National Criminal Justice Reference Service

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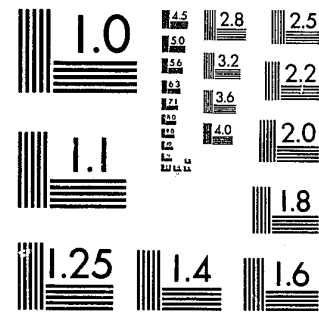
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COURT PROCESS IN RIVERTOWN

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COURT PROCESS IN RIVERTOWN

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by
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with
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INTRODUCTION

In this paper we will examine the processing of defendants through the criminal justice system of a large midwestern city to be referred to as Rivertown. The general purpose of the subsequent analyses is to identify different patterns of processing in the Rivertown criminal justice system. We are particularly interested in investigating criteria affecting not only conviction and sentencing decisions but outcomes of the plea process as well.

Table 1 lists the variables available in Promis[1] that are conceptually relevant to the analysis of convictions, sentencing and plea bargaining. These include indicators of evidence, offense, process dimensions as well as the past record and the personal background of the defendant. In a criminal justice system operating according to the principles of the justice model, indicators of evidence, the seriousness and type of charge as well as the defendants' criminal history should be the most important in explaining the court's decisions.[2] Deviations from the justice model include decisions affected by characteristics of the defendants and the criminal justice process itself.

Conviction, plea bargaining, and sentencing are distinct decisions in criminal processing and ideally based on different types of criteria. Accordingly, propositions relating the specific variables to each of these decisions will be developed and discussed separately.

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[1]Thus, our selection of variables operationalizing the noted indicators was constrained by the quality and quantity of data items contained in this data set.

[2]See "The Processing of Female Offenders in Seven Major Metropolitan Areas: A Proposal for Research" by Josefina Figueira-McDonough and Rosemary Sarri for a more complete description of this model.

Table 1

Types of Indicators Used in the Analyses of
Final Disposition, Types of Pleas, and Sentencing in Rivertown

Evidence Indicators

Number of Witnesses
Type of Witnesses

Past Record

Conviction History

Personal Background

Gender
Race
Age

Offense Indicators

Type of Offense
Seriousness (case midpoint)
Number of Charges

Process Indicators

Size of Prosecutors' Caseload
Size of Judges' Caseload
Number of Continuances
Time in the System
Type of Attorney

After providing a general description of the sample and indicators, this
report will be organized in three sections dealing respectively with
dispositions, plea bargaining and sentencing.

SAMPLE

The Rivertown sample includes all cases papered from October, 1978 to
November, 1979 and closed by June of 1980 (N = 2,552). Males make up 89.4%
(2282) of the total sample whereas females account for only 10.6% (270).
Black defendants account for 70.8% (1808) of all cases processed during this
time period and white defendants account for only 29.2% (744) of the total
sample.

Given the skewed distributions of race and gender in the Rivertown
sample, it is obvious that care must be taken when conclusions are drawn.
This is an especially critical problem when analyzing differences in the

processing of males and females as the total number of females is so small (N
= 270). However, it should be remembered that the analysis focuses on all
those cases processed through the Rivertown criminal justice system during
this time period. Therefore, because we are dealing with the universe of
cases for Rivertown, low numbers and skewed distributions will not affect the
validity of the findings for Rivertown itself; however, inferences to other
defendant populations remain problematic.

Of the 2,552 cases processed in Rivertown, 29.4% (750) were dismissed, 3%
(76) were found not guilty by a judge or jury, 41.6% (1062) pled guilty to the
original charge, 22.4% (570) pled to a reduced charge, and 3.6% (92) were
found guilty by judge or jury. As noted in Table 2, females were less likely
than males to be dismissed and to go to full trial (found guilty or not
guilty). Females were more likely than males to plead guilty to either the
original or a reduced charge. Stratifying by race, we find that blacks were a
little more likely than whites to be dismissed, to go to a full trial, and to
plead to the original charge. Whites were more likely than blacks to plead
guilty to a reduced charge. Looking simultaneously at the race and gender of
defendants, we find discrepancies. Over half (51.6%) of the black females
pled to the original charge while only 38.6% of the white females did the
original. Thus the high rate of pleas of guilt to the original charge by
females is in fact due to the black females alone. However, race does not
differentiate among males' final dispositions. Both white and black males
were dismissed more frequently than females.

INDICATORS

In the analyses of conviction, plea bargaining, and sentencing decisions,
we will investigate the extent to which the indicators noted in Table 1 can
account for variations in the processing of defendants through the Rivertown

Table 2

Final Disposition by Race, Gender, and Race And Gender

	Dismissed	Found Not Guilty	Pled to Original Charge	Pled to Reduced Charge	Found Guilty
Whites 100% (N=745)	28.5% (212)	1.7% (13)	40.5% (302)	26.1% (194)	3.2% (24)
Blacks 100% (N=1805)	29.8% (537)	3.5% (63)	42.1% (761)	20.8% (376)	3.8% (68)
N=2552					p=.000
Males 100% (N=2280)	29.9% (683)	3.1% (71)	41.0% (934)	22.1% (503)	3.9% (89)
Females 100% (N=270)	24.8% (67)	1.9% (5)	47.4% (128)	24.8% (67)	1.1% (3)
N=2550					p=.000
White Males 100% (N=645)	28.8% (189)	1.7% (1)	40.6% (266)	25.5% (167)	3.4% (22)
Black Males 100% (N=1624)	30.3% (493)	3.7% (60)	41.1% (668)	20.7% (336)	4.1% (67)
White Females 100% (N=88)	24.2% (23)	2.3% (2)	38.6% (34)	30.7% (27)	2.3% (2)
Black Females 100% (N=182)	24.1% (44)	1.6% (3)	51.6% (94)	22.0% (40)	.5% (1)
N=2539					p=.000

*numbers in parentheses are N values.

criminal justice system. Table 3 shows the distributions of these indicators.

We will briefly discuss these distributions for the total Rivertown sample and by gender.

Table 3

Distribution of Independent Variables for Total Sample and by Gender

Predictors	Total % N	Males % N	Females % N	Signif.
EVIDENCE INDICATORS				
Number of Witnesses	100 (2552)	100 (2282)	100 (270)	.2133
4 or less	27.4 (699)	26.9 (614)	31.9 (86)	
5 to 6	34.2 (875)	34.6 (790)	31.1 (84)	
More than 6	38.4 (978)	38.5 (878)	37.0 (100)	
Type of Witnesses	100 (2539)	100 (2271)	100 (268)	.0000
Police-Lay	37.1 (943)	37.7 (842)	37.7 (101)	
Police-Expert	12.5 (318)	12.6 (286)	11.9 (32)	
Police Only	18.0 (457)	16.5 (375)	30.6 (82)	
Combination	32.3 (821)	33.8 (768)	19.8 (53)	
OFFENSE INDICATORS				
Type of Offense	100 (2411)	100 (2169)	100 (242)	.0000
Person	31.5 (759)	32.9 (714)	18.6 (45)	
Property	47.7 (1152)	46.4 (1006)	60.6 (146)	
Victimless	20.8 (500)	20.7 (449)	21.1 (51)	
Seriousness (Case Midpoint)	100 (2491)	100 (2233)	100 (258)	.0000
2 yrs. or less	24.4 (607)	24.4 (544)	24.4 (63)	
3 to 5 yrs.	15.1 (375)	13.7 (307)	26.4 (68)	
6 to 10 yrs.	21.3 (530)	20.7 (462)	26.4 (68)	
11 to 13 yrs.	18.8 (468)	20.3 (453)	5.8 (15)	
More than 13 yrs.	20.5 (511)	20.9 (467)	17.1 (44)	
Type and Seriousness	100 (2381)	100 (2142)	100 (239)	.0000
Serious Person	24.7 (589)	26.0 (558)	13.0 (31)	
Nonserious Person	6.9 (164)	7.1 (151)	5.4 (13)	
Serious Property	11.7 (279)	12.9 (275)	1.7 (4)	
Nonserious Property	35.7 (849)	33.1 (709)	58.6 (140)	
Serious Victimless	7.7 (183)	7.1 (152)	13.0 (31)	
Nonserious Victimless	13.3 (317)	13.8 (297)	8.4 (20)	

Predictors	Total % N		Males % N		Females % N		Signif.
Number of Charges	100	(2541)	100	(2273)	100	(268)	.0663
One Charge	69.5	(1765)	70.1	(1592)	64.6	(173)	
More than one	30.5	(776)	29.9	(681)	35.4	(95)	
PAST RECORD							
Conviction History	100	(2552)	100	(2282)	100	(270)	.0000
No prior record	73.5	(1876)	71.8	(1637)	88.5	(239)	
Prior record	26.5	(676)	28.2	(645)	11.5	(31)	
PROCESS INDICATORS							
Time in the System	100	(2547)	100	(2277)	100	(270)	.0000
3 mths or less	30.5	(777)	29.6	(674)	28.1	(103)	
4 to 6 mths	35.9	(914)	35.5	(809)	38.9	(105)	
More than 6 mths	33.6	(856)	34.9	(794)	23.0	(62)	
Continuances	100	(2550)	100	(2280)	100	(270)	.0000
One	39.3	(1001)	37.8	(862)	51.5	(139)	
2 to 3	30.5	(779)	30.8	(703)	28.1	(76)	
More than 3	30.2	(770)	31.4	(715)	20.4	(55)	
Judge Caseload	100	(2519)	100	(2250)	100	(269)	.008
Large	26.5	(667)	25.9	(583)	31.2	(84)	
Medium-Large	24.6	(620)	24.1	(543)	28.6	(77)	
Medium-Small	21.8	(549)	22.0	(493)	20.8	(56)	
Small	27.1	(683)	28.0	(631)	19.3	(52)	
Prosecutor Caseload	100	(2551)	100	(2281)	100	(270)	.7816
Large	24.9	(635)	24.7	(563)	26.7	(72)	
Medium-Large	24.0	(612)	24.1	(549)	23.3	(63)	
Medium-Small	26.1	(665)	25.9	(592)	27.0	(73)	
Small	25.0	(639)	25.3	(577)	23.0	(62)	
Type of Attorney	100	(1833)	100	(1638)	100	(195)	.2653
Private	41.0	(750)	40.5	(663)	44.6	(87)	
Public Defender	59.0	(1083)	59.5	(975)	55.4	(108)	

Predictors	Total % N		Males % N		Females % N		Signif.
PERSONAL INDICATORS							
Age of Offender	100	(2547)	100	(2277)	100	(270)	.0000
21 or younger	37.5	(954)	39.3	(896)	21.9	(58)	
22 to 30 yrs.	41.3	(1052)	40.0	(910)	52.6	(142)	
Older than 30	21.2	(541)	20.7	(471)	25.9	(70)	

Evidence. One factor that may affect decisions concerning the defendants' status as they move through the Rivertown criminal justice system is the strength of the prosecutors' case or, in other words, the quality and quantity of evidence against the defendants. Several indicators of the defendants' guilt may be gathered by the prosecution. The Rivertown Promis data provide information on the type and number of witnesses available in each case. As indicated in Table 3, over 72% of the cases had more than five witnesses. The data also provide information as to whether the witnesses against the defendants were arresting or assisting police officers, lay witnesses, chemists, special police officers, handwriting experts, or fingerprint experts. As shown in Table 3, the most frequent types of witnesses available are a combination of police and lay followed by a more inclusive combination of types. Cases based on the exclusive evidence of policemen or of policemen and experts are rarer.

Offense. Another factor which may affect the defendants' chances of being convicted, pleading guilty to a reduced charge, or being sentenced to prison pertains to characteristics of the offense the defendants were charged with. Several different methods of classifying the type and seriousness of the crime will be used in this study.

It should be noted that if the defendant was charged with more than one offense, as is the case with 30.5% (775) of the Rivertown defendants, only the most serious charge will be used in the analysis.[3] This makes the analysis more manageable without neglecting the effect of offense seriousness on court decisions.

The distribution of the most serious offense charged to Rivertown defendants is presented in Table 4. As indicated, robbery dominates violent crimes against people accounting for 14% of all the crimes charged to Rivertown defendants. The property crimes of burglary and larceny account for over 38% of the charges brought against Rivertown defendants. Among victimless crimes, while few defendants were charged with prostitution (.9%), fully 10% were charged with weapons possession and 8.7% with drug offenses.

In most of the analyses, we will group the offenses into three categories: person, property, or victimless.[4] The distribution of these categories is shown in Table 3.

Another variable was constructed to reflect the seriousness of the offense irrespective of the type (person, property, victimless). The minimum

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[3]When the defendant was charged with only one offense, that offense was of course used as the Most Serious Charge. When the defendant was charged with more than one crime, the Most Serious Charge was arrived at by ranking the charges according to the seriousness index used by the FBI. In those few cases in which the multiple charges fell into the same FBI seriousness category, the sentence that is allowable by law was used as a criterion for the selection of the Most Serious Charge. Specifically, the minimum and maximum sentence defined in the State statute were averaged to get a score that could be used as an objective indicator of how serious the crime was regarded in the State. (See the Measurement Index for a more complete description of the Midpoint variable.)

[4]In the Property category are all those offenses which fall into the FBI categories five, six, eight, ten and eleven. Arson was excluded because it was unclear whether only property was involved or whether human life was threatened as well. In the victimless category are all those charged with carrying and possession of weapons, drugs, and non-assaultive sex offenses. Note that the FBI category "Other" was dropped from this classification.

Table 4

FBI Crime Categories

Categories	%	N
1. Homicide (1st and 2nd degree murder, manslaughter)	2.7	(70)
2. Sexual Assault (rape, forcible sodomy, assault with intent to ravish)	3.3	(84)
3. Robbery (armed and unarmed)	14.0	(358)
4. Assault (aggravated and simple)	9.7	(248)
5. Burglary (occupied and unoccupied)	19.0	(485)
6. Larceny (simple and petty)	19.7	(503)
7. Arson (1st and 2nd degree)	.9	(22)
8. Fraud and Forgery (uttering and publishing, all forgery and fraud crimes)	5.1	(130)
9. Embezzlement (there were no embezzlement cases in Rivertown)	0.0	(0)
10. Stolen Goods (receiving and concealing stolen property)	.4	(11)
11. Destruction of Property	.0	(1)
12. Weapons (possession)	10.1	(257)
13. Sex Offenses (prostitution)	.9	(22)
14. Drug Offenses (possession, sale, and delivery)	8.7	(221)
99. Other (obstruction of justice, bribery, kidnapping, others)	5.4	(138)
TOTAL	100	(2550)

sentence and the maximum sentence specified by the State statutes were averaged to get a score taken to indicate the State's objective attribution of seriousness to each offense (see Appendix for details on this measure). The distribution of this seriousness indicator, Case Midpoint, is shown in Table 3.

A cross classification of offense type and seriousness yields a more detailed offense indicator. Crimes with a midpoint of ten or more years were classified as serious and those with a midpoint of less than ten years as nonserious. This cut-off point was selected because the bivariate distribution of Type of Offense and Case Midpoint showed a natural break at ten years for all types of offenses. Table 5 shows the distribution of the Most Serious Charges in our sample according to this new variable.

Table 5

Distribution of Type and Seriousness of Offenses

	%	N
Serious Person Crimes (includes 1st and 2nd degree murder, forcible rape and sodomy, armed and unarmed robbery, and aggravated assault)	24.7	(589)
Nonserious Person Crimes (includes manslaughter (accidental), attempted assault, simple assault, and attempted robbery)	6.9	(164)
Serious Property Crimes (includes burglary of occupied dwelling or while carrying weapon)	11.7	(279)
Nonserious Property Crimes (includes attempted burglary, burglary of unoccupied dwelling, petty and simple larceny, uttering and publishing, insufficient funds, all forgery and fraud charges, and receiving and concealing stolen property)	35.7	(849)
Serious Victimless Crimes (includes promoting prostitution, possession, sale, and delivery of narcotics, some weapons charges)	7.7	(183)
Nonserious Victimless Crimes (includes CCW, possession, sale and delivery of soft drugs including marijuana and Schedule 3, 4, 5 drugs, and prostitution)	13.3	(317)
TOTAL	100	(2381)

Multiple charges are taken to indicate a more serious case against the defendant than a single charge. In Rivertown, 69.5% (1765) of the defendants were charged with one offense while 30.5% (776) were charged with two or more offenses.

