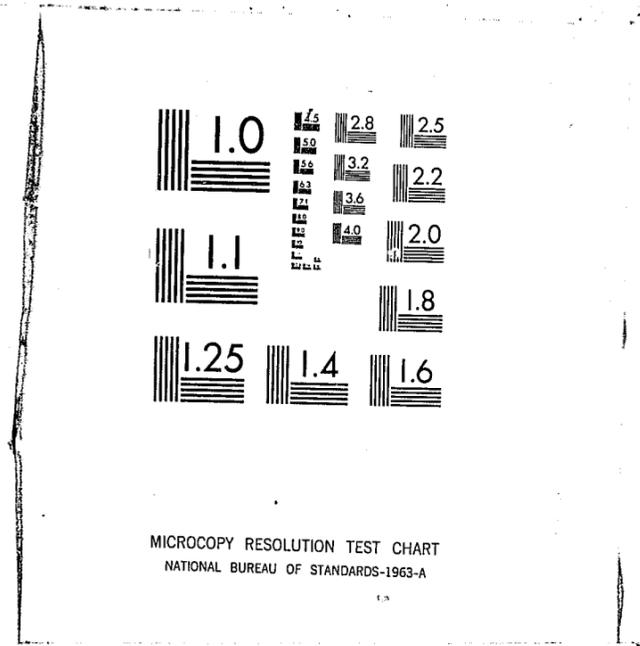


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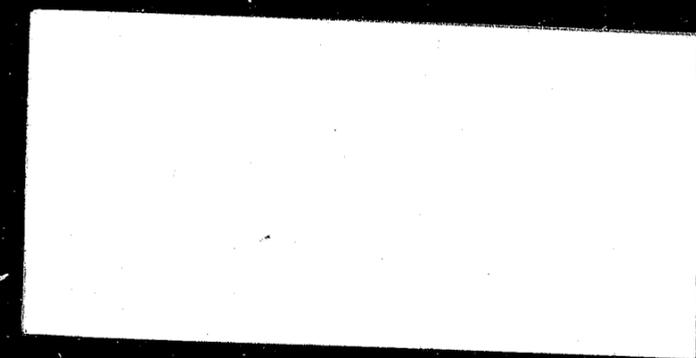
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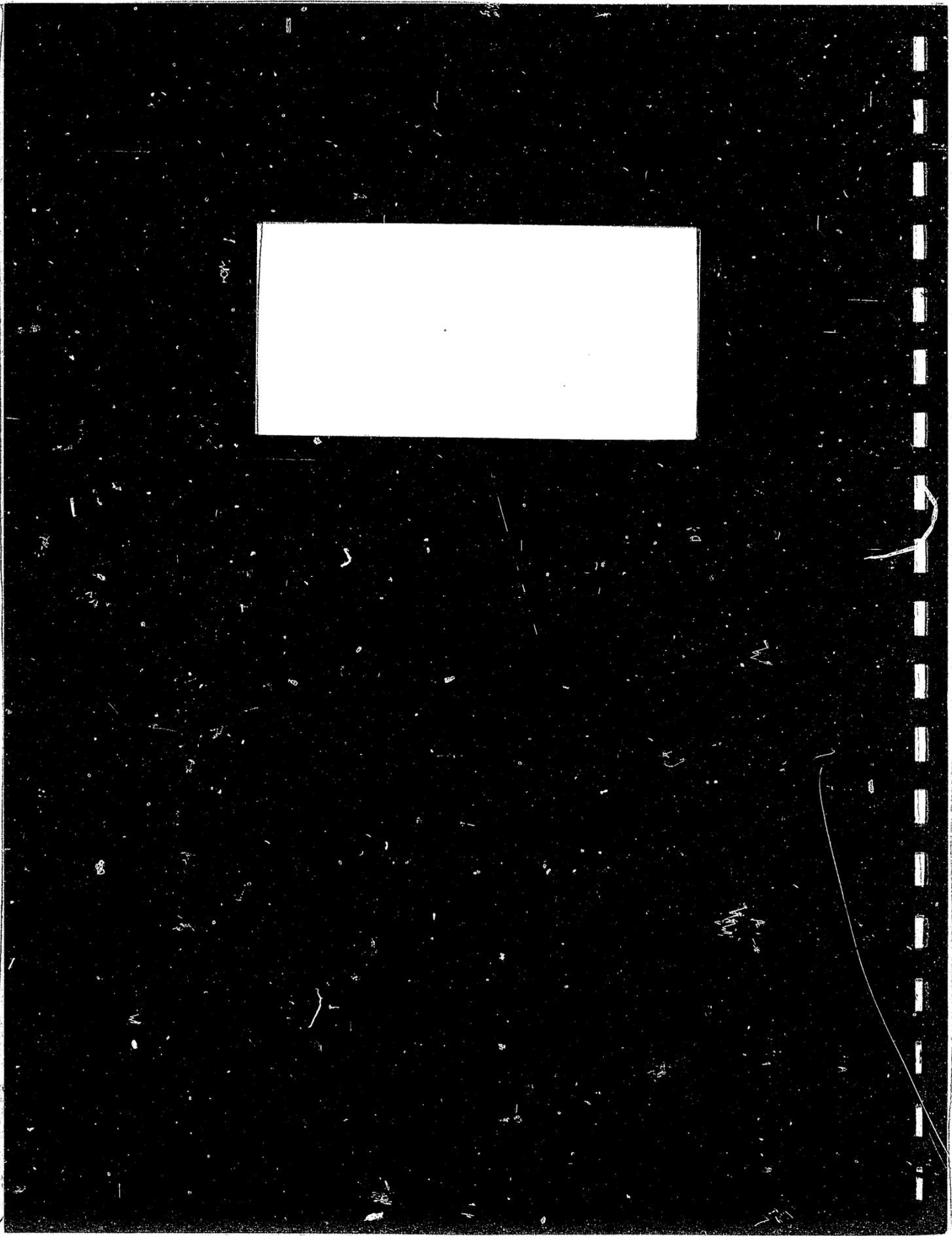
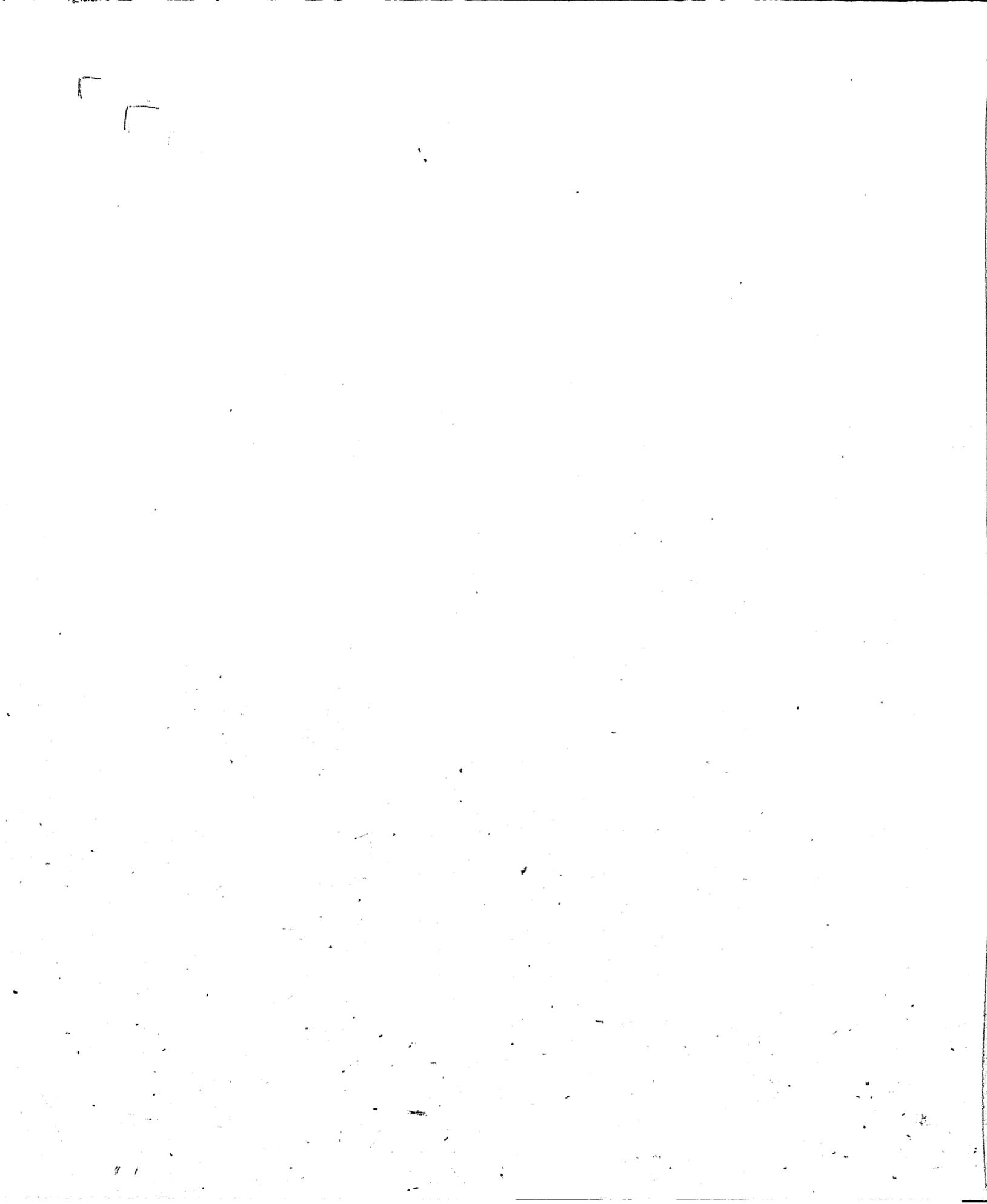
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✓  
SENTENCING GUIDELINES PLANNING EFFORT  
CLAYTON COUNTY (JONESBORO), GEORGIA

