  
ALL CHARGES

CALENDAR YEAR	TOTAL DIS-POSITIONS	DISMISSED/ ACQUITTED		CONVICTED/ JUDGMENT DEFERRED		PENALTY					
						FINE		PROBATION		JAIL/PRISON	
1971	7956	2746	34.5%	5210	65.5%	2834	35.6%	943	11.9%	1433	18.0%
						54.4%		18.1%		27.5%	
1972	8725	3006	34.5%	5719	65.5%	2860	32.8%	1481	17.0%	1378	15.8%
						50.0%		25.9%		24.1%	
1973	8763	3324	37.9%	5439	62.1	2525	28.8%	1583	18.1%	1333	15.2%
						46.4%		29.1%		24.5%	
1974	12,017	4515	37.6%	7502	62.4%	3158	26.3%	2806	23.4%	1538	12.8%
						42.1%		37.4%		20.5%	
1975	13,283	4880	36.7%	8403	63.3%	3538	26.6%	3193	24.0%	1672	12.6%
						42.1%		38.0%		19.9%	
1976	16,816	6606	39.3%	10,210	60.7%	4482	26.7%	3951	23.5%	1777	10.6%
						43.9%		38.7%		17.4%	
1971-1976	67,560	25,077	37.1%	42,483	62.9%	19,396	28.7%	13,957	20.7%	9131	13.5%
						45.7%		32.9%		21.5%	
1971-1973	25,444	9076	35.7%	16,368	64.3%	8218	32.3%	4007	15.7%	4144	16.3%
						50.2%		24.5%		25.3%	
1974-1976	42,116	16,001	38.0%	26,115	62.0%	11,178	26.5%	9950	23.6%	4987	11.8%
						42.8%		38.1%		19.1%	
% CHANGE											
FROM 1971-	+65.5%	+76.3%	+6.4%	+59.5%	-3.6%	+36.0%	-17.8%	+148.3%	+50.3%	+20.3%	-27.6%
1973 TO						-14.7%		+55.5%		-24.5%	
1974-1976											

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CALENDAR YEAR	TOTAL DIS-POSITIONS	DISMISSED/ACQUITTED		CONVICTED/JUDGMENT DEFERRED		PENALTY					
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1971	7956	2746	34.5%	5210	65.5%	2834	35.6%	943	11.9%	1433	18.0%
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						42.1%		38.0%		19.9%	
1976	16,816	6606	39.3%	10,210	60.7%	4482	26.7%	3951	23.5%	1777	10.6%
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1971-1976	67,560	25,077	37.1%	42,483	62.9%	19,396	28.7%	13,957	20.7%	9131	13.5%
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						50.2%		24.5%		25.3%	
1974-1976	42,116	16,001	38.0%	26,115	62.0%	11,178	26.5%	9950	23.6%	4987	11.8%
						42.8%		38.1%		19.1%	
% CHANGE											
FROM 1971-	+65.5%	+76.3%	+6.4%	+59.5%	-3.6%	+36.0%	-17.8%	+148.3%	+50.3%	+20.3%	-27.6%
1973 TO						-14.7%		+55.5%		-24.5%	
1974-1976											

Table 2

IOWA DISTRICT COURT DISPOSITIONS  
1971-1976  
FELONY CHARGES

CALENDAR YEAR	TOTAL DISPOSITIONS	DISMISSED/ ACQUITTED		CONVICTED/ JUDGMENT DEFERRED		PENALTY			
						FINE/PROBATION		JAIL/PRISON	
1971	3650	1582	43.3%	2068	56.7%	945	25.9%	1123	30.8%
						45.7%		54.3%	
1972	4047	1605	39.7%	2442	60.3%	1343	33.2%	1099	27.2%
						55.0%		45.0%	
1973	4248	1723	40.6%	2525	59.4%	1389	32.7%	1136	26.7%
						55.0%		45.0%	
1974	6167	2559	41.5%	3608	58.5%	2396	38.9%	1212	19.7%
						66.4%		33.6%	
1975	5582	2407	43.1%	3175	56.9%	1916	34.3%	1259	22.6%
						60.3%		39.7%	
1976	7887	3621	45.9%	4266	54.1%	2845	36.1%	1421	18.0%
						66.7%		33.3%	
1971-1976	31,581	13,497	42.7%	18,084	57.3%	10,834	34.4%	7250	23.0%
						59.9%		40.1%	
1971-1973	11,945	4910	41.1%	7035	58.9%	3677	30.8%	3358	28.1%
						52.3%		47.7%	
1974-1976	19,636	8587	43.7%	11,049	56.3%	7157	36.4%	3892	19.8%
						64.8%		35.2%	
% CHANGE FROM 1971-1973 TO 1974-1976	+64.4%	+74.9%	+6.3%	+57.1%	-4.4%	+94.6%	+18.2%	+15.9%	-29.5%
						+23.9%		-26.2%	

Table 3

IOWA DISTRICT COURT DISPOSITIONS  
1971-1976  
MISDEMEANOR CHARGES

CALENDAR YEAR	TOTAL DISPOSITIONS	DISMISSED/ ACQUITTED		CONVICTED/ JUDGMENT DEFERRED		PENALTY			
						FINE/PROBATION		JAIL	
1971	4266	1150	27.0%	3116	73.0%	2813	65.9%	303	7.1%
						90.3%		9.7%	
1972	4641	1388	29.9%	3253	70.1%	2978	64.2%	275	5.9%
						91.5%		8.5%	
1973	4480	1588	35.4%	2892	64.6%	2700	60.3%	192	4.3%
						93.4%		6.6%	
1974	5825	1947	33.4%	3878	66.6%	3557	61.1%	321	5.5%
						91.7%		8.3%	
1975	7701	2473	32.1%	5228	67.9%	4818	62.6%	410	5.5%
						92.2%		7.8%	
1976	8929	2985	33.4%	5944	66.6%	5577	62.5%	367	4.1%
						93.8%		6.2%	
1971-1976	35,842	11,531	32.2%	24,311	67.8%	22,443	62.6%	1868	5.2%
						92.3%		7.7%	
1971-1973	13,387	4126	30.8%	9261	69.2%	8491	63.4%	770	5.8%
						91.7%		8.3%	
1974-1976	22,455	7405	33.0%	15,050	67.0%	13,952	62.1%	1098	4.9%
						92.7%		7.3%	
% CHANGE FROM 1971-1973 TO 1974-1976	+67.7%	+79.5%	+7.1%	+62.5%	-3.2%	+64.3%	-2.1%	+42.6%	-15.5%
						+1.1%		-12.0%	

as summarized by the Advisory Commission for all dispositions (Table 1), for dispositions of felony charges (Table 2), and for dispositions of misdemeanor charges (Table 3). These tables give the number and percent of total dispositions falling in the following categories:

- .DISMISSED/ACQUITTED (no guilt)
- .CONVICTED/DEFERRED JUDGMENT (guilt)
- .FINE
- .PROBATION (combined with FINE category in Tables 2,3)
- .JAIL/PRISON

In these Tables, the last three categories sum to the second category, and cover all categories of guilt.

In addition, the number and percent of penalties (among those convicted or receiving deferred judgments) falling in each of the three (or two) categories FINE, PROBATION, and JAIL/PRISON are given (below the line).

All figures are presented for individual years - 1971 to 1976 - and for three composite periods - 1971-1973, 1974-1976 and 1971-1976. The figures on the bottom lines of the tables indicate percentage changes from 1971-1973 to 1974-1976 in the quantities specified.

According to Table 1, the percent of convictions/deferred judgments resulting in probation rose from 18% in 1971, to 26-29% in 1972-1973, and 37-39% in 1974-1976. In concert, the percent resulting in fines and incarcerations fell, with fines dropping from 54% in 1971, to 50% in 1972, 46% in 1973, and 42-44% in 1974-1976, and with incarcerations falling from 28% in 1971, to 24-25% in 1972-1973, 20-21% in 1974-1975, and 17% in 1976. From 1971-1973 to 1974-1976 the use of fines and incarceration fell by 15% and 24.5% respectively, while the use of probation rose by 55.5% Due to increased total dispositions and the more frequent use of probation as a sentencing alternative, there were over four times as many probations granted in Iowa during 1976 as during 1971.

#### CHARGE-LEVEL DISTINCTIONS

From examination of Tables 2 and 3, the following distinctions between dispositions of felony charges and dispositions of misdemeanor charges became apparent:

- 1) conviction rates<sup>1</sup> are about 20% higher for misdemeanor charges than for felony charges (67.8% to 57.3% during 1971-1976),
- 2) incarceration rates<sup>2</sup> are four to six times higher for felony charges than for misdemeanor charges (40.1% to 7.7% during 1971-1976),

<sup>1</sup> Conviction rate is defined here as the percent of final dispositions involving guilt, i.e., conviction or deferred judgment.

<sup>2</sup> Incarceration rate is defined as the percent of convictions (and deferred judgments) leading to time served in a county jail or state prison.

- 3) incarceration rates have fallen much more sharply for felony charges than for misdemeanor charges (reduction from 1971-1973 to 1974-1976 of 26.2% for felony charges - 28.1% to 19.8% - and 12% for misdemeanor charges - 8.3% to 7.3%).

Tables 4 and 5 further differentiate dispositions according to charge level. Dispositions of felony charges for crimes against person(s) or involving weapons (Table 4) are distinguished from those not so-situated (Table 5). Again, distinctions emerge, not the least of which are as follows:

- 1) conviction rates are about 10% higher for the category of less serious felonies (58.0% to 52.8% during 1974-1976),
- 2) incarceration rates are substantially (50% to 100%) higher for the category of more serious felonies (63.5% to 36.6% during 1971-1976),
- 3) incarceration rates have fallen sharply for less serious felonies but have remained stable for the more serious variety (reduction from 1971-1973 to 1974-1976 of 31.2% for those less serious and 3.1% for those more serious).