Past Record. A factor that may affect decisions on the final disposition of a case, plea bargaining, and sentencing is the past criminal record of the defendant. From the Rivertown Promis data, it is possible to determine whether the defendant was previously convicted of a crime; however, information as to the recency and seriousness of the prior conviction(s) is unavailable. In the present sample 26.5% (1876) of the defendants had at least one prior criminal conviction.

Process. There is some evidence, accumulated from prior court studies, that certain aspects of the criminal justice process affect decision outcomes. In this study we will investigate the effect that the type of defense the defendant has access to, the size of the prosecutor and judge caseloads as well as the number of continuances and time spent in court, have on convictions, plea bargaining and sentencing.

Time in the system is defined as the number of months it took to process the defendant through the court system from the time of papering until the time the final disposition (dismissed, guilty, not guilty) was handed down by the prosecutor or judge. The distribution of this time variable is indicated in Table 3.

As noted in Table 3, 39.3% (1001) of all defendants' cases went through one or no continuance, 30.5% (779) went through two to three continuances, and 30.2% (770) went through more than three. It should be noted that time in the system is highly correlated with the number of continuances the defendants' case went through before a final disposition was reached (r=.67).

As will be more extensively discussed in our analyses of decision outcomes, bureaucratic efficiency pressures may have an effect on judicial decision makers. Blumberg (1967) suggests that pressure on judges and prosecutors to handle a large number of cases may lead to increased rates of

plea bargaining and dismissals.[5] In order to assess the effect efficiency

pressures may have on Rivertown decision makers, we constructed two variables

that separate judges and prosecutors according to the number of cases they

processed during the period studied. The resulting variables met the criteria

of having quantitatively distinct categories while maintaining fairly even

distributions.

The distribution of judges by caseload is shown in Table 3. In the Large

Caseload category are all the judges who processed between 287-380 cases. In

the Medium-Large Caseload category are all those who handled from 191-242

cases. In the Medium-Small Caseload category are all those who processed

between 125-156 cases and in the Small Caseload category are all those who

processed between 1 to 101 cases.

The distribution of prosecutors according to the number of cases they

processed during this period is also indicated in Table 3. In the Large

Caseload category are all those who handled 163 to 273 cases. In the Medium-

Large Caseload category are all those who handled from 105-148 cases. In the

Medium-Small Caseload category are all those who processed between 55 and 104

cases. In the Small Caseload category are all those who processed between 1

and 54 cases. Again, it should be noted that decisions on where to draw the

lines between the different size caseloads were guided mainly by concerns with

the evenness of the distribution.

The way in which defendants are assigned to judges and prosecutors is an

important consideration for the interpretation of the relationships between

caseloads and decisions concerning the defendants' status as they move through

the system. If the cases were randomly assigned to decision makers, then the

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[5]Abraham Blumberg, Criminal Justice, Quadrangle Books, Inc.: Chicago,
1967.

interpretation of these relationships are fairly straightforward. However,

Rivertown authorities have indicated that cases were not randomly assigned

during this time period. Instead, the more difficult cases were handled by

those with small caseloads and the "easier" cases were assigned to those with

larger caseloads. While Rivertown authorities could not specify the exact

criteria by which a case was labelled "easy" or "difficult," they suggested

that the defendants' past criminal history, and the seriousness, type and

number of charges entered in that evaluation.

As Tables 6 and 7 indicate, there are significant relationships between

the number of cases processed by the judges and prosecutors and the types of

defendants they processed. For both types of judicial decision makers, those

who processed a small number of cases dealt most often with defendants charged

with serious person offenses while those who processed a large number of cases

had a load predominantly composed of defendants charged with property

offenses, both serious and nonserious. Also, defendants charged with multiple

offenses and those with prior criminal records were most often assigned to

judges and prosecutors carrying small caseloads. Random assignment of cases

cannot, therefore, be assumed.

Whether a defendant is able to retain a private attorney or must rely on

a public defender may affect the defendants' chances of being convicted,

bargaining, and being committed. Unfortunately, information on the type of

attorney that represented the defendant is missing for 719 cases. It may be

that some of these missing cases actually reflect instances where the

defendant was without an attorney. However, we cannot discern which cases

reflect missing data or missing attorneys. The missing cases seem to be

randomly dispersed among male and female defendants but information on the

type of attorney is missing most often for cases dismissed. Thus this limits

Table 6

Size of Judges' Caseload and Type of Seriousness of Offense

Size	Total		Serious Person		Nonserious Person		Serious Property		Nonserious Property		Serious Victimless		Nonserious Victimless	
	%	N	%	N	%	N	%	N	%	N	%	N	%	N
Large	100	(627)	8.1	(51)	7.0	(44)	13.2	(82)	44.0	(276)	7.8	(49)	19.9	(125)
Md. Large	100	(572)	24.1	(138)	5.2	(30)	11.0	(63)	39.6	(226)	6.5	(37)	13.6	(78)
Md. Small	100	(522)	37.7	(197)	7.8	(40)	10.3	(54)	26.6	(139)	9.2	(48)	8.4	(44)
Small	100	(637)	30.6	(195)	6.8	(43)	12.6	(80)	32.0	(204)	7.4	(47)	10.6	(68)

Total N = 2358
p = .000

Table 7

Size of Prosecutors' Caseload by
Type and Seriousness of Offense

Size	Total		Serious Person		Nonserious Person		Serious Property		Nonserious Property		Serious Victimless		Nonserious Victimless	
	%	N	%	N	%	N	%	N	%	N	%	N	%	N
Large	100	(603)	9.8	(59)	7.1	(43)	12.4	(75)	43.0	(259)	10.1	(61)	17.6	(106)
Md. Large	100	(571)	19.4	(111)	7.0	(40)	13.0	(74)	40.5	(231)	5.4	(31)	14.7	(84)
Md. Small	100	(611)	28.3	(172)	8.2	(50	11.0	(67)	31.6	(193)	9.0	(55)	12.2	(74)
Small	100	(598)	41.1	(246)	5.4	(32)	10.7	(64)	27.9	(167)	6.0	(36)	8.9	(53)

Total N = 2383
p = .000

the conclusions that can be drawn about the relationship between type of attorney and convictions. Of those defendants for which information on the type of attorney is available, 41.0% (750) retained a private attorney while 59% (1083) were represented by a public defender.

Personal Background. Studies evaluating the fairness of the justice system have investigated the treatment of defendant groups with different status. The overriding hypothesis in such research is that deprived groups, such as the poor, the black, the young and women, are expected to be more severely treated for the same crimes than members of more powerful groups. It will be therefore relevant to look at the effects of the defendants' gender, race, and age on the courts' decisions.

The distribution of race in the Rivertown sample is itself highly illuminating. Black defendants account for 70.8% (1808) of the total defendant sample while they account for only 40.9% of the general population of Rivertown. Males make up 89.4% (2282) of the total sample whereas females account for only 10.6% (270) of the cases processed during this time period.

The distribution of race and gender in the Rivertown sample as shown in Table 8 indicates that black males dominate the system. They account for 63.7% of the total sample while white females account for a mere 3.4%. As indicated in Table 3, while the largest proportion of defendants were between 22 and 30 years old, a large number of youth (21 or younger) were also charged with felonies in Rivertown.

Table 8

Race and Gender	%	N
White Males	25.6	(656)
Black Males	63.6	(1626)
White Females	3.4	(88)
Black Females	7.1	(182)
Total	100	2552

DISTRIBUTION OF INDICATORS BY GENDER

Women have traditionally been referred in disproportionately low numbers to criminal courts.[*] Rivertown conforms to this pattern since only 10.6% (270) of all cases processed were female defendants. As suggested earlier, a major goal of this study is to investigate different patterns of processing that characterize the experiences of certain types of defendants paying particular attention to differences in the processing of male and female defendants. In Table 3 the distribution of indicators by gender is given. Differences in the structure of the male and female subsample will be noted subsequently.

Evidence. While males and females do not significantly differ as to the number of witnesses available in their case, there are significant differences by gender as to the type of witnesses. Females were much more likely than males to have had only police as witnesses whereas males were more likely to have had a combination of witnesses (see Table 3).

[*] See "The Female Offender in Washington, D. C. Revisited," Josefina Figueira-McDonough, for a more thorough discussion of this topic.

Offense. Table 9 shows that the difference in the types of crimes males and females were charged with in Rivertown is statistically significant (p=.00).

Table 9

FBI Crime Categories by Gender

	Males %	N	Females %	N
1. Homicide	2.6	(60)	3.7	(10)
2. Sexual Assault	3.7	(84)	0.0	(0)
3. Robbery	15.1	(344)	5.2	(14)
4. Assault	10.0	(227)	7.8	(21)
5. Burglary	20.9	(477)	3.0	(8)
6. Larceny	19.1	(435)	25.2	(68)
7. Arson	.9	(20)	.7	(2)
8. Fraud/Forgery	2.8	(63)	24.8	(67)
10. Stolen Goods	.4	(10)	.4	(1)
11. Destruction of Property	.0	(1)	.0	(0)
12. Weapons	10.8	(246)	4.1	(11)
13. Sex Offenses	.8	(19)	1.1	(3)
14. Drug Offenses	8.1	(184)	13.6	(37)
99. Other	4.8	(110)	10.4	(28)
TOTAL	100	(2250)	100	(270)

p = .000

Males were three times more likely than females to be charged with robbery, over six times as likely to be charged with burglary, and more than twice as likely to be charged with a weapons offense. However, females were almost _twelve_ times more likely than males to be charged with fraud/forgery

and were significantly more likely to be charged with drug offenses. It is noteworthy that half (50%) of the charges brought against females can be accounted for by two types of offenses, larceny and fraud/forgery.

Differences are also found when looking at the distribution of types of charges by race and gender. From inspection of Table 10 it appears that robbery was a "black man's" crime since black men were approximately twice as likely as the other groups to be charged with this offense; larceny was a "black woman's crime" with 28% of black female defendants being charged with this offense. Weapons charges were most often brought against black males with white males following significantly behind. Drug offenses could be considered a "white defendant's crime". It is interesting to note that 30.7% of white females were charged with drug offenses, and white males were over twice as likely to be charged with this type of offense than were black males and females. Finally, burglary was definitely a male's crime, with white males being slightly overrepresented, while fraud/forgery and larceny were definitely female crimes with a large overrepresentation of black females.

The difference between males and females when the FBI categories are collapsed remains statistically significant (p=.00). As indicated in Table 3, females were much less likely than males to be charged with person offenses and more likely to be charged with property offenses. The difference on the property category is undoubtedly due to the relatively large percentage of females who were charged with fraud/forgery offenses.

Males and females significantly differ as to the seriousness of the offenses brought against them (p=.00). Females were more often charged with the less serious offenses whereas males often with the more serious crimes. This is consistent with the gender differences found on the FBI crime index.

Table 10

FBI Crime Categories by Race and Gender

	White Males		Black Males		White Females		Black Females	
	%	N	%	N	%	N	%	N
1. Homicide	1.5	(10)	3.1	(50)	1.1	(1)	4.9	(9)
2. Sexual Assault	2.9	(19)	4.0	(65)	0.0	(0)	0.0	(0)
3. Robbery	9.6	(63)	17.3	(281)	5.7	(5)	4.9	(9)
4. Assault	11.3	(74)	9.4	(153)	6.8	(6)	8.2	(15)
5. Burglary	22.2	(145)	20.4	(332)	3.4	(3)	2.7	(5)
6. Larceny	17.4	(114)	19.8	(320)	19.3	(17)	28.1	(51)
7. Arson	1.5	(10)	.6	(10)	1.1	(1)	.5	(1)
8. Fraud/Forgery	3.2	(21)	2.6	(42)	19.3	(17)	27.6	(50)
10. Stolen Goods	.8	(5)	.3	(5)	0.0	(0)	.5	(1)
11. Destruction of Property	.2	(1)	.0	(0)	.0	(0)	.0	(0)
12. Weapons	7.5	(49)	12.1	(197)	2.3	(2)	4.9	(9)
13. Sex Offenses	1.1	(7)	.7	(12)	1.1	(1)	1.1	(2)
14. Drug Offenses	14.4	(94)	5.5	(90)	30.8	(27)	5.6	(10)
99. Other	6.4	(42)	4.2	(68)	9.1	(8)	11.0	(20)
TOTAL	100	(654)	100	(1625)	100	(88)	100	(182)

p = .000

Furthermore, the difference between males and females when the type and seriousness of the offense are both taken into consideration is statistically significant as well. The large difference between males and females noted in Table 3 on serious person crimes is largely due to the high proportion of men charged with robbery. Women were much more often charged with property crimes than men (59% vs. 33%). Male defendants, however, dominate the serious

property category. This is undoubtedly due to the comparatively large number of males charged with burglary. Another important difference is that females were more often charged with serious victimless crimes while males were more often charged with nonserious victimless offenses. This is understandable since females were more often charged with narcotics charges and males with weapons offenses, and these latter offenses carry lower sentences than narcotic offenses (State Statue, 1978).

Females were charged with multiple offenses more often than males. Our data indicate that, for women, multiple charges were predominantly attached to fraud/forgery or larceny charges. On the other hand, for males multiple charges were associated with robbery offenses.

Past Record. In the present sample a significantly larger proportion of male defendants had a past conviction record as compared to female defendants.

Process. Males spent more time than females in the system before their case was disposed of. Also, males were more likely than females to have gone through a large number of continuances before final disposition.

While the size of the prosecutors' caseload did not differ by defendants' gender, the size of the judges' caseload did. As indicated in Table 3, females were processed by judges who handled large numbers of cases more often than males. Since judges who processed many cases were most often assigned nonserious cases, this gender association might be spurious. Because males were both more likely than females to be charged with serious person offenses and to have a prior record, it can reasonably be expected that they were more often assigned to judges with small caseloads.

Personal Background. The difference in age between males and females is statistically significant (p=.00). It can be verified in Table 3 that female defendants tend to be older than male defendants.

Summary. Gender differences exist across all the different types of indicators. Females were more likely than males to have had only police as witnesses while males were more likely to have had a combination of different types of witnesses against them (Evidence Indicators).

The most notable differences refer to type and seriousness of the charges. Males were three times more likely than females to be charged with robbery, six times as likely to be charged with burglary, and twice as likely to be charged with a weapons offense. Females were almost twelve times more likely than males to be charged with fraud/forgery and were significantly more likely to be charged with larceny offenses. Thus, fraud/forgery and larceny can be referred to as female dominated offenses since a disproportionate number of females were charged with these offenses. Consistent with the FBI Index, we found that females were much less likely than males to be charged with person offenses in general, and more likely to be charged with nonserious property offenses and serious victimless offenses, i.e. drug offenses.

Women were also more often charged with multiple offenses, usually multiple fraud/forgery or larceny charges. Male defendants were over twice as likely as their female counterparts to have had a prior record. Males spent more time in the system and went through more continuances than did females. Also, men were more likely to have their cases processed by judges with small caseloads while women were more often assigned to judges with large caseloads. No gender differences were found on the type of attorney representing the defendant. Finally, male defendants in our sample tend to be younger than female defendants.

In the remainder of this paper, we will examine final dispositions, plea bargaining, and sentencing decisions separately. In interpreting the results of the subsequent bivariate and multivariate analyses it is important to keep in mind the different structure of the male and female subsample.

1. FINAL DISPOSITIONS

The first aspect of processing we will explore is whether the final disposition of the defendants' case resulted or not in a conviction. In Rivertown, 67.6% (1724) of all defendants were convicted while 32.4% (826) were either found "not guilty" or dismissed. Defendants convicted were all found guilty by jury or judge or pled guilty to either the original charge or a reduced charge.

In the following analysis we will investigate the extent to which the Rivertown criminal justice system adheres to the principles of the justice model when conviction decisions are made. According to the justice model convictions depend on strong substantiation of guilt. Thus, the more witnesses the prosecutor could call upon to substantiate the defendants' guilt, the greater the likelihood of conviction. Furthermore, the quality of evidence against the defendants should affect the probability of conviction. Consequently the type of witnesses against the defendants should also be related to the defendants' final disposition. Experts who could testify to the defendants' guilt or a combination of different types of witnesses may be seen as having greater credibility than regular police officers and lay witnesses.

While operation under a justice model suggests that the type and seriousness of the offense the defendant is charged with should not influence decisions regarding the defendants' guilt, the spirit of the justice model suggests that prosecutors and judges should be more motivated to scrutinize

closely serious offenses and less willing to easily dismiss such cases. This orientation would be expected to lead to a higher conviction rate of serious than nonserious offenses.