DECEMBER 1980

CONSULTANTS:

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Sandra Dilio

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## I. INTRODUCTION

### A. Request for Technical Assistance

In July 1978, the Chairman of the Clayton County (Jonesboro) Georgia Commissioners, Charles Griswell, requested technical assistance through LEAA's Criminal Courts Technical Assistance Project (CCTAP) at American University on behalf of the Clayton Judicial Circuit's Superior Court. The purpose of the requested assistance was to develop and implement sentencing guidelines for the court which would include both social and offense information and would provide a structure for reducing potential disparity in future felony sentencing decisions of the court.

The request was submitted through the Atlanta Regional Commission and the Georgia State Crime Commission. Upon receipt of the request, CCTAP staff worked with the Presiding Judge of the Circuit, Honorable Marvin A. Miller, to compile additional information relating to the court's felony caseload and sentencing activities and to provide Judge Miller with background materials relating to sentencing guidelines efforts undertaken in other jurisdictions.

### B. The Clayton County Superior Court

The Clayton Judicial Circuit is a one-county judicial circuit located within the metropolitan area of Atlanta. Until shortly before the submission of the technical assistance request, felony sentencing had been handled by one judge. However, with his appointment to an appellate court position, responsibility for criminal sentencing had become a shared responsibility of the circuit's three full-time judges. These judges were all located in the Clayton County Courthouse and were assigned cases on a rotational basis.

The judges, therefore, handled similar types of cases and were thus concerned about the potential for sentencing disparity to occur.

For approximately 20% of the felony cases sentenced, presentence investigation information had been collected and made available by the probation staff of the State Department of Offender Rehabilitation who were assigned to the circuit. Although presentence reports were not routinely prepared for every felony case, the information items provided when they were prepared was fairly consistent.

In fiscal year 1978, the Clayton Circuit ranked tenth of Georgia's forty-two circuits in the number of felony filings. At the time of the technical assistance request, the felony caseload was averaging approximately 650 cases per year. It was anticipated, however, that the number of felony filings would increase at a higher rate in Clayton County than in most other circuits in the state because of the high population growth pattern of the circuit.

### C. Summary of Technical Assistance Services Provided

#### 1. Initial Planning

On January 19, 1979, a site visit was made to Clayton County to determine whether guideline development would be feasible for the circuit. In addition to CCTAP staff, two consultants were selected by the CCTAP to conduct this initial planning visit: Jeffrey Bellows of Denver, Colorado and Ms. Sandra Dillio of Philadelphia, Pennsylvania. Mr. Bellows had been a member of the first Sentencing Guidelines Project at the State University of New York in Albany and was subsequently involved in the implementation of guidelines for the Denver District Court. Ms. Dillio was the Court Program Analyst for the Probation Department of the Philadelphia Court of Common Pleas and project coordinator for the sentencing guidelines study then underway in the court.

The specific purpose of this initial site visit was to discuss with Judge Miller, Judge William H. Ison and Judge Joe Crumbley, the three full-time judges of the court, the type of guidelines sought by the court, the level of information and resources required to develop such guidelines and, the type and degree of local support that could be provided to such an effort.

Shortly following the site visit, a preliminary planning report (See Section II A., pp 8-12 ) was submitted to the court which outlined the tasks necessary to develop and implement a sentencing guidelines system. These tasks included the development of a coding manual, selection of a sample of cases for coding, the actual coding and verification process, data analysis and model development, and, finally, testing and validation of the guidelines model and subsequent implementation. It was also suggested that consideration be given to collecting sentencing data from Atlanta (Fulton County) as well as Clayton County in order to facilitate the generation of experience tables to highlight sentencing differences between these two jurisdictions.

## 2. Development and Testing of Draft Coding Manual: Assessment of Available Information

Pursuant to their agreement at the January site meeting, consultants Bellows and DiIlio developed a draft coding manual (Section II B., pp 13-24) and submitted it to the court for review in February. A second site visit was scheduled for February 22-23 for the purpose of discussing the draft coding manual with the judges and testing it against current court records. During this second site visit, the consultants focussed their attention upon the arrangement and distribution of the court's case file information.

In regard to the potential quality of information that might be derived from a coding effort, the consultants noted a number of problems (See Section II C., pp 25-31). First, the required case file information was spread

around the court system in its various components. Although the case files generated and maintained by the District Attorney appeared to be the most complete in terms of providing the typical information usually associated with sentencing decisions, these records did not consistently provide the information necessary to construct a guideline system. Thus, it appeared that, in order for coders to obtain such information, they would have to move from court component to court component to round it up. An additional problem, however, was that there was no consistency to the items of data missing from each component so that a uniform system of coding -- even if it did involve moving from component to component -- would not be feasible. Basic data collection would be further complicated by the fact that, beyond court docket records, there did not seem to be a reliable case numbering system that would facilitate the identification and subsequent location of selected cases for coding with the result that each case would have to be handled as a separate entity.

In regard to the quantity of information available, the consultants noted that the number of cases processed by the court was small in terms of providing the basis for experience tables. Thus, if Clayton sentencing records alone were used, they estimated that the guidelines development effort could require close to three years.

The consultants further noted that the standard research process applicable to guideline development was inhibited by the nature of the sentencing decision-making process in Clayton County. Sentencing decisions were the results of a negotiation process which occurred at the pre-trial conference of the judge, the district attorney and the defense counsel. Although the sentencing decision-making process was structured and relevant factors could be discovered through careful research, these factors were not apparent in

the written record and special research methods would need to be devised to discern them.

3. Recommended Strategies for Developing Sentencing Guidelines

On the basis of these findings, the consultants suggested that Clayton County consider two possible strategies for developing sentencing guidelines (See Section II D., pp 32-34). The first would be to develop guidelines using data from another jurisdiction (Fulton or DeKalb County) which could be coded from the files. The second would be to develop an interim set of guidelines for Clayton County based on the factors which had been used by sentencing guidelines projects in other jurisdictions as well as information derived from interviews with Clayton County officials (judges, district attorneys, defense attorneys and probation officers) to determine what factors they felt were most important to the sentencing decisions. This second strategy, the consultants felt, might be most feasible and they therefore outlined the major tasks which it would require.

Upon consideration of these two alternatives, Clayton County officials elected to develop the interim guidelines based on Clayton County information. The consultants then began the development of two data collection instruments which would be used to gather the information necessary for guideline development.

4. Collection of Case Data and Sentencing Information

The "Case Data Collection Sheet", (See Section II E. pp 34-38) was designed for use by court staff to record sentencing information on each case. The "Sentencing Questionnaire" (See Section II F., pp 39-44) was to be used by representatives of the local legal community to record their rankings of the relative seriousness of various offense and offender characteristics. When this information was compiled, it would be analysed by the consultants

and incorporated into a set of interim guidelines which could then be reviewed and tested in the court.

The data collection instruments were sent to the court in June 1979 and court staff began recording the case data information at that time. The sentencing questionnaires were completed by local officials during the next several weeks and fifteen completed questionnaires were returned by Judge Miller to the CCTAP in July. The responses were analysed by the consultants and summarized in a report to the court in September 1979 (See Section II G., pp 45-54). The report provided an overall analysis of all of the questionnaires as well as an analysis of the three main sub-groups represented (judiciary, prosecution and defense). In addition, questionnaire items were ranked in terms of their relative seriousness of the officials involved.

