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Sentencing Guidelines: Structuring Judicial Discretion

Volume II

Analytic Basis for the Formulation of Sentencing Policy

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James L. Underwood
Acting Director

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Acting Director

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PREFACE AND ACKNOWLEDGEMENTS

The overall aim of the Sentencing Guidelines: Structuring Judicial Discretion research project was the testing, development, demonstration, and use of sentencing guidelines as a tool to aid trial court judges throughout the nation in achieving equity in the imposition of sentence.

In July 1974, the research team began a 2-year study of the feasibility of applying the concept of decisionmaking guidelines to the sentencing of criminal offenders. At the close of that study, it was concluded that sentencing guidelines were indeed a useful tool whereby judges might enhance equity in sentencing, i.e., the reduction of unwarranted variation, while still retaining their discretion to individualize sentences. Then, in July 1976, a second phase of the project was initiated to test the development and implementation of an operational system of sentencing guidelines. This effort has led to the establishment of sentencing guidelines in the Denver District Court (Denver, Colorado), the Cook County Circuit Court (Chicago, Illinois), the Essex County and Superior Courts (Newark, New Jersey), and the Maricopa County Superior Court (Phoenix, Arizona). In addition, the research staff of the sentencing guidelines project has assisted personnel in the Philadelphia (Pennsylvania) Court of Common Pleas to develop guidelines for that jurisdiction.

The feasibility phase of our effort was codirected by Don M. Gottfredson, Dean of the Rutgers University School of Criminal Justice, and Jack M. Kress and Leslie T. Wilkins, each of whom teach at the Graduate School of Criminal Justice, State University of New York at Albany. The implementation phase of the project was directed exclusively by Professor Kress. The project directors provided overall supervision to their respective phases of the project.

Full-time command of the research lay in the hands of the project coordinator, Arthur M. Gelman, and the senior research analyst, Joseph C. Calpin. They saw to the day-to-day management and technical requirements of the project, and were in charge of a full-time and part-time staff which, including coders and research assistants, numbered over thirty.

Project staff were primarily divided into jurisdictional teams consisting of a full-time, onsite court liaison and a half-time research analyst. As we saw our role to be fully collaborative with the local judiciary, the court liaisons supervised onsite data collection and also ensured that the judges were aware of and agreed with all of our site efforts. The research analysts were in charge of cleaning and analyzing all data collected and of ensuring research coordination between site and base.

During the feasibility phase, our Denver court liaison was John Clancy, succeeded by Jeffrey Bellows who remained there through the implementation phase. Our feasibility work involved site activity in Vermont and David Orrick

performed those tasks. Richard Rosen and Sherwood E. Zimmerman were our feasibility research analysts, with Carol Werblin as research analyst for Denver during the implementation phase.

Our Cook County team consisted of Helen Bloch as court liaison and Marilyn Chandler as research analyst. Our Essex County team was John Keough, court liaison, with Mona Margarita and Barbara A. Broderick as successive research analysts. The comparable Maricopa team was Jane Wylen, court liaison, and Susan Mitchell-Herzfeld, research analyst.

The staff relied on the computer programming skills of Donald Articolo during the feasibility study and those of Steven Greenstein during the implementation phase of our research. Secretarial assistance was provided full-time by Suzette E. Geary, and was supplemented by Shirley K. Hein and Harriet Spector.

The sentencing guidelines research project was designed as the collaborative effort of academic researchers and judicial practitioners. For that reason, policy direction was provided by a Steering and Policy Committee made up primarily of sitting State court trial judges. In addition to senior research staff, the permanent members of the Steering and Policy Committee were as follows:

Hon. Robert Broomfield
Hon. Warren Chan
Hon. Anthony M. Critelli, Chair
Hon. Richard Fitzgerald
Hon. James C. Flanigan
Hon. Benjamin Mackoff
Cheryl Martorana
Hon. John A. Marzulli
Hon. Russell Morss
Hon. Lewis Springer, Jr.
Hon. Roger Strand
Hon. Leo Yanoff

The members of the Steering and Policy Committee provided not only guidance at their quarterly meetings, but onsite guidance continually to court liaisons, and often by telephone to base staff. A number of other judges and consultants helped in their individual capacities, and also as representatives of the National Judicial College and the National Center for State Courts, by serving in a temporary capacity on our Steering and Policy Committee. They were:

Michael Altier
Hon. Edward Bradley
Paul Brantingham
Patricia Brantingham
Saundra Dillio
Hon. Donald Ferland
Hon. John Lilly
Barry Mahoney
Hon. Joseph Mattina
Hon. Nicholas Scalerra
Felix Stumpf
Ernst John Watts

The results of the Sentencing Guidelines: Structuring Judicial Discretion research project are reported in three separate volumes, although the authors see these as linked in many ways. All project work, including writing, was collaborative and all staff and consultants share in some way blame or credit for the results, but primary responsibility of course lies only with the listed authors.

The first volume in the series is Sentencing Guidelines: Structuring Judicial Discretion--Report on the Feasibility Study, by Leslie T. Wilkins, Jack M. Kress, Don M. Gottfredson, Joseph C. Calpin, and Arthur M. Gelman. It covers

all of our work during the feasibility phase, both technical and nontechnical. Site work detailed includes that in Vermont and in Denver.

The second volume of the series is The Analytical Basis for the Formulation of Sentencing Policy, by Joseph C. Calpin, Jack M. Kress, and Arthur M. Gelman. This volume is intended for a technical audience and explains in some detail our work during the implementation phase in Cook, Essex, and Maricopa Counties.

The third volume of the series is Establishing a Sentencing Guidelines System: A Methods Manual, by Arthur M. Gelman, Jack M. Kress, and Joseph C. Calpin. This volume too is intended for those in the research community and sets forth a detailed plan for the construction of a sentencing guidelines system, which plan draws upon the lessons we have learned in our years of research, and which should prove adaptable to any jurisdiction.

ABSTRACT

This is one of a series of reports dealing with the development and implementation of sentencing guidelines. This volume is intended for the technical audience and describes the research and policy decisions that resulted in the development of sentencing guidelines in Cook County, Illinois; Essex County, New Jersey; and Maricopa County, Arizona. A general explanation of the work of the sentencing guidelines project will be informed by specific examples and any exceptions drawn from those three court systems. Differences in sampling, data collection, analysis, and guideline development procedures will be noted as they occur.

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CHAPTER 1

INTRODUCTION

A. PRINCIPALS UNDERLYING THE FORMULATION OF GUIDELINES

Sentencing guidelines provide a mechanism for making the sentencing decisionmaking process more open, more visible, and more equitable by establishing an explicit and objective basis for comparing offenders and the offenses they have committed.[1] When a decision is made that the offenders and the offenses are similar in terms of a limited set of judicially selected salient characteristics, guidelines furnish a suggested sentence. However, that sentence is not mandatory. The trial court judge retains the discretion to override any guideline sentence in order to realize the goal of individualized justice. Guidelines provide a structured format for identifying those cases which require such a departure. Whenever a departure does occur, the judge supplies specific reasons for the sentence. The collection, analysis, and review of these reasons provide the capacity whereby the guidelines can be refined and adapted to a changing environment.

The development of sentencing guidelines is the result of the application of five principles derived from theories of information processing and decisionmaking:[2] (1) decisions are made on two levels--the policy level and the case-by-case or individual level; (2) many decisions may be made on a limited set of information items; (3) statistical methods can help provide the basis for setting policy; (4) the final setting of policy and its modification is the responsibility of human decisionmakers; and (5) human decisionmakers must retain the discretion to override the decision indicated in any particular case.

It has been hypothesized that in any decisionmaking task involving repeated decisions, two different levels of decisionmaking can be distinguished. First, there is the case-by-case or individual decision level on which the decisionmaker determines the outcome, i.e., arrives at a decision, for one case at a time. The accumulated experience of decisionmakers at the individual level may result in the development of the second level of decisionmaking, the policy level. Consequently, it may well be that over time a common set of factors are more or less consistently related to or describe (predict) most decisions. If an equation can be derived to predict decisions, this prediction may be interpreted as a description of latent or implicit policy. This, in turn, provides the basis for the specification, articulation, and modification (if desired) of that policy.

In terms of both levels of decisionmaking, most judges believe, as do the majority of decisionmakers in other fields, that they use or process all the items of information available to them to arrive at a decision. In fact, most decisionmakers seem to feel that more information means "better" decisions.

However, it appears that in many instances the exact opposite may be true. A series of studies ranging over a broad spectrum of topics indicates that many decisions can usually be made with a limited number of information items, approximately 4 to 10 depending on the type of decision involved. Once that limited set of items has been processed and an initial decision made, the selection and processing of additional items of information does not seem to influence that decision. It seems that too much information may "overload" the decisionmaker, that is, with increasing information, the decisionmaking task may become so complex that the result is a less efficient use of the data. Consequently, decisionmaking guidelines, as a set of rules, focus on a limited set of information items.

In the development of sentencing policy, guidelines research uses statistical methods to identify the items of information related to sentencing decisions, i.e., to predict sentencing decisions, and, thus, form a judicial determination of policy. This approach is used because numerous studies have demonstrated that statistical methods are far more valid and reliable in predicting phenomena than are clinical methods. One reason for the superior performance of statistical methods of prediction is that human decisionmakers have difficulty in integrating information from diverse sources while statistical methods are not bound by this limitation. Another reason for the superiority of statistical methods is that human decisionmakers tend to be inconsistent.

The description provided by statistical methods represents a more efficient approach for the identification of factors related to sentencing decisions. It also enables decisionmakers to examine the consequences of various configurations of factors in the formulation of policy.

The development of guidelines, however, entails much more than empirical research. Otherwise, sentencing guidelines would merely reflect past practices, whether "good" or "bad," without the conscious articulation by judges of what their policy should be. Moreover, statistical prediction methods rely on a limited number of information items, albeit these items are the factors which have been identified as most critical in forecasting decisions. Since these items cover only a limited range of behavior, the human decisionmaker must retain the discretion to override in any particular case the indicated decision because of factors unique to that case. Furthermore, decisionmakers must conduct systematic and periodic reassessments of policy.

B. PAROLE GUIDELINES

The origin of the sentencing guidelines project lies in the pioneering work on parole decisionmaking conducted by the United States Parole Commission and the National Council on Crime and Delinquency. Their joint research under the direction of Leslie T. Wilkins and Don M. Gottfredson resulted in the development and implementation of guidelines which are presently used by the Parole Commission.[3] These guidelines use a decision matrix consisting of two dimensions: the seriousness of the offense and an estimate of the probability of recidivism (see table 1). The seriousness of the offense is measured by a six-category scale entitled, "Severity of Offense Behavior." The parole prognosis is measured by a "Salient Factor Score" and consists of nine weighted factors classified into four categories of risk (see table 2).

TABLE 1.--Guidelines for paroling adult offenders

(guidelines for decisionmaking, customary total time served before release, including jail time)

Offense characteristics: severity of offense behavior (examples)	Offender characteristics: parole prognoses (salient factor score)			
	Very Good (11-9)	Good (3-6)	Fair (5-4)	Poor (3-0)
Low				
Immigration law violations Minor theft (includes larceny and simple possession of stolen property less than $1,000) Walkaway	6-10 mos.	8-12 mos.	10-14 mos.	12-16 mos.
Low moderate				
Alcohol law violations Counterfeit currency (passing/possession less than $1,000) Drugs: marijuana, simple possession (less than $500) Forgery/fraud (less than $1,000) Income tax evasion (less than $10,000) Selective Service Act violations Theft from mail (less than $1,000)	8-12 mos.	12-16 mos.	18-20 mos.	20-26 mos.
Moderate				
Bribery of public officials Counterfeit currency (passing/possession $1,000 to $19,999) Drugs: Marijuana, possession with intent to distribute/sale (less than $5,000) "Soft drugs," possession with intent to distribute/sale (less than $5,000) Embezzlement (less than $20,000) Explosives, possession/transportation Firearms Act, possession/purchase/sale (single weapon not sawed-off shotgun or machine gun)	12-16 mos.	16-20 mos.	20-24 mos.	24-30 mos.

(Continued)

TABLE 1.--Guidelines for paroling adult offenders--Continued

(guidelines for decisionmaking, customary total time served before release, including jail time)

Offense characteristics: severity of offense behavior (examples)	Offender characteristics: parole prognoses (salient factor score)			
	Very Good (11-9)	Good (3-6)	Fair (5-4)	Poor (3-0)
Income tax evasion ($10,000 to $50,000) Interstate transportation of stolen/forged securities (less than $20,000) Making threatening communications Misprision of felony Receiving stolen property with intent to resell (less than $20,000) Smuggling/transporting of aliens Theft/forgery/fraud ($1,000 to $19,999) Theft of motor vehicle (not multiple theft or for resale)	12-16 mos.	16-20 mos.	20-24 mos.	24-30 mos.
High				
Burglary or larceny (other than embezzlement) from bank or post office Counterfeit currency (passing/possession $20,000 to $100,000) Counterfeiting (manufacturing) Drugs: Marijuana, possession with intent to distribute/sale ($5,000 or more) "Soft drugs," possession with intent to distribute/sale ($500 to $5,000) Embezzlement ($20,000 to $100,000) Firearms Act, possession/purchase/sale (sawed-off shotgun(s), machine gun(s), or multiple weapons) Interstate transportation of stolen/forged securities ($20,000 to $100,000)	16-20 mos.	20-26 mos.	26-32 mos.	32-38 mos.

(Continued)

TABLE 1.--Guidelines for paroling adult offenders--Continued

(guidelines for decisionmaking, customary total time served before release, including jail time)

Offense characteristics: severity of offense behavior (examples)	Offender characteristics: parole prognoses (salient factor score)			
	Very Good (11-9)	Good (3-6)	Fair (5-4)	Poor (3-0)
Mann Act (no force--commercial purposes) Vehicle theft (for resale) Receiving stolen property ($20,000 to $100,000) Theft/forgery/fraud ($20,000 to $100,000)	16-20 mos.	20-26 mos.	26-32 mos.	32-38 mos.
Very high				
Robbery (weapon or threat) Drugs: "Hard drugs" (possession with intent to distribute/sale) (no prior conviction for sale of "hard drugs") "Soft drugs," possession with intent to distribute/sale (over $5,000) Extortion Mann Act (force) Sexual act (force)	26-36 mos.	36-45 mos.	45-55 mos.	55-65 mos.
Greatest				
Aggravated felony (e.g., robbery, sexual act, aggravated assault)--weapon fired or personal injury Aircraft hijacking Drugs: "Hard drugs" (possession with intent to distribute/sale) for profit (prior conviction(s) for sale of "hard drugs") Espionage Explosives (detonation)	Greater than above--however, specific ranges are not given because of the limited number of cases and the extreme (cont.)			

(Continued)

TABLE 1.--Guidelines for paroling adult offenders--Continued

(guidelines for decisionmaking, customary total time served before release, including jail time)

Offense characteristics: severity of offense behavior (examples)	Offender characteristics: parole prognoses (salient factor score)			
	Very Good (11-9)	Good (3-6)	Fair (5-4)	Poor (3-0)
Kidnapping Willful homicide	variations in severity possible within the category.			

NOTES:

1. These guidelines are predicated upon good institutional conduct and program performance.

2. If an offense behavior is not listed above, the proper category may be obtained by comparing the severity of the offense behavior with those of similar offense behaviors listed.

3. If an offense behavior can be classified under more than one category, the most serious applicable category is to be used.

4. If an offense behavior involved multiple separate offenses, the severity level may be increased.

5. If a continuance is to be given, allow 30 days (1 month) for release program provision.

6. "Hard drugs" include heroin, cocaine, morphine, or opiate derivatives, and synthetic opiate substitutes; "soft drugs" include, but are not limited to, barbiturates, amphetamines, LSD, and hashish.

Source: 28 C.F.R. §2.20, as amended by 41 Fed. Reg. 19326 (May 12, 1976).

TABLE 2.--United States Parole Commission
salient factor score

Case Name _____ Register Number _____

Item A ---------- ☐

No prior convictions (adult or juvenile) = 2
One or two prior convictions = 1
Three or more prior convictions = 0

Item B ---------- ☐

No prior incarcerations (adult or juvenile) = 2
One or two prior incarcerations = 1
Three or more prior incarcerations = 0

Item C ---------- ☐

Age at first commitment (adult or juvenile) 18 years or older = 1
Otherwise = 0

Item D ---------- ☐

Commitment offense did not involve auto theft = 1
Otherwise = 0

Item E ---------- ☐

Never had parole revoked or been committed for a new offense while on parole = 1
Otherwise = 0

Item F ---------- ☐

No history of heroin or opiate dependence = 1
Otherwise = 0

Item G ---------- ☐

Has completed 12th grade or received GED (prior to this commitment) = 1
Otherwise = 0

Item H ---------- ☐

Verified employment (or full-time attendance) for a total of at least 6 months during the last 2 years in the community = 1
Otherwise = 0

Item I ---------- ☐

Release plan to live with spouse and/or children = 1
Otherwise = 0

TOTAL SCORE ---------- ☐

The intersection of scores in each of the two dimensions creates 24 cells within the decision matrix. These cells contain a paroling decision in terms of the length of time an offender is likely to serve prior to release on parole. The expected time to be served is actually expressed as a range of months in order to allow for some distinction in the broad categories of risk and seriousness.

The concept of parole guidelines does not require that all decisions conform to the decision specified in the matrix. At the present time, approximately 81.8 percent of the paroling decisions are falling within the guidelines.[4] When a hearing examiner feels that the guidelines are inappropriate in a particular case he or she retains the discretion to make a paroling decision other than the one suggested by the guidelines. However, the examiner is required to state the reason(s) for this decision. On the individual or case-by-case decision level, these reasons are reviewed for specificity and appropriateness in the particular case. On the policy decision level, the reasons are collected, analyzed, and reviewed regularly to determine if any changes are necessary in the parole guidelines.

C. SENTENCING GUIDELINES: FEASIBILITY PHASE

In July 1974, the sentencing guidelines project began a study of the feasibility of sentencing guidelines, under the direction of Don M. Gottfredson, Jack M. Kress, and Leslie T. Wilkins. This study was intended to determine if the guidelines concept could be adapted to assist judges in their sentencing decisions. Two court systems were selected as participant sites for this feasibility study: the Denver County District Court (Denver, Colorado) and the District Courts of the State of Vermont. The term "participant site" was used to refer to each of those jurisdictions as onsite research was conducted there. Two sites were selected because it was believed that this was the minimum number necessary to determine the feasibility of sentencing guidelines given the constraints of time and cost. Two additional courts--the Essex County and Superior Courts (Newark, New Jersey) and the Polk County Court (Des Moines, Iowa)--were selected as "observer sites"; they were fully involved in the project although there was no data collection conducted in these sites. The use of observer sites allowed for an increased number of judges providing advice and guidance to the researchers at little extra cost.

Three major criteria were used to select both the participant and observer sites. First, a mix of urban and rural jurisdictions was desired. Next, courts were sought in which the number of judges were few enough to facilitate direct communication among the judges and between the judges and the local research staff. The final criterion was that the court should be one in which the judge actually sentenced, that is, while there was plea-bargaining present in each, it was of a charge-bargaining and not a sentence-bargaining nature. At the completion of the 2-year feasibility study, it was concluded that: (1) simple methods could be developed which would provide a workable decisionmaking aid to a judge at sentencing; (2) judges were willing to cooperate in the development of sentencing guidelines; and (3) judges were willing to use guidelines in sentencing offenders. A preliminary implementation research study was then undertaken to study the implementation of sentencing guidelines in one of the two participant sites from the feasibility phase and further to test the possibility of developing and implementing guidelines in three additional

sites: one selected from the previous observer sites, and two in new jurisdictions.

D. SENTENCING GUIDELINES: PILOT IMPLEMENTATION PHASE

The Denver District Court was chosen from the two participant courts primarily because the centralization of its data base had facilitated the more rapid development of an operational system of guidelines. The Essex County and Superior Courts were chosen from between the two observer sites previously because the interest in guidelines was so strong there that the judges of Essex Courts had already initiated a more modest study on their own to devise some means of reducing unwarranted variation in sentencing. Two other courts remained to be selected.

It was decided to study the concept of sentencing guidelines in large metropolitan sites. The Circuit Court of Cook County (Chicago, Illinois) and Maricopa County Superior Court (Phoenix, Arizona) met these requirements. Cook County was selected for a number of reasons. As the nation's second largest court system, it presented a major challenge to the researchers and a thorough test for the general applicability of guidelines. Furthermore, since sentence-bargaining, a practice we had cautiously sought to avoid during the feasibility study, was common in Cook County we could also study whether that made any difference to the utility of the sentencing guidelines system. The selection of the Maricopa County Superior Court afforded us the opportunity of working with sentencing practices and the judiciary in another geographical area and, consequently, broadening the basis of our study.

During this stage of the project, the Polk County Court and the Vermont District Courts functioned as observer sites. Two new observer sites were added: the King County Superior Court (Seattle, Washington) and the Philadelphia Court of Common Pleas (Philadelphia, Pennsylvania). Philadelphia, indeed, functioned almost as a participant site in many ways. While our own research staff did not collect data on site, locally funded Philadelphia court researchers did. We provided technical assistance to these researchers and they were able to develop an operational sentencing guidelines system for their own use.

E. THE RESEARCH STRATEGY

In each of these sites, the same basic research design was followed. The first task focused on an analysis of the state's criminal code and the sentencing practices of the local court. A coding manual and data collection instrument were then designed and pretested. Next, a construction sample of sentencing decisions was gathered and analyzed for the purpose of constructing models of sentencing guidelines. Early results were fed back to the judges for comments, advice, and guidance. A validation sample was collected and then used to test the predictive efficiency of those models which had been developed. This historical analysis of two separate data samples provided the judges with an explicit picture of previous sentencing decisions which enabled them to make policy decisions as to what their future sentencing policy ought to be. Consequently, guidelines are the product of a collaborative effort between judges and researchers with research informing policy and policy informing research.

In implementing the basic research design, the research staff strove to follow the same research procedures across all sites. However, it was not

possible to follow identical procedures from one site to another. There were a number of reasons for this variation. First, the quantity and quality of the data bases differed across jurisdictions. What might be a prudent recategorization of one variable in one jurisdiction might be inappropriate for the same variable in another. Second, research in each site was begun at different dates and, consequently, there was less time available for an exhaustive effort in terms of the duration of the project. Moreover, the policy decisions of the judiciary differed in each site and required different approaches to the development of guidelines. In addition, the very nature of the court systems themselves, the nature of the sentencing decisions, and criminal codes required variations in research techniques. Finally, the results of analysis often indicated the need for variation among sites in research procedures. As experience was gained across the various sites, changes were made in our methods so as to take advantage of our learning.

The following chapters will attempt to describe the research and policy decisions that resulted in the development of sentencing guidelines in Cook County, Illinois; Essex County, New Jersey; and Maricopa County, Arizona. The reader should be aware that, as in all research, time and financial considerations precluded the exploration of many areas that might have been of interest. In addition, the staff had to work with existing court systems and data bases, and thus had to accept limitations which occasionally violated accepted social science research methods and procedures. Often, the choice was between accepting these limitations, while being cognizant of their effects on the results obtained, or otherwise foregoing efforts to assist judges in those jurisdictions in their attempt to formulate and articulate sentencing policy and thereby help reduce unwarranted variation in sentencing.

A general explanation of our work will be informed by specific examples and, often, exceptions drawn from these three court systems. Differences in sampling, data collection, analysis, and modeling procedures as well as research strategies will be described when they occur. The overview and much of the text will supply most researchers with sufficient information to comprehend how sentencing guidelines have been operationalized in practice. The three site examples will provide either illustrations of or exceptions to the general rules. Finally, as the sites vary in many significant respects, researchers interested in the projected value of guidelines to their own jurisdictions will be able to note relevant similarities and differences to their own jurisdictions, hence incorporating as much or as little from one or another of the sites as appears useful.[5]

CHAPTER 2

THE INFORMATION BASE

A. THE COURTS

Having selected the sites discussed in this report, the next step in each jurisdiction was to house a project representative or court liaison at a convenient location, attached either directly to the court, or to a relevant agency assisting the court, such as a probation department or court administrator's office. The court liaison then analyzed the state's penal codes (both substantive and procedural) so as to outline the statutory framework within which the researchers had to operate and to provide the base for understanding the range of sentencing alternatives available to the local judiciary.

Court liaisons frequently met with the judges, as well as with other court personnel such as probation officers, court clerks, and court administrators in order to better understand how they approached the sentencing issues. While becoming familiar with the actual sentencing practices of each jurisdiction, they concomitantly informed court personnel of the objectives and methodology of the project.

1. In Cook County, the criminal division of the Circuit Court of Cook County operates from four major branches, the fourth having just opened in January 1977. As one of the two largest urban courts in America, Cook County's criminal division has undergone massive expansion to cope with the large caseload on the criminal docket. In mid-1976, a new suburban branch of the court was opened at Maybrook and six new judges were assigned to the bench. During that year, with two criminal court branches operating, joined by the Maybrook Branch opened in August, the court disposed of approximately 6,500 cases. In early December 1976, four new criminal court judges were assigned to the bench, in anticipation of the expansion planned for a fourth criminal court site at 13th Street and Michigan Avenue. That court opened in January 1977, and by April of that year, 11 new judges were hearing and disposing of cases.

At the suggestion of presiding Judge Richard Fitzgerald of the Criminal Division, guideline model development and testing implementation began in only two of the then three courts: the Maybrook Branch and the 26th Street and California Branch (hereinafter referred to as the 26th Street Branch). Not only was it deemed more logistically prudent to begin initial work with only the two branches, but there was also greater similarity in the types of crimes/criminals processed by the Maybrook and the 26th Street Branches than with the other major felony court, the one at Daley Center.

Offenders at the Daley Center tend to have committed less serious offenses and/or have less serious prior criminal history records. Because of this

difference, offenders processed there are usually either on some form of bail or on their own recognizance while awaiting trial and/or sentencing. This is far different from the average case at 26th Street or Maybrook.[6] In addition, the presiding judge felt that the judges located at the 26th Street Branch and at Maybrook could more readily aid us in our research, than could the judges at the Daley Center. These judges had regular contacts with each other via daily luncheon meetings, and thus could more easily discuss any matters that might have arisen in the course of the project.

At the time our research began, Illinois employed a model penal code, with nine categories of offenses: felony one through felony four, misdemeanor A, B, and C, and murder, which is a separate class felony. Illinois criminal statutes also have provisions for petty offenses (Ill. Stat., S. H. Ann 38: 1005-1-17) and business offenses (Ill. Stat., S. H. Ann 38: 1005-1-2), for which a fine or conditional discharge are the only dispositions available. Table 3 illustrates examples of offenses contained in each statutory class, as well as the minimum and maximum penalties prescribed by statute.

2. The Essex County and Superior Court is located in downtown Newark, New Jersey, a heavily urbanized area with a state population of just under one million. Each year, about 2,800 cases are processed by the 17 judges with primary criminal jurisdiction. Judges in Essex County are provided with wide discretion concerning their sentencing powers. The penal code divides offenses into the following classes: misdemeanor, high misdemeanor, and murder.

3. In Maricopa County, the Maricopa County Superior Court is located in downtown Phoenix and serves a rapidly expanding ethnically mixed population of approximately 1.3 million. It receives all cases in which the offense at indictment or information is designated either a felony or a high misdemeanor. There are 10 criminal court judges operating on a centralized calendar and rotating assignment between the civil and criminal courts.

When our research commenced, the Arizona Revised Statutes categorized the offenses defined therein into felonies, misdemeanors, high misdemeanors, and "open-ended." The broad felony and misdemeanor classifications were not divided into categories to which a specific penalty is affixed, but rather an extensive array of penalties (over 40 incarcerative penalties) mandated, many of which granted the sentencing judge broad discretion as to the range of sentence. The "open-ended" classification contained offenses which may receive either a jail or a prison term. For instance, the crime of "Resisting, Delaying, Coercing or Obstructing a Public Officer" was punishable by either a jail term or imprisonment in the state prison for up to 5 years. In addition, an "open-ended" offense could have been designated "open-ended" at conviction and then later labeled a felony or misdemeanor, depending upon the offender's performance on probation.

B. INFORMATION RESOURCES

Because preliminary guideline development is basically descriptive in its intent to map current judicial sentencing policy, the research sought to rely on approximately the same information that the judge possesses and utilizes in reaching the sentence decision. Hence, the preliminary steps in the development of the data collection instruments consisted of a thorough review of the criminal code in each jurisdiction and an examination of collateral sources of

TABLE 3.--Illinois penal structure

Offense class	Minimum sentence	Maximum sentence	Offense examples
Murder (a separate class felony)	14 years	Any term in excess of 14 years	Murder
Felony 1	Probation or 4 years	Any term in excess of 4 years	Aggravated kidnapping Rape Armed robbery
Felony 2	Probation or 1 year	Any term in excess of 1 year, not exceeding 20 years	Voluntary manslaughter Robbery Burglary
Felony 3	Probation or 1 year	Any term in excess of 1 year, not exceeding 10 years	Involuntary manslaughter Aggravated battery Theft not from the person, over $150 Forgery
Felony 4	Probation or 1 year	Any term in excess of 1 year, not exceeding 3 years	Possession of burglary tools Violation of bail--felony Charge Bribery
Misdemeanor A	Probation or $1,000 fine or less than 1 year incarceration	1 year	Battery Reckless conduct Possession of concealed firearms, 1st offense--nonfelony
Misdemeanor B	Probation or $500 fine or less than 6 months incarceration	For not more than 6 months	Disorderly conduct--entering property for lewd purposes Possession, cannabis 2.5-10 gms.
Misdemeanor C	Probation or $500 fine or less than 30 days incarceration	For not more than 30 days	Assault Disorderly conduct--breach of peace Trespass of land

information such as sentencing manuals and prior sentencing studies. Court files and presentence investigation reports among other documents were also reviewed to determine what data were generally available to the judge at the time of sentencing. Court liaison officers then met with judges, probation officers, and other court personnel to obtain their advice in the development of the data collection instrument.

In Essex and in Maricopa Counties, the judges regularly received presentence reports in nearly all cases. Thus, in those jurisdictions, all we had to do was devise a coding instrument for collecting that information and restructuring it in a fashion useful to our purposes.[7]

The situation in Cook County, however, is worthy of some further discussion, not only because there are many courts which do not regularly receive adequate presentence reports, but because the techniques employed may prove applicable as well to less serious cases which rarely are afforded presentence investigations anywhere. Cook County judges do not employ the presentence investigation report as their primary information source. While the Illinois statutes mandate presentence investigations for all felony offenses, this requirement can be waived.[8] Indeed staff found that such reports existed in only 25 percent of the cases; the reports usually being waived at the time the defendants waived their right to trial. Consequently, coding of all information was from the presentence investigation report in those cases for which it was available. However, the staff had to develop alternate data collection procedures to secure the information necessary for guidelines model construction for the majority of cases.

Court records from the clerk's files became the primary source for data collection. The clerk's files included the police arrest report, a bond sheet detailing the offender's liberty status from the time of arrest, as well as the disposition status sheet, which reflected the type and length of sentence given. Prior criminal history information was obtained from the prior record, or "rap sheet," which was provided to us by the state's attorney's (prosecutor's) office.

There still remained the problem of securing information about the "real offense," that description of the criminal event leading to arrest and conviction. The feasibility study had revealed that judges consider "real offense" information in conjunction with the offense at conviction. For example, if a charge of robbery with a gun is reduced to robbery, the judge may nevertheless weigh the fact that a weapon was used. Similarly, the fact that three burglaries were committed may be taken into account even if the offender was convicted of only one. In essence, "real offense" information reflects judicial perceptions of degrees of harm not specified in the crime at conviction.[9]

The staff was informed that in Chicago judges did not have a written account of the current offense. Rather, knowledge about the criminal event was provided by an oral description given by the state's attorney at the time of sentencing or plea negotiations. In order to secure the same information that judges had available to them at the time of sentencing, staff needed a means to replicate that information to that end. A "judge's card" was developed and was filled out by the judge at the time of sentencing. The "judge's card" reflected such information as weapon usage and amount of injury sustained by the victim (see appendix A).

Several problems were encountered in data collection during the construction sample which were exacerbated by the variety of information sources that were used. Often there were delays in coding, owing to the need to track down one missing information source. Of all the forms used, the most problematic was the acquisition of the "rap sheet." Arrangements with the state's attorney's offices to have individual prosecutors provide them at the time of sentencing were repeatedly unsuccessful. Thus, the only rap sheets obtained were those available in the state's attorney's file room, or in those cases in which a presentence investigation report was ordered.

Discussion was begun with the public defender's office in an attempt to obtain missing rap sheets. Although cooperative, they too depended upon the state's attorney for these data, and thus were not a viable alternate source. Presentence investigations, another source of this information, were available in only 25 percent of the cases coded. In some instances when a presentence investigation report was present, a rap sheet was not included.

Missing clerk's files which include police arrest reports, bond sheet, etc., although not as great a problem, also accounted for some of the cases not being coded. This occurred most frequently when codefendants on an indictment or information were sentenced at different times or in different courtrooms, or were in the process of appealing their sentence (see table 4). Also contributing to data collection problems were delays experienced due to the turnaround time in sending files from the Maybrook Branch to the 26th Street Branch, the central recordkeeping bank for the criminal devision of the circuit courts of Cook County.

The amounts and types of data available in the clerk's files varied considerably. The use of direct indictments or informations filed by the prosecutor without a probable cause hearing (preliminary hearing) on the evidence/facts of the case eliminates much paperwork, but also eliminates much information, such as police arrest reports or preliminary complainant reports.

The two areas of data most affected by information inadequacies were social stability data and prior juvenile record variables. While some social stability information could be generated from other sources, this was not the case with the juvenile criminal records. This information is considered confidential and the only means of acquiring it aside from the presentence investigation report, was by permission of the juvenile court system. This entailed a specific request for juvenile files in each case, even if a general permission was granted. Even in those cases where a presentence investigation existed, discussion of prior juvenile record was seldom thorough.

Real offense data generated from the judge's cards was further affected by scheduling problems in the Cook County criminal courts. Six out of eighteen judges took vacation leave of at least 2 weeks during the October-December data collection period. The substitute judges, generally short-term replacements for 1 week or less, were often not regularly assigned to the criminal courts. Not unexpectedly, the substitute judges were extremely reluctant to participate in the project.

This situation was further complicated by the transfer of four participating judges to different branches in December 1976. Replacements in the vacant courtroom were judges without prior experience in criminal sentencing. Because

of their inexperience, and owing to a specific request to us made by the presiding judge of the criminal division, these judges were not asked to provide real offense data. Despite the various problems detailed here, we feel that the data base was sufficient for analytical purposes.

TABLE 4.--Cook County, summary of missing court records and cases excluded from analysis

	26th Street	Maybrook
Construction		
Number of cases sentenced = 553		
Number of cases not coded:		
(a) Missing rap sheets	38	12
(b) Missing clerk's files	8	5
(c) Miscellaneous	--	--
Subtotal, number of cases coded	400	90
Cases excluded at analysis stage[a]	5	--
	395	90
Total sample size	485	
Validation		
Number of cases sentenced = 421		
Number of cases not coded:		
(a) Missing rap sheets	38	4
(b) Missing clerk's files	34	9
(c) Miscellaneous	12	1
Subtotal, number of cases coded	247	76
Cases excluded at analysis stage[a]	10	2
	237	74
Total sample size	311	

a. Cases were excluded because they were juvenile dispositions, Felony 4 offenses, or Misdemeanor offenses for which guideline grids were not prepared.

C. DATA COLLECTED

Even where presentence reports were adequate and available, constraints of cost and time precluded the collection of all the items of information furnished by the presentence report. Thus, the research staff relied upon the experience of the local judiciary and the findings of the feasibility phase of our sentencing guidelines research to select variables believed to be the most relevant. In addition, some variables at each site were included strictly for their descriptive or theoretical value.

Data was collected in the following general areas:

Sentence

Type
Length of probation or confinement
Amount of restitution or fine
Terms (concurrent or consecutive)

Legal Processing of Offender

Plea
Custody status and number of days incarcerated prior to sentencing
Type of defense counsel
Charges at information and conviction

Offender Characteristics

Demographic characteristics
Social stability
Drug/alcohol usage
Criminal history record (juvenile and adult)

Elements of the Offense

Value of property
Type, value possession/sale of drugs
Victim characteristics, involvement in offense, injury
Number of criminal events
Weapon usage
Number of codefendants
Use of alcohol/drugs at time of offense

CHAPTER 3

SAMPLING AND DATA COLLECTION

A. DESIGNING THE CODING INSTRUMENT

Having identified the accessible information base, the next step was to decide what particular items of information we needed to collect in the initial, or construction, sample of cases in each jurisdiction. During the feasibility study, we had collected some 205 items of information about the crime and the offender, ranging from the height and weight of the offender to the charges at several stages of the criminal justice process. Obviously, the collection of such a large number of items per case affected the amount of time and money needed to collect a single case as well as prepare and analyze the resulting data base. A review of the results of this data collection effort indicated that it was neither necessary nor feasible to collect every single piece of information presented to judges at sentencing in order to develop sentencing guidelines. Given practical time and financial constraints, we consequently collected less than 100 items per case during the implementation study.

With these considerations in mind, the research staff carefully prepared a separate and detailed coding instrument for each site. Items of information were selected for inclusion in the coding manual on the basis of the research staff's experience in the feasibility study, their analysis of prior sentencing studies, their examination of criminal codes and jurisdictional sentencing practice, as well as interviews with judges, probation officers, and others. However, we were still cautious in making any decision to a priori exclude a particular item of information. When we had any significant doubt about information needed or useful in eventually constructing the guidelines we were overinclusive on the construction sample so as to lessen the possibility of any bias in our end-product. A data collection instrument was designed specifically to conform with the court rules, criminal statutes, case law authority, and administrative regulations directing sentencing in each jurisdiction. This instrument consisted of two parts: a coding manual designed to instruct the coders on the rules which applied to coding each variable, and a worksheet listing the variables on which case information was actually coded. (See appendix B for the Essex County Data Collection Instrument.)[10]

We developed a number of decision rules designed to guide coders in their collection of the individual items information. In addition to providing uniform standards for quantifying information, these decision rules helped assure within coder reliability by establishing a consistent approach to the handling of contradictory, ambiguous, or missing data.[11] Once the coding manual and data collection sheet were developed, the staff reviewed their content with the judges in each site. These documents were then pretested on a small sample of cases to assess further their reliability and validity. The pretest helped to

identify these variables for which preliminary decision rules were inadequate and provided us with the opportunity to revise our data collection instrument.

B. THE CONSTRUCTION AND VALIDATION SAMPLES

In drawing the construction sample, we had to decide, for each jurisdiction, what sampling technique to employ, what time frame to be sampled, and how many cases to be coded. Whenever possible, the researchers sought to collect a random sample of sentencing decisions (sampling without replacement) to provide the data base for analyzing sentencing decisions and constructing initial models of sentencing guidelines. In some instances, researchers considered oversampling or stratified sampling. However, the information on which to base the decisions of where and when to oversample or stratify--such as estimates of the overall incarceration rate--could not be obtained early or reliably enough. As is often the case in research, a clear picture of each jurisdiction became available only after the collection and analysis of the construction sample.

The setting of the sampling frame was determined by the specifics of each jurisdiction.[12] Basically, the researchers attempted to establish a frame which included the most recent sentencing decisions available. Cases were generally sampled over a 12-month period in order to minimize the possible biasing influence of one judge sentencing an unusually large number of offenders or the effect of such seasonal variation as Christmas leniency or summer vacations. Nevertheless, final decisions as to sample size were influenced foremost by time and cost considerations.

1. In Cook County, data collection for guideline model development occurred on two samples, with a total of 796 cases analyzed in model building. There are several distinct differences between the two samples collected. First, the construction sample collected during October through December 1976 (n=485) was from cases that were disposed of by the judiciary during that time period. This was not the situation for the validation sample collected during March and April 1977. In that sample (n=311), cases that had been disposed of during January through March 1977 were collected. The difference in the case samples was due to new information about the nature of Cook County's data base which was gained during the collection of the construction sample. A key factor in the collection of the construction sample in Chicago was the court's recordkeeping system. The staff's initial assessment of this system indicated that there was no written record of real offense information available to the judge. Thus, an important part of guideline model information was presumably not recorded for previously disposed of cases (i.e., "dead" cases). In order to collect this information, current cases (i.e., "live" cases), and cards filled out by the judges at the time of sentencing were relied on to gather these information items.[13]

Through the process of data collection for the construction sample, we learned, however, that such "real offense" information did exist in the court clerk's record, and that this information appeared to be similar to that presented orally to the judge at the time of sentencing. The court clerk's files contained a police arrest report detailing the instant offense and/or a statement by the complaining witness as to the criminal event. Thus, since these files contained "real offense" information, data for the validation sample could be gathered from previously disposed of cases. This was advantageous as it allowed coding to progress expeditiously within a shorter time period.

But, as a result of the difference in the information sources used for the construction and validation samples, two methodological questions are raised. The first focuses on the extent to which our data retrieval methods used the same sources that the judiciary uses at sentencing. In Chicago, it is clear that the court clerk's files contain information of the real offense that is not dissimilar to what the judges hear at the time of sentencing. In fact, the police arrest report and/or complaining witness' report is often the basis of the oral description prepared by the state's attorney's office. Nonetheless, it is unclear to what extent the oral statement reported to the judge did, in fact, coincide with the description obtained by coders from the police arrest report and/or the complaining witness' report in the court clerk's files.

In many ways, use of the "judge's cards" completed at the time of sentencing, completed by the judge on the basis of an oral description provided by the state's attorney, may have been a better device for capturing the "real offense" information that judges had available at the time of sentencing. In a few instances, coders found that the cards filled out by the judges did not coincide with the description in the court clerk's files of the instant offense behavior(s). Moreover, because financial and time constraints precluded a systematic evaluation of such differences, staff could not be sure whether this indicated a difference in information sources available to the judge at sentencing (via the state's attorney's oral description of the "real offense"), or whether it was due to "clerical" errors made by the judges in filling out the form. While inter- and intracoder reliability checks were performed to assess how accurately coders retrieved data, none were performed on the judges, leaving this an open question.

The second question arises from the fact that in our collection of current cases several factors effectively limited the size of the construction sample. We felt restricted by financial consideration, the fact that it was necessary to wait for cases to flow through the system for data collection, and our desire to end data collection by early December to avoid any "Christmas effect" (i.e., lenient sentencing). Coders, moreover, experienced several erratic work periods collecting current cases, due to the court calendar and daily disposition rates. Therefore, the size of the construction sample (n=485) was much smaller than desired for analytic purposes. Also, because of the use of current cases, a random sample could not be collected. Instead, every case processed by the Maybrook and 26th Street Branches during the construction sample data collection period, October 25 through December 17, 1976, was utilized.

All previously disposed of cases for a limited period of time was collected for the validation sample. That is, all cases that had been disposed of from January through March 1977, at the Maybrook and 26th Street courts were collected. This was done to insure that the cases that were obtained would reflect current sentencing policy, as well as to have a sample for validating the final models.

While the use of a nonrandom sample impairs the ability to assess the amount of bias (error term) that may be contained in the resultant statistical analyses, a discussion of several points is in order. First, information was collected on all available cases (the total population under study) processed at the 26th Street and Maybrook Branches during the data collection period. Conscious efforts were made to be alert to any potential biasing effects that would account for the cases in which court clerk's files or rap sheets were

missing. Missing cases appeared to occur for two reasons: when codefendants on an information or indictment were sentenced at different times or in different courtrooms, or when sentences were on appeal.

Second, our confidence in the resultant guideline models has been supported by the variables which were found to comprise the models. Many of the relationships that were observed between the dependent variable (in/out) and the independent variables reflect relationships noted in previous empirical and theoretical work,[14] including our own prior work during the feasibility study and that in other jurisdictions participating in the pilot implementation phase of the project.

Finally, for the Cook County study, a comparison of offender/offense characteristics was extremely important in light of the nonrandom samples used for model development. Analysis of the offender/offense characteristics used in model development shows that there is a high degree of similarity for the pre-December and the post-December data collection periods (see table 5).

The dispositional rate from each of the two participating branches also remained fairly consistent (5% difference) for the construction and validation samples. The percentage of Felony 1, 2, and 3 offenses showed markedly high consistency, with Felony 2 offenses appearing most frequently in both samples. A comparison of the other frequencies of information items showed all, with the exception of prior adult incarcerations over 30 days and offender not free at time of offense, to be within 1 to 6 percent of each other.

The most striking fact shown through this comparison is that for the post-December validation sample, the offenders appear to have more serious prior records than those processed during the pre-December construction sample. With the exception of prior probation revocations, there was a greater percentage of offenders in the validation sample with a score of one or more on all prior criminal history information items used in the guideline models.

We can only speculate as to why this may be so. First, it may be an artifact of the nonrandom samples used for development and validation of the guideline models. Second, it is possible that the offenders sentenced post-December were, in fact, worse offenders in terms of the variables used in the guideline models. (This of course does not imply that other variables, not used in the models, would have shown this same pattern.) Alternatively, it is also possible that these differences are due to the chance assignment of court cases and reassignment of cases when the new Michigan Avenue Branch was opened in January 1977. During the first data collection period, six of the judges took vacations and this may have caused shifts in court scheduling, pushing some of the cases forward for later sentencing dates, thus making them appear in the validation sample. Similarly, due to the Christmas season other, more serious, cases may have been shifted, such that instead of appearing in the construction sample, these cases appeared in the validation sample.