While operation under a justice model assumes that the defendants' past criminal record should in no way influence decisions concerning the defendants' guilt for a current charge, it may be that decision makers are less willing to assume innocence when the defendants have a prior criminal conviction. Subjecting repeaters to stricter examination might lead to higher conviction rates for this group of defendants.

According to a justice model, the criminal justice system should operate in a way that ensures no relationship between process patterns and final dispositions. To the extent that process characteristics such as "time in court" and number of continuances affect dispositions, positively or negatively, this shall be considered evidence contrary to the justice model.

While in principle aspects of the criminal justice system itself should in no way influence the defendants' chances of being convicted, Blumberg (1967) has found that bureaucratic pressures encourage judicial decision makers to quickly process vast numbers of defendants leading to high dismissal and plea bargaining rates. We shall investigate whether Rivertown follows the principles of the justice model or responds to the pressures of expedient processing.

The justice model precludes the assertion that the defendants' access to money or power influences their chances of conviction, however, Casper (1971) and others have found that retaining a private attorney significantly increases the defendants' chances of a favorable disposition.[7] In our

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[7]See "Court Process in Plainfield" for a more complete discussion of this effect.

analysis we will examine the effect the type of attorney that represented the defendants had on the defendants' chances of being convicted in Rivertown.

Finally, most of the studies challenging the validity of the justice model have looked at how groups of defendants are treated differently in the criminal justice system, that is, how the defendants' chances of conviction vary with their race, gender, and age. If these characteristics are found to influence court decision making, then the premise of equality of treatment basic to the justice model cannot be assumed. In the subsequent analysis we will investigate if defendants of lower status were treated more harshly than defendants of higher status by the Rivertown criminal justice system. That is, we will compare dispositions of females, blacks, and young defendants with those of their more powerful counterparts.

BIVARIATE ANALYSIS

Evidence. If the Rivertown criminal justice system was operating according to the justice model, then the quality and quantity of evidence against the defendants should determine whether the defendants are convicted or not. Thus, we should find that the more witnesses the prosecution could call upon to help substantiate the defendants' guilt, the greater the likelihood of conviction. As indicated in Table 11, for the total sample, the relationship between the number of witnesses and the defendants' chances of being convicted is not statistically significant (p=.3138).

However, one could argue that it is not so much the quantity of the evidence, but the quality that affects the probability of being convicted. If so, then the type of witnesses against the defendants should be related to the defendants' final disposition. As indicated in Table 11, the presence of experts (chemists, handwriting experts, fingerprint experts, etc.) as witnesses increases the chances of conviction. Also, access to a variety of

types of witnesses appears to have strengthened the prosecutor's case and led to a greater number of convictions. Thus, the justice model is partially supported by the Rivertown Promis data.

Offense. Under the assumptions of the justice model, defendants' chances of being convicted should either not vary with the type of offense they are charged with or prosecutors should be most motivated to ensure convictions when processing serious offenses. Thus, if the Rivertown criminal justice system was operating according to a justice model, defendants charged with person offenses should show a higher conviction rate than those charged with property and victimless offenses. Relatedly, those charged with property offenses should stand a higher chance of conviction than those charged with victimless offenses. Such association was not found in Rivertown. Instead, the evidence in Table 11 supports Rhodes' (1978) findings that conviction rates decrease as the seriousness of the offense increases.

In Table 12 the association between a more detailed typology of crimes and convictions is shown. All the different types of person crimes were less likely to receive guilty dispositions than property and victimless offenses. The comparison between victimless and property crimes reveals that while drug charges were more likely to lead to convictions than is the case with property offenses, the reverse is true of weapons and non-assaultive sex offenses.

A more complete picture of the association between offense and disposition can be obtained by looking at the defendants' chances of being convicted simultaneously by type (person, property, victimless) and seriousness (Case Midpoint) of the offense. As indicated in Table 11, the finding that defendants charged with more serious offenses had a lower conviction rate seems to hold only for property offenses. Serious person and victimless offenses were more likely to result in convictions than were·

Table 11

Percent Convicted - Total Sample and By Gender
% Guilty

	Total % N	Males % N	Females % N	Signif.
EVIDENCE INDICATORS				
Number of Witnesses				.313
4 or less	69.8 (699)	67.7 (613)	84.9 (86)	.0006
5 or 6	67.2 (873)	66.8 (789)	71.4 (84)	.3845
More	66.4 (978)	66.5 (878)	65.0 (100)	.7620
Type of Witnesses				.005
Police-Lay	64.6 (942)	63.6 (841)	73.3 (101)	.0505
Police-Expert	70.3 (317)	70.9 (285)	65.6 (32)	.5425
Police Only	66.4 (457)	63.7 (375)	78.0 (82)	.0105
Combination	70.5 (820)	70.5 (767)	69.8 (53)	.9113
OFFENSE INDICATORS				
Type of Offense				.000
Person	59.2 (759)	59.4 (714)	55.6 (45)	.6137
Property	69.8 (1150)	68.7 (1004)	77.4 (146)	.0289
Victimless	74.8 (500)	73.7 (449)	84.3 (51)	.0839
Seriousness and Type of Offense				.000
Serious Person	59.6 (589)	60.0 (558)	51.6 (31)	.3560
Nonserious Person	56.7 (164)	56.3 (151)	61.5 (13)	.7128
Serious Property	68.5 (279)	68.4 (275)	75.0 (4)	.7721
Nonserious Property	71.0 (849)	69.7 (709)	77.9 (140)	.0463
Serious Victimless	81.4 (183)	80.3 (152)	87.1 (31)	.3551
Nonserious Victimless	71.0 (317)	70.4 (297)	80.0 (20)	.3419
Number of Charges				.426
One	68.1 (1765)	68.3 (1592)	66.5 (173)	.6299
More than one	66.5 (776)	63.9 (681)	85.3 (95)	.0000

	Total % N	Males % N	Females % N	Signif.
PAST RECORD				
Conviction History				.424
No Prior Conviction	68.1 (1875)	67.1 (1636)	74.5 (239)	.0203
Prior Conviction	66.4 (675)	66.5 (644)	64.5 (31)	.8237
PROCESS INDICATORS				
Time in the System				.000
3 mths. or less	51.9 (777)	49.1 (674)	69.9 (103)	.0001
4 to 6 mths	75.9 (914)	75.8 (809)	77.1 (105)	.7561
More than 6 mths	73.2 (856)	73.3 (794)	65.5 (62)	.3063
Judges Caseload				.000
Large	67.5 (667)	65.5 (583)	81.0 (84)	.0033
Medium-Large	61.3 (620)	60.2 (543)	68.0 (77)	.5879
Medium-Small	71.9 (549)	71.8 (493)	75.0 (56)	.0612
Small	72.9 (683)	73.4 (631)	67.3 (52)	.3610
Prosecutor Caseload				.000
Large	70.6 (635)	68.7 (563)	84.7 (72)	.0031
Medium-Large	51.4 (613)	51.1 (550)	54.0 (63)	.6644
Medium-Small	75.0 (663)	73.9 (590)	83.6 (73)	.0612
Small	72.7 (638)	73.3 (576)	67.7 (62)	.3610
Attorney Type				.0008
Private	76.9 (750)	76.3 (663)	81.6 (87)	.2600
Public	83.3 (1081)	83.0 (973)	86.1 (108)	.4068
Continuances				.000
One	59.5 (1001)	57.5 (862)	71.9 (139)	.0011
2-3	74.1 (779)	73.3 (703)	81.6 (76)	.1042
More than 3	71.6 (770)	72.0 (715)	65.5 (55)	.3063
PERSONAL BACKGROUND				
Age				.001
21 or younger	71.5 (954)	71.1 (896)	77.6 (58)	.2776
22 to 30 yrs old	67.5 (1052)	66.3 (910)	75.4 (142)	.0281
Older than 30	60.8 (541)	60.1 (471)	65.7 (70)	.3646

	Total % N	Males % N
Race		
White	69.7 (744)	69.5 (656)
Black	66.8 (1808)	65.9 (1627)
TOTAL	66.9 (2280)	

Table 12

FBI Crime Categories by Percent G

Homicide

Sexual Assault

Robbery

Assault

Burglary

Larceny

Arson

Fraud/Forgery

Stolen Goods

Weapons

Non-Assaultive Sex Offenses

Drug Offenses

Other

nonserious offenses of the same type. The results of t

support the assumptions of the justice model. However,

between the type and seriousness of the offense and dis

complex and not easily interpretable. The multivariate

employed in the next section will shed some light on this relationship by providing information on how the seriousness and type of the offense independently affect conviction decisions by controlling for the effects of the other predictors.

Taking multiplicity of charges as another indicator of seriousness means that cases with multiple charges are expected to have higher rates of conviction than cases with a single charge. In the Rivertown sample it was found that the number of charges was not significantly related to the defendants' chances of being convicted (p=.4260).

In sum, the evidence indicates that the more serious the crime, the less likely conviction. Person offenses result in fewer convictions than property offenses, and property offenses result in fewer convictions than victimless offenses. However, while drug offenses were likely to lead to a high conviction rate, those defendants charged with property offenses stood a greater chance of being convicted than those charged with nonassaultive sex and weapons offenses. When looking at these types of offenses stratified by seriousness (Case Midpoint), we found an interactive effect on convictions: the probability of conviction was higher for serious person and victimless offenses and for nonserious property offenses.

Past Record. Operation under a justice model assumes that defendants' "past" criminal record should not influence decisions concerning the defendants' guilt for a current charge. This premise of the justice model is upheld in Rivertown as the relationship between a defendants' criminal history and chances of being convicted is not significant (p=.4240).

Process. While aspects of the criminal justice system itself should not influence the defendants' chances of being convicted, the Rivertown data

suggest that the longer the defendants are in the system and the more continuances they go through, the greater the defendants' probability of being convicted (see Table 11). These findings replicate Figueira-McDonough's (1979) finding that prosecutors may need to justify a lengthy stay in the system by pushing for conviction and that the lengthy time supplies the prosecutor with the opportunity to gather more evidence against the defendant. However, the relationships between time in the system and number of continuances and chances of conviction are not linear. Cases with only one continuance and speedily handled have the best chance of not being convicted. The chances of being convicted are greatest when the defendants' case has been in the system four to six months and has gone through two to three continuances. Rates of conviction decrease for cases that stayed in the system more than six months and went through more than three continuances. The justice model is not supported because the time the defendants' case spent in the system and the number of continuances the case went through were found to be significantly related to the defendants' chances of being convicted.

Pressures to quickly process defendants seem also to have affected conviction decisions made by Rivertown decision makers. Judges and prosecutors with large caseloads convict less than those with small caseloads. However, as previously noted, random assignment of cases cannot be assumed since prosecutors and judges with large caseloads dealt with "easier" cases than those with small caseloads. Therefore to adequately assess the relationship between bureaucratic pressures and the probability of conviction, the defendants' past record and the number, type, and seriousness of the charges brought against the defendants will have to be simultaneously controlled for, so that the independent effect of caseload pressure can be ascertained. Presently the examination of the relationships between

prosecutor and judge caseloads and final disposition controlling for the type and seriousness of the most serious charge will be discussed. Other controls will be introduced later in the multivariate analysis.

As indicated in Tables 13 and 14, those defendants assigned to judges and prosecutors with large caseloads were less likely to be convicted when charged with person or property crimes of any level of seriousness. This relationship does not hold for defendants charged with victimless offenses. When looking at both prosecutor and judge caseloads, the relationship between the size of the decision makers' caseload and the defendants' chances of being convicted is not statistically significant for defendants charged with serious victimless offenses. For defendants charged with nonserious victimless offenses, this relationship is significant for prosecutor but not for judge caseload. Contrary to predictions, prosecutors who processed a large number of cases were more likely to convict than those who processed a small number of cases.

Table 13

Type & Seriousness of Offense
By Prosecutor Caseload - % Guilty

	Serious Person % N	Nonserious Person % N	Serious Property % N	Nonserious Property % N	Serious Victimless % N	Nonserious Victimless % N
Large	50.8 (59)	60.5 (43)	73.3 (75)	75.7 (232)	88.5 (61)	67.9 (106)
Md. Large	42.3 (111)	35.0 (40)	44.6 (74)	50.6 (231)	74.2 (31)	65.5 (84)
Md. Small	62.8 (172)	63.3 (49)	71.2 (66)	83.9 (193)	78.2 (55)	85.1 (74)
Small	67.5 (246)	68.8 (32)	87.5 (64)	77.1 (166)	80.6 (36)	66.0 (53)
Signif.	p=.000	p=.013	p=.000	p=.000	p=.301	p=.015

Table 14

Type & Seriousness of Offense
By Judge Caseload - % Guilty

	Serious Person % N	Nonserious Person % N	Serious Property % N	Nonserious Property % N	Serious Victimless % N	Nonserious Victimless % N
Large	31.4 (51)	50.0 (44)	62.2 (82)	76.1 (276)	85.7 (49)	68.8 (125)
Md. Large	55.8 (138)	46.7 (30)	58.7 (63)	59.1 (225)	78.4 (37)	73.1 (77)
Md. Small	65.0 (197)	64.1 (39)	75.5 (53)	77.7 (139)	85.4 (48)	63.6 (44)
Small	66.7 (195)	74.4 (43)	78.8 (80)	74.5 (204)	78.7 (47)	77.9 (68)
Signif.	p=.000	p=.042	p=.022	p=.000	p=.679	p=.355

Previous research has indicated that representation by a private attorney results in decisions more favorable to the defendant than other types of representation. The Rivertown data support this conclusion. About 77% (577) of the defendants with a private attorney were convicted as compared to 83% (901) of those represented by a public defender (p=.0007).

In sum, it appears that in Rivertown process characteristics are related to the defendants' final disposition. While delaying the processing of a case through many continuances seems to have been a marginally effective defense strategy, the lowest rate of conviction was associated with speedy process and one continuance. The bivariate analysis suggests that those defendants charged with person and property offenses stood a better chance of securing a favorable disposition when their cases were assigned to judges and prosecutors with large caseloads. However, caseload size showed no effect on the disposition of defendants charged with victimless crimes. Furthermore, our data suggest that having the resources necessary to retain a private attorney

strongly decreases the defendants' probability of being convicted in the Rivertown criminal justice system.

Personal Background. The defendants' race by itself does not appear to have had a significant effect on final disposition. However, as indicated in Table 15, the relationship between race and gender and final disposition is noteworthy.

Table 15

Final Disposition by Race and Gender

| | Guilty | | Not Guilty | |
	%	N	%	N
White Males	69.5	(455)	30.5	(200)
Black Males	65.9	(1071)	34.1	(553)
White Females	71.6	(63)	28.4	(25)
Black Females	74.2	(135)	25.8	(47)

p = .000

The group showing the highest rate of conviction in Rivertown was black females followed by white females and then white males. Black males had the lowest conviction rate.

The age of the defendant is significantly related to final disposition. There is an inverse linear relationship between the defendants' age and probability of conviction; e.g. the older the defendant, the lower the probability of conviction (see Table 11).

Summary. To summarize, it appears that while the quality of evidence against the defendant is taken into account when decisions concerning the defendants' guilt are made, other factors not fitting in the justice model

affect such decisions as well. The seriousness of the offenses were strongly related to the defendants' disposition. For the most part, more serious offenses resulted in lower conviction rates than less serious offenses. However, when the type of crime was taken into consideration, this relationship held only for those charged with property offenses.

Aspects of the process itself were found to strongly influence decisions concerning the defendants' guilt. The number of cases processed by Rivertown decision makers, the time spent in the system, and the number of continuances were found to relate to the probability of conviction. We also found that retaining a private attorney was a valuable resource in the Rivertown criminal justice system. Finally, it was found that personal characteristics of the defendants were associated with chances of conviction. It was found that while older defendants avoided conviction the reverse was true for black females.

BIVARIATE GENDER DIFFERENCES

In this section we will investigate whether the bivariate relationships described above differ by gender. As indicated in Table 11, a significantly higher proportion of females than males were convicted in the Rivertown criminal justice system. As discussed below, there are several significant differences between males and females on the associations between the various predictors and dispositions.

Evidence. Females were significantly more likely than males to be convicted when they had four or less witnesses against them (p=.0006). The chances of conviction were greatest for males who had experts or a combination of witnesses against them but females were convicted significantly more often than males when they had lay or police witnesses against them. It was shown

previously that decision makers do rely on the quality of evidence when making decisions concerning the defendants' guilt. However, it appears that the evidence against the defendants may be used differently when processing males as compared to females.