5. Subsequent Activities

Since receipt of this analysis, the court has continued to collect the case data information which can potentially provide a sufficient base of information to develop sentencing guidelines. No further action, however, has been taken on the analytic findings of the sentencing questionnaire responses and the development of interim sentencing guidelines has therefore been deferred for the present time.

The technical assistance required to respond to this request called for the help of many local Clayton County officials and representatives from the Georgia Administrative Office of the Courts. Although space precludes a listing of all of the individuals who worked with the CCTAP during the course of this project, particular appreciation is expressed to Judge Miller, Joe Mundy, Clerk of the Court, and Tom Langley of the Probation Office for their help in gathering needed information and making available local resources to support this effort. Limited additional technical assistance resources will

be made available to the court in the event a decision is made to complete the guideline development process.

## II. MATERIALS DEVELOPED DURING THE COURSE OF THE TECHNICAL ASSISTANCE

### A. Report of Preliminary Planning Meeting Regarding the Feasibility of Developing Sentencing Guidelines, February 12, 1979

#### 1. Introduction

The purpose of the consultancy was to make an initial assessment of the feasibility of developing a statistically based sentencing guideline model for use in the Clayton County, Georgia Superior Criminal Court.

#### 2. General Comments

Included in this memorandum report is a step-by-step outline of the stages necessary to develop, test and implement a sentencing guideline system for the Clayton County Court.

The principle problem in the initial stages of this particular effort is centered on the nature of the prior sentencing data. This is a relatively small court and thus the number of recent (i.e., past year) cases by particular offense charges is relatively small. This makes the construction of dependable experience tables difficult.

The second area of concern focusses on the fact that only 20% of the sentencings in the court are accompanied by a pre-sentence investigation (PSI's). The implications of this fact are:

- a. Social stability/employment data is found only in PSI cases, and is therefore unavailable for use in building a construction model.

- b. Coding of raw data to the guidelines is more time consuming and subject to greater coder error, when the coding activity is centered on case file rather than PSI format.

Thirdly, the nature of the plea/sentencing bargaining arrangement is such that specific and unique model testing elements will have to be devised. This issue will be developed in subsequent reports.

### 3. Recommendations

As suggested to the judges, data might be collected simultaneously in the Clayton County Court, as well as the Criminal Courts in Atlanta. Implications here are:

- a. Collecting data in Atlanta would facilitate the generation of experience tables in the shortest possible time (other similar jurisdictions might be used in lieu of or in addition to Atlanta).
- b. Collecting data in Atlanta might dovetail with other LEAA Guidelines projects (i.e., Multi-jurisdictional efforts of the National Institute of Law Enforcement and Criminal Justice) and be compatible with the Clayton County work.
- c. Collecting data in Atlanta and testing it in the Clayton County Court might indicate sentencing differences, if any, between the two courts.

Specific coding manuals will be constructed for Clayton County (excluding social stability/employment variables). After testing of the coding manuals, on-site training will be held for local coders.

Conferences with the Clayton County judges and the District Attorney's office should be held to determine the locus of guideline input into the sentencing decision.

The research/consulting team working on this project has suggested to the Clayton County Court that we proceed on the design and development of a sentencing guideline mode. We have agreed to determine feasibility on a step-by-step basis.

### 4. Guideline Development Plan

Our initial survey of the court's and the district attorney's files, as well as presentence report, indicates that while information is not ideally organized for coding purposes, there is an existing data base from which it is possible to develop sentencing guidelines. While it appears that the kind of information needed is consistently present in the various files, it is important to confirm this by testing a coding manual on a sample of cases. The next logical step, therefore, is for the consultants to develop a draft coding manual based on the information gathered during the initial site visit and then to spend two days at the site testing the manual and training coders if appropriate. By way of a recommendation we have set out in some detail the research steps involved in developing guidelines and the resources needed for each step.<sup>1</sup> The extent of involvement of the consultants in the actual research process will depend on availability and research skill of personnel in the Clayton County court system.

The research steps may be outlined as follows:

- a. Construction Stage
  - (1) Development of coding manual
    - (a) Consultants develop and test coding manual on a sample of files.
    - (b) Judges review coding manual to be sure categories conform to practices in Clayton County.
    - (c) Coders (court personnel) trained to code data.
  - (2) Selection and listing (including assignment of identification numbers) of cases which are to be coded. In order to have enough cases to support the findings, it will probably be necessary to use all cases for a period of two years or to use cases from other jurisdictions. Approximately 1200 cases are needed.<sup>2</sup>

<sup>1</sup>The chart on page 5 summarizes this process, gives an approximate timetable and indicates the necessary points of judge involvement.

<sup>2</sup>The rule of thumb for a valid regression analysis is that 40 cases per variable analyzed are needed.

- (3) Coding - translation of information contained in court files into machine readable and analyzable form.
- (4) Periodic checks by consultants on inter-coder reliability.
- (5) Key punching and data cleaning.
- (6) Analysis and Modeling.
  - (a) Data analysis - using standard statistical computer packages in order to determine the most important factors used in the sentencing decision.
  - (b) Modeling - using various sets of the factors found to be most important in the sentencing decision. A number of models can be developed for presentation to the judges.
- (7) Model Testing and Choice
  - (a) Testing and discussion with judges on how to weigh the factors which predict the sentencing decision.
  - (b) Judges choose a model.
- (8) Testing of model in courtroom against current sentences to see how well it conforms to present policy. Judge will:
  - (a) Sentence in traditional way.
  - (b) Fill out score sheet and look at guideline sentence.
  - (c) If his sentence differs, will indicate to the research analysts his reasons for differing.
- b. Validation Stage
  - (9) Validation of model
    - (a) Small sample of current cases will be coded as they come through the system.
    - (b) Data then analyzed to see extent to which the model conforms to current sentencing practice.
  - (10) Model adjustments made on the basis of courtroom testing and analysis of coded data.
  - (11) Implementation and development of a guideline monitoring system.

ACTIVITY	RESOURCE	TIME	JUDGE INVOLVEMENT	CONSULTANT INVOLVEMENT	
Development of Coding Manual, Testing, Training.	Consultants, Staff with knowledge of court system, social science	2 - 4 weeks	Review Coding Manual for accuracy	Maximum	1
Selection and listing of cases to be coded	Clerical Staff	1 week	NONE	NONE	2
Coding	Court Staff familiar with court system	3 - 7 months	NONE	Minimal	3
Periodic Reliability Checks	Trained court staff/consultants	Same time period as above	NONE	NONE - Minimal	4
Key punching and Data Cleaning	Court staff with knowledge of statistics and SPSS; Consultants	1 - 2 months	NONE	Minimal - Maximum	5
Data Analysis Modeling	" "	1 - 3 months	Discussion of analysis results; suggestions for analysis	" "	6
Model Testing and choice	" " Knowledge of Fortran	" "	Preliminary Decisions on which factors and how to weigh	" "	7
Courtroom Testing	" " Knowledge of Fortran	3 - 6 months	Discussions as to reasons for differing from guideline and as to adjustments desired	" "	8
Validation	" " Knowledge of Fortran	During same 3 - 6 months as above	Decisions as to how to make adjustments	" "	9
Model adjustments	" "	1 - 2 months	Final decisions as to what factors and weights included	" "	10
Implementation and Monitoring	Court staff with minimal social science knowledge	-----	Use of guidelines	None - Minimal	11

B. Draft Coding Manual, February 1979

1. General Instructions

Use of "9"

The number "9" connotes the "missing value" category to be used when there is no information in the case file or presentence report about a variable. Following the logic from above, use "9", "99", "999" and "9999" to represent "missing value".

- a. The identification number which is to be coded two (2) times (once for each card), has a space for five (5) digits. The first four (left to right) are to be assigned consecutively, starting at "0001" for the first case. The fifth digit identifies the card currently being coded and will be either "1" or "2". See Case List for Identification Number.
- b. When an "other" variable is coded, list briefly on the coding sheet the value which necessitated the departure from the assigned values.
- c. For the purposes of this coding, robbery is to be considered a personal crime.
- d. Whenever dealing with prior record history, present offense information is to be excluded. For example, in Total Number of Adult Convictions, it is possible to code a "00 - never arrested" because it refers to prior record, which does not include the current offense.
- e. When coding Number of Prior Arrests, Prior Convictions, and Prior Incarcerations, code only those offenses where the potential maximum statutory penalty is over thirty (30) days' incarceration. When priors are out-of-state or federal offenses and the punishment is not specified, use the sentence the offense would receive under the corresponding Georgia statutes.
- f. In coding those sets of variables which deal with more than one offense, the most serious is to be coded first. See Master List for seriousness code. In cases where there is no difference in seriousness, code the crime with the higher statute number first.