Despite data collection problems encountered with the construction sample, a data base that covered 89 information items covering prior criminal history, social stability, present offense, and type and length of disposition was secured for statistical analysis. In the validation sample 33 items of information were deleted from the data collection instrument.[15] Many social stability information items were excluded because of the large percentage of cases with

TABLE 5.--Cook County, comparison of selected information items present in construction and validation samples

Information item	# Cases in which present		Rate (%)		% difference between samples
	Construction (n = 485)	Validation (n = 311)	Construction (n = 485)	Validation (n = 311)	
Cases from Maybrook	90	72	18	23	5
Incarcerative[a] sentences	337	219	69	20	1
Probation sentences	106	50	21	16	5
All other sentences[b]	42	43	8	13	5
One or more prior adult convictions	338	236	69	75	6
Offenders not free at time of offense[c]	191	165	39	53	14
One or more prior adult felony convictions against the person[d]	124	94	25	30	5
One or more prior adult incarcerations over 30 days	173	141	35	45	10
Prior parole/probation revocations[e]					
probation	45	24	9	7	2
parole	19	14	3	4	1
Weapon used/present at time of offense	230	134	47	43	4
Injury (some or death)	129	90	26	28	2
Felony 1 offenses[f]	94	56	19	18	1
Felony 2 offenses	242	174	49	55	6
Felony 3 offenses	97	68	20	21	1

a. Incarcerative sentences were defined as any continuous period of confinement in a local or state correctional facility, as well as split and special (incarceration plus work release or special program) sentences.

b. All other sentences appearing in the samples were deferred prosecution, conditional discharge, or fine.

c. Not free at time of offense included on probation/parole, other criminal charges pending, or escapee at time of the commission of the instant offense.

d. Felony against the person included robbery and theft from the person.

e. This was a combined information item used in the Guideline Models, obtained by adding Prior Adult Probation Revocations and Prior Adult Parole Revocations during analysis and model construction.

f. Due to the small numbers of murders, Felony 4, and Misdemeanor Offenses, Guideline Grids were only developed for Felony 1, 2, and 3 offenses.

missing information on these items, as well as the fact that initial statistical analysis showed the variables to be either insignificant in their effect upon the in/out sentencing determinations, or unreliable due to the percentage of cases containing such missing data (see table 6). While these items of information could have been collected for the validation sample, it was decided that the cost of collecting such information was high, relative to the benefit of having it available for analysis.

TABLE 6.--Cook County, comparison of amount of missing information items on social stability dimension with information items employed in guideline model[a]

Social stability information items	Number of cases in which missing	Rate %
Item		
#26 Residential stability	108	22.2
#27 Offender's marital status	204	42.2
#28 Highest grade completed by offender	365	75.3
#29 Offender's status--work/school	68	14.0
#30 Length employment/school	140	28.8
#31 Total number of dependents	372	76.7
#32 Does offender support dependents?	387	79.8
#33 Offender's history alcohol usage	131	27.0
#34 Drug usage: degree	166	34.2
#35 Drug usage: addiction	176	36.2
Information items employed in guideline model		
#39 Liberty status at time of offense	7	1.4
#59 Prior adult convictions	--	--
#64 Prior adult felony convictions against person	--	--
#66 Prior adult incarcerations over 30 days	--	--
#42/43 Prior adult probation/parole revocations[b]	4	.8
#69 Injury to victim (some or death)	24	4.9
#71 Weapon usage	25	5.1

a. Construction sample (n=485); for definitions and categorization of variables refer to Construction Sample Materials, appendix B.

b. This variable was collected as two separate information items (Prior Probation Revocations, and Prior Parole Revocations) for the construction sample, and combined for analysis purposes. There was no missing information on item #42--Prior Probation Revocations--and the four cases reflect missing information in item #43--Prior Adult Parole Revocations.

While many information items were dropped from the validation coding instrument, three new items were added. Each of the three items was added because of an interest in their relationship to the sentencing decision which came to light during analysis of the construction sample. One of the items, "type of burglary," was collected when validation data collection began because the staff was investigating the use of crime-specific models. It was thought that the type of structure burglarized would be relevant in the analysis of the "burglary" crime-specific model. This variable, while not included in the original coding instrument for the construction sample, was collected afterwards for construction sample cases when the Cook County judiciary asked the staff to investigate the development of crime-specific models.

The other two items of information which had not been collected during the coding of the construction sample were items which we also attempted to collect after the formal termination of data collection for the construction sample. "Length of detention" was collected to ascertain how long offenders had been detained prior to sentencing, regardless of whether the final disposition noted that pretrial/presentence time in confinement was credited against that disposition. The construction coding instrument had been recording the length of detention only for those offenders who had received stated credit for time served. As analysis of the construction sample continued, the staff became interested in examining the effect of this variable upon the length of sentence and the categorization of sentences as either incarcerative or nonincarcerative.[16]

The third new information item added to the validation coding instrument was "number of separate events involved in conviction." It was not possible to go back and collect data for the construction sample, as the complexity of this variable prevented onsite staff from easily retrieving this information from court records. This variable was, however, included for the validation sample in order to ascertain the total number of separate criminal events contained in the final conviction. We were interested in determining if a differential effect occurred at sentencing when the conviction resulted from only one criminal activity or several separate criminal activities (e.g., three burglaries committed over a 1-week period vs. one burglary) which were then joined at conviction. It was hypothesized that offenders who had had several criminal activities joined in one indictment/information would receive stiffer sentences (both as to type and length) than offenders who had committed only one criminal event leading to conviction. (However, results of analysis failed to show any substantial impact from this variable on sentencing.) Other than the addition of these three variables, and some rewriting and clarification of coding instruction, the construction and validation coding instruments were virtually identical.

2. The Essex County construction sample consisted of 1,250 randomly selected cases from the 2,800 cases assigned to the Probation Department for investigative preparation in the calendar year 1975. It was decided not to use the sampling frame of cases actually sentenced in 1975 because the task of locating the files was complicated by the fact that the cases were not ordered by date or by folder number in the court's sentencing log book. By using the ordered files of the Probation Department some cases that were actually sentenced (due to court backlog) in 1976 were included in the sample.

The validation sample consisted of 500 cases sentenced during January, February, and March 1977. All of the cases in 1977 files of the Probation

Department were included in the sample, up to the time coding was begun. In order to complete the sample, the remainder of the cases were coded from the cases which were in the 1976 files of the Probation Department, but were not sentenced due to administrative delay until 1977.

The cases collected included convictions for disorderly persons offenses, misdemeanors, high misdemeanors, and murders.[17] Gambling offenses and welfare-fraud related cases were excluded from the sample. The sentencing of gambling offenders was the responsibility of one judge in Essex County; therefore, including these cases in the sample would serve no purpose in establishing a guideline sentence intended for use by the judiciary as a whole. The judges also made the decision that welfare-fraud related cases should be excluded because these offenses do not involve the same type of criminal activity as the other offenses punishable under the New Jersey Penal Code.

3. For the Maricopa County Superior Court, a construction sample of 1,200 cases was randomly selected from the 3,398 cases sentenced in 1976. The validation sample consisted of the 510 cases sentenced from April 1, 1977, to May 31, 1977.

C. CODER TRAINING AND DATA COLLECTION RELIABILITY

Having decided the sample size, frame, and technique for each jurisdiction--and having designed and pretested the data collection instruments--data collection could begin. The onsite court liaison hired a number of locally based coders in each court and trained them in the use of the coding manual and coding sheets, as well as oriented them to the information resources in each county. The training program involved elaboration of the coding instructions, interpretation of information in the presentence reports and rap sheets, and coding of test cases. As areas of misinterpretation were identified, the appropriate coding procedures were detailed. Coding problems resulting from deficiencies in the coding manual were resolved by clarification, refinement, or alteration of decision rules.

Throughout the data collection process, the performance of the coders was under constant examination and assessment as the local court liaison and the research staff continuously monitored the quality of the data collection effort. Cases containing errors were referred to the court liaison who reviewed the original files in order to obtain the correct information. In addition, a thorough verification procedure was devised which provided us with considerable confidence and reliability of the data.

CHAPTER 4

METHODS OF ANALYSIS

A. VERIFICATION OF DATA

Once the data were keypunched and recorded on computer files, a series of validation checks were performed. These checks are generally referred to as the process of "cleaning" the data, i.e., searching the data for mistakes and correcting these prior to performing any analyses.

The first method employed in cleaning the data involved obtaining a listing of the images contained in the data element; this was a strict character reprint of each of the raw numbers as they appeared on the keypunch cards. The image listings this obtained allowed us to perform four different visual data checks: (1) inspection for "gaps" in the data, i.e., areas or columns where numbers should have appeared, but did not; (2) checking that each individual card began and ended correctly, i.e., normally column "1" at the beginning and very close to column "80" at the end, depending upon the last variable on the card; (3) scanning the codes to assume that every card had both an identification number and a card number; (4) matching to assure that the total number of lines added up to what should be in the sample, e.g., if we had 1,200 cases at three cards per case, then our image listing should have showed 3,600 lines or 3,600 cards.

The second method used in data cleaning was the review of preliminary frequency distributions. We first looked for values that should not have appeared. For example, in the variable "Offender's Sex," our coding manuals employed the traditional choices of 1 = male; 2 = female; and 9 = missing value. In such a circumstance, when values of "3," "4," or "5" turned up, then we knew there had been a mistake. We also examined the data for any gross deviations from our normal expectations.

The third method of data cleaning was the use of error statements or internal checks. These error statements were sets of shorthand cross-tabulations designed to check the internal consistency of the data. If, for example, we were looking at the "Total Number of Prior Adult Convictions," then we wrote an error statement to verify that the number of prior adult convictions within each of the subcategories (e.g., felonies, misdemeanors) indeed summed to the number recorded in the variable under observation. By a similar procedure we could check whether the offender's age at first adult conviction had been mistakenly coded as greater than the offender's age on the date of the current sentence. Also, there must be arrests in order to have convictions; incarcerations in order to have paroles; probations in order to have probation revocations; and so on. Over 100 different error statements were developed and performed, through the aid of a computer program specifically designed for

this purpose, on each case in both our construction and validation samples. We were careful in using these error statements, on cross-tabulation checks, to ensure that they covered a multiple of dimensions regarding each offender; prior criminal record, current offense information, and the offender's social stability. When necessary, cases with suspected errors were checked against the corresponding files and the necessary corrections were applied. The goal was to correct as many mistakes as humanly possible to ensure confidence in our statistical results.

B. PREPARATION OF THE DATA FOR ANALYSIS

Once the data had been verified or "cleaned," and prior to the application of any statistical techniques, the researchers developed frequency distributions and descriptive statistics for each of the variables collected. This information described the distribution, central tendencies, and variability of the individual information items. This task also provided the research staff with the first information required to make decisions about the handling of missing and/or ambiguous information and the classification of dependent and independent variables.

1. Missing and Ambiguous Information. Our first problem was to decide how to treat the inevitable social science research phenomenon known as "missing data." (See, as an example, table 7 for the frequency distribution of missing data in the Essex County Construction Sample.) At times a presentence report did not contain the information desired, and a code for missing information had to be recorded. Missing data could also occur because a coder skipped the variable because of its difficulty, intending--yet failing--to return to it. As we had found during the feasibility study,[18] information items reflecting social stability factors are particularly prone to reflect the problem of missing values.

There were also cases included in the statistical analysis that occasionally contained ambiguous information. The treatment of such information for analysis purposes is always problematic. Relationships between the dependent variable and independent variables containing ambiguous information may be difficult to interpret and different recodes of such information may indicate different relationships among variables.

Consequently, rules must be developed to handle cases containing missing or ambiguous information. The simplest solution is to exclude such cases. There are two ways of excluding these cases: listwise deletion and parwise deletion. Listwise deletion omits a case from the computation of all coefficients for variables contained in a single list if that case has missing data on any of the variables listed. This type of deletion will decrease the number of cases available for analysis.

Parwise deletion excludes cases with missing data for the two variables under consideration. The advantage of this method is that it uses as much of the data as possible. However, parwise deletion is the less preferred technique to use with multiple regression analysis because it causes coefficients to be calculated on the basis of subpopulation which may differ considerably in number and character. Therefore, parwise deletion makes comparisons problematic. Thus, listwise deletion was used in multivariate analysis, e.g.,

multiple regression, because such analysis should be based on the same universe. Parwise deletion was used in a limited fashion in bivariate analysis.

TABLE 7.--Essex County, frequency of missing data (construction sample)

Var*	% Missing	Var	% Missing	Var	% Missing
Age	.2	34	57.0	66	.3
02	0	35	3.2	67	.3
03	0	36	3.5	68	.3
04	0	37	93.8	69	29.6
05	0	38	62.1	70	.2
06	86.2	39	94.1	71	.4
07	0	40	54.2	72	.3
08	0	41	54.1	73	.3
09	84.0	42	86.6	74	.3
10	97.4	43	10.4	75	.4
11	1.2	44	68.0	76	53.4
12	7.1	45	23.4	77	1.1
13	1.5	46	68.4	78	3.0
14	0	47	63.1	79	0
15	.1	48	1.7	80	1.1
16	.3	49	68.7	81	5.7
17	.3	50	87.6	82	.5
18	.8	51	55.7	83	36.4
19	47.1	52	76.0	84	8.9
20	47.1	53	.5	85	5.6
21	85.4	54	.4	86	1.2
22	88.7	55	54.3	87	7.7
23	89.8	56	1.0	88	0
24	1.1	57	.8	89	0
25	2.5	58	60.7	90	0
26	52.6	59	1.2	91	0
27	52.6	60	80.6	92	0
28	.4	61	.2	93	0
29	.5	62	21.4	Bus	0
30	.2	63	.2	Inter	.1
31	.2	64	.2	Intra	.1
32	53.9	65	.3	Jail	--
33	6.3	--	--	Credit	2.0

*See Essex County Data Collection Instrument, appendix B, for variable names.

In addition to excluding cases containing missing and/or ambiguous information, staff also explored the recoding of ambiguous or missing information so as to maximize the number of cases that would later be available for statistical analysis and guideline development. This approach also helped us to specify the policy issues which must be resolved in order to deal with similar cases in an operational system of sentencing guidelines. Rules for recoding were

jurisdiction specific and took into consideration theoretical, empirical, and practical considerations.

2. Recoding the Dependent Variable. The dependent variable was recoded in several ways. First, "Type of Sentence" was defined as a dichotomous variable--"in" (incarcerative) or "out" (nonincarcerative). It is important to emphasize that the in/out dichotomous was the primary concern during analysis and model development.

In instances where offenders receive more than one sanction at sentencing, such as incarceration and fine, the most severe sanction was employed as the sole sentencing disposition. For incarcerative sentences, we were also concerned with coding the minimum and maximum length of incarceration. The selective significance of these items, of course, varies by jurisdiction. Nonincarcerative dispositions appearing in the samples included probation, deferred prosecution, suspended sentence, condition of discharge, fines, and restitution orders. The categorization of split sentences (i.e., some period of incarceration followed by some period of probation) and special sentences (i.e., probation preceded by a special form of incarcerated sentence such as work release) was problematic in light of the jail time credit granted against the short incarcerative sentence. To handle the problem of special and split sentences, various categorizations of the dependent variable were explored, such as treating these sentences as "ins" and then "outs" to determine which grouping provided the best fit.

There were other types of sentences (e.g., time served, work release, community corrections, intermittent confinement) which did not easily lend themselves to our dichotomous "in" or "out" classification. Moreover, the judges at times indicated that they thought of a certain sentence as incarcerative, whereas early data analysis indicated a closer resemblance to an "out" decision. Consequently, judges in each site were provided with preliminary results and then requested to make an early policy decision on how to classify certain sentences throughout our analysis.

Multiple offenses at conviction raised two additional problems in the definition of the dependent variable. First, since the judge may sentence the offender to concurrent or consecutive terms, the researcher occasionally experienced difficulty in specifically delineating the sentence imposed. For example, if an offender received a concurrent sentence for multiple crimes, there is no cumulative effect. In such cases, the dependent variable would be the longest sentence imposed. If, however, consecutive sentences were imposed, the dependent variable might be the sum of the sentences imposed. Second, the researcher must decide how to handle more than one offense at conviction. Since multiple offenses at conviction were relatively rare in each of the jurisdictions, the researchers chose to focus on the most serious offense at conviction as defined in terms of the offense class and the type of crime, that is, against--person, or not--against--person.

a. In Essex County, "in" sentences included "split sentences" (a judicial decision), "incarceration imposed," "full credit for time served," and sentences to the drug treatment center. Since the judges of Essex County were not concerned with the development of a motto of "out" sentences, the criterion of sentence length was defined by the length of time of the sentence for those offenders receiving an "in" sentence. Because the judges were, however,

interested in an aid to the situs of incarceration the dependent variable was also defined as place of incarceration, which was indicated by the style of sentence given, i.e., indeterminate, definite, or a sentence with a specified minimum and maximum.

b. In Maricopa County, the dichotomization of sentences into the "in" or "out" categories was complicated by a gray area of dispositions which could be placed in either category--intermittent confinement and time served. Since these dispositions constituted 12 percent of our sample, it was imperative that they be appropriately classified. The judges were of the opinion that these sentences were "in" but for research purposes they were eventually recoded to "out" because the statistical analysis revealed that they fit better within that category. Included in the "out" classification were the following dispositions: fine, restitution, probation, intermittent confinement, probation and work order, time served, and suspended sentences. The "in" category contained any form of continuous confinement whether or not it was a condition of probation.

3. Recoding the Independent Variables. Simple cross-tabulations between the dependent variable and the independent variables were used initially to indicate recategorizations of the independent variables which seemed to provide the best discrimination. As will be seen, theoretical and practical considerations also influenced the recoding. Those independent variables which were originally coded on a nominal scale were recoded to dichotomous values. In some instances, ordinal variables were also recoded this way. For those variables which were recoded, a "0" or a "1" was assigned to subjects depending on whether they did or did not possess the characteristic in question. These numbers were only labels, having no quantitative meaning. This coding had the disadvantage of losing information which could not be reflected by a "1" or a "0." However, the subjects given the same symbol were treated as equal to each other on that variable.

a. In Chicago, 27 independent variables were left in their raw form for the first series of cross-tabulations performed, so that staff could better assess the levels at which the independent variables differentiated the in/out decision (see table 8). Extreme values of interval level measures were then collapsed at the best differentiation points for further analysis. This was possible, as many of the extreme values showed the same relationship to the dependent variable as lower values did, and combining the extreme values with lower ones would not alter the relationship significantly (refer to tables 9 and 10). Nominal level variables (e.g., offender's status: work/school) were recorded into logically consistent categories. Variables which did not appear to have a strong relationship to the in/out decision were then omitted. Also, where there were few cases in a cell, or vastly different numbers of cases among cells, the variables were omitted, regardless of the strength of the relationship observed, due to the high probability that the relationship occurred merely by chance.

b. In Maricopa County, the nominal and ordinal level variables were collapsed into two categories and coded as "0" or "1." Variables were, for the most part, dichotomized on the basis of reason and practicality, but contingency tables were employed to a limited extent to suggest cut-off points which would yield optimal differentiation. For example, the variable "addition to opiates" was divided into the categories, "addicted" and "not addicted," purely

TABLE 8.--Cook County, variables used in analysis

Variables analyzed through cross-tabular analysis

#06 Number of offenses charged
#11 Number of offenses at conviction
#24 Offender's sex
#25 Offender's race
#26 Residential stability
#29 Offender's (work/school) status
#40 Length employment/school
#33 Alcohol usage
#34 Drug usage: degree
#35 Drug usage: addiction
#39 Liberty status at time of offense
#42 Prior probation revocations
#43 Prior parole revocations
#59 Prior adult convictions
#61 Prior adult misdemeanor convictions against the person
#62 Priod adult misdemeanor convictions not against the person
#63 Prior adult felony convictions against the person
#64 Prior adult felony convictions not against the person
#65 Prior adult convictions for similar offense
#66 Prior adult incarcerations over 30 days
#68 Type of proceeding
#69 Injury to victim
#70 Relationship to victim
#71 Weapon usage
#74 Did criminal behavior involve a drug?
#86 Intraclass ranking
*REVS Adult probation/parole revocations
*FELCONV Total adult prior felony convictions
*MISDCONV Total adult prior misdemeanor convictions

Variables dropped before Pearson's correlations were performed

#11 Number of offenses at conviction
#24 Offender's sex
#25 Offender's race
#26 Residential stability
#30 Length employment/school
#33 Alcohol usage
#34 Drug usage: degree
#35 Drug usage: addiction
#68 Type of proceeding

*These information items were computed from two variables during analysis by a computer program; REVS = Var 42 + Var 43; FELCONV = Var 63 + Var 64; MISDCONV = Var 61 + Var 62.

TABLE 9.--Cook County, number of prior adult convictions in strung out form* (variable 59)

Type of sentence	Var 59 Count Col %	0	1	2	3	4	5	6	7	8	Row Total
	Out	68 45.9	32 29.9	16 24.2	12 26.7	10 27.0	2 20.0	4 22.2	0 .0	0 .0	
	In	79 53.4	75 70.1	50 75.8	33 73.3	27 73.0	18 90.0	14 77.8	12 100.0	6 100.0	
	Column Total	148 30.5	107 22.0	66 13.6	45 9.3	37 7.6	20 4.1	18 3.7	12 2.5	6 1.2	

Type of sentence	Var 59 Count Col %	9	10	11	12	13	14	15	16	Row Total
	Out	1 14.3	0 .0	1 20.0	0 .0	0 .0	1 25.0	0 .0	0 .0	147 30.2
	In	6 85.7	2 100.0	4 80.0	3 100.0	2 100.0	3 75.0	1 100.0	3 100.0	338 69.5
	Column Total	7 1.4	2 .4	5 1.0	3 .6	2 .4	4 .8	1 .2	3 .6	485 100.0

*This cross-tab has already had its two most extreme values of "17" (n=1) and "28" (n-1) collapsed into value "16."

on the basis of practicality. On the other hand, "ethnic descent" was divided into two categories, "Mexican descent" and "other" (Caucasian, black, etc.) because the cross-tabular analysis revealed that the proportion of incarcerative sentences accorded these groups differed. Although the transformation of the variables in this fashion resulted in the loss of some information, it did not blur distinctions which were of import in designing a simple predictive guidelines model.

TABLE 10.--Cook County, number of prior adult convictions with extreme values collapsed (variable 59)

Type of sentence	Count / Col %	Number of prior adult convictions 0	1	2	3	4	5	Row Total
Out		67	33	16	12	10	9	147
		48.2	30.8	25.0	27.9	23.6	11.7	31.6
In		71	74	48	31	25	68	317
		51.1	69.2	75.0	72.1	71.4	88.3	68.2
Column Total		139	107	64	43	35	77	465*
		29.9	23.0	13.8	9.2	7.5	16.6	100.0

*This number reflects cases excluded due to missing or unclear information on this variable.

C. STATISTICAL TECHNIQUES

1. Overview. Our analytic approach might best be thought of as a series of statistical "filters" designed to identify factors which appear to be the most important in making that decision. After using frequency distribution to describe the data collected, applications of contingency table analysis or cross-tabulations enabled us to assess the degree of discrimination provided by different recodes of the dependent variable. These cross-tabulations were also later used to form the basis for the application of Burgess-type weights.

Bivariate correlation analysis was used as an additional technique to determine what factors were associated with sentencing decisions and what variables would be included in the later multivariate analysis. The researchers relied on Pearson's correlation coefficients. Since some of the information available to the judge at sentencing did not meet the assumptions on which this statistic was based, the researchers were cautious in their use of this technique and the results obtained. Using the results obtained by zero-order analysis, multivariate analysis was then applied to ascertain the relationship between the sentencing decision and sets of independent variables.

Two basic criteria were established for the selection of variables to test by multivariate analysis. First, variables were excluded from further analysis if they were frequently missing in the sample case. Second, variables were

selected on the basis of the strength and significance of the relationship of the dependent variable as measured by zero-order correlations. Nevertheless, several independent variables that did not meet these criteria were also tested by multivariate analysis. These variables were included in the analysis for one of three reasons: (1) theoretical--according to the sentencing literature, these factors do influence sentencing decisions or should be considered by judges in making sentencing decisions; (2) empirical--previous studies had indicated that these variables are related to sentencing decisions; and (3) policy--judges requested that researchers test certain variables which they considered important. Since the data did not meet all of the various assumptions on which multivariate analysis is based, it should be noted that these techniques were not used in a "purely" explanatory sense. Rather, multivariate analysis, e.g., multiple regression and discriminant function analysis, was utilized to identify variables useful in predicting sentencing decisions in order that Burgess-type scales could be devised.

The final product of the application of a variety of statistical techniques was the identification of those variables which had been consistently found to be the most important in sentencing. Burgess-type weights were assigned to each of these factors which were then combined into point scale or prediction devices that formed the basis for the development of guideline models.

2. Contingency Table Analysis. Cross-tabulations were performed on the construction sample as a whole and, in some jurisdictions, on generic crime groupings and crime-specific categories. The data were recoded into the latter two categories in order to test the hypothesis that the relationship of certain items of information to the incarceration decision may vary within subtypes of offenses. Thus, for example, we expected that victim injury and weapon use would be relevant to the sentencing of violent offenders, while type of drug would be associated with the disposition of drug offenses. Contingency table analysis served three functions in addition to providing nonparametric indicators of the strength and significance of the associations:[19] the distributions of cases within each table was examined to (1) determine the nature of association; (2) identify cutoff points for the Pearson's correlation, multiple regression, and discriminate analysis; and, (3) assign weights for model development.

3. Pearson's Correlation Analysis. The Pearson's correlation coefficient is a summary statistic which indicates the strength and direction of a relationship between two variables. As a summary statistic it aids in the comparison of the strength of a relationship between one pair of variables and another.[20] It operates as if the data are interval and assumes that the relationship between the two variables follows a linear pattern. In other words, a Pearson's correlation is an index of the direction and magnitude of the linear relation between two variables, X and Y. The analysis of correlation between variables answers the questions: Does X get large as Y gets large? Does X get small as Y gets small? Or, does X get large as Y gets small? Correlation analysis was used in our research to isolate those items of information most highly associated, positively or negatively, with the sentencing decision.

a. In Cook County, Pearson's correlations were performed on the 21 variables that were identified as good discriminates of the in/out decision through cross-tabular analysis. The correlation between the dependent variable

(in/out) and the independent variables, the significance level of that correlation, and the intercorrelations among all independent variables were examined through this procedure.

The Pearson's correlation coefficient of .14 or greater and a significance level of .005 were selected as the cutoff levels for the inclusion of the independent variable in subsequent analysis. These levels were not determined prior to the Pearson correlation analysis. Rather, these inclusion levels ($r \geq .14$; $p \geq .005$) were determined after an examination of the correlation matrix. This appeared to be the most prudent way to determine cutoff points given the constraints of the data set.

b. In Essex County, variables with less than a ± .2 correlation with the dependent sentencing variable, and/or a statistical significance value greater than .001, were assumed to be not among the items of information processed by judges in making their sentencing decisions. The results of the correlation analysis of the total set of independent variables with the dependent sentence variable of in/out yielded less than 20 variables with significant correlations. See table 11 for the original variable 14 (sentence) by n matrix. Table 12 shows the correlation of those variables which either met the predetermined criteria (s = .001 and $r \geq \pm .2$), or were of theoretical import.

The research team speculated that within meaningful subgroups of the data, varying items of information would be related to the sentencing decision. For example, it was suggested that a judge may consider the fact that the victim was a business when sentencing a convicted burglar, but this fact may be irrelevant when sentencing "violent" offenders. Consequently, a correlation analysis was performed on the set of independent variables with the in/out criterion on selected subsets of the data. Analyses were run on crime-specific subsets including burglaries, robberies, drug offenses, and weapon offenses. The data were also subdivided according to both broad and narrowly defined generic categories of crime. Only the four broad generic categories of violent, property, drug, and miscellaneous resulted in subdivisions containing enough cases for meaningful analysis. Table 13 shows those variables selected for further "generic" analysis.

Analyses were also performed with other dependent criteria, including the type of incarcerative sentence (indeterminate, definite, or with a set minimum and maximum) which in turn determines the length of sentence. Since it was impossible to isolate variables determinative of type of sentence, the development of a model to predict length of sentence was precluded.

As can be seen in tables 14 and 15, the same central core of variables was significantly correlated within each generic subset, as well as within the entire data set. Variables relating to prior juvenile and adult criminal record, drug addiction, employment and school status, and relationship to the criminal justice system at time of commission of the present offense (hereafter called "system relationship") appeared in each analysis. As was exected, the classification of the victim as a person or a business was significantly correlated with sentence only within the property crime subset. The interclass ranking of miscellaneous crimes was far below the standards set for inclusion, but was utilized in further analysis as the representation of offense seriousness. Variables such as number of charges were included in preliminary analysis, but were subsequently dropped, as it was thought to be more prudent

TABLE 11.--Essex County, Pearson's correlation of sentence variables (In/Out) with set of predictors for general analysis (construction sample)

Variable	02	03	07	11	12	13
correlation	.1077	.1604	.5099	.3604	.0665	.2303
# of cases	(1205)	(1205)	(1205)	(1172)	(1150)	(1187)
significance	s = .001	s = .001	s = .001	s = .001	s = .012	s = .001
	15	21	24	25	26	27
	.1485	−.0303	.0965	.1037	.0656	−.0515
	(277)	(176)	(1190)	(1200)	(571)	(571)
	s = .007	s = .345	s = .001	s = .001	s = .059	s = .110
	28	29	30	31	32	33
	.0796	.0278	.2945	.1944	.0735	−.3130
	(1200)	(1199)	(1202)	(1202)	(560)	(1129)
	s = .003	s = .168	s = .001	s = .001	s = .041	s = .007
	34	35	36	37	38	39
	.0093	.0015	−.1395	−.0849	−.0424	−.1930
	(518)	(1167)	(1163)	(75)	(457)	(711)
	s = .416	s = .479	s = .001	s = .235	s = .183	s = .001
	40	41	42	43	44	45
	.0413	.0468	.1181	.0506	.1759	−.0523
	(552)	(553)	(61)	(1080)	(386)	(923)
	s = .167	s = .136	s = .068	s = .048	s = .001	s = .056
	46	47	48	49	50	51
	.0791	−.1297	.2532	.0455	.0223	.1076
	(381)	(445)	(1184)	(377)	(149)	(534)
	s = .062	s = .003	s = .001	s = .189	s = .394	s = .006
	52	53	54	55	56	57
	.1333	.2220	.2078	−.0195	.2445	.2249
	(289)	(1199)	(1199)	(550)	(1192)	(1195)
	s = .012	s = .001	s = .001	s = .324	s = .001	s = .001

(Continued)

TABLE 11.--Essex County, Pearson's correlation of sentence variables (In/Out) with set of predictors for general analysis (construction sample)--Continued

Variable	58	59	60	61	62	63
correlation	−.0564	.1555	.0472	.1918	−.1568	−.0405
# of cases	(474)	(1191)	(234)	(203)	(947)	(1203)
significance	s = .110	s = .001	s = .236	s = .001	s = .001	s = .080
	64	65	66	67	68	69
	.1206	.1899	.1567	.2137	.1788	−.1526
	(1203)	(1203)	(1202)	(1201)	(1201)	(848)
	s = .001	s = .001	s = .001	s = .001	s = .001	s = .001
	70	71	72	73	74	75
	.0334	.1352	.1615	−.1290	.1973	.2099
	(1202)	(1200)	(1201)	(1201)	(1201)	(1200)
	s = .123	s = .001	s = .001	s = .001	s = .001	s = .001
	76	77	78	79	80	81
	−.0513	−.0018	−.1887	.0453	−.0314	−.1614
	(562)	(1192)	(695)	(1205)	(1192)	(1136)
	s = .113	s = .475	s = .001	s = .058	s = .139	s = .001
	82	83	84	85	86	87
	.1326	.0460	.1455	.2140	−.1825	−.0864
	(1199)	(766)	(1098)	(1137)	(1190)	(1112)
	s = .001	s = .102	s = .001	s = .001	s = .001	s = .002
	88	89	90	91	92	93
	.0684	.1100	.1333	.0815	.1712	.1695
	(1205)	(1205)	(1205)	(1205)	(1205)	(1205)
	s = .009	s = .001	s = .001	s = .002	s = .001	s = .001
	Bus	Age	Score			
	.0140	−.1140	.3527			
	(1205)	(1202)	(1000)			
	s = .313	s = .001	s = .001			

*See Essex County Data Collection Instrument, appendix B, for variable names.

TABLE 12.--Essex County, Pearson's correlations--general, selected variables*

Variable	3	7	25	30	33	48
correlation	.1604	.5099	.1037	.2945	.3130	.2532
# of cases	(1205)	(1205)	(1200)	(1202)	(1129)	(1184)
significance	s = .001	s = .001	s = .001	s = .001	s = .001	s = .001
	53	54	56	57	61	65
	.2220	.2078	.2445	.2249	.1918	.1899
	(1199)	(1199)	(1192)	(1195)	(1203)	(1203)
	s = .001	s = .001	s = .001	s = .001	s = .001	s = .001
	67	68	74	75	85	86
	.2137	.1788	.1973	.2099	.2140	−.1825
	(1201)	(1201)	(1201)	(1200)	(1137)	(1190)
	s = .001	s = .001	s = .001	s = .001	s = .001	s = .001
	Score	Injury				
	.3527	.0735				
	(1000)	(560)				
	s = .001	s = .041				

*See Essex County Data Collection Instrument, appendix B, for variable names.

TABLE 13.--Essex County, Pearson's correlations--generic, selected variables*

Type Violent, 14 with--

Variable	Inter	48	53	56	62	68	69	75	89	84	85	86
correlation	.4644	.2295	.2135	.2163	−.2151	.1354	−.2604	.1993	−.2154	.3114	.3182	−.2103
# of cases	(357)	(352)	(355)	(352)	(297)	(356)	(265)	(356)	(194)	(319)	(355)	(345)
significance	s = .001	s = .001	s = .001	s = .001	s = .001	s = .005	s = .001	s = .001	s = .001	s = .001	s = .001	s = .001

Type Property, 14 with--

Inter	33	48	53	56	57	59	61	67	68	71	74
.2159	.1940	.3190	.2484	.3056	.2638	.1705	.1784	.2198	.1997	.1806	.2241
(272)	(258)	(266)	(272)	(271)	(272)	(271)	(272)	(270)	(271)	(271)	(271)
s = .001	s = .001	s = .001	s = .001	s = .001	s = .001	s = .002	s = .002	s = .001	s = .001	s = .001	s = .001

75	84	85	86
.1912	.2625	.2344	−.2169
(270)	(243)	(254)	(264)
s = .001	s = .001	s = .001	s = .001

Type Drugs, 14 with--

Inter	48	53	56	58	59	61	64	65	66	67	68
.2579	.3034	.2000	.2697	−.3240	.2516	.3812	.2908	.2695	.3176	.3175	.3220
(312)	(351)	(358)	(356)	(118)	(356)	(359)	(359)	(359)	(358)	(359)	(359)
s = .001	s = .001	s = .001	s = .001	s = .001	s = .001	s = .001	s = .001	s = .001	s = .001	s = .001	s = .001

71	72	73	74	75	85
.2513	.2404	.2604	.2418	.3491	.2423
(358)	(357)	(358)	(359)	(359)	(345)
s = .001	s = .001	s = .001	s = .001	s = .001	s = .001

(Continued)

TABLE 13.--Essex County, Pearson's correlations--generic, selected variables*--Continued

Type Miscellaneous, 14 with--

Variable	Inter	48	53	56	57	61	64	66	67	68	71	73
correlation	.0457	.3662	.3136	.2687	.2783	.3185	.2149	.3358	.2514	.3412	.2619	.3288
# of cases	(181)	(180)	(180)	(178)	(179)	(181)	(181)	(181)	(181)	(180)	(180)	(180)
significance	s = .270	s = .001	s = .001	s = .001	s = .001	s = .001	s = .002	s = .001	s = .001	s = .001	s = .001	s = .001

74	75	84	85
.2520	.3667	.3321	.3066
(180)	(180)	(161)	(170)
s = .001	s = .001	s = .001	s = .001

*See Essex County Data Collection Instrument, appendix B, for variable names.

TABLE 14.--Cook County, Pearson's correlations of variables used in regression analysis with dependent variable--type of sentence (In/Out)*

Item	r	Significance
Liberty status at time of offense	.1987	.001
Total adult prior convictions	.2567	.001
Prior adult felony convictions against person	.1802	.001
Prior adult felony convictions not against person	.2140	.001
Prior adult convictions for similar offense	.1407	.005
Prior adult incarcerations over 30 days	.2268	.001
Statutory class of first offense at conviction	-.1918	.001
Prior probation/parole revocations	.1573	.002
Total number of prior adult felony convictions	.2729	.001
Number of present offenses of which convicted	.1891	.001
Total prior adult misdemeanor convictions	.1403	.005
Prior adult misdemeanor convictions not against person	.1389	.005
Prior probation revocations	.1275	.009
Prior parole revocations	.1263	.010
Prior adult misdemeanor convictions against person	.0444	.208
Injury to victim	.0202	.358
Weapon usage	-.0760	.184
Employment/education status	.0603	.154

*Pearson's correlations performed upon the construction sample (n=485).

TABLE 15.--Essex County, discriminant analysis, general

Variables* = 3, 7, 25, 30, 33, 48, 133, 54, 56, 57, 61, 67, 68, 74, 75, 85, 86*

Step	Variable entered	F to enter or remove	# Included	Wilks' lambda	Significance	RAO's V	Change in RAO's V	Significance of change
1	Score	142.93196	1	.87483	.000	142.90109	142.90109	.000
2	48	92.88247	2	.80035	.000	249.17657	106.27549	.000
3	33	66.41774	3	.75036	.000	332.31755	83.14098	.000
4	75	49.16543	4	.71506	.000	398.03517	65.71762	.000
5	07	23.13165	5	.69882	.000	430.51527	32.48010	.000
6	56	22.5455	6	.68332	.000	462.93781	32.42254	.000
7	30	10.91328	7	.67589	.000	479.00595	16.06815	.000
8	86	8.81121	8	.66994	.000	492.13334	13.12738	.000
9	85	3.10970	9	.66784	.000	496.81211	4.67877	.031
10	65	1.56943	10	.66679	.000	499.18343	2.37135	.124

*See appendix B for variable names.

to develop a guideline model which would not incorporate prosecutorial discretion into the judicial sentencing decision.

c. In Maricopa County, three dependent variables were included in the Pearson's correlation analysis--type of sentence (dichotomized into "in" and "out") and the minimum and maximum periods of incarceration of offenders receiving an "in" sentence. Pearson's correlation coefficients were computed for the entire sample and for the offense subtypes of property, violent, and drugs. Pearson's correlation analysis and contingency table analysis produced similar results (see appendix C). Essentially, the same variables were substantially related to the "in/out" decision within the entire sample and within each crime type: custody status, time spent in jail prior to sentencing, number of criminal charges and events, legal status, juvenile and adult criminal history record, employment status, drug usage, and seriousness index. However, the Pearson's correlation coefficients for some factors differed within the subtypes of the general sample, demonstrating the operation of an interactive effect involving type of offense. The crime-specific effect of certain variables was attributable to the fact that their applicability was limited to a particular type of crime (e.g., type and value of drugs, injury to victim). The differential performance of other variables did not lend itself as easily to interpretation. Race and education emerged as salient factors only within the drug subsample. The relationship between the seriousness index and the "in/out" decision was much weaker for property crimes than for violent and drug crimes. Prior adult convictions were not significantly related to the sentencing of violent offenders.

Few variables were substantially related to the length of sentence in the property and drug offense types in Maricopa County. At least three inferences may be drawn from this finding: (1) the length of time decision for property and drug crimes may not be as influenced by a coherent policy as is the "in/out" decision; (2) a more refined seriousness index, sensitive to intervals of time, may be required to reflect the relationship between offense and length of sentence; and (3) the form of the relationships may be nonlinear. The latter two inferences would have been examined had a distinct (bifurcated) model for the length of sentence decision been contemplated. The violent subtype and the entire sample had a number of variables related to length of sentence: basis of adjudication, custody status, days spent in jail prior to sentencing, number of original charges and charges at conviction, convictions against-the-person, weapon usage, injury to victim(s), prior adult felony arrests, prior adult incarcerations, residential stability, and seriousness index. The fact that many variables were not related to length of sentence and to the "in/out" decision in the same way lends support to the finding of the feasibility panel that the "in/out" and length decisions are analytically severable.

4. Multivariate Analysis. The next phase of the research consisted of using such multivariate techniques as multiple regression and discriminant function analysis. These techniques were employed primarily as an additional check on the identification of factors subsequently to be incorporated in guideline model development.

Multiple regression is a statistical method which seeks to identify and estimate the magnitude and significance of the variance of the dependent variable that is shared with several independent variables. The coefficient of determination, R^2, indicates the proportion of variability in the dependent

variable which can be "explained" by a set of independent variables. The technique incorporates some basic assumptions: (1) the relationship between the criterion and the independent variables is linear in nature; (2) the effect of the independent variables is additive; (3) the variables are measured at the interval level; (4) the independent variables are not intercorrelated; and (5) the dependent variable is normally distributed and has the same variance at each value of the independent variables. Moreover, the regression solution is affected by the ratio of the number of independent variables to the number of cases. As this ratio increases, so does the overestimation of the coefficient of multiple correlation, R. Experts differ as the the acceptable ratio, but in order to perform meaningful multiple regression analyses, a ratio of between 30 or 40 times the number of subjects to variables should be maintained.[21]

It is important to reiterate that multiple regression was not used in an explanatory sense; that is, it was not used to indicate the relative weight of one variable over another in describing the in/out decision. Rather, multiple regression was used as a supplemental statistical technique to confirm the relationships observed among the dependent variable and independent variables which had been identified through earlier cross-tabular and Pearson's correlation analyses. To some extent, it also aided in determining which of the independent variables might possess the greatest statistical value in the guideline models.

We were cognizant of the fact that (particularly given the nature of criminal justice data) our employment of multiple regression may not have met the assumptions on which this technique is based. Two of these are especially critical given the nature of our research: the interrelationships among independent variables and the specification of the dependent variable as a dichotomy.[22]

The assumption of orthoganality among the set of independent variables was violated by our data set, especially with respect to the prior offense of variables. Extreme multicolinearity may cause the regression coefficients to vary considerably from sample to sample. It is difficult, and often meaningless, to disentangle the effects of highly intercorrelated variables in order to determine the relative contribution to the regression solution. However, multiple regression played a relatively limited role in model construction, strict observations of the assumptions, therefore, was not imperative. Our aim was not to employ the refined regression weights in the final construction of guideline models, but rather to use more crude unit weights. The frequency of high intercorrelations among variables are not as much of a drawback to models utilizing equal weights, particularly when Burgess point scales are used.

Another principle of multiple regression which was violated was the fact that the dependent variable used in analysis was not an interval level variable; moreover, it was dichotomized. This restricted the amount of variation in the dependent variable for which regression equation was attempting to account. As a result, in the prediction equation formed to predict, a dependent variable would have a substantial error term (loss of predictive power) as there were only two sources of variations for which to account. Again, because regression analyses was used only to confirm relationships observed through cross-tabular and Pearson's correlation analysis, the assumptions violated by dichotomization by the dependent variable were considered by us not to be problematical.

The variables identified as having the strongest association with the dependent variables through the Pearson's correlation analysis were entered into

a multiple regression equation. There were several important reasons for using this selected group of variables. First, readily available computer programs can handle only a limited number of variables in a regression problem. More important, however, it is dangerous to use a data set which contains a large number of predictor variables. It is too easy to get perfect, yet meaningless, predictability since, by chance alone, one is likely to find variables which are significantly related to the dependent variable. Those variables which were not significantly correlated with the sentence variable could no more contribute to the prediction of sentence in a multiple regression equation than was possible in the Pearson's correlation analysis.

In some instances, as a further test of the associations between the dependent and independent variables shown through the other techniques used, discriminant function analysis was performed on the data. This technique is similar to multiple regression analysis in which the dependent variable is dichotomous.[23] Discriminant function analysis combines and weights the independent variables in such a way as to maximally distinguish between the groups of the dependent variable. Due to the similarity between these two statistical techniques, we sought to investigate whether the solution(s) provided by discriminant function analysis would match those produced by regression analysis. The results of the discriminant function analysis performed only on an in/out dependent variable shows great similarity to the regression solutions obtained.

a. In Cook County, the dependent variable has dichotomized into incarcerative and nonincarcerative sentences. The categorization of split and/or special sentences as either incarcerative or nonincarcerative sentences was tested by performing double sets of regressions, and observing in which category they appeared to best fit. Regressions were also performed using the minimum and maximum length of incarceration as the dependent variable. These regressions were run so that staff could assess which variables were better predictors of the length of sentence.

Three new variables enter the regression solutions as predictors of sentence length: alcohol usage, drug usage, drug addiction to opiates. The contribution of these variables to the regression solution was marginal, and for reasons that will be discussed more fully at a later point, they were not included in the final guideline models.

While cutoff levels had been established through Pearson's correlation analysis for selection of independent variables to be examined in regression analysis, for theoretical and empirical reasons some independent variables that did not meet the cutoff criteria were tested through regression analysis (see table 14). Many of the variables tested (weapon usage, injury to victim, prior probation/parole revocations, employment and misdemeanor convictions against the person) have been suggested as affecting the sentencing decision. In addition, these variables appeared to have a strong relationship to the dependent variable in the cross-tabular analyses performed. It was found that the predictive power of the regression equation was increased only minimally by the addition of weapon usage and injury variables, whereas the other variables either entered the regression equation early as good predictors, or contributed to raising the overal predictive power of the regression equation.