Offense. The relationship between crime and final disposition described for the total sample holds for males and females as defendants charged with person crimes were convicted less often than those charged with property crimes, and property crimes led to fewer convictions than did victimless crimes. However, there are some important differences between males and females. While males and females were almost equally likely to be convicted when charged with person offenses, females were significantly more likely than males to be convicted of both property and victimless crimes. The significant difference between males and females on the victimless category can be accounted for by noting that females were more likely than males to be charged with drug offenses. Controlling for specific offense, it was found that this difference in the victimless category disappeared. However, two significant and notable differences remain in the property category. Of those female defendants charged with larceny offenses, 79.4% were convicted as compared to 69.6% of the males similarly charged (p=.0877). Also, of those females charged with forgery, 77.6% were convicted while only 60.3% (38) of their male counterparts received the same disposition (p=.0322). These are important findings as they suggest that males and females are given equal treatment except when charged with crimes dominated by females, as is the case with larceny and fraud/forgery.

The relationship between the type and seriousness of the offense and chances of conviction for both genders mirrored that of the total sample with one notable exception. As noted in Table 11, females were convicted

significantly more often than males when charged with nonserious property offenses (p=.0463). This again supports the finding that for female dominated offenses (larceny and fraud/forgery), it is likely that females and males are not treated equally.[a] Indeed, noting that females dominate the nonserious property category may account for the finding that nonserious property offenses resulted in more convictions than did serious property crimes, a male dominated category.

For the total sample, the relationship between the number of offenses charged to the defendants and their chances of being convicted was not statistically significant. The same is true for the male subsample. However, female defendants were convicted most often when they were charged with multiple offenses and more importantly, females were convicted significantly more often than males when both were charged with multiple offenses. This is compounded by the fact that females, in general, were charged with multiple offenses more often than males. Also, as previously indicated, those females charged with multiple offenses were predominately charged with larceny and fraud/forgery. This reinforces previous findings indicating that female dominated offenses receive harsh treatment in the Rivertown criminal justice system.

Process. There are important gender differences in dispositions when looking at prosecutors' and judges' caseloads. As shown in Table 11, females were convicted significantly more often than males when their cases were processed by decision makers with large caseloads. As noted previously, decision makers with large caseloads processed less serious offenses than did decision makers with small caseloads. Since women are overrepresented in non

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[a] A similar finding is reported in "The Female Offender in Washington, D. C. Revisited," by Josefina Figueira-McDonough et al.

serious offenses they are more likely to be processed by decision mkaers with
large caseloads. As noted in Tables 16 and 17, females were indeed more
likely than males to be convicted of nonserious property offenses when
processed by decision makers with large caseloads. This finding provides
further evidence to suggest that females are treated differently than males
when charged with female dominated offenses.

Table 16

Size of Judges' Caseload by Gender -
Nonserious Property Crimes
% Guilty

Size of Judge Caseload	Males		Females		Signif.
	%	N	%	N	
Large	72.8	(224)	90.4	(58)	.0038
Md. Large	51.0	(208)	69.2	(39)	.1518
Md. Small	77.3	(119)	80.0	(20)	.7870
Small	76.0	(176)	65.5	(29)	.2430

Table 17

Size of Prosecutors' Caseload by Gender -
Nonserious Property Crimes
% Guilty

Size of Prosecutor Caseload	Males		Females		Signif.
	%	N	%	N	
Large	72.5	(211)	89.6	(48)	.0075
Md. Large	49.7	(195)	55.6	(36)	.5212
Md. Small	84.0	(162)	83.9	(31)	.9912
Small	76.6	(141)	80.0	(25)	.7052

Personal Background. Personal characteristics in addition to gender seem
to have affected conviction decisions. While the chances of conviction
increased for both male and female defendants as their age decreased, females
were significantly more likely than males to be convicted when they were
between 22 and 30 years old. Furthermore, black and white females were
convicted significantly more often than their male counterparts (see Table
11).

Summary. In general, we find many differences between males and females
when examining the bivariate relationships between the indicators identified
in Table 1 and final dispositions. Females were significantly more likely
than males to be convicted when they had lay or police as witnesses against
them (Evidence Indicator).

Most notable are the differences in processing males and females charged
with similar offenses. In general, our findings suggest that female
defendants are convicted more often than their male counterparts when charged
with female dominated offenses (fraud/forgery and larceny). It appears that
the relatively high rate of conviction among females charged with multiple
offenses may be accounted for by noting that those females charged with more
than one offense were likely to be those charged with female dominated
offenses (Offense Indicators).

Futhermore, the finding that defendants were less likely to be convicted
when assigned to decision makers with large caseloads does not hold for female
defendants charged with nonserious property crimes (Process Indicator). Thus,
we suggest that female defendants received different treatment from their male
counterparts when charged with female dominated offenses.

We also find that females were more likely to be convicted than males
when their case went through only one continuance and was in the system less

than three months before a final disposition was decided upon (Past Record).
Females who did not have a prior conviction to their credit were convicted
significantly more often than males with the same history (Past Record).
Finally, females between 22 and 30 years old were significantly more likely
than males to be convicted in Rivertown.

In the next section we will explore whether these gender differences
remain when the effects of all the predictors are jointly considered.

MULTIVARIATE ANALYSIS

As indicated in the preceding section, several different types of
variables are associated with the defendants' chances of being convicted in
the Rivertown criminal justice system. However, by simply noting these
associations, it is impossible to assess the independent contribution of each
variable in accounting for differences in the processing of defendants.
Therefore in this section the additive effects of the different types of
predictors will be determined through multivariate analysis.

Multiple Classification Analysis (MCA) will be used to test the additive
effects of the various independent variables on the probability of
conviction.' Through MCA, the relative importance of the different
independent variables in accounting for the variations in disposition can be
established. Also, MCA provides one with information on how a single
independent variable affects the defendants' chances of being convicted when
all other predictors are controlled for.

In the subsequent analysis, two of the predictors described in the
preceding section will be excluded. The high level of missing data on type of

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'See "The Processing of Female Offenders in Seven Major Metropolitan
Areas: A Proposal for Research" by Josefina Figueira-McDonough and Rosemary
Sarri, or "The Female Offender in Washington, D. C. Revisited" by Figueira-
McDonough et al. for a complete description of this technique.

attorney would introduce sample bias were it included in the multivariate
analysis. Also, since the time spent in the system and the number of
continuances the defendants' case went through are highly correlated (R=.67),
the time variable was excluded to avoid problems of multicollinearity.

Relative Importance of Predictors. The twelve independent variables
entered into the MCA account for 9% of the variance in final disposition. As
indicated in Table 18, the most important variables (those with betas above
.10) are size of the prosecutors' caseload, type of offense (person, property,
victimless), the number of continuances, the size of the judges' caseload, and
the age of the defendants. Thus, it appears that process dimensions have the
strongest impact on the defendants' chances of being convicted when
controlling for all other independent variables. An Offense Background
Indicator (the type of offense) and a Personal Background Indicator (the age
of the defendants) are also associated with the defendants' chances of being
convicted.

The Independent Effects of the Predictors. In this section, the effect
of those variables with betas above .10 on the defendants' chances of being
convicted will be examined (see Table 19). It is important to remember that
MCA allows one to assess the effect of each predictor on the defendants'
chances of being convicted while controlling for the effects of all the other
variables.

Basically, the relationships between the different types of indicators
and final disposition noted in the section on bivariate associations were
reaffirmed. The MCA results show that the decision makers caseload does
indeed affect the chances that the defendants will be convicted. Even when
the defendants conviction history and the number, type, and seriousness of the

Table 18

MCA
Dependent Variable: Final Disposition

Betas

O=Not Guilty
1=Guilty

Independent Variables	Total Sample	Males	Females
Size of Prosecutor Caseload	.19	.18	.24
Type of Offense (Person, Property, Victimless)	.13	.12	.27
Number of Continuances	.13	.14	.11
Size of Judge Caseload	.10	.12	.17
Age of Offender	.10	.10	.15
Gender	.06	--	--
Seriousness of Offense	.04	.04	.08
Type of Witnesses	.04	.05	.16
Race	.03	.04	.006
Conviction History	.01	.007	.006
Number of Witnesses	.008	.02	.11
Number of Charges	.005	.03	.19
Adjusted R^2	9%	9%	19%
N	2351	2112	239

charge(s) against the defendants are controlled for, those decision makers who processed a large number of cases were less likely to convict than those with small caseloads. However, prosecutors who fell into the Medium-Large caseload category were even less likely to convict than those who fell into the Large caseload category. It may be that other qualitative factors characterize "easy" and "difficult" cases beyond the defendants' conviction history and the number, type and seriousness of the offense, so that prosecutors who fell into

Table 19

Adjusted Means: Final Disposition

Variables with betas above .10
Dependent Variable: Final Disposition
(O=Not Guilty 1=Guilty)

PROSECUTORS' CASELOAD	Large	Md. Large	Md. Small	Small
Total	.71	.52	.75	.73
Males	.70	.52	.74	.73
Females	.76	.56	.85	.78

TYPE OF OFFENSE	Person	Property	Victimless
Total Sample	.60	.71	.75
Males	.60	.69	.75
Females	.49	.80	.80

CONTINUANCES	One	2-3	More than 3
Total	.61	.74	.72
Males	.59	.73	.72
Females	.73	.82	.68

JUDGES' CASELOAD	Large	Md. Large	Md. Small	Small
Total	.66	.62	.69	.75
Males	.64	.61	.68	.75
Females	.84	.69	.76	.64

AGE OF OFFENDER	≤ 21	22-30	> 30
Total	.73	.68	.60
Males	.72	.66	.60
Females	.80	.78	.63

NUMBER OF CHARGES	One	More than One
Total	.69	.68
Males	.69	.65
Females	.68	.85

TYPE OF WITNESSES	Police and/or Lay	Expert or Combination	
Total	.67	.70	
Males	.65	.70	
Females	.79	.64	

NUMBER OF WITNESSES	Less than 4	5-6	More than 6
Total	.69	.68	.68
Males	.66	.67	.68
Females	.82	.72	.71

Means

Total Sample = .68
Males = .67
Females = .74

the Medium-Large caseload category may have handled proportionately more "easy" cases than other prosecutors. On the other hand, it may be that those prosecutors who happened to be coded into this category consistently treated the cases more leniently than the others irrespective of the type of cases that were brought before them. Unfortunately, we cannot test either hypothesis with the data available at the present time.

The multivariate analysis also indicates the existence of a curvilinear relationship between number of continuances and probability of conviction. Confirmed is the bivariate finding that the age of the offender is linearly related to the defendants' chances of being convicted.

GENDER COMPARISONS

The relative importance of the different predictors in accounting for the final disposition of males and females can be established by running separate analyses for these different subsamples (see Table 18). The five strongest predictors that were identified when the multivariate analysis was run for the

total sample prove to be the strongest predictors for male defendants. While these predictors are important for females as well, the number of charges, the type of witnesses, and the number of witnesses also have betas above .10 when female defendants are looked at separately. The fact that these three additional variables significantly relate to the female defendants' chances of being convicted is not surprising in light of the bivariate associations discussed previously.

Also an important difference is that 19% of the variance in the final disposition of females can be accounted for by the twelve predictors as compared to only 9% of the variance in the male subsample. It may be that decisions concerning the fate of female defendants are based on more identifiable criteria whereas factors related to the fate of male defendants are harder to identify with the Promis data. The fact that only 9% of the variance in the processing of male defendants is accounted for by these twelve variables suggests that justice may be more individualized for male defendants.

The bivariate association between judge and prosecutor caseload and dispositions was confirmed for male defendants in the multivariate analysis (see Table 19). Even when the number, type and seriousness of the charges, past record, etc. are controlled for, females who were brought before judges with large caseloads were not only convicted more often than their male counterparts, but were convicted more often than when their case was processed by judges with small caseloads. Indeed, only when female defendants were assigned to judges with small caseloads were they convicted less often than their male counterparts.

It appears that differences in the composition of large and small judge caseloads may account for these differences in the processing of males and

females. As previously noted, those judges who handled a large number of cases during this time period were most likely to be involved with defendants charged with nonserious property crimes. Thus, judges in the large caseload category handled defendants charged with female dominated offenses and thus, were more likely to convict females than males charged with these offenses. However, judges who processed few cases most often dealt with defendants charged with more serious offenses. Because males were significantly more likely than females to be charged with very serious offenses, it may be that female defendants charged with serious crimes were seen as less threatening and dangerous than male defendants and were accordingly convicted less often.

The MCA results also indicate that while females were convicted less often than males when charged with person offenses, the reverse was true for property and victimless crimes (see Table 19). As previously suggested, this finding may be partially due to the fact that females were charged with drug offenses more often than males and drug offenses are the victimless offenses most severely treated. However, the harsh treatment of females charged with property crimes cannot be similarly explained since females were treated more severely than males when both were charged with female dominated offenses.

The MCA results indicate that the curvilinear relationship between the number of continuances and probability of conviction is stronger for females than males. Females' convictions where higher than males' for those with two or three continuances and lower for those with more than three continuances.

Looking at the three additional variables shown to affect the female defendants' disposition, it can be verified that these factors affect males' and females' outcomes differently (see Table 19). As found in the bivariate analysis, females were more likely to be convicted when they had police and/or lay witnesses against them whereas males were more likely to be convicted when

they had experts or a combination of witnesses against them. For females, the chances of being convicted actually decreased as the number of witnesses against them increased. For males, the opposite was the case.

Finally, female defendants' chances of being convicted increased when charged with multiple offenses while the male defendants' chances decreased.

SUMMARY

In summary, we find that the conclusions drawn when looking at the bivariate associations are generally supported when the effects of the predictors are independently assessed suggesting high independence among the predictors. For the total sample, five of the twelve variables entered into the MCA emerge as important contributors to decisions concerning the defendants' guilt: the size of the prosecutors' caseload, the type of offense, the number of continuances, the size of the judges' caseload, and the age of the offenders. Three additional variables impact on the female defendants' disposition: type of witnesses, number of witnesses and number of charges.

Gender comparisons indicated differences in the treatment of male and female defendants. In addition to the differences in the importance of the predictors explaining dispositions of males (R^2 = 9%) and females (R^2 = 19%), the independent effects of several of the predictors differ remarkably by gender. Except for gender differences noted when looking at the two evidence indicators (type and number of witnesses), the differences in the processing of male and female defendants suggest that female defendants were convicted more often than their male counterparts when charged with female dominated offenses. A possible interpretation for this difference in treatment is that judicial decision makers must prioritize crimes committed by males because of the vast number of males entering the Rivertown criminal justice system. As a result, even though male defendants are convicted of property and victimless

offenses, the system is more concerned with convicting those charged with person offenses. Thus, when male defendants are charged with female dominated offenses they may be seen as relatively less dangerous to society than the other males that are processed through the system. However, judicial decision makers do not have to be as concerned with prioritizing the types of crimes brought against female defendants because of their scarcity in the system. Indeed, it may be that those females charged with larceny and fraud/forgery are seen as the greatest threats to society simply because these are the most frequent charges against them. This interpretation suggests that decision makers may use different baselines when dealing with male and female defendants resulting in females being convicted more often of female dominated offenses than males equally charged.

In conclusion, the justice model is not strongly supported by the Rivertown Promis data when examining conviction decisions. While the data suggest that the quality and quantity of evidence against the defendants may play a role in accounting for conviction decisions, we find that process dimensions, type of offense as well as the defendants' age and gender affect decisions regarding the defendants' guilt. Furthermore, the low explanatory power of the variables entered into MCA suggests that conviction decisions may not be handled in a systematic way. Instead, it may be that decisions are made on a case by case basis without systematic reference to the dimensions identified in this study. This seems to be especially true for male defendants.

2. PLEA BARGAINING

As indicated in the preceding section, the justice model of processing is generally not supported by the Rivertown Promis data. Examination of patterns of conviction reveal that only 7% of all cases processed by the Rivertown

criminal justice system went through full trial. Since most convictions were the result of pleas of guilt it is understandable that convictions are not well explained by the justice model. On the other hand, because the guilty plea is the major mechanism of conviction, it deserves closer examination.