- g. In coding prior criminal history variables, if more than one (1) offense is involved at a particular arrest or conviction, only the most serious offense is to be coded. Follow the directions in (#6) above in determining the most serious offense.
- h. Consider each "count" of a crime as a "charge" if the offender is being sentenced (consecutively or concurrently) on each count.
- i. When coding victim variables, if there is more than one victim involved in more than one charge, code the victim of the most serious charge.

Card 1

ID #	Case Number/Card Number	Col. No
	Date of Sentencing Year, Month 9999 = Missing Value	1 - 5 6 - 9
	Date of Arrest Year, Month, day 999999 = Missing Value	10 - 15
Var 01 BIRTH	Birth Date, year only 99 = Missing Value	16 - 17
Var 02 SEX	OFFENDER'S SEX 1 = Male 2 = Female 9 = Missing Value	18
Var 03 NOFO	NUMBER OF OFFENSES-ORIGINAL CHARGE(S) 01-25 = Number of Offenses, original charges 26 = Over 25 99 = Missing Value	19 - 20
Var 04 OF01	MASTER LIST NUMBER OF FIRST OFFENSE-ORIGINAL CHARGES 999 = Missing Value	21 - 23

This variable refers to the instant offense charged in the complaint.

Col. No

In those cases in which a defendant was charged with more than one offense, code the most serious offense first -- see General Instruction six (6).

Continue using these criteria to code (according to seriousness) second and third offense as required.

See list for seriousness code.

Var 05  
OF02      MASTER LIST NUMBER OF SECOND OFFENSE-ORIGINAL CHARGES      24 - 26  
000 = No Second Offense  
999 = Missing Value

If there is a second offense, code here according to seriousness.

Var 06  
OF03      MASTER LIST NUMBER OF THIRD OFFENSE-ORIGINAL CHARGES      27 - 29  
000 = No Third Offense  
999 = Missing Value

If there is a third offense, code here according to seriousness.

Var 07  
NOFF      NUMBER OF OFFENSES-CONVICTED      30 - 31  
01-25 = Number of offenses convicted  
26 = Over 25  
99 = Missing Value

Var 08  
OFF1      MASTER LIST NUMBER OF FIRST OFFENSE-FINAL CHARGES      32 - 34  
999 = Missing Value

In those cases in which a defendant was charged with more than one offense, code the most serious offense first. See General Instruction number six (6).

Continue using this criterion (seriousness) to code the second and third offenses as required.

Var 09  
OFF2      MASTER LIST NUMBER OF SECOND OFFENSE-FINAL CHARGES      35 - 37  
000 = No Second Offense  
999 = Missing Value

Var 10  
OFF3      MASTER LIST NUMBER OF THIRD OFFENSE-FINAL CHARGES      38 - 40  
000 = No Third Offense  
999 = Missing Value

Col. No

Var 11      BASIS OF ADJUDICATION      41  
ADJUD      1 = Guilty or Nolo Plea  
2 = Conviction After Trial  
9 = Missing Value

Var 12      TYPE OF SENTENCE      42 - 43  
TYPSEN      01 = Suspended Sentence  
02 = Monetary Penalty Only  
03 = Probation-Youthful Offender  
04 = Adult Probation  
05 = Adult Probation-Special Conditions  
06 = Youthful Offender Commitment  
07 = Time To Serve  
08 = Split Sentence  
09 = Other  
99 = Missing Value

Var 13      LENGTH OF PROBATION 1      44 - 46  
PROB1      000 = No Probation Imposed  
001-996 = Length of Probation (in months)  
999 = Missing Value

Code probation here (columns 44-46) only if the offender received probation on the first and most serious offense at conviction. If the offender received a commitment or a time to serve sentence on the first and most serious offense, code "000" here, and the commitment or time under VAR 17.

Var 14      LENGTH OF PROBATION 2      47 - 49  
PROB2      000 = No Probation Imposed  
001-996 = Length of Probation (months)  
999 = Missing Value

Code probation here only if the offender received probation on the second offense at conviction. If the offender received a sentence other than probation code "000" here.

Var 15      LENGTH OF PROBATION 3      50 - 52  
PROB3      000 = No Probation Imposed  
001-996 = Length of Probation (months)  
999 = Missing Value

Code probation here only if the offender received probation on the third offense at conviction. If the offender received a sentence other than probation code "000" here.

Var 16      TOTAL LENGTH OF PROBATION      53 - 55  
TOPROB      000 = No Probation Imposed  
001-996 = Length of Probation (months)  
999 = Missing Value

Col. No

If the offender received more than one sentence of probation and those sentences were consecutive, add the sentences and code here.

If the offender received more than one probation sentence and those sentences were concurrent do not add the sentences. Code only the longest probation sentence imposed.

Var 17  
TIME1  
LENGTH OF TIME TO SERVE OR COMMITMENT 1 56 - 58  
000 = No time imposed or time suspended  
001-480 = Length of time (in months)  
481 = Life  
600 = Death  
999 = Missing Value

Code here only if the offender received a commitment or a time to serve sentence on the first and most serious offense. If the offender received a probation sentence on the first offense code "000" here, and the probation sentence under VAR 13.

Var 18  
TIME2  
LENGTH OF TIME TO SERVE OR COMMITMENT 2 59 - 61  
000 = No time or commitment imposed  
001-480 = Length of time (in months)  
999 = Missing Value

Code here only if the offender received a commitment or time to serve sentence on the second offense at conviction. If the offender received a sentence other than commitment or time to serve code "000" here.

Var 19  
TIME3  
LENGTH OF TIME TO SERVE OR COMMITMENT 3 62 - 64  
000 = No time or commitment imposed  
001-480 = Length of time (in months)  
999 = Missing Value

Code here only if the offender received a commitment or time to serve sentence on the third offense at conviction. If the offender received a sentence other than commitment or time to serve, code "000" here.

Var 20  
TOTIME  
TOTAL LENGTH TIME TO SERVE/COMMITMENT 65 - 67  
000 = No Incarceration Imposed or Incarceration suspended  
001-996 = Number of Months  
999 = Missing Value

Col. No

Code life and death sentences under time/commitment 1. Code the length of time/commitment regardless of whether it was the only sanction imposed or whether it was imposed in conjunction with another sanction. If time/commitment was imposed and suspended, code as "000". If consecutive sentences were imposed, add the sentences to determine the total period of time/commitment. If concurrent sentences were imposed, code the longest period imposed as the total time/commitment.

Var 21  
VICNO  
NUMBER OF VICTIMS 68  
0 = No Victims  
1-4 = Number of Victims  
5 = 5 to 10 Victims  
6 = 11 or above  
9 = Missing Value

Var 22  
PERP  
NUMBER OF PERPETRATORS IN PRESENT OFFENSE 69  
1-5 = Number  
6 = 6-10  
7 = 11 or above  
9 = Missing Value

This variable refers to real offense behavior. Code the total number of perpetrators or co-conspirators involved in the present offense including any not brought to trial with the offender. NOTE: The number will always include the offender; there can be no "00" value for this item.

Var 23  
UWEAP  
WEAPON USAGE 70  
0 = No weapon involved  
1 = Weapon threatened but not observed  
2 = Weapon used to threaten victim, bystander or police  
3 = Weapon used in attempt to injure victim  
4 = Weapon used to injure victim  
9 = Missing Value

This variable refers to the "real offense" behavior. "Weapon" refers to any article or device which is capable of causing injury. This includes firearms, explosives, incendiaries, knives, pocket knives, etc. "Weapon" does not include parts of the body, i.e., hand or foot, unless the offender is a professional in some form of self-defense.

END OF CARD "1"

ID # Case Number/Card Number Col. No  
1 - 5

Var 24 TYPE OF WEAPON INVOLVED: PRESENT OFFENSE 6  
TWEAP

- 0 = No weapon
- 1 = Blunt instrument
- 2 = Knife/sharp instrument
- 3 = Chemical or explosives
- 4 = Handgun
- 5 = Long gun
- 6 = Other (list: \_\_\_\_\_)
- 9 = Missing Value

Any weapon capable of inflicting a stab wound by itself should be coded as value "2". Anything able to be used as a club or a weight device, not otherwise eligible as a gun or knife, should be coded as "blunt instrument"- "1".