The analysis was preliminarily performed on the sample along statutory class lines, Felony 1, 2, and 3. Murder, a separate class felony, was not

analyzed only to the extremely small sample size (n=21), which hampered meaningful statistical analysis. Similarly, analysis was not performed for Felony 4 or misdemeanor offenses since they too were underrepresented in the construction sample.[24]

However, during the course of statistical analysis of the data, the judiciary expressed concern that different factors would be more important to the sentencing decision for different types of crimes. For example, in sentencing a burglary the fact that the structure was a resident, as opposed to a commercial property, might differentiate the type or length of sentence given. Similarly, the fact that an offender had many more convictions for property crimes might have bearing upon a conviction for a property offense, but not upon a conviction for a personal crime, such as assault. Thus, at the request of the Cook County judiciary, the staff began to analyze the data upon a crime-specific classification, as opposed to a statutory class scheme. It was felt that these might be more sensitive to "real offense" factors and differential offender characteristics.

Investigation of the feasibility of using crime-specific models revealed that while seven unique crimes[25] accounted for 74 percent of all the first offenses charged at conviction in the construction sample, the small number of cases for each crime limited the reliability of any analysis performed. At the same time, it was found that information items which might be relevant to predicting different sentences imposed (for the same offense) were often missing or not available for data collection. For example, it was hypothesized that the relationship between the victim and the offender might be an important factor in sentencing those convicted of assaultive crime (e.g., aggravated battery, manslaughter, etc.). However, the initial investigation of Cook County's data base had revealed that it was virtually impossible to determine the relationship of the victim to offender in terms other than the gross ones of "known" or "unknown." Even use of this data in such a crude categorization proved difficult in the analysis. In the construction sample, for example, this information for aggravated battery (n=31) was missing in 19.4 percent of the cases (n=6). Thus, attempting to assess the impact of the victim-offender relationship upon the sentencing decision for aggravated battery, when the case sample was so small, raised serious empirical questions.

The staff then considered analyzing the data base in terms of generic crime groupings, based upon empirical and theoretical concerns. It was hoped this would sufficiently increase the sample size for each generic grouping so that statistical analysis might prove more reliable. Testing to determine predictor variables was first done upon the largest generic crime grouping (n=178) to determine the reliability and efficacy of further work along these lines. That grouping, composed of armed robberies and robberies, as well as attempts, indicated that there was little difference in predictor variables than those that were identified in the analysis performed along statutory class lines.

At this point the presiding judge was informed of the similarities in information items used by the crime-specific, generic, and statutory categorizations of the data base. After consultation, the decision was made to continue the analysis along statutory class lines, as future guideline development would be not only more statistically sound, but would result in models which would be much simpler for the judiciary to use. Instead of seven separate grids, each

with slightly different information items used for each crime-specific model, the statutory class models would employ the same offender/offense information items with the virtue of necessitating only three grids.

b. In Essex County, multivariate techniques were employed on both the "class" and "generic" subsets identified through earlier cross-tabulation and Pearson's correlation analysis. As to the class subset, the discriminant function analysis (performed on those variables which were significantly correlated with the dependent variable in the class correlation analysis) offered only 10 of the 19 variables entered as predictors (see table 16). These 10 variables including some measure of offense seriousness, system relationship, victim classification, prior adult incarceration, number of charges at conviction, weapon usage, employment status, drug addiction, and the number of arrests for high misdemeanors against the person, were able to accurately predict 80.0 percent of the "out" decisions and 72.1 percent of the "in" decisions (see table 18).

TABLE 16.--Essex County, classification of function coefficients

Var #	Group 0	Group 1
07	4.41890	5.16513
30	.76234	1.58488
33	6.18778	5.25227
48	.83400	1.84719
56	.14858	.29425
65	.22247	.31328
75	.22401	.37753
85	−.27817	.04072
86	2.58092	2.15226
Score	.23407	.26577
Constant	−12.13973	−15.39316

TABLE 17.--Essex County, Discriminant function coefficients

Var #	Standardized	Unstandardized
07	.22098	.43153
30	.19865	.47564
33	.26814	.58590
48	.27840	.08424
56	.20871	.05251
65	.06180	.08878
75	.24153	.18440
85	.09005	−.24788
86	.12326	.01833
Score	.32628	−1.89591

TABLE 18.--Essex County, prediction results

Actual group	# of cases	Prediction group	Membership
Group 0	488	Group 0 391 80.1%	Group 1 97 19.9%
Group 1	513	Group 0 143 27.9%	Group 1 370 72.1%

As to the generic subsets the variables which were entered into the regression equation were selected by the judges from those variables which were significantly correlated with the sentence variable. The judges, for example, made a policy decision to eliminate variables pertaining to prior arrest record. It was also decided that those variables which require specific and often difficult to obtain information (such as number of prior adult convictions for misdemeanors not against the person) could be replaced by one variable--number of prior adult convictions. The amount of variance in the sentencing decision which could be predicted by the variables in the regression solutions for the generic subsets ranged from 19 percent for property to 40 percent for drugs (see tables 19-22).

TABLE 19.--Essex County, regression--generic, violent (n=233)

Variable*	MR	R^2	R^2 change	Simple R	B	beta
85	.31184	.09724	.09724	.31184	.1704	.21802
48	.37688	.14204	.04480	.24214	.13804	.17648
86	.43674	.19074	.04870	−.24565	.16582	−.20460
69	.45451	.20658	.01584	−.25203	.01047	−.11273
56	.46013	.21172	.00514	.19558	.00930	.07384
75	.46266	.21406	.00234	.19692	.00694	.05190
				constant =	.90625	

*See appendix B for variable names.

TABLE 20.--Essex County, regression--generic, property
(n=237)

Variable	MR	R^2	R^2 change	Simple R	B	beta
48	.32701	.10693	.10693	.32701	.23671	.23406
56	.40147	.16118	.05424	.27977	.04072	.20545
86	.42756	.18280	.02163	−.22717	−.13506	−.13158
85	.43767	.19156	.00875	.22139	−.08265	.07834
68	.44040	.19395	.00239	.22424	.00638	.05662
					constant = .34936	

TABLE 21.--Essex County, regression--generic, miscellaneous
(n=163)

Variable	MR	R^2	R^2 change	Simple R	B	beta
75	.38940	.15163	.15163	.38940	.03805	.22076
48	.46653	.21765	.06601	.36163	.25860	.23320
85	.50091	.25091	.03327	.34978	.20499	.17000
56	.51110	.26122	.01031	.28333	.02197	.11106
					constant = .16867	

TABLE 22.--Essex County, regression--generic, drugs
(n=108)

Variable	MR	R^2	R^2 change	Simple R	B	beta
48	.46783	.21887	.21887	.46783	.40617	.40604
56	.54363	.29553	.07666	.33236	.03127	.13785
61	.57790	.33970	.03844	.33143	-.20518	-2.55544
58	.58446	.34159	.00762	-.33243	-.01439	-.07285
71	.58441	.34623	.00464	.21712	-.30767	-2.02442
64	.59708	.35650	.01027	.26673	.26660	2.12052
68	.60216	.36260	.00610	.29174	.24512	2.21938
65	.60482	.36581	.00321	.24727	.24403	.55893
72	.60901	.37089	.00508	.28139	-.28065	-.37342
59	.61322	.37604	.00515	.28087	.03692	.09122
66	.61667	.38028	.00424	.22453	.19732	1.22942
73	.62303	.38817	.00789	.19732	-.19720	-.74331
67	.62688	.39297	.00480	.14665	-.02518	-.10093
85	.62843	.39493	.00196	.16708	.05335	.04548
75	.62908	.39574	.00081	.29100	.01058	.06602
53	.62923	.39530	.00018	.31003	.00498	.02976
					constant = .24390	

c. In Maricopa County, in order to limit the number of variables entered in the regression analysis, a Pearson's r of "±.20" at a significance level of ".001" was established as the criterion for inclusion. Also, a number of variables that met the criterion were excluded because the Maricopa County Superior Court judges had indicated that it would be improper to consider them in the development of an equitable sentencing policy: custody status, time spent in jail prior to sentencing, education, prior adult and juvenile arrests, and ethnic descent. Even with this reduced set of variables, the attrition of cases through listwise deletion was marked--approximately 300 cases were omitted. None of the subsamples had a sufficient number of cases after listwide

deletion to satisfy a 30:1 ratio of subject to variables, so one might infer that the multiple R for the crime types is somewhat inflated.

Multiple regression was performed on a general sample and on each subsample using the dependent variable, sentence type (see tables 23-26), but it was not applied to the dependent variables, minimum and maximum length of incarceration, because there were not a sufficient number of variables considered suitable in terms of policy considerations which were substantially related to sentence length to make the analysis worthwhile. Thirty-two percent of the variation in the dependent variable was explained by the independent variables for the general or class sample; 40 percent of the variation was accounted for by the independent variables for the violent subsample; 36 percent for the property subsample; and 45 percent for the drug subsample.

TABLE 23.--Maricopa County, multiple regression dependent variable: type of sentence
General Sample

	Multiple R	R^2	R^2 change
Prior adult convictions	.30565	.09342	.09342
Prior juvenile incarcerations	.39117	.15301	.05959
Seriousness index	.44528	.19828	.04526
Victim classification	.49836	.24837	.05009
Employment status	.53043	.28136	.03299
Legal status	.54473	.29673	.01537
Addiction to opiates	.55587	.30900	.01227
Prior adult incarcerations	.56122	.31497	.00598
Drug use	.56214	.31600	.00103
Prior adult felony convictions against-the-person	.56282	.31676	.00076
Prior juvenile convictions	.56316	.31715	.00038
Prior adult felony convictions not-against-the-person	.56324	.31723	.00009

Significance of F = .01

TABLE 24.--Maricopa County, multiple regression dependent variable: type of sentence
Violent Subsample

	Multiple R	R^2	R^2 change
Seriousness index	.54097	.29265	.29265
Employment status	.60395	.36475	.07210
Prior juvenile incarcerations	.61895	.38310	.01835
Number of criminal events	.63036	.39735	.01425
Prior juvenile convictions	.63279	.40043	.00307
Legal status	.63460	.40271	.00228
Whether property involved in offense	.63569	.40410	.00138

Significance of F = .01

TABLE 25.--Maricopa County, multiple regression dependent variable: type of sentence
Property Subsample

	Multiple R	R^2	R^2 change
Prior adult convictions	.43140	.18611	.18611
Legal status	.49779	.24780	.06169
Employment status	.54199	.29375	.04596
Prior juvenile incarcerations	.56139	.31516	.02140
Seriousness index	.57703	.33296	.01781
Prior adult incarcerations	.58836	.34617	.01321
Drug use	.59326	.35196	.00579
Prior juvenile convictions	.59613	.35537	.00341
Prior probation terms	.59818	.35781	.00244
Prior adult felony convictions against-the-person	.59925	.35910	.00129
Prior adult felony convictions not-against-the-person	.59954	.35945	.00034
Addiction to opiates	.59972	.35967	.00022

Significance of F = .01

TABLE 26.--Maricopa County, multiple regression dependent variable: type of sentence
Drugs Subsample

	Multiple R	R^2	R^2 change
Type of drugs	.56121	.31496	.31496
Seriousness index	.61170	.37417	.05922
Legal status	.63882	.40809	.03391
Juvenile incarcerations	.65382	.42748	.01939
Prior adult felony convictions not-against-the-person	.66111	.43707	.00950
Number of criminal events	.66537	.44272	.00565
Possession/sale of drugs	.66759	.44568	.00296
Addiction to opiates	.66918	.44780	.00213
Drug use	.66957	.44832	.00051
Prior adult convictions	.66982	.44866	.00034

Significance of F = .01

Discriminant function analysis was also performed on these same groups. The independent variables entered the discriminant function analysis in the same order as they had entered the regression analysis (see tables 27-30). Eight variables contributed significantly to the discriminant solution for the general sample: prior adult convictions, prior juvenile incarcerations seriousness index, victim classification, employment status, legal status, addiction to opiates, and prior adult incarcerations. For the violent subsample, seriousness index, employment status, prior juvenile incarcerations, and number of criminal events added significantly to the discriminant solution. Six variables contributed significantly to the equation for the property subsample: prior adult convictions, legal status, employment status, prior juvenile incarcerations, seriousness index, and prior adult incarcerations. Type of drugs, seriousness index, legal status, prior juvenile incarcerations, and prior adult felony convictions not against-the-person made a significant contribution to the discriminant solution for the drugs subsample. The discriminant function correctly classified 77 percent of the cases belonging to the general sample, 79 percent of the violent subsample cases, 77.5 percent of the cases in the property subsample and 83.5 percent of the cases belonging to the drugs subsample.

In sum, then, cross-tabular analysis was the primary technique we utilized for selection of variables for use in the development of guideline models. Correlation analysis, multiple regression, and discriminant function analysis were employed as supplemental techniques to verify the observed relationship between the dependent and independent variables as shown by the cross-tabular analysis. The violations of the usual assumptions underlying statistical

techniques were of little consequence given the utilitarian purposes of this project. For example, neither the order of entry nor the beta weights indicated by the regression solution were used in any further analysis; the regression analyses were used solely to help identify the most significant variables determinative of sentence for use in model construction. Moreover, subsequent sections of this report will point out that the guidelines themselves are primarily the result of policy decisions of the judges informed by, but not bound by, statistical analysis.

TABLE 27.--Maricopa County, discriminant analysis
General Sample

Variable entered	Significance of change in Rao's V[a]
Prior adult convictions	.000
Prior juvenile incarcerations	.000
Seriousness index	.000
Victim classification	.000
Employment status	.000
Legal status	.000
Addiction to opiates	.000
Prior adult incarcerations	.001
Drug use	.158
Variables not entered[b]	
Prior juvenile convictions	
Prior adult felony convictions against-person	
Prior adult felony convictions not-against-person	

Significance of chi square for discriminant function = .000

Prediction results

	Number of cases	Predicted group membership: Out	In
Out	514	424 82.5%	90 17.5%
In	393	117 29.8%	276 70.2%

Percent of grouped cases correctly classified = 77.18%

a. Rao's V is a generalized distance measure. The variable which when added to the previously entered variables increases Rao's V the most is selected for inclusion.

b. F or tolerance level insufficient for inclusion.

TABLE 28.--Maricopa County, discriminant analysis
Violent Subsample

Variable entered	Significance of change in Rao's V[a]
Seriousness index	.000
Employment status	.000
Prior juvenile incarcerations	.007
Number of criminal events	.003

Variables not entered[b]

Prior juvenile convictions
Legal status
Whether property involved in offense

Significance of chi square for discriminant function = .000

Prediction results

	Number of cases	Predicted group membership: Out	Predicted group membership: In
Out	66	56 84.8%	10 15.2%
In	124	30 24.2%	94 75.8%

Percent of grouped cases correctly classified = 78.95%

a. Rao's V is a generalized distance measure. The variable which when added to the previously entered variables increases Rao's V the most is selected for inclusion.

b. F or tolerance level insufficient for inclusion.

TABLE 29.--Maricopa County, discriminant analysis
Property Subsample

Variable entered	Significance of change in Rao's V[a]
Prior adult convictions	.000
Legal status	.000
Employment status	.000
Prior juvenile incarcerations	.000
Seriousness index	.000
Prior adult incarcerations	.000
Drug use	.014
Prior juvenile convictions	.056
Prior adult probation terms	.105

Variables not entered[b]

Prior adult felony convictions against-person
Prior adult felony convictions not-against-person
Addiction to opiates

Significance of chi square for discriminant function = .000

Prediction results

	Number of cases	Predicted group membership: Out	Predicted group membership: In
Out	258	216 83.7%	42 16.3%
In	190	59 31.1%	131 68.9%

Percent of grouped cases correctly classified = 77.46%

a. Rao's V is a generalized distance measure. The variable which when added to the previously entered variables increases Rao's V the most is selected for inclusion.

b. F or tolerance level insufficient for inclusion.

TABLE 30.--Maricopa County, discriminant analysis
Drugs Subsample

Variable entered	Significance of change in Rao's V[a]
Type of drugs	.000
Seriousness index	.000
Legal status	.000
Prior juvenile incarcerations	.000
Prior adult felony convictions not-against-person	.004
Number of criminal events	.025
Possession/sale of drugs	.013
Addiction to opiates	.165

Variables not entered[b]

Prior adult convictions
Prior adult incarcerations
Drug use

Significance of chi square for discriminant function = .000

Prediction results

	Number of cases	Predicted group membership: Out	In
Out	193	168 87.0%	25 13.0%
In	87	21 24.1%	66 75.9%

Percent of grouped cases correctly classified = 83.57%

a. Rao's V is a generalized distance measure. The variable which when added to the previously entered variables increases Rao's V the most is selected for inclusion.

b. F or tolerance level insufficient for inclusion.

CHAPTER 5

MODEL DEVELOPMENT

A. DECISIONMAKING MATRICES

The ultimate goal of the sentencing guidelines project was to assist judges in establishing their sentencing policy. To help them accomplish this task, numerous sentencing guideline models were designed and tested in each site. Initial models were developed on the basis of predicting the in/out decision. Sentence length for these models was established on the basis of the configuration of predicted "in" sentences providing an experience table. While the models differed in content, i.e., the number and type of variables included and the weights assigned to them, they shared the same basic structure--a two-dimensional decision matrix, or grid, which reflected the two focal concerns informing the determination of sentence: the seriousness of the offense and the salient characteristics of the offender. The dimensions are represented by an offense scale and an offender scale. The offense scale dimension consisted of a seriousness index and various "real offense" seriousness modifiers such as injury to victim and type of drugs. The offender scale was typified by social stability information and prior criminal record.

These offense and offender scales are derived by weighting, or assigning points to, information items identified as significant in describing relevant characteristics of the crime and the criminal. The points are then summed into separate scores for the offense and the offender which are arrayed on their respective scales. The vertical axis is divided into levels of seriousness of the offense or crime; the horizontal axis is divided into offender, "salient factor," or criminal scores. The interior of the grid consists of cells each of which contains a suggested decision. The cells occur at the points of intersection, within each matrix, of the respective offense and offender scores. The suggested decision range displayed within each cell represents to some extent an experience table consisting of actual sentences received by local offenders having the same combination scores. Theoretically, the sentence within a given cell should be quite similar, and sentences should become more severe as offense and offender scores increase. In other words, sentences should increase in severity with incremental gradations in the seriousness of the offense and as the offender characteristics become less favorable.

To use the grid, one simply plots the intersection of a particular combination of offense score and offender score much as one would locate a town on a roadmap by the intersection of two coordinates; this procedures locates the cell containing the suggested sentence. There are several reasons for choosing this type of decisionmaking model. First, a two-dimensional model is superior to a unidimensional one in that it reflects the interactive effects of the two dimensions. Second, it creates a large number of categories of offense and offender

scores without requiring that the discrimination of any one information item be critical or too finely tuned.[26] Third, once guidelines have been implemented in a jurisdiction, the calculation of the guideline sentence is very simple, and the grid system thus greatly reduces the possibility of error from incorrect coding or incorrect mathematical computation. Fourth, this system minimizes the time needed to calculate the suggested sentence. This time-saving is important in all court systems, but it is especially crucial in those jurisdictions where the judges themselves must compute the guideline sentence. Fifth, decisionmaking matrices provide a literal picture of sentencing practices. Once sentencing decisions have been plotted within the grids, the contents of each cell can be analyzed not only in reference to the cell's coordinates (offense and offender scores), but also in relationship to the contents of surrounding or contiguous cells. Thus, variation of sentences within individual cells and patterned relationships between cells can be readily identified and resolved by policy decisions of the judges.

B. PREDICTION

The main emphasis of the research function of this project was one of practical application, that of constructing a model which could usefully predict sentencing decisions and thus aid the judges in setting sentencing policy. "Prediction" may be used to generally mean the estimation of one phenomenon from the knowledge of others to which it is related. The initial guideline models are predictive in that they aim to forecast future sentencing decisions, based upon factors which have been shown to be statistically related to prior judicial sentencing behavior. More specifically, this process investigates and describes the factors which have influenced prior sentencing decisions, i.e., gleaned from a construction sample, and then applied the identified factors to a validation sample to predict the variable under investigation, i.e., the dependent variable.

Our choice of independent variables was determined primarily by their potential effectiveness in predicting the in/out decision as the dependent variable. The initial decisionmaking matrices (based on construction samples) we employed may be thought of as experience tables. As any experience table is fitted closely to the sample on which it is built, its ability to estimate the dependent variable is misleadingly high; a table cannot be called a prediction table until its predicted validity has been tested by applying it to another sample. This effect of overfitting, as evidenced by a drop in predictive power in subsequent samples, is called shrinkage.

There are a number of ways to control the problem of shrinkage. The amount of shrinkage can be reduced by using a large ratio of cases to variables in the construction sample, since in a large sample there is less risk of chance effects obscuring real effects. There is also less risk of giving undue weight to associations which appear to be high only by chance in the construction sample if selection of predictors is made from a small number of original independent variables. A third way to control shrinkage is to quantify the variables so that they are not very sensitive to the peculiarities of the construction sample.[27] For this latter reason, a Burgess-type weighting scheme was used in each jurisdiction to avoid the problem of overfitting.

In Cook County, we found the guideline models useful in predicting the in/out decision. The experience of the construction sample was successfully applied to a validation sample to predict the in/out decision. However, the

Cook County guideline model initially prepared was not in the true sense a predictive model for the length of sentence. Rather, at the stage of predicting the length of sentence for each cell it became apparent that there were too few cases in each cell to be as confident of our predictive ability. Thus, the trade-off became deciding whether to err by basing the length of time decision on fewer cases, with the concomitant potential for diminished predictive accuracy on this decision, or abandon the "prediction" idea with regards to the length of sentence decision, and utilize the validation sample's incarcerative sentences as "experience" in mapping the length of sentence decision. The latter course of action was deemed more appropriate. The experience table for the length of time decision is then utilized as a tool to aid the judiciary in making policy decisions, which will then later be tested by the judges in actual use.

C. MODEL CHOICE

Having completed the correlation and multivariate analyses, we now had a good idea of the 10 to 20 variables in each jurisdiction which seemed to have the most potential for accurately predicting the sentencing decisions of the courts in question. Our next step was, for each jurisdiction, to determine what combinations of these variables would most accurately predict criminal sentences and to begin generating preliminary guideline models to incorporate these combinations. We felt that there were six principal types of models which we might have generated for each jurisdiction. We termed these types the "general" or "class," the "generic," and the "crime-specific" models; we hypothesized one-stage and also two-stage variants of each.

The "class" model was derived from the sentencing guidelines scheme which we had designed during our feasibility study and which was subsequently adopted by the Denver District Court. It is also the model adopted during the implementation study by the judges of the Cook County Circuit Court. In the class model, one set of information items is used to establish guideline sentences for all crimes while each statutory class of crimes is accorded its own separate decisionmaking matrix or grid. The major advantage of this model over either of the other models is the simplicity of calculation it affords inasmuch as only the one set of information items is used. It also coordinates well with the statutory classification system in effect in those American states (more than half) which have adopted a Model Penal Code type of structure.

The generic model was conceptualized and developed during the implementation study and was eventually adopted for use by the Essex County and Superior Courts, as well as by the Maricopa County Superior Court. The generic model classifies crimes by offense type; property, violent, drugs, and miscellaneous categories have so far been employed in practice. The rationale for the generic model is that, while it is conceivable that the generated information items in any jurisdiction may be the same for each of these offense categories, it is more likely that different items will be incorporated for each type. The procedure for determining the guideline sentence in a particular case is to turn to the information set congruent with the type of offense in question, sum the relevant offense and offender scores and then turn to the grid for that type of offense, rather than the grid for a statutory class as in the class model. While generic model does clearly possess the potential for more accurately identifying factors differentially affecting various types of crimes, we found that it did not necessarily provide us a more accurate model in the predictive sense.

The "crime-specific" model is a theoretically significant extension of the logic of the generic model, although it has not been adopted in any jurisdiction yet. In the crime-specific model, both information sets and decisionmaking matrices are designed for individual offenses. This model has the potential for obtaining the highest predictive power of all models since guidelines are being developed for sharply delineated fact situations. Yet, crime-specific models appear to be extremely costly, both to develop and to implement, since statistical analysis would not be valid unless an extremely large number of cases was sampled for each crime for which we were attempting to develop models. Moreover, the analysis must be done for each crime, thus multiplying costs. Empirically, we feel that it is impracticable to develop crime-specific guidelines except for the most commonly occurring offenses within a jurisdiction. Even then, some other type of model, either general or generic, would have to be used in conjunction with the crime-specific model in order to encompass the entire range of offenses.

All of the jurisdictions in which we have thus far worked have employed a one-stage system, i.e., the designation within a single decisionmaking matrix of both type and length of sentence. The two-stage, or bifurcated, model was conceptualized during the feasibility phase of the project. The first stage uses a set of information items and matching decisionmaking grids to aid in deciding whether or not to incarcerate a given offender. The second stage builds upon that decision by employing a second set of information items and grids to determine the suggested length of incarcerative sentence. Theoretically, a bifurcated model should more closely comport to reality as information items may be differentially associated with the two stages of the sentencing decision. An an illustration, it is quite possible that the present employment of a given offender will prove a significant factor in convincing a judge not to incarcerate a given offender. However, if the seriousness of the crime or some other factor persuades the judge to incarcerate the offender, then the judge has effectively decided to terminate the offender's present employment and that factor will likely carry no weight in the judge's next decision, i.e., the length of that incarceration. The major argument against the bifurcated model has been its complexity, as it necessitates separate sets of calculations for each stage of the sentencing decision, whether a general, generic, or crime-specific model underlies it. This increases operating costs, computation time, and the chances for errors.

D. WEIGHTING

1. The Weighting Scheme. In applying our basic approach to model construction, weights had to be assigned to each variable, and therefore, a decision was required as to the type of weighting scheme to employ. Because the thrust of this work was to map sentencing behavior and develop a simple predictive tool, our concern was to utilize a weighting scheme that would be most reliable and consistent over time, as well as computationally convenient for use by the judiciary. Therefore, following the design of the feasibility study, a simple, unit weighting scheme was employed[28] and unit weights were assigned to various factors shown to be significantly related to the sentencing decision.

We emphasize here that, while a variety of statistical methods were used to analyze sentencing decisions and identify the factors related to those decisions, the decisionmaking matrices we employed rely on a modified application of the concept of unit or equal weights. This concept was developed by Ernest

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W. Burgess in an attempt to predict the probability of success on parole.[29] Analyzing the case files of 3,000 parolees, Burgess cross-tabulated 21 variables contained in those case files with the outcome of parole. One point was assigned to each of the 21 factors in which the failure rate on parole was lower than that of the entire sample. A score of "0" was assigned to those categories in which the failure rate was higher than that of the entire sample. For example, since the number of prior incarcerations was found to be negatively correlated with success on parole, the Burgess method would assign a "+1" score to offenders whose total incarcerations were below the average. Each individual was given a score which ranged from "0" to "21" and, on the basis of that score, was assigned to a specific category estimating the probability of success on parole.

The unit weighting technique has been criticized because it does not account for interrelationships among the independent variables or the relative strength of their correlations with the criterion, and causes the loss of information by its categorization of interval-level variables. It has been argued that it does not seem mathematically sound to assign one point, for example, to a factor which is highly correlated with the dependent variable and then to do the same for an item with a low correlation with the dependent variable. Moreover, if two factors which might be included in an equal point system are highly intercorrelated, this might be attributable to the fact that they are actually measuring the same underlying fact or dimension. By including both variables, it would appear that the underlying factor is counted twice when it should be counted only once.[30]

More sophisticated techniques such as multiple regression have been developed which meet these criticisms. Regression coefficients differentially weight variables in proportion to their relative contribution to the regression solution by controlling for the intercorrelations among variables, and permit the use of interval-level data. However, two important considerations militated against the use of the more powerful regression weights developed by the application of multiple regression.

First of all, a guidelines model must operate within the financial, time, and policy constraints imposed by the criminal justice system. Unlike the regression approach, which requires some statistical training to comprehend, the use of equally weighted models facilitates understanding of the models, both in terms of their field use and of their policy implications. The unit weighting technique is computationally simple, employing only simple addition. Such weights are easy to estimate and reduce the problem of shrinkage when applied under a set of reasonably general conditions.[31] Simple weights are also easy to implement as they involve no complex arithmetic computations by the practitioners for whose use the models were constructed. Consequently, introducing such a system into a court system will usually require only a slight modification of already existing procedures used to compile information concerning offenses and offenders.

Second of all, the apparent advantage of using regression weights may be nonexistent in practice. A number of recent studies have shown that, under most circumstances and over time, when applied to the same samples, a unit weight system will predict the criterion almost as accurately as will the more sophisticated, differential weighting schemes.[32] More specifically, while the multiple regression technique tends to produce a higher correlation (R^2) on the

construction sample, it loses some of its predictive power when tested against a validation sample. As Wainer notes,[33] this is often due to the fact that the predictive regression equation built upon the construction sample is often overfitted to that sample, and thus the predictive power of the model "shrinks" when applied to a neutral sample. Shrinkage occurs because multiple regression capitalizes on chance variations; this capitalization on chance is even more pronounced when a stepwise technique is employed, as that method selects out the best set of predictors from a larger universe. If the predictor variables are characterized by multicollinearity, the regression coefficients may change considerably from the construction to the validation samples. According to Wilkins, the overfitting to the construction sample of regression techniques may actually be of less significance in explaining their shrinkage of predictive efficiency than the reality that criminal justice data does not meet the assumptions on which such sophisticated techniques are based.[34]

Another factor contributing to the attenuation of predictive power is the existence of extreme values which have an inordinate effect on the regression solution, but are either not present, or not related to the criterion in the same manner in the validation sample. An equal weighting scheme experiences less shrinkage of predictive efficiency on validation because its weights are not based on the relationship among the independent variables and are insensitive to outlying values. It therefore avoids the problems of multivariate techniques in two ways: (1) since the weights used for prediction are not estimated with the data, there is little likelihood of capitalization on chance; similarly, (2) the existence of outliers in the original data set has no influence on the estimates, and so cannot possibly pull them away from their correct values.

Thus, when applied to a validation sample, the unit weight technique actually tends to be at least as accurate as the differential weight method. In a comprehensive study designed to examine this phenomenon, Simon concluded that the equal weighting method predicted as well on validation samples as did the more sophisticated techniques.[35] In a parallel study, Wilbanks and Hindelang also found similar results.[36]

2. Assigning Weights. By employing a unit weighting scheme, we were confronted with the task of actually assigning specific weights to relevant variables. There were, however, no set rules, either as to which variables to use in the development of initial guideline models, or as to what specific weights were to be assigned to them. It was an iterative process of testing, modification, and retesting. Nevertheless, we were able to check the predictive capacity of each model, as well as the predictive ability of each individual variable, through a Mean Cost Rating or Index of Predictive Efficiency.

Equal or unit weights were assigned after a reexamination of the cross-tabulations to determine the degree to which the rate of incarceration for each category of an independent variable differed from every other category of that variable and from the base incarceration rate of the sample. It might help to explain this process by assuming a hypothetical jurisdiction in which the overall base incarceration rate is 50 percent. Let us now look at the variable "Prior Convictions." Suppose offenders with no prior convictions have a 35 percent incarceration rate, those with one prior conviction a 55 percent incarceration rate, those with two priors a 60 percent incarceration rate, and those with three or more a 70 percent incarceration rate. Although the

categories or breakpoints in this example would be fairly obvious, given the base incarceration rate, the weights still would not be apparent.

There are actually several different weighting combination alternatives that have to be tested and reviewed not only in terms of research considerations, but also in terms of their potential policy considerations. For example, we might want to tentatively assign a weight of zero to offenders who have never been convicted, a weight of one for one conviction, two points for two convictions, and three points for three or more convictions or we might want to collapse the latter two and assign two points for two or more convictions. We might even further collapse categories and use only 0 and 1. We might alternatively show "credit" directly to an offender by assigning a weight of "−1" to no convictions, "0" to one conviction, and "+1" to two or more convictions. Of course, we would want to test the effectiveness of different categorizations of the variable. The key to defining categories and assigning weights is to examine how many offenders are incorrectly identified. In the above example, we could assign one point to those offenders with one prior conviction because 55 percent of the offenders possessing that characteristic were incarcerated; on the other hand, 45 percent of the time we would be falsely classifying someone who, in fact, was not incarcerated.

Two areas required special care: closely associated variables and extreme weights. First, in each of the jurisdictions in which we worked, numerous prior criminal history variables were associated with the sentencing decision. Had we followed the above rules, when it came time to incorporate these somewhat similar items into a model, we would have run the risk of excessively weighting a particular dimension--even though, on an individual basis, these items each appeared to have a significant relationship to the "in" or "out" decision. Second, there was a temptation to place heavy weights on extreme values; e.g., on individuals with five or six prior convictions who displayed a 98 percent incarceration rate. The problem is that there are likely to be only a relatively small number of cases possessing those values; moreover, such offenders generally seem to pick up additional points for other included items such as prior incarcerations, hence achieving high scores in any event. Therefore, we never assigned a point value higher than "+3" in our unit weight systems.

Another justification for using low unit weights is computational ease and the consequent reduction of errors. For similar reasons, we thought it desirable to avoid negative weights. Nevertheless, the judges with whom we worked sometimes requested such weightings to indicate more graphically their policy decision to give credits to offenders who were presently employed or attending school, who pleaded guilty or who had no prior convictions.

Tables 31 and 32 give a concrete example from Cook County of how a comparison of incarceration base rates for each value of a predictor variable could be examined, and appropriate weights assigned at break points. Tables 33-37 show specific examples, for each of the class and generic categories tested for Essex County, of the recoded values we employed after collapsing variables at the point which provided our most discriminating cut-off points. According to the percentage of "in" or "out" decisions falling within each cell, dichotomous independent variables were given a weight of "one" or "zero," respectively. Interval scale variables were collapsed at the point which yielded the best differentiation between the "in" and "out" decisions.

TABLE 31.--Cook County, total number of prior adult incarcerations over 30 days* (variable 66)

Strung out form**

Type of sentence	Var 66 count / Col. %	0	1	2	3	4	5	6
	Out	119 39.5	12 17.6	8 29.6	4 16.7	0 .0	2 .4	0 .0
	In	182 60.5	56 82.4	19 70.4	20 83.3	9 100.0	10 83.3	3 100.0
	Column total	301 64.9	68 14.7	27 5.8	24 5.2	9 1.9	12 2.6	3 .6

Type of sentence		7	8	9	10	11	Row total
	Out	1 14.3	0 .0	0 .0	1 33.3	0 .0	147 31.7
	In	6 85.7	6 100.0	2 100.0	2 66.9	2 100.0	317 68.3
	Column total	7 1.5	6 1.3	2 .4	3 .6	2 .4	464 100.0

*The number of cases upon which this table is based reflects the sample size. (n=485) excluding cases (n=20) with missing or unclear information on this variable (a value of "99" or "98"). The value "97" was recoded to "0."

**This cross-tab has already had its extreme value of "15" (n=1) collapsed into value "11."

TABLE 32.--Cook County, collapsed and weighted at natural break according to base rate

Var 66* count / col. %	0	1	Row total
Out	119 39.5	28 17.2	147 31.7
In	182 60.5	135 82.8	317 68.3
Column total	301 64.9	163 35.1	464 100.0

*The value of "97 = Not applicable, i.e., never been convicted," was recoded to "0," for purposes of this table.

TABLE 33.--Essex County, general model recode values with weighting scheme

Type of sentence

Out	In	Missing value
(1-6 = 0)	(7,8,9 = 1)	(MV = 98,99,10)

Offense score

Offense class	Grid 1: 1-3 Grid 2: 1-4 Grid 3: 1-3 Grid 4: 1-3 Grid 5: 1-3

Weapon usage

(0,1 = 0) (2,3,4,6,8 = 1) (MV = 9)

Physical injury to victim

(0,7 = 0) (1,2,3,8 = 1) (4 = 2) (MV = 9)

Victim classification

(2,3 = 0) (1,3 = 1) (MV = 6,8,9)

Offender score

Offender's relationship to the criminal justice system at the time of the commission of present offense(s)

(0 = 0) (1-7,98 = 1) (MV = 99)

Total number of prior juvenile convictions

(0,1,97 = 0) (2-3 = 1) (4-96 = 2) (MV = 98,99)

Total number of prior adult convictions

(0,1,97 = 0) (2-96 = 1) (MV = 98,99)

Total number of adult incarcerations resulting from a prior adult conviction(s)

(0,97 = 0) (1-22 = 2) (MV = 98,99)

Drug use: addiction to opiates

(0,1,7 = 0) (2,8 = 1) (MV = 9)

Offender's status (work/school)

(2,3 = -1) (1,7 = 0) (MV = 8,9)

TABLE 34.--Essex County, violent offenses recode values with weighting scheme

Type of sentence

Out	In	Missing value
(1-6 = 0)	(7,8,9 = 1)	(MV = 98,99,10)

Offense score

Offense class 1-5

Offender score

Offender's relationship to the criminal justice system at the time of the commission of present offense(s)

(0 = 0) (1,2,3,4,5,6,7,98 = 1) (MV = 99)

Total number of prior juvenile convictions

(0,1,97 = 0) (2-20 = 1) (MV = 98,99)

Total number of adult incarcerations resulting from a prior criminal conviction(s)

(0,97 = 0) (1-22,98 = 1) (MV = 99)

Drug use: addiction to opiates

(0,1,7 = 0) (2,8 = 1) (MV = 9)

Offender's status (work/school)

(2,3 = -1) (1,7 = 0) (MV = 8,9)

TABLE 35.--Essex County, property offenses recode values with weighting scheme

Type of sentence

Out	In	Missing value
(1-6 = 0)	(7,8,9 = 1)	(MV = 98,99,10)

Offense score

Offense class 1-4

Victim classification

(2,4 = 0) (1,3 = 1) (MV = 6,7,8,9)

Offender score

Offender's relationship to the criminal justice system at the time of the commission of the present offense(s)

(0 = 0) (1,2,3,4,5,6,7,98 = 1) (MV = 99)

Total number of prior juvenile convictions

(0,97 = 0) (1-22,98 = 1) (MV = 99)

Total number of prior adult convictions

(0,1,97 = 0) (2-32 = 1) (MV = 98,99)

Total number of adult incarcerations resulting from a prior criminal conviction(s)

(0,97 = 0) (1-20,98 = 1) (MV = 99)

Drug use: addiction to opiates

(0,1,7 = 0) (2,8 = 1) (MV = 9)

Offender's status (work/school)

(2,3 = -1) (7,1 = 0) (MV = 8,9)

TABLE 36.--Essex County, drug offenses recode values with weighting scheme

Type of sentence

Out	In	Missing value
(1-6 = 0)	(7,8,9 = 1)	(MV = 98,99,10)

Offense score

Offense score 1-4

Offender score

Offender's relationship to criminal justice system at the time of the commission of the present offense(s)

(0 = 0) (1-7,98 = 1) (MV = 99)

Total number of prior juvenile incarcerations

(0,97 = 0) (1-95,98 = 1) (MV = 99)

Total number of prior adult convictions

(0,97 = 0) (1-95,98 = 1) (MV = 99)

Total number of adult incarcerations resulting from a prior criminal conviction(s)

(0,97 = 0) (1-95,98 = 1) (MV = 99)

Drug use: addiction to opiates

(0,1,7 = 0) (2,8 = 1) (MV = 9)

TABLE 37.--Essex County, miscellaneous offenses recode values with weighting scheme

	Out (1-6 = 0)	In (7,8,9 = 1)	Missing value (MV = 98,99,10)
Type of sentence			
Offense score			
Offense score 1-5			
Offender score			
Offender's relationship to the criminal justice system at the time of the commission of the present offense(s)	0 = 0	1,2,3,4,5,6,7,98 = 1	MV = 99
Total number of prior juvenile convictions	0,97 = 0	1-21,98 = 1	MV = 99
Total number of prior adult convictions	0,97 = 0	1-21,98 = 1	MV = 99
Total number of adult incarcerations resulting from a prior criminal conviction(s)	0,97 = 0	1-20,98 = 1	MV = 99
Drug use: addiction to opiates	0,1,7 = 0	2,8 = 1	MV = 9

In Maricopa County, the points score method was employed to consolidate the variables into a prediction instrument. Points were affixed to categories of a variable according to the percentage of cases in a category receiving an "in" sentence. Categories which were at least 15 percentage points below the base rate with respect to the probability of an "in" sentence were allotted a value of "-1" and those within 15 percent of the base rate were given a "0." Categories exceeding the base rate by 15 percent were given a "1" and those 30 or more percentage points above the base rate were assigned a "2." Variations of this weighting scheme were experimented with and sometimes performed better.

Interval-level variables were recoded into two or three categories to which weights were assigned. This was accomplished by combining values which have similar percentages of "in" sentences. Values containing fewer than 20 cases were collapsed because the distribution of cases for these categories has a high probability of occurring on the basis of chance alone. Variables lacking clear-cut points of differentiation were recoded in a few different ways and tested in the models to ascertain which one yielded the best discrimination.

E. MODEL CONSTRUCTION

1. The Offense (Crime) Score. A score had to be developed to represent the seriousness of the offense at conviction, as well as, when necessary, the seriousness of what we have referred to as the "real" offense behavior. Arriving at an Offense Score that reflected the actual criminal behavior was concededly a difficult task. The seriousness of the underlying offense has almost always been posited as an important consideration in sentencing and a pivotal inquiry for the sentencing judge. However, while inclusion of such "real offense" information as weapon usage and injury to the victim were considered for inclusion in all of our guideline models to reflect the seriousness of the behavior that led to arrest and conviction, it became necessary to consider other offense seriousness factors. The most important of these were considerations of the legislative statement about offense seriousness as evidenced in each state's penal code, and the judiciary's estimation of offense seriousness as evidenced at sentencing. It was with these latter considerations in mind that the research staff sought to formulate an index of seriousness that could be used in conjunction with "real offense" factors in the guideline model.

Work upon an index of seriousness began by investigating the offense classification system established by the legislature which set forth the parameters for sentencing decisions. Because the parameters generally gave the judges broad discretion in imposing sentence, it was necessary to devise some index of the relative seriousness of the varying types of offenses. A modified Q-sort was employed in each jurisdiction as one means of devising such an index. The modification made on traditional Q-sort techniques were three: (1) the judge had only two or three piles into which to sort cards, whereas usually a minimum of five piles are used; (2) the procedure was not conducted to be ipsative, that is, it did not set up an a priori distribution of cards and then force judges to follow that distribution, but rather as many cards as a judge wished could be put into a pile; (3) ties in the rankings of the judges were initially broken by the staff,[37] subject to final decision by the judges.

One of the first determinations to be made was whether to rank each crime when compared to all other crimes in the sample, or when compared only to crimes within the same statutory class. (This decision would, of course, affect the number of categories that would be used to rank crimes.) In those jurisdictions with a Model Penal Code type of format, i.e., Denver and Cook Counties, the decision was made to rank offenses within statutory classes, because the judiciary felt that if they ranked crimes regardless of the existing statutory framework, they would be encroaching upon a bailiwick of the legislature. We referred to these judicial decisions as the intraclass rank and it became our base measure of offense seriousness.

The use of this method was also explored in both Essex and Maricopa. However, offenses were first subdivided into broad categories based on the sentences prescribed by the legislature of each state. In addition, another approach for dealing with offense seriousness was devised for these jurisdictions. This method consisted of assigning offenses to generic crime categories according to the general nature of the underlying criminal behavior. For example, all assaultive crimes would be assigned to the generic category of violent crimes; all larcenies, to the category of property crimes. Then, offenses were ranked within each generic category according to the severity of sentence

assigned by the legislature to each offense. This ranking was referred to as the "interclass rank."

Finally, a third approach was experimented with in an effort to combine both a statutory ranking of offense seriousness and a judicial ranking of the same dimension into a theoretical seriousness score. While this approach did seem to have some merit as an indicator of offense seriousness, it was not used in any of the guideline models for several reasons. Primarily it was seen as a theoretical construct deviced by the researchers. Furthermore, it may have been difficult to express with the simplicity we saw as a key characteristic of operational models of sentencing guidelines.

The researchers also examined two other factors which might influence any estimate of offense seriousness: the number of charges and the number of offenses for which the defendant was convicted. A policy decision was made in each jurisdiction not to take additional charges into account because the charging decision is within the realm of the prosecutor. It was posulated that inclusion of the number of charges in the model would serve to increase the prosecutor's ability to influence sentences, and our policy goal was to aid judicial sentencing.