It is important to distinguish between pleas of guilt to the same charge and to a lower charge. In the subsequent discussion it will be assumed that plea to a reduced charge reflects bargaining between prosecutor and defendant (or his/her representative) and is advantageous to the latter primarily because it ensures less severe punishment.[10] Given this difference, it is therefore important to identify under which circumstances defendants are more likely to simply plead guilty or to bargain. It should be noted that while we are excluding those who pled innocent or were dismissed from the analysis, we are still investigating the experiences of the majority of Rivertown defendants (over 64%).

The dependent variable, Types of Pleas, is dichotomous including a category of simple pleas of guilt (plea to the original charge) and another of plea bargain (plea to a reduced charge). Of the 1,632 defendants who pled guilty in Rivertown, 65.1% (1062) pled guilty to the original charge and 34.9% (570) to a reduced charge.

The mere occurrence of plea bargaining suggests that the Rivertown criminal justice system is not operating under a justice model because the process of plea bargaining evades the notion of due process that underlies that model. Consequently, we will not attempt to test the validity of the justice model in this section of the analysis. Instead, we will be exploring the validity of several propositions that have been advanced by other students

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[10]See "Types of Pleas in Washington, D. C." for a complete description of plea bargaining outcomes.

of the plea bargaining process as well as propositions developed in conjunction with the present research endeavor.[11]

As noted in the preceding analysis of final disposition, the predictor variables to be used are grouped as indicators of the quality and quantity of evidence against the defendants, the type and seriousness of the offenses charged to the defendants, the defendants' conviction history, different aspects of the Rivertown criminal justice process, and the personal background of the defendants themselves (see Table 1). While these are the same indicators used in our analysis of final disposition, in many instances it cannot be assumed that these indicators affect plea bargaining decisions in the same way that they influence decisions regarding conviction simply because we are focusing on a different aspect of the processing of defendants.

The strength of the evidence against the defendants may affect the probability that the defendants will be given an opportunity to plea bargain as opposed to plead guilty to the original charges. Green (1975) argues that prosecutors are more likely to initiate plea bargaining when the lack or poor quality of evidence makes a conviction doubtful. Through the plea bargaining process, the prosecutor can use the promise of a reduction in the seriousness of the offense brought against the defendants and a reduced sentence to motivate defendants to plead guilty. Doing so may substantially increase the odds of convicting defendants whose chances of "getting off" would be fairly good at an open trial. Thus in Rivertown, we will investigate whether fewer witnesses and low "expert" standing leads to a higher incidence of plea bargaining.

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[11]See "Types of Pleas in Washington, D.C." by Figueira-McDonough for a discussion of these propositions.

We will also investigate whether the type and seriousness of the offenses brought against the defendants affect plea bargaining rates. Rhodes (1978) notes that those charged with minor crimes may be more willing than those charged with more serious crimes to plead guilty and forego a trial because the consequences of conviction are at least tolerable (probation or short jail term). Extending this logic, is seems reasonable that defendants charged with more serious offenses will be less willing to plead guilty unless they are given additional assurance through plea bargaining that their sentence will be reduced. Thus, we will investigate whether the more serious crimes are associated with a higher incidence of plea bargaining than less serious ones.

As previously argued, the number of charges can be interpreted as an indicator of the seriousness of the case against the defendant on the simple reasoning that a case comprised of two offenses is more serious than a case of either offense alone. Consequently, the probability of plea bargaining may be greater for those charged with multiple offenses as compared to a single offense because defendants charged with more than one offense may be unwilling to plead guilty unless a sentence reduction is "guaranteed." Additionally, multiple charges give the defendants' attorney more to bargain with. Both propositions suggest that those defendants charged with multiple offenses will be more likely to plea bargain than those charged with only one offense.

To plead guilty defendants and their attorneys must believe that conviction would be the likely verdict at an open trial. But whether the defendants plead guilty to the original charge or a reduced charge may depend more on the defendants' and the attorneys' knowledge of and skill at manipulating the criminal justice system than on the evidence against the defendants. Those defendants who have had experience with the criminal justice system may have a clearer knowledge of their chances and thus, may be

more likely to go through the actions necessary to obtain a reduced charge. However, an alternative proposition is that defendants with prior criminal histories will be treated more harshly than those who are not credited with a prior criminal offense. We will investigate the validity of these two opposing propositions in the analysis.

Several researchers have proposed that private attorneys are likely to be more skilled and/or more motivated to insure a favorable outcome for their clients than publicly appointed defenders (Bernstein et al., 1977 and Casper, 1971). Defendants who have had experience with the criminal justice system may have become aware of this. Thus, defendants with a prior criminal conviction may be more likely to secure private attorneys than those without a prior conviction. Therefore, in our analysis we will not only investigate whether retaining a private attorney increases the defendants' chances of plea bargaining, but also the interactive effects of the type of attorney retained and the defendants' past record on type of plea.

The guilty plea is seen by many researchers as a means to expedite the processing of cases through the overcrowded and understaffed criminal justice system (Bashara, 1978; Cleary, 1978; Blumberg, 1967; Hoanie, 1978). To the extent that offering defendants the chance to plead guilty to a reduced charge further expedites matters, prosecutors and judges who process a large number of cases should be involved in the plea bargaining process more often than those decision makers that handle a smaller number of cases. As noted in the analysis of final disposition, there is a significant relationship between the number of cases processed by judges and prosecutors and the seriousness of the cases handled. In our analysis, we will try to ascertain the independent effect of caseload on plea bargaining.

The greater the number of continuances defendants' cases go through and relatedly, the longer it takes to process the defendants through the criminal justice system, the more opportunities there may be for plea bargaining. Heuman (1978) found that continuances were used as a defense strategy by attorneys to give them more time to bargain with the prosecutor for a reduction in the charge(s) against their clients. If so, then we should find that plea bargaining is associated with number of continuances and time in the system.

Finally, the status of the defendant might have an impact on the plea process. Defendants who are members of less powerful groups may not be given as favorable treatment (advantageous bargains) as those belonging to more powerful groups. We will investigate whether this proposition holds true in Rivertown by assessing whether females, blacks, and youth plea bargain less often than their more powerful counterparts.

BIVARIATE ANALYSIS

Evidence. As indicated in Table 20, the proposition that the stronger the evidence against the defendant the less the likelihood of plea bargaining is partially supported by the Rivertown Promis data. The relationship between the number of witnesses and plea bargaining is statistically significant (p=.0149), however, the bivariate relationship is curvilinear, not linear. Even so, the lowest probability of plea bargaining occurs when there are more than six witnesses against the defendants supporting the previously noted proposition.

We argued in our section on final disposition that lay and regular police witnesses are likely to be regarded less highly by decision makers than expert witnesses or a combination of police, lay, and expert witnesses. Thus, the

Table 20

Percent Plea Bargained - Total Sample and by Gender

% Plea Bargained

	Total Sample		Males		Females		Signif.
	%	N	%	N	%	N	
EVIDENCE INDICATORS							
Number of Witnesses (N=1632)							.015
4 or less	36.4	(472)	36.3	(399)	37.0	(73)	.9162
5 to 6	38.3	(564)	38.1	(504)	40.0	(60)	.7747
More than Six	30.5	(596)	31.1	(534)	25.8	(62)	.3862
Type of Witnesses (N=1622)							.022
Police-Lay	39.4	(581)	39.5	(509)	38.9	(72)	.9222
Police-Expert	34.6	(214)	34.7	(193)	33.3	(21)	.8991
Police Only	29.2	(284)	31.7	(221)	20.6	(63)	.0814
Combination	33.7	(543)	32.4	(262)	51.4	(37)	.0224
OFFENSE INDICATORS							
Type of Offense (N=1535)							.000
Person	45.8	(393)	45.4	(370)	52.2	(23)	.5281
Property	30.6	(782)	31.3	(670)	25.9	(112)	.2403
Victimless	36.1	(360)	34.1	(317)	51.2	(43)	.0315
Seriousness (Case Midpoint) (N=1585)							.000
2 yrs or less	35.5	(392)	36.1	(349)	30.2	(43)	.4427
3-5 yrs.	22.3	(274)	23.6	(225)	16.3	(49)	.2567
6-10 yrs	34.0	(347)	33.4	(296)	37.3	(51)	.5981
11-13 yrs	39.4	(259)	38.2	(251)	75.0	(8)	.0376
More than 13 yrs	45.4	(313)	43.8	(281)	59.4	(32)	.0936

	Total Sample		Males		Females		Signif.
	%	N	%	N	%	N	
Seriousness and Type of Offense (N=1523)							.000
Serious Person	44.6	(303)	44.3	(289)	50.0	(14)	.6755
Nonserious Person	48.3	(87)	48.1	(79)	50.0	(8)	.9185
Serious Property	42.3	(182)	41.9	(179)	66.7	(3)	.3916
Nonserious Property	26.4	(591)	26.9	(483)	24.1	(108)	.5417
Serious Victimless	36.1	(144)	29.9	(117)	63.0	(27)	.0016
Nonserious Victimless	36.1	(216)	36.5	(200)	31.3	(16)	.6709
Number of Charges (N=1627)							.010
One	36.9	(1155)	36.6	(1042)	39.8	(113)	.4973
More than One	30.5	(472)	31.1	(392)	27.5	(80)	.5181
PAST RECORD							
Conviction History (N=1632)							.000
None	38.9	(1220)	39.4	(1043)	36.2	(177)	.4108
One or More	23.1	(412)	23.4	(394)	16.7	(18)	.4952
PROCESS INDICATORS							
Time in the System (N=1632)							.000
3 mths or less	53.6	(401)	56.5	(329)	40.3	(72)	.0126
4 to 6 mths	30.9	(667)	31.1	(586)	29.6	(81)	.7936
More than 6 mths	26.4	(564)	25.9	(522)	33.3	(42)	.3017
Number of Continuances (N=1632)							.000
One or less	42.7	(586)	44.7	(486)	33.0	(100)	.030
2-3	35.4	(554)	34.6	(492)	41.9	(62)	.2569
More than 3	25.3	(492)	25.3	(459)	24.2	(33)	.8949
Size of Judges' Caseload (N=1631)							.000
Large	46.3	(438)	47.2	(371)	41.8	(67)	.4153
Medium-Large	32.4	(364)	32.4	(312)	32.7	(52)	.9636
Medium-Small	28.2	(373)	27.4	(332)	34.1	(41)	.3736
Small	31.4	(456)	32.1	(421)	22.9	(35)	.2465

	Total Sample		Males		Females		Signif.
	%	N	%	N	%	N	
Size of Prosecutors' Caseload (N=1632)							.000
Large	45.2	(434)	45.6	(373)	42.6	(61)	.6669
Medium-Large	48.2	(301)	47.4	(268)	54.4	(33)	.4376
Medium-Small	23.7	(481)	23.8	(420)	23.0	(61)	.8825
Small	27.6	(416)	28.2	(376)	22.5	(40)	.4355
Type of Attorney (N=1387)							.000
Private Attorney	30.2	(537)	31.0	(467)	24.3	(70)	.2419
Public Defender	22.5	(850)	22.7	(759)	20.9	(91)	.6981
PERSONAL BACKGROUND							
Age (N=1629)							.004
21 or younger	39.8	(651)	38.4	(606)	57.8	(45)	.0116
22-30 yrs	31.3	(668)	31.9	(562)	28.3	(106)	.4665
Older than 30	32.9	(310)	34.2	(266)	25.0	(44)	.2191
Race (N=1632)							.0158
White	39.3	(494)	38.6	(433)	44.3	(61)	.3965
Black	33.0	(1138)	33.5	(1004)	29.9	(134)	.3997
Gender							.860
Males	35.0	(1437)					
Females	34.4	(195)					

proposition that the stronger the evidence against the defendants, the less likely it is that plea bargaining will occur suggests that those defendants who had a combination of witnesses or expert witnesses against them would be the least likely to engage in the plea bargaining process and those with lay or regular police witnesses would be the most likely. We found that while

defendants who had lay witnesses against them were the most likely to plea bargain, those who had only police witnesses were the least likely to do so.

The proposition that the stronger the evidence against the defendant the less likely it is that the plea bargaining process will occur is partially supported: defendants who had more than six witnesses were the least likely to plea bargain and defendants who had lay witnesses against them were the most likely to plea bargain.

Offense. It is expected that serious offenses will be associated with a high probability of plea bargaining. Defendants charged with serious crimes may require assurance that their sentence will be reduced in order to plead guilty. Such assurances are less important for those charged with nonserious crimes for whom the potential consequences of conviction are less severe. This proposition is partially supported by the Rivertown Promis data.

The bivariate relationship between the FBI Seriousness Index and the probability of plea bargaining is shown in Table 21. Homicide, sexual assault, robbery, and regular assault are associated with high rates of plea bargaining while the property crimes of burglary, larceny, and fraud/forgery are associated with low plea bargaining rates. Because we have previously argued that victimless crimes can be considered "less serious" than property crimes, we expected that victimless crimes would be associated with lower rates of plea bargaining than property crimes. However, for the most part, this expectation was not supported as defendants charged with weapons and drug offenses were more likely to plea bargain than those charged with property offenses (see Table 21).

Looking at the seriousness of the charge brought against the defendants (as measured by the established sentence midpoint) independent of its type (person, property or victimless) provides further evidence that a curvilinear

Table 21

Percent Plea Bargained by FBI Index
(N=1629)

	%	N
Homicide	50.0	(24)
Sexual Assault	44.1	(34)
Robbery	43.3	(212)
Assault	49.2	(130)
Burglary	35.9	(326)
Larceny	28.9	(350)
Fraud/Forgery	12.5	(88)
Weapons	36.7	(169)
Nonassaultive Sex Offenses	21.4	(14)
Drugs	36.7	(177)
Other	20.2	(94)

relationship exists between the seriousness of the charges brought against the defendants and their probability of plea bargaining. Those charged with offenses that carry a sentence whose midpoint was two years or less were more likely to plea bargain than those charged with offenses whose midpoint ranged from over two years to 10 years. However, it appears that minor offenses represented special cases. Looking only at those offenses with a midpoint greater than two years, it can be verified that the probability of plea bargaining steadily increases as offenses increase in seriousness. Thus, it appears that defendants charged with minor offenses were given special consideration in the Rivertown criminal justice system while our stated

proposition holds for those defendants charged with offenses with midpoints greater than two years.

Stratifying the type of crime (person, property, victimless) by the seriousness of the offense (Case Midpoint) permits us to look for interactive effects on bargaining. We found that while serious and nonserious person offenses showed higher incidences of plea bargaining than property and victimless offenses, nonserious person offenses were more often associated with plea bargaining than were serious person offenses. Also those charged with serious property offenses tended to bargain more often than those charged with nonserious property offenses. Defendants charged with nonserious victimless offenses were just as likely to plea bargain as those charged with serious victimless offenses and all defendants charged with victimless offenses were more likely to plea bargain than those charged with nonserious property offenses. Thus, while the relationship between the type and seriousness of the offenses and plea bargaining is statistically significant (p=.00), it is not easily interpretable. The subsequent multivariate analysis may shed some light on the relationship between the seriousness and type of the offenses and type of plea.

It was assumed that multiple charges compounded the seriousness of a case. Thus, we proposed that defendants charged with multiple offenses would be more likely to plea bargain than those charged with one offense, because of the greater seriousness of the case and also because the more charges the greater the opportunity to bargain. The relationship between the number of charges brought against the defendants and chances of plea bargaining shown in Table 20 is statistically significant (p=.00), but did not support our hypothesis. Defendants charged with only one offense plea bargained more often than those charged with multiple offenses.

To summarize, we find that while the most serious offenses (person offenses) are associated with the highest probability of plea bargaining, the relationship between the seriousness of the offense and chances of plea bargaining is not linear. Also, the number of charges was shown to be inversely related to plea bargaining.

Past Record. It was hypothesized that defendants experienced with the criminal justice system would know how to operate within the system and thus, would be more likely to plead guilty to a reduced charge than those without such experience. Conversely, it was also argued that repeat defendants may be dealt with more harshly than first time defendants. In Table 20 the latter proposition is substantiated. Defendants with a prior criminal conviction plea bargained significantly less often than those without a prior conviction (p=.00).

The proposition that a private attorney is a valuable resource for the defendant is validated in Table 20. Defendants represented by private attorneys were significantly more likely to plead guilty to a reduced charge than were those represented by public defenders (p=.00). Thus, it appears that the defendants' ability to secure the resources necessary to retain a private attorney affects the defendants' chances of benefiting from plea bargaining.