Code "3" is any material/substance able to produce a toxic effect on a recipient; an explosive or an incendiary. Code "5" includes sawed-off shot guns. An example of "other" would be a feigned weapon.

Var 25 INJURY TO VICTIM 7  
VICINJ

- 0 = No injury, No victim
- 1 = Injured, no hospital treatment required
- 2 = Injured, hospital treatment required
- 3 = Injured, hospitalization, no permanent damage
- 4 = Injured, hospitalization, permanent damage
- 5 = Death
- 9 = Missing Value

Code "1" when the victim was injured, but there is no mention of hospital treatment.

Code "2" when the victim required treatment in a hospital but was not admitted.

Codes "3, 4, 5 and 9" are self-explanatory.

Var 26 AMOUNT OF PROPERTY INVOLVED IN OFFENSE 8  
PROP

- 0 = No Loss
- 1 = \$1-100
- 2 = \$101-500
- 3 = \$501-750
- 4 = \$751-1000
- 5 = \$1001-2500
- 6 = \$2501-5000
- 7 = \$5001-10,000
- 8 = More than \$10,000
- 9 = Missing Value

Col. No

NOTE: This variable refers to the "real offense" behavior. Code the value of any item taken by the offender and/or the amount of money stolen even if the item or amount was recovered in whole or part or if restitution was made. If the value of an item is not stated in dollars, code its estimated retail worth using a moderate price range unless it is specifically stated to be of high or low value.

Var 27  
SYSREL

RELATIONSHIP TO CRIMINAL JUSTICE SYSTEM-  
TIME OF OFFENSE

- 0 = None
- 1 = Free, out on bail, other cases pending
- 2 = Youthful Offender Supervision-Probation
- 3 = Conditional Release
- 4 = Adult Probation
- 5 = Parole
- 6 = Incarcerated
- 7 = Other
- 9 = Missing Value

Var 28  
PROBREV

NUMBER OF PROBATION REVOCATIONS

- 0 = None
- 1-5 = Number of Violations
- 6 = 6-10 Violations
- 7 = More than 10 Violations
- 9 = Missing Value

Var 29  
PARREV

NUMBER OF PAROLE/CONDITIONAL RELEASE REVOCATIONS  
See PROBVIOL

Var 30  
AGEARST

AGE AT FIRST ADULT ARREST

- 00 = No Prior Adult Arrests
- 01-95 = Age
- 99 = Missing Value

Record the age at which the offender was first arrested, including the present arrest.

There may be instances where, although a first arrest is clearly identified by date, e.g., he was arrested on October 31, 1970 for burglary, there are indications of "other" arrests which may or may not be prior to the arrest of October 31, 1970. In such instances, the clearly identified date should be considered the date of first arrest. If the coder can determine when the "other" arrest occurred, he may use their dates to establish age at first arrest. Age at first arrest should be considered missing only when there is no information available as to when a "first" arrest occurred.

		<u>Col. No</u>
Var 31 MIS	<u>PRIOR MISDEMEANOR ARRESTS-CRIMES AGAINST A PERSON</u> 00 = None 01-95 = Number of Arrests 96 = Arrests Noted, Unable to Ascertain Number 99 = Missing Value  See list for classification of offenses.	14 - 15
Var 32 MISPER	<u>PRIOR MISDEMEANOR ARRESTS-CRIMES NOT AGAINST A PERSON</u> 00 = None 01-95 = Number of Arrests 96 = Arrests Noted, Unable to Ascertain Number  See list for classification of offenses.	16 - 17
Var 33 FEL	<u>PRIOR FELONY ARRESTS-CRIMES AGAINST A PERSON</u> 00 = None 01-95 = Number of Arrests 96 = Arrests Noted, Unable to Ascertain Number 99 = Missing Value	18 - 19
Var 34 FELP	<u>PRIOR FELONY ARRESTS-CRIMES AGAINST A PERSON</u> 00 = No Prior Arrests 01-95 = Number of Arrests 96 = Arrests Noted, Unable to Ascertain Number 99 = Missing Value	20 - 21
Var 35 TARST	<u>TOTAL NUMBER OF PRIOR ARRESTS</u> 0 = None 1-95 = Number of Arrests 96 = Arrests Noted, Unable to Ascertain Number 99 = Missing Value  Exclude present offense(s). Code only offenses which appear on the Master List. Exclude juvenile arrests. Do not code military, traffic or civil arrests when there is no counterpart on the master sheet. Do not count contacts with criminal justice agencies which are not clearly identified as an arrest.	22 - 23

		<u>Col. No</u>
Var 36 AGECON	<u>AGE AT FIRST ADULT CONVICTION</u> 00 = No Prior convictions 01-95 = Age 96 = Conviction Noted, Unable to Ascertain age 99 = Missing Value	24 - 25
Var 37 MISPCON	<u>NUMBER OF PRIOR ADULT MISDEMEANOR CONVICTIONS - CRIMES AGAINST A PERSON</u> 00 = No Prior Convictions 01-95 = Number of Prior Convictions 96 = Convictions Noted, Unable to Ascertain Number 99 = Missing Value	26 - 27
Var 38 MISCON	<u>NUMBER OF PRIOR ADULT MISDEMEANOR CONVICTIONS - CRIMES NOT AGAINST A PERSON</u> 00 = No Prior Convictions 01-95 = Number of Prior Convictions 96 = Convictions Noted, Unable to Ascertain Number 99 = Missing Value	28 - 29
Var 39 FELPCON	<u>NUMBER OF PRIOR ADULT FELONY CONVICTIONS-CRIMES AGAINST A PERSON</u> 00 = No Prior Convictions 01-95 = Number of Prior Convictions 96 = Convictions Noted, Unable to Ascertain Number 99 = Missing Value	30 - 31
Var 40 FELCON	<u>NUMBER OF PRIOR ADULT FELONY CONVICTIONS-CRIMES NOT AGAINST A PERSON</u> 00 = No Prior Convictions 01-95 = Number of Prior Convictions 96 = Convictions Noted, Unable to Ascertain Number 99 = Missing Value	32 - 33
Var 41 CON	<u>TOTAL NUMBER OF PRIOR ADULT CONVICTIONS</u> 00 = No prior convictions 01-95 = Number of convictions 96 = Convictions Noted, Unable to Ascertain Number 99 = Missing Value  Exclude present offense(s) and juvenile adjudications. Code only adult criminal offenses appearing on the master list. Exclude traffic, military and civil offenses.	34 - 35

		<u>Col. No</u>
Var 42 AINC	<u>TOTAL NUMBER OF PRIOR ADULT INCARCERATIONS RESULTING FROM PRIOR CRIMINAL CONVICTIONS</u> 00 = No Incarceration 01-25 = Number of Incarcerations 26 = Over 25 Incarcerations 99 = Missing Value	36 - 37
	This item refers to actual incarcerations resulting from adult criminal convictions for offenses listed on the master list. Do not count pretrial or presentence detentions. Do not count incarcerations of 30 days or less.	
	NOTE: Confinement after escape or parole violation is not a new incarceration; revocation of probation resulting in incarceration is a new incarceration for this item.	
Var 43 AGEINC	<u>AGE AT FIRST ADULT INCARCERATION</u> 00 = No prior incarceration, convicted but not incarcerated for 30 days or one month. 12-95 = Age at first adult incarceration 96 = Incarceration occurred, unable to ascertain offender's age 99 = Missing Value	38 - 39
Var 44	<u>HIGHEST SCHOOL GRADE COMPLETED BY OFFENDER</u> 00 = No schooling 01-18 = Grade school 09-12 = High school 13-16 = Undergraduate 17 = Graduate 99 = Missing Value	40 - 41
Var 45 RACE	<u>OFFENDER'S RACE</u> 0 = White 1 = Black 2 = Puerto Rican 3 = Other 9 = Missing Value	42
Var 46 PRESEMP	<u>PRESENT EMPLOYMENT</u> 0 = None, unemployed 1 = Employment 2 = School 3 = Employment and School 9 = Missing Value	43

		<u>Col. No</u>
Var 47 LPRESEMP	<u>PRESENT EMPLOYMENT-LENGTH</u> 000 = None, Unemployed 001-600 = Number of Months 999 = Missing Value	44 - 46
Var 48 PRIOREMP	<u>PRIOR EMPLOYMENT</u> 0 = None 1 = Employment 2 = School 3 = Employment and School 9 = Missing Value	47
Var 49 PRIOREM	<u>PRIOR EMPLOYMENT-LENGTH</u> See LPRESEMP	48 - 50
Var 50 TCONS	<u>AMOUNT OF TIME ELAPSED BETWEEN FIRST CONVICTION AND PRESENT CONVICTIONS</u> 00 = Less Than One Month 01-78 = Number of Months 79 = Seven Years 80 = Eight Years 81 = Nine Years 82 = Ten Years 83 = Eleven to Fifteen Years 84 = Sixteen to Twenty Years 85 = Over Twenty Years 97 = No Prior Convictions	51 - 52
Var 51 NCONS	<u>AMOUNT OF TIME ELAPSED BETWEEN MOST RECENT AND PRESENT CONVICTIONS</u> 00 = Less Than One Month 01-78 = Number of Months 79 = Seven Years 80 = Eight Years 81 = Nine Years 82 = Ten Years 83 = Eleven to Fifteen Years 84 = Sixteen to Twenty Years 85 = Over Twenty Years 97 = No Prior Convictions	53 - 54
Var 52 TBURG	<u>TYPE OF BURGLARY</u> 0 = Large Business Organization, Warehouse; Not a Burglary Offense 1 = Private Citizen, Small Store	55
	Code "0" if the offense was a burglary and was committed against a large store, business or warehouse or if the offense was not a burglary.	
	Code "1" if the burglary was committed against a small "Mom and Pop" store or a private residence.	