Items 3 above (both) verify that the rapid movement toward community-based corrections in Iowa during 1974-1976 - as reflected in the increased use of probation - was concentrated in the category of offenders convicted of less serious felonies. This group of offenses consists mostly of property crimes such as burglary, larceny, motor vehicle theft, forgery, bad checks, vandalism, and (receiving or concealing) stolen property. Apparently, the use of probation has remained stable for violent crimes, which include manslaughter, rape, robbery and aggravated assault - among others. (Note: Virtually no probations are granted on murder charges.) This movement to community corrections for property offenders is consistent with the less serious nature of such crimes and the common view that violent offenders are dangerous and should not be placed in community programs (such as probation) in large numbers. Corrections research reveals, however, that violent offenders are somewhat less likely to repeat if placed on probation and are no more dangerous to the welfare of the general public than are property offenders. This phenomenon, together with other associated patterns, will be discussed in subsequent reports from the Statistical Analysis Center.

Table 4

IOWA DISTRICT COURT DISPOSITIONS  
1971-1976  
FELONY CHARGES-CRIMES AGAINST PERSONS OR INVOLVING WEAPONS

CALENDAR YEAR	TOTAL DISPOSITIONS	DISMISSED/ ACQUITTED		CONVICTED/ JUDGMENT DEFERRED		PENALTY			
						FINE/PROBATION		JAIL/PRISON	
1971	453	177	39.1%	276	60.9%	85	18.8%	191	42.2%
						30.8%		69.2%	
1972	547	240	43.9%	307	56.1%	127	23.2%	180	32.9%
						41.4%		58.6%	
1973	629	299	47.5%	330	52.5%	110	17.5%	220	35.0%
						33.3%		66.7%	
1974	845	414	49.0%	431	51.0%	178	21.1%	253	29.9%
						41.3%		58.7%	
1975	932	426	45.7%	506	54.3%	175	18.8%	331	35.5%
						34.6%		65.4%	
1976	1032	537	52.0%	495	48.0%	181	17.5%	314	30.4%
						36.6%		63.4%	
1971-1976	4438	2093	47.2%	2345	52.8%	856	19.3%	1489	33.6%
						36.5%		63.5%	
1971-1973	1629	716	44.0%	913	56.0%	322	19.8%	591	36.3%
						35.3%		64.7%	
1974-1976	2809	1377	49.0%	1432	51.0%	534	19.0%	898	32.0%
						37.3%		62.7%	
% CHANGE FROM 1971-1973 TO 1974-1976	+72.4%	+92.3%	+11.4%	+56.8%	-8.9%	+65.8%	-4.0%	+51.9%	-11.8%
						+5.7%		-3.1%	

Table 5

IOWA DISTRICT COURT DISPOSITIONS  
1971-1976  
FELONY CHARGES-CRIMES NOT AGAINST PERSONS OR INVOLVING WEAPONS

CALENDAR YEAR	TOTAL DISPOSITIONS	DISMISSED/ ACQUITTED		CONVICTED/ JUDGMENT DEFERRED		PENALTY			
						FINE/PROBATION		JAIL/PRISON	
1971	3197	1405	43.9%	1792	56.1%	860	26.9%	932	29.2%
						48.0%		52.0%	
1972	3500	1365	39.0%	2135	61.0%	1216	34.8%	919	26.3%
						57.0%		43.0%	
1973	3619	1424	39.3%	2195	60.7%	1279	35.3%	916	25.3%
						58.3%		41.7%	
1974	5322	2145	40.3%	3177	59.7%	2218	41.7%	959	18.0%
						69.8%		30.2%	
1975	4650	1981	42.6%	2669	57.4%	1741	37.4%	928	20.0%
						65.2%		34.8%	
1976	6855	3084	45.0%	3771	55.0%	2664	38.9%	1107	16.1%
						70.6%		29.4%	
1971-1976	27,143	11,404	42.0%	15,739	58.0%	9978	36.8%	5761	21.2%
						63.4%		36.6%	
1971-1973	10,316	4194	40.7%	6122	59.3%	3355	32.5%	2767	26.8%
						54.8%		45.2%	
1974-1976	16,827	7210	42.8%	9617	57.2%	6623	39.4%	2994	17.8%
						68.9%		31.1%	
% CHANGE FROM 1971-1973 TO 1974-1976	+63.1%	+71.9%	+5.2%	+57.1%	-3.5%	+97.4%	+21.2%	+8.2%	-33.6%
						+25.7%		-31.2%	

## II. JUDICIAL DISTRICT VARIATION

One topic of interest in the study of District Court dispositions in Iowa is the degree to which conviction and incarceration rates vary among the eight judicial districts of the state. The first order of business in discussing this potentially sensitive topic is to determine the district-by-district variations in raw form. The second and more difficult task is to determine if such variations can be explained in terms of a variation in the nature of adjudicated charges and/or offenders - or if perhaps the variation is not so-justified, and may, in fact, indicate a true disparity in procedural or decision-making patterns (including the effectiveness or efficiency of prosecutorial practices and sentencing decision philosophy).

For this particular study, conviction and incarceration rates were generated for each of the eight judicial districts in Iowa, reflecting felony-misdemeanor distinctions and including rates for each year from 1971 to 1976 -- again using the data collected by the Advisory Commission on Corrections Relief. Conviction rates appear in Tables 6 through 8 and incarceration rates in Tables 9 through 11. (See map on next page for counties falling in each of the eight judicial districts.)

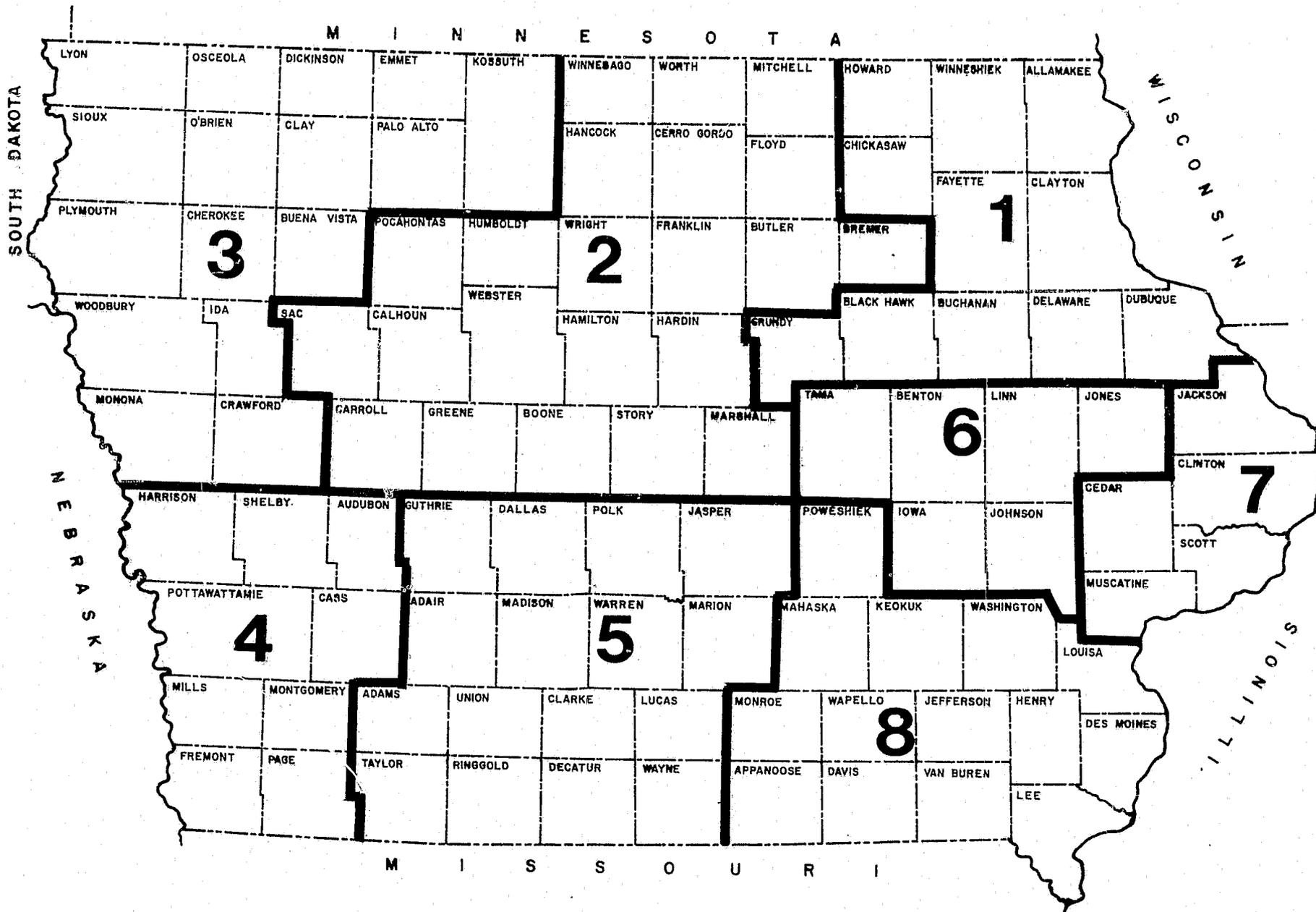
### FELONY-MISDEMEANOR DISTINCTIONS

A close examination of these tables will indicate the necessity of splitting felony from misdemeanor charges in making comparisons of conviction and incarceration rates among judicial districts.

For example, during 1976 the conviction rate for all charges was just 3% higher for the First Judicial District than for the Second Judicial District (70.0% to 68.1%). However, for felony charges the conviction rate was 23% higher for the First District (70.1% to 57.1%), while for misdemeanor charges the Second District rate was higher by 5% (73.7% to 69.9%). Note also that the First District conviction rate for felony charges was 26% higher than the statewide rate during 1974-1976, yet the conviction rate for misdemeanor charges was just 2% higher.

Incarceration rates provide a broader base for discerning variation among judicial districts than do conviction rates, apparently due to a wider discrepancy in judicial sentencing philosophy than in prosecutorial practices (although other factors such as offender differences and the availability of sentencing alternatives may influence variation in the use of incarceration).