In the instance of multiple convictions the seriousness of the offense at conviction was assessed only by the most serious crime. (To assess the significance of this decision, the reader may want to know that in Essex County, for example, 84.1 percent of the offenders were convicted of a single offense.) The most serious offense at the conviction was usually determined during the coding process on the basis of a statutory seriousness index which assigned each offense to a category based on the penalty prescribed by the legislature. Offenses within the same class rank were further distinguished by their violent/nonviolent designation.

a. In Cook County, the use of the modified Q-sort to form an offense seriousness scale (the intraclass rank) was not without its questions. While the seriousness rankings were only in ordinal form, i.e., ranked and not interval, i.e., the differences between seriousness rankings of two crimes was measurable and approximately equal, some Cook County judges had indicated that the ranking task was sometimes difficult due to the fact that elements of the compared crimes were so different. Consequently, the research staff was not entirely satisfied with the intraclass rank (i.e., the judges' rankings) as a measure of offense seriousness. However, since the guideline model would be used in a field setting, it seemed desirable to utilize the intraclass ranks approach to offense seriousness for a number of reasons; it was easy to calculate, facilitated the inclusion of new offenses, and clearly indicated policy issues regarding offense seriousness. To the extent that the intraclass ranks used in the guideline model reflect the Cook County judiciary's subjective judgments about the relative seriousness of offenses within one statutory class, it is also their policy statement about the effect of offense within one statutory class. Furthermore, it is also their policy statement about the effect of offense seriousness upon the sentencing decision.

b. In Essex County, a statutory seriousness score was created with an interclass rank assigned to each of the five groups of possible statutory penalties according to the maximum sentence possible under the New Jersey Penal Code. The crimes within each statutory category were then further ranked in a

card-sort procedure by each of the Essex County judges and the model category of the judges' ranking for each crime was selected as the intraclass rank for that particular crime. The research team then combined the statutory "inter" and the judicial "intra" rankings in a theoretical seriousness score using such items as physical injury to victim, weapon usage, and victim classification.

2. The Offender Score. The offender score was designed to represent the convicted defendant in terms of such factors as social stability and prior criminal history. However, much of the data thought to indicate social stability, such as length of residence, were often missing or ambiguous. Therefore, the more objective information items such as prior criminal history data were most often used in the eventual development of the final guideline models, although such items were nevertheless employed in model testing.

In Essex County, for example, the following variables were used, alone and in combination, to create various additive offender scores for model testing: relationship to system at time of commission of present offense, juvenile convictions, juvenile incarcerations, prior adult arrests, adult similar arrests, adult arrests for high misdemeanors against person, adult convictions, adult similar convictions, prior adult incarcerations, drug addiction, and work/school status.

3. Matrix Cells. The indicators of both major dimensions were weighted and additively combined to derive a composite score for the dimension. The offender characteristics score was plotted on the horizontal axis and offense seriousness was scaled on the vertical axis. Once both axes of a model had been developed, the sentencing decisions (in terms of both "in/out" and length of sentence) were plotted. At the points of intersection of the offense and offender scores were cells displaying the actual sentences received by offenders having the same combination of scores. The decision as to whether a specific cell was categorized as "in" or "out" in these initial models was made on the basis of several factors including the modal sentence type occurring within that cell, the pattern of the contiguous cells, and the effect of the decision on the model's predictive efficiency. The researchers first examined the ratio of "out" decisions to "in" decisions which occurred in each cell and attempted to initially label each cell as an "in" cell or an "out" cell. In other words, the procedure was to draw the in/out line at the points where one type of case (the modal type of sentence, in or out) exceeded the other.

Empty cells, i.e., cells containing no sentencing decisions, or cells with a bimodal distribution, were tentatively labeled on the basis of surrounding cells. For example, if the surrounding cells were all "in" cells, the cell with a bimodal distribution of type of sentence was deemed an "in" cell also. A tentative line was then fitted to the distribution of "in" cells and "out" cells within each matrix. At times, however, this line of "best-fit," (or predictive line as it was sometimes termed), did not conform to the following principle of of sentencing guidelines as a set of rules: as the measured seriousness of the offense dimension and/or the offender dimension increases, the severity of sentence increases. Consequently, the initial line was adjusted in terms of this principle. In applying this principle, the research staff sought to maximize the effectiveness of the adjusted line to predict the in/out decision. In this context, the staff attempted to minimize the number of sentences which would be categorized as incarcerative within the constraints of seeking to maximize predictive effectiveness while adhering to the principle of

increasingly severe sentences for increasingly serious offense and/or offender scores. In order to arrive at the length of sentence in a particular cell, the sentences in each cell were examined. As our experience base was smaller with incarcerative sentences, and, as the comparative significance of the minimum or maximum sentence varied in each jurisdiction, our procedures varied here and and are discussed below as they were developed during the testing of the initial models.

F. MODEL TESTING

It was now necessary to test the accuracy of these initial models on a validation sample and retain only those which demonstrated the highest degree of predictive efficiency. Dozens of different models were tested in each jurisdiction employing various combinations of the variable shown as the best predictors, as well as employing various ways for the variables used in each model.

1. In Cook County, most of the models being tested were composed of prior criminal history data for the offender score and the judge's ranking plus real offense information, such as weapon usage and injury, for the offense score. These models, in addition to being parsimonious, had a virtue of being the most objective. Largely due to the shortcomings of Cook County's data base, emphasis upon models containing numerous social stability factors, e.g., residential stability, drug or alcohol usage, would likely have reduced the efficiency of the models.

The different models tested proved to be strikingly similar in the percentage of sentences that they accurately predicted (all within 7 percent of each other in predictive accuracy). In order to select two models with which to work on the length of time decision, staff relied on the models which demonstrated the best rate of prediction for the in/out decision. These two models were then examined to determine the length of time when an incarcerative sentence was imposed.

The median sentence for the minimum term and the median sentence for the maximum term of incarceration in the cell were normally used as the guideline sentence for the cell. There appeared to be more agreement on the lengths of the minimum terms of incarceration than on the lengths of the maximum terms. The judges informed staff that this was not surprising, as they considered the minimum term more important than the maximum term because the minimum established the length of time defendants would have to serve before being eligible for parole consideration.

However, our construction sample also revealed individual cells which did not conform to the overall pattern, that is, increasing offense and offenders scores are paralleled by increasing sentence severity. This was an expected result and we consulted with the presiding judge. At his suggestion, the research staff utilized the minimum and maximum sentences of contiguous cells to resolve this problem. At this point, mapping the length of sentences was not predictive in the statistical sense. Thus, the guideline model became an "experience" table.

It is possible that one of the models that had been abandoned at the in/out dichotomy would have aided in mapping the length of sentence better. However, the increased accuracy in the length of time decision would be offset by a loss

of accuracy in predicting the type of sentence (in/out) decision. Faced with time and resource constraints, it was viewed as more prudent to focus upon models that had greater predictive accuracy on the in/out decision, which affects a defendant's most basic liberty rights.

Once the grids were formed for the construction sample, both as to the in/out decision and the length of sentence decision, they were validated upon another sample (n=311). Consistent with earlier empirical work using a unit weighting scheme,[38] the validation sample suffered no shrinkage, and in fact, the predictive ability of both models increased by approximately 3 percent on the in/out decision.

The two models presented to the Chicago judiciary utilized the same offense score (judges' seriousness rankings, weapon, injury), but differed by the presence (or absence) of a weight for employment/education status in the offender score. They are as follows:

Model A

Offender score	Points assigned
1--Current legal status	+1 = On probation/parole, escapee, other charges pending 0 = Not on probation/parole, no other charges pending, not escapee
2--Prior adult convictions	+2 = 2 or more convictions +1 = 1 conviction 0 = None
3--Prior adult felony convictions against the person	+1 = 1 or more convictions 0 = None
4--Prior adult incarcerations over 30 days	+1 = 1 or more 0 = None
5--Prior adult probation/parole revocations	+1 = 1 or more 0 = None

Offense score	Points assigned
1--Intraclass rank of most serious offense *(except for felony 2 offenses which have been ranked into two categories: +2 = most serious; +1 = least serious)	+3 = Most serious* +2 = Mid serious +1 = Least serious
2--Seriousness modifier A. Injury	+2 = Death +1 = Some injury 0 = None

B. Weapon

+1 = Weapon
0 = No weapon

The offender score ranged from 0 to 6; the offense score ranged from 0 to 6 for Felonies 1 and 3 offenses, from 0 to 5 for Felony 2 offenses.

Model B

Offender score	Points assigned
1--Current legal status	+1 = On probation/parole, other charges pending, escapee 0 = Not on probation/parole, no other charges pending, not escapee
2--Prior adult convictions	+2 = 2 or more convictions +1 = 1 conviction 0 = None
3--Prior adult felony convictions against the person	+1 = 1 or more convictions 0 = None
4--Prior adult incarcerations over 30 days	+1 = 1 or more incarcerations 0 = None
5--Prior adult probation/parole revocations	+1 = 1 or more revocations 0 = None
6--Employment/education status	0 = Unemployed/not attending school -1 = Employed/attending school

The offense score was the same for model B as that presented in model A. The offender score ranged from a -1 to +6.

2. In Essex County, the staff was faced with a limited number of incarcerative sentences in each grid. To overcome this problem, we combined the construction and validation samples to form an experience table with as many incarcerative sentences as possible. The median was selected to provide a measure of the central tendency for each cell because of the skewed distributions of sentence length. The results of the test of various types of models were made available to the judges to assist them in choosing a model and in making policy decisions regarding the categorization of cells in terms of both the in/out decision and the length of sentence decision. Several combinations of both the offender score and offense score were tested for their ability to map the sentencing decision.

One approach to constructing the guideline model was to apply a class model built on the entire construction sample to subsamples of the data based on the statutory classifications of the crimes at conviction. This approach produced five grids, one for each statutory classification. The model discussed in table 38 was selected as the simplest and most accurate model upon

validation. The offense score of this model employed the simple sum of intra-class ranking, weapon usage, physical injury to the victim, and the victim classification. System relationship, number of juvenile convictions, number of adult convictions, number of adult incarcerations, drug addiction, and offender's work/school status were used to construct the offender score.

TABLE 38.--Essex County, prediction results--class model

Grid #	# Errors	% Correct	Total N
Construction			
1	2	93	27
2	23	79	107
3	119	79	556
4	46	77	203
5	2	98	100
Validation			
1	2	80	10
2	7	79	34
3	49	77	215
4	21	75	84
5	5	93	67

Offense = Intra + weapon usage + physical injury + victim classification

Offender = System relationship + adult convictions + juvenile convictions + work/school + drug addiction + adult incarcerations

The predicted ability of this model in terms of the in/out decision ranged from 77 percent (grid no. 4) to 98 percent (grid no. 5) for the construction sample and 75 percent (grid no. 4) to 93 percent (grid no. 5) upon validation (see table 38). As was expected, there was only a small amount of shrinkage.

Its predicted power was measured by index of predictive efficiency. tables 39 and 40 show that the power of prediction ranged from 0 percent (grid no. 1) to 51 percent (grid no. 2) for the construction sample, and 0 percent (grid nos. 1, 2, and 5) to 54 percent (grid no. 3) upon validation. It should be noted that this measure of predictive efficiency does not reveal the practical utility of isolating subgroups within the population (e.g., as in grid no. 3), for which substantial improvement over chance alone was made in predicting the sentencing decision.

TABLE 39.--Essex County, Index of predictive efficiency general model

Grid #	Construction	Validation
1	$\frac{2-2}{2} = 0\%$	$\frac{2-2}{2} = 0\%$
2	$\frac{47-23}{47} = 51\%$	$\frac{7-7}{7} = 0\%$
3	$\frac{225-119}{225} = 47\%$	$\frac{107-49}{107} = 54\%$
4	$\frac{60-46}{60} = 23\%$	$\frac{32-21}{32} = 34\%$
5	$\frac{4-2}{4} = 50\%$	$\frac{5-5}{5} = 0\%$

TABLE 40.--Essex County, base rate--class model

		Construction			Validation		
Grid #		In	Out	Total	In	Out	Total
1	N	2	25	27	2	8	10
	%	8	92		20	80	
2	N	47	60	107	7	24	34
	%	44	56		20	80	
3	N	225	341	566	107	108	215
	%	40	60		50	50	
4	N	143	60	203	52	32	84
	%	70	30		62	38	
5	N	96	4	100	62	5	67
	%	96	4		93	6	

The second approach tested involved generic models focusing on four major categories of crime: violent, property, drugs, and miscellaneous. Two dimensional guideline models, consisting of an offense and offender score, were designed for each category. The offense score in the "violent" subset was

represented solely by the inter, or statutory, rank of the most serious crime at conviction. The offenders score was the sum of five variables: system relationship, number of juvenile convictions, number of adult incarcerations, drug addiction, and work/school status. This model was able to predict 85 percent of the sentencing decisions for the construction sample, and 82.5 percent upon validation (see table 41). The predictive efficiency of this model was 32 percent (construction) and 35 percent (validation) (see tables 42 and 43).

TABLE 41.--Essex County, prediction results--generic models

		Construction	Validation
Violent	# errors	47	22
	% correct	85	82.5
Property A	# errors	59	24
	% correct	74.6	74
Property B	# errors	61	22
	% correct	74	76
Drugs	# errors	80	34
	% correct	76	73
Miscellaneous	# errors	31	11
	% correct	80	75.5

TABLE 42.--Essex County, index of predictive efficiency--generic models

	Construction	Validation
Violent	$\frac{69-47}{69} = 32\%$	$\frac{34-22}{34} = 35\%$
Property	$\frac{113-61}{113} = 46\%$	$\frac{46-22}{46} = 52\%$
Drugs	$\frac{117-80}{117} = 32\%$	$\frac{68-34}{68} = 50\%$
Miscellaneous	$\frac{51-31}{51} = 39\%$	$\frac{13-11}{13} = 15\%$

TABLE 43.--Essex County, base rate--generic models

	Base rate		Construction N	Construction %	Validation N	Validation %
Violent	In		248	78.0	92	73.0
	Out		69	22.0	34	27.0
		Total	317	100.0	126	100.0
Property A	In		120	51.5	46	50.0
	Out		113	48.5	46	50.0
		Total	233	100.0	92	100.0
Property B	In		120	51.5	46	50.0
	Out		113	48.5	46	50.0
		Total	233	100.0	92	100.0
Drugs	In		117	35.0	68	54.0
	Out		216	65.0	57	46.0
		Total	333	100.0	125	100.0
Miscellaneous	In		51	33.0	13	45.0
	Out		104	66.0	32	71.0
		Total	155	100.0	45	100.0

Two models were created for the "property" subset. The offense score for both models, Property A and B, was the sum of the interclass ranking and victim classification. The only difference between the two models was that Property B had one point less in the seriousness scale, the result of combining motor vehicle theft (the only interclass four property crime) with the interclass three offenses. The offender score was the sum of six variables: system relationship, number of juvenile convictions, number of adult convictions, number of adult incarcerations, drug addiction, and work/school status. The model for Property A accurately predicted 74 percent of the sentencing decisions in both samples; the model for Property B predicted 74 percent of the construction sample and 76 percent on the validation sample (see table 41). As a matter of policy, the judges finally selected model B. This model had a predictive efficiency of 46 percent on the construction sample and 52 percent on the validation sample (see tables 42 and 43).

The drug model utilized the interclass ranking as the offense score. The offender score consisted of the sum of system relationship, number of adult convictions, drug addiction, and number of juvenile incarcerations. The drug model was able to predict accurately 76 percent (construction) and 75 percent (validation) (see table 41). The predictive efficiency of this model was 32 percent and 50 percent on the construction and validation samples, respectively (see tables 42 and 43).

The miscellaneous model constructed for the defendants convicted of crimes not encompassed in the other three grids was able to predict 80 percent for the construction sample and 75.5 percent for the validation sample (see table 41). Not one of the significantly correlated variables were "offense" variables; the interclass rank was chosen, to be consistent, to represent the offense score. The offender score was the sum of system relationship, number of juvenile convictions, number of adult convictions, number of adult incarcerations, and drug addiction. The predictive efficiency of this model for the construction and validation samples was 39 percent and 15 percent, respectively (see tables 42 and 43).

3. In Maricopa County, the criterion governing the selection of variable for testing in the models was a Pearson's r of +/-.15" at an ".01" level of significance. However, we discovered by process of trial and error that variables having a Pearson's r "+/-.20" significance at the ".001" level had the most predictive utility.

Various combinations of factors, weighted in several ways, were tested in the models. The models generating the most predictive power were composed of the predictors which had contributed most to the multiple regression and discriminant function solutions, plus one or two other important variables. None of the models were comprised of more than ten variables and, in fact, six or seven variables generally exhausted most of the predictive power.

Variables which were not related to the in/out decision but which met the entry criterion with respect to length of incarceration were included to better differentiate the length decision. The addition of such variables occasionally detracted somewhat from the ability of the model to predict the in/out decision, but that slight loss of predictive power was a small price to pay for the improved discrimination in the length decision.

The Maricopa County class model was characterized by six decision matrices, or grids, each representing a class of offenses based on the minimum and maximum periods of incarceration as prescribed by the Arizona Legislature (see appendix G).

The seriousness index for this model, the interclass rank, was created by having the judges rank order the offenses assigned to a class. The scaling technique directed the judges to sort a group of cards on which were printed the statutory title and code of crimes within a class, into three groups ranging from least to most serious. Classes five and six were divided into two groups because of the lesser number of offenses they contained. The judges distributed the cards among the piles in any way they pleased. The rank for each offense was established by the modal category of the judges' rankings. In instances where there was more than one modal category, the rank was decided by the staff, consistent with the ranking for the other offenses within a class.

An example of the class model that was developed is presented in table 44, accompanied by the percentage of cases correctly classified by it. These models invariably included some combination of these factors: prior adult and juvenile criminal history record, legal status, drug use, addiction to opiates, employment status, victim classification, victim injury, and weapon use. The predictive ability of most of the models tested was around 81 percent.

TABLE 44.--Maricopa County, class model

Offense score

Intraclass rank

Victim

0 = Business
1 = Person

Victim injury

0 = No injury or minor injury
1 = Injury requiring hospitalization
2 = Permanent injury, rape, sexual molestation, death

Weapon usage

0 = No weapon used
1 = Weapon used

Offender score

Legal status

0 = Not under State control
1 = Under State control

Prior juvenile incarcerations

0 = None
1 = One or more

Employment status

0 = Unemployed
-1 = Employed full or part time

Prior adult convictions

-1 = None
0 = One or two
1 = Three or more

Prior adult felony convictions against-the-person

0 = None
1 = One
2 = Two or more

Accuracy Rate ("In/Out" decision)
Construction: 81%

Generic models were also tested in Maricopa County. The potential utility of generic models was suggested by the statistical analysis and the judges' rankings which had demonstrated that a distinction was made between property, drug, and violent crimes. The intraclass ranking system for the class model was not adaptable to the generic models because the judges had not ranked the offenses within crime subtypes. Thus, a seriousness index was created for each subtype, based on the minimum and maximum allowable penalties (see appendices D, E, and F). A slightly different ranking system was devised for each crime type because the distribution of cases among the categories of possible minimum and maximum penalties varied according to crime type. Categories containing fewer than 10 cases were collapsed into one of the adjacent categories unless they afforded discrimination in the "in/out" or length of time decisions.

Numerous generic models were developed and their predictive efficiency (with respect to the "in/out" decision) was assessed by means of the same procedure employed for the class models. The drug models had the most predictive power, ranging from 86 to 87 percent. The violent models accurately predicted between 79 and 86 percent of the cases, and the property models between 77 and 79 percent of the cases.

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0 = None
1 = One or more

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-1 = Employed full or part time

Prior adult convictions

-1 = None
0 = One or two
1 = Three or more

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0 = None
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CHAPTER 6

TOWARD IMPLEMENTATION

A. MODEL PRESENTATION

The implementation of sentencing guidelines is more than the presentation of a statistical history to an interested judiciary. It involved the conscious recognition on the part of the judiciary that any guidelines implemented will represent an explicit and open statement by the court of their sentencing policies. The preliminary models represented a collaborative research/judicial effort at the initial formulation and expression of an equitable policy.

Prior to the implementation of a guideline system, a thorough presentation and explanation of our research had to be made to the judges of each jurisdiction. This included an explanation of the reasons for various elements being included and/or excluded in the particular models, as well as the discussion of a comparative predictive efficiency of each model. The judges then assessed the utility and desirability of each model, suggested alerations, and then decided whether to modify particular implementation test models. Following this explicit decision in each county to go ahead, the pilot implementation actually commenced.

The judges were specifically apprised of any unusual or potentially controversial findings resulting from the statistical analysis. They were also given the information needed to make significant policy decisions concerning the pattern of sentences which appeared in each matrix. For example, when the sentencing pattern which emerged from the data appeared discrepant, e.g., where it was <u>not</u> the rule that the higher the offense the offenders scores, the more severe the sentence, the judges were informed of these results. The action taken to resolve these discrepancies varied by jurisdiction. Once resolved, however, a series of instructional booklets for the calculation of guideline sentences were prepared for each jurisdiction for use by the judges and other court personnel. These booklets contain the mechanics of coding a given guideline sentence. Essentially, each booklet had four parts: (1) decision rules; (2) coding procedures regarding scoring offense variables and offender variables; (3) the sentencing worksheet; and (4) the sentencing grids (see appendices D, E, and F for an example of these booklets).

1. In Cook County presentation of two models was made to the judiciary from the two participating branches in mid-May, 1977. At that time, the judiciary made a policy decision to use Model A as the guideline model during test implementation. Use of the other model (Model B), with a weight for employment/education was rejected. As a policy matter, the judiciary decided that they did not want to be constrained to consider employment/education in every case, and that it would be more appropriate to use this as a reason for departure

from the guidelines in those instances in which it was a strong mitigating factor.

Discussion also centered on the length of sentences in some of the cells of the Felony 2 and Felony 3 grids. The data showed that, in some instances, an offender with a higher offense score received a shorter maximum sentence than an offender with a lower offense score. Again, as a policy decision by the judiciary, guideline sentence lengths were adjusted in order to rectify these apparent inconsistencies. The staff, working together with the presiding judge, compiled and reanalyzed the sentences in those cells, and made them more congruent with the other ranges in each grid. In such cases, instead of using the median sentence of the minimum term and the median sentence of the maximum term in the guideline model, the range from lowest to highest of the minimum sentences and the maximum sentences that appeared in the cells was utilized as the suggested guideline sentence. This was done to ensure that the actual sentencing policies of the judiciary would not be distorted by any guideline "smoothing" of apparent inconsistencies.

2. In Essex County, the various models were presented to the Essex County judiciary and extensive discussion ensued, resulting in a number of significant decisions. Unlike the other guideline jurisdictions, the Essex County judges opted to avoid any early "smoothing" of apparent inconsistencies. Instead, the judges decided to include early data results on the face of the grids to be included in their coding packages during test implementation. The judges were further in agreement that the median sentence would serve as an adequate guide, together with the historical data, to help them decide on the length of sentence. The four generic models were chosen. (See tables 45 and 46 for examples of the appearances of these matrices, in both a construction sample and a validation sample.)

Of the two property models offered, the judges opted for Model B, the one where the interclass ranking of motor vehicle theft was in a lower category; they did not feel that the statutory classification of this crime accurately reflected the present-day situation in practice.

3. In Maricopa County, the generic models were chosen for initial presentation to the judiciary over the class model because they provided better discrimination of the in/out decision. At a conference in September 1977, the judges were shown the best predictive model for each crime type (in terms of efficiency in predicting the in/out decision) (see tables 47-49) and informed of the other models that were tested. The process by which the models were derived was explained and the procedures for calculating the offense and offender scores and locating the guideline sentences in two-dimensional space were elaborated.

The judges decided that, as a statement of policy, the model for each crime type should include: prior adult convictions and incarcerations, prior juvenile convictions and incarcerations, legal status, and employment status. The research staff agreed to reconstruct the initial generic models on the basis of this format.

After the September meeting, the models were revised and sent to the judges for approval. At this time, the judges requested that prior adult convictions be differentiated into felony/misdemeanor and violent/nonviolent

TABLE 45.--Essex County, property matrix--construction sample

Property

Construction

Offense score	-1	0	1	2	3	4	5
4	1 1 Out	7 8 Out	8 5 (2) 63.0 72.0 81.0 (5) 10.5 12.0 13.5 (1) 42.0 48.0 54.0	8 6 (3) 52.5 60.0 67.5 (3) 5.2 6.0 6.7 (2) 52.5 60.0 67.5	8 3 (1) 52.5 60.0 67.5 (6) 10.5 12.0 13.5 (1) 31.5 36.0 40.5	9 7 (1) 52.5 60.0 67.5 (5) 15.7 18.0 20.2 (3) 31.5 36.0 40.5	12 3 (7) 52.5 60.0 67.5 (2) 10.5 12.0 13.5 (3) 52.5 60.0 67.5
3	1 9 Out	2 11 Out	5 10 Out	8 3 (2) 52.5 60.0 67.5 (5) 7.0 8.0 9.0 (1) 21.0 24.0 27.0	18 7 (6) 52.5 60.0 67.5 (10) 13.1 15.0 16.9 (2) 52.5 60.0 67.5	16 2 (5) 52.5 60.0 67.5 (8) 10.5 12.0 13.5 (3) 31.5 36.0 40.5	6 3 (1) 31.5 36.0 40.5 (3) 10.5 12.0 13.5 (2) 31.5 36.0 40.5
2	1 11 Out	1 8 Out	0 7 Out	0 1 Out	4 2 (0) (3) 10.5 12.0 13.5 (1) 21.0 24.0 27.0	4 1 (2) 21.0 24.0 27.0 (2) 4.2 10.5 11.8 (0)	1 1 (0) (1) 5.2 6.0 6.7 (0)
1	0 1 Out	0 2 Out	0 1 Out	0 0 Out	0 0 Out	0 0 Out	0 0 Out

Offender score

TABLE 46.--Essex County, property matrix--validation sample

Property

Validation

Offense score	-1	0	1	2	3	4	5
4	0 0 Out	2 6 Out	2 1 (0) (2) 7.9 9.0 10.1 (0)	3 3 (1) 52.5 60.0 67.5 (2) 7.9 9.0 10.1 (0)	4 1 (0) (4) 7.9 9.0 10.1 (0)	8 1 (1) 52.5 60.0 67.5 (6) 10.5 12.0 13.5 (1) 52.5 60.0 67.5	8 0 (1) 73.5 84.0 94.5 (3) 10.5 12.0 13.5 (4) 52.5 60.0 67.5
3	0 4 Out	1 6 Out	1 4 Out	2 4 (0) (1) 10.5 12.0 13.5 (1) 2.6 3.0 3.4	1 1 (1) 52.5 60.0 67.5 (0) (0)	7 4 (1) 31.5 36.0 40.5 (6) 10.5 12.0 13.5 (0)	4 0 (1) 31.5 36.0 40.5 (1) 10.5 12.0 13.5 (2) 31.5 36.0 40.5
2	0 3 Out	1 1 Out	0 0 Out	0 2 Out	0 1 (0) (0) (0)	2 0 (0) (2) 3.1 3.5 3.9 (0)	0 3 (0) (0) (0)
1	0 0 Out	0 0 Out	0 1 Out	0 0 Out	0 0 Out	0 0 Out	0 0 Out

Offender score

TABLE 47.--Maricopa County, preliminary model--violent

Offense score

Interclass rank

1 = Maximum sentence up to 5 years
2 = Maximum sentence up to 20 years
3 = Maximum sentence up to life
4 = Minimum sentence of 10 years and maximum sentence up to life

Number of criminal events

0 = One
1 = Two or more

Offender score

Legal status

0 = Not under State control
1 = Under State control

Prior juvenile convictions

0 = None
1 = One or more

Prior juvenile incarcerations

0 = None
1 = One or more

Employment status

0 = Unemployed
-1 = Employed full or part time

Accuracy rate ("In/Out" Decision)
Construction: 86%
Validation: 84%

TABLE 48.--Maricopa County, preliminary model--property

Offense score

Interclass rank

1 = Maximum sentence up to 1 year
2 = Maximum sentence up to 4 years
3 = Maximum sentence up to 5 years
4 = Maximum sentence up to 10 years
5 = Maximum sentence up to life

Offender score

Legal status

0 = Not under State control
1 = Under State control

Prior juvenile incarcerations

0 = None
1 = None or more

Prior adult convictions

-1 = None
0 = One or two
1 = Three or more

Prior adult incarcerations (over 30 days)

0 = None
1 = One or more

Employment status

0 = Unemployed
-1 = Employed full or part time

Accuracy rate ("In/Out" Decision)
Construction: 79%
Validation: 71%

TABLE 49.--Maricopa County, preliminary model--drugs

Offense score

Interclass rank

1 = Maximum sentence up to 10 years
2 = Maximum sentence up to 20 years
3 = Maximum sentence up to life

Type of drug

-1 = Cannabis or drugs listed in Dangerous Drug Act (632-1901 and seq.)
1 = Drugs listed in Uniform Narcotic Drug Act (Sec. 36-1001 and seq.)

Offender score

Legal status

0 = Not under State control
1 = Under State control

Prior juvenile incarcerations

0 = None
1 = One or more

Prior adult convictions

0 = None or one
1 = Two or more

Prior adult felony convictions not-against-the-person

0 = None
1 = One or more

Accuracy rate ("In/Out" Decision)
Construction: 86%
Validation: 85%

classifications and that different weights be ascribed to some of the variables. A number of models were constructed according to these specifications, and from these, the judges selected the models to be implemented. (See appendices D, E, and F.) These models were then applied to the validation sample to verify the relationships observed in the construction sample. The drugs model experienced no change in the predictive ability and the violent and property model suffered only slight shrinkage.

Guideline sentences were prepared for the models the judges had chosen. The guideline sentence for the "out" cells was designated as any form of non-incarcerative disposition, or intermittent confinement. The guideline sentence for each "in" cell was established by examining the range of sentences within the cell and the median sentences for contiguous cells. A sentencing range of 25 percent (plus or minus 12.5 percent) around the median was set to allow for greater flexibility during the test implementation process. Guideline sentences for cells possessing only a few cases were determined mainly by the configuration of sentences in surrounding cells. The validation sample served as an additional source of information in cases of uncertainty.

On the violent and drugs grids, there were a number of cells characterized by a bimodal distribution of sentences, involving jail terms of 12 months or less and prison terms carrying a minimum sentence of 5 years. Had an intermediate term of 2 or 3 years been available as an option to the judge, such inconsistencies most likely would not have occurred. But, since the judges must operate within the statutory sentencing structure imposed by the Legislature, research staff set a guideline sentence of either 5 years or a jail term for these cells depending on the guideline sentences assigned to adjacent cells. Again, research staff referred to the validation sample as an experience table to ascertain whether a clear pattern had emerged with respect to these cells. Before implementation, the judges examined the grids and the information on which they were based, and gave final approval to proceed with implementation.

B. THE IMPLEMENTATION PROCESS

Following feasibility work, model construction, and presentation, sentencing guidelines systems were available for implementation in each jurisdiction. However, the judges in each jurisdiction felt a testing phase was in order to identify any logistical problems resulting from the use of the guidelines and to assess the merits (both substantive and procedural) of actually using guidelines.

Owing to costs, jurisdictional, and especially time, constraints imposed upon the research staff during the final months of the project, major staff efforts were devoted to assuring continuity of operation within each jurisdiction following the cessation of funding. In Cook County, the transition effort faced the initial hurdle of developing a system into one adaptable in the Daley Center and the Michigan Avenue courts as well. In addition, the guidelines had to be modified to conform to new determinate sentencing legislation. In Essex County, a pending statewide guideline system which would eventually supersede the countywide guidelines lessened staff concern over the transition effort. In Maricopa County, the developed guidelines had to be transferred to local court personnel without the benefit of any review sessions. Moreover, the guidelines will eventually have to be reformulated to conform to new sentencing legislation passed in Arizona.

The implementation process necessarily goes far beyond the analytical computation and presentation of guidelines. It involves a deep understanding of the needs and parameters of each individual jurisdiction and its requirements. The following examples will highlight the variations within each jurisdiction that must be measured before any realistic implementation of guidelines may begin.

1. In Cook County, test implementation of the guidelines began in June, 1977 at the Maybrook and 26th Street Branches of the court with the judiciary computing the guidelines sentence at the time of sentencing or plea negotiations. This was necessitated in part by the fact that so few presentence investigation reports are normally prepared prior to sentencing in the Cook County court system. It was also the judiciary's policy decision to personally handle the computational worksheet and not to have it completed by their court clerks.

While monitoring the progress of the test implementation progress, it was found that the grid layout of the guidelines was not very functional for the judges to use for determining the guideline sentence. Thus, the grids were converted to a tabular format for ease and convenience in reading (see table 50).

During the test implementation phase, completed guideline worksheets were collected weekly and reviewed for computational or other clerical errors. A guideline worksheet coding manual was prepared for coding the guideline worksheets onto Fortran coding sheets in preparation for keypunching and transfer of this data to computer files for subsequent analysis.

This review of the accuracy of the guideline model was conducted in December 1977, approximately 6 months after guideline model test implementation. At that time, by reviewing those instances in which members of the Cook County judiciary departed from the guidelines, the judiciary, aided by project staff, was able to map the changes in court policy that had occurred since test implementation and make policy decisions in order to adjust the guideline models accordingly.

When test implementation commenced at the Maybrook and 26th Street Branches, data was collected for the purpose of expanding the guidelines into the Daley Center and Michigan Avenue facilities. The data collected at these two "new" branches (construction sample--n = 796) was almost identical to that collected during other sampling periods at the other courts.

Analysis of the data collected from the Daley Center and the Michigan Avenue branches revealed that while there were differences in specific information items that appeared to be the best predictors of type of sentence (e.g., prior adult convictions for a similar offense instead of prior felony convictions against the person), the same dimensions appeared as the best predictors of the dependent variable.[39] Given that the same dimensions were appearing as the best predictors of type of sentence, and that our aim was not to compare differences among the four locations, but rather to develop a guideline model for all four facilities, the data samples were merged and analysis re-performed.[40]

At this point, it was our intention to test various models on the merged data set and present our findings to the Chicago judiciary. However, this was not done, as the Illinois legislature then passed a revised sentencing bill, to become effective February 1, 1978.[41] The impact of this external event upon our work led us to reconsider our approach.

The projected time for presentation and implementation of a new guidelines model, based on the merged samples of all four branches, was December 1977, while sentencing under the new act would commence just 6 weeks later. Due to

this relatively short time period, it was deemed more useful to expand use of the current guideline model, if possible, to the Daley Center and Michigan Avenue Branches, and investigate how the model might be converted to the new sentencing scheme for use under the new statutes. Thus, the current guidelines model was tested upon the sample collected from the Daley Center and Michigan Avenue facilities. It was found that that model predicted the in/out decision only 1% less accurately (original construction--82.3%; model run on Daley Center and Michigan Avenue Branches--81.3%) than what was observed from the original development of the model on the construction sample. It had been expected, of course, that the length of time decision would be more greatly affected, and revisions thus required in some cells of the grid. These revisions in length of time were made, also taking into account the "feedback" received from judges using the guidelines since June.

TABLE 50.--Cook County, matrix tabular format

Sample Felony 1 Scoring		
Crime score	Offender score	Guideline sentence
1	0-6	4 yr. min. 4 yr. max.
2	0	4 yr. min. 4-6 yr. max.
	1-3	4-5 yr. min. 4-6 yr. max.
	4-6	4-5 yr. min. 4-8 yr. max.
3	0	4 yr. min. 4-6 yr. max.
	1-2	4-5 yr. min. 4-6 yr. max.
	3	4-5 yr. min. 4-8 yr. max.
	4-6	4-6 yr. min. 8-10 yr. max.
4	0	4 yr. min. 4-6 yr. max.
	1-2	4-5 yr. min. 4-6 yr. max.
	3	4-5 yr. min. 6-8 yr. max.
	4-6	4-6 yr. min. 8-10 yr. max.
5	0	4 yr. min. 4-6 yr. max.
	1-3	4-6 yr. min. 6-12 yr. max.
	4	4-10 yr. min. 6-20 yr. max.
	5-6	4-10 yr. min. 6-30 yr. max.

Staff investigated the provisions of the new sentencing bill. It was found that, while the stated thrust of the bill was to require judges to sentence offenders to a determinate or fixed term, there was still a wide range of judicial discretion.[42] Thus, it seemed that converting the length of sentences concurrently suggested by the guidelines to correspond with allowable sentences under the determinate sentencing bill would be useful for the Cook County judiciary.

In the conversion of sentences, the length of time to be served under a determinate sentence was made equivalent to the time currently being served

under the indeterminate sentence system. Under the old sentencing structure and good time provisions, the implicit policy of the parole board was to grant parole, to offenders with no prior incarcerations, at the first parole hearing date (which took place at a date occurring approximately "at six-tenths" of the minimum term to which the prisoner was sentenced). If the offender had had a prior incarceration, then release was generally granted at the second parole hearing, approximately 1 year later. (The actual time, therefore, served by these offenders would be ".6" of the minimum term to which he or she was sentenced plus 1 year.) Under the new act, there is no paroling authority to determine release dates for offenders sentenced after February 1. However, good time is earned at the rate of day for day, meaning that an offender will serve one half of the term to which he or she is sentenced.[43] Thus, the determinate guideline sentence became the adjusted indeterminate sentence (".6" or ".6 + 1" of the term to which an offender was sentenced), doubled. All converted sentences were doubled, as conversations with members of the Cook County judiciary had indicated that it would be most appropriate to assume that offenders would receive all the good time they were entitled to, when determining the new guideline sentences.

Guideline models for use under the new determinate sentencing bill were developed, and began to be utilized by the judiciary starting in February 1978. Guideline worksheets continued to be collected by project staff until the end of the project and arrangements were made for the continued operation of the system.

2. In June 1977, the generic models adopted by the Essex County judiciary for test implementation purposes were presented to all pertinent agencies of the criminal court system. The model was described by the Honorable John Marzulli and the Honorable Leo Yanoff to all criminal court judges, as well as representatives of the probation department, the public defender's office, the district attorney's office, and the Administrative Office of the Courts.

The Essex County judges received presentence investigation reports for most indictable offenses they sentence; because of this, it seemed useful for the probation officer to be the person doing the actual calculation of the guideline sentence. Therefore, the research staff met with the Chief Probation Officer and other probation department staff to discuss the coordination of test implementation activities. The topics discussed revolved around administrative handling of the guidelines for the Essex County and Superior Courts and liaison activity with the research staff. A series of training sessions were held with the Supervising Probation Officers and the Probation Officers who prepare presentence investigation reports. These sessions with three groups of 10 officers each, were designed to familiarize the Probation Officers with the Coding Manual's instructions and the Sentencing Sheet's calculations (see tables 51-54). Officers were given actual cases to practice calculating sentencing guidelines for each different generic grouping. Discussion and explanation focused on their role in the guideline system.

Besides these meetings and training sessions with the Probation Department, the research staff conducted seminars with representatives of the judiciary, the prosecutor, and the public defender. These seminars demonstrated the Sentencing Sheet calculations and explained the theory, methodology, and planned operational aspects of a guidelines system. Along with these seminars, there were individual conferences with most sentencing judges to obtain feedback of

TABLE 51.--Essex County, sentencing sheet--violent

Offender _____ Probation dept. case no. _____

Judge _____ Date of sentencing _____

Offense(s) convicted of:
(title + statute number) _____

_____

_____

Offense type (most serious offense) [Violent] Offense type

Offense score

Interclass rank _____ = [ ] Offense score

Offender score

A. Legal status at time of offense _____ +
0 = Free
1 = Not free

B. Prior juvenile delinquency petition(s) Sustained _____ +
0 = None or one
1 = Two or more

C. Prior adult incarcerations _____ +
0 = None
1 = One or more

D. Drug addiction _____ +
0 = No use/not addicted
1 = Addicted

E. Offender status _____ = [ ] Offender Score
-1 = Part/full-time employment/school
0 = Unemployed/not in school

Guideline sentence _____

Actual sentence _____

Reasons (if actual sentence does not fall within guideline range):

TABLE 52.--Essex County, sentencing sheet--property

Offender _____ Probation dept. case no. _____

Judge _____ Date of sentencing _____

Offense(s) convicted of:
(title + statute number) _____

_____

_____

Offense type (most serious offense) [Property] Offense type

Offense score

A. Interclass rank _____ +

B. Victim classification _____ = [ ] Offense score
0 = Business/State of New Jersey
1 = Citizen/officer

Offender score

A. Legal status at time of offense _____ +
0 = Free
1 = Not free

B. Prior juvenile delinquency petition(s) sustained _____ +
0 = None
1 = One or more

C. Prior adult convictions _____ +
0 = None or one conviction
1 = Two or more convictions

D. Prior adult incarcerations (over 30 days) _____ +
0 = None
1 = One or more incarcerations

E. Drug addiction _____ +
0 = No use/not addicted
1 = Addicted

F. Offender's status _____ = [ ] Offender score
-1 = Part/full-time employment/school
0 = Unemployed/not in school

Guideline sentence _____

Actual sentence _____

Reasons (if actual sentence does not fall within guideline range):

TABLE 53.--Essex County, sentencing sheet--drugs

Offender _____ Probation dept. case no. _____

Judge _____ Date of sentencing _____

Offense(s) convicted of:
(title + statute number) _____

_____

_____

Offense type (most serious offense)

Drugs
Offense type

Offense score

Interclass rank _____ = [ ]
Offense score

Offender score

A. Legal status at time of offense _____ +
0 = Free
1 = Not free

B. Prior juvenile incarcerations _____ +
0 = No incarcerations
1 = One or more incarcerations

C. Prior adult convictions _____ +
0 = No convictions
1 = One or more convictions

D. Prior adult incarcerations (over 30 days) _____ +
0 = No incarcerations
1 = One or more incarcerations

E. Drug addiction _____ = [ ]
0 = No use/not addicted
1 = Addicted
Offender score

Guideline sentence _____

Actual sentence _____

Reasons (if actual sentence does not fall within guideline range):

TABLE 54.--Essex County, sentencing sheet--miscellaneous

Offender _____ Probation dept. case no. _____

Judge _____ Date of sentencing _____

Offense(s) convicted of:
(title + statute number) _____

_____

_____

Offense type (most serious offense)

Misc.
Offense type

[ ]
Offense score

Offense score

Interclass rank _____ = Offense score

Offender score

A. Legal status at time of offense _____ +
0 = Free
1 = Not free

B. Prior juvenile delinquency petition(s) sustained _____ +
0 = None
1 = One or more

C. Prior adult convictions _____ +
0 = No convictions
1 = One or more convictions

D. Prior adult incarcerations (over 30 days) _____ +
0 = None
1 = One or more incarcerations

E. Drug addiction _____ = [ ]
0 = No use/not addicted
1 = Addicted
Offender score

Guideline sentence _____

Actual sentence _____

Reasons (if actual sentence does not fall within guideline range):

their respective opinions about the planned implementation of a guideline system.

Four instructional booklets for the calculation of guideline sentences were prepared by the research staff. The Essex County court system then initiated a testing phase for an operational sentencing guideline system. From September 1977 on, sentencing sheets were calculated by the probation officer for each case to be sentenced on a given day. Copies of the sentencing guideline worksheets were distributed to the judge, the probation department, the district attorney's office, the defendant's counsel, and the research team. The research staff later developed a separate coding manual for the information contained in the worksheets. In March 1978, the first review session took place. At that time, policy decisions regarding length consistency within the four sentencing grids were discussed along with possible changes in relative waits or rankings of offenses. However, because of the impending implementation of statewide sentencing guidelines, the judges decided not to make any changes in the Essex County guidelines.

3. In Maricopa County, test implementation began in March 1978. The Probation Department then assumed the task of calculating the guideline sentences and the Court Administrator's office became responsible for the compilation of the relevant statistics necessary to the periodic review of the operation of the sentencing guideline system.

As noted previously, though, the errors on a legislature adopted a new criminal code incorporating a classificatory framework similar to that of the Model Penal Code, along with a presumptive-type sentencing system, which is scheduled to go into effect in October 1978. The revised code contains six felony and three misdemeanor classes, each of which is assigned a presumptive penalty. Provision is made for departures from the presumptive sentences within predetermined limits if the existence of one of the statutorily defined aggravating or mitigating factors or enhancements is established. The feasibility of inserting the guidelines, which are based on the old criminal code, into this more restrictive system will ultimately depend on how much sentencing discretion is granted to the judges by the new criminal code. If the guidelines are to be adapted to the new code, they will require substantial modification, because the definition and classification of offenses, as well as the sentencing structure, has undergone far-reaching revision. We anticipate that the guidelines can, at the least, be applied to an area that the legislature has left untouched--the judicial determination of whether or not to incarcerate an offender. The regulation of this aspect of judicial discretion alone would be of considerable value because, for many offenders, it means the difference between no deprivation of liberty and years of confinement.

C. "FINAL" IMPLEMENTATION

Assuming the successful completion of a test phase in Cook, Essex, and Maricopa Counties, and where necessary, the modification of the guidelines to comport with new sentencing legislation, we feel that the next step in each site is the formal or official adoption of the guidelines by the judiciary. Guideline usage must be mandated by the rulemaking powers of the Supreme Court of the state or by similar authority vested in the local trial courts. Unless such a mandate is behind the guidelines, that is, if they remain a voluntary reform measure, it is inevitable that as the current judges are rotated into

new divisions or leave the bench and are replaced by new judges, that the guideline systems will fall into disarray.

In addition, it is imperative that the feedback and review mechanism be maintained as an integral component of this system. Unquestionably, practice and policy in such a sensitive area as criminal justice will constantly change over time. The review mechanism will provide the potential for reflecting changing societal, legislative, and judicial attitudes regarding, for example, the seriousness of offenses and the severity of sentences. Moreover, this mechanism will insure that such changes will result from a structured and measured evaluation on a policy level by the judiciary.

Unfortunately, funding for this project was terminated before issues relating to the formal adoption of guidelines could be resolved. Furthermore, time and physical constraints made the transition of the guidelines system to local court personnel occur more rapidly than we had initially contemplated and left the future of the guidelines in Cook, Essex, and Maricopa Counties on a rather tenuous basis. Nevertheless, each court system was left with a plan for continuing judicial use of the guidelines. Most important, however, is the fact that the judges in those three counties are committed to a more open criminal justice system, one which is dedicated to the promotion of equal justice. Our role as researchers was to aid the judges in their efforts. Hopefully, we and the judges have taken an important step toward that goal.