C. Coding Manual Testing: Assessment of Available Information,

February 27, 1979

1. Introduction

The purpose of the consultancy was to make an initial assessment of the operational performance of a draft coding manual for developing sentencing guidelines for the Clayton County, Georgia Superior Criminal Court.

2. General Comments

Included in this memorandum (See Sandra deIllo's site report) are remarks regarding the nature of the Clayton County Superior Criminal Court's case file information. The arrangement and distribution of this information is such that typical coding procedures may not be applicable to this site. There are two basic issues related to the coding phase: Quality and Quantity.

Issue One: Quality. It appears, on the basis of our coding manual testing efforts, that the case file information necessary to basic coding is spread around the court system in its various components. The case files generated and maintained by the District Attorney's Office, seem to be the most complete

record from the standpoint of the presence of the typical information items usually associated with sentencing decisions. These records, however, do not consistently provide the necessary information. The missing information may or may not be available from other court records information components within the Clayton Court System. The implications suggest that coders would have to move from court component to court component to "round-up" the necessary information. Unfortunately, there is no consistency to the missing data. That is, certain kinds of information may be missing from one case while other information may be missing from the next case. The result is that a uniform system of coding which fills in missing data by moving the coding operation from component to component does not appear to be feasible.

Basic data collection is further complicated by the fact that beyond court docket records there does not seem to be a reliable case numbering system that would facilitate the identification and subsequent location of selected cases for coding, in terms of building a pool of historical data from past sentencing decisions. The nature of the basic court information is such that each case would have to be handled as a separate entity.

Estimates of initial coding time of one hour per case should

be considered optimistic given the nature of the court's information system. Potential resolutions of the quality issue will be discussed in Part C (Recommendations) of this memorandum.

Issue Two: Quantity. As discussed in a prior memorandum (2-12-79), the number of cases processed by the Clayton Court is small (in terms of building experience tables). The implication is that if Clayton sentencing records are to be used exclusively, the term of the research project (from feasibility models to final implementation) may run near to three years.

### 3. Recommendations

Perhaps both issues identified above could be approached by the utilization of other Georgia court systems to complement Clayton Court activities. Toward this end, the research consultants have begun certain initial steps:

- a. A master case list (with I.D. number, defendant's name, charge at conviction, sentence and date, and sentencing judge's name) will now be compiled by the office of the Superior Criminal Court. This will facilitate the identification and location of specific pertinent case file information for future guideline activity (validation stage).

- b. As time permits, clerks office personnel are reviewing past (last two years) case summary records in an effort to identify and build a list of appropriate cases for historical analysis of Clayton Court sentencing practices.
- c. Discussions with Mr. Bert Baun were held in order to determine what other court systems could contribute to the Clayton guidelines effort. Mr. Baun agreed to initiate discussions with Mr. Mundy (Clerk of the Clayton Superior Court) regarding his (Mr. Mundy's) involvement in securing the cooperation of Mr. Chandler Bridges (Clerk of the Dekalb Superior Court) to determine the availability of the Dekalb Court as a resource site.
- d. Discussions were held with Mr. John Shope (Assistant Director for Operations, Judicial Council of Georgia) regarding the availability of the Fulton Superior Court (Atlanta) as a resource site. Mr. Shope was very supportive and suggested that the consultants make a site visit to Atlanta to: (a) "walk-through" the Fulton criminal court information system, and (b) to run preliminary tests of the draft coding manual if appropriate. Toward this same end, discussions were

also held with Judge Marvin Miller (Clayton Superior Court). Judge Miller suggested that the Fulton Court may be the best option and supplied a list of seven Fulton judges (See attachment) who he felt might cooperate. Judge Miller also agreed to contact each of these judges personally regarding the guideline activity should we decide to exercise this option.

e. General discussions regarding required local funding were held with Judge Miller. He requested estimated years activity figures for inclusion in his budget statement. The consultants estimated \$4,000 coding costs (based on 1200 cases at one hour per case and \$3.00 per hour) for the initial phase. Judge Miller indicated he would request \$8,000 to \$10,000 to support guideline activity for the calendar year.

f. The next steps recommended by the consultants are:

(1) Discussion and subsequent design of record-keeping systems (tailored to the needs of the guideline) with Mr. Bob Keller (Clayton District Attorney), for future application to guideline activity (validation phase). Estimated consultant time: one preparation day; one on-site day.

(2) Visitation to the Fulton Superior Court and the

Dekalb Superior Court for the purpose of:

1. determining the level of potential cooperation,
2. assessment of existing information, and
3. initial system coding manual testing if appropriate.

Estimated consultant time: two on-site man days per site.

(Note: Perhaps Fulton should be explored first and Dekalb held in reserve if Fulton isn't capable of supplying the required assistance.)

ATTACHMENT A

Fulton County Judges Who Might Be Interested In Participating  
In The Clayton Guidelines Effort

Judge Alverson

Judge Fryer

Judge Langford

Judge McKenzie

Judge Tidwell

Judge Ward

Judge Weltner

D. Recommended Strategies for Developing Sentencing Guidelines, March 1979

1. Introduction

The major purpose of this visit to Clayton County (February 22nd and 23rd, 1979) was to test the coding manual developed as a result of our previous visit. This was done by pulling the D.A.'s files at random (these are the files containing the most information) and actually attempting to code a small number of cases using the coding manual. The docket books were also checked to see if they could provide adequate information as to the type and length of sentence. Although it appeared at first that the files (though disorganized) contained enough information to serve as a data base for the development of sentencing guidelines, a systematic test of the coding manual reveals that this is not the case. The state of the files combined with the nature of the decision-making process itself make it impossible to use the information as it is now organized in Clayton County to develop guidelines in the way they have been developed in other jurisdictions. This does not mean, however, that it is not possible to develop guidelines in Clayton County through creative use of research methodology. The research problems and their alternative solutions are detailed below.

2. The Existing Situation

The existing situation in Clayton County makes the standard research process impossible for two reasons -- the state of the files and the nature of the decision-making process.

a. The Files - While there is some information contained in the D.A.'s files, it is neither sufficient nor consistently present. There is a summary sheet attached to the last page of the folder which would be helpful, but in most cases it was not filled out. Thus, it is impossible to consistently find such basic items of information as sentence date, number and nature of original charges, sentence type and sentence length. While it might be possible to piece together some information using the docket books, the court files and the D.A.'s files, the time and expense required to do this would be prohibitive.

b. The Nature of the Decision - Making Process - Most sentences in Clayton County are bargained among the judge, the D.A. and defense counsel at a pre-trial conference. Thus, the sentencing decision is a negotiated one made as a result of a fairly informal discussion. This

is not to say, that decision-making is unstructured or that the key factors in the sentencing decision are not discoverable through careful research. It is merely to suggest that the salient factors in the Clayton County sentencing decision do not, at present, appear in the written record. And that it will be necessary to discover them through the use of research methods different from those used in developing sentencing guidelines in other jurisdictions.