It is especially important to distinguish felony from misdemeanor charges in the comparison of incarceration rates since - as seen above - incarceration rates are much higher for felonies than for misdemeanors. Thus a lower rate of incarceration in a certain judicial district may be explained by a higher percentage of misdemeanors among offenders convicted in the district. For these reasons, district variations will be discussed for felony charges (Table 10) and for misdemeanor charges (Table 11) but not for all



MAP OF JUDICIAL DISTRICTS OF IOWA

charges combined (Table 9).

For felony charges the following comparisons are among the most noteworthy:

- 1) incarceration rates for all eight judicial districts fell from 1971-1973 to 1974-1976, with the drop significantly less than average in the Seventh and Eighth Districts and significantly more than average in the First and Fifth Districts,
- 2) the First and Second Judicial Districts have the lowest incarceration rates, and the Eighth Judicial District the highest,
- 3) during 1974-1976, the first five judicial districts recorded lower than average incarceration rates, while the last three districts recorded higher than average rates.

For misdemeanor charges, a similar pattern of district variations emerges:

- 1) from 1971-1973 to 1974-1976 incarceration rates increased in the Second, Sixth, Seventh and Eighth Judicial Districts, and decreased in the First, Third, Fourth and Fifth Districts, with sizable reductions observed in the First (14.4% to 5.9%) and Fifth (9.2% to 5.5%) Districts,
- 2) the Second Judicial has the lowest incarceration rates and the Seventh District the highest,
- 3) the First, Second, Third and Fifth Districts have lower than average incarceration rates and the Sixth, Seventh and Eighth Districts higher than average rates (rate for Fourth District near statewide average).

The distinctions noted above would seem to indicate a disparity in the judicial sentencing practices among Iowa's eight judicial districts, although the variation in incarceration rates could well have been much greater than observed. Of particular note are lower than average felony incarceration rates in the First and Second Districts and higher rates in the Seventh and Eighth Districts. Unfortunately, without a closer look at offender populations, no direct conclusions concerning sentencing disparity can be made from this data. An attempt to isolate sentencing disparity among judicial districts (and also counties) has led to some interesting results to appear in a later section of this report, albeit from a different - and less complete - source of disposition data.

Table 6

CONVICTION RATES  
BY JUDICIAL DISTRICT  
1971-1976  
ALL CHARGES

CALENDAR YEAR	JUDICIAL DISTRICT								ALL DISTRICTS
	FIRST	SECOND	THIRD	FOURTH	FIFTH	SIXTH	SEVENTH	EIGHTH	
1971	58.1%	75.1%	70.4%	48.7%	63.4%	54.6%	71.8%	70.6%	65.5%
1972	65.9%	69.0%	69.6%	58.8%	67.0%	55.9%	63.6%	69.9%	65.5%
1973	64.2%	70.7%	72.9%	53.6%	56.4%	55.6%	62.1%	61.6%	62.1%
1974	66.8%	69.4%	68.4%	60.9%	56.9%	58.0%	60.4%	64.7%	62.4%
1975	73.2%	67.3%	66.9%	55.2%	61.7%	57.3%	59.3%	62.7%	63.3%
1976	70.0%	68.1%	63.5%	66.0%	68.7%	54.2%	54.4%	58.8%	60.7%
1971-1976	66.7%	69.4%	68.1%	58.5%	62.7%	56.0%	59.9%	64.2%	62.9%
1971-1973	62.6%	71.5%	70.9%	53.8%	61.7%	55.5%	65.1%	67.6%	64.3%
1974-1976	69.8%	68.1%	66.1%	61.6%	63.1%	56.3%	57.0%	61.9%	62.0%
% CHANGE FROM 1971-1973 TO 1974-1976	11.5%	-4.8%	-6.8%	+14.5%	+2.3%	+1.4%	-12.4%	-8.4%	-3.6%

Table 7

CONVICTION RATES  
BY JUDICIAL DISTRICT  
1971-1976  
FELONY CHARGES

CALENDAR YEAR	JUDICIAL DISTRICT								ALL DISTRICTS
	FIRST	SECOND	THIRD	FOURTH	FIFTH	SIXTH	SEVENTH	EIGHTH	
1971	51.5%	67.9%	55.2%	40.8%	60.3%	38.5%	66.2%	64.3%	56.7%
1972	63.5%	66.6%	52.7%	47.2%	63.4%	53.8%	59.1%	64.2%	60.3%
1973	61.6%	64.2%	67.3%	52.3%	52.2%	54.4%	57.3%	64.6%	59.4%
1974	68.1%	64.3%	60.4%	58.3%	55.0%	55.7%	51.6%	58.9%	58.5%
1975	75.2%	58.2%	53.3%	53.7%	55.3%	52.5%	54.3%	53.6%	56.9%
1976	70.1%	57.1%	50.8%	55.5%	51.6%	49.9%	51.4%	52.8%	54.1%
1971-1976	65.6%	62.1%	56.0%	52.6%	55.2%	51.4%	55.1%	58.8%	57.3%
1971-1973	58.6%	66.1%	57.8%	46.9%	58.3%	49.3%	60.2%	64.4%	58.9%
1974-1976	70.8%	59.5%	54.7%	56.2%	53.6%	52.4%	52.2%	54.9%	56.3%
% CHANGE FROM 1971-1973 TO 1974-1976	+20.8%	-10.0%	-5.4%	+19.8%	-8.1%	+6.3%	-13.3%	-14.8%	-4.4%

Table 8

CONVICTION RATES  
BY JUDICIAL DISTRICT  
1971-1976  
MISDEMEANOR CHARGES

CALENDAR YEAR	JUDICIAL DISTRICT								ALL DISTRICTS
	FIRST	SECOND	THIRD	FOURTH	FIFTH	SIXTH	SEVENTH	EIGHTH	
1971	67.3%	78.7%	80.9%	54.3%	66.6%	73.1%	79.9%	75.3%	73.0%
1972	69.3%	70.3%	81.9%	67.0%	72.1%	57.3%	69.8%	74.1%	70.1%
1973	68.3%	75.4%	76.4%	54.7%	60.6%	56.7%	68.5%	59.4%	64.6%
1974	64.4%	72.9%	75.1%	63.2%	59.0%	60.8%	82.8%	69.1%	66.6%
1975	70.5%	71.8%	74.8%	56.3%	65.9%	62.7%	67.5%	67.7%	67.9%
1976	69.9%	73.7%	72.9%	73.0%	63.3%	60.6%	56.7%	63.3%	66.6%
1971-1976	68.3%	73.6%	76.6%	63.1%	63.9%	61.0%	65.8%	67.9%	67.8%
1971-1973	68.3%	74.7%	79.8%	58.8%	65.5%	60.6%	71.8%	69.9%	69.2%
1974-1976	68.3%	72.9%	74.2%	65.8%	63.2%	61.4%	62.8%	66.6%	67.0%
% CHANGE FROM 1971-1973 TO 1974-1976	0.0%	-2.4%	-7.0%	+11.9%	-3.5%	+1.3%	-12.5%	-4.7%	-3.2%

Table 9

INCARCERATION RATES  
BY JUDICIAL DISTRICT  
1971-1976  
ALL CHARGES

CALENDAR YEAR	JUDICIAL DISTRICT								ALL DISTRICTS
	FIRST	SECOND	THIRD	FOURTH	FIFTH	SIXTH	SEVENTH	EIGHTH	
1971	42.6%	15.3%	24.8%	13.9%	33.3%	24.4%	32.1%	34.7%	27.5%
1972	25.9%	14.9%	19.6%	22.5%	31.8%	26.2%	31.2%	22.9%	24.1%
1973	25.0%	15.3%	18.9%	30.7%	28.5%	29.0%	31.9%	25.5%	24.5%
1974	15.6%	13.6%	17.7%	16.8%	20.3%	25.7%	30.8%	27.8%	20.5%
1975	21.7%	13.4%	15.0%	21.5%	16.3%	31.3%	37.8%	22.1%	19.9%
1976	17.6%	11.3%	13.5%	17.0%	16.5%	21.6%	24.6%	26.4%	17.4%
1971-1976	23.6%	13.6%	17.9%	19.6%	21.9%	26.2%	30.3%	26.4%	21.5%
1971-1973	29.9%	15.2%	21.2%	22.7%	31.0%	26.7%	31.8%	27.9%	25.3%
1974-1976	18.3%	12.6%	15.3%	17.9%	17.5%	26.0%	29.3%	25.2%	19.1%
% CHANGE FROM 1971-1973 TO 1974-1976	-38.8%	-17.1%	-27.8%	-21.1%	-43.5%	-2.6%	-7.9%	-9.7%	-24.5%

Table 10

INCARCERATION RATES  
BY JUDICIAL DISTRICT  
1971-1976  
FELONY CHARGES

CALENDAR YEAR	JUDICIAL DISTRICT								ALL DISTRICTS
	FIRST	SECOND	THIRD	FOURTH	FIFTH	SIXTH	SEVENTH	EIGHTH	
1971	61.9%	38.7%	53.6%	36.7%	58.0%	50.9%	49.0%	71.4%	54.3%
1972	38.0%	36.7%	46.3%	50.9%	49.4%	49.4%	41.7%	49.0%	45.0%
1973	35.9%	35.0%	45.9%	49.6%	46.0%	54.9%	52.0%	48.6%	45.0%
1974	20.1%	26.1%	33.4%	27.8%	34.8%	38.9%	39.1%	52.0%	33.6%
1975	32.9%	34.3%	37.8%	35.4%	34.2%	47.5%	52.3%	52.6%	39.7%
1976	24.4%	30.5%	31.9%	39.4%	30.6%	33.0%	41.9%	47.5%	33.3%
1971-1976	32.7%	33.0%	40.4%	38.3%	39.3%	43.3%	45.2%	53.4%	40.1%
1971-1973	44.8%	36.7%	48.7%	46.4%	50.3%	52.0%	47.5%	56.7%	47.7%
1974-1976	25.4%	30.3%	34.1%	33.9%	32.9%	39.1%	43.7%	50.6%	35.2%
% CHANGE FROM 1971-1973 TO 1974-1976	-44.3%	-21.1%	-30.0%	-26.9%	-34.6%	-24.8%	-8.0%	-10.8%	-26.2%