NOTES

1. American Friendly Service Committee, Struggle for Justice (New York: Hill and Wang, 1971); Twentieth Century Fund Task Force on Criminal Sentencing, Fair and Certain Punishment (New York: McGraw-Hill, 1976); D. Fogel, ". . . We Are the Living Proof . . .": The Justice Model for Corrections (Cincinnati: W. H. Anderson Co., 1975); M. E. Frankel, Criminal Sentences: Law Without Order) New York: Hill and Wang, 1973); J. M. Kress, "Sentencing: The Search for Rational Criteria," paper presented at the Annual Meeting of the American Society of Criminology (Toronto, 1975); N. Morris, "The Future of Imprisonment: Toward a Punitive Philosophy," 72 Michigan Law Review 1161 (1974); New York State Special Commission on Attica, Attica: The Official Report of the New York State Special Commission on Attica (New York: Boston Books, 1972); P. O'Donnell, M. J. Churgin, and D. E. Curtis, Toward a Just and Effective Sentencing System: Agenda for Legislative Reform (New York: Praeger, 1977); A. von Hirsch, Doing Justice: The Choice of Punishments (New York: Hill and Wang, 1976); N. Walker, Sentencing in a Rational Society (London: Allen Lane, 1969); and J. Q. Wilson, Thinking About Crime (New York: Basic Books, 1975). See also Volume One of this series, L. T. Wilkins, J. M. Kress, D. M. Gottfredson, J. C. Calpin, and A. M. Gelman, Sentencing Guidelines: Structuring Judicial Discretion--Report on the Feasibility Study, xi-xii, 1-4 (Washington, D.C.: U.S. Government Printing Office, 1978); and Volume Five, J. M. Kress, A. M. Gelman, and J. C. Calpin, Sentencing Guidelines: Summary Report and Reflections.

2. J. C. Calpin, M. Fischel, J. Sasfy, and L. Siegel, Multijurisdictional Sentencing Guidelines Test Design, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, 1978.

3. See Volume One of this series, as well as D. M. Gottfredson, C. A. Cosgrove, L. T. Wilkins, J. Wallersteen, and C. Rank, Classification for Parole Decision Policy (Washington, D.C.: U.S. Government Printing Office, 1978): D. M. Gottfredson, L. T. Wilkins, and P. B. Hoffman, Guidelines for Parole and Sentencing (Lexington, Mass.: Lexington Books, 1978).

4. Note that this refers to a far less complicated decision than that involved in sentencing--it is the decision of when to release an already incarcerated individual. United States Parole Commission, Report for July 1, 1973 to September 30, 1976 (Washington, D.C.: United States Department of Justice, 1977).

5. See Volume Two of this series, J. M. Kress, Sentencing in Four Courts.

6. In 1979, the Arizona legislature enacted new sentencing legislation reorganizing the penal code which reduced judicial discretion at sentencing.

Efforts are being made to revise the Maricopa guidelines to conform to the new legislation. The New Jersey legislature also revised that state's penal code, but the development of statewide guidelines made revision of the Essex system a moot exercise.

7. For a discussion of other information resources available to the trial judge, see A. M. Gelman, "Sentencing Hearings: Forgotten Phase of Sentencing Reform," paper presented to the Annual Meeting of the American Society of Criminology, 1977.

8. Ill. Rev. Stat. ch. 38, 1005-3-1 (1978).

9. See Volume One of this series, at 26-27.

10. The reader is also referred to Volume Four of this series, A. M. Gelman, J. M. Kress, and J. C. Calpin, Establishing a Sentencing Guidelines System: A Methods Manual, Appendices A and B.

11. Ibid. at 3-10.

12. Because of the way in which judicial records are generally maintained, our sampling strategy is likely to be applicable to most American jurisdictions. Nevertheless, our technique is certainly not ideal and researchers seeking to establish guidelines elsewhere would do well to first analyze available court resources. If a modern management information system is in place, then coding and sampling difficulties recounted here may be sharply ameliorated.

13. See Appendix A. While the use of the Judge's Card was not an ideal solution--and was indeed one with which we eventually did away--it is worth mentioning here as a possible solution to the researcher faced with a very poor information base. We indeed supported several other measures, but this was one upon which both judges and researchers agreed. Still, it is possible that the very use of this card normatively altered the judge's information search and therefore resulted in findings that were not fairly descriptive. Had additional resources been available, we might have overcome this problem by stationing observers in the courtroom. In the event, that was unnecessary as the information we sought was found to be available in the files.

14. For a discussion of numerous studies that have found similar prior criminal history variables important in prediction instruments, see F. H. Simon, Prediction Methods in Criminology (London: H.M.S.O., 1971), pp. 143-148.

15. For example, adult arrest record is excluded from consideration at sentencing: People v. Hagans, 50 Ill. App. 3d 964 (1975) (prior arrest without convictions should not be considered in pronouncing sentence); People v. Wilson, 11 Ill. App. 3d 693 (1973) (prior arrests without convictions are not properly admissible during a hearing in aggravation and mitigation).

16. Ill. Rev. Stat. ch. 38, 1005-8-7 (1978): credit for time spent in jail, preconviction, and presentencing was mandatory for all sentences over 6 months.

17. The New Jersey Revised Penal Code is scheduled to go into effect on September 1, 1979.

18. See Volume One of this series, pp. 10-12.

19. See N. H. Nie, C. H. Hull, J. G. Jenkins, K. Steinbrenner, and D. H. Bent (eds.), Statistical Package for the Social Sciences (2nd ed.) (New York: McGraw-Hill, 1975), pp. 218-219.

20. Ibid., pp. 276-277.

21. F. N. Kerlinger and E. J. Pedhazur, Multiple Regression in Behavioral Research (New York: Holt, Rinehart, and Winston, 1973), pp. 446-448; Nie, pp. 320-365; Simon, pp. 154-156.

22. J. Palmer and P. Carlson, "Problems with the Use of Regression Analysis in Prediction Studies," Journal of Research in Crime and Delinquency, 13: p. 64, 1976.

23. Nie, pp. 434-467; Kerlinger and Pedhazur, pp. 336-338.

24. The size of samples for grids not developed were: Felony 4 (n = 17); Misdemeanor A (n = 13); Misdemeanor C (n = 1).

25. The seven unique crimes are as follows: Attempted Murder (n = 19); Murder (n = 21); Aggravated Battery (n = 31); Robbery (n = 95); Armed Robbery (n = 64); Burglary (n = 116); and Possession Lesser Amounts of All Other Controlled Substances (n = 16). The total number of crimes in the sample falling into one of these seven categories equaled 362 cases or 74% (362 ÷ 485) of the total crimes appearing in the sample.

26. L. T. Wilkins, "Statistical Methods of Parole Prediction: Their Effectiveness and Limitations," paper presented at the Annual Meeting of the American Academy of Psychiatry and the Law: Boston, October 1975, at 15.

27. Simons, pp. 5-6.

28. See Volume One of this series; see also H. Mannheim and L. T. Wilkins, Prediction Methods in Relation to Borstal Training (London: H.M.S.O., 1955).

29. See L. T. Wilkins, The Problem of Overlap in Experience Table Construction: Supplemental Report Three (Davis, California: Parole Decision-Making Project, NCCD Research Center, June 1973).

30. D. M. Gottfredson, "Assessment and Prediction Methods in Crime and Delinquency," Task Force Report: Juvenile Delinquency, President's Commission on Law Enforcement and Criminal Justice, Appendix K (Washington, D.C.: U.S. Government Printing Office, 1967), pp. 176-177.

31. H. Wainer, "Estimating Coefficients in Linear Models: It Don't Make No Nevermind," 83 Psychological Bulletin 213, 216 (1976).

32. M. Dawes and B. Corrigan, "Linear Models in Decision-Making," 81 Psychological Bulletin 95 (1974); see also Simon, at 111.

33. Wainer, pp. 215-216.

34. Wilkins, The Problem of Overlap, pp. 12-18.

35. Simon, pp. 150-158.

36. W. L. Wilbanks and M. J. Hindelang, "Parole Predictions: A Comparison of Five Techniques," Journal of Criminal Justice (forthcoming).

37. N. Kerlinger, "Methodology," Foundations of Behavioral Research, 2nd ed., (New York: Holt, Rinehart, and Winston, 1973), at 582-602.

38. See Volume One of this series; see also Wainer, loc. ct.

39. The same preparation of the data and statistical techniques for data analysis were conducted on this construction sample as reported earlier for the Maybrook and 26th Street facilities.

40. The original construction and validation samples from the Maybrook and 26th Street Branches, and the "new" construction and validation sample from the Daley Center and Michigan Avenue facilities were merged, and then randomly assigned to the new combined construction sample (n = 1,000) and validation sample (n = 586).

41. Ill. Rev. Stat. ch. 38, 1005-8-1 (revised H.B. 1500 as amended, 1977).

42. Below are provisions of the old sentencing statutes, compared with provisions of the new bill:

	H.B. 1500, as amended	Present law
Murder-Felony:	20-40* years or "natural life:	14 years min/no max
Class X Felony:	6-30* years	4 years min/no max
Class 1 Felony:	4-15* years	4 years min/no max
Class 2 Felony:	4-7* years	1 year min/20 years max
Class 3 Felony:	2-5* years	1 year min/10 years max
Class 4 Felony:	1-3* years	1 year min/4 years max

*Maximum may be doubled under certain circumstances. Class X Felonies include many crimes that were previously classified as Felony 1 offenses.

43. Ill. Rev. Stat. ch. 38-1003-3-2; 1003-6-3 (revised H.B. 1500, as amended 1977).

Appendix A

COOK COUNTY

Judge's Card and Coding Instructions

DEFENDANT'S NAME _____

IND/INF # _____

1. TYPE OF PROCEEDING:

   A. Plea.

   B. Bench trial.

   C. Jury trial.

2. WAS THE VICTIM INJURED?

   A. The criminal behavior did not involve an offense against the person.

   B. No bodily harm occurred -- the criminal behavior, however, did involve an offense against the person.

   C. Bodily harm occurred -- the victim was injured, but the treatment of injuries did not require hospitalization overnight.

   D. Great bodily harm occurred -- the victim was injured and the treatment of injuries required hospitalization overnight.

   E. Death occurred.

3. WAS THE VICTIM KNOWN TO THE OFFENDER PRIOR TO THE COMMISSION OF THE OFFENSE?

   A. No.

   B. Yes.

   C. Not applicable, no identifiable victim.

4. APPROXIMATE THE VALUE OF ANY MONEY AND/OR PROPERTY TAKEN: _____

5. EXTENT OF USE OF WEAPON:

   A. No weapon involved.

   B. Weapon in offender's possession.

   C. Weapon used to threaten victim.

   D. Weapon used in attempt to injure victim.

   E. Weapon used to injure victim.

6. IF A WEAPON WAS USED, PLEASE SPECIFY THE TYPE OF WEAPON: _____

7. DID THE CRIMINAL BEHAVIOR INVOLVE A DRUG?

   A. No.

   B. Yes, possession.

   C. Yes, manufacture or delivery.

8. WHAT (IF ANY) DRUG WAS INVOLVED? _____

9. WHAT (IF ANY) WAS THE QUANTITY OF THE DRUG INVOLVED? _____

10. PLEASE RATE THE SERIOUSNESS OF THE CRIMINAL BEHAVIOR LEADING TO CONVICTION AS COMPARED TO OTHER CRIMINAL BEHAVIORS WITHIN THE SAME FELONY/MISDEMEANOR CLASS:

    Least Serious 1 2 3 4 5 Most Serious

11. ADDITIONAL SIGNIFICANT FACTORS CONCERNING THE CRIMINAL BEHAVIOR: _____

CRIMINAL JUSTICE RESEARCH CENTER
ONE ALTON ROAD
ALBANY, NEW YORK 12203

SENTENCING GUIDELINES: STRUCTURING JUDICIAL DISCRETION
A Research Project Funded By
Law Enforcement Assistance Administration
National Institute of Law Enforcement and Criminal Justice
(518) 456-7731

JACK M. KRESS
Project Director

COOK COUNTY OFFENSE INFORMATION CARD

The purpose of this index card questionnaire is to obtain your perception of the criminal behavior of the offender. "Criminal behavior" refers to those acts or actions which describe the offense you feel actually occurred. (The Form 101 prepared by the State's Attorney is often said to provide a description of the acts.) It does not refer to the specific statutory offense(s) charged or the specific statutory offense at conviction.

QUESTION #2

"A" would include victimless crimes, e.g., drug offenses, or gambling. Robbery is considered a crime against the person for purposes of this question.

QUESTION #3

This question is only concerned with an offense against the person. Robbery is considered as an offense against person and therefore a robbery of a bank or business would have a victim. A victim known to the offender would be a person with whom the offender had contact prior to the occasion of the offense, such as family, friends, acquaintances, professional associates (e.g., employer/employee). Consider a bar fight victim as being known to the offender unless circumstances to the contrary are indicated.

QUESTION #4

If the offense involved the loss of property or money, please answer question #5 as to the value of the loss, even if the item or amount was recovered in whole or part. If the value of the item taken is not specified, approximate its retail worth using a moderate price range. For example, if a new portable color TV was stolen, approximate the loss to be $400.

QUESTION #5

Weapons are meant to include any objects so designated in Illinois' statutes.

QUESTION #10

Please compare the offense behavior for this defendant to other possible offense behaviors for which a conviction in the same statutory class may result.

QUESTION #11

Examples of additional factors might include: multiple victims, special drug program, and offender's role in crime was minimal.

APPENDIX B

ESSEX COUNTY

Data Collection Instrument

CODING MANUAL
Criminal Courts of Essex County
New Jersey
September 1976

GENERAL INSTRUCTIONS

Use of "7," "8," "9"

The number "7" connotes the "not applicable" category, to be used when the variable does not apply to the offender. Depending on the number of columns, use "7," "97," "997," "9997," "99997," and "999997" to represent "not applicable."

The number "8" connotes the "other" category to be used when a detailed point is not covered by a specific coding value. Following the logic from above use "8," "98," "998," "9998," 99998" and "999998" to represent "other." Always add a brief written explanation.

The number "9" connotes the "missing value" category to be used when no information is provided in the presentence investigation report about a variable. Following the logic from above, use "9," "99," "999," "9999," "99999," and "999999" to represent "missing value."

Note that often times values for "not applicable," "other," and "missing value" will not be specifically listed on the coding sheet for every variable. Although they are unlikely to occur in those variables which they are not listed for, an unusual set of circumstances may necessitate their use.

1. The identification number which is to be coded three (3) times (for each card used), has space for five (5) digits. The first four (left to right) are to be assigned consecutively, starting at "1000" for the first case. The fifth digit identifies the card currently being coded, and will be either a "1," "2," or "3."

2. When an "other" variable is coded, list briefly on the coding sheet the value which necessitated the departure from the assigned values.

3. For the purposes of this coding, robbery is to be considered a personal crime.

4. Where there is no mention of the offender having any type of criminal history record, it is to be assumed that he does not have any. For example, if there is no mention of prior adult arrests the value "00" would be coded in Total Number of Prior Adult Arrests. One can further assume if no arrests are mentioned that no convictions are mentioned, and a "97 -- not applicable, never arrested" would be coded in Total Number of Prior Adult Convictions. Such cases are not to be treated as instances of missing information.

5. 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 "97 -- never arrested" because it refers to prior record, which does not include the current offense.

6. When coding Number of Prior Arrests, Prior Convictions, and Prior Incarcerations (both Juvenile and Adult), code only those offenses where the potential maximum statutory penalty is over 30 days incarceration. When priors are out-of-state or federal offenses and the punishment is not specified in the PSI, use the sentence the offense would receive under the corresponding New Jersey statues.

7. When coding offense from the master list and the crime does not appear on the master list and does not fit the requirements for exclusion (e.g., traffic and military offenses for which there is no civilian counterpart on the master list -- AWOL, juvenile status offenses -- PINS) code as "998" and list the full statutory designation of the offense. It is expected that this will occur very infrequently. Those offenses should not be counted for Total Number of --- variables. A determination to include or exclude will be made at a later time and if included the appropriate variables will be adjusted accordingly.

The coding sheet has four spaces for the master list number for current offense variables. The first three digits (left to right) are to reflect the actual master list number except in the following circumstances. In those cases involving an attempt conviction (NJSA 2A:85:5) do not code the master list number for the attempt statute, but rather the number for the crime the offender is convicted for attempting to commit. The fourth digit will identify the conviction as one for an attempt. Conspiracy convictions (NJSA 2A:98-1) are to be coded similarly. Fourth digit coding values are:

1 = Adjudication for attempt
2 = Adjudication for conspiracy
3 = Sentencing under "2nd offense" statute (2A:85-8)
4 = Sentencing under "3rd offense" statute (2A:85-9)
5 = Sentencing under "habitual criminal" statute (2A:85:12)
6 = Sentencing under "sex offender" statute (2A:164-3)
7 = Not applicable, sentencing is not for attempt, conspiracy or repeat offense

Code "3," "4," "5," "6" only when specifically noted in PSI that offender is being sentenced in repeat, habitual, or sex offender statutes.

8. When a substantive statute does not contain a punishment provision, a misdemeanor may be puhished by imprisonment for not more than three years (NJSA 2A:85-7) and a high misdemeanor by not more than seven years (NJSA 2A:85-6).

9. In coding those sets of variables which deal with more than one offense at a particular stage of the criminal justice system, the more serious offense is to be coded first. The following list is in descending order of seriousness, and is to be used in making decisions about the seriousness of a crime:

Murder (to be considered the most serious offense).

High Misdemeanor -- when the substantive statute contains a punishment provision which is higher than the general provision for a maximum of seven years.

High Misdemeanor -- which may be punished by not more than seven years (NJSA 2A:85-6) or less than three years and one day.

Misdemeanor -- which may be punished by not more than three years (NJSA 2A:85-7).

Misdemeanor -- when the substantive statute contains a punishment provision which specifies a maximum less than the general provision for three years.

Disorderly Persons -- consider disorderly person substantive and general punishment provision to be in the same category.

Crimes against the person with weapon are to be considered more serious than crimes against the person without a weapon. Crimes against the person are to be considered more serious than crimes not against the person.

Within one category, code whichever crime receives the more severe sentence as more serious. If two crimes have the same maximum sentence and different minimums, code the one with the higher minimum as more serious. In cases where there is no difference in maximum sentence and no difference in seriousness ranking code the crime with the higher statute number first.

When unable to ascertain class or category, code to the lower. For example, a misdemeanor not against person should be coded if the information available does not specify high maximum misdemeanor distinction, or whether the crime was against the person or not against the person, i.e.,"theft."

10. In coding prior criminal history variables which ask that if more than one offense is involved at a particular arrest or conviction, only the most serious offense is to be coded. Follow above directions (#9) in deciding the most serious offense.

11. All dates, times, etc., unless otherwise noted, will be at time of the presentence report.

12. Variables referring to prior arrests and convictions code only arrest or convictions for the specific category of offenses, i.e., when coding misdemeanor not against person, "97 = no prior misdemeanors" means no prior arrests for misdemeanors not against a person.

13. When coding victim variables, if more than one victim involved in more than one crime, code victim of more serious crime according to general instruction #9. If more than one victim in one crime, code as "8 = other" and list. If victims have same code in one or more variables, in that variable, do not code "8," code the number that applies.

Var 01 Col 14-19 Offender's Date of Birth

999999 = Missing value

Code in six columns, month, day, year, e.g., July 25, 1943 would be "072543." If only month and year were present, code as follows: "079943."

Var 02 Col 20 Offender's Sex

1 = Male
2 = Female
9 = Missing value

There should not be any missing values in this variable.

Var 03 Col 21-22 Number of Offenses -- Original Charge(s)

01-25 = Number of charges
99 = Missing value

Code number of original charges at this first point of charging; this can be at indictment or if indictment waived at accusation or complaint.

Var 04 Col 23-26 Master List Number of First Offense -- Original Charge

9998 = Other (List: _____)
9999 = Missing value

Refer to master list to code this variable.

This variable refers to the instant offense charged in the complaint warrant. Code the number of counts in var. 88.

In those cases in which a defendant was charged with more than one offense, code the most serious offense first -- see General Instruction number nine (9).

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

Var 05 Col 27-30 Master List Number of Second Offense -- Original Charge

9997 = Not applicable
9998 = Other (List: _____)
9999 = Missing value

Refer to master list to code this item. Code the number of counts in var 89. If a defendant was not charged with a second offense, code as "not applicable."
For additional instructions see Master List Number of First Offense -- Original Charge(s).

Var 06 Col 31-34 Master List Number of Third Offense -- Original Charge

9997 = Not applicable
9998 = Other (List: _____)
9999 = Missing value

Refer to master list to code this item. Code the number of counts in var. 90. If a defendant was not charged with a third offense, code as "not applicable."
For additional instructions see Master List of First Offense Charged in Complaint Warrant.

Var 07 Col 35-36 Number of Present Offense(s) of Which Convicted -- Final Charge(s)

01-25 = Number of offenses
99 = Missing value

This variable refers to the current or instant offense(s) of which the defendant was convicted.

Var 08 Col 37-40 Master List Number of First Offense at Conviction -- Final Charge(s)

9998 = Other (List: _____)
9999 = Missing value

Use master list to code this variable.

This variable refers to the first offense for which the defendant is currently or presently being sentenced, i.e., the first offense at present conviction (or court adjudication). Code the number of counts in var. 91.
In those instances in which a defendant is being sentenced for more than one offense, code the most serious offense first.

See General Instructions number nine (9).

Continue using these criteria to code (according to seriousness) second and third offenses.

Var 09 Col 41-44 Master List Number of Second Offense at Conviction -- Final Charge

9997 = Not applicable
9998 = Other (List: _____)
9999 = Missing value

(Continued next page)

Refer to the master list to code this item. Code # of counts in var 92.

If a defendant was convicted of only one crime, code this variable as "not applicable." Otherwise, code this variable according to the offense listing.

For additional instructions see Master List Number of First Offense at Conviction.

Var 10
Col 45-48 Master List Number of Third Offense at Conviction -- Final Charge

9997 = Not applicable
9998 = Other (List: _____)
9999 = Missing value

Refer to the master list to code this item. Code # of counts in var 93.

If a defendant was convicted of only one or two crimes, code this variable as "not applicable." Otherwise, code this variable according to the offense listing.

For additional instructions see Master List Number of First Offense at Conviction.

Var 11
Col 49 Basis of Adjudication

1 = Non vult
2 = Guilty plea
3 = Conviction after trial
8 = Other (List: _____)
9 = Missing value
Code "1" -- only possible in homicide cases.

Code "2" if offender entered a guilty plea at any time prior to or during trial. Include here negotiated pleas. Code only if guilty plea accepted by court and trial is precluded.

Code "3" if conviction based on a bench or jury trial on the issues. Include here cases for which guilty or non vult pleas were offered but not accepted by the court.

Code "9" if the information on conviction is missing.

Var 12
Col 50 Type of Defense, Present Offense

1 = Public defender
2 = Assigned counsel
3 = Private counsel (Retained)
4 = Represented, lawyer classification unknown
7 = Not applicable
8 = Other (List: _____)
9 = Missing value

No assumptions should be made of guaranteed representation. If there is no indication of representation, the "missing value" value should be used.

Var 13
Col 51 Liberty Status at Time of Sentencing

0 = Free, ROR
1 = Other release (bail, bond, etc.)
2 = Incarcerated
3 = Incarcerated: adjusted status
8 = Other (List: _____)
9 = Missing value

Code "0" to indicate those offenders released on their own or in another's recognizance.

Code "1" to indicate release on bail, bond, etc. Include here offenders on pre-trial intervention.

Code "2" includes those offenders who were offered bail but were not able to make it. It also includes those for whom bail was originally denied. It also includes those who are incarcerated after conviction for instant offense, awaiting sentencing. It also includes those incarcerated for prior convictions. Inlcude here also those offenders under investigation at the Adult Diagnosis and Treatment Center.

(Continued next page)

Code "4" refers to those who are detained, after originally being released on bail, bond, ROR, etc.; for example, as a result of revocation of liberty status due to breach of bail, commission of another offense or a technical violation.

Code "8" for statuses not included in codes above.

Code "9" if the information on liberty status is missing.

Var 14
Col 52-53 Type of Sentence

01 - Fine remitted
02 = Incarceration suspended
03 = Restitution imposed
04 = Fine imposed
05 = Probation imposed
06 = Special sentence imposed (List: _____)
07 = Split sentence imposed
08 = Incarceration imposed
09 = Full credit for time served
98 = Other (List: _____)
99 = Missing value

This variable is designed to facilitate the analysis of sentencing in terms of the IN/OUT decision.

Where a defendant receives more than one sanction in sentencing, the most severe sanction is to be recorded. For example if a defendant receives a sentence of incarceration and fine, his sentence will be coded as "08 -- incarceration imposed." Restitution imposed with a value of "03" is considered the least severe sentence and "incarceration imposed -- 08" is the most severe sentence. Instances of multiple sanctions will be identified by those variables dealing with amount of fine and length of probation and incarceration.

(Continued next page)

Code "01" when the defendant receives a fine as a sentence which is suspended.

Code "02" when the defendant is sentenced to incarceration which is suspended.

Code "03" when restitution is imposed as a sanction.

Code "04" when a fine is imposed.

Code "05" when probation (whether supervised or not) is imposed. Probation may result from deferred prosecution or deferred judgment as well as from a conviction.

Code "06" when the defendant receives a special sentence of non-continuous confinement such as weekends in confinement. Do not include work release or work treatment sentences. Please list the nature of the sentence briefly on the coding sheet.

Code "07" when the defendant receives a split sentence, i.e., some period of incarceration followed by some period of probation or vice versa. Include here when offender receives a "partial suspension" of incarceration followed by a period of probation. A split sentence, in any term, is only available as a disposition to a county facility (NJSA 2A:164-6). For example, in New Jersey an offender could be sentenced to a split sentence of six months jail/one year probation. The sentence could then be "partially suspended," i.e., three months jail followed by one year probation.

Code "08" when an individual receives a sentence of incarceration. Incarceration is defined as any period of confinement which is not specifically included in values, "06," "07." Code as incarceration sentences to county jails, county penitentiary, county workhouse, the Youth Correctional Institution Complex (Yardville), the State Prison, or the Correctional Institution for Women.

Code "09" when an individual receives full credit for time served on a sentence of incarceration. Do not code partial credit for time served.

(Continued next page)

Code "98" for such dispositions as mental commitments. For truly unique sentences not covered by the assigned, please list the nature of such sentences, briefly on the coding sheet.

Var 15
Col 54 Terms of Sentence

0 = Concurrent
1 = Consecutive
2 = Concurrent and consecutive
7 = Not applicable
8 = Unclear from available information

Code this variable if defendant is sentenced on more than one "count" or "charge" and receives same type of sentence on each (see variable 14). This information is specified on the cover sheet to PSI.

defendant is sentenced on only one charge or count, If code "7."

Var 16
Col 55-59 Amount of Fine

00001-99995 = Amount of fine to $99,995
99996 = Fine of $99,996 or more
99997 = No fine imposed
99998 = Fine imposed but suspended
99999 = Missing value

Code the amount the offender was fined regardless of whether it was the only sanction imposed or whether it was imposed in conjunction with another sanction. If a fine was imposed and suspended, code as "99998."

Var 17
Col 60-64 Amount of Restitution

00001-99995 = Amount of restitution
99996 = Restitution -- amount to be determined
99997 = No restitution imposed
99999 = Missing value

Code the amount of the restitution ordered regardless of whether it was the only sanction imposed or whether it was imposed in conjunction with another sanction.

Var 18
Col 65-66 Length of Probation

01 = One month or less
02-95 = Length of probation (in months)
96 = Unspecified length of probation
97 = No probation imposed
98 = Probation imposed but suspended
99 = Missing value

Code the length of probation regardless of whether it was the only sanction imposed or whether it was imposed in conjunction with another sanction. If probation was imposed and suspended code as "98."

Var 19
Col 67-69 Length of Incarceration -- Minimum

000 = Indeterminant minimum sentence (one day minimum)
001 = One month or less
002-993 = Number of months
994 = 994 or more months
995 = Life
996 = Death
997 = No incarceration imposed
998 = Incarceration imposed but suspended
999 = Missing value

Code the minimum length of incarceration regardless of whether it was the only sanction imposed or whether it was imposed in conjunction with another sanction. If incarceration was imposed and suspended, code as "998." Code the length of definite sentences in this item; include death sanctions. "Life" is to be coded as a definite sentence. If consecutive sentences were imposed, add the minimum sentences (or definite sentences) to determine the minimum period of incarceration. If concurrent sentences were imposed for the current conviction, code the longest minimum (or definite sentence) as the minimum period of incarceration. Consider any special sentences (weekend sentences) to be a definite sentence for purposes of this variable and compute the time to be incarcerated and code the appropriate value. In cases of "partial suspension," code the length of the adjusted sentence to actually be served.

NOTE: Sentences to Yardville are indeterminate.
Sentences to New Jersey's State Prison must establish a one year minimum.
Sentences to Essex County institutions are definite sentences.

Var 20
Col 70-72 Length of Incarceration -- Maximum

000 = Definite sentence imposed
001 = One month or less
002-993 = Length of incarceration (in months)
994 = 994 or more months
995 = Life
996 = Death
997 = No incarceration imposed
998 = Incarceration imposed but suspended
999 = Missing value

Do not code length of a "definite" sentence here, code in previous variable. When a defendant receives a maximum length of incarceration, code this variable. Code under this variable the length of any terms of confinement identified in "type of sentence." Code the maximum length of incarceration regardless of whether it was the only sanction imposed or whether it was imposed in conjunction with another sanction. If incarceration was imposed and suspended, code as "998." If consecutive sentences were imposed, add the maximum sentences to determine the maximum period of incarceration. If concurrent sentences were imposed, code the longest maximum as the maximum period of incarceration.

Var 21
Col 73 Status of Sentence Disposition

0 = Concurrent with sentence currently being served
1 = Consecutive to sentence currently being served
2 = Concurrent and consecutive to sentence currently being served
7 = Not applicable, no prior sentence currently being served
8 = Unclear from available information
9 = Missing value

This variable refers to the relationship of the sentence presently being imposed with one already on the process of being served. Code "2" in cases of multiple counts at conviction when the judge specifically mentions consecutive and concurrent sentences will be served. Code "7" when no mention of this relationship is made; assume there is no prior sentence currently being served.

Var 22
Col 74-76 Length of Total Incarceration -- Minimum

000 = Indeterminant sentence (one day minimum)
001 = One month or less
002-993 = Number of months
994 = 994 months or more
995 = Life
996 = Death
997 = No prior sentence of incarceration currently being served

999 = Missing value

(Continued next page)

This variable applies only to sentences of incarceration being given consecutively and/or concurrently to a prior incarceration which is currently being served. If present sentence is to be served consecutive (to prior sentence currently being served -- see variable 21) add the minimum sentence of the present and the prior sentence (or definite sentences) to determine the minimum period of incarceration. If the present sentence is to be served concurrent with a sentence of incarceration currently being served, code the longest minimum (or definite sentence) as the minimum period of incarceration.

Include in "998" a sentence of incarceration imposed, but suspended.

Var 23
Col 77-79 Length of Total Incarceration -- Maximum

000 = Definite sentence
001 = One month or less
002-993 = Length of incarceration (in months)
994 = 994 or more months
995 = Life
996 = Death
997 = No incarceration imposed
999 = Missing value

This variable applies only to sentence of incarceration being sentenced consecutively and/or concurrently to a prior incarceration which is currently being served. If present sentence is to be served consecutively to sentence of incarceration currently being served, add the maximum sentences (definite sentence) to determine maximum period of incarceration. If the present sentence is to be served concurrently with a sentence of incarceration currently being served, code the longest maximum (or definite sentence) as the maximum period of incarceration.

Var 24
Col 80 Offender's Behavior at Arrest

1 = Voluntary surrender
2 = No resistance to arrest
3 = Arrest resisted, no injuries to police or "bystanders"
4 = Arrest resisted, police injured
5 = Arrest resisted, "bystanders" injured
6 = Arrest resisted, both police and "bystanders" injured
7 = Not applicable, e.g., offender already in custody
9 = Missing value

(Continued next page)

Code "1" if offender voluntarily turned himself into authorities (police, prosecutor, probation, parole or other agency of the criminal justice system).

Code "2" if offender had to be actively apprehended by authorities but offered no resistance (police, prosecutor, probation, parole or other agency).

Code "3" through "6": "Police" includes the particular arresting criminal justice system agent, e.g., police probation/parole officer, prosecutor staff investigator, etc. "Bystanders" includes any non-criminal justice agent who is not a party in the crime for which the offender is being arrested.

Var 25
Col 6-7

Number of Victims

01 = One victim of offense
02-95 = Number of victims
96 = 96 or more victims
97 = Not applicable
98 = More than one victim, unable to determine number
99 = Missing information

This variable refers to real offense behavior. The purpose of this coding is to determine the number of separate targets (victim objects, i.e., bank, corporation; or victim persons) involved in the present offense. The assumption is that for all traditional crimes there must be at least one victim object/person, and it may be presumed that where the case file does not suggest more than one, only one is in fact involved. The "97" category should be reserved for "victimless" crimes so-called, including but not limited to abortion, drunkenness, drug offense. In cases where the State is the victim, i.e., non-support, income tax, code as "97 -- no victim -- not applicable."

Var 26
Col 8

Victim Precipitation

0 = No
1 = Yes
7 = Not applicable, -- no identifiable victim

This variable refers to real offense behavior. If offense involved precipitation, possible in offenses such as domestic quarrels, street fights, or barroom brawls, code "1." This often includes cases where self-defense is claimed. If no specific mention is made of victim precipitation in PSI, code as "0."

Var 27
Col 9

Victim Participation

0 = No
1 = Yes
7 = Not applicable, no identifiable victim

Victim participation differs from victim precipitation in that it implies criminal involvement on the part of the victim. Examples of this participation may be when a drug dealer is murdered, when a robber accidentally murders his accomplice. If no mention is made of victim participation, code as "0."

Var 28
Var 10-11

Number of Perpetrators in Present Offense

01 = Defendant as lone perpetrator
02-95 = Number of perpetrators (include defendant)
99 = 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 29
Col 12

Use of Alcohol or Drugs: Time of Offense

0 = Nothing used
1 = Alcohol used
2 = Drugs used
3 = Both used
9 = Missing value

The response to this variable should be determined independently of the classification of the type of offense. According to the presentence investigation report, was the offender considered "under the influence" (by arresting officer), or did he claim to be at the time of offense? When no specific mention is made of the use of alcohol or drugs, assume nothing was used, and code as "0."

Var 30
Col 13

Weapon Usage

0 = No weapon involved
1 = Weapon in offender's possession
2 = Weapon used to threaten victim bystander, or police
3 = Weapon used in attempt to injure victim
4 = Weapon used to injure victim
6 = Weapon use unclear
8 = Other (List: _____)
9 = Missing value

(Continued next page)

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. Code "8" includes an offense in which a weapon was used only to threaten or to damage property, i.e., bombing of empty building.

Var 31
Col 14

Type of Weapon Involved: Present Offense

0 = Blunt instrument
1 = Knife/sharp instrument
2 = Chemical
3 = Explosives
4 = Hand gun
5 = Long gun
6 = Unclear
7 = Not applicable
8 = Other (List: _____)
9 = Missing value

Any weapon capable of inflicting a stab wound by itself should be coded as value "1." Anything able to be used as a club or a weighted device, not otherwise eligible as a gun or knife, should be coded as "blunt instrument -- 2". The detail of a gun being loaded or not is not material to this coding. Code "2 -- chemical" can be broadly construed as any material/substance able to produce a toxic effect on a recipient. "Explosives -- 3" includes explosives and incendiaries. "5" includes sawed-off shot gun. If no specific mention is made of weapon code "7." Code "6" if unable to ascertain type of weapon used. An example of "other" would be a "make-believe" or feigned weapon.

Var 32
Col 15

Physical Injury Suffered by Victim

0 = No injury
1 = Injury requiring nothing more than emergency treatment
2 = Bodily injury requiring hospitalization but no permanent damage
3 = Permanent bodily injury resulting in significant scarring or permanent impariment of bodily function
4 = Death
7 = Not applicable
8 = Other (List: _____)
9 = Missing value

NOTE: this variable refers to the "real offense" behavior.
Code "1" includes outpatient treatment at a hospital.
Code "7" if the offense is one in which there is no specific victim. Drug offenses should be coded here.
Also include state and business here.

Var 33
Col 16

Victim -- Classification

1 = Private Citizen
2 = Business or institution
3 = Law enforcement officer
4 = The State of New Jersey
6 = Unclear
8 = Other (List: _____)
9 = Missing value

This variable refers to "real offense" behavior. Code "1" includes personal victimization with or without violence, and crimes against residence or households. Code "2" includes banks and corporations. Code "3" includes police, parole or probation officers. Code "4" -- the State is to be considered the victim in crimes without identifiable victims, e.g., weapon offenses, gambling, consensual sex offenses, drug offenses, bail-probation-parole violations, non-support, tax evasion.

Var 34
Col 17

Victim -- Relationship to Offender

1 = Family
2 = Friend or acquaintance
3 = Stranger
4 = State or business
6 = Unable to ascertain relationship
7 = No identifiable victim
8 = Other (List: _____)
9 = Missing value

Code "1" includes ex-spouse. Code "2" indicates there must have been some contact between offender and victim prior to the occasion of the offense; includes professional associates. (See variable 36 for details Code "3" includes those crimes in which victim was a stranger to offender. If no previous contact between offender and victim prior to time of offense, code as "stranger." Code "4" includes the crimes in which the State or business was the victim (see variable 33, Victim Classification).

Var 35
Col 18

Victim -- Family

1 = Spouse
2 = Offspring
3 = Sibling
4 = Parent
5 = Ex-spouse
6 = Family, unable to ascertain specifics
7 = Not applicable -- victim not family
8 = Other (List: _____)
9 = Missing value

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Code "1" includes common-law marriages. Also code here husband/wife who are separated. Code "2" refers to son, daughter (includes out-of-wedlock, adopted, step-children). Code "3" includes brother/sister (include step and adopted). Code "4" includes mother and/or father (include step). Code "5" refers to divorced couples. Code "8 -- other" includes relatives, such as grandparents, aunts, uncles, cousins, nephews, etc.

Var 36
Col 19 Victim -- Friend/Acquaintance

0 = Neighbor
1 = Girlfriend/boyfriend
2 = Employee/employer
3 = Colleague -- work/school
4 = Professional
5 = Cohabitant
6 = Friend/acquaintance, unable to ascertain specifics
7 = Not applicable, victim not friend/acquaintance
8 = Other (List: _____)
9 = Missing value

Code "4" includes doctor, lawyer, minister, professor, client. Code "5" refers to roommates, apartment or house mates, not related.

Var 37
Col 20-21 Victim's Age

01-80 = Age in number of years
81 = 81 years or older
82 = Less than 11 years old
83 = 11-20 years old
84 = 21-30 years old
85 = 31-50 years old
86 = 51-65 years old
87 = 66-80 years old
97 = Not applicable, no identifiable victim
98 = Other (List: _____)
99 = Missing value

Code "01" includes less than one year old. Code "82-87" in cases where age of victim is given in a broad description, i.e., "man in mid-20's" -- code 84.

Var 38
Col 22 Victim's Sex

1 = Male
2 = Female

7 = No identifiable victim
8 = Other (List: _____)
9 = Missing value

Var 39
Col 23 Victim's Ethnic Description

0 = White/Caucasian
1 = Black/Afro-American/Negro
2 = American Indian
3 = Puerto Rican
4 = Chicano/Mexican American
5 = Oriental/Asian American
6 = Mixed
7 = No identifiable victim
8 = Other (List: _____)
9 = Missing value

Var 40
Col 24 Victim's Addiction to Alcohol/Drugs

0 = None
1 = Alcohol addiction
2 = Drug addiction
3 = Addicted to both drugs and alcohol
7 = Not applicable, no identifiable victim
8 = Other (List: _____)

If no mention is made of victim's addiction to alcohol or drugs, code as "0."

Var 41
Col 25 Health of Victim

1 = Healthy
2 = Physically handicapped
3 = Mentally handicapped
7 = Not applicable, no identifiable victim
8 = Other (List: _____)

This variable refers to health of victim prior to offense. If no mention is made of health of victim, assume average health and code as "1."

Var 42
Col 26 Employment Status of Victim

1 = Unemployed
2 = Employed/school full or part time
3 = Government support
7 = Not applicable, no identifiable victim
8 = Other (List: _____)
9 = Missing value

(Continued next page)

Code "1" if not working or attending school. Code "2" includes both school work and combinations of the two. Code "3" includes government support, i.e., welfare or unemployment insurance. Code "8" includes housewife, retirees, and those unable to leave house (e.g., physically disabled). Also code here prison inmates.

Var 43
Col 27-31 Value of Property Involved in Offense

00000 = No financial loss
00001-99995 = Financial loss in dollars up to $99,995
99996 = Financial loss of $99,996 or more
99997 = Not applicable, i.e., the offense in question was one which by definition does not involve financial loss, e.g., victimless crimes, assaults, drug crimes
99999 = Missing value

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 if restitution was made. When a vehicle is stolen and not returned, use the automobile dealer's "blue book" to establish financial loss. When the offense in question is "joyriding" and the vehicle is returned do not code financial loss unless there is damage to the vehicle. Where there is damage, code the amount of damage in dollars (if provided). If the value of an item is not stated in the presentence report, code its estimated retail worth using a moderate price range unless it is specifically stated to be of high or low value. For example, if a new portable color television was stolen, code the loss to be $400. Do not include hospital expenses incurred by victims or time lost on the job in terms of dollars.

Var 44
Col 32 Did Criminal Behavior Involve "Distribution" of a Drug?

0 = No
1 = Yes
7 = Not applicable (not drug offense)
8 = Unclear from offense description

If the offense description (official version, "real offense) indicated that the offender was the seller, dispenser of drugs, or conspirator, or in possession with intent to sell, code as "1." If the offense involved drugs but no sale took place, code as "0."
If the offense is not a drug offense (and assuming the official

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version of the crime does not mention a sale of drugs), code as "7." If the offense is one which involved (a sale of) drugs and it is unclear whether the offender was a seller, code "8." Missing value coding should not be needed for this item.

Var 45
Col 33-37 Value of Drugs

00001-99995 = Value of drugs in dollars up to $99,995
99996 = Value of drugs $99,996 or more
99997 = Not applicable (not drug offense)
99998 = Value unclear

Code the police arrest report or official version estimate of the value of the drugs involved both for the offense possession, or sale. If the offense is one which a sale of drugs took place, but the value of the drugs involved is unclear, code as "8." Missing value coding should not be needed for this item.

Var 46
Col 38 Description of Drug Involved

0 = Less than 25 grams marijuana; less than 5 grams hashish
1 = Drugs listed in Schedule V (punishable as misdemeanors)
2 = Narcotic drugs/other controlled dangerous substances (List: _____)
6 = Unclear from offense description
7 = Not applicable
9 = Missing value

Code according to real offense behavior, official version. See Appendix for Schedule V. When more than one category of drugs is involved, code the one with the higher penalty. For example, if the real offense involved possession of 10 grams of marijuana, and a sale of heroin, code "2." Whenever the information is available, list the name and amount of drug involved if code "2" is used.

Var 47
Col 39 Restitution -- Voluntary

0 = No restitution begun or promised
1 = Restitution begun or promised
7 = Not applicable

Code for time that presentence report is written -- not whether restitution was eventually ordered by the court as a condition of probation.

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It is only appropriate to consider those situations in which damage has been caused and can be evaluated in such a way that the loss to the victim is measurable. Include hospital costs to victim. Where there is no damage of a nature for which restitution could be made, code as "not applicable -- 7." Where damage to the victim of measurable nature has taken place and it is not clear whether restitution is in effect or has been promised, code as "0."

Var 48
Col 40-41 Offender's Relationship to the Criminal Justice System at the Time of Commission of the Present Offense(s)

00 = Free
01 = Free, other criminal actions pending
02 = Juvenile supervised release (probation, deferred court actions)
03 = Adult supervised release (probation, deferred court actions)
04 = Juvenile parole
05 = Adult parole
06 = Incarcerated (pre-trial or post conviction)
07 = Escapee
98 = Other, e.g., hospitals
99 = Missing value

Code "00" if offender was not under any form of criminal justice control. Code here if in the military or voluntary hospitalization (e.g., not court ordered hospitalization).

Code "01" if offender had other charges, adult or juvenile, which had not been disposed. A charge includes any step in the process after the original charging point up to the time of conviction. This variable includes persons out on pre-trial release (bail, bond, ROR, etc.) as well as the individuals awaiting sentencing out on bail, bond, ROR, etc. Include here individuals for whom outstanding warrants exist, i.e., arrest, bench, extradition. Do not include escape warrants in this category.

Code "02" includes probation, deferred prosecution, deferred judgment, conditional release. Code only juvenile supervised release as a result of prior criminal actions. Code whether or not probation or deferred action revoked as result of present offense. Code here also individuals with outstanding probation violations.

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Code "03" as above. Code here adult supervised release as result of a previous adult adjudication. Code whether or not release revoked as result of present offense. Include here individuals with outstanding probation violations.

Code "04" if on parole from an incarceration which was the result of a juvenile adjudication. Code here whether or not parole revoked. Include outstanding parole violations.

Code "05" if on parole from an incarceration for a criminal conviction as an adult. Code whether or not parole revoked as result of present offense. Code here outstanding parole violations.

Code "06" if the present offense was committed when the offender was incarcerated. Include both pre-trial or post-conviction incarceration.