Contrary to expectations, it was found (see Table 22) that defendants with a past record were significantly less likely to retain a private attorney than those without a prior conviction. A possible interpretation is that repeat defendants are likely to be "society's losers" who because they lack both social power and tangible resources are especially vulnerable to official control.

Table 22

Type of Attorney by Conviction History

	Type of Attorney				
	Private		Public		
Criminal Record	%	N	%	N	
No	44.3	(588)	55.7	(740)	100%
Yes	32.0	(162)	68.0	(344)	100%

p=.000

Table 23 shows the existence of interactive effects of type of attorney and past record on type of plea. The type of attorney that represents the defendant only makes a significant difference for those defendants without a prior criminal conviction. For those with a past conviction the type of attorney does not affect the defendants' chances of plea bargaining. With or without a private attorney, defendants with a prior conviction are given the opportunity to plea bargain less often than defendants without a prior conviction.

We conclude that a private attorney is a valuable resource for the novice defendant. However, it appears that the more systematic treatment of repeat defendants cancels out the potential benefits of retaining a private attorney for defendants with a prior criminal conviction.

Process. We noted above that some researchers have proposed that sending a case through several continuances, thus keeping the case in the system a long time, is a strategy employed to give the defense time to bargain with the prosecution. However, we also noted that plea bargaining has been deemed a strategy for the speedy processing of cases through an overloaded criminal

Table 23

Interaction of Type of Attorney and Conviction History
in Relation to Type of Plea

	Type of Plea				
	Actual		Other		Total
	%	N	%	N	
Private Attorney- No Prior Conviction	66.6	(283)	33.4	(142)	100%
Public Defender- No Prior Conviction	75.1	(441)	24.9	(146)	100%
Significance					p=.0031
Private Attorney- Prior Conviction	82.1	(92)	17.9	(20)	100%
Public Defender- Prior Conviction	82.9	(218)	17.7	(45)	100%
Significance					p=.971

justice system. In general, our findings support the proposition that plea

bargaining may be an expedient response to severe bureaucratic pressures.

As noted in Table 20, the defendants' chances of plea bargaining are

greatest when their case has been in the system less than three months and has

not gone through more than one continuance. Indeed, the defendants' chances

of plea bargaining steadily decrease the longer their case is in the system

and the more continuances it goes through. This suggests that while sending a

case through many continuances may be an effective defense strategy for some

individual defendants, the finding that plea bargaining is most likely to

occur at the early stages of judicial processing suggests that at an aggregate

level plea bargaining is employed to speed up the processing of defendants

through the criminal justice system.

Furthermore, to the extent that plea bargaining facilitates the

processing of defendants through the criminal justice system, we should find

that prosecutors and judges with large caseloads employ plea bargaining more

often than those who process few cases. This proposition is supported in

Table 20. Judges and prosecutors with Large or Medium-Large Caseloads used

plea bargaining significantly more often than decision makers with Medium-

Small or Small caseloads (p=.00).

However, we know that the size of decision makers' caseloads and the type

and seriousness of the offense they process are not independent, and also that

the type and seriousness of the offense is significantly related to plea

bargaining decisions in Rivertown. Therefore, this picture is incomplete if

the type and seriousness of the cases processed by decision makers are not

taken into account when looking at the relationship between caseload size and

type of plea. Tables 24 and 25 indicate that the relationships between the

number of cases processed by Rivertown prosecutors and judges and the

defendants' chances of plea bargaining are still significant even when the

type and seriousness of the offenses processed are controlled for. This

relationship does not appear to hold for those defendants charged with serious

victimless crimes. The rate of plea bargaining for defendants charged with

serious victimless crimes was not significantly affected by caseload size.

These associations are more evident for prosecutors' caseload than judges'.

Judges with large caseloads were the most likely to process plea bargain cases

for almost every type of offense. However, judges with small or medium-small

caseload categories were just as or more likely to have plea bargain cases

than those who fell into the medium-large caseload category.

In summary, we find that aspects of the judicial process have a large

effect on plea bargaining decisions in Rivertown. In general, the proposition

Table 24

The Relationship between Prosecutor Caseload and Type of Plea
Controlling for the Type and Seriousness of the Offense Charged to the Defendant
% Plea Bargained

Size of Caseload	Serious-Person		Nonserious Person		Serious Property		Nonserious Property		Serious Victimless		Nonserious Victimless	
	%	N	%	N	%	N	%	N	%	N	%	N
Large	63.3	(30)	76.9	(26)	59.6	(52)	38.2	(191)	34.6	(52)	45.6	(68)
Medium Large	50.0	(42)	78.6	(14)	46.9	(32)	38.9	(113)	45.5	(22)	58.5	(53)
Medium Small	37.4	(99)	20.0	(30)	37.0	(46)	14.3	(161)	31.7	(41)	18.0	(61)
Small	43.9	(132)	29.4	(17)	26.9	(52)	12.7	(126)	37.9	(29)	14.7	(34)
Signif.	.075		.000		.006		.000		.740		.000	

Table 25

The Relationship between Judge Caseload and Type of Plea
Controlling for the Type and Seriousness of the Offense Charged to the Defendant
% Plea Bargained

Size of Caseload	Serious-Person		Nonserious Person		Serious Property		Nonserious Property		Serious Victimless		Nonserious Victimless	
	%	N	%	N	%	N	%	N	%	N	%	N
Large	75.0	(16)	86.4	(22)	61.2	(49)	39.5	(205)	37.5	(40)	48.2	(83)
Medium Large	39.1	(69)	21.4	(14)	37.1	(35)	28.0	(132)	25.0	(28)	33.3	(54)
Medium Small	43.6	(117)	26.1	(23)	43.6	(39)	5.7	(11)	38.5	(39)	15.4	(26)
Small	44.6	(101)	50.0	(28)	28.8	(59)	21.5	(149):	40.5	(37)	28.8	(52)
Signif.	.071		.000		.000		.000		.567		.007	

that plea bargaining is a response to bureaucratic pressures that call for the speedy processing of defendants received support. The finding that plea bargaining was most likely to occur during the early stages of the process indicates that most defendants who engaged in plea bargaining were indeed more quickly processed than those who pled guilty to the original charge. Furthermore, decision makers with heavy caseloads were more likely to use plea bargaining when processing defendants than were decision makers with smaller caseloads suggesting that plea bargaining is employed to relieve caseload pressure. As noted in our discussion of final dispositions, Rivertown officials indicate that those decision makers who handle a large number of cases tend to handle the "easier" cases. While the severeity and type of the offense charged to the defendants are relevant aspects of what makes a case "easy", they are by no means the only ones. In our section employing multivariate statistical techniques, we will investigate whether these results still hold when the defendants' conviction history and indicators of the quality and quantity of evidence against the defendants are controlled for as well.

Personal Background. It was argued that the social status of defendants may influence the treatment they receive within the criminal justice system. We will investigate whether defendants with characteristics that are associated with low social power and status in the larger society receive less favorable treatment than do their more powerful counterparts. Unfortunately, the Rivertown Promis data do not provide us with direct information regarding the defendants' social status such as income, education, and employment history. This is an important drawback of the data as one could easily argue that findings such as the association between type of attorney and type of plea may be better explained by defendant status, assuming that the

defendants' access to private attorneys is a function of their resources. The reader should be aware that while the Promis data allow us to identify groups of defendants who are likely to lack social power (Blacks, youth, females), we are missing a very important social status indicator - class.

A significant relationship between the race of the defendants and their chances of plea bargaining (p=.0158) is shown in Table 20. In Rivertown, white defendants plea bargained significantly more often than black defendants suggesting that the black citizens' lack of power in society is reflected within the criminal justice system.

We can further observe in Table 20 that the age of the defendants is significantly related to the defendants' chances of plea bargaining (p=.004). The association is not in the expected direction since younger defendants (21 or younger) bargain more often than older defendants. It appears that Rivertown decision makers are more willing to give young people a break than older defendants. It is reasonable to assume that older defendants may have a higher incidence of previous convictions, in which case the age-plea association could be spurious.

Contrary to what happened in the analysis of final dispositions, females and males do not significantly differ when looking at their overall probability of plea bargaining. Either the effects of differences between males and females on certain variables cancel each other out resulting in equal levels of plea bargaining or in fact males and females are handled the same way in the plea process. These alternatives will be explored subsequently.

In sum, we find that race and age but not gender of the defendants seem to affect plea bargaining decisions.

Summary. Some support was found for the proposition that the weaker the evidence against the defendants, the greater the defendants' chances of bargaining. Those defendants with lay witnesses against them were the most likely to plea bargain and those with a large number of witnesses (6 or more) the least likely.

The bivariate relationships between the type and seriousness of the offense charged to the defendants and the defendants' chances of plea bargaining were highly significant and very complex. In general we found that person offenses were associated with the highest rates of plea bargaining supporting the proposition that defendants charged with serious offenses may demand assurance that their sentence will be reduced before agreeing to plead guilty. However, the relationships between the type and seriousness of the offense and plea bargaining decisions are not linear: victimless crimes were more likely to result in plea bargaining than property crimes, nonserious person crimes were more likely to be associated with plea bargaining than were serious person offenses, and defendants charged with nonserious victimless crimes were just as likely to plea bargain as those charged with serious victimless crimes. Contrary to expectation defendants with single charges bargained more often than those with multiple charges.

We found that the Rivertown Promis data supported the proposition that repeat offenders are treated more harshly within the criminal justice system as they are given less of an opportunity to bargain. We also found that access to a private attorney was a valuable resource for the novice defendant, but that the type of attorney representing defendants with a past record did not affect type of plea. Thus, it appears that more discretion is used by decision makers when processing novice defendants and that repeat defendants are treated more systematically.

We also found that process dimensions affect the defendants' chances of plea bargaining. The proposition that plea bargaining is an expedient response to bureaucratic pressures was generally supported. Plea bargaining was most likely to occur during the early stages of the process and within the first three months of contact with the system. Thus, it appears that plea bargaining is in fact used to speed the processing of cases through the criminal justice system. Furthermore, those judges and prosecutors who processed a large number of cases showed a higher incidence of bargaining than those who processed fewer cases. This association persisted even after controlling for type and seriousness of offense.

Finally, we found that personal characteristics of the defendants were significantly related to the defendants' chances of plea bargaining. Most notably, black and older defendants bargained significantly less often than white and younger defendants. No significant association was found between gender and type of plea. Because the male and female subsamples differ significantly on many of the predictors further investigation of gender differences is required.

BIVARIATE GENDER DIFFERENCES

It is important to keep in mind that the number of females in the sample is very small (N=270). Because we are focusing only on those defendants who pled guilty, problems with the number of females have become even more severe. In spite of the fact that these 195 females constitute the universe of the women who pled guilty in the Rivertown court for the period under study, this small number will restrict the male-female comparison to descriptive purposes only.

In Table 20, we find few significant differences between males and females when the relationships between the predictor variables and types of

plea are examined. However, the significant differences have important implications and will be discussed below.

Evidence. The relationship between the number of witnesses against the defendants and the defendants' chances of plea bargaining found for the total sample holds equally for males and females. However, the relationship between the type of witnesses and type of plea is somewhat different by gender. As noted in Table 20, females were significantly more likely than males to plea bargain when they had a combination of witnesses against them and significantly less likely if the witnesses were regular police. Males were most likely to plea bargain when they had lay witnesses against them and females when confronted with a combination of witnesses. Thus, the proposition that the stronger the evidence against the defendants, the lesser the likelihood of bargaining is partially supported for males only (as it was for the total sample). Females on the other hand were most likely to plea bargain when confronted with a combination of witnesses and least likely when the witnesses were regular police.

Offense. Complex relationships between our various measures of the type and seriousness of the charge and type of plea were found for the total sample. These findings hold for both males and females. Both were most likely to plea bargain when charged with person offenses and least likely to plea bargain when charged with property offenses (see Table 20). The only significant difference between males and females concerns serious victimless offenses. A closer examination of this difference reveals male and female rates of plea bargaining differs only for drug offenses (see Table 26). Females were significantly more likely than males to plea bargain when charged with drug offenses. Of equal importance is the fact that males and females

did not differ in their likelihood of plea bargaining when charged with female dominated offenses, i.e., larceny and fraud/forgery. However, these offenses which account for over 50% of all the charges brought against females in Rivertown were the least likely to result in plea bargaining. Thus, while males and females may be given the same opportunity to plea bargain when charged with female dominated offenses, female dominated offenses are still associated with the lowest rates of plea bargaining. This naturally affects proportionately more females than males.

Table 26

FBI Index by Gender - Percent Plea Bargained

FBI Seriousness Index*	Males		Females		Signif.
	%	N	%	N	
Homicide	52.6	(19)	40.0	(5)	.6143
Sexual Assault	44.1	(34)	0.0	(0)	--
Robbery	43.4	(205)	42.9	(7)	.9758
Assault	47.9	(119)	63.6	(11)	.3154
Burglary	35.8	(321)	40.0	(5)	.8480
Larceny	27.7	(296)	35.2	(54)	.2719
Fraud/Forgery	13.5	(37):	11.8	(51)	.8071
Weapons	36.0	(161)	50.0	(8)	.4315
Nonassaultive Sex Offenses	25.0	(12)	0.0	(2)	.3050
Drugs	32.5	(144)	54.5	(33)	.0205
Other	19.5	(77)	23.5	(17)	.7108

* See the first section for a more complete description of what offenses have been included in each of these categories.

The finding that defendants charged with multiple offenses were less likely to plea bargain than those charged with only one offense holds for males and females.

Past Record. Male and female defendants with a past record bargained significantly less often than those without a prior conviction. In addition, access to a private attorney has the same effect on pleas for both genders.

As was true for the total sample, male first offenders were more likely to have access to a private attorney. The relationship between female defendants' past record and type of attorney was not statistically significant (p=.3215) (see Table 27).

Table 27

The Relationship Between the Type of Attorney Retained by the Defendant and Prior Criminal History by Gender

Males

Prior Conviction	Type of Attorney		
	Private Attorney % N	Public Defender % N	Total
None	44.4 (513)	55.6 (642)	100%
One or More	31.0 (150)	69.0 (334)	100%
p=.000			

Females

Prior Conviction	Type of Attorney		
	Private Attorney % N	Public Defender % N	Total
None	43.4 (75)	56.6 (98)	100%
One or More	54.5 (12)	45.5 (10)	100%
p=.321			

Furthermore, the interaction effects of type of attorney and past record on type of plea holds only for males. As shown in Table 28, males without a

prior conviction were significantly more likely to plea bargain when represented by a private attorney rather than a public defender. For females, the type of attorney that represented them did not significantly affect their chances of plea bargaining even when they did not have a prior conviction. Hence for females, the previous association between type of attorney and plea might be spurious, that is, it may be attributable to differences in the processing of female defendants with and without a prior record.

Table 28

Interaction Between Type of Attorney Retained by Defendant and Criminal History in Relation to Plea Bargaining Decisions by Gender
% Plea Bargained

	No Prior Convictions		Prior Convictions	
	Private Attorney	Public Defender	Private Attorney	Public Defender
	% N	% N	% N	% N
Males	34.4 (363)	25.3 (502)	19.2 (104)	17.5 (257)
Significance	p=.0036		p=.7014	
Females	27.4 (62)	22.4 (85)	0.0 (8)	0.0 (6)
Significance	p=.4818			

Process. The probability of plea bargaining was greatest for both males and females in the early stages of the process and within the first three months of contact with the system; however, female defendants were significantly less likely than males to plea bargain during these times. In addition, the relationships between the number of continuances and time in the system and the female defendants' chances of bargaining are not linear. These

differences will be more carefully examined in the subsequent multivariate analysis.

Bureaucratic pressures on the judges and prosecutors in Rivertown seem to have affected plea bargaining decisions equally for male and female defendants. As noted in Table 20, there were no significant differences between males and females when the relationships between the number of cases processed by Rivertown decision makers and the defendants' chances of plea bargaining were examined.

Personal Background. The relationship between age and type of plea is stronger for females than male defendants. Young females (21 or younger) were significantly more likely than males to plea bargain (p=.0116).

Race significantly affects bargaining in both subsamples. As noted in Table 20, white females were the most likely to plea bargain followed by white males and black males. Black females were the least likely to bargain.

Summary. We found many similarities in the plea processing of females and males; however, the significant differences that were observed may have important implications. The type of witnesses against the defendants may affect decisions concerning plea bargaining differently for males and females. Consequently, the proposition that the stronger the evidence against the defendants the less the defendants' chances of plea bargaining holds for male defendants but not for females.