Table 11

INCARCERATION RATES  
BY JUDICIAL DISTRICT  
1971-1976  
MISDEMEANOR CHARGES

CALENDAR YEAR	JUDICIAL DISTRICT								ALL DISTRICTS
	FIRST	SECOND	THIRD	FOURTH	FIFTH	SIXTH	SEVENTH	EIGHTH	
1971	22.0%	5.1%	11.1%	1.6%	10.7%	8.3%	12.0%	11.1%	9.7%
1972	10.5%	3.8%	7.0%	8.2%	10.0%	12.3%	18.9%	6.1%	8.5%
1973	9.3%	3.1%	4.0%	15.9%	7.1%	6.7%	9.6%	7.8%	6.6%
1974	7.1%	6.0%	7.0%	7.9%	6.0%	10.6%	17.6%	12.3%	8.3%
1975	6.1%	4.9%	5.6%	12.1%	6.4%	16.1%	18.4%	8.8%	7.8%
1976	4.4%	3.7%	3.9%	5.7%	4.1%	7.3%	12.9%	13.3%	6.2%
1971-1976	9.8%	4.4%	6.4%	8.0%	6.6%	10.5%	14.5%	10.1%	7.7%
1971-1973	14.4%	4.0%	7.6%	8.5%	9.2%	9.4%	13.6%	8.4%	8.3%
1974-1976	5.9%	4.6%	5.4%	7.7%	5.5%	11.4%	15.0%	11.2%	7.3%
% CHANGE FROM 1971-1973 TO 1974-1976	-59.0%	+15.0%	-28.9%	-9.4%	-40.2%	+21.3%	+10.3%	+33.3%	-12.0%

### III. OFFENDER-BASED SENTENCING

As discussed in Chapter VII of Volume I (pp. 57-58), an effort has been expended to develop "offender-based" disposition statistics for Iowa in order to gain some idea of the patterns of movement of offenders through the criminal justice system. Offender-based statistics are compiled with the individual offender as the unit of analysis rather than an individual charge.

In studying the movement of offenders through the various conditions and programs of the system, it is vital to distinguish "initial involvements" from "reinvolvevements." Thus a "rearrest" of a probationer or parolee serving time for a previous offense is considered a reinvolvevement "on down the line" from the original arrest leading to conviction and sentencing. Disposition statistics for such new involvements should be kept independent of statistics on dispositions of original offenses in that the likelihood of incarceration may be much higher for a probationer or parolee charged with a new offense than for a comparable individual without ties to the criminal justice system at the time of arrest. For this reason, offender-based disposition statistics as reported here and in Volume I are restricted to offenders who were not already in the criminal justice system when arrested.

This convention of restricting attention to newly involved offenders does not apply to disposition data reported by the county clerks of court. Thus the "charged-based" dispositions discussed in the previous section reflect both initial dispositions and dispositions of "new charges" against probationers, parolees, pre-trial releaseses, and other persons involved with criminal justice at the time of arrest. This feature would tend to increase reported incarceration rates to levels above those that would apply to initial charges. Such rates reflect revocation decision-making patterns as well as judicial sentencing policies. From this perspective, the offender-based data discussed in this section are more useful in studying offender movement than are the charge-based statistics reported previously.

Since offender-based analyses should also consider distinctions according to charge-level, it has been necessary to associate with each charged or convicted offender a "most-serious" charge. All data broken down by charge or offense category in this and succeeding sections are based on these most serious charges.

#### OFFENDER-BASED DISPOSITION OF INDICTABLE OFFENSES

Although no official ongoing source of offender-based disposition data currently exists in Iowa, it has been possible to piece together such data from several sources of information providing records on offenders having contact with correctional agencies in Iowa. This information is maintained on computer files by the Iowa Department of Social Services and has been analyzed for this study through use of a computerized statistical analysis package.

Tables 23 through 31 in Volume I and Tables 12 and 13 below summarize the offender-based disposition statistics developed from these sources. The population of offenders represented in these tables consists of all individuals:

- 1) who were not already in the Iowa criminal justice system when arrested;
- 2) who were charged at arrest with an indictable crime (not simple misdemeanor); and
- 3) who reached the stage of final court adjudication (including deferred judgment) during 1974-1977.

#### DISPOSITION PATTERNS

According to Table 12, offender-based dispositions for persons arrested and charged with indictable (felony or misdemeanor) crimes vary substantially according to the general category of the arresting offense.

Violent and miscellaneous crimes tend to involve lower conviction rates, and drunken driving charges (2nd or 3rd offense) higher conviction rates.<sup>1</sup> Violent and drug-related felonies lead to higher incidences of incarceration (probably due to the perceived seriousness of such crimes), while indictable misdemeanors and felony drunken driving charges involve lower incidences of incarceration.

In order to adequately compare incarceration rates for individual crime categories, it is necessary to limit consideration to persons convicted or receiving deferred judgments, as in Table 13. This table gives sentencing dispositions for a wide range of categories of felony offenses. Overall, for all persons guilty of felonies (16,299), 21.0% received fines, and 53.8% straight probation (no time in jail or other facility), while 3.3% were placed in (community) residential facilities, 8.4% in county jails, and 13.6% in state prisons. In all, 79% were placed under some form of supervision,<sup>2</sup> and 22% were incarcerated.

Among persons guilty of indictable misdemeanors (24,535), 44.6% received fines and 51.6% straight probation or an assignment to a residential facility, while 3.9% were placed in jail. Thus 55% were placed under some form of supervision and 4% were incarcerated.

Dispositions in Tables 12 and 13 are listed in the order of increasing deprivation of liberty, i.e., increased supervision or security. The columns labelled TOTAL INCARCERATED cover persons placed in jail or prison. Prison commitment is viewed as involving

<sup>1</sup> Conviction rates for first offense drunken driving are also high.

<sup>2</sup> Not strictly correct, as some (very few) persons were given deferred or suspended sentences without probation (no supervision).

Table 12

OFFENDER-BASED DISPOSITIONS  
 BY GENERAL ARRESTING OFFENSE CATEGORY  
 1974-1977  
 FELONY/INDICTABLE MISDEMEANOR ARRESTS

ARRESTING OFFENSE CATEGORY	TOTAL DISPOSI- TIONS	DISMIS- SED/ ACQUI- TTED	FINE	PROBA- TION/ RES. CORR.	COUNTY JAIL	STATE PRISON	TOTAL INCARC- ERATED
PART I FELONY - VIOLENT	3203	43.8%	8.5%	19.0%	6.2%	22.6%	28.8%
CONTROLLED SUBSTANCES (FELONY)	1955	27.1%	17.0%	34.6%	10.4%	10.9%	21.3%
PART I FELONY - PROPERTY	7933	29.7%	12.5%	44.3%	5.2%	8.2%	13.5%
MISCELLANEOUS FELONY	8869	40.3%	9.6%	38.9%	4.9%	6.3%	11.2%
DRIVING UNDER INFLUENCE (FELONY) <sup>1</sup>	2454	10.4%	40.2%	42.2%	4.7%	2.5%	7.2%
-----							
PART I FELONY	11,136	33.8%	11.3%	37.1%	5.5%	12.4%	17.9%
PART II FELONY	13,278	32.8%	16.3%	38.9%	5.7%	6.3%	12.0%
ALL FELONIES	24,414	33.2%	14.0%	38.1%	5.6%	9.1%	14.7%
ALL INDICTABLE MISDEMEANORS	35,150	30.2%	31.1%	36.0%	2.7%	0.0%	2.7%
-----							
ALL INDICTABLE OFFENSES	59,564	31.4%	24.1%	36.8%	3.9%	3.7%	7.6%

<sup>1</sup> SECOND OR THIRD OFFENSE.

Table 15  
 OFFENDER-BASED SENTENCING DISPOSITIONS  
 BY ARRESTING OFFENSE CATEGORY  
 1974-1977  
 FELONY ARRESTS

ARRESTING OFFENSE CATEGORY	TOTAL CASES	FINE	STRAIGHT PROBATION	RES. CORR.	COUNTY JAIL	STATE PRISON	TOTAL INCARCERATED	DEPRIVATION OF LIBERTY
FORCIBLE RAPE	209	5.7%	17.2%	1.0%	15.8%	60.3%	76.1%	76.9%
ROBBERY	532	0.0%	28.6%	5.1%	4.9%	61.5%	66.4%	74.8%
MURDER/MANSLAUGHTER	196	5.6%	21.4%	4.6%	5.1%	63.3%	68.4%	74.7%
SEX OFFENSE AGAINST JUV.	141	9.9%	53.9%	2.8%	6.4%	27.0%	33.3%	46.6%
CONSPIRACY	168	4.8%	64.9%	1.2%	3.0%	26.2%	29.2%	45.2%
MOTOR VEHICLE THEFT	638	8.0%	54.1%	6.9%	13.2%	17.9%	31.0%	44.7%
BURGLARY	2229	6.0%	64.7%	5.7%	7.5%	16.2%	23.6%	40.8%
AGGRAVATED ASSAULT	852	27.0%	35.6%	4.1%	14.9%	18.4%	33.3%	40.6%
CONTROLLED SUBSTANCES	1425	23.3%	44.4%	3.1%	14.2%	15.0%	29.3%	38.3%
FORGERY	807	4.2%	70.1%	6.9%	8.1%	10.7%	18.7%	37.7%
ARSON	98	13.3%	62.2%	1.0%	9.2%	14.3%	23.5%	37.2%
STOLEN PROPERTY	730	10.0%	67.9%	4.1%	7.8%	10.1%	17.9%	35.0%
ILLEGAL WEAPONS	532	26.5%	47.9%	3.0%	15.2%	7.3%	22.6%	32.2%
BAD CHECKS/FRAUD	950	19.9%	65.5%	2.6%	2.6%	9.4%	12.0%	29.0%
VANDALISM	393	24.4%	57.8%	0.5%	13.5%	3.8%	17.3%	28.6%
EMBEZZLEMENT/WHITE COLLAR	470	13.6%	75.7%	1.3%	3.8%	5.5%	9.4%	28.0%
LARCENY	2710	29.8%	55.1%	2.5%	6.0%	6.6%	12.6%	26.1%
DRIVING UNDER INFLUENCE	2199	44.8%	46.5%	0.6%	5.3%	2.8%	8.0%	18.7%
-----								
CRIMES AGAINST PERSONS	1930	13.8%	31.6%	4.0%	10.6%	40.0%	50.6%	57.8%
CONTROLLED SUBSTANCES	1425	23.3%	44.4%	3.1%	14.2%	15.0%	29.3%	38.3%
CRIMES AGAINST PROPERTY	9025	16.2%	62.1%	4.0%	7.1%	10.6%	17.7%	33.4%
DRIVING UNDER INFLUENCE	2199	44.8%	46.5%	0.6%	5.3%	2.8%	8.0%	18.7%
-----								
PART I FELONY	7366	17.1%	51.8%	4.1%	8.3%	18.6%	26.9%	39.9%
PART I FELONY - VIOLENT	1789	15.1%	30.0%	3.8%	10.9%	40.2%	51.1%	57.8%
PART I FELONY - PROPERTY	5577	17.8%	58.8%	4.2%	7.4%	11.7%	19.1%	34.1%
PART II FELONY	8933	24.2%	55.3%	2.5%	8.5%	9.4%	17.9%	30.9%
PART II FELONY - PROPERTY	3448	13.6%	67.5%	3.5%	6.6%	8.8%	15.4%	32.4%
-----								
ALL FELONIES	16,299	21.0%	53.8%	3.3%	8.4%	13.6%	22.0%	34.9%