Code "07" if the present offense was committed when the offender had escaped from an incarceration, both adult or juvenile. This does not include offenders whose present crime is an escape.

Code "98" if under some type of other form of state control, e.g., mandatory hospitalization for treatment, observation diagnosis as a result of some civil or criminal action. Include here adult diagnostic and treatment center commitments under Sex-Offender Act 2A:164-3. Code here if the offender is in the military and under some type of special control, e.g., AWOL, escape from military confinement, pending military action. If the offender is in the military and not under such special control code "01."

Code "99" if no information available.

Var 49
Col 42 Number of Prior Juvenile Probation Revocations

0 = No prior revocations
1-5 = Number of revocations
6 = 6 or more revocations
7 = Not applicable
9 = Missing value

(Continued next page)

If the offender has ever been on juvenile probation and has not been revoked code as "0." If the offender has never been on probation code as "7." Assume that the offender successfully completed probation unless it is specifically noted that he/she was revoked. Do not consider a conviction for a new offense while the offender is on probation to have resulted in a revocation unless it is so stated.

Var 50
Col 43 Number of Prior Juvenile Parole Revocations

0 = No prior revocations
1-5 = Number of revocations
6 = 6 or more revocations
7 = Not applicable
9 = Missing value

If the offender has ever been on juvenile parole and has not been revoked code as "0." If the offender has never been on parole code as "7." Assume that the offender successfully completed parole unless it is specifically noted that he/she was revoked. Do not consider a conviction for a new offense while the offender is on parole to have resulted in a revocation unless it is so stated.

Var 51
Col 44 Number of Prior Adult Probation Revocations

0 = No prior revocations
1-5 = Number of revocations
6 = 6 or more revocations
7 = Not applicable
9 = Missing value

If the offender has ever been on adult probation and has not been revoked code as "0." If the offender has never been on probation code as "7." Assume that the offender successfully completed probation unless it is specifically noted that he/she was revoked. Do not consider a conviction for a new offense while the offender is on probation to have resulted in a revocation unless it is so stated.

Var 52
Col 45 Number of Prior Adult Parole Revocations

0 = No prior revocations
1-5 = Number of revocations
6 = 6 or more revocations
7 = Not applicable
9 = Missing value

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If the offender has ever been on adult parole and has not been revoked code as "0." If the offender has never been on parole code as "7." Assume that the offender successfully completed parole unless it is specifically noted that he/she was revoked. Do not consider a conviction for a new offense while the offender is on parole to have resulted in a revocation unless it is so stated.

Var 53
Col 46-47 Total Number of Prior Juvenile Arrests

00 = No arrests
01-95 = Total number of arrests
98 = Arrests appear to have occurred, unable to ascertain number
99 = Missing value

Exclude present offense if offender was originally arrested as a juvenile. Code only total number of juvenile arrests for offenses which would be criminal if the offender was arrested as an adult. Reference should be made to master sheet listing. Exclude juvenile "status" offenses, e.g., PINS, Wayward Youth, Truancy. Do not code traffic arrests unless a corresponding crime is present in the master sheet. Do not count "(police) station adjustments" as arrests. Do not count probation or parole violations as "arrests" unless a new offense is charged. In general, where a definite number of arrests appears, code that number. Where one arrest leads to a multiple charge, code as a single arrest. Where a definite number of arrests is listed plus a general indication of other arrests (e.g., four prior arrests in this state and was arrested numerous times in Wyoming), code only the definite number listed.

Var 54
Col 48-49 Number of Prior Juvenile Arrests for Similar Offense

00 = No prior arrests for similar offense
01-25 = Number of prior similar offenses
97 = No prior arrests
98 = Unable to ascertain if similar
99 = Missing value.

This variable refers to "real offense" behavior. Include only juvenile arrests similar to instant offense. A similar offense includes an offense possible as a lesser included offense, e.g., possession of stolen property is similar to theft of property, and burglary in the nighttime is similar to burglary in the daytime. Lesser classes or degree of the same offense also

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apply. Along with burglaries and thefts, include as similar offenses crimes within the following categories: sex offenses, crimes against the person (not sex offense), drug offenses, and crimes involving fraud, e.g., check offenses, forgery, confidence games, embezzlement, etc. This includes any noted arrest in same state, out-of-state, or on a federal level.

Var 55 Col 50-51 Age at First Juvenile Arrest

05-21 = Age at first arrest
96 = Arrests appear to have occurred, unable to ascertain offender's age
97 = No arrests
99 = Missing value

Exclude present offense even if offender was originally arrested as a juvenile.

For additional instructions see Total Number of Juvenile Arrests.

Var 56 Col 52-53 Total Number of Prior Juvenile Convictions

00 = No prior convictions, i.e., arrested but not convicted
01-95 = Total number of convictions
97 = Not applicable, never arrested
98 = Conviction occurred, unable to ascertain number
99 = Missing value

Code only total number of juvenile convictions or juvenile court equivalents (e.g., informal adjustments) for offenses which would be criminal if the offender was arrested as an adult. Reference should be made to the master sheet listing if in doubt. Exclude juvenile "status" offenses, e.g., PINS, Wayward Youth, Truancy, Neglected Youth. Do not code traffic convictions unless a corresponding crime is present in the master sheet. Do not count a probation or parole revocation as a "conviction" unless an actual conviction for a new master list offense has taken place. Convictions which are not clearly identified by statutory title or code are to be counted for the purposes of this variable. For example, if an offender is identified as having been convicted of five offenses (with no further elaboration) he is credited with five convictions. If convicted of multiple offenses at one adjudication code as one conviction.

A juvenile conviction will be noted as petition sustained or closed cases. Do not code as convictions adjourned disposition.

Var 57 Col 54-55 Number of Prior Juvenile Convictions for Similar Offense

00 = No prior convictions for similar offense
01-25 = Number of prior convictions for similar offense
98 = Unable to ascertain if similar
99 = Missing value

This variable refers to "real offense" behavior. Include juvenile convictions. A similar offense includes an offense possible as a lesser included offense, e.g., possession of stolen property is similar to theft of property, and burglary in the nighttime is similar to burglary in the daytime. Lesser classes or degrees of the same offense also apply. Along with burglaries and thefts, include as similar crimes within the following categories: sex offenses, crimes against the person (not sex crimes), drug offenses, and crimes involving fraud, e.g., check offenses, forgery, confidence games, embezzlement, etc. This includes any noted convictions in same state, out-of-state, and on the federal level.

Var 58 Col 56-57 Age at First Juvenile Conviction

00 = No prior convictions, i.e., arrested but not convicted
05-21 = Age at first conviction
96 = Conviction occurred, unable to ascertain offender's age
97 = Not applicable, never arrested
99 = Missing value

See instructions for Total Number of Juvenile Convictions.

Var 59 Col 58-59 Total Number of Prior Juvenile Incarcerations

00 = Never incarcerated (previously "convicted") but never served more than 30 days.
01-95 = Number of times incarcerated
97 = Not applicable, never convicted
98 = Previously incarcerated, unable to ascertain number
99 = Missing value

Code only total number of juvenile incarcerations in which the juvenile was actually incarcerated after a "conviction" or a juvenile court equivalent (e.g., informal adjustments) for an offense which would be criminal if the offender was an adult. Reference should be made to the master sheet listing if in doubt. Exclude incarcerations after convictions for juvenile "status" offenses, e.g., PINS, Wayward Youth, Truancy, Neglected Youth. Do not code incarcerations after a traffic

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conviction unless a corresponding crime is present in the master sheet. Do not count incarcerations of 30 days or less or one month or less. Note: reconfinement after escape or parole violation is not a new incarceration; revocation of probation resulting in incarceration is a new incarceration for this variable.

Code "00" if convicted of a juvenile "criminal" offense but never sentenced to or actually incarcerated for a period of longer than 30 days (see above).

Code "01-95" to indicate the number of separate, actual incarcerations resulting from new juvenile "criminal" convictions (see above).

Code "97" if the offender was never before convicted of a juvenile "criminal" offense.

Var 60 Col 60-61 — Age at First Juvenile Incarceration

00 = No prior incarceration -- convicted but not incarcerated over 30 days.
05-21 = Age at first juvenile incarceration
96 = Incarceration occurred, unable to ascertain offender's age
97 = Not applicable, never convicted
99 = Missing value

Var 61 Col 62-63 — Total Number of Prior Adult Arrests

01-95 = Total number of arrests
97 = Not applicable
98 = Arrests noted, number not given
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 (e.g., don't count field investigations).

Code "97" if no prior arrests. If "97" coded, must code "97" in variables 63, 64, 65, and 66.

Code "01-95" for number of prior arrests. In general, where a definite number of arrests appears, code that number. Where one arrest leads to multiple charges, code as a single arrest. Where

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a definite number of arrests is listed plus a general indication of other arrests (e.g., four prior arrests in this state and was arrested numerous times in Wyoming), code only the definite number. If "01-95" coded, variables 63, 64, 65, 66 must add up to the number coded in variable 61.

Code "98" if only a general indication of prior adult arrests appears without any indication of number (e.g., has been arrested for drug offenses as a youth). If "98" coded, "98" must also be coded singly or in combination with "97" and/or "99" in variables 63, 64, 65, 66. For example, a "98" in variable 65 would indicate an unspecified number of high misdemeanor-against-person arrests. This would not preclude the possibility of missing information concerning high misdemeanor-not-against-person arrests ("99" in variable 66). This combination would add up to a "98", because the total number of arrests is still unspecified. If "98" coded in Total Prior Adult Arrests, a "98" must appear in at least one of the subcategories of arrests, and "01-95" cannot be coded in variables 63, 64, 65, 66.

If "99" coded, "99" must be coded in variables 63, 64, 65, 66. For additional instructions, see General Instructions, numbers 4, 5, 9, and 10.
Code disorderly persons as misdemeanor not against person.

Var 62 Col 64-65 — Age at First Adult Arrest

12-95 = Age at first arrest
97 = Not applicable
99 = Missing value

Record the age at which the offender was first arrested. A first arrest may be clearly identified as such, e.g., the offender was first arrested at twenty years of age, or it may be established by examining the state(s) of 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.

Var 63 Col 66-67 Total Number of Prior Adult Misdemeanor Arrests -- Crimes Against Person

01-95 = Total number of arrests
97 = Not applicable
98 = Arrests noted, number not given
99 = Missing value

Exclude present offense(s). Code according to master list classification of "misdemeanor." When in doubt as to high misdemeanor/misdemeanor distinction, code as misdemeanor.

Refer to master list for crimes in "against-the-person" category. When unable to ascertain category, code as misdemeanor not-against-person, variable 66.

For additional instructions, see Total Number of Prior Adult Arrests.

Var 64 Col 68-69 Total Number of Prior Adult Misdemeanor Arrests -- Crimes Not Against Person

01-95 = Total number of arrests
97 = Not applicable
98 = Arrests noted, number not given
99 = Missing value

Exclude present offense(s). Code according to master list classification of "misdemeanor." When in doubt as to high misdemeanor/misdemeanor distinction, code as misdemeanor. Include here disorderly persons.
Refer to master list for crimes in "not-against-person" category.

For additional instructions, see Total Number of Prior Adult Arrests.

Var 65 Col 70-71 Total Number of Prior Adult High Misdemeanor Arrests -- Crimes Against Person

01-95 = Total number of arrests
97 = Not applicable
98 = Arrests noted, number not given
99 = Missing value

Exclude present offense(s). Code according to master list classification of "high misdemeanor." When in doubt as to high misdemeanor/misdemeanor distinction, high misdemeanor crime should have been coded as misdemeanor in variable 63.

Refer to master list for crimes in "against-the-person" category. When unable to ascertain category, code as high misdemeanor not-against-person in variable 66. Include arrests for murder in high misdemeanor against-the-person.

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For additional instructions see Total Number of Prior Adult Arrests.

Var 66 Col 72-73 Total Number of Prior Adult High Misdemeanor Arrests -- Crimes Not Against Person

01-95 = Total number of arrests
97 = Not applicable
98 = Arrests noted, number not given
99 = Missing value

Exclude present offense(s). Code according to master list classification of "high misdemeanor." When in doubt as to high misdemeanor/misdemeanor distinction, code should have been coded as misdemeanor in variable 64.

Refer to master list for crimes in "not-against-person" category.

For additional instructions, see Total Number of Prior Adult Arrests.

Var 67 Col 74-75 Number of Prior Adult Arrests for Similar Offense

00 = No prior arrests for similar offense
01-25 = Number of prior similars
97 = Not applicable
98 = Unable to ascertain if similar
99 = Missing value

This variable refers to "real offense" behavior. Include only adult arrests similar to instant offense. A similar offense includes an offense possible as a lesser included offense, e.g., possession of stolen property is similar to theft of property, and burglary in the nighttime is similar to burglary in the daytime. Lesser classes or degree of the same offense also apply. Along with burglaries and thefts, include as similar offenses crimes within the following categories: sex offenses, crimes against the person (not sex offenses), drug offenses, and crimes involving fraud, e.g., check offenses, forgery, confidence games, embezzlement, etc. This includes any noted arrest in same state, out-of-state, or on a federal level.

Var 68 Total Number of Prior Adult Convictions
Col 76-77-

00 = No prior convictions, i.e., arrested but not convicted
01-95 = Total number of convictions
97 = Not applicable, i.e., never arrested
98 = Prior convictions noted, number not specified
99 = Missing value

Exclude present offense(s) and juvenile adjudications. Code adult criminal offense appearing on the master list. Deferred judgments and deferred prosecutions are to be considered as convictions for this variable. Exclude traffic and military offenses for which there is no civilian counterpart in the master list, e.g AWOL. Convictions which are not clearly identified by statutory title or code are to be counted for the purposes of this variable. For example, if an offender is identified as having been convicted of five offenses (with no further elaboration) he is credited with five convictions. If convicted of multiple offenses at one adjudication code as one conviction.

If "00" coded, must code "00" singly, or in combination with "97" in variables 70-73. For example a "00" coded in variable 70 would indicate the defendant has no prior convictions for misdemeanor-against-person, although there have been arrests for offenses in this category. A "97" in variable 72 would indicate that the defendant has no prior convictions for high misdemeanor against-person crimes, and has never even been arrested for an offense in this category. This, however, would still receive a "00" in Total Number of Prior Adult Convictions because at least one of the subcategories has a prior arrest record. A "00" must appear at least once in variables 70-73. A "97" can appear one, two, three times, or not at all in variables 70-73.

If "01-95" coded, scores in variables 70-73 must add up to number coded in variable 68.

If "97" coded, must code "97" in variables 70-73. If "97" coded in arrest variables, code "97" in corresponding conviction variables.
If "98" coded, "98" must be coded singly or in combination with "00," "97," or "99" in variables 70-73. For example, a "98" coded in Total Number of Adult Prior Convictions would mean there have been an unspecified number of prior convictions. A "98" in variable 70 would indicate some unspecified number of prior convictions for misdemeanor-against-person offenses. A "00" in variable 71 would indicate no prior convictions for misdemeanor-not-against-person but also that the defendent had been arrested

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for a crime in this category. A "97" in variable 72 would indicate that the defendant has never been arrested or convicted for a high misdemeanor-against-person. A "99" in variable 72 would mean that there was no information concerning convictions for high misdemeanor-not-against-person. The total score in variables 70-73 is "98" as coded in variable 68 because the total number of known prior convictions remains unspecified.

If "99" coded must code "99" in variables 70-73.

For additional instructions, see general instruction numbers 4, 5, 6, 9, 10.

Var 69 Age at First Adult Conviction
Col 78-79

00 = No prior adult convictions, arrested but never convicted
12-95 = Age
97 = Not applicable, i.e., never arrested
99 = Missing value

Exclude present offense(s). Record the age at which the offender was first convicted. A first conviction may be clearly identified as such, e.g., the offender was first convicted at twenty years of age, or it may be established by examining the date(s) of conviction. There may be instances where, although, a first conviction is clearly identified by date, e.g., he was convicted on October 31, 1970 for burglary, there are indications of "other convictions" which may or may not be prior to the conviction of October 31, 1970. In such instances, the clearly identified date should be considered the date of first conviction. If the coder can determine when the "other convictions" occurred, he may use their dates to establish age at first conviction. Age at first conviction should be considered missing only when a "first" conviction occurred.

For additional instructions see Total Number of Prior Adult Convictions.

Var 70 Total Number of Prior Adult Misdemeanor Convictions -- Crimes-Against
Col 6-7 Person

00 = No prior convictions, arrested, but never convicted for this type of crime
01-95 = Total number of convictions
97 = Not applicable, i.e., never arrested for this type of crime
98 = Prior convictions noted, number not specified
99 = Missing value

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Exclude present offense(s) and juvenile adjudications. Code according to master list classification of "misdemeanor." When in doubt as to high misdemeanor/misdemeanor distinction code as "misdemeanor."

Refer to master list for crimes in "against-the-person" category.

For additional instructions see Total Number of Prior Adult Convictions.

Var 71
Col 8-9 Total Number of Prior Adult Misdemeanor Convictions -- Crimes Not-Against-Person

00 = No prior convictions, arrested but never convicted for this type of crime
01-95 = Total number of convictions
97 = Not applicable, i.e., never arrested for this type of crime
98 = Prior convictions noted, number not specified
99 = Missing value

Exclude present offense(s). Code according to master list classification of misdemeanor. When in doubt as to high misdemeanor/misdemeanor distinction, code as misdemeanor.

Refer to master list for crimes in "not-against-person" category.
Include here disorderly persons.
For additional instructions see Total Number of Prior Adult Convictions.

Var 72
Col 10-11 Total Number of Prior Adult High Misdemeanor Convictions -- Crimes-Against-Person

00 = No prior convictions, arrested but never convicted for this type of crime
01-95 = Total number of convictions
97 = Not applicable, i.e., never arrested for this type of crime
98 = Prior convictions noted, number not specified
99 = Missing value

Exclude present offense(s). Code according to master list classification of high misdemeanor. When in doubt as to high misdemeanor/misdemeanor distinction, crime should have been coded as misdemeanor in variable 70.

Refer to master list for crimes in "against-the-person" category.
Include convictions for murder in high misdemeanor-against-person.

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When unable to ascertain category, code as high misdemeanor not-against-person, in variable 73.

For additional instructions see Total Number of Prior Adult Convictions.

Var 73
Col 12-13 Total Number of Prior Adult High Misdemeanor Convictions -- Crimes Not-Against-Person

00 = No prior convictions, arrested but never convicted for this type of crime
01-95 = Total number of convictions
97 = Not applicable, i.e., never arrested for this type of crime
98 = Prior convictions noted, number not specified
99 = Missing value

Exclude present offense(s). Code according to master list classification of "high misdemeanor." When in doubt as to high misdemeanor/misdemeanor distinction, crime should have been coded as misdemeanor in variable 72.

Refer to master list for crimes in "not-against-person" category.

For additional instructions see Total Number of Prior Adult Convictions.

Var 74
Col 14-15 Number of Prior Adult Convictions for Similar Offense

00 = No prior convictions for similar offense
01-25 = Number of convictions
97 = No prior convictions, never arrested for similar offense
98 = Unable to ascertain if similar
99 = Missing value

Include only adult convictions similar to instant offense. See Prior Adult Convictions for similar offense to determine if similarity exists.

Var 75
Col 16-17 Total Number of Prior Adult Incarcerations Resulting From a Prior Criminal Conviction(s)

00 = Never incarcerated (over 30 days but was previously convicted)
01-95 = Number of times incarcerated
97 = Not applicable, i.e., never convicted
98 = Previously incarcerated, unable to ascertain number
99 = Missing value

(Continued next page)

This item refers to actual incarcerations resulting from adult criminal convictions for offenses listed on the master sheet. Do not count pre-trial or presentence detentions. Do not count incarcerations of 30 days or less or one month 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 76 Col 18-19 Age at First Adult Incarceration

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
97 = Not applicable, never convicted
99 = Missing value

Var 77 Col 20-21 Offender's Total Number of Dependents

00 = None
01-30 = Number of dependents
99 = Missing value

Code "00" when there is no one who depends on the offender for financial support. Do not count the offender as dependent for himself/herself. Code "00" for out-of-wedlock children unless specifically mentioned in PSI that they are dependent on offender. Code only the number of defendents specifically identified in the presentence investigation report.

Var 78 Col 22 Does Offender Support Dependents?

0 = No
1 = Yes
7 = Not applicable
8 = Other (List: _____)
9 = Missing value

If an offender is living with his dependents and is employed, receiving unemployment, or on welfare, assume that he/she is supporting them unless otherwise stated. If the offender and the dependent(s) are not living together consider the dependent as being supported if it is stated in the presentence report that the offender is contributing money on a regular basis. If the offender does not have any dependents, code as "7".

CONTINUED

2 OF 3

Var 79
Col 23

Residential Stability

0 = Stable
1 = Unstable

If the defendant has more than two address changes within the past year which appear unrelated to job or school (that of self, spouse, or family), code "1" unstable. If possible, check employment/school records to verify reason for move. Do not consider prison or institution address in court. If no specific mention is made of any moves, assume no moves have been made and code as "0" stable.

Var 80
Col 24

Offender's Marital Status

1 = Single
2 = Widow(er)
3 = Separated
4 = Divorced
5 = Living with paramour
6 = Married and not living with wife (husband)
7 = Married and living together
8 = Other
9 = Missing value

If there is no other mention of the spouse other than the name, and no indication that they are living apart, it may be assumed that they are still living together. Common-law marriage will include living with paramour.

Var 81
Col 25-26

Highest School Grade Completed by Offender

00 = No schooling
01-08 = Grade school
09-12 = High school
13-16 = Undergraduate
17 = Graduate
98 = Other (List: _____)
99 = Missing value

A high school equivalency diploma is to be coded as "12" under high school.

Var 82
Col 27-

Offender's Ethnic Description

0 = White/Caucasian
1 = Black/Afro-American/Negro
2 = American Indian
3 = Puerto Rican
4 = Chicano/Mexican American
5 = Oriental/Asian American
6 = Mixed
8 = Other
9 = Missing value

Var 83
Col 28

Offender's History of Alcohol Use

0 = None
1 = Light use
2 = Heavy use
3 = Alcoholic classification
8 = Other
9 = Missing value

This item is designed to reflect current alcohol use, i.e., use during the period prior to the instant offense.

Code "0" to reflect no alcohol usage (teetotler).

Code "1" reflects light social usage, not generally considered debilitory in any way. Alcohol use did not inhibit work/school performance, family relations, etc.

Code "2" (heavy use) indicates occasional problems, where alcohol use had been known to impinge upon work, family obligations with or without permanent harm, e.g., loss of job, separation from family (voluntary or involuntary), arrest, official intervention, suicidal or assaultive behavior while drunk.

Code "3" (alcoholic classification) offender is in a perpetual state of craving for alcohol. Alcohol consumption is the central factor in his life, cannot function without it. Offender had been subject to voluntary (AA) or involuntary (court-directed) attempts to cure.

Code "8" -- include in this category reformed alcoholics.

Code "9" if no information appears on alcohol use. Do not code missing information as "0."

Var 84
Col 29

Drug Use: Degree

0 = None
1 = Light use
2 = Heavy use
8 = Other
9 = Missing value

"Light use" means any use, including occasional one-time experimentation. It includes three decks a day of heroin.

Heavy use includes more than three decks of heroin a day. Addictive classification will be coded here and identified in variable 85.

"Drugs" include stimulates, hallucinogens, sedatives, opiates.

(Continued next page)

Schedule V
24:21-8.1

a. Tests. The commissioner shall place a substance in Schedule V if he finds that the substance: (1) has low potential for abuse relative to the substances listed in Schedule IV;[1] (2) has currently accepted medical use in treatment in the United States; and (3) has limited physical dependence or psychological liability relative to the substances listed in Schedule IV.

b. The controlled dangerous substances listed in this section are included in Schedule V.

c. Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contains one or more non-narcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams;

(2) Not more than 100 milligrams of dihydrocodeine or any of its salts per 100 milliliters or per 100 grams;

(3) Not more than 50 milligrams of ethylmorphine or any of its salts per 100 milliliters or per 100 grams;

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) Not more than 100 milligrams of opium or any of its salts per 100 milliliters or per 100 grams.

L.1971, c. 3 Sec. 4.

[1]Section 24:21-8.

Effective date, see Sec. 24:21-2 note.

Title of Act:

An Act to amend and supplement the "New Jersey Controlled Dangerous Substances Act," approved October 19, 1970.(P.L.1970, c. 226). L.1971, c. 3.

physical dependence, no matter how heavy or frequent is to be coded under "1." If there is conflict in the PSI regarding the level of use, code the official (i.e., probation officer's) assessment of the level of use.

Var 86
Col 31 Offender's Status (Work/School)

1 = Unemployed
2 = Employed school less than full-time
3 = Employed/school full-time or more
7 = Not applicable (e.g., offender incarcerated for prior offense
8 = Other
9 = Missing value

This variable is to be coded for those offenders who were free at time of the PSI and for those who were detained (i.e, no bail).

If detained at any time prior to sentencing for the present offense what was the offender's status immediately prior to the initial detention. If the offender was not detained, i.e., ROR, code work/school status at time of presentence investigation. Detention refers to pre or post-trial confinement (i.e., not bailed). If more than one period of detention as a result of the present offense consider the first substantial detention only in coding this item. Detention does not refer to detention upon arrest while awaiting initial appearance for bail setting. As a rule of thumb consider detentions only if longer than 48 hours in coding this item.

Code "1" if not working or attending school.

Values "2" and "3" include both schooling and work combinations of the two. Code "2" -- full-time school is considered to be 12 credit hours per semester or quarter or four courses per semester. Full-time work is at least 35 hours per week. Code in this category if work is less than full-time or school is less than full-time. If attending school and working, the commitments to each should be added (e.g., school 6 hours per semester plus 20 hours of work = full-time; 9 hours per semester plus 10 hours per week = full-time; 6 hours per semester plus 10 hours per week = part-time). Code "3" -- see above. Code if school/work activity is equal to or greater than 12 hours per semester or 35 hours per week, or combinations of two is greater. If in military service code under "3."

(Continued next page)

Code "8" if not working/attending school for reasons (e.g., hospitalized, voluntary or involuntary; physically unable to work or leave house, housewife, retiree).

Var 87
Col 32-34 If Employed/Attending School (Full or Part-Time) for How Long Was Offender So Engaged?

001 = One month or less
002-994 = Number of months up to 995
996 = 996 months or more
997 = Not applicable -- unemployed
998 = Other, not applicable
999 = Missing value

Code only the most recent period of employment/schooling prior to the time the PSI was written or prior to the offender's detention as defined in variable 86 above. Employment/schooling is to be considered according to the source definitions in variable 85 above. This item does not differentiate between full and part-time employment/schooling. In other words, if code "2" or "3" is checked in 86 , the length of that employment/schooling is to be coded in this item. If code "1" was checked in variable 86 then "997" is to be coded for this item. If code "8" was checked in variable 86, then "998" is to be coded here.

Var 88
Col 35-36 Number of Counts of First Offense: Original Charge

02-95 = Number of counts
96 = 96 counts or more
07 = Not applicable

Code "97" includes one count only of an offense charged in corresponding variable 04.

Var 89
Col 37-38 Number of Counts of Second Offense: Original Charge

02-95 = Number of counts
96 = 96 counts or more
97 = Not applicable

Code "97" includes one count only of an offense charged in corresponding variable 05. Also code "97" if defendant was not charged with a second offense.

specific drugs to be coded include: marijuana, hashish, cocaine, benzedrine, methedrine, LSD, amphetamines (speed), amytal, barbital, luminal, nembutal, pentothal, phenobarbital, seconal ("goofballs," "yellow jackets," "red jackets," blue angels," "pink ladies," "downers"); opium, morphine, heroin, codeine, demerol, diluadid, methadone, metopon, laudanum, pantopon, paregoric. Also included is "glue sniffing" or the practice of inhaling various solvents, cleaners, and so forth. See Title 24 for more exhaustive list.

The item concerns seriusness of drug use. Therefore, heavy use of marijuana would be coded under "2 -- heavy use," while light use of heroin would be coded under "1 -- light use."

Code "8" would refer to other drugs or other levels of usage more severe than "heavy use" (i.e., overdose). Include here reformed addicts.

Code "9" if no information appears in the report. Do not code missing information as "0,"

Var 85
Col 30 Drug Use: Addiction to Opiates

0 = No use of opiates
1 = Used opiates, but not addicted
2 = Addicted to opiate drugs
7 = Not applicable
8 = Addicted, other
9 = Missing value

This item refers to drug addiction only. Only use of the opiate class of drugs is to be considered: e.g., opium, heroin, codeine, methadone, morphine, demerol, diluadid, metopon, laudanum, pantopon, paregoric. The key breakdown is addiction.

Code "0" if no use of opiate drugs.

Code "1" if opiates were used, but the offender was not addicted to them.

Code "2" if the offender was actually addicted to opiate drugs.

Code "7" if the offender does not use any drugs.

Code "8" if information indicates addiction to drugs other than opiates or to unknown or unspecified drugs. Include here reformed addicts.

Addiction is a physical dependence on the drug substance, the withdrawal of which causes significant discomfort. Use without

(Continued next page)

Var 90 Number of Counts of Third Offense: Original Charge
Col 39-40

02-95 = Number of counts
96 = 96 counts or more
97 = Not applicable

Code "97" includes one count only of an offense charged in corresponding variable 06. Also code "97" if defendant was not charged with a 3rd offense.

Var 91 Number of Counts of First Offense at Conviction: Final Charge
Col 41-42

02-95 = Number of counts
96 = 96 counts or more
97 = Not applicable

Code "97" includes one count only of first offense for which defendant was convicted, in variable 08.

Var 92 Number of Counts of Second Offense at Conviction: Final Charge
Col 43-44

02-95 = Number of counts
96 = 96 counts or more
97 = Not applicable

Code "97" includes one count only of second offense for which defendant was convicted, in variable 09. Also code "97" if defendant was not convicted of a second offense.

Var 93 Number of Counts of Third Offense at Conviction: Final Charge
Col 45-46

02-95 = Number of counts
96 = 96 counts or more
97 = Not applicable

Code "97" includes one count only of third offense for which defendant was convicted. Also code "97" if defendant was not convicted of a third offense.

APPENDIX 2

Coding Sheet

CARD ONE

ID #
(1-5) ☐☐☐☐☐

Date of Sentencing
(6-11) ☐☐☐☐☐☐

Number of Offenders Sentenced for Same Criminal Activity
(12-13) ☐☐

01 Offender's Date of Birth
(14-19) ☐☐☐☐☐☐

999999 = Missing value

02 Offender's Sex
(20) ☐

1 = Male
2 = Female
9 = Missing value

03 Number of Offenses: Original Charge(s)
(21-22) ☐☐

01-25 = Number of charges
99 = Missing value

04 Master List Number of First Offense -- Original Charge
(23-26) ☐☐☐☐

9998 = Other (List: _____)
9999 = Missing value

05 Master List Number of Second Offense -- Original Charge
(27-30) ☐☐☐☐

9997 = Not applicable
9998 = Other (List: _____)
9999 = Missing value

06 Master List Number of Third Offense -- Original Charge
(31-34) ☐☐☐☐

9997 = Not applicable
9998 = Other (List: _____)
9999 = Missing value

07 Number of Present Offense(s) of Which Convicted -- Final Charge(s)
(35-36) ☐☐

01-25 = Number of offenses
99 = Missing value

08 Master List Number of First Offense at Conviction -- Final Charge(s)
(37-40) ☐☐☐☐

9998 = Other (List: _____)
9999 = Missing value

09 Master List Number of Second Offense at Conviction -- Final Charge
(41-44) ☐☐☐☐

9997 = Not applicable
9998 = Other (List: _____)
9999 = Missing value

10 Master List Number of Third Offense at Conviction -- Final Charge
(45-48) ☐☐☐☐

9997 = Not applicable
9998 = Other (List: _____)
9999 = Missing value

11 Basis of Adjudication
(49) ☐

1 = Non vult
2 = Guilty plea
3 = Conviction after trial
8 = Other (List: _____)
9 = Missing value

12 Type of Defense, Present Offense
(50) ☐

1 = Public defender
2 = Assigned counsel
3 = Private counsel (Retained)
4 = Represented, lawyer classification unknown
7 = Not applicable
8 = Other (List: _____)
9 = Missing value

13 Liberty Status at Time of Sentencing
(51) ☐

0 = Free, ROR
1 = Other release (bail, bond, etc.)
2 = Incarcerated
3 = Incarcerated: adjusted status
8 = Other (List: _____)
9 = Missing value

14 Type of Sentence
(52-53) ☐☐

01 = Fine remitted
02 = Incarceration suspended
03 = Restitution imposed
04 = Fine imposed
05 = Probation imposed
06 = Special sentence imposed (List: _____)
07 = Split sentence imposed
08 = Incarceration imposed
09 = Full credit for time served
98 = Other (List: _____)
99 = Missing value

15 Terms of Sentence
(54) ☐

0 = Concurrent
1 = Consecutive
2 = Concurrent and consecutive
7 = Not applicable
8 = Unclear from available information

16 Amount of Fine
(55-59) ☐☐☐☐☐

00001-99995 = Amount of fine to $99,995
99996 = Fine of $99,996 or more
99997 = No fine imposed
99998 = Fine imposed but suspended
99999 = Missing value

17 Amount of Restitution
(60-64)

00001-99995 = Amount of restitution
99996 = Restitution -- amount to be determined
99997 = No restitution imposed
99998 = Restitution imposed but suspended
99999 = Missing value

18 Length of Probation
(65-66)

01 = One month or less
02-95 = Length of probation (in months)
96 = Unspecified length
97 = No probation imposed
98 = Probation imposed but suspended
99 = Missing value

19 Length of Incarceration -- Minimum
(67-69)

000 = Indeterminant sentence (one day minimum)
001 = One month or less
002-993 = Number of months
994 = 994 months or more
995 = Life
996 = Death
997 = No incarceration imposed
998 = Incarceration imposed but suspended
999 = Missing value

20 Length of Incarceration -- Maximum
(70-72)

000 = Definite sentence imposed
001 = One month or less
002-993

21 Status of Sentence Disposition
(73)

0 = Concurrent with sentence currently serving
1 = Consecutive with sentence currently serving
2 = Concurrent and consecutive with sentence currently serving
7 = Not applicable, no prior sentence being served
8 = Unclear from available information
9 = Missing value

22 Length of Total Incarceration -- Minimum
(74-76)

000 = Indeterminant minimum (one day minimum)
001 = One month or less
002-993 = Number of months
994 = 994 months or more
995 = Life
996 = Death
997 = No prior sentence of incarceration currently being served
999 = Missing value

23 Length of Total Incarceration -- Maximum
(77-79)

000 = Definite sentence
001 = One month or less
002-993 = Number of months
994 = 994 months or more
995 = Life
996 = Death
997 = No prior sentence of incarceration currently being served
999 = Missing value

24 [illegible]ader's Behavior at Arrest
(80)

CARD TWO

ID #
(1-5) ☐☐☐☐☐

25 Number of Victims
(6-7) ☐☐

01 = One victim of offense
02-95 = Number of victims
96 = 96 or more victims
97 = Not applicable
98 = More than one victim, unable to determine number
99 = Missing value

26 Victim Precipitation
(8) ☐

0 = No
1 = Yes
7 = Not applicable, no identifiable victim

27 Victim Participation
(9) ☐

0 = No
1 = Yes
7 = Not applicable, no identifiable victim

28 Number of Perpetrators in Present Offense
(10-11) ☐☐

01 = Defendant as lone perpetrator
02-95 = Number of perpetrators (include defendent)
99 = Missing value

29 Use of Alcohol or Drugs -- Time of Offense
(12) ☐

0 = Nothing used
1 = Alcohol used
2 = Drugs used
3 = Both used
9 = Missing value

30 Weapon Usage
(13) ☐

0 = No weapon involved
1 = Weapon in offender's possession
2 = Weapon used to threaten victim
3 = Weapon used in attempt to injure victim
4 = Weapon used to injure victim
6 = Weapon use unclear
8 = Other (List: _____)
9 = Missing value

31 Type of Weapon Involved: Present Offense
(14) ☐

0 = Blunt instrument
1 = Knife/sharp instrument
2 = Chemical
3 = Explosives
4 = Hand gun
5 = Long gun
6 = Unclear
7 = Not applicable
8 = Other (List: _____)
9 = Missing value

32 Physical Injury Suffered by Victim as a Result of the Offense
(15) ☐

0 = No injury
1 = Injury requiring nothing more than emergency treatment
2 = Bodily injury requiring hospitalization but no permanent damage
3 = Permanent bodily injury resulting in significant scarring or permanent impairment of bodily function
4 = Death
7 = Not applicable
8 = Other (List: _____)
9 = Missing value

33 Victim Classification
(16) ☐

1 = Private citizen
2 = Business or institution
3 = Law enforcement officer
4 = The State of New Jersey
6 = Unclear
8 = Other (List: _____)
9 = Missing value

34 Victim -- Relationship to Offender
(17) ☐

1 = Family
2 = Friend or acquaintance
3 = Stranger
6 = Unable to ascertain relationship
7 = No identifiable victim
8 = Other (List: _____)
9 = Missing value

35 Victim -- Family
(18) ☐

1 = Spouse
2 = Offspring
3 = Sibling
4 = Parent
5 = Ex-spouse
6 = Family, unable to ascertain specifics
7 = Not applicable, victim not family
8 = Other (List: _____)
9 = Missing value

36 Victim -- Friend/Acquaintance
(19) ☐

0 = Neighbor
1 = Girlfriend/boyfriend
2 = Employee/employer
3 = Colleague -- work/school
4 = Professional
5 = Cohabitant
6 = Friend/acquaintance, unable to ascertain specifi
7 = Not applicable, victim not friend/acquaintance
8 = Other (List: _____)
9 = Missing value

37 Victim's Age
(20-21) ☐☐

01-80 = Age in number of years
81 = 81 years or older
82 = less than 11 years old
83 = 11-20 years old
84 = 21-30 years old
85 = 31-50 years old
86 = 51-65 years old
87 = 66-80 years old
97 = Not applicable, no identifiable victim
98 = Other (List: _____)
99 = Missing value

38 Victim's Sex
(22)

1 = Male
2 = Female

7 = No identifiable victim
8 = Other (List: _____)
9 = Missing value

39 Victim's Ethnic Description
(23)

0 = White/Caucasian
1 = Black/ Afro-American/Negro
2 = American Indian
3 = Puerto Rican
4 = Chicano/Mexican American
5 = Oriental/Asian American
6 = Mixed
7 = No identifiable victim
8 = Other (List: _____)
9 = Missing value

40 Victim Addicted to Alcohol/Drugs
(24)

0 = None
1 = Alcohol addict
2 = Drug addict
3 = Addicted to both
7 = Not applicable, no identifiable victim
8 = Other (List: _____)

41 Health of Victim
(25)

1 = Healthy
2 = Physically handicapped
3 = Mentally handicapped
7 = Not applicable, no identifiable victim
8 = Other (List: _____)

42 Employment Status of Victim
(26)

1 = Unemployed
2 = Employed/school -- full or part-time
3 = Government support
7 = Not applicable, no identifiable victim
8 = Other (List: _____)
9 = Missing value

43 Value of Property Involved in Offense
(27-31)

00000 = No financial loss
00001-99995 = Financial loss in dollars up to $99,995
99996 = Financial loss of $99,996 or more
99997 = Not applicable, i.e., the offense in question was one which by defintion does not involve financial loss, e.g victimless crimes, assaults, drug crimes
99999 = Missing value

44 Did Criminal Behavior Involve "Distribution of a Drug?
(32)

0 = No
1 = Yes
7 = Not applicable (not drug offense)
8 = Unclear from offense description

45 Value of Drugs
(33-37)

00001-99995 = Value of drugs in dollars up to $99,995
99996 = Value of drugs $99,996 or more
99997 = Not applicable (not drug offense)
99998 = Value unclear

46 Description of Drug Involved
(38)

0 = Less than 25 grams marijuana; less than 5 grams hashish
1 = Drugs listed in Schedule V. (punishable as misdemeanors)
2 = Narcotic drugs/other controlled dangerous substances: (List: _____)
6 = Unclear from offense description
7 = Not applicable
9 = Missing value

47 Restitution -- Voluntary
(39)

0 = No restitution begun or promised
1 = Restitution begun or promised
7 = Not applicable

48 Offender's Relationship to the Criminal Justice System at the Time of Commission of the Present Offense(s)
(40-41)

00 = Free
01 = Free, other criminal actions pending
02 = Juvenile supervised release (probation, deferred court actions)
03 = Adult supervised release (probation, deferred court actions)
04 = Juvenile parole
05 = Adult parole
06 = Incarcerated (pre-trial or post conviction)
07 = Escapee
98 = Other, e.g., hospitals
99 = Missing value

49 Number of Prior Juvenile Probation Revocations
(42)

0 = No prior revocations
1-5 = Number of prior revocations
6 = 6 or more
7 = Not applicable
9 = Missing value

50 Number of Prior Juvenile Parole Revocations
(43)

0 = No prior revocations
1-5 = Number of prior revocations
6 = 6 or more
7 = Not applicable
9 = Missing value

51 Number of Prior Adult Probation Revocations
(44)

0 = No prior revocations
1-5 = Number of prior revocations
6 = 6 or more
7 = Not applicable
9 = Missing value

52 Number of Prior Adult Parole Revocations
(45)

0 = No prior revocations
1-5 = Number of prior revocations
6 = 6 or more
7 = Not applicable
9 = Missing value

53 Total Number of Prior Juvenile Arrests
(46-47) ☐☐

00 = No arrests
01-95 = Total number of arrests
98 = Arrests appear to have occurred, unable to ascertain number
99 = Missing value

54 Number of Prior Juvenile Arrests for Similar Offense
(48-49) ☐☐

00 = No prior arrests for similar offense
01-25 = Number of prior similars
97 = No prior arrests
98 = Unable to ascertain number
99 = Missing value

55 Age at First Juvenile Arrest
(50-51) ☐☐

05-21 = Age at first arrest
96 = Arrests appears to have occurred, unable to ascertain offender's age
97 = No arrests
99 = Missing value

56 Total Number of Prior Juvenile Convictions
(52-53) ☐☐

00 = No prior convictions, i.e., arrested but not convicted
01-95 = Total number of convictions
97 = Not applicable, never arrested
98 = Conviction occurred, unable to ascertain number
99 = Missing value

57 Number of Prior Juvenile Convictions for Similar Offense
(54-55) ☐☐

00 = No prior convictions for similar offense
01-25 = Number of prior similar convictions
97 = No prior convictions
98 = Unable to ascertain if similar
99 = Missing value

58 Age at First Juvenile Conviction
(56-57) ☐☐

00 = No prior convictions, i.e., arrested but not convicted
05-21 = Age at first conviction
96 = Conviction occurred, unable to ascertain offender's age
97 = Not applicalbe, never arrested
99 = Missing value

59 Total Number of Prior Juvenile Incarcerations
(58-59) ☐☐

00 = Never incarcerated -- convicted but never served more than 30 days
01-95 = Number of times incarcerated
97 = Not applicable, never convicted
98 = Previously incarcerated, unable to ascertain number
99 = Missing value

60 Age at First Juvenile Incarceration
(60-61) ☐☐

00 = Never incarcerated -- convicted but never incarcerated over 30 days
05-21 = Age at first incarceration
96 = Incarceration occurred, unable to ascertain offender's age
97 = Not applicable, never convicted
99 = Missing value

61 Total number of Prior Adult Arrests
(62-63) ☐☐

01-95 = Total number of arrests
97 = Not applicable
98 = Arrests noted, number not given
99 = Missing value

62 Age at First Adult Arrest
(64-65) ☐☐

12-95 = Age at first arrest
97 = Not applicable
99 = Missing value

63 Total Number of Prior Adult Misdemeanor Arrests for Crimes Against Person
(66-67) ☐☐

01-95 = Total number of arrests
97 = Not applicable
98 = Arrests noted, number not given
99 = Missing value

64 Total Number of Prior Adult Misdemeanor Arrests for Crimes Not Against Person
(68-69) ☐☐

01-95 = Total number of arrests
97 = Not applicable
98 = Arrests noted, number not given
99 = Missing value

65 Total Number of Prior Adult High Misdemeanor Arrests for Crimes Against Person
(70-71) ☐☐

01-95 = Total number of arrests
97 = Not applicable
98 = Arrests noted, number not given
99 = Missing value

66 Total Number of Prior Adult High Misdemeanor Arrests for Crimes Not Against Person
(72-73) ☐☐

01-95 = Total number of arrests
97 = Not applicable
98 = Arrests noted, number not given
99 = Missing value

67 Number of Prior Adult Arrests for Similar Offense
(74-75) ☐☐

01-25 = Number of prior similars
97 = Not applicable
98 = Unable to ascertain number
99 = Missing value

68 Total Number of Prior Adult Convictions (76-77)

☐☐

00 = No prior convictions, i.e., arrested but not convicted
01-95 = Total number of convictions
97 = Not applicable, i.e., never arrested
98 = Prior convictions noted, number not specified
99 = Missing value

69 Age at First Adult Conviction (78-79)

☐☐

00 = No prior adult convictions, arrested but never convicted
12-95 = Age
97 = Not applicable, i.e., never arrested
98 = Conviction occurred, unable to ascertain age
99 = Missing value

CARD THREE

ID #
(1-5)

70 Total Number of Prior Adult Misdemeanor Convictions for Crimes Against Person
(6-7)

00 = No prior convictions for this category
01-95 = Total number of convictions
97 = Not applicable, never arrested for this type of crime
98 = Convictions noted, number not given
99 = Missing value