While the complex bivariate relationship between the type and seriousness of the offense and type of plea found for the total sample holds for both males and females, females were found to be significantly more likely than males to plea bargain when charged with serious victimless crimes, or more precisely, drug offenses. The gender differences between the rates of plea

bargaining in female dominated offenses (larceny and fraud/forgery) are not statistically significant, but these crimes are associated with the lowest rates of plea bargaining; this naturally affects proportionately more female than male defendants.

Both type of attorney and past record have similar effects on type of plea for either gender. Controlling for past record indicates that type of attorney may be only significant for pleas among male defendants.

Caseload is a better predictor of bargaining for males than females. Men were significantly more likely than women to plea bargain in the early stages of the judicial process. This is consistent with the case pressure hypothesis since males overwhelm the Rivertown criminal justice system accounting for 80.1% of the total population.

Finally, race and age seem to affect plea bargaining decisions for both genders. Blacks, whether male or female, plea bargain significantly less often than whites. Younger defendants, especially younger females, bargain more often than older defendants.

We will next examine the effects of each predictor variable on type of plea controlling for the effects of all other predictors. In this way we will be able to determine if the bivariate relationships persist when other variables are held constant. The multivariate analysis will also permit the assessment of the relative importance of each predictor in explaining the outcomes of plea bargaining decisions in Rivertown.

MULTIVARIATE ANALYSIS

Multiple Classification Analysis (MCA) will be used to assess the relative importance of the predictors in accounting for the different types of pleas entered by Rivertown defendants. We will further examine the pattern of

the relationship between each predictor and the dependent variable, Types of Pleas, when all other variables are controlled for.

In the subsequent analyses, the time defendants spent in the system will be excluded because of the high correlation between this variable and the number of continuances the defendants' case went through. Also, in several of the analyses we will not be able to include the type of attorney that represented the defendant because of the amount and distribution of missing data.[12]

Relative Importance of Predictors. The twelve predictors listed in Table 29 account for 14% of the variance in Types of Pleas. The most important variables (those with betas above .10) are size of the prosecutors' caseload, seriousness of the offenses (Case Midpoint), type of offense (person, property, victimless), number of continuances, size of the judges' caseload, number of charges, and conviction history. Thus it appears that Process Indicators (size of prosecutors' and judges' caseload, number of continuances), Offense Indicators (seriousness and type of offense, number of charges), and past record are all important in predicting the defendants' chances of plea bargaining.

Gender did not emerge as an important predictor of the type of plea. Because MCA is an additive model it is insensitive to interaction effects that may be occurring between the defendants' gender and other predictors in producing different pleas. Andrews et al. (1968) suggest that suspected or known interactions may be dealt with by subsetting the data and running separate analyses. Thus, separate Multiple Classification Analyses will be

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[12]Information on the type of attorney is missing for proportionately more defendants who plea bargained than pled guilty to the original charge.

Table 29

Total Sample - Plea Bargaining
MCA Betas

	Type of Attorney Excluded From Analysis - Betas	Type of Attorney Included in the Analysis - Betas
Size of Prosecutors' Caseload	.18	.05
Seriousness (Case Midpoint)	.18	.26
Type of Offense (Person, Property, Victimless)	.15	.17
Number of Continuances	.14	.04
Size of Judge's Caseload	.13	.10
Number of Charges	.10	.19
Conviction History	.10	.10
Number of Witnesses	.07	.06
Race	.04	.03
Age	.04	.007
Type of Witnesses	.02	.02
Gender	.00	.02
Type of Attorney	--	.07
Adjusted R^2	14%	15%
N	1516	1288

run for male and female defendants and compared to determine whether the other predictors affect the processing of males and females differently.

The Independent Effects of the Predictors. In this section, the effect of those variables with betas greater than .10 will be examined. It is important to remember that the effects reported in Table 30 represent the

relationship between each predictor and type of pleas after the effects of all
the other predictors have been controlled for.

Table 30

MCA Adjusted Means for Total Sample
Plea Bargaining

Predictors with
Betas Above .10

PROSECUTORS' CASELOAD	Large	Md. Large	Md. Small	Small	
	.40	.51	.27	.31	
SERIOUSNESS (Case Midpoint)	2 yrs	2-5 yrs.	6-10 yrs.	11-13 yrs.	>13 yrs.
	.31	.23	.35	.44	.48
TYPE OF OFFENSE	Person	Property	Victimless		
	.48	.32	.31		
CONTINUANCES	0-2	3-6	>6		
	.44	.35	.27		
JUDGES' CASELOAD	Large	Md. Large	Md. Small	Small	
	.46	.34	.31	.31	
NUMBER OF CHARGES	One	More than One			
	.39	.29			
CONVICTION HISTORY	None	One or More			
	.39	.28			

   0 = Pled to Original Charge
   1 = Plea Bargained

   Mean = .36

In general, the bivariate associations found between the different
predictors and types of pleas persist even when the effects of all other
predictors are controlled for. The proposition that plea bargaining is a
response to bureaucratic pressures that call for the speedy processing of

defendants through an overcrowded criminal justice system is supported by the
Multiple Classification Analysis of the Rivertown Promis data. Prosecutors
who processed a large number of cases were more likely to employ the plea
bargaining process than those who processed fewer cases. Also, judges with
large caseloads handled more bargain cases than those with smaller caseloads.
The defendants' chances of plea bargaining decreased as their case went
through more continuances. Therefore, even when the type and seriousness of
the charge, the defendants' past record, etc. are controlled for, it appears
that plea bargaining is employed to expedite processing.

The relationship between the seriousness of the charge and plea
bargaining becomes even clearer when the effects of all other predictors are
controlled for. As shown in Table 30, the more serious the charge, the
greater the defendants' chances of plea bargaining. The only exception to
this linear relationship is that those defendants charged with minor offenses
(Midpoint less than two years) were given more of a chance to plea bargain
than those charged with somewhat more serious crimes (Midpoint between two and
five years).

The relationship between the type of crime defendants were charged with
and their chances of plea bargaining replicates to some extent the bivariate
association previously described. Even when controlling for the number and
type of witnesses, the defendants' past record, etc., those defendants who
were charged with person offenses were the most likely to plea bargain.
Defendants charged with property and victimless offenses were almost equally
likely to plea bargain.

The finding that defendants charged with more serious crimes (especially
person crimes) were the most likely to plea bargain gives further support to
the proposition that plea bargaining is used to speed up the processing of

defendants through the Rivertown criminal justice system. As previously
noted, Rivertown judges and prosecutors who handled large numbers of cases
were assigned the "easier" cases. Indeed, we found that those who processed a
lot of cases processed significantly more defendants charged with less serious
crimes (in terms of midpoint, past record, and type of offenses) than those
who processed fewer cases. Knowing that defendants charged with serious
offenses were the most likely to plea bargain, we would expect that judges and
prosecutors who handled few cases would be more likely to employ the plea
bargaining process than those who processed larger, "easier" caseloads.
However, as previously discussed, the opposite was found as judges and
prosecutors with the heaviest caseloads were the most likely to employ the
plea bargaining process. Therefore, it appears that bureaucratic pressures
may overwhelm those processing large numbers of defendants leading them to
employ the plea bargaining process even when processing the less serious
cases.

The relationship between the number of charges brought against the
defendants and their chances of plea bargaining when controlling for the
effects of all other predictors replicates the bivariate associations. Those
defendants charged with multiple offenses were not as likely to plea bargain
as those charged with a single offense.

The MCA results support the conclusion that the defendants' chances of
plea bargaining were substantially less for defendants with a past record.
Inclusion of type of attorney in the MCA shows that defendants represented by
private attorneys stood a better chance of plea bargaining than did those
represented by public defenders. The adjusted mean for those with a private
attorney was .30 as compared to .24 for those represented by a public
defender. As shown below in Table 31, the type of attorney seems to have made

a difference even for those defendants with a past criminal conviction.[13]
Apparently, this result was not found in the bivariate analysis because the
other predictors suppressed the relationship between the type of attorney
retained by defendants with past records and type of plea.

Table 31

Attorney Type and Prior Criminal Conviction

| | Adjusted Means | | |
Private Attorney- No Prior Conviction	Public Defender- No Prior Conviction	Private Attorney- Prior Conviction	Public Defender- No Prior Conviction
.33	.26	.21	.18

0=Pled to Original Charge
1=Plea Bargained

GENDER DIFFERENCES

As indicated in Table 32, the eleven variables entered into the separate
analysis for males account for 14% of the variance in Types of Pleas. These
same variables account for 23% (adjusted R^2) of the variance in Types of Pleas
in the female subsample suggesting that gender and the other predictors
interact in determining plea bargaining. Furthermore, the relative importance
of the predictors in accounting for the explained variance in types of pleas
is slightly different for males and females. For males, size of the
prosecutors' caseload, followed by type of offense, seriousness (Case
Midpoint), number of continuances, size of the judges' caseload, and prior
record, were most important (betas above .10). For females, the important
variables were seriousness, age, size of the prosecutors' caseload, type of

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[13]Including this pattern variable in the analysis increases the explained
variance by 1%. More importantly, this variable ranked fourth in relative
importance (beta=.13) when included in the analysis.

offense, size of the judges' caseload, and number of continuances. Thus, while several of the same variables appear important for males and females, there are differences and these differences deserve close examination.

Table 32

MCA Betas - By Gender
Plea Bargaining

	Males	Females
Size of Prosecutors' Caseload	.17	.19
Type of Offense	.16	.15
Seriousness (Case Midpoint)	.16	.32
Number of Continuances	.15	.10
Size of Judges' Caseload	.13	.15
Conviction History	.11	.07
Number of Charges	.10	.07
Number of Witnesses	.07	.04
Age	.07	.23
Race	.03	.04
Type of Witnesses	.02	.01
Adjusted R^2	14%	23%
N	1341	175

Generally, the gender differences reported in the bivariate analysis are again found when assessing the independent effects of each predictor on types of pleas (see Table 33).

Bureaucratic pressures to speedily process defendants seem to have affected both male and female defendants as both were more likely to plea bargain when their case was processed by decision makers with large caseloads. One notable difference is that women assigned to judges and prosecutors with

Table 33

MCA
Adjusted Means - By Gender
Plea Bargaining

PROSECUTORS' CASELOAD	Large	Md. Large	Md. Small	Small	
Males	.39	.51	.27	.32	
Females	.41	.50	.28	.25	
TYPE OF OFFENSE	Person	Property	Victimless		
Males	.48	.34	.27		
Females	.47	.30	.44		
SERIOUSNESS	2 yrs.	2-5 yrs.	6-10 yrs.	11-13 yrs.	>13 yrs.
Males	.33	.23	.34	.42	.47
Females	.21	.22	.41	.75	.55
CONTINUANCES	0-2	3-6	More than 6		
Males	.46	.34	.28		
Females	.34	.42	.28		
JUDGES' CASELOAD	Large	Md. Large	Md. Small	Small	
Males	.47	.34	.31	.32	
Females	.42	.36	.34	.22	
CONVICTION HISTORY	None	More than One			
Males	.39	.28			
Females	.37	.24			
NUMBER OF CHARGES	One	More than One			
Males	.39	.29			
Females	.38	.32			
AGE	<21 yrs.	22-30	> 30 yrs.		
Males	.36	.35	.38		
Females	.56	.30	.29		

0 = Pled to Original Charge
1 = Plea Bargained

Mean
Females = .35
Males = .36
Total Sample = .36

small caseloads have lower rates of plea bargaining than men. Furthermore, the MCA supports the finding that while the probability of plea bargaining is greatest for males whose case went through less than three continuances, the probability of plea bargaining for female defendants is highest for those who went through three to six continuances. Thus, while bureaucratic pressures may provide the incentive for bargaining in general, these pressures seem to have slightly different outcomes for male and female defendants. As suggested earlier, one possible explanation for these different outcomes is that decision makers may have been more concerned with the speedy processing of male defendants as males overwhelmed the Rivertown criminal justice system accounting for 80% of all cases processed.

Differences in the bivariate relationships between the type and seriousness of the offense brought against males and females with type of plea bargaining are generally supported by the results of the MCA. Both males and females were most likely to plea bargain when charged with person offenses. Females bargained more often than their male counterparts when charged with victimless offenses. Also, male and female defendants' probability of plea bargaining was greatest when charged with serious offenses (Midpoints greater than six years). However, the MCA results did deviate from the bivariate analysis in a couple of important instances.

We argued that defendants charged with serious offenses would be more motivated to bargain than would those charged with less serious offenses because of the anticipated severity of punishment. We did not find a linear relationship between type of offense (person, property, victimless) and type of plea in the bivariate analysis. However, the MCA results indicate that the expected linear relationship actually exists for male defendants when the effects of the other predictors are controlled for. Males were most likely to

plea bargain when charged with person offenses, second most likely when charged with property offenses, and least likely when charged with victimless offenses. The relationship between the type of offense and chances of plea bargaining for female defendants on the other hand is curvilinear. Females charged with person crimes were the most likely to plea bargain, followed by those charged with a victimless and lastly, by those charged with property offenses.

In the same vein, while the bivariate relationship between the seriousness of the offense and chances of plea bargaining previously reported holds for male defendants when the effects of the other predictors are controlled for, the same is not true for female defendants. Male defendants charged with nonserious crimes (Midpoint of less than two years) were the exception to the linear relationship between seriousness of crime and type of plea, showing a higher than expected incidence of bargaining. Females charged with these low seriousness offenses are the least likely to plea bargain and showed considerably lower bargaining rates than their male counterparts.

These findings are important as they suggest that females are given less of an opportunity to plea bargain when charged with nonserious property crimes. Thus, when the effects of the other predictors are controlled for, female defendants charged with female dominated offenses may be treated more harshly than their male counterparts by Rivertown decision makers. As reported in the previous section, the same was true for convictions.

Both male and female defendants plea bargained less often when charged with multiple offenses than when charged with a single offense. Additionally, the MCA results validate the bivariate finding that both males and females with a past record plea bargained less often than those without a prior

conviction. This suggests that the Rivertown criminal justice system was very strict in its treatment of repeat "offenders" regardless of gender.

Although the bivariate analysis showed the highest incidence of bargaining to be among males and females under 21, the MCA results indicate that this is only true for female defendants. For males the age effect disappeared after controlling for the effects of the other predictors. Young female defendants (21 or younger), on the other hand, were more likely to plea bargain than older females or males of any age. However, among older defendants males bargained more often than females.

SUMMARY

Many of the gender differences reported in the bivariate analysis remain even when the effects of the other predictors are controlled for. Bureaucratic pressures for expedient processing affected plea bargaining for both male and female defendants. Size of the decision makers' caseload had a direct effect on bargaining for both genders even when the type and seriousness of the offense, prior conviction, quantity and type of witnesses, etc. were held constant. However, bureaucratic pressures appear to influence plea bargaining decisions more for male than female defendants. Males who went through less than three continuances were the most likely to plea bargain and did so more often than their female counterparts. Females were most likely to bargain after many (three to six) continuances. This finding suggests the existence of different criteria when making bargaining decisions for each gender. The finding that the relative importance of the predictors is different for male and female defendants tends to support this conclusion. Decision makers seem to place different emphasis on the predictor variables when processing male and female defendants.

The most notable differences in the processing of male and female defendants were found when examining defendants charged with similar offenses. Contrary to the bivariate results, we found a linear relationship between the type of offense (person, property, victimless) and the defendants' chances of plea bargaining, albeit for male defendants only: males were most likely to plea bargain when charged with a person offense, followed by a property offense, and finally, victimless offenses. Female defendants were also most likely to plea bargain when charged with person offenses but the second highest incidence in bargaining was for victimless rather than property crimes.

Both males and females bargained most often when charged with very serious offenses. But men charged with nonserious offenses (Midpoint less than two years) not only bargained more often than those charged with medium serious offenses but also more than women charged with nonserious offenses.

These joint results suggest that when the effects of all the other predictors are controlled for, females charged with female dominated offenses (low seriousness, property offenses) may be treated more severely (e.g. have a lower chance to bargain down the original charge) by the Rivertown criminal justice system than their male counterparts.

Both male and female defendants with multiple charges and a past record were found to bargain less than those with the opposite characteristics. Finally, age was found to be inversely associated with plea bargain for women only.

3. SENTENCING

Defendants convicted of an offense can be sentenced to prison for varying lengths of time, put on probation, fined by the court, or given suspended

CONTINUED

1 OF 2

sentences. In this part of the analysis, we will attempt to identify the factors that affect the type of sentence convicted offenders receive.