greater deprivation of liberty than jail placement, since prison terms are typically much longer than jail terms.

The column labelled DEPRIVATION OF LIBERTY in Table 13 is a composite measure of the degree of deprivation of liberty imposed on a particular category of offenders, and is computed by adding "sentencing severity" scores for members of the category - where scores (expressed as percentages) are assigned as follows:

<u>DISPOSITION</u>	<u>SEVERITY SCORE</u>
FINE -----	0.00%
STRAIGHT PROBATION-----	0.25%
RESIDENTIAL CORRECTIONS-----	0.50%
COUNTY JAIL -----	0.75%
STATE PRISON-----	1.00%

According to this scheme, the degrees of deprivation of liberty for these five disposition categories fall in the proportion 0:1:2:3:4. Thus a state prison commitment is viewed - for this analysis - as involving four times as much deprivation of liberty as straight probation, twice as much as a residential corrections placement, and one-third more than placement in a county jail.

As a more or less "universal" measure of the severity of sentences, the Deprivation of Liberty Index was chosen as the basis for ordering the offense categories in Table 13, i.e., the given ordering is by deprivation of liberty. It will be noted that in some cases categories with high percentages of fines (score = 0.00%) have incarceration rates that appear "out-of-order," i.e., that are higher than for surrounding categories (aggravated assault, controlled substances, arson, illegal weapons, vandalism, larceny). This distinction between incarceration rate ordering and deprivation of liberty ordering illustrates the utility of examining "total" disposition patterns and not just incarceration rates.

#### CHARGE REDUCTION

Table 13 above is similar in structure to Table 32 in Volume I in that both give sentencing dispositions for selected categories of felonies. The distinction is that Table 32 (with one exception) is based on offenders guilty of felonies, while Table 13 is based on persons arrested for felonies and subsequently found (or pleading) guilty. Thus Table 13 reflects not only persons guilty of felonies, but also persons who have had felony charges reduced to misdemeanors prior to final court adjudication.

This difference in the method of displaying felony dispositions accounts for the higher percentages of fines in Table 13 than in Table 32, since misdemeanors more often result in fines than do felonies. In particular, the crime category AGGRAVATED ASSAULT, with fines composing only 4% of sentences in Table 32 and 27% of

sentences in Table 13, rates as a much less serious crime - via sentencing patterns - if one studies sentencing from the standpoint of original charges rather than final sentencing offenses.

Table 14 below establishes the relative frequency of charge reduction as implicitly identified by comparison of Table 13 with Table 32 of Volume I. The table is based on exactly the same offender population as Table 13 and indicates the percent of offenders with the most serious charge reduced to 1) a lesser felony (smaller maximum sentence), 2) an indictable misdemeanor, or 3) a simple misdemeanor. Overall, 33.7% of offenders had their (most serious) felony charge reduced, with 12.4% reduced to indictable misdemeanors, and 15.9% to simple misdemeanors.

In addition, the table shows the final percentage of offenders 1) convicted of felonies, 2) convicted of indictable misdemeanors, and 3) convicted of simple misdemeanors, along with 4) the total percent convicted. Excluded from these figures are persons whose charges were dismissed via deferred judgment following a successful tenure on probation. The percentage with charges dismissed in this way can be obtained by subtracting the figure in the rightmost column of the table from 100%.

Table 14 is similar in structure to Table 22 of Volume I, but provides information on many more cases than the latter table. Both, however, indicate higher rates of charge reduction for drug offenses (felony non-accomodation delivery charges reduced to indictable misdemeanor accomodation offenses), larceny/shoplifting, vandalism, motor vehicle theft (ten to one-year sentence), and aggravated assault (many to simple assault). Drug crimes are especially noteworthy in this respect since only 15% of such offenders - originally charged with felonies - end up with felony convictions. The reason for this is that the Code of Iowa - under both the old and the new statutes - calls for mandatory prison commitment for non-accomodation drug deliveries (or possession with intent to deliver). Apparently, prosecutors are unwilling - in the majority of cases - to press for felony convictions when imprisonment is the sole sentencing alternative.

Table 14  
CHARGE REDUCTION  
BY ARRESTING OFFENSE CATEGORY  
1974-1977  
FELONY ARRESTS

ARRESTING OFFENSE CATEGORY	TOTAL GUILTY	MOST SERIOUS CHARGE REDUCED TO				FINAL CONVICTION			
		LESSER FELONY	INDICT. MISD.	SIMPLE MISD.	TOTAL	FELONY	INDICT. MISD.	SIMPLE MISD.	TOTAL
CONTROLLED SUBSTANCES	1425	0.0%	84.2%	0.7%	85.0%	15.0%	69.5%	0.8%	85.3%
VANDALISM	393	0.0%	13.5%	42.5%	56.0%	34.6%	12.2%	39.2%	86.0%
AGGRAVATED ASSAULT	852	12.6%	0.0%	42.0%	54.6%	54.0%	0.0%	42.0%	96.0%
MURDER/MANSLAUGHTER	196	46.9%	6.1%	0.0%	53.1%	93.4%	6.6%	0.0%	100.0%
MOTOR VEHICLE THEFT	638	36.4%	5.0%	5.6%	47.0%	80.6%	4.5%	5.2%	90.3%
LARCENY	2710	1.7%	7.6%	35.1%	44.4%	41.0%	6.3%	32.0%	79.3%
SEX OFFENSE AGAINST JUV.	141	0.0%	24.8%	12.8%	37.6%	58.9%	22.7%	12.1%	93.6%
ROBBERY	532	31.4%	1.5%	2.1%	35.0%	94.0%	1.5%	2.1%	97.6%
FORCIBLE RAPE	209	21.5%	2.4%	11.0%	34.9%	84.7%	2.4%	11.0%	98.1%
ARSON	98	6.1%	16.3%	0.0%	22.4%	70.4%	13.3%	0.0%	83.7%
BAD CHECKS/FRAUD	958	1.2%	1.7%	18.1%	20.9%	64.4%	1.5%	17.5%	83.4%
DRIVING UNDER INFLUENCE	2199	0.0%	15.8%	5.0%	20.8%	76.4%	14.4%	5.0%	95.8%
ILLEGAL WEAPONS	532	0.6%	3.0%	13.4%	17.1%	72.4%	3.0%	13.5%	88.9%
BURGLARY	2229	5.3%	3.6%	7.0%	15.9%	73.9%	3.3%	6.7%	83.8%
STOLEN PROPERTY	730	0.6%	1.3%	11.9%	13.7%	64.9%	1.1%	10.5%	76.6%
CONSPIRACY	168	0.0%	0.0%	11.9%	11.9%	68.5%	0.0%	10.1%	78.6%
FORGERY	807	1.0%	2.4%	6.3%	9.6%	72.6%	2.4%	6.2%	81.2%
EMBEZZLEMENT/WHITE COLLAR	470	0.0%	1.7%	1.9%	3.6%	62.6%	1.7%	1.9%	66.2%
-----									
CONTROLLED SUBSTANCES	1425	0.0%	84.2%	7.7%	85.0%	15.0%	69.5%	0.8%	85.3%
CRIMES AGAINST PERSONS	1930	19.6%	2.7%	22.9%	45.2%	71.6%	2.6%	22.8%	97.0%
CRIMES AGAINST PROPERTY	9025	4.7%	4.8%	18.0%	27.5%	60.3%	4.2%	16.7%	81.2%
DRIVING UNDER INFLUENCE	2199	0.0%	15.8%	5.0%	20.8%	76.4%	14.4%	5.0%	95.8%
-----									
PART I FELONY	7366	10.5%	4.6%	21.3%	36.4%	62.0%	3.9%	20.0%	86.0%
PART I FELONY - VIOLENT	1789	21.2%	1.0%	23.7%	45.9%	72.6%	1.0%	23.7%	97.3%
PART I FELONY - PROPERTY	5577	7.1%	5.7%	20.5%	33.3%	58.7%	4.9%	18.8%	82.4%
PART II FELONY	8933	1.2%	18.9%	11.5%	31.6%	66.1%	16.2%	10.8%	93.1%
PART II FELONY - PROPERTY	3448	0.8%	3.2%	14.1%	18.1%	63.0%	3.2%	13.2%	79.4%
-----									
ALL FELONIES	16,299	5.4%	12.4%	15.9%	33.7%	64.2%	10.6%	15.0%	89.9%

#### IV. SENTENCING VARIATION BASED ON OFFENSE AND PRIOR RECORD

According to Table 32 of Volume I and Table 13 above, sentencing patterns in Iowa appear to have a strong relationship with the perceived seriousness of the criminal act. Clearly, crimes against persons - especially murder/manslaughter, forcible rape, and robbery - are treated more severely by sentencing judges in the state than are crimes not against persons.