71 Total Number of Prior Adult Misdemeanor Convictions for Crimes Not Against Person
(8-9)

00 = No prior convictions in this category
01-95 = Total number of convictions
97 = Not applicable, never arrested for this type of crime
98 = Convictions noted, number not given
99 = Missing value

72 Total Number of Prior Adult High Misdemeanor Convictions for Crimes Against Person
(10-11)

00 = No prior convictions in this category
01-95 = Total number of convictions
97 = Not applicable, never arrested for this type of crime
98 = Convictions noted, number not given
99 = Missing value

73 Total Number of Prior Adult High Misdemeanor Convictions for Crimes Not Against Person
(12-13)

00 = No prior convictions in this category
01-95 = Total number of convictions
97 = Not applicable, never arrested for this type of crime
98 = Convictions noted, number not given
99 = Missing value

74 Number of Prior Adult Convictions for Similar Offense
(14-15)

00 = No prior convictions for similar offense
01-25 = Number of prior similars
97 = No prior convictions
98 = Unable to ascertain if similar
99 = Missing value

75 Total Number of Adult Incarcerations Resulting from a Prior Criminal Conviction(s)
(16-17)

00 = Never incarcerated (over 30 days but was previously convicted)
01-95 = Number of times incarcerated
97 = Not applicable, i.e., never convicted
98 = Previously incarcerated, unable to ascertain number
99 = Missing value

76 Age at First Adult Incarceration
(18-19)

00 = No prior incarceration -- convicted, but never served more than 30 days
12-95 = Age at first adult incarceration
96 = Incarceration occurred, unable to ascertain age
97 = Not applicable, never convicted
99 = Missing value

77 Offender's Total Number of Dependents
(20-21)

00 = None
01-30 = Number of dependents
99 = Missing value

78 Does Offender Support Dependents?
(22)

0 = No
1 =
7 = Not applicable
8 = Other (List: _____)
9 = Missing value

79 Residential Stability
(23)

0 = Stable
1 = Unstable

80 Offender's Marital Status
(24)

1 = Single
2 = Widow(er)
3 = Separated
4 = Divorced
5 = Living with paramour
6 = Married and not living with wife (husband)
7 = Married and living together
8 = Other
9 = Missing value

81 Highest School Grade Completed by Offender
(25-26)

00 = No schooling
01-08 = Grade school
09-12 = High school
13-16 = Undergraduate
17 = Graduate
98 = Other (List: _____)
99 = Missing value

82 Offender's Ethnic Description
(27)

0 = White/Caucasian
1 = Black/Afro-American/Negro
2 = American Indian
3 = Puerto Rican
4 = Chicano/Mexican American
5 = Oriental/Asian American
6 = Mixed
8 = Other
9 = Missing value

83 Offender's History of Alcohol
(28)

0 = None
1 = Light use
2 = Heavy use
3 = Alcoholic classification
8 = Other
9 = Missing value

84 Drug Use: Degree
(29)

0 = None
1 = Light use
2 = Heavy use
8 = Other
9 = Missing value

85 Drug Use: Addiction to Opiates
(30)

0 = No use of opiates
1 = Used opiates, but not addicted
2 = Addicted to opiate drugs
7 = Not applicable
8 = Addicted, other
9 = Missing value

86 Offender's Status (Work/School)
(31)

1 = Unemployed
2 = Employed/school less than full-time
3 = Employed/school full-time or more
7 = Not applicable (e.g., offender incarcerated for prior offense)
8 = Other
9 = Missing value

87 If Employed/Attending School (Full or Part-Time) for How Long Was Offender So Engaged?
(32-34)

001 = One month or less
002-995 = Number of months up to 995
996 = 996 or more months
997 = Not applicable -- unemployed
998 = Not applicable -- other
999 = Missing value

88 Number of Counts of First Offense: Original Charge
(35-36)

02-95 = Number of counts
96 = 96 counts or more
97 = Not applicable

89 Number of Counts of Second Offense: Original Charge
(37-38)

02-95 = Number of coun'
96 = 96 counts or
97 = [illegible]

90 Number of Counts of Third Offense: Original Charge
(39-40)

02-95 = Number of counts
96 = 96 counts or more
97 = Not applicable

91 Number of Counts of First Offense at Conviction: Final Charge
(41-42)

02-95 = Number of counts
96 = 96 counts or more
97 = Not applicable

92 Number of Counts of Second Offense at Conviction: Final Charge
(43-44)

02-95 = Number of counts
96 = 96 counts or more
97 = Not applicable

93 Number of Counts of Third Offense at Conviction: Final Charge
(45-46)

02-95 = Number of counts
96 = 96 counts or more
97 = Not applicable

APPENDIX C

Maricopa County

Pearson's Correlation Coefficients

Pearson's Correlation Coefficients
General Sample

Variable Name	Type of Sentence	Length of Incarceration Minimum	Length of Incarceration Maximum
Number of Offenders Sentenced for Same Criminal Activity	.0462 (1194)[a] s = .055[b]	.0403 (567) s = .169	.0478 (567) s = .128
Offender's Sex	-.1510 (1194) s = .001	-.0455 (567) s = .140	-.0512 (567) s = .112
Offender's Ethnic Descent	.1610 (1183) s = .001	-.0117 (563) s = .391	-.0252 (563) s = .275
Highest School Grade Completed by Offender	-.1492 (1189) s = .001	-.0289 (567) s = .246	-.0245 (567) s = .280
Offender's Marital Status	.0287 (1188) s = .161	.0179 (562) s = .336	.0592 (562) s = .080
Basis of Adjudication (Plea)	.0760 (1191) s = .004	.1237 (565) s = .002	.1891 (565) s = .001
Custody Status at Time of Sentencing	.4434 (1183) s = .001	.1750 (562) s = .001	.2555 (562) s = .001
Days Spent in Jail This Arrest	.3582 (1169) s = .001	.2983 (555) s = .001	.3447 (555) s = .001
Type of Defense	-.0819 (1188) s = .002	-.0558 (564) s = .093	-.0673 (564) s = .055
Number of Original Charges	.1516 (1194) s = .001	.1243 (567) s = .002	.1639 (567) s = .001
Number of Charges at Conviction	.1905 (1194) s = .001	.1993 (567) s = .001	.2273 (567) s = .001
Number of Criminal Events	.1865 (1185) s = .001	.0372 (561) s = .189	.0646 (561) s = .063
Offender's Behavior at Arrest	.0251 (1191) s = .194	-.0696 (564) s = .049	-.0424 (564) s = .158
Victims--Personal/Business and State	.2051 (1184) s = .001	.1205 (562) s = .002	.1555 (562) s = .001
Victim Precipitation	-.0007 (1188) s = .490	.0059 (563) s = .444	.0367 (563) s = .192

Variable Name	Type of Sentence	Length of Incarceration Minimum	Length of Incarceration Maximum
Victim Participation	.0012 (1191) s = .484	.0118 (566) s = .389	.1025 (566) s = .007
Number of Perpetrators	.0346 (1192) s = .117	-.0155 (567) s = .357	-.0124 (567) s = .385
Use of Alcohol or Drugs at Time of Offense	-.0313 (1181) s = .141	.0678 (559) s = .055	.0061 (559) s = .442
Weapon Usage	.1695 (1182) s = .001	.2574 (561) s = .001	.3348 (561) s = .001
Victim Injury (1)	.1524 (1191) s = .001	.2411 (565) s = .001	.2905 (565) s = .001
Victim Injury (2)	.1505 (1191) s = .001	.2601 (565) s = .001	.3156 (565) s = .001
Victim Injury (3)	.1645 (1191) s = .001	.2153 (565) s = .001	.2677 (565) s = .001
Value of Property Involved in Offense	.0375 (1163) s = .101	-.0124 (547) s = .386	-.0159 (547) s = .355
Distribution of of Drugs	.0988 (1193) s = .001	-.0355 (567) s = .199	-.0048 (567) s = .455
Value of Drugs	.0081 (1165) s = .391	.0665 (562) s = .058	.0655 (562) s = .061
Description of Drugs	.5031 (336) s = .001	.0002 (118) s = .499	.0859 (118) s = .178
Legal Status of Offender	.2682 (1191) s = .001	.0758 (564) s = .036	.1437 (564) s = .001
Prior Juvenile Probation Terms	.0845 (1070) s = .003	.0236 (488) s = .301	.0081 (488) s = .429
Prior Juvenile Probation Revocations	.0489 (1042) s = .057	-.0233 (468) s = .308	-.0290 (468) s = .266
Prior Juvenile Parole Revocations	.0644 (1042) s = .019	-.0160 (465) s = .365	-.0216 (465) s = .321
Prior Juvenile Arrests	.1601 (1138) s = .001	-.0102 (537) s = .407	.0091 (537) s = .417

Variable Name	Type of Sentence	Length of Incarceration Minimum	Length of Incarceration Maximum
Prior Juvenile Convictions	.2198 (1101) s = .001	-.0162 (511) s = .357	.0020 (511) s = .482
Prior Juvenile Incarcerations	.2477 (1103) s = .001	-.0026 (514) s = .476	.0120 (514) s = .393
Prior Adult Probation Terms	.1900 (1160) s = .001	-.0120 (547) s = .390	.0019 (547) s = .483
Prior Adult Probation Revocations	.1422 (1144) s = .001	.0517 (536) s = .116	.0529 (536) s = .111
Prior Adult Parole Revocations	.1292 (1147) s = .001	.0652 (537) s = .066	.0592 (537) s = .085
Prior Adult Arrests	.2185 (1192) s = .001	.0080 (565) s = .425	.0216 (565) s = .305
Prior Adult Misdemeanor Arrests Against-Person	.0544 (1169) s = .031	-.0309 (548) s = .235	-.0378 (548) s = .188
Prior Adult Misdemeanor Arrests Not-Against-Person	.0941 (1183) s = .001	-.0051 (559) s = .452	-.0119 (559) s = .390
Prior Adult Felony Arrests Against-Person	.2248 (1174) s = .001	.1277 (550) s = .001	.1468 (550) s = .001
Prior Adult Felony Arrests Not-Against-Person	.2436 (1179) s = .001	-.0025 (555) s = .477	.0300 (555) s = .240
Prior Adult Convictions	.2806 (1172) s = .001	.0376 (557) s = .188	.0439 (557) s = .151
Prior Adult Misdemeanor Convictions Against-Person	.0389 (1159) s = .093	-.0304 (540) s = .241	-.0391 (540) s = .182
Prior Adult Misdemeanor Convictions Not-Against-Person	.1062 (1147) s = .001	-.0251 (536) s = .281	-.0536 (536) s = .108
Prior Adult Felony Convictions Against-Person	.2048 (1162) s = .001	.2230 (541) s = .001	.2079 (541) s = .001
Prior Adult Felony Convictions Not-Against-Person	.2618 (1167) s = .001	.0058 (546) s = .447	.0554 (546) s = .098
Prior Adult Incarcerations	.3054 (1165) s = .001	.1036 (552) s = .007	.1271 (552) s = .001
Offender's Number of Dependents	-.0189 (1191) s = .258	.0452 (565) s = .142	.0575 (565) s = .086

Variable Name	Type of Sentence	Length of Incarceration Minimum	Length of Incarceration Maximum
Offender Support of Dependents	-.0637 (1178) s = .014	.0412 (558) s = .165	.0580 (558) s = .086
Residential Stability	.1328 (1186) s = .001	.0895 (560) s = .017	.0676 (560) s = .055
Employment Status	-.2910 (1138) s = .001	-.0141 (540) s = .372	-.0105 (540) s = .404
Length of Continuous Employment	-.1503 (791) s = .001	-.0134 (412) s = .394	-.0075 (412) s = .440
Length of Most Recent Employment	-.1070 (841) s = .001	-.0009 (431) s = .492	.0099 (431) s = .419
School Status	-.1084 (1191) s = .001	.1184 (564) s = .002	.0726 (564) s = .042
Offender's Alcohol Usage	.0011 (1194) s = .485	.0113 (567) s = .395	.0132 (567) s = .377
Offender's Drug Usage	.2041 (1135) s = .001	.0186 (541) s = .333	.0592 (541) s = .085
Addiction to Opiates	.2260 (1113) s = .001	-.0307 (528) s = .241	.0129 (528) s = .384
Probation Officer's Recommendation	.6489 (866) s = .001	.0416 (431) s = .195	.0840 (431) s = .041
Inter-Class Rank	.2267 (1134) s = .001	.2492 (530) s = .001	.3177 (530) s = .001
Intra-Class Rank	.3032 (1134) s = .001	.1212 (530) s = .003	.1606 (530) s = .001

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[a] *The number in parentheses is the number of cases on which the Pearson's correlation coefficient for the two variables is calculated.*

[b] *"s" indicates the significance level of the Pearson's correlation coefficient.*

Pearson's Correlation Coefficients
Violent Subsample

Variable Name	Type of Sentence	Length of Incarceration Minimum	Length of Incarceration Maximum
Number of Offenders Sentenced for Same Criminal Activity	.1925 (238) [a] s = .001 [b]	.1105 (154) s = .086	.0986 (154) s = .112
Offender's Sex	-.1915 (238) s = .002	-.0287 (154) s = .362	-.0504 (154) s = .268
Offender's Ethnic Descent	.0704 (236) s = .141	-.0570 (153) s = .242	-.1097 (153) s = .089
Highest School Grade Completed by Offender	-.0973 (236) s = .068	-.0108 (154) s = .447	.0352 (154) s = .332
Offender's Marital Status	-.1042 (237) s = .055	.0645 (153) s = .214	.0855 (153) s = .147
Basis of Adjudication (Plea)	.1168 (238) s = .036	.1462 (154) s = .035	.1971 (154) s = .007
Custody Status at Time of Sentencing	.4790 (233) s = .001	.2958 (152) s = .001	.3750 (152) s = .001
Days Spent in Jail This Arrest	.3386 (235) s = .001	.4944 (151) s = .001	.5045 (151) s = .001
Type of Defense	-.1839 (236) s = .002	-.0900 (152) s = .135	-.1128 (152) s = .083
Number of Original Charges	.1696 (238) s = .004	.2578 (154) s = .001	.3061 (154) s = .001
Number of Charges at Conviction	.2535 (238) s = .001	.3176 (154) s = .001	.3661 (154) s = .001
Number of Criminal Events	.2076 (237) s = .001	.1031 (154) s = .102	.1498 (154) s = .032
Offender's Behavior at Arrest	-.1331 (238) s = .020	-.1447 (154) s = .037	-.0921 (154) s = .128
Victim Precipitation	-.1608 (235) s = .007	-.0956 (152) s = .121	-.0795 (152) s = .165
Victim Participation	-.0855 (237) s = .095	-.0119 (154) s = .442	.1168 (154) s = .075

Variable Name	Type of Sentence	Length of Incarceration Minimum	Length of Incarceration Maximum
Number of Perpetrators	.1199 (238) s = .032	.0194 (154) s = .406	.0080 (154) s = .461
Use of Alcohol or Drugs at time of offense	-.1394 (232) s = .017	-.0268 (150) s = .372	-.1082 (150) s = .094
Weapon Usage	.0898 (232) s = .086	.1799 (151) s = .014	.2140 (151) s = .004
Victim Injury (1)	.1617 (237) s = .006	.1782 (153) s = .014	.1799 (153) s = .013
Victim Injury (2)	.1627 (237) s = .006	.2094 (153) s = .005	.2193 (153) s = .003
Victim Injury (3)	.1241 (237) s = .028	.1208 (153) s = .069	.1219 (153) s = .067
Whether Property Involved in Offense	.4212 (234) s = .001	.1456 (150) s = .038	.2047 (150) s = .006
Value of Property Involved in Offense	.0833 (234) s = .102	-.0354 (150) s = .334	-.0453 (150) s = .291
Legal Status of Offender	.2144 (238) s = .001	.1787 (154) s = .013	.2528 (154) s = .001
Prior Juvenile Probation Terms	.0738 (212) s = .143	.0673 (133) s = .221	.0381 (133) s = .332
Prior Juvenile Probation Revocations	.0776 (207) s = .133	-.0218 (128) s = .403	-.0309 (128) s = .365
Prior Juvenile Parole Revocations	.0995 (207) s = .077	-.0330 (128) s = .356	-.0420 (128) s = .319
Prior Juvenile Arrests	.1758 (231) s = .004	-.0116 (150) s = .444	.0324 (150) s = .347
Prior Juvenile Convictions	.2090 (223) s = .001	-.0231 (143) s = .392	.0201 (143) s = .406
Prior Juvenile Incarcerations	.2531 (222) s = .001	.0023 (143) s = .489	.0308 (143) s = .358
Prior Adult Probation Terms	.0383 (233) s = .280	.0563 (150) s = .247	.0677 (150) s = .205
Prior Adult Probation Revocations	.0903 (231) s = .086	.1060 (149) s = .099	.0923 (149) s = .132

Variable Name	Type of Sentence	Length of Incarceration Minimum	Length of Incarceration Maximum
Prior Adult Parole Revocations	.0868 (228) s = .096	.1523 (146) s = .033	.1252 (146) s = .066
Prior Adult Arrests	.1285 (238) s = .024	.0777 (154) s = .169	.0777 (154) s = .169
Prior Adult Misdemeanor Arrests Against-Person	.0256 (234) s = .348	-.0568 (151) s = .244	-.0688 (151) s = .201
Prior Adult Misdemeanor Arrests Not-Against-Person	.0872 (234) s = .092	.0692 (151) s = .199	.0310 (151) s = .353
Prior Adult Felony Arrests Against-Person	.1355 (235) s = .019	.2468 (151) s = .001	.2076 (151) s = .005
Prior Adult Felony Arrests Not-Against-Person	.0859 (233) s = .096	-.0026 (149) s = .487	.0418 (149) s = .306
Prior Adult Convictions	.1141 (234) s = .041	.1835 (151) s = .012	.1609 (151) s = .024
Prior Adult Misdemeanor Convictions Against-Person	-.1291 (231) s = .025	-.0504 (148) s = .272	-.0728 (148) s = .190
Prior Adult Misdemeanor Convictions Not-Against-Person	.0104 (226) s = .438	.0688 (143) s = .207	-.0045 (143) s = .479
Prior Adult Felony Convictions Against-Person	.1618 (232) s = .007	.4168 (148) s = .001	.3448 (148) s = .001
Prior Adult Felony Convictions Not-Against-Person	.1111 (231) s = .046	.0107 (147) s = .449	.0711 (147) s = .196
Prior Adult Incarcerations	.1666 (234) s = .005	.2700 (151) s = .001	.2755 (151) s = .001
Offender's Number of Dependents	-.1167 (237) s = .036	.0882 (154) s = .138	.0497 (154) s = 270
Offender's Support of Dependents	-.1616 (236) s = .006	.0309 (153) s = .352	.0748 (153) s = .179
Residential Stability	.1782 (236) s = .003	.2253 (153) s = .003	.1607 (153) s = .024
Offender's Work Status	-.3283 (224) s = .001	-.0202 (148) s = .404	.0168 (148) s = .420
Length of Continuous Employment	-.2295 (162) s = .002	-.0145 (119) s = .438	.0096 (119) s = .459

Variable Name	Type of Sentence	Length of Incarceration Minimum	Length of Incarceration Maximum
Length of Most Recent Employment	-.1946 (174) s = .005	.0066 (123) s = .471	.0386 (123) s = .336
School Status	-.0546 (238) s = .201	.0087 (154) s = .457	.0023 (154) s = .489
Offender's Alcohol Usage	-.0312 (238) s = .316	.1003 (154) s = .108	.0989 (154) s = .111
Offender's Drug Usage	.1810 (230) s = .003	.1360 (149) s = .049	.1859 (149) s = .012
Addiction to Opiates	.1505 (227) s = .012	-.0166 (146) s = .421	.0727 (146) s = .192
Probation Officer's Recommendation	.6516 (189) s = .001	.1213 (124) s = .090	.1401 (124) s = .060
Seriousness Index	.5379 (224) s = .001	.2296 (144) s = .003	.3040 (144) s = .001

[a] *The number in parentheses is the number of cases on which the Pearson's correlation coefficient for the two variables is calculated.*

[b] *"s" indicates the significance level of the Pearson's correlation coefficient.*

Pearson's Correlation Coefficients
Property Subsample

Variable Name	Type of Sentence	Length of Incarceration Minimum	Length of Incarceration Maximum
Number of Offenders Sentenced for Same Criminal Activity	.0241 (566)[a] s = .284[b]	-.0457 (270) s = .227	-.0460 (270) s = .226
Offender's Sex	-.1392 (566) s = .001	-.0243 (270) s = .345	-.0210 (270) s = .366
Offender's Ethnic Descent	.0963 (558) s = .011	-.0286 (267) s = .321	-.0367 (267) s = .275
Highest School Grade Completed by Offender	-.0893 (565) s = .017	.0156 (270) s = .399	.0120 (270) s = .422
Offender's Marital Status	.0095 (561) s = .411	.0002 (266) s = .499	.0522 (266) s = .198
Basis of Adjudication (Plea)	-.0361 (565) s = .196	-.0334 (269) s = .293	-.0476 (269) s = .219
Custody Status at Time of Sentencing	.4116 (563) s = .001	.0702 (268) s = .126	.1362 (268) s = .013
Days Spent in Jail This Arrest	.3329 (553) s = .001	.0954 (265) s = .061	.1294 (265) s = .018
Type of Defense	-.0628 (564) s = .068	-.0339 (269) s = .290	-.0338 (269) s = .290
Number of Original Charges	.1668 (566) s = .001	.0738 (270) s = .113	.0963 (270) s = .057
Number of Charges at Conviction	.1915 (566) s = .001	-.0058 (270) s = .462	-.0121 (270) s = .422
Number of Criminal Events	.1655 (559) s = .001	.0717 (265) s = .122	.1171 (265) s = .028
Offender's Behavior at Arrest	.0301 (564) s = .238	-.0233 (268) s = .352	-.0217 (268) s = .362
Victims -- Personal business and state	.1131 (560) s = .004	.0824 (267) s = .090	.0994 (267) s = .053

Variable Name	Type of Sentence	Length of Incarceration Minimum	Length of Incarceration Maximum
Number of Perpetrators	-.0091 (565) s = .415	-.0907 (270) s = .069	-.0942 (270) s = .061
Use of Alcohol or Drugs at Time of Offense	.0082 (562) s = .424	.0956 (267) s = .060	.0736 (267) s = .115
Weapon Usage	.0116 (562) s = .392	-.0189 (269) s = .379	-.0300 (269) s = .312
Value of Property Involved in Offense	-.0051 (541) s = .453	.0263 (255) s = .338	.0523 (255) s = .203
Legal Status of Offender	.3408 (564) s = .001	.0578 (268) s = .173	.1358 (268) s = .013
Prior Juvenile Probation Terms	.1490 (501) s = .001	-.0168 (231) s = .400	.0230 (231) s = .364
Prior Juvenile Probation Revocations	.0980 (483) s = .016	-.0241 (219) s = .362	-.0334 (219) s = .311
Prior Juvenile Parole Revocations	.0486 (482) s = .143	-.0189 (216) s = .391	-.0308 (216) s = .326
Prior Juvenile Arrests	.1633 (538) s = .001	-.0224 (254) s = .361	-.0132 (254) s = .417
Prior Juvenile Convictions	.2424 (518) s = .001	-.0348 (241) s = .295	-.0165 (241) s = .399
Prior Juvenile Incarcerations	.2429 (520) s = .001	-.0146 (243) s = .410	-.0074 (243) s = .455
Prior Adult Probation Terms	.3132 (550) s = .001	.0160 (260) s = .399	.0365 (260) s = .279

Variable Name	Type of Sentence	Length of Incarceration Minimum	Length of Incarceration Maximum
Prior Adult Probation Revocations	.1617 (542) s = .001	.0264 (255) s = .338	.0487 (255) s = .219
Prior Adult Parole Revocations	.1324 (544) s = .001	.0864 (256) s = .084	.1241 (256) s = .024
Prior Adult Arrests	.2246 (565) s = .001	.0425 (269) s = .244	.0687 (269) s = .131
Prior Adult Misdemeanor Arrests Against-Person	.0323 (553) s = .224	.0002 (260) s = .499	.0139 (260) s = .412
Prior Adult Misdemeanor Arrests Not-Against-Person	.0920 (561) s = .015	-.0122 (267) s = .421	-.0118 (267) s = .424
Prior Adult Felony Arrests Against-Person	.2526 (555) s = .001	.0242 (261) s = .349	.0700 (261) s = .130
Prior Adult Felony Arrests Not-Against-Person	.3148 (561) s = .001	.0822 (267) s = .090	.1327 (267) s = .015
Prior Adult Convictions	.3910 (558) s = .001	.0436 (267) s = .239	.0847 (267) s = .084
Prior Adult Misdemeanor Convictions Against-Person	.0588 (548) s = .085	-.0005 (257) s = .497	.0151 (257) s = .405
Prior Adult Misdemeanor Convictions Not-Against-Person	.1957 (543) s = .001	-.0212 (256) s = .368	-.0169 (256) s = .394
Prior Adult Felony Convictions Against-Person	.2165 (548) s = .001	.0133 (257) s = .416	.0349 (257) s = .289
Prior Adult Felony Convictions Not-Against-Person	.3520 (553) s = .001	.0877 (262) s = .078	.1332 (262) s = .016
Prior Adult Incarcerations	.3612 (555) s = .001	.0856 (266) s = .082	.1239 (266) s = .022
Offender's Number of Dependents	-.0859 (564) s = .021	-.0411 (268) s = .252	-.0198 (268) s = .373
Offender's Support of Dependents	-.0947 (555) s = .013	-.0209 (264) s = .367	-.0041 (264) s = .473
Residential Stability	.1432 (562) s = .001	.0394 (266) s = .261	.0757 (266) s = .109
Offender's Work Status	-.3184 (537) s = .001	-.0555 (254) s = .189	-.0601 (254) s = .170

Variable Name	Type of Sentence	Length of Incarceration Minimum	Length of Incarceration Maximum
Length of Continuous Employment	-.1496 (384) s = .002	.0134 (196) s = .426	.0215 (196) s = .382
Length of Most Recent Employment	-.0533 (405) s = .142	.0264 (208) s = .352	.0391 (208) s = .288
School Status	-.0856 (563) s = .021	.2082 (267) s = .001	.1625 (267) s = .004
Offender's Alcohol Usage	.0719 (566) s = .044	.0302 (270) s = .310	.0898 (270) s = .070
Offender's Drug Usage	.2410 (540) s = .001	.0373 (256) s = .276	.0806 (256) s = .099
Addiction to Opiates	.2172 (528) s = .001	.0626 (249) s = .162	.0953 (249) s = .067
Probation Officer's Recommendation	.6463 (441) s = .001	-.1274 (216) s = .031	-.0922 (216) s = .089
Seriousness Index	.1966 (566) s = .001	.1629 (270) s = .004	.2165 (270) s = .001

[a] *The number in parentheses is the number of cases on which the Pearson's correlation coefficient for the two variables is calculated.*

[b] *"s" indicates the significance level of the Pearson's correlation coefficient.*

[c] *A value of 99.0000 indicates that a coefficient cannot be computed.*

Pearson's Correlation Coefficients
Drugs Subsample

Variable Name	Type of Sentence	Length of Incarceration Minimum	Length of Incarceration Maximum
Number of Offenders Sentenced for Same Criminal Activity	-.0361 (323)[a] s = .259[b]	.0098 (109) s = .460	.0312 (109) s = .374
Offender's Sex	-.1418 (323) s = .005	-.0134 (109) s = .445	.0146 (109) s = .440
Offender's Ethnic Descent	.3503 (322) s = .001	-.0301 (109) s = .378	.0523 (109) s = .295
Highest School Grade Completed by Offender	-.2732 (321) s = .001	-.0385 (109) s = .346	-.1381 (109) s = .076
Offender's Marital Status	.0718 (323) s = .099	-.0381 (109) s = .347	.0366 (109) s = .353
Basis of Adjudication (Plea)	.1415 (322) s = .005	.1235 (108) s = .101	.2400 (108) s = .006
Custody Status at Time of Sentencing	.4168 (320) s = .001	.1180 (108) s = .112	.2308 (108) s = .008
Days Spent in Jail This Arrest	.3424 (317) s = .001	.0601 (106) s = .270	.1094 (106) s = .132
Type of Defense	-.0203 (322) s = .359	-.0282 (109) s = .385	-.0505 (109) s = .301
Number of Original Charges	.0977 (323) s = .040	-.0134 (109) s = .445	.0411 (109) s = .336
Number of Charges at Conviction	.1337 (323) s = .008	-.0231 (109) s = .406	-.0498 (109) s = .304
Number of Criminal Events	.2737 (323) s = .001	-.0464 (109) s = .316	-.0358 (109) s = .356
Offender's Behavior at Arrest	-.0449 (322) s = .211	-.0269 (108) s = .391	-.0271 (108) s = .390

Variable Name	Type of Sentence	Length of Incarceration Minimum	Length of Incarceration Maximum
Number of Perpetrators	.0260 (322) s = .321	-.0250 (109) s = .398	-.0284 (109) s = .385
Use of Alcohol or Drugs at Time of Offense	-.0744 (321) s = .092	.1492 (108) s = .062	.0640 (108) s = .255
Weapon Usage	.0435 (323) s = .218	.0120 (109) s = .451	.0579 (109) s = .275
Distribution of Drugs	.4234 (322) s = .001	-.0290 (109) s = .382	.0603 (109) s = .267
Value of Drugs	.0696 (296) s = .116	.2064 (105) s = .017	.2039 (105) s = .018
Description of Drugs	.5269 (323) s = .001	-.0147 (109) s = .440	.0916 (109) s = .172
Legal Status of Offender	.2262 (322) s = .001	.0741 (108) s = .223	.2091 (108) s = .015
Prior Juvenile Probation Terms	.0347 (300) s = .275	.1240 (95) s = .116	.0599 (95) s = .282
Prior Juvenile Probation Revocations	-.0758 (297) s = .096	99.0000 (93) s = ****	99.0000 (93) s = ****
Prior Juvenile Parole Revocations	.0890 (299) s = .062	-.0318 (94) s = .380	-.0375 (94) s = .360
Prior Juvenile Arrests	.1563 (310) s = .003	.0038 (102) s = .485	-.0414 (102) s = .340
Prior Juvenile Convictions	.1891 (303) s = .001	.0300 (98) s = .385	-.0196 (98) s = .424
Prior Juvenile Incarcerations	.2305 (305) s = .001	-.0614 (99) s = .273	-.0773 (99) s = .223
Prior Adult Probation Terms	.1921 (319) s = .001	-.0369 (107) s = .353	.0308 (107) s = .376
Prior Adult Probation Revocations	.1181 (315) s = .018	.0446 (104) s = 327	.0404 (104) s = .342
Prior Adult Parole Revocations	.1068 (317) s = .029	.0112 (105) s = .455	-.0027 (105) s = .489

Variable Name	Type of Sentence	Length of Incarceration Minimum	Length of Incarceration Maximum
Prior Adult Arrests	.3252 (323) s = .001	.0392 (109) s = .343	.1547 (109) s = .054
Prior Adult Misdemeanor Arrests Against-Person	.1719 (318) s = .001	-.0429 (105) s = .332	-.0532 (105) s = .295
Prior Adult Misdemeanor Arrests Not-Against-Person	.1403 (322) s = .006	-.0376 (108) s = .349	-.0050 (108) s = .480
Prior Adult Felony Arrests Against-Person	.1857 (320) s = .001	.0848 (106) s = .194	.2142 (106) s = .014
Prior Adult Felony Arrests Not-Against-Person	.3232 (320) s = .001	.0782 (106) s = .213	.1882 (106) s = .027
Prior Adult Convictions	.2734 (320) s = .001	-.0024 (108) s = .490	.0575 (108) s = .277
Prior Adult Misdemeanor Convictions Against-Person	.0969 (317) s = .042	.0353 (104) s = .361	.0297 (104) s = .383
Prior Adult Misdemeanor Convictions Not-Against-Person	.1261 (318) s = .012	-.0642 (106) s = .257	-.0795 (106) s = .209
Prior Adult Felony Convictions Against-Person	.1626 (319) s = .002	.0337 (105) s = .367	.0266 (105) s = .394
Prior Adult Felony Convictions Not-Against-Person	.2852 (319) s = .001	.0991 (105) s = .157	.2695 (105) s = .003
Prior Adult Incarcerations	.3150 (318) s = .001	.1078 (106) s = .136	.2374 (106) s = .007
Offender's Number of Dependents	.0894 (323) s = .054	.0975 (109) s = .157	.1737 (109) s = .035
Offender's Support of Dependents	-.0218 (321) s = .348	.2127 (107) s = .014	.1353 (107) s = .082
Residential Stability	.0767 (323) s = .084	.0114 (109) s = .453	.0124 (109) s = .449
Employment Status	-.1763 (315) s = .001	.0789 (106) s = .211	-.0282 (106) s = .387
Length of Continuous Employment	-.0574 (200) s = .210	-.0612 (74) s = .302	-.0910 (74) s = .220
Length of Most Recent Employment	-.0513 (216) s = .227	-.0832 (76) s = .237	-.0837 (76) s = .236

Variable Name	Type of Sentence	Length of Incarceration Minimum	Length of Incarceration Maximum
School Status	-.1274 (323) s = .011	.3685 (109) s = .001	.2289 (109) s = .008
Offender's Alcohol Usage	-.0121 (323) s = .414	-.0687 (109) s = .239	-.0961 (109) s = .160
Offender's Drug Usage	.3350 (310) s = .001	-.0559 (107) s = .284	.0365 (107) s = .354
Addiction to Opiates	.4295 (304) s = .001	-.0388 (105) s = .347	.0625 (105) s = .263
Probation Officer's Recommendation	.6057 (197) s = .001	.2065 (73) s = .040	.1544 (73) s = .096
Seriousness Index	.4616 (323) s = .001	.0469 (109) s = .314	.1532 (109) s = .056

[a] *The number in parentheses is the number of cases on which the Pearson's correlation coefficient for the two variables is calculated.*

[b] *"s" indicates the significance level of the Pearson's correlation coefficient.*

[c] *A value of 99.0000 indicates that a coefficient cannot be computed.*

APPENDIX D

Maricopa County

Instructional Booklet For

The Calculation of Guideline Sentences

Violent

Superior Court of the State of Arizona

Maricopa County

Sentencing Data Analysis

December 1977

Manual For Use of Sentencing Grids

Violent

Maricopa County
Phoenix, Arizona

December 1977

Violent

This is one of three different manuals that will be used in providing additional information for the sentencing judge when imposing criminal sentences in Maricopa County. These manuals have been divided into the following offense types: Violent, Property, Drugs. The Sentencing Data Analysis Program herein outlined is a result of a sentencing study project conducted with the assistance of staff from the Criminal Justice Research Center of Albany, New York.

The project consisted of a study of actual case histories in Maricopa County and sentences imposed by the judges sitting there for the purpose of determining and analyzing the essential factors in the sentencing decision. A statistical analysis of this information was made. The end-product produces in graph form the projected median sentences of the cases analyzed. The purpose of these graphs is to supply the judge with statistical information not previously available to him/her. They are intended as tools to aid the judge in the exercise of his/her sentencing discretion. The information supplied herein is not binding on the sentencing judge in any sense.

In determining which offense and offense type is to be used in calculating the Data Sentencing Range, the following rules will apply:

(1) One Offense at Conviction

When there is one offense at conviction, use the manual whose offense type is the same as the offense at conviction.

Before coding, check to see that the offense is listed in Appendix A of the particular manual being used. If the offense is not listed, check Appendix A of each of the other manuals. If the offense is not listed in any of the Appendices, use the manual whose offense type is the same as the offense at conviction.

(2) Multiple Offenses at Conviction--Same Offense Type

(a) When there are two or more offenses at conviction, all of which are of the same offense type, the crime with the highest inter-class rank is to be considered the most serious. Refer to Appendix A for the inter-class ranks.

(b) When there are two or more offenses at conviction, all of which are of the same offense type and have the same inter-class rank, any of the offenses can be considered the most serious.

(c) When there are two or more offenses at conviction, all of which are of the same offense type, and one or more of the offenses has not been listed in the Appendices, determine the inter-class ranks of those offenses (see page 2, inter-class rank). The offense with the highest inter-class rank is to be considered the most serious.

(3) Multiple Offenses at Conviction--Different Offense Types

(a) When there are two or more offenses at conviction, of different offense types, the offense which would receive the more severe Data Sentencing Range is to be considered the most serious offense. Refer to Appendix B for instructions on how to utilize the Sentencing Data Analysis Sheet for the determination of Data Sentencing Range.

(b) When there are two or more offenses at conviction, and one or more of the offenses has not been listed in the Appendices, determine the inter-class rank and type of that offense (see page 2, inter-class rank). The offense whose Data Sentencing Range is the most severe is to be considered the most serious. Refer to Appendix B for instructions on how to calculate the Data Sentencing Range.

Offense Score

A. Inter-Class Rank

Refer to Appendix A for a listing of inter-class ranks. When there are two or more offenses at conviction of the same offense type, code the highest inter-class rank. If one or more of the offenses at conviction has not been ranked in Appendix A, apply the following rules to determine the offense's inter-class rank:

Inter 1: This category contains those crimes that, by statutory definition, can receive a maximum sentence of up to and including five years.

Inter 2: Within this category you will find those crimes as defined by statute that can receive a possible minimum sentence of up to and including two and one half years and a maximum sentence up to and including life

Inter 3: Within this category are those crimes that can receive a minimum sentence of up to and including five years and a maximum sentence of up to and including life

Inter 4: Included in this category are crimes for which the minimum sentence is ten years and the maximum sentence is from twenty-one years to life.

B. Number of Criminal Events

0 = One
1 = Two or more events

The focus of this item is on the actual criminal behavior of the offender as detailed in the official description of the offense contained in the presentence investigation report. Criminal events are distinct crimes, separated either by time or distance, and are to be distinguished

(Continued)

from multiple charges or counts that may emerge from one criminal event, and from prior criminal behavior that has previously been disposed of by the criminal justice system. For example, if the official description of the offense indicates that the offender has burglarized three homes before his apprehension, the number of events would be coded "1" even though the three burglaries may have been joined in a single indictment/ information. Count only the incidents of criminal behavior that can clearly be distinguished as separate events.

C. Injury to Victim(s)

0 = No injury or minor injury
1 = Serious injury, death, rape, sexual molestation

This item refers to the actual criminal behavior engaged in by the offender as detailed in the official version of the offense included in the pre-sentence investigation report. Do not consider injury to victim(s) resulting from prior criminal behavior that has previously been disposed of by the criminal justice system. In the case of multiple victims, code the most serious injury sustained. For instance, if the offender has committed a robbery involving no injury and a rape, code "1."

Offender Score

A. Legal Status at Time of Offense

0 = Not under State control
1 = Under State control

Code "0" if at the time of the commission of the offense, the offender was not under State control as a result of civil or criminal action. Voluntary hospitalization (as opposed to court-ordered hospitalization) and military service (absent disciplinary actions) should not be considered forms of social control for the purposes of this item.

Code "1" if at the time of the commission of the offense, the offender was subject to criminal justice control such as the following statuses: other criminal actions pending; outstanding bench, arrest or extradition warrants; pre-trial release (bail, bond, ROR); deferred prosecution; adult or juvenile probation, parole or temporary release; pre-trial or post-conviction incarceration; escape status. Also include such forms of State control as mandatory hospitalization for treatment, observation, diagnosis, diagnostic and treatment center commitments, AWOL, escape from military confinement, or pending military disciplinary action.

B. Prior Juvenile Convictions

0 = None
1 = One or more

Consider only prior juvenile convictions for offenses that would be criminal had the offender been convicted as an adult. Exclude juvenile status offenses such as PINS, Wayward Youth, Truancy, Neglected Youth, etc., and traffic and military convictions for which there is no civilian counterpart. Do not regard a probation or parole revocation as a prior juvenile conviction unless an actual conviction for a new crime has occurred in conjunction with it. If an offender has been convicted of multiple offenses at one adjudication, count as one prior conviction. Prior juvenile convictions for offenses that are not clearly identified by statutory title or code are to be counted. For example, if the record shows that the offender has been previously convicted as a juvenile, with no futher elaboration, code "1."

C. Prior Juvenile Incarcerations (Over 30 Days)

0 = None
1 = One or more

Consider only prior juvenile incarcerations resulting from convictions for offenses that would be criminal had the offender been convicted as an adult. Do not count pre-trial or presentence detentions. Exclude prior juvenile incarcerations after convictions for juvenile status offenses such as PINS, Wayward Youth, Truancy, Neglected Youth, Etc., and for traffic and military offenses for which there is no civilian counterpart. Do not count incarcerations of one month or less. Reconfinement after an escape or parole violation is not a new incarceration for the purposes of this item; revocation of probation resulting in incarceration is a new incarceration.

D. Prior Adult Convictions

0 = None
1 = One or more

Exclude present offense(s), juvenile adjudications and traffic and military offenses for which there is no civilian counterpart. A conditional release is not a conviction for this item. A probation or parole revocation should not be counted as a prior adult conviction unless it occurs in conjunction with an actual conviction for a new crime. If an offender has been convicted of multiple offenses at one adjudication count as one prior conviction. Prior adult convictions for offenses that are not clearly identified by statutory title or code are to be counted. For example, if the record indicates that the offender has prior adult convictions, with no additional information provided, code as "1."

E. Prior Adult Convictions Against-the-Person

0 = None
1 = One or more

This item refers to prior adult convictions for offenses listed in Appendix A of the Violent manual and also to prior adult convictions for offenses not included therein that can be characterized as personal or violent (e.g., Rape Second Degree). Exclude present offense(s) and juvenile adjudications. Do not count prior adult convictions for crimes belonging to the Property and Drug crime groupings, or traffic and military convictions for which there is no civilian counterpart. A conditional release is not a conviction for this item. A probation or parole revocation should not be counted as a prior adult conviction against-the-person unless it occurs in conjunction with a new conviction for a crime against-the-person. If an offender has been convicted of multiple crimes against-the-person at one adjudication, count as one prior adult conviction against-the-person. Prior adult convictions for offenses that can not be clearly identified as violent, should not be considered for the purposes of this item. For instance, if the record shows that an offender has been previously convicted as an adult, with no further elaboration, code "0."

F. Prior Adult Incarcerations (Over 30 Days)

0 = None
1 = One or more

This item refers to incarcerations of over 30 days, resulting from prior adult convictions. Do not count pre-trial or presentence detentions. Exclude prior adult incarcerations for traffic and military offenses for which there is no civilian counterpart. Reconfinement after an escape or parole violation is not a new incarceration; revocation of probation resulting in incarceration is a new incarceration for this item.

G. Employment Status

-1 = Part/full-time employment
 0 = Unemployed

This variable is to be coded for those offenders who were free at the time of the presentence investigation report and for those who were detained (i.e., no bail).

If the offender was detained at any time prior to sentencing for the present offense, code the offender's status immediately prior to the initial detention. If the offender was not detained, code work status at the time of the presentence investigation. Detention refers to pre- or post-trial confinement (i.e., not bailed). If more than one period of detention as a result of the present offense, consider the first substantial

(Continued)

detention only in coding this item. Detention does not refer to detention upon arrest while awaiting initial appearance for bail setting. As a rule-of-thumb, consider detentions only if longer than 48 hours in coding this item.

Code "-1" if the offender was employed full or part-time. Include here those in the military service.

Code "0" for those offenders who were unemployed or incarcerated for a prior offense (regardless of any prison employment).

Appendix A

Inter-Class Ranks

Violent

Inter 1: Maximum Sentence Up to and Including Five Years (Least Serious)

13-245(A)	Aggravated Assault and Battery
13-253	Assault With Intent to Commit a Felony
13-916	Exhibiting a Deadly Weapon Other Than in Self-Defense
13-401(C)	Extortion
13-652	Lewd and Lascivious Acts
13-457(C)(1)	Manslaughter in the Driving of a Vehicle (Gross Negligence)
13-457(C)(2)	Manslaughter in the Driving of a Vehicle (Without Gross Negligence)
13-243	Simple Assault
13-244	Simple Battery

Inter 2: Minimum Sentence Up to and Including Two and One-Half Years and a Maximum Sentence Up to and Including Life

13-252	Assault With Certain Intents
13-249(A)	Assault With Deadly Weapon or Force
13-611(A)	Attempt to Commit Rape, First Degree
13-641	Attempt to Commit Robbery
13-641	Attempt to Commit Robbery (Armed With Gun or Deadly Weapon--First Offense)
13-961(B)	False Imprisonment
13-457(A)	Manslaughter
13-653	Molestation of Child
13-491(A)	Kidnapping

Inter 3: Minimum Sentence Up to Five Years and Maximum Sentence Up to and Including Life

13-245(C)	Aggravated Assault or Battery (Armed With Gun or Deadly Weapon--First Offense)
13-249(B)	Assault With Deadly Weapon or Force (Armed With Gun or Deadly Weapon--First Offense)
13-248(A)	Assault With Intent to Commit Murder
13-248(B)	Assault With Intent to Commit Murder (Armed With Gun or Deadly Weapon--First Offense)
13-302(C)	Burglary (Armed With Gun or Deadly Weapon--First Offense)
13-611(C)	Rape (Armed With Gun or Deadly Weapon--First Offense)
13-611(A)	Rape, First Degree
13-641	Robbery
13-641	Robbery (Armed With Gun or Deadly Weapon--First Offense)

Inter 4: Minimum Sentence is Ten Years and Maximum Sentence is Twenty-One Years to Life (Most Serious)

13-453(B)	Murder, Second Degree
13-641	Robbery (Armed With Gun or Deadly Weapon--Second Offense)
13-641	Robbery (Armed With Gun or Deadly Weapon--Second Offense--Enhancement)

Appendix B

Preparation of Sentencing Data Analysis Sheet

The Data Sentencing Range is computed by adding weights assigned to items of information relating to pertinent characteristics of both the crime and the criminal. The weights are then totaled into a separate score for the offense (Offense Score) and the offender (Offender Score). Those scores are then located on a two-dimensional sentencing grid. There is a different grid for each offense type. The Offense Score is located on the Y, or vertical, axis and the Offender Score is on the X, or horizontal, axis. By plotting the two scores against each other (much as one plots mileage figures on a road map), one is directed to the cell in the grid which indicates the range length and/or type of sentence.