### 3. Recommendations

There are two strategies which may be used for the development of sentencing guidelines for Clayton, County. One is to develop guidelines for Clayton County using data from another jurisdiction (Fulton or Dekalb County) in which it is feasible to code from the files. This, of course, would involve another trip in order to determine the usability of the files in the other jurisdiction. The second research strategy is to develop an interim set of guidelines for Clayton based on our prior experience in other jurisdiction and on site interviews of appropriate personnel in Clayton County (the judges, D.A., defense attorneys) in order to determine what factors they feel are most important to the sentencing decision. In the interest of providing Clayton County's judges with guidelines as soon as possible, the second strategy seems best. The steps in this research process are outline below:

- a. Consultants develop an interview schedule using their knowledge of the factors usually found to be most important in the sentencing decision.
- b. Consultants also design a record keeping system (perhaps a single sheet). Court personnel are instructed to begin keeping this information so that data may be coded for the testing of the interim guidelines.
- c. Relevant personnel are interviewed to determine which factors they perceive as most important to the sentencing decision.
- d. Consultants develop and administer a ranking scale to judges in order to determine seriousness of offense.
- e. Consultants determine from the interviews and rankings the factors used in sentencing.
- f. Using information supplied by the Clayton County Court as to sentence type and length, the consultants test these factors to see which ones best predict the sentencing decision.
- g. A model is developed and presented to the judges, for their use while data is being accumulated through the use of the consultant designed record keeping system.
- h. The interim guidelines are tested against actual data which

has been kept by the record keeping system. Guidelines adjusted on the basis of these findings.

### 4. Summary

The present state of the files and the nature of the decision-making process make it impossible to develop sentencing guidelines for Clayton County using the type of research strategy used in other jurisdictions. It is feasible, however, to develop an interim set of guidelines based on interview data for the judges' use while the necessary data base is built using a consultant designed record keeping system.

E. Sentencing Data Collection Sheet and Sentencing Questionnaire:

Explanation and Instructions for Completing

1. Sentencing-Data Collection Sheet

This document serves two basic purposes:

a. The general information categories are those thought to contain the basic data elements necessary to the development of a sentencing guideline "construction model."

(Given appropriate sample size.)

b. The document also provides an opportunity for the court system to do some of the initial "coding" necessary to modifying case file information into formats appropriate to quantitative analysis.

Splitting coding procedures into separate events may yield certain benefits.

(1) There is less opportunity to miss or lose critical information if that data is collected prior to, or at the time of, sentencing. (It becomes particularly difficult/costly to retrieve certain information once the case has progressed from an "active" to "closed" status.)

In the case of constructing sentencing guidelines it is essentially a matter of knowing what to collect

"out in front" of the sampling period.

(2) The two phase coding procedure should minimize total cost. Given that the Sentencing-Data Collection Sheet is completed for each case, the final coder will find a well organized and complete file from the standpoint of guidelines data.

From our experience in running preliminary tests of the Clayton County Coding Manual, final coding could be cut considerably with the adoption of the Sentencing-Data Collection Sheet system.

We would suggest that the Sentencing-Data Collection Sheet be presented to the judiciary and the prosecutor's office in a joint session/briefing. Decision points:

- Have opportunities for policy input been made available to affected branches of the judicial system? Is there a conformity of opinion present between the various agencies as to the objectives of the guidelines model?
- Is the full and complete implementation of the Sentencing-Data Collection Sheet activity a realistic objective within the resources of the judicial system?
- Does the judiciary feel any information should be included/deleted from the document?
- Does the prosecutor's office feel any information should be included/deleted from the document?

- Which office/department will maintain the "master" case file for guidelines information? (From our investigations it appears that the prosecutor's files contain most of the pertinent information. It would seem the logical place to center this activity.)
- Where should the responsibility for "completed" case files rest?
- Can working space be made available to coder(s) in the locale of the prosecutor's office? (Close access and space are crucial coder variables.)

2. Sentencing Questionnaire

The results of the sentencing questionnaire should provide us with the data to make some distinctions regarding the nature of the sentencing decision and selected variables associated with it. While data produced by the Sentencing-Data Collection Sheet will begin to generate an "explicit" sentencing policy, the questionnaire should yield an understanding of the "implicit" sentencing policy. These findings should enable us to appropriately weight dimensions on both the offender and offense indices.

3. Q-Sort

We have decided to hold the Q-Sort procedure back at least until we have analyzed the data from the Sentencing Questionnaire. We may find that the questionnaire provides the

necessary discriminations.

We have examined a listing of the most frequent offenses sentenced by the Clayton County Court. A great percentage of the convictions sentenced were under 79A-806 (5-30 years) and are otherwise undifferentiated in these data. The skewedness of the sample presents an awkward problem for Q-Sort. We are intrigued by the obstacles and still consider the procedure viable should the need arise.

4. Sequence of Research Activities to Follow:

- Analyze Sentencing Questionnaire
- Test Clayton County Coding Manual when an appropriate sample of "completed" files has been generated
- Train coders
- Coders: reliability check
- Collect data: Construction Sample I
- Analyze construction sample data
- Clayton County Model I
- Validation

F. SENTENCING QUESTIONNAIRE

Explanation and Instructions

The attached questionnaire is part of a study designed to develop sentencing guidelines for the Clayton County Superior Court. The items in the questionnaire were chosen on the basis of the factors which have been found to be most important to the sentencing decision in extensive studies in other jurisdictions. If there are factors which are not part of the questionnaire, but which you feel are important to your sentencing decision or recommendation, please list them and their degree of importance in the space provided at question number eighteen (18). Should you have any general comments on the questionnaire or the sentencing process in Clayton County, please feel free to make them in the space provided. Your experience and expertise will be invaluable to the success of this study.

To fill out the questionnaire, please follow the instructions below:

1. Indicate your position or occupation by checking the appropriate box at the top of the first page.
2. With each item place a check mark under the degree of importance you consider the factor to have in your sentencing decision/recommendation.
3. If you do not consider an item in making your sentencing decision/recommendation, so indicate by placing a check mark in the appropriate space.

Thank you for your time and cooperation.

SENTENCING QUESTIONNAIRE

- Judge
- Defense Attorney
- District Attorney
- Probation Officer

1. In determining my sentencing decision/recommendation, the seriousness of the offense as measured by its statutory classification is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
_____	_____	_____	_____	_____
Not Considered _____				

2. In determining my sentencing decision/recommendation, the use of a weapon during the commission of the offense is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
_____	_____	_____	_____	_____
Not Considered _____				

3. In determining my sentencing decision/recommendation, whether or not the defendant pled is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
_____	_____	_____	_____	_____
Not Considered _____				

4. In determining my sentencing decision/recommendation, the extent to which the victim(s) was injured during the commission of the offense is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
_____	_____	_____	_____	_____
Not Considered _____				

5. In determining my sentencing decision/recommendation, the type of weapon which was used during the commission of the offense is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
___	___	___	___	___
Not Considered ___				

6. In determining my sentencing decision/recommendation, the amount of property involved/lost in the offense is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
___	___	___	___	___
Not Considered ___				

7. In determining my sentencing decision/recommendation, the defendant's prior adult arrest record is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
___	___	___	___	___
Not Considered ___				

8. In determining my sentencing decision/recommendation, the defendant's prior adult conviction record is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
___	___	___	___	___
Not Considered ___				

9. In determining my sentencing decision/recommendation, the defendant's prior juvenile arrest record is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
___	___	___	___	___
Not Considered ___				

10. In determining my sentencing decision/recommendation, the defendant's prior juvenile adjudication record is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
___	___	___	___	___
Not Considered ___				

11. In determining my sentencing decision/recommendation, the defendant's record on probation and/or parole is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
___	___	___	___	___
Not Considered ___				

12. In determining my sentencing decision/recommendation, the defendant's relationship to the criminal justice system (i.e., was he on probation or parole) at the time of the offense is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
___	___	___	___	___
Not Considered ___				

13. In determining my sentencing decision/recommendation, the defendant's race is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
___	___	___	___	___
Not Considered ___				

14. In determining my sentencing decision/recommendation, whether or not the defendant completed high school is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
___	___	___	___	___
Not Considered ___				

15. In determining my sentencing decision/recommendation, whether a defendant is employed is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
_____	_____	_____	_____	_____
Not Considered _____				

16. In determining my sentencing decision/recommendation, whether or not the defendant has ever been incarcerated is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
_____	_____	_____	_____	_____
Not Considered _____				

17. In determining my sentencing decision/recommendation, the defendant's age is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
_____	_____	_____	_____	_____
Not Considered _____				

18. In determining my sentencing decision/recommendation, factors not mentioned above but which I consider to be important are the following:

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COMMENTS:

Judges Only

19. In determining my sentencing decision, the recommendation of the district attorney is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
_____	_____	_____	_____	_____
Not Considered _____				

20. In determining my sentencing decision, the recommendation of the defense counsel is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
_____	_____	_____	_____	_____
Not Considered _____				

21. In determining my sentencing decision, the recommendation of the Probation Department is a factor which is:

Most Important	Very Important	Important	Slightly Important	Not Important
_____	_____	_____	_____	_____
Not Considered _____				

G. Analysis of Sentencing Questionnaire Responses September 10, 1979

1. Introduction

The purpose of the consultancy was to analyze the responses to the Sentencing Questionnaire administered in the Clayton County, Georgia Superior Criminal Court System.