Under the new criminal code, which took effect in January of 1978, it is illegal for judges to place offenders on probation who have been convicted of "forcible felonies," including murder, sexual abuse (mostly rape), robbery, kidnapping, felonious assault, and burglary and arson in the first degree. Prior to 1978, probation was illegal only for murder in the first degree and for non-accomodation drug deliveries (including possession with intent to deliver). Thus, under the new code, offense severity will play a smaller role in felony sentencing than in the past. Other factors, such as prior record - which has been pivotal in sentencing for less serious crimes - should become increasingly important as sentencing considerations.

##### PRIOR COMMITMENT RECORD

Based on sentencing research conducted by the Iowa SAC and by the former Bureau of Correctional Evaluation (BCE) of the Iowa Department of Social Services,<sup>1</sup> the prior commitment record of a convicted offender is a significant factor in the felony sentencing process.

Studies of felony sentencing in Iowa - initiated by BCE and continued by SAC - are based on statistical analyses of sentences handed down during the period 1974-1976. The population under study in this section consists of all persons sentenced for felonies as in Table 32 of Volume I,<sup>2</sup> but with two restrictions. No offenders given fines are considered here, nor are offenders sentenced in 1977. This analysis thus applies - with slight exception - to the sentencing of convicted felons to correctional programs in Iowa during the three-year period 1974-1976.

Within the study population of 7495 offenders, prior commitment records were available on 7448. Table 15 below provides a summary of sentencing variation - as measured by deprivation of liberty - among four classes of offenders based on prior commitment record, including offenders with 1) NO PRIOR COMMITMENTS, 2) JUVENILE COMMITMENT(S) BUT NO PRIOR ADULT COMMITMENTS, 3) PRIOR ADULT COMMITMENT(S) BUT NO JUVENILE COMITMENTS, AND 4) BOTH JUVENILE AND ADULT COMMITMENTS. Sentencing severity scores were reassigned for this analysis in the proportion 0:1:2:3.

<sup>1</sup> Corrections in Iowa: A System of Growth and Change, Iowa Department of Social Services, Bureau of Correctional Evaluation, October, 1976.

<sup>2</sup> Iowa District Court Dispositions - Felony Sentencing - 1974-1977 - By Offense Category, p. 72.

Table 15

OFFENDER-BASED SENTENCING STATISTICS  
DEPRIVATION OF LIBERTY  
BY SENTENCING OFFENSE CATEGORY AND PRIOR COMMITMENT RECORD  
1974-1976  
FELONY SENTENCES

OFFENSE CATEGORY	TOTAL CASES	ALL OFFENDERS	PRIOR COMMITMENT(S)			
			NONE	JUVENILE ONLY	ADULT ONLY	JUVENILE AND ADULT
MURDER/MANSLAUGHTER	127	77.7%	73.2%	73.3%	94.1%	100.0%
FORCIBLE RAPE	105	68.9%	62.3%	68.5%	85.0%	83.3%
ROBBERY	362	67.5%	58.0%	67.5%	95.7%	91.7%
CONTROLLED SUBSTANCES - EXCL. MARIJUANA	225	53.9%	50.2%	49.4%	81.2%	80.0%
SEX OFFENSE AGAINST JUVENILE	49	46.9%	40.0%	-----	77.8%	-----
AGGRAVATED ASSAULT	310	38.8%	27.1%	45.0%	72.0%	61.5%
CONSPIRACY	106	33.0%	13.9%	62.5%	81.8%	85.7%
MOTOR VEHICLE THEFT	348	28.0%	18.9%	32.6%	55.1%	78.9%
ARSON	48	25.0%	15.2%	25.0%	80.0%	-----
CONTROLLED SUBSTANCES - MARIJUANA	221	24.3%	21.6%	40.3%	38.1%	-----
BURGLARY	1367	23.7%	14.7%	31.4%	58.8%	58.6%
BAD CHECKS/FRAUD	495	18.5%	14.0%	18.5%	39.5%	43.9%
FORGERY	535	18.0%	9.3%	21.9%	54.3%	59.0%
STOLEN PROPERTY	420	16.0%	9.9%	24.1%	44.4%	59.5%
LARCENY	1155	15.8%	9.7%	19.2%	45.7%	48.8%
ILLEGAL WEAPONS	245	15.2%	8.9%	25.0%	32.0%	37.5%
VANDALISM	144	12.7%	8.0%	24.2%	-----	50.0%
EMBEZZLEMENT	134	6.7%	5.7%	0.0%	16.7%	-----
DRIVING UNDER INFLUENCE	624	5.1%	3.5%	1.0%	14.0%	25.0%
ALL FELONIES	7448	24.3%	16.9%	30.9%	53.2%	59.9%

According to the table, offenders with prior commitments are sentenced much more severely than are offenders without prior commitments. Furthermore, this relationship holds up within individual offense categories, i.e., it is not the result of a correlation of prior record with offense. Also noteworthy is the fact that prior commitment record plays a much smaller role in the sentencing of persons convicted of the serious crimes of murder/manslaughter, forcible rape, robbery, and drug delivery (excluding marijuana), than it does for most other crimes.

#### JUVENILE VERSUS ADULT RECORD

Some of the most significant relationships discovered through criminal justice research in Iowa concern the comparative roles of juvenile and adult records in system decision-making and offender behavior. In fact, this distinction, more than any other, may point the way to improved criminal justice decision-making in the state.

One of primary indicators of a distinction between offenders with juvenile records and those with adult records is that which is characterized in Table 15, namely that offenders with adult commitment records are sentenced much more severely than are offenders with juvenile commitment records alone. In the same vein, for offenders with prior adult commitments, the presence or absence of a juvenile commitment record has only a slight effect (overall) on the severity of sentencing.

The apparent policy of District Court judges in Iowa to pay less heed to juvenile than to adult records in sentencing decisions will be discussed in much more detail, and in a broader format, in coming reports from SAC. Accordingly, no attempt will be made here to elaborate on the finding or its implications for criminal justice. It might be noted, however, that the phenomenon is by no means limited to decision-making at the sentencing stage. Similar findings have arisen in the area of parole and custody-decision research and will be discussed in the context of a broader "system analysis" of criminal justice in Iowa.

#### CONTROLLING FOR UNDERLYING DIFFERENCES

When considered in combination, the 20-factor offense variable and the 4-factor prior commitment record variable form an 80-factor classification system for felony offenders. This 2-way matrix of offender characteristics apparently accounts for a substantial portion of the variation in sentencing severity within the convicted offender population of Iowa. As such, it yields a method of "controlling" for common underlying (and perhaps justifiable) differences in sentencing severity that could account for observed group variations based on such factors as sex, race, and sentencing jurisdiction. The final two sections of this report will make use of this control method to test for disparity in sentencing between males and females, between black and whites, and among the judicial districts and larger counties of Iowa.

## V. SEX AND RACE DISCRIMINATION IN SENTENCING

One topic in the area of sentencing practices that provides a stiff challenge to the skills of the criminal justice analyst is the question of disparate sentencing of otherwise-comparable offenders of opposing sex or race. This issue, which has not been addressed adequately in the past due to lack of data and a satisfactory methodology, involves serious questions of sex and race discrimination. The sensitivity of the issue notwithstanding, criminal justice research can provide the basic statistical parameters necessary to address the concern.

### GENERAL SENTENCING DIFFERENCES

Tables 16 and 17 below provide an overview of sex and race-related differences in the sentencing of convicted felons in Iowa. The tables are based on the same population of offenders as addressed in the previous section, namely all felony offenders sentenced to correctional programs in Iowa during 1974-1976, including those given (straight) probation, and those placed in community residential facilities, county jails, and state prisons.

The tables clearly indicate higher degrees of sentencing severity and deprivation of liberty for male and black offenders, with notable differences occurring for drug-related (controlled substances) and property crimes.

For all crimes, the Deprivation of Liberty Index is 118% higher for males than for females (26.4% to 12.1%), and is 45% higher for blacks than for whites (34.0% to 23.4%). In particular, 139% more males than females (22.7% to 9.5%), and 50% more blacks than whites (29.9% to 19.9%), are sent to prison by District Court judges in Iowa.

### THE SEARCH TO EXPLAIN

The degrees to which the 118% and 45% differences given above are not explained by factors other than sex and race dictate the extent of actual - and not just apparent - disparity in sentencing between members of opposing sex or race. Accordingly, an attempt was made to discover - and factor out - other influences that contribute to the level of discrepancy in each case.