The Offense Score for Violent offenses has three items of information, the Inter-Class Rank, the Number of Criminal Events, and Injury to Victim(s), and ranges from "1"to "5".

Seven items of information comprise the Offender Score: Legal Status at Time of Offense, Prior Juvenile Convictions, Prior Juvenile Incarcerations, Prior Adult Convictions, Prior Adult Convictions Against-the-Person, Prior Adult Incarcerations and Employment Status. Add the seven coded values to obtain an Offender Score which will range from "-1" to "6".

Appendix C

Sentencing Data Analysis Sheet

Sentencing Data Analysis Report

Superior Court of Arizona, Maricopa County

CR _____ State vs. _____

Offense(s) Convicted of:
(title and statute number) _____

_____

I. Data Sentencing Range:

_____

_____

II. Sentence Imposed:

_____

_____

_____

_____

III. Reasons for Difference in Sentence Imposed:

_____

_____

_____

_____

Date: _____ Judge: _____

SENTENCING DATA ANALYSIS SHEET--VIOLENT

OFFENSE TYPE (MOST SERIOUS OFFENSE)

VIOLENT
Offense Type

OFFENSE SCORE

A. Inter-Class Rank _____ +

B. Number of Criminal Events _____ +
0 = One
1 = Two or more

C. Injury to Victim(s) _____ = [ ]
0 = No injury or minor injury
1 = Serious injury; death; rape; sexual molestation of child
Offense Score

OFFENDER SCORE

A. Legal Status at Time of Offense _____ +
0 = Not under State control
1 = Under State control

B. Prior Juvenile Convictions _____ +
0 = None
1 = One or more

C. Prior Juvenile Incarcerations (Over 30 Days) _____ +
0 = None
1 = One or more

D. Prior Adult Convictions _____ +
0 = None
1 = One or more

E. Prior Adult Convictions Against-the-Person _____ +
0 = None
1 = One or more

F. Prior Adult Incarcerations (Over 30 Days) _____ +
0 = None
1 = One or more

G. Employment Status _____ = [ ]
-1 = Part/full-time employment
0 = Unemployed
Offender Score

VIOLENT

Offender Score

Offense Score	-1	0	1	2	3	4	5	6	
5	120-144 144-180	156-204 210-270	156-204 210-270	180-228 300-360	180-228 300-360	204-276 360-420	204-276 360-420	204-276 360-420	minimum (in months) maximum (in months)
4	10-12	10-12	60-72 96-120	60-72 96-120	60-72 96-120	108-120 144-180	120-144 300-360	120-144 300-360	
3	5-7	10-12	10-12	60 60-72	60 60-72	60-72 96-120	60-72 120-144	120-144 180-216	
2	OUT	OUT	2-4	10-14 21-27	21-27 30-42	21-27 42-54	30-42 51-69	30-42 51-69	
1	OUT	OUT	OUT	OUT	OUT	OUT	7-9	8-10	

APPENDIX E

Maricopa County

Instructional Booklet For the

Calculation of Guideline Sentences

Property

Superior Court of the State of Arizona

Maricopa County

Sentencing Data Analysis

December 1977

Manual for Use of Sentencing Grids

Property

Maricopa County
Phoenix, Arizona

December 1977

Property

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(1) One Offense at Conviction

When there is one offense at conviction, use the manual whose offense type is the same as the offense at conviction.

Before coding, check to see that the offense is listed in Appendix A of the particular manual being used. If the offense is not listed, check Appendix A of each of the other manuals. If the offense is not listed in any of the Appendices, use the manual whose offense type is the same as the offense at conviction.

(2) Multiple Offenses at Conviction--Same Offense Type

(a) When there are two or more offenses at conviction, all of which are of the same offense type, the crime with the highest inter-class rank is to be considered the most serious. Refer to Appendix A for the inter-class ranks.

(b) When there are two or more offenses at conviction, all of which are of the same offense type and have the same inter-class rank, any of the offenses can be considered the most serious.

(c) When there are two or more offenses at conviction, all of which are of the same offense type, and one or more of the offenses has not been listed in the Appendices, determine the inter-class ranks of those offenses (see page 2, inter-class rank). The offense with the highest inter-class rank is to be considered the most serious.

(3) Multiple Offenses at Conviction--Different Offense Types

(a) When there are two or more offenses at conviction of different offense types, the offense which would receive the more severe Data Sentencing Range is to be considered the most serious offense. Refer to Appendix B for instructions on how to utilize the Sentencing Data Analysis Sheet for the determination of Data Sentencing Range.

(b) When there are two or more offenses at conviction, and one or more of the offenses has not been listed in the Appendices, determine the inter-class rank and type of that offense (see page 2, inter-class rank). The offense whose Data Sentencing Range is the most severe is to be considered the most serious. Refer to Appendix B for instructions on how to calculate the Data Sentencing Range.

Offense Score

A. Inter-Class Rank

Refer to Appendix A for a listing of inter-class ranks. When there are two or more offenses at conviction of the same offense type, code the highest inter-class rank. If one or more of the offenses at conviction has not been ranked in Appendix A, apply the following rules to determine the offense's inter-class rank:

Inter 1: This category contains those crimes which by statutory definition can receive a maximum sentence of up to and including one year.

Inter 2: Within this category you will find those crimes as defined by statute which can receive a possible maximum sentence of up to and including four years.

Inter 3: This category contains crimes that may receive a maximum sentence of up to and including five years.

Inter 4: Within this category are crimes that may receive a maximum sentence of up to and including ten years.

Inter 5: Within this category are crimes that may receive a maximum sentence of up to and including life.

B. Number of Criminal Events

0 = One
1 = Two or more events

The focus of this item is on the actual criminal behavior of the offender as detailed in the official description of the offense contained in

(Continued)

the presentence investigation report. Criminal events are distinct crimes, separated either by time or distance, and are to be distinguished from the multiple charges or counts that may emerge from one criminal event, and from prior criminal behavior that has previously been disposed of by the criminal justice system. For example, if the official description of the offense indicates that the offender has burglarized three homes before his apprehension, the number of events would be coded "1" even though the three burglaries may have been joined in a single indictment/information. Count only the incidents of criminal behavior that can clearly be distinguished as separate events.

Offender Score

A. Legal Status at Time of Offense

0 = Not under State control
1 = Under State control

Code "0" if at the time of the commission of the offense, the offender was not under State control as a result of civil or criminal action. Voluntary hospitalization (as opposed to court-ordered hospitalization) and military service (absent disciplinary actions) should not be considered forms of social control for the purposes of this item.

Code "1" if at the time of the commission of the offense, the offender was subject to criminal justice control such as the following statuses: other criminal actions pending; outstanding bench, arrest or extradition warrants; pre-trial release(bail, bond, ROR); deferred prosecution; adult or juvenile probation, parole or temporary release; pre-trial or post-conviction incarceration; escape status. Also include such forms of State control as mandatory hospitalization for treatment, observation, diagnosis, diagnostic and treatment center commitments, AWOL, escape from military confinement, or pending military disciplinary action.

B. Prior Juvenile Convictions

0 = None
1 = One or more

Consider only prior juvenile convictions for offenses that would be criminal had the offender been convicted as an adult. Exclude juvenile status offenses such as PINS, Wayward Youth, Truancy, Neglected Youth, etc., and traffic and military convictions for which there is no civilian counterpart. Do not regard a probation or parole revocation as a prior juvenile conviction unless an actual conviction for a new crime has occurred in conjunction with it. If an offender has been convicted of multiple offenses at one adjudication, count as one prior conviction. Prior juvenile convictions for offenses that are not clearly identified by statutory title or code are to be counted. For example, if the record shows that the offender has been previously convicted as a juvenile, with no further elaboration, code "1."

C. Prior Juvenile Incarcerations (Over 30 Days)

0 = None
1 = One or more

Consider only prior juvenile incarcerations resulting from convictions for offenses that would be criminal had the offender been convicted as an adult. Do not count pre-trial or presentence detentions. Exclude prior juvenile incarcerations after convictions for juvenile status offenses such as PINS, Wayward Youth, Truancy, Neglected Youth, Etc., and for traffic and military offenses for which there is no civilian counterpart. Do not count incarcerations of one month or less. Reconfinement after an escape or parole violation is not a new incarceration for the purposes of this item; revocation of probation resulting in incarceration is a new incarceration.

D. Prior Adult Convictions Not Against-the-Person

0 = None
1 = One or more

Code prior adult convictions for offenses that belong to the Drug or Property crime types (see Appendix A of the Drug and Property manuals) and also prior adult convictions for non-violent offenses that are not listed therein (e.g., Driving While Intoxicated, Escape, Illegal Weapon Possession, and Gambling). Exclude present offense(s), juvenile adjudications, and traffic and military convictions for which there is no civilian counterpart. A conditional release is not a conviction for the purposes of this item. Do not count a probation or parole revocation as a conviction unless it occurs in conjunction with a new conviction for an offense not against-the-person. If an offender has been convicted of multiple offenses not against-the-person at one adjudication, consider as one prior adult conviction not against-the-person. But if an offender has been convicted of both a crime against-the-person and a crime not against-the-person at the same adjudication, count as one prior conviction for a crime against-the-person and code in the next variable. Prior adult convictions that are not clearly identified by statutory title or code are to be counted for this item. For example, if the record indicates the offender has prior adult convictions, with no further elaboration, code "1."

E. Prior Adult Convictions Against-the-Person

0 = None
1 = One or more

This item refers to prior adult convictions for offenses listed in Appendix A of the Violent manual and also to prior adult convictions for offenses not included therein that can be characterized as personal or violent (e.g., Rape Second Degree). Exclude present offense(s) and juvenile adjudications. Do not count prior adult convictions for crimes belonging to the Property and Drug crime groupings, or traffic and military convictions for which there is no civilian counterpart. A conditional release is not a conviction for this item. A pro-

(Continued)

bation or parole revocation should not be counted as a prior adult conviction against-the-person unless it occurs in conjunction with a new conviction for a crime against-the-person. If an offender has been convicted of multiple crimes against-the-person at one adjudication, count as one prior adult conviction against-the-person. Prior adult convictions for offenses that can not be clearly identified as violent should not be considered for the purposes of this item. For instance, if the record shows that an offender has been previously convicted as an adult, with no further elaboration, code "0."

F. Prior Adult Incarcerations (Over 30 Days)

0 = None
1 = One or more incarcerations

This item refers to incarcerations of over 30 days, resulting from prior adult convictions. Do not count pre-trial or presentence detentions. Exclude prior adult incarcerations for traffic and military offenses for which there is no civilian counterpart. Reconfinement after an escape or parole violation is not a new incarceration; revocation of probation resulting in incarceration is a new incarceration for this item.

G. Employment Status

-1 = Part/full-time employment
0 = Unemployed

This variable is to be coded for those offenders who were free at the time of the presentence investigation report and for those who were detained (i.e., no bail).

If detained at any time prior to sentencing for the present offense, code the offender's status immediately prior to the initial detention. If the offender was not detained, code work status at time of presentence investigation. Detention refers to pre- or post-trial confinement (i.e., not bailed). If more than one period of detention as a result of the present offense, consider the first substantial detention only in coding this item. Detention does not refer to detention upon arrest while awaiting initial appearance for bail setting. As a rule-of-thumb, consider detentions only if longer than 48 hours in coding this item.

Code "-1" if the offender was employed full or part-time. Include here those in the military service.

Code "0" for those offenders who were unemployed or incarcerated for a prior offense (regardless of any prison employment).

Appendix A

Inter-Class Ranks

Property

Inter 1: Maximum Sentence Up to and Including One Year (Least Serious)

13-234(A) Attempt to Commit Arson Fourth Degree
13-663(B) Attempt to Commit Petty Theft ($100 or Less)
13-435 Conducting Banking or Percentage Game
13-234(A) Conspiracy to Commit Arson, Fourth Degree
13-233 Conspiracy to Commit Arson, Third Degree
13-663(B) Conspiracy to Commit Petty Theft
13-621(A) Conspiracy to Receive or Buy Stolen Property (Less Than $100)
13-501 Malicious Mischief
13-663(B) Petty Theft
13-1645 Possession of Stolen Credit Card
13-621(A) Receiving or Buying Stolen Property (Less Than $100)
13-672(C) Theft of Motor Vehicle or Motorcycle(Intent to Deprive Temporarily)
13-712 Trespass Upon Property
13-711 Trespass With Force or Violence
13-673 Willful Concealment or Shoplifting of Merchandise

Inter 2: Maximum Sentence of Up to and Including Four Years

13-234(A) Arson, Fourth Degree
13-233 Arson, Third Degree
13-302(B) Attempt to Commit Burglary, Second Degree
13-1074 Attempt to Commit Forgery of Credit Card
13-672(B) Attempt to Commit Theft of a Motor Vehicle or Motorcycle (Intent to Deprive Permanently)
13-232 Conspiracy to Commit Arson, Second Degree
13-302(B) Conspiracy to Commit Burglary, First Degree
13-302(B) Conspiracy to Commit Burglary, Second Degree
13-421 Conspiracy to Commit Forgery
13-1074 Conspiracy to Commit Forgery of a Credit Card
13-1075 Conspiracy to Commit Fradulent Use of a Credit Card (More Than $100)
13-663(A) Conspiracy to Commit Grand Theft (More Than $100)
13-621(A) Conspiracy to Receive or Buy Stolen Property ($100 or More)
13-682 Conspiracy to Commit Theft by Embezzlement (More Than $100)
13-672(B) Conspiracy to Commit Theft of a Motor Vehicle or Motorcycle (Intent to Deprive Permanently)

Inter 3: Maximum Sentence Up to and Including Five Years

13-663(A) Attempt to Commit Grand Theft (More Than $100)
13-302(B) Burglary, Second Degree
13-676 Coin-Operated Devices--Breaking Into
13-316(A)(2) Drawing Check or Draft on No Account or Insufficient Account With Intent to Defraud (Less Than $100 and Greater Than $25)

(Continued)

Inter 3 (Continued)

13-316(A)(1) Drawing Check or Draft on No Account or Insufficient Account With Intent to Defraud ($100 or More)
13-316(A)(4) Drawing Check or Draft on No Account or Insufficient Account With Intent to Defraud (On Bank Knowingly No Account)
13-1074 Forgery of a Credit Card
13-318(B) Fraud on a Business Establishment (More Than $100)
13-311 Obtaining Money or Property by Bogus Check or Other Means
13-312 Obtaining Money or Property or Valuable Consideration by Confidence Game
13-663(B) Petty Theft ($100 or Less), Enhancement
28-1423 Possession of Stolen Motor Vehicle
13-621(A) Receiving or Buying Stolen Property ($100 or More)
13-672.01 Receiving or Transferring Stolen Vehicle
13-1073 Theft of Credit Card
13-672(B) Theft of Motor Vehicle or Motorcycle (Intent to Deprive Permanently)
13-677 Unlawful Failure to Return Rented Vehicle
46-215 Welfare Fraud
13-673 Willful Concealment or Shoplifting--Enhancement

Inter 4: Maximum Sentence Up to and Including Ten Years

13-232 Arson, Second Degree
13-302(B) Attempt to Commit Burglary, First Degree
13-302(B) Burglary, Second Degree--Enhancement
13-316(A)(1) Drawing Check or Draft on No Account or Insufficient Funds With Intent to Defraud ($100 or More)--Enhancement
13-663(A) Grand Theft
13-621(A) Receiving or Buying Stolen Property ($100 or More)--Enhancement
13-682 Theft by Embezzlement (More Than $100)
13-672(B) Theft of a Motor Vehicle or Motorcycle (Intent to Deprive Permanently)--Enhancement

Inter 5: Maximum Sentence Up to and Including Life (Most Serious)

13-231 Arson, First Degree
13-303 Burglary by Mechanical Means
13-302(B) Burglary, First Degree
13-302(B) Burglary, First Degree--Enhancement
13-421 Forgery
13-423 Possession or Receipt of Forged or Blank Bills, Checks or Notes

Appendix B

Preparation of Sentencing Data Analysis Sheet

The Data Sentencing Range is computed by adding weights assigned to items of information relating to pertinent characteristics of both the crime and the criminal. The weights are then totaled into a separate score for the offense (Offense Score) and the offender (Offender Score). Those scores are then located on a two-dimensional sentencing grid. There is a different grid for each offense type. The Offense Score is located on the Y, or vertical, axis and the Offender Score is on the X, or horizontal, axis. By plotting the two scores against each other (much as one plots mileage figures on a road map), one is directed to the cell in the grid which indicates the range length and/or type of sentence.

The Offense Score for Property offenses has two items of information: the Inter-Class Rank, and Number of Criminal Events. Add the two coded values to obtain an Offense Score that will range from "1" to "6."

Seven items of information comprise the Offender Score: Legal Status at Time of Offense, Prior Juvenile Convictions, Prior Juvenile Incarcerations, Prior Adult Convictions Not Against-the-Person, Prior Adult Convictions Against-the-Person, Prior Adult Incarcerations (Over 30 Days), and Employment Status. Add the seven coded values to obtain an Offender Score that will range from "-1" to "6."

Appendix C

Sentencing Data Analysis Sheet

Sentencing Data Analysis Report

Superior Court of Arizona, Maricopa County

CR _____ State vs. _____

Offense(s) Convicted of: _____
(title and statute number) _____

I. Data Sentencing Range:

_____

_____

II. Sentence Imposed:

_____

_____

_____

_____

_____

III. Reasons for Difference in Sentence Imposed:

_____

_____

_____

_____

Date: _____ Judge: _____

SENTENCING DATA ANALYSIS SHEET--PROPERTY

OFFENSE TYPE (MOST SERIOUS OFFENSE)

[PROPERTY]
Offense Type

OFFENSE SCORE

A. Inter-Class Rank _____ +

B. Number of Criminal Events
0 = One
1 = Two or more
_____ =

[ ]
Offense Score

OFFENDER SCORE

A. Legal Status at Time of Offense _____ +
0 = Not under State control
1 = Under State control

B. Prior Juvenile Convictions _____
0 = None
1 = One or more

C. Prior Juvenile Incarcerations (Over 30 Days) _____ +
0 = None
1 = One or more

D. Prior Adult Convictions Not Against-the-Person
0 = None
1 = One or more

E. Prior Adult Convictions Against-the-Person _____ +
0 = None
1 = One or more

F. Prior Adult Incarcerations (Over 30 Days) _____ +
0 = None
1 = One or more

G. Employment Status _____ =
-1 = Part-time or full-time employment
0 = Unemployed

[ ]
Offender Score

PROPERTY

Offense Score	Offender Score: -1	0	1	2	3	4	5	6
6	OUT	OUT	4-6	30-36 48-60	30-36 48-60	30-36 48-60	42-54 60-72	42-54 60-72
5	OUT	OUT	OUT	24 30-36	24 30-36	30-36 48-60	30-36 48-60	30-36 48-60
4	OUT	OUT	OUT	12-15 24-36	12-15 24-36	30-36 48-60	30-36 48-60	30-36 48-60
3	OUT	OUT	OUT	4-6	8-10	12 24	12-15 36-48	12-15 36-48
2	OUT	OUT	OUT	OUT	4-6	10-12	10-12	10-12
1	OUT	OUT	OUT	OUT	4-6	10-12	10-12	10-12

minimum (in months)
maximum (in months)

APPENDIX F

Maricopa County

Instructional Booklet for the

Calculation of Guideline Sentences

DRUGS

Drugs

This is one of three different manuals that will be used in providing additional information for the sentencing judge when imposing criminal sentences in Maricopa County. These manuals have been divided into the following offense types: Violent, Property, Drugs. The Sentencing Data Analysis Program herein outlined is a result of a sentencing study project conducted with the assistance of staff from the Criminal Justice Research Center of Albany, New York.

The project consisted of a study of actual case histories in Maricopa County and sentences imposed by the judges sitting there for the purpose of determining and analyzing the essential factors of the sentencing decision. A statistical analysis of this information was made. The end-product produces in graph form the projected median sentences in the cases analyzed. The purpose of these graphs is to supply the judge with statistical information not previously available to him/her. They are intended as tools to aid the judge in the exercise of his/her sentencing discretion. The information supplied herein is not binding on the sentencing judge in any sense.

In determining which offense and offense type is to be used in calculating the Data Sentencing Range, the following rules will apply:

(1) One Offense at Conviction

When there is one offense at conviction, use the manual whose type is the same as the offense at conviction.

Before coding, check to see that the offense is listed in Appendix A of the particular manual being used. If the offense is not listed, check Appendix A of each of the other manuals. If the offense is not listed in any of the Appendices use the manual whose offense type is the same as the offense at conviction.

(2) Multiple Offenses at Conviction--Same Offense Type

(a) When there are two or more offenses at conviction, all of which are of the same offense type, the crime with the highest inter-class rank is to be considered the most serious. Refer to Appendix A for the inter-class ranks.

(b) When there are two or more offenses at conviction, all of which are of the same offense type and have the same inter-class ranks, any of the offenses can be considered the most serious.

(c) When there are two or more offenses at conviction, all of which are of the same offense type, and one or more of the offenses has not been listed in the Appendices, determine the inter-class ranks of those offenses (see page 2, inter-class ranks). The offense with the highest inter-class rank is to be considered the most serious.

(3) Multiple Offenses at Conviction--Different Offense Types

(a) When there are two or more offenses at conviction, of different offense types, the offense which would receive the more severe Data Sentencing Range is to be considered the most serious offense. Refer to Appendix B for instructions on how to utilize the Sentencing Data Analysis Sheet for the determination of Data Sentencing Range.

(b) When there are two or more offenses at conviction, and one or more of the offenses has not been listed in the Appendices, determine the inter-class ranks and type of that offense (see page 2, inter-class ranks). The offense whose Data Sentencing Range is the most severe is to be considered the most serious. Refer to Appendix B for instructions on how to calculate the Data Sentencing Range.

Offense Score

A. Inter-Class Rank

Refer to Appendix A for a listing of inter-class ranks. When there are two or more offenses at conviction of the same offense type, code the highest inter-class rank. If one or more of the offenses at conviction has not been ranked in Appendix A, apply the following rules to determine the offense's inter-class rank:

Inter 1: This category contains those crimes which by statutory definition can receive a maximum sentence of up to and including ten years.

Inter 2: Within this category you will find those crimes as defined by statute which can receive a possible maximum sentence of up to and including thirty years.

Inter 3: Within this category are crimes that may receive a maximum sentence of up to and including life.

B. Description of Drug Involved

-1 = Cannabis or drugs listed in Dangerous Drug Act (632-1901 and seq.)
 1 = Drugs listed in Uniform Narcotic Drug Act (Sec. 36-1001 and seq.)

This item is concerned with the actual criminal behavior of the offender as delineated in the official description of the offense in the presentence report. If both of the above categories of drugs are involved in the real offense behavior, code "1." For example, if the official description of the offense shows that the offender was found in possession of both heroin and marijuana, code "1."

C. Number of Criminal Events

0 = One
1 = Two or more

The focus of this item is on the actual criminal behavior of the offender as detailed in the official description of the offense contained in the presentence investigation report. Criminal events are distinct crimes, separated either by time or distance and are to be distinguished from multiple charges or counts that may emerge from one criminal event, and from prior criminal behavior that has previously been disposed of by the criminal justice system. For example, if the official description of the offense indicates that the offender has burglarized three homes before his apprehension, the number of events would be coded "1," even though the three burglaries may have been joined in a single indictment/information. Count only the incidents of criminal behavior that can clearly be distinguished as separate events.

Offender Score

A. Legal Status at Time of Offense

0 = Not under State control
1 = Under State control

Code "0" if at the time of the commission of the offense, the offender was not under State control as a result of civil or criminal action. Voluntary hospitalization (as opposed to court-ordered hospitalization) and military service (absent disciplinary actions) should not be considered forms of social control for the purposes of this item.

Code "1" if at the time of the commission of the offense, the offender was subject to criminal justice control such as the following statuses: other criminal actions pending; outstanding bench, arrest or extradition warrants; pre-trial release (bail, bond, ROR); pre-trial or post-conviction incarceration; escape status; deferred prosecution; adult or juvenile probation, parole or temporary release. Also include such forms of State control as mandatory hospitalization for treatment, observation, diagnosis, diagnostic and treatment center commitments, AWOL, escape from military confinement, or pending military disciplinary action.

B. Prior Juvenile Convictions

0 = None or one
1 = Two or more

Consider only prior juvenile convictions for offenses that would be criminal had the offender been convicted as an adult. Exclude juvenile status offenses such as PINS, Wayward Youth, Truancy, Neglected Youth, etc., and traffic and military convictions for which there is no civilian counterpart. Do not regard a probation or parole revocation as a prior juvenile conviction unless an actual conviction for a new crime has occurred in conjunction with it. If an offender has been convicted of

(Continued)

multiple offenses at one adjudication, count as one prior conviction. Prior juvenile convictions for offenses that are not clearly identified by statutory title or code are to be counted, but if there is no way to discern whether or not the multiple offenses mentioned stem from the same adjudication, count as one prior conviction. For example, if the record shows that the offender has been previously convicted as a juvenile, with no further elaboration, code "0."

C. Prior Juvenile Incarcerations (Over 30 Days)

0 = None
1 = One or more

Consider only prior juvenile incarcerations resulting from convictions for offenses that would be criminal had the offender been convicted as an adult. Do not count pre-trial or presentence detentions. Exclude prior juvenile incarcerations after convictions for juvenile status offenses such as PINS, Wayward Youth, Truancy, Neglected Youth, etc., and for traffic and military offenses for which there is no civilian counterpart. Do not count incarcerations of one month or less. Reconfinement after an escape or parole violation is not a new incarceration for the purposes of this item; revocation of probation resulting in incarceration is a new incarceration.

D. Prior Adult Convictions

0 = None or one
1 = Two or more

Exclude present offense(s), juvenile adjudications and traffic and military offenses for which there is no civilian counterpart. A conditional release is not a conviction for this item. A probation or parole revocation should not be counted as a prior adult conviction unless it occurs in conjunction with an actual conviction for a new crime. If an offender has been convicted of multiple offenses at one adjudication, count as one prior conviction. Prior adult convictions for offenses that are not clearly identified by statutory title or code are to be counted, but if there is no way to discern whether or not the multiple offenses mentioned stem from the same adjudication, count as one prior conviction. For example, if the record indicates that the offender has prior adult convictions, with no additional information provided, code as "0."

E. Prior Adult Convictions Against-the-Person

0 = None
1 = One or more

This item refers to prior adult convictions for offenses listed in Appendix A of the Violent manual and also to prior adult convictions for offenses not included therein that can be characterized as personal (e.g., Rape, Second Degree). Exclude present offense(s) and juvenile adjudications. Do not count prior adult convictions for crimes belonging to Property and Drug crime groupings, or traffic and military convictions for which there is no civilian counterpart. A conditional release is not a conviction for this item. A probation

(Continued)

or parole revocation should not be counted as a prior adult conviction against-the-person unless it occurs in conjunction with a new conviction for a crime against-the-person. If an offender has been convicted of multiple crimes against-the-person at one adjudication, count as one prior adult conviction against-the-person. Prior adult convictions for offenses that can not be clearly identified as violent should not be considered for the purposes of this item. For instance, if the record shows that an offender has been previously convicted as an adult, with no further elaboration, code "0."

F. Prior Adult Incarcerations (over 30 days)

0 = None
1 = One
2 = Two or more

This item refers to incarcerations of over 30 days, resulting from prior adult convictions. Do not count pre-trial or presentence detentions. Exclude prior adult incarcerations for traffic and military offenses for which there is no civilian counterpart. Reconfinement after an escape or parole violation is not a new incarceration; revocation of probation resulting in incarceration is a new incarceration for this item.

G. Employment Status

-1 = Employed full or part-time
0 = Unemployed

This variable is to be coded for those offenders who were free at the time of the presentence investigation report and for those who were detained (i.e., no bail).

If detained at any time prior to sentencing for the present offense, code the offender's status immediately prior to the initial detention. If the offender was not detained, code work status at time of presentence investigation. Detention refers to pre- or post-trial confinement (i.e., not bailed). If more than one period of detention as a result of the present offense, consider the first substantial detention only in coding this item. Detention does not refer to detention upon arrest while awaiting initial appearance for bail setting. As a rule-of-thumb, consider detentions only if longer than 48 hours in coding this item.

Code "-1" if the offender was employed full or part-time. Include here those in the military service.

Code "0" for those offenders who were unemployed or incarcerated for a prior offense (regardless of any prison employment).

Drugs

Inter 1: Maximum Sentence Up to and Including Ten Years (Least Serious)

32-1969(A)	Attempt to Commit Illegal Sales, Disposition or Possession of Prescription Only Drugs (No Intent to Defraud)
36-1017(A)	Attempt to Obtain Narcotics by Fraud or Deceit
36-1002.05(A)	Conspiracy to Grow, Process, and Possess Marijuana
36-1002(A)	Conspiracy to Possess Narcotic Drugs
13-379	Drug Incapacitation, Toxic Vapors, Poisons
36-1002.05(A)	Growing, Processing and Possession of Marijuana
32-1969(A)	Illegal Sales, Disposition and Possession of Prescription Only Drugs (No Intent to Defraud)
32-1970(C)	Manufacture, Equipment Disposition, and Possession of Dangerous Drugs (No Intent to Sell)
32-1970(C)	Manufacture, Equipment Disposition, and Possession of Dangerous Drugs (No Intent to Sell--First Offense)
36-1017(A)	Obtaining Narcotics by Fraud or Deceit
36-1002.06(A)	Possessing Marijuana for Sale
36-1002(A)	Possession of Narcotic Drugs

Inter 2: Maximum Sentence Up to and Including Thirty Years

36-1002.07(A)	Conspiracy to Import and Transport Marijuana
36-1002.02(A)	Conspiracy to Import and Transport Narcotic Drugs, Sales and Traffic
36-1002.05(B)	Growing, Processing and Possessing Marijuana (Prior Felony Drug Offense)
36-1002.06(B)	Possessing Marijuana for Sale (Prior Felony Drug Offense)
36-1002(B)	Possession of Narcotic Drugs (Prior Felony Drug Offense)
36-1002.01(A)	Possession of Narcotic Drugs for Sale

Inter 3: Maximum Sentence Up to and Including Life (Most Serious)

36-1002.07(A)	Attempt to Import and Transport Marijuana
36-1002.07(A)	Imports and Transports of Marijuana
36-1002.07(C)	Imports and Transports of Marijuana (Two or More Prior Felony Drug Offenses)
36-1002.02(A)	Import and Transport of Narcotic Drugs, Sales and Traffic
36-1002.02(A)	Import and Transport of Narcotic Drugs, Sales and Traffic--Enhancement
36-1002.02(B)	Import and Transport of Narcotic Drugs, Sales and Traffic (Prior Felony Drug Conviction)
32-1970(C)	Manufacture, Equipment Disposition, Possession of Dangerous Drugs (Intent to Sell)
36-1002.01(B)	Possession of Narcotic Drugs for Sale (Prior Felony Drug Offense)
36-1002.01(A)	Possession of Narcotic Drugs for Sale--Enhancement

Appendix B

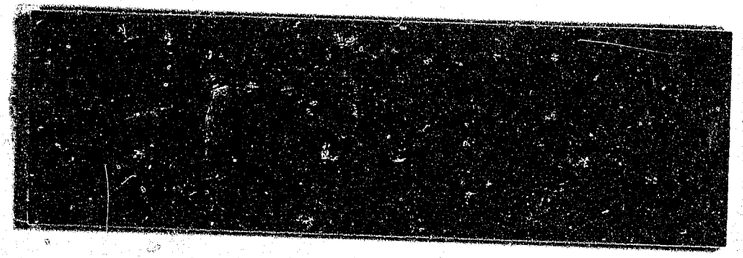
Preparation of Sentencing Data Analysis Sheet

The Data Sentencing Range is computed by adding weights assigned to items of information relating to pertinent characteristics of both the crime and the criminal. The weights are then totaled into a separate score for the offense (Offense Score) and the offender (Offender Score). Those scores are then located on a two-dimensional sentencing grid. There is a different grid for each offense type. The Offense Score is located on the Y, or vertical, axis and the Offender Score is on the X, or horizontal, axis. By plotting the two scores against each other (just as one plots mileage figures on a road map), one is directed to the cell in the grid which indicates the range length and/or type of sentence.

The Offense Score for drug offenses has three items of information: the Inter-Class Rank, the Type of Drug Involved, and the Number of Criminal Events, and ranges from "0" to "5."

Seven items of information comprise the Offender Score: Legal Status at Time of Offense, Prior Juvenile Convictions, Prior Juvenile Incarcerations, Prior Adult Convictions, Prior Adult Convictions Against-the-Person, Prior Adult Incarcerations, and Employment Status. Add the seven coded values to obtain an Offender Score that will range from "-1" to "7."

CONTINUED



Appendix C

Sentencing Data Analysis Sheet

SENTENCING DATA ANALYSIS SHEET--DRUGS

OFFENSE TYPE (MOST SERIOUS OFFENSE)

DRUGS
Offense Type

OFFENSE SCORE

A. Inter-Class Rank ____ +

B. Description of Drug Involved ____ +
-1 = Cannabis or drugs listed in Dangerous Drug Act (632-1901 and seq.)
1 = Drugs listed in Uniform Narcotic Drug Act (sec. 36-1001 and seq.)

C. Number of Criminal Events ____ = [ ]
0 = One
1 = Two or more
Offense Score

OFFENDER SCORE

A. Legal Status at Time of Offense ____ +
0 = Not under State control
1 = Under State control

B. Prior Juvenile Convictions ____ +
0 = None or one
1 = Two or more

C. Prior Juvenile Incarcerations (Over 30 Days) ____ +
0 = None
1 = One or more

D. Prior Adult Convictions ____ +
0 = None or one
1 = Two or more

E. Prior Adult Convictions Against-the-Person ____ +
0 = None
1 = One or more

F. Prior Adult Incarcerations (Over 30 Days) ____ +
0 = None
1 = One
2 = Two or more

G. Employment Status ____ = [ ]
-1 = Full or part-time employment
0 = Unemployed
Offender Score

Sentencing Data Analysis Report

Superior Court of Arizona, Maricopa County

CR _____ State vs. _____

Offense(s) Convicted of: _____
(title and statute number)
_____

I. Data Sentencing Range:

_____

_____

II. Sentence Imposed:

_____

_____

_____

_____

III. Reasons for Difference in Sentence Imposed:

_____

_____

_____

_____

Date: _____ Judge: _____

Appendix E

Sentencing Grid

DRUGS

Offense Score	Offender Score -1	0	1	2	3	4	5	6	7	
5	6-8	6-8	6-8	10-12	60 60-72	60 60-72	60-72 120-144	60-72 120-144	60-72 120-144	min. max.
4	6-8	6-8	6-8	10-12	48-60 60-72	48-60 60-72	60-72 120-144	60-72 120-144	60-72 120-144	
3	1-3	2-4	4-6	6-9	48-60 60-72	48-60 60-72	48-60 60-72	48-60 60-72	48-60 60-72	
2	OUT	OUT	OUT	6-9	24 48	24 48	48-60 60-72	48-60 60-72	48-60 60-72	
1	OUT	OUT	OUT	OUT	OUT	OUT	4-6	4-6	4-6	
0	OUT	OUT	OUT	OUT	OUT	OUT*	4-6	4-6	4-6	

*Weekends

Appendix G
Maricopa County
Seriousness Ranking System[a]
for General Model

INTER-CLASS RANK 1: Maximum Sentence Up to and Including One Year

Statute Number	Offense	Intra-Class Rank
13-234(A)	Attempt to Commit Arson Fourth Degree	3
32-1969(A)	Attempt to Commit Illegal Sales, Disposition or Possession of Prescription Only Drugs (No Intent to Defraud)	1
13-633(B)	Attempt to Commit Petty Theft ($100 or Less)	1
13-911(D)	Concealed Weapons	2
13-435	Conducting Banking or Percentage Game	2
13-663(B)	Conspiracy to Commit Petty Theft	1
13-379	Drug Incapacitation, Toxic Vapors, Poisons	1
13-917(A)	Handling, Carrying or Discharge of Firearms	1
32-1969(A)	Illegal Sales, Disposition and Possession of Prescription Only Drugs (No Intent to Defraud)	1
13-457(C)(2)	Manslaughter in the Driving of a Vehicle (Without Gross Negligence)	3
28-692.01(A)	Persons Under Influence of Intoxicating Liquors or Drugs	2
13-663(B)	Petty Theft	2
13-621(A)	Receiving or Buying Stolen Property (Less Than $100)	2
13-243	Simple Assault	2
13-244	Simple Battery	3
13-672(C)	Theft of Motor Vehicle or Motorcycle (Intent to Deprive Temporarily)	2
13-711	Trespass With Force or Violence	3
13-673	Willful Concealment or Shoplifting of Merchandise	2

INTER-CLASS RANK 2: Minimum Sentence of One Year and a Maximum Sentence Up to and Including Five Years

13-440	Accepting Bets, Wagers	1
13-234(A)	Arson, Fourth Degree	3
13-233	Arson, Third Degree	3
13-302(B)	Attempt to Commit Burglary, Second Degree	2
13-1074	Attempt to Commit Forgery of Credit Card	2
13-663(A)	Attempt to Commit Grand Theft (More Than $100)	2
13-302(B)	Burglary, Second Degree	2
13-232	Conspiracy to Commit Arson, Second Degree	2
13-302(B)	Conspiracy to Commit Burglary, First Degree	2

(Continued)

INTER-CLASS RANK 2 (Continued)

Statute Number	Offense	Intra-Class Rank
13-302(B)	Conspiracy to Commit Burglary, Second Degree	2
13-421	Conspiracy to Commit Forgery	2
13-1074	Conspiracy to Commit Forgery of a Credit Card	2
13-1075	Conspiracy to Commit Fraudulent Use of a Credit Card (More Than $100)	2
13-663(A)	Conspiracy to Commit Grand Theft (More Than $100)	2
13-621(A)	Conspiracy to Receive or Buy Stolen Property ($100 or More)	1
13-682	Conspiracy to Commit Theft by Embezzlement (More Than $100)	2
13-672(B)	Conspiracy to Commit Theft of a Motor Vehicle or Motorcycle (Intent to Deprive Permanently)	2
13-316(A)(4)	Drawing Check or Draft on No Account or Insufficient Account With Intent to Defraud (On Bank Knowingly No Account)	2
13-316(A)(1)	Drawing Check or Draft on No Account or Insufficient Account With Intent to Defraud ($100 or More)	2
13-401(C)	Extortion	3
13-1074	Forgery of a Credit Card	3
13-318(B)	Fraud on a Business Establishment (More Than $100)	3
13-652	Lewd and Lascivious Acts	3
13-621(A)	Receiving or Buying Stolen Property ($100 or More)	2
13-672(B)	Theft of Motor Vehicle or Motorcycle (Intent to Deprive Permanently)	3

INTER-CLASS RANK 3: Minimum Sentence of From One to Two Years and a Maximum Sentence of From Ten Years to Life

13-231	Arson, First Degree	3
13-232	Arson, Second Degree	3
13-252	Assault With Centain Intents	3
13-249(A)	Assault With Deadly Weapon or Force	3
13-292	Bribery of Participants in Professional or Amateur Games, Sports, Horse Races, Dog Races, Contests	2
13-302 (B)	Burglary, First Degree	2
36-1002.05(A)	Conspiracy to Grow, Process, and Possess Marijuana	1
36-1002.07(A)	Conspiracy to Import and Transport Marijuana	1
36-1002.02(A)	Conspiracy to Import and Transport Narcotic Drugs, Sales and Traffic	2
36-1002(A)	Conspiracy to Possess Narcotic Drugs	2

(Continued)

INTER-CLASS RANK 3 (Continued)

Statute Number	Offense	Intra-Class Rank
13-961(B)	False Imprisonment	3
13-421	Forgery	2
13-663(A)	Grand Theft	2
36-1002.05(B)	Growing, Processing and Possessing Marijuana (Prior Felony Drug Offense)	1
36-1002.05(A)	Growing, Processing and Possession of Marijuana	1
13-491(A)	Kidnapping	3
13-457(A)	Manslaughter	3
32-1970(C)	Manufacture, Equipment Disposition, Possession of Dangerous Drugs (Intent to Sell)	2
32-1970(C)	Manufacture, Equipment Disposition, and Possession of Dangerous Drugs (No Intent to Sell)	1
32-1970(C)	Manufacture, Equipment Disposition, and Possession of Dangerous Drugs (No Intent to Sell--First Offense)	2
36-1002.06(A)	Possessing Marijuana for Sale	2
36-1002(A)	Possession of Narcotic Drugs	2
13-423	Possession or Receipt of Forged or Blank Bills, Checks or Notes	1
13-584	Receiving Earnings of Prostitute	1
13-682	Theft by Embezzlement (More Than $100)	2

INTER-CLASS RANK 4: Minimum Sentence of Five Years and a Maximum Up to and Including Life

13-245(C)	Aggravated Assault or Battery (Armed With Gun or Deadly Weapon--First Offense)	3
13-249(B)	Assault With Deadly Weapon or Force (Armed With Gun or Deadly Weapon--First Offense)	3
13-248(A)	Assault With Intent to Commit Murder	3
13-248(B)	Assault With Intent to Commit Murder (Armed With Gun or Deadly Weapon--First Offense)	3
13-611(A)	Attempt to Commit Rape, First Degree	2
13-641	Attempt to Commit Robbery	2
13-641	Attempt to Commit Robbery (Armed With Gun or Deadly Weapon--First Offense)	3
36-1002.07(A)	Attempt to Import and Transport Marijuana	1
13-302(C)	Burglary (Armed With Gun or Deadly Weapon--First Offense)	3
13-303	Burglary by Mechanical Means	2
36-1002.07(A)	Imports and Transports of Marijuana	2
36-1002.02(A)	Import and Transport of Narcotic Drugs, Sales and Traffic	2
13-457(B)	Manslaughter Voluntary (Armed With Gun or Deadly Weapon--First Offense)	3

(Continued)

INTER-CLASS RANK 4 (Continued)

Statute Number	Offense	Intra-Class Rank
36-1002.06(B)	Possessing Marijuana for Sale (Prior Felony Drug Offense)	2
36-1002(B)	Possession of Narcotic Drug (Prior Felony Drug Offense)	2
36-1002.01(A)	Possession of Narcotic Drugs for Sale	2
13-532(C)	Production, Publication, Sale and Possession of Obscene Items (Prior Similar Offense)	1
13-611(C)	Rape (Armed With Gun or Deadly Weapon--First Offense)	3
13-611(A)(1)	Rape, First Degree	3
13-641	Robbery	3
13-641	Robbery (Armed With Gun or Deadly Weapon--First Offense)	3

INTER-CLASS RANK 5: Minimum Sentence of Ten Years and Maximum Up to and Including Life

36-1002.07(C)	Imports and Transports of Marijuana (Two or More Prior Felony Drug Offenses)	1
36-1002.02(B)	Import and Transport of Narcotic Drugs, Sales and Traffic (Prior Felony Drug Conviction)	1
13-453	Murder, Second Degree	2
36-1002.01(B)	Possession of Narcotic Drugs for Sale (Prior Felony Drug Offense)	1
13-641	Robbery (Armed With Gun or Deadly Weapon--Second Offense)	2

INTER-CLASS RANK 6: Open-Ended

13-245 (A)	Aggravated Assault and Battery	2
13-253	Assault With Intent to Commit a Felony	2
13-676	Coin-Operated Devices--Breaking Into	1
13-316(A)(2)	Drawing Check or Draft on No Account or Insufficient Account With Intent to Defraud (Less Than $100 and Greater Than $25)	1
28-692.02	Driving While Intoxicated, While License Suspended, Revoked or Refused	2
13-916	Exhibiting a Deadly Weapon Other Than in Self-Defense	1
13-457(C)(1)	Manslaughter in the Driving of a Vehicle (Gross Negligence)	2
13-541.01(A)	Obstructing Criminal Investigation or Prosecution	1
13-312	Obtaining Money or Property or Valuable Consideration by Confidence Game	2

(Continued)

INTER-CLASS RANK 6 (Continued)

Statute Number	Offense	Intra-Class Rank
13-611(B)	Rape, Second Degree	2
13-672.01	Receiving or Transferring Stolen Vehicle	1
13-541(A)	Resisting, Delaying, Coercing or Obstructing Public Officer	1
13-1073	Theft of Credit Card	1
13-677	Unlawful Failure to Return Rented Vehicle	1

[a] The offenses listed here and those listed in Appendix D, E, and F do not completely correspond for two reasons: (1) some of the offenses were not presented to the judges for ranking; (2) miscellaneous offenses were excluded from the analysis of generic crime groupings.

*U.S. GOVERNMENT PRINTING OFFICE: 1982-0-361-233/1834

END