2. General Comments

Fifteen completed questionnaires were returned to the consultants for analysis. The findings reported in this memorandum will include an overall analysis of all the questionnaires (total sample) as well as the three main sub-samples (judiciary, prosecution and defense). In addition, questionnaire items have been ranked (on the basis of mean importance reported) for each of the four dimensions described above. (All tables and tabulations appear as Appendices A through E, respectively.)

Total Sample

Seventeen items from the questionnaire were analyzed for relative importance to the decision-maker (items 19, 20 and 21 were excluded because of the neutrality of the importance reported by the judiciary and the absence of variance).

All seventeen items were assigned to one of six categories on the basis of mean importance ratings and variance. The categories correspond to the values described in the instrument and are a rough description of initial weighting.

WEIGHTS	ITEMS									
4 [Very Important]	1	2	4	8	12					
3 [Important]	15	17								
2 [Slightly Important]										
1 [Not Important]	14									
0 [Not Considered]	13									
X [High Disagreement]	3	5	6	7	9	10	11	16		

All items distributed to weight categories (except high disagreement items) showed a consistency of importance rating for all sub-groups in the total sample. Most respondents assigned similar ratings with acceptable standard deviations.

### Sub-Samples

The total sample was partitioned into the sub-samples, described supra, for the purpose of identifying the locus of disagreement for those items whose high standard deviation prevented their assignment to selected weight categories. The high disagreement items (3, 5, 6, 7, 9, 10, 11, 16) all produced standard deviations around 1.00 for the total sample.

ITEM 3 The main share of the disagreement (S.D. = 1.01) on this item seems to be located in sub-sample<sub>3</sub> (defense) producing S.D. = 1.33.

ITEM 5 Item 5 produced a S.D. of 1.02 across the total sample. The most notable disagreement on this item again occurs in sub-sample<sub>3</sub> (1.02).

ITEM 6 Item 6 produced an overall importance rating of 3.0. However, the sub-sample importance rating varied from 3.4 (sub-sample<sub>2</sub> - pros.) to 2.6 (sub-sample<sub>3</sub> - def.). The major contributor to the disagreement was located in sub-sample<sub>3</sub> at S.D. = 1.02.

ITEM 7 Item 7 produced the highest standard deviation (1.44) of all items analyzed. The mean importance scores ranged from 1.66 (not important) for sub-sample<sub>1</sub> - judge to 3.4 (important) for sub-sample<sub>2</sub> - pros. The within sample variance also indicated high

disagreement on this item. Not only do the sub-samples disagree on how to rate this item, but the respondents within each sub-sample disagree with each other.

ITEM 9 The high disagreement on item 9 is found in both sub-sample<sub>1</sub> - judge and sub-sample<sub>2</sub> - pros. Sub-sample<sub>3</sub> - def. shows a uniformity of opinion on where to rate this item.

ITEM 10 The major portion of disagreement on this item is located in sub-sample<sub>2</sub> - pros. at S.D. = 1.72.

ITEM 11 An analysis of item 11 shows a consistent rating for both sub-sample<sub>1</sub> - judge and sub-sample<sub>2</sub> - pros. The ratings reported by sub-sample<sub>3</sub> - def. (S.D. = 1.55) are sufficient to push the overall variance of the item into the "unassignable" category.

ITEM 16 Sub-sample<sub>3</sub> - def. produced a S.D. = 1.36 for this item. Sub-sample<sub>1</sub> and sub-sample<sub>2</sub> showed acceptable agreement for the item.

### 3. Recommendations

The analysis of the questionnaire allowed the assignment of about one-half of the items to specific weight categories. The remaining items are unassignable due to a variance in ratings reported by respondents.

Typically, rating variance can be attributed to differing perceptions among the respondents as to the focus of the issue. Respondents establish different boundries or conditions around the issue and produce asymmetrical contexts. One possible solution to the problem of the high disagreement items is the identification of "common item conditions" for the sub-samples. In effect, the analysis of the Sentencing Questionnaire tells us who to ask; the next question is what to ask.

Consultant interviews with the respondents in the sample (or possibly "samples" of the samples) could identify the common item conditions, to a level necessary, to "weight" the high-disagreement items. The completed analysis of the Sentencing Questionnaire would produce a general model of the relative importance criminal justice decision-makers place on specific information items. Finally, a draft of the model would be submitted to the sample for ratification (validation).

APPENDICES

APPENDIX A

CLAYTON COUNTY QUESTIONNAIRE ANALYSIS:

TOTAL SAMPLE /N = 15

ITEM	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
$\bar{x}$	3.71	4.06	2.67	4.0	3.13	3.0	2.73	4.0	2.27	3.0	3.53	3.86	.26	1.6	2.6	2.93	2.87
Var.	.49	.20	1.02	.40	1.05	.93	2.06	.40	1.66	1.69	1.18	.12	.19	.64	.64	1.0	.52
S.D.	.70	.44	1.01	.63	1.02	.96	1.44	.63	1.29	1.30	1.09	.34	.44	.80	.80	1.0	.72

APPENDIX B

CLAYTON COUNTY QUESTIONNAIRE ANALYSIS:

SUB-SAMPLE<sub>1</sub> (JUDGE) /N = 3

ITEM	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
$\bar{x}$	4.5	4.53	2.66	3.67	3.0	3.33	1.66	3.67	1.66	3.67	3.67	3.67	.67	2.0	2.33	3.0	3.53	3.0	3.0	3.33
Var.	.25	.22	.22	.89	.67	.22	1.56	.89	1.56	.89	.22	.22	.22	0	.22	0	.22	0	0	.22
S.D.	.50	.47	.47	.94	.82	.47	1.25	.94	1.25	.94	.47	.47	.47	0	.47	0	.47	0	0	.47

APPENDIX C

CLAYTON COUNTY QUESTIONNAIRE ANALYSIS:

SUB-SAMPLE<sub>2</sub> (PROS.) /N = 5

ITEM	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
$\bar{x}$	4.0	4.2	3.2	4.0	3.2	3.4	3.4	4.3	2.6	3.2	3.8	4.0	0	1.0	2.2	3.0	2.6
Var.	0	.16	.56	0	.56	.24	1.04	.16	2.16	2.96	.56	0	0	.80	.56	.80	.24
S.D.	0	.40	.75	0	.15	.49	1.02	.40	1.47	1.72	.75	0	0	.89	.75	.89	.49

APPENDIX D

CLAYTON COUNTY QUESTIONNAIRE ANALYSIS

SUB-SAMPLE<sub>3</sub> (DEF.) /N = 5

ITEM	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
$\bar{x}$	3.2	3.8	2.2	4.4	3.4	2.6	2.4	4.0	2.6	2.6	3.0	3.8	.20	2.0	3.0	2.6	3.2
Var.	.56	.16	1.76	.24	1.04	1.04	2.64	.40	.64	.64	2.4	.16	.16	.40	.40	1.84	.16
S.D.	.75	.40	1.33	.49	1.02	1.02	1.63	.63	.80	.80	1.55	.40	.40	.63	.63	1.36	.40

APPENDIX E

SENTENCING QUESTIONNAIRE

ITEM RANK BY  $\bar{X}$ 's

Grand Ranks		Sub-Sample <sub>1</sub> (Judge) Rank		Sub-Sample <sub>2</sub> (Pros.) Rank		Sub-Sample <sub>3</sub> (Def.) Rank	
Rank	Item #	Rank	Item #	Rank	Item #	Rank	Item #
1	2	1	1	1	2	1	4
2	4	2	2	2	8	2	8
2	8	3	4	3	1	3	2
4	12	3	8	3	4	3	12
5	1	3	10	3	12	5	5
6	11	3	11	6	11	6	17
7	5	3	12	7	6	7	11
8	6	8	6	7	7	7	15
8	10	8	17	9	3	9	6
10	16	10	5	9	5	9	10
11	17	10	16	9	10	9	16
12	7	12	3	12	16	12	1
13	3	13	15	13	9	12	7
14	15	14	14	14	17	14	3
15	9	15	7	15	15	15	9
16	14	15	9	16	14	15	14
17	13	17	13	17	13	17	13

END