According to Tables 16 and 17, the general offense categories CRIMES AGAINST PERSON(S), CONTROLLED SUBSTANCES, CRIMES AGAINST PROPERTY, and DRIVING UNDER INFLUENCE cannot account totally for sex and race-related discrepancies in sentencing. In fact, these categories (and the category MISCELLANEOUS CRIMES) explain no more than 54% of the discrepancy by race and just 19% of the discrepancy by sex. The 54% explanation for race-related differences is notable, however, and is due primarily to a substantially higher percentage of crimes against person(s) among blacks than among whites, and to a lesser extent to a higher percentage of drunken

Table 16

OFFENDER-BASED SENTENCING STATISTICS  
 BY GENERAL SENTENCING OFFENSE CATEGORY AND SEX  
 1974-1976  
 FELONY SENTENCES

OFFENSE CATEGORY	TOTAL CASES	STRAIGHT PROBATION	RESID. CORR.	COUNTY JAIL	STATE PRISON	TOTAL INCARC- ERATED	DEPRIVATION OF LIBERTY
CRIME AGAINST PERSON(S)	1102	38.5%	5.7%	1.6%	54.2%	55.8%	57.2%
MALE	1046	37.8%	5.9%	1.6%	54.6%	56.2%	57.6%
FEMALE	56	50.0%	1.8%	1.8%	46.4%	48.2%	48.2%
CONTROLLED SUBSTANCES	470	54.5%	6.4%	4.3%	34.9%	38.2%	39.9%
MALE	408	51.5%	6.4%	4.7%	37.5%	42.2%	42.8%
FEMALE	62	74.2%	6.5%	1.6%	17.7%	19.3%	20.9%
CRIMES AGAINST PROPERTY	4728	76.4%	4.9%	3.5%	15.1%	18.6%	19.1%
MALE	4098	74.8%	4.9%	3.8%	16.5%	20.3%	20.7%
FEMALE	630	87.0%	5.1%	1.4%	6.5%	7.9%	9.1%
DRIVING UNDER INFLUENCE	625	93.4%	1.3%	1.4%	3.8%	5.2%	5.2%
MALE	595	93.4%	1.2%	1.5%	3.9%	5.4%	5.3%
FEMALE	30	93.3%	3.3%	0.0%	3.3%	3.3%	4.4%
ALL FELONIES	7494	71.0%	4.8%	3.0%	21.2%	24.2%	24.8%
MALE	6600	69.3%	4.8%	3.2%	22.7%	25.9%	26.4%
FEMALE	894	84.0%	5.3%	1.2%	9.5%	10.7%	12.1%

Table 17

OFFENDER-BASED SENTENCING STATISTICS  
BY GENERAL SENTENCING OFFENSE CATEGORY AND RACE  
1974-1976  
FELONY SENTENCES

OFFENSE CATEGORY	TOTAL CASES	STRAIGHT PROBATION	RESID. CORR.	COUNTY JAIL	STATE PRISON	TOTAL INCARC- ERATED	DEPRIVATION OF LIBERTY
CRIME AGAINST PERSON(S)	1102	38.5%	5.7%	1.6%	54.2%	55.8%	57.2%
WHITE	825	38.9%	5.3%	1.8%	53.9%	55.7%	56.9%
BLACK	233	36.5%	7.7%	0.9%	54.9%	55.8%	58.1%
CONTROLLED SUBSTANCES	470	54.5%	6.4%	4.3%	34.9%	38.2%	39.9%
WHITE	418	56.5%	6.2%	4.3%	33.0%	37.3%	37.9%
BLACK	42	35.7%	9.5%	4.8%	50.0%	54.8%	56.4%
CRIMES AGAINST PROPERTY	4728	76.4%	4.9%	3.5%	15.1%	18.6%	19.1%
WHITE	4147	77.4%	4.5%	3.6%	14.5%	18.1%	18.4%
BLACK	461	66.2%	9.8%	2.8%	21.3%	24.1%	26.4%
DRIVING UNDER INFLUENCE	625	93.4%	1.3%	1.4%	3.8%	5.2%	5.2%
WHITE	591	93.4%	1.4%	1.2%	4.1%	5.3%	5.4%
BLACK	19	85.9%	0.0%	10.5%	0.0%	10.5%	7.0%
ALL FELONIES	7494	71.0%	4.8%	3.0%	21.2%	24.2%	24.8%
WHITE	6399	72.5%	4.4%	3.1%	19.9%	23.0%	23.4%
BLACK	887	59.8%	8.2%	2.1%	29.9%	32.0%	34.0%

drivers among whites:

% DISTRIBUTION AMONG CRIME CATEGORIES

SEX/RACE CATEGORY	AGAINST PERSON(S)	CONTROLLED SUBSTANCES	AGAINST PROPERTY	DRIVING UNDER INFLUENCE
MALE	15.8%	6.2%	62.1%	9.0%
FEMALE	6.3%	6.9%	70.5%	3.4%
WHITE	12.9%	6.5%	64.8%	9.2%
BLACK	26.3%	4.7%	52.0%	2.1%
ALL OFFENDERS	14.7%	6.3%	63.1%	8.3%

To attempt a more complete explanation of the 118% and 45% discrepancies by sex and race, sentencing results within the four sex/race groups were computed for each of the 80 offense and prior commitment record categories discussed in the previous section. In particular, the Deprivation of Liberty Index was computed for all 80 categories of males, females, blacks and whites.<sup>1</sup>

To determine if the 80-category classification scheme explained a significant portion of the 118% sex-related discrepancy, the observed Deprivation of Liberty Index for each category of males was taken as an expected result for the comparable category of females. Combining these expected results for all 80 categories gave an overall expected Deprivation of Liberty Index for females, i.e., the degree of deprivation of liberty that would have resulted if females had been sentenced exactly as were males within each of the 80 offense/prior record categories.

In the same manner, an expected Deprivation of Liberty Index for blacks was computed by taking observed results for whites - within the 80 categories - as expected results for blacks.

The results of this process - for both sex and race - are as follows:

SEX/RACE CATEGORY	TOTAL SENTENCED	DEPRIVATION OF LIBERTY		
		OBSERVED	EXPECTED	% DISPARITY
MALE	6600	26.0%	26.0%	-----
FEMALE	894	11.9%	19.9%	-40.2%
-----				
WHITE	6399	22.9%	22.9%	-----
BLACK	887	34.0%	32.6%	+4.3%

These findings suggest that if females were sentenced in the same

<sup>1</sup>For example, Deprivation of Liberty was computed for male burglars with no prior commitments.

manner as comparable males, then the Deprivation of Liberty Index for females would have been 19.9% instead of 11.9%. With this interpretation, the observed result for females was 40.2% less than expected (last column above).

Likewise, they suggest that if blacks were sentenced in the same manner as comparable whites, then the Deprivation of Liberty Index for blacks would have been 32.6% instead of 34.0%. Here the observed result for blacks was 4.3% greater than expected.

Further computation shows that the 80-category classification explains 57% of the 118% discrepancy by sex and 87% of the 45% discrepancy by race (compare with 19% and 54% explanations based on 5-category general offense variable above).

A chi-square test of significance reveals that the 40.2% disparity between observed and expected deprivation of liberty for female offenders is highly significant, suggesting that indeed the observed 118% discrepancy between observed results for males and females is not due to factors - besides sex itself - that associate with sentencing severity. It may be, however, that males and females in the study population differ significantly on other factors, such as prior arrest record and drug abuse history - neither of which are taken into account here - that could explain more of the observed differences. It would seem unlikely, however, that the full 118% disparity could ever be explained by factors that form legitimate sentencing considerations.

On the other hand, a chi-square test shows the 4.3% disparity between observed and expected deprivation of liberty for black offenders to be non-significant. Here, the results indicate that the 45% discrepancy by race is legitimately due to sentencing considerations of offense severity and prior record. In other words, comparable whites and blacks have been sentenced similarly.

#### CRIME-SPECIFIC ANALYSES

Analysis of sex-related disparity within individual offense categories establishes that noted disparities in favor of females exist for all categories except murder/manslaughter (most serious) and driving under influence (least serious). The greatest disparities occur within the categories of 1) drug offenses (both categories/-54.2% and -52.5%), 2) conspiracy (-74.7%), 3) bad checks/fraud (-58.0%), 4) stolen property (-61.0%), and 5) illegal weapons (-67.5%). The least disparities occur for robbery (-19.0%), aggravated assault (-7.5%), larceny (-15.9%), and embezzlement (-21.3%).

## VI. JURISDICTIONAL DISPARITIES

One of the most commonly discussed deficiencies in the administration of justice in this country is the disparity in sentencing that results from dissimilar sentences handed down to similar offenders by different judges. One source of this problem lies in the lack of an express policy for sentencing criminal offenders. With the wide range of considerations that enter into the sentencing decision, and with the lack of a suitable feedback system to inform judges of their past decisions and the decisions of other judges, it is certainly no wonder that significant disparities occur commonly.

As with many other aspects of criminal justice, there is ample justification here for providing an historical perspective - through statistics - on past jurisdictional sentencing disparities. The key, again, is to determine the extent to which observed sentencing variations among judges or jurisdictions are not due to valid considerations in the sentencing process. In line with our analysis of sex and race-related disparities in the previous section, an attempt has been made here to "factor out" some of these legitimate considerations to isolate possibly non-justifiable sentencing disparities among the sentencing jurisdictions in Iowa.

Again, the study population consists of all felony offenders sentenced to correctional programs in Iowa during the period 1974-1976.

### TARGET JURISDICTIONS

For purposes of a jurisdictional analysis of felony sentencing variation in Iowa, 33 separate jurisdictions were selected, including 1) the eight judicial districts, 2) eighteen counties with large cities (generally cities with over 20,000 population), and 3) rural areas in seven of the eight judicial districts (consisting of counties other than those specified under 2 above). Due to missing data, Dubuque County was excluded from this analysis. In addition, the rural area of the Seventh Judicial District (Cedar and Jackson Counties) was excluded due to a small number of cases.

### OVERVIEW OF JURISDICTIONAL VARIATIONS

Table 18 below summarizes sentencing results within the study population for each of the 33 target jurisdictions identified above. As previously, entries are ordered according to the magnitude of the Deprivation of Liberty Index.

The table indicates a substantial variation in the severity of sentencing among the 33 jurisdictions, with the Deprivation of Liberty Index varying from 12.0% for the rural counties of the Sixth Judicial District to 46.7% for Wapello County. The eight

Table 18  
 OFFENDER-BASED SENTENCING DISPOSITIONS  
 BY SENTENCING JURISDICTION  
 1974-1976  
 FELONY SENTENCES

SENTENCING JURISDICTION#	TOTAL SENTENCED	STRAIGHT PROBATION	RESID. CORR.	COUNTY JAIL	STATE PRISON	TOTAL INCARCERATED	DEPRIVATION OF LIBERTY
WAPELLO COUNTY	132	42.4%	0.0%	32.6%	25.0%	57.6%	46.7%
SCOTT COUNTY	449	61.5%	0.0%	0.4%	38.1%	38.5%	38.4%
MARSHALL COUNTY	152	62.5%	0.0%	2.6%	34.9%	37.5%	36.6%
CLINTON COUNTY	128	61.7%	0.0%	7.0%	31.3%	38.3%	35.9%
POTTAWATTAMIE COUNTY	207	64.7%	0.0%	0.5%	34.8%	35.3%	35.1%
<u>SEVENTH JUDICIAL DISTRICT</u>	784	64.4%	0.1%	2.4%	33.0%	35.4%	34.7%
MUSCATINE COUNTY	129	63.6%	0.8%	3.9%	31.8%	35.7%	34.6%
<u>EIGHTH JUDICIAL DISTRICT</u>	753	66.3%	0.5%	9.6%	23.6%	33.2%	30.2%
<u>FOURTH JUDICIAL DISTRICT</u>	379	69.4%	0.8%	1.6%	28.2%	29.6%	29.6%
RURAL COUNTIES - 8TH JD	357	67.8%	1.1%	7.0%	24.1%	31.1%	29.1%
JASPER COUNTY	75	65.3%	9.3%	2.7%	22.7%	25.4%	27.6%
POLK COUNTY	1417	58.9%	20.9%	0.8%	19.4%	20.2%	26.9%
<u>FIFTH JUDICIAL DISTRICT</u>	1922	61.1%	18.2%	0.9%	19.8%	20.7%	26.4%
LEE COUNTY	135	74.1%	0.0%	0.7%	25.2%	25.9%	25.7%
RURAL COUNTIES - 5TH JD	311	68.5%	9.6%	1.0%	20.9%	21.9%	24.8%
WARREN COUNTY	119	66.4%	14.3%	0.0%	19.3%	19.3%	24.1%
RURAL COUNTIES - 3RD JD	346	74.0%	0.0%	6.1%	19.9%	26.0%	24.0%
CERRO GORDO COUNTY	168	75.6%	0.0%	1.2%	23.2%	24.4%	24.0%
<u>THIRD JUDICIAL DISTRICT</u>	561	75.4%	0.0%	4.5%	20.1%	24.6%	23.1%
RURAL COUNTIES - 4TH JD	172	75.0%	1.7%	2.9%	20.3%	23.2%	22.9%
<u>SECOND JUDICIAL DISTRICT</u>	1129	77.6%	0.2%	1.9%	20.4%	22.3%	21.7%
WOODBURY COUNTY	215	77.7%	0.0%	1.9%	20.5%	22.4%	21.7%
JOHNSON COUNTY	161	77.0%	0.0%	5.0%	18.0%	23.0%	21.3%
DES MOINES COUNTY	129	78.3%	0.0%	2.3%	19.4%	21.7%	20.9%
LINN COUNTY	546	78.4%	0.2%	2.0%	19.4%	21.4%	20.8%
<u>SIXTH JUDICIAL DISTRICT</u>	857	79.7%	0.1%	2.6%	17.6%	20.2%	19.4%
WEBSTER COUNTY	123	79.7%	0.0%	3.3%	17.1%	20.4%	19.2%
RURAL COUNTIES - 2ND JD	548	80.3%	0.2%	1.6%	17.9%	19.5%	19.0%
BLACK HAWK COUNTY	684	80.4%	0.3%	3.5%	15.8%	19.3%	18.2%
<u>FIRST JUDICIAL DISTRICT</u>	950	82.2%	0.2%	3.3%	14.3%	17.6%	16.6%
STORY COUNTY	138	84.1%	0.7%	1.4%	13.8%	15.2%	15.0%
RURAL COUNTIES - 1ST JD	266	86.8%	0.0%	2.6%	10.5%	13.1%	12.3%
RURAL COUNTIES - 6TH JD	150	87.3%	0.0%	2.0%	10.7%	12.7%	12.0%
ALL JURISDICTIONS	7335	71.0%	4.9%	3.1%	21.2%	24.3%	24.9%

#EXCLUDING DUBUQUE COUNTY AND RURAL AREA OF SEVENTH JUDICIAL DISTRICT (CEDAR AND JACKSON COUNTIES).

judicial districts rank - by deprivation of liberty - as follows:

- |                      |                   |
|----------------------|-------------------|
| 1) SEVENTH (highest) | 5) THIRD          |
| 2) EIGHTH            | 6) SECOND         |
| 3) FOURTH            | 7) SIXTH          |
| 4) FIFTH             | 8) FIRST (lowest) |

#### CHANGE OF CRITERION

During the period 1974-1976, just one judicial district (the Fifth) maintained a community residential corrections program that housed a significant number of directly-sentenced offenders. On the other hand, the judiciary in certain counties in Iowa (e.g., Wapello County), have made more than typical use of the county jail as a felony sentencing alternative. Statistical analysis indicates - furthermore - that the county jails have been used in a manner similar to the residential corrections program in the Fifth Judicial District, i.e., profiles of those placed in the jails more nearly match those for residential corrections clients than those of probationers and committed offenders.

Because of the similarity in profiles mentioned above, and due to the lack of community residential programs in other than the Fifth Judicial District during 1974-1976, it was determined that the sentencing categories RESIDENTIAL CORRECTIONS and COUNTY JAIL should be combined into one single category for purposes of the present analysis. Sentencing severity scores were then redefined as follows:

<u>DISPOSITION</u>	<u>SEVERITY SCORE</u>
STRAIGHT PROBATION-----	0.00%
RESIDENTIAL CORRECTIONS/COUNTY JAIL-----	0.50%
STATE PRISON-----	1.00%

Since the total severity score for a jurisdiction under this redefinition would no longer reflect strictly deprivation of liberty (county jail still involves more deprivation than residential corrections), it was decided to change the name Deprivation of Liberty to Sentencing Severity. Thus jurisdictional analyses are based on the magnitude of the Sentencing Severity Index.

#### ISOLATION OF JURISDICTIONAL DISPARITY

As in the previous section, the 80-factor offense/prior record classification was taken as a statistical control for variation in offender characteristics among the 33 sentencing jurisdictions. In this instance, due to the presence of multiple jurisdictions, it was necessary to take overall statewide results (all jurisdictions) as the expected results for any individual jurisdiction. Thus the composite expected sentencing severity for each jurisdiction was computed by combining expected results for each of the 80 control categories. These expected results were compared with observed results in Table 19. The column DISPARITY reflects the absolute - rather than the percentage - difference between the observed and

Table 19

OFFENDER-BASED SENTENCING STATISTICS  
 SENTENCE DISPARITY AMONG SENTENCING JURISDICTIONS  
 1974-1976  
 FELONY SENTENCES

SENTENCING JURISDICTION*	TOTAL SENTENCED	SENTENCING SEVERITY		
		OBSERVED	EXPECTED	DISPARITY
WAPELLO COUNTY	132	41.3%	26.2%	+15.2%
MARSHALL COUNTY	152	36.2%	23.5%	+12.7%
CLINTON COUNTY	128	34.8%	24.8%	+10.0%
MUSCATINE COUNTY	129	34.1%	24.2%	+9.9%
SCOTT COUNTY	449	38.4%	28.9%	+9.5%
POTTAWATTAMIE COUNTY	207	35.1%	26.3%	+8.8%
<u>SEVENTH JUDICIAL DISTRICT</u>	784	34.4%	26.8%	+7.6%
RURAL COUNTIES - 8TH JD	357	28.1%	21.0%	+7.1%
<u>EIGHTH JUDICIAL DISTRICT</u>	753	28.7%	24.0%	+4.7%
JASPER COUNTY	75	28.7%	24.0%	+4.7%
RURAL COUNTIES - 5TH JD	311	26.2%	21.6%	+4.6%
<u>FOURTH JUDICIAL DISTRICT</u>	379	29.4%	24.8%	+4.6%
WARREN COUNTY	119	26.5%	22.0%	+4.5%
<u>FIFTH JUDICIAL DISTRICT</u>	1922	29.4%	26.8%	+2.6%
POLK COUNTY	1417	30.3%	28.5%	+1.8%
RURAL COUNTIES - 3RD JD	346	23.0%	21.5%	+1.5%
RURAL COUNTIES - 4TH JD	172	22.7%	22.8%	-0.1%
<u>THIRD JUDICIAL DISTRICT</u>	561	22.4%	23.5%	-1.1%
CERRO GORDO COUNTY	168	23.8%	25.1%	-1.3%
LEE COUNTY	135	25.5%	27.1%	-1.6%
<u>SECOND JUDICIAL DISTRICT</u>	1129	21.4%	23.2%	-1.8%
RURAL COUNTIES - 2ND JD	548	18.8%	22.4%	-3.6%
JOHNSON COUNTY	161	20.5%	25.5%	-5.0%
WOODBURY COUNTY	215	21.4%	26.5%	-5.1%
<u>SIXTH JUDICIAL DISTRICT</u>	857	19.0%	25.2%	-6.2%
LINN COUNTY	546	20.5%	26.8%	-6.3%
DES MOINES COUNTY	129	20.5%	26.8%	-6.3%
STORY COUNTY	138	14.9%	21.3%	-6.4%
WEBSTER COUNTY	123	18.7%	26.0%	-7.3%
RURAL COUNTIES - 6TH JD	150	11.7%	19.4%	-7.7%
RURAL COUNTIES - 1ST JD**	266	11.9%	19.9%	-8.0%
<u>FIRST JUDICIAL DISTRICT</u>	950	16.1%	24.3%	-8.2%
BLACK HAWK COUNTY	684	17.8%	26.1%	-8.3%
ALL JURISDICTIONS	7335	25.1%	25.1%	0.0%

\*EXCLUDING DUBUQUE COUNTY AND RURAL AREA OF SEVENTH JUDICIAL DISTRICT (CEDAR AND JACKSON COUNTIES)

expected results, and provides the basis for ordering jurisdictions in the table.

While the agreement in rankings between Tables 18 and 19 is very close, it is by no means perfect. In fact, the rankings of BLACK HAWK COUNTY and RURAL COUNTIES - 2ND JD change by five, while the ranking for Lee County changes by six. Basically, however, Table 19 suggests that the variations evident in Table 18 are not justified by offender differences associated with sentencing severity. More detailed information concerning the sources of disparity (by offender category) will be presented in another report from SAC.

**END**