In Rivertown, 67.7% (1724) of the 2,552 defendants processed during the noted time period were convicted of at least one of the offenses they were charged with. Of these 1,724 cases, 61.6% (1062) pled guilty to the original charge, 33.1% (570) pled guilty to a reduced charge (plea bargained) and 5.3% (92) pled innocent and were found guilty by a judge or jury. The distribution of sentences shown to these convicted offenders is given in Table 34.

Table 34

Sentence*

		Probation			Prison		
Fine/ Suspended	Special Program	1 yr or less	1-2 yrs	>2 yrs	1 yr or less	1-5 yrs	>5 yrs
1.8% (29)	8.3% (136)	13.3% (219)	1.2% (20)	20.6% (339)	20.8% (342)	27.8% (457)	6.1% (100)

N = 1642
82 cases missing**

*While some defendants were given combinations of these penalties such as probation and fine, we report here only the most serious sentence for each offender.

**Of the 82 cases for which sentence information is missing, 40 were charged with serious person crimes. The distributions of race, gender, and conviction history are proportional to those found in the total sample.

The most common experience of convicted offenders was to be given a moderate prison sentence ranging from one to five years. A large proportion were also either given short prison terms of less than one year or a lengthy period of probation. The distribution of sentences varies for different groups of offenders. In Table 35 we can see that the proportion of offenders receiving different sentences varies significantly by gender and race.

Table 35

Sentence Stratified by Race and Gender

	Males % N	Females % N	Whites % N	Blacks % N
Prison				
>5 yrs.	6.8 (99)	.5 (1)	4.0 (20)	7.0 (80)
1-5 yrs.	29.7 (432)	13.3 (25)	20.4 (101)	31.0 (356)
1 yr. or less	21.0 (305)	19.7 (37)	16.2 (80)	22.8 (262)
Probation				
>2 yrs.	18.6 (270)	14.4 (27)	29.4 (145)	16.9 (194)
1-2 yrs.	1.2 (17)	1.6 (3)	2.0 (10)	.9 (10)
1 yr. or less	13.2 (192)	36.7 (69)	15.0 (74)	12.6 (145)
Special Program	7.8 (113)	1.8 (26)	11.3 (56)	7.0 (80)
Suspended Sentence/ Fine	12.2 (23)	1.6 (3)	1.6 (8)	1.8 (21)
	100.0 (1454)	100.0 (188)	100.0 (494)	100.0 (1148)

Significance   p=.000   p=.000

N=1642

Female offenders appear to have been treated leniently by the Rivertown criminal justice system. The largest proportion of convicted women were put on probation while males were most often sentenced to prison. Black offenders appear to have been treated very harshly as they were significantly more likely to go to prison than white offenders and to spend a longer time there. A major goal of the subsequent analysis will be to determine the extent to which the differences in the types of sentences received by these populations can be attributed to group differences in types of offense and past criminal record, the implied criteria for sentence within a justice model.

For most of our analysis we will employ a simplified sentence classification that distinguishes between those who were committed to prison and those who were not. In Rivertown, 54.8% (899) of the convicted offenders were committed while 45.2% (743) were penalized by other means.

TYPES OF PLEAS AND SENTENCE REDUCTION

As noted in our analysis of types of pleas, defendants who plead guilty to an offense may be motivated to do so only if they are assured that their sentence will be less than if they plead innocent and go through a full trial. While the plea bargaining process is characterized by charge reduction, it is possible that a promise of sentence reduction characterizes pleas to the original charge. It is also likely that those who plea bargain may get sentence reductions in addition to charge reductions. If these propositions are true, we should find that offenders who pled innocent were the most likely, and those who plea bargained the least likely, to be committed to prison. As shown in Table 36, these propositions are supported by the Rivertown Promis data. Of those who pled innocent and were found guilty, 82.2% were committed to prison while 62.6% of those who pled guilty to the original charge were similarly treated. Offenders who bargained were given the best deal as only 36.9% were committed to prison.

Table 37 indicates that pleading guilty and especially plea bargaining resulted in sentence reductions for offenders charged with all types of offenses. For each type of offense, defendants who pled innocent had the highest incarceration rate while those who bargained had the lowest.

Differences in the sentences of defendants who pled guilty and those who did not remains even when controlling for the past record of the offenders (see Table 38). While repeat offenders were committed to prison more often than first offenders, repeat offenders who plea bargained were significantly

Table 36

Types of Pleas by Commitment

Types of Pleas	Committed	Not Committed
% N	% N	% N
Plea Bargained	36.9 (206)	63.1 (352)
Pled Original	62.6 (633)	37.4 (378)
Pled Innocent	82.2 (60)	17.8 (13)

N = 1642
p = .00

less likely to end up in prison than those who pled guilty to the original charge. Repeat offenders who pled innocent and were found guilty had very little chance of avoiding prison.

To summarize, it appears that defendants who pled guilty to the original charge were often given sentence reductions. However, those who bargained got the best deal of all since they were the least likely to be committed to prison. Those who pled innocent and were found guilty were most heavily penalized. These differences hold even when type of offense and past record are held constant.

BIVARIATE ANALYSIS

According to the justice model, the seriousness of the offense should be the major determinant of whether a person is incarcerated. Risk of recidivism may also influence sentencing decisions under this model. Evidence Indicators should be irrelevant as all sentenced offenders have already been convicted. Also personal characteristics of the offenders should not influence sentencing decisions according to the justice model.

Within a justice model process variables should also be independent of sentencing outcomes. However, we have already shown that types of pleas

Table 37

Type of Plea by Type and Seriousness
of Offense - % Committed

All Pleas	Serious Person % N	Nonserious Person % N	Serious Property % N	Nonserious Property % N	Serious Victimless % N	Nonserious Victimless % N
Plea Bargain	60.5 (129)	24.4 (41)	38.2 (76)	35.9 (156)	19.6 (51)	19.2 (78)
Pled Original	73.8 (149)	72.7 (44)	69.6 (102)	63.2 (421)	39.8 (88)	57.1 (133)
Pled Innocent	78.9 (33)	83.3 (6)	87.5 (8)	72.7 (11)	40.0 (5)	85.7 (7)
Sig.(Total N)	.002 (311)	.000 (91)	.000 (186)	.000 (588)	.040 (144)	.000 (218)

Table 38

Type of Plea by Past Record - % Committed

All Pleas	Conviction History			
	None		1 or More	
	%	N	%	N
Plea Bargained	30.0	(467)	71.7	(92)
Pled Original	53.6	(708)	83.8	(302)
Pled Innocent	71.4	(42)	96.8	(31)
Sig. (Total N)	.000	(1217)	.002	(425)

affected sentencing decisions. Since in the analysis of Type of Pleas we found that many of the process indicators affected the defendants' chances of bargaining, it follows that they are likely to influence sentencing decisions via pleas.

Evidence. To the extent the justice model is upheld in Rivertown, sentencing decisions should not vary with the quantity or quality of evidence against the defendants. As indicated in Table 39, this proposition is not supported by the Rivertown Promis data. While the type of sentence did not vary with the type of witness, defendants who had few witnesses were incarcerated significantly less often than those who had many witnesses against them.

Offense. According to the justice model, offenders convicted of serious offenses should have an incarceration rate higher than those charged with lesser offenses. As shown in Table 39, this proposition is strongly supported by the Rivertown data. Person offenses most often led to commitment followed by property and finally victimless offenses. The relationship between sentencing and the seriousness of the offense (Midpoint) also supports this

conclusion as commitment rates were highest for those charged with serious

offenses. Looking at the type of offense stratified by seriousness, we find

that the relationship between commitment rate and seriousness is as predicted

except for those charged with victimless offenses. This discrepancy may be

accounted for by noting that most offenders charged with carrying a concealed

weapon fall into the nonserious victimless category. Thus, this finding may

reflect the relative severity of the Rivertown criminal justice system in

dealing with armed offenders as compared to those charged with narcotics

offenses. The distribution of commitment rate by the FBI crime categories

supports this conclusion: offenders convicted of weapons offenses were

sentenced to prison more often than those convicted of drug offenses (see

Table 40).

Previously we have argued that multiplicity of charges can be considered

an indicator of seriousness. Accordingly offenders charged with more than one

offense should be incarcerated more often than offenders charged with a single

offense. This proposition is not supported as the relationship between

sentence and number of charges is nonsignificant.

Prior Record. According to the justice model, repeat offenders should be

committed to prison more often than novice offenders because of the increased

risk of recidivism associated with repeaters. This proposition is strongly

supported by the Rivertown data: 89% (349) of offenders with a prior

conviction were sentenced to prison as compared to 45.2% (550) of first

offenders.

Process. All the process indicators are strongly associated with

sentencing. The commitment rate increased the longer offenders were in the

system and the more continuances their cases went through (see Table 39).

Table 39

Bivariate Associations - Sentencing
Total Sample and By Gender
% Committed

Predictors	Total % N	Males % N	Females % N	Signif.
EVIDENCE INDICATORS				
Number of Witnesses (N=1642)				.000
4 or less	47.1 (473)	50.7 (402)	26.8 (71)	.0001
5 to 6	58.1 (565)	60.4 (508)	36.8 (57)	.0007
More	57.6 (604)	59.7 (544)	38.3 (60)	.0016
Type of Witnesses (N=1631)				.8873
Police-Lay	54.6 (871)	58.2 (739)	34.8 (132)	.000
Combination or Expert	55.0 (760)	56.8 (706)	31.5 (54)	.0003
OFFENSE INDICATORS				
Type of Offense (N=1552)				.000
Person	65.8 (407)	66.4 (387)	55.0 (20)	.3035
Property	56.3 (783)	60.1 (674)	33.0 (109)	.0000
Victimless	39.8 (362)	41.3 (320)	28.6 (42)	.1078
Seriousness (Case Midpoint) (N=1597)				.007
<2 yrs.	47.7 (392)	49.0 (351)	36.6 (41)	.1293
2-5 yrs.	55.6 (275)	59.5 (227)	37.5 (48)	.0050
5-10 yrs.	53.5 (346)	57.2 (297)	30.6 (49)	.0005
10-13 yrs.	60.5 (261)	61.3 (253)	37.5 (8)	.1821
>13 yrs.	58.8 (323)	61.8 (293)	30.0 (30)	.0008

Predictors	Total % N	Males % N	Females % N	Signif.
Seriousness and Type of Offense (N=1538)				.000
Serious Person	69.8 (311)	70.9 (299)	41.7 (5)	.0397
Nonserious Person	51.6 (91)	50.0 (84)	71.4 (7)	.2675
Serious Property	57.5 (186)	57.9 (183)	33.3 (3)	.3949
Nonserious Property	56.1 (588)	61.1 (483)	33.3 (105)	.0000
Serious Victimless	32.6 (144)	34.2 (117)	25.9 (27)	.4018
Nonserious Victimless	44.5 (218)	45.3 (203)	33.3 (15)	.3616
Number of Charges (N=1641)				.360
One	54.0 (1181)	55.7 (1069)	38.4 (112)	.0005
More than One	56.5 (460)	62.5 (384)	26.3 (76)	.0000
PRIOR RECORD				
Conviction History				.000
None	45.2 (1217)	47.8 (1047)	29.4 (170)	.0000
One or More	82.1 (425)	82.6 (407)	72.2 (18)	.2901
PROCESS INDICATORS				
Time in the System (N=1642)				.000
3 mths or less	42.6 (397)	45.4 (328)	29.0 (69)	.0107
4-6 mths	55.3 (673)	58.6 (594)	30.4 (79)	.0000
More than 6 mths	62.6 (572)	63.7 (532)	47.5 (40)	.0440
Number of Continuances (N=1642)				.000
One or less	43.4 (584)	47.4 (487)	22.7 (97)	.0000
2-3	54.9 (561)	57.3 (501)	35.0 (60)	.0010
More than Three	68.0 (497)	68.2 (466)	64.5 (31)	.6695
Judge Caseload (N=1641)				.000
Large	41.1 (440)	41.8 (376)	37.5 (64)	.5208
Med-Large	47.6 (355)	52.0 (306)	20.4 (49)	.0000
Med-Small	67.6 (376)	71.3 (355)	36.6 (41)	.0000
Small	62.8 (470)	64.4 (436)	41.2 (34)	.0081

Predictors	Total % N	Males % N	Females % N	Signif.
Prosecutor Caseload (N=1642)				.000
Large	44.8 (433)	45.9 (375)	37.9 (58)	.2554
Med-Large	44.1 (306)	46.7 (274)	21.9 (32)	.0056
Med-Small	59.5 (476)	63.2 (416)	33.3 (60)	.0000
Small	67.2 (427)	70.2 (389)	36.8 (38)	.0001
Type of Attorney (N=1401)				.000
Private	45.5 (541)	47.2 (475)	33.3 (66)	.0326
Public Defender	69.4 (860)	72.9 (771)	39.3 (89)	.0000
Plea Bargaining (N=1642)				.000
No	63.9 (1084)	67.0 (961)	39.8 (123)	.0000
Yes	36.9 (558)	38.9 (493)	21.5 (65)	.0050
PERSONAL BACKGROUND				
Age (N=1639)				.057
<21 yrs. old	51.9 (648)	54.1 (604)	20.5 (44)	.0000
22-30 yrs. old	58.1 (676)	62.0 (577)	35.4 (99)	.0000
>30 yrs. old	53.0 (315)	54.8 (270)	42.2 (45)	.1172
Race (N=1642)				.000
Whites	40.7 (494)	42.0 (433)	31.1 (61)	.1004
Blacks	60.8 (1148)	64.1 (1021)	34.6 (127)	.0000
Gender (N=1642)				.000
Males	57.5 (1454)			
Females	33.5 (188)			

This suggests that defendants who plea guilty early may be given better deals than those who do so later. As Table 41 indicates, this proposition seems to be true only for those who bargained. Offenders who bargained early were significantly less likely to be sent to prison than those who bargained later.

Table 40

FBI Index by Commitment

Crime Categories	% Committed % N
1. Homicide	66.17 (27)
2. Sexual Assault	73.5 (34)
3. Robbery	74.1 (220)
4. Reg. Assault	49.2 (126)
5. Burglary	58.1 (329)
6. Larceny	57.9 (349)
8. Fraud/Forgery	46.0 (87)
12. Weapons	47.1 (174)
13. Nonassault Sex Offenses	41.7 (12)
14. Drugs	32.4 (176)
99. Other	51.1 (90)

Significance = .00
N = 1642

Table 41

Time in the System by Types of Pleas
% Committed

Time in System	Other % N	Actual % N	Innocent % N
≤ 3 months	24.8 (214)	63.0 (181)	100.0 (2)
<6 months	40.4 (203)	61.0 (446)	75.0 (24)
>6 months	50.4 (141)	64.3 (384)	85.1 (47)
Sig.		NS	NS

Commitment rate varies with the size of the prosecutors' and judges' caseloads. Decision makers with large caseloads were less likely to commit offenders to prison than were those with small caseloads. In our analysis of plea bargaining, we found that bargaining was directly associated with the size of the decision makers caseload. Thus, it may be that the relationships between the size of the decision makers' caseloads and sentencing reflect differences in rates of plea bargaining. On the other hand, lower commitments by prosecutors and judges with large caseloads might reflect the low seriousness of the cases that were assigned to them. This later interpretation would be consistent with the justice model. The multivariate analysis should help determine which alternative is correct.

In the analysis of final disposition and types of pleas, we concluded that having a private attorney was a valuable resource in the Rivertown criminal justice system. As noted in Table 39, this appears to be especially true for sentencing decisions as 45.5% (246) of all offenders represented by a private attorney were sentenced to prison as compared to 69.4% (597) of those represented by a public defender. Tables 42 and 43 further indicate that a private attorney was a very valuable resource for offenders convicted of any type of offense and for repeat as well as first offenders.

Personal Background. A major premise of the justice model is that defendants of different races, gender, and ages receive equal treatment in the criminal justice system. Unfortunately, the Rivertown data do not support this premise. Instead, we find that the offenders' chances of being sentenced to prison vary significantly with the offenders' age, race, and gender.

Perhaps the most distressing finding is that blacks were treated significantly more harshly than white offenders. As noted in Table 39, 60.8% (698) of the blacks convicted in Rivertown were sentenced to prison while only

Table 42

Seriousness and Type of Offense by Type of Attorney
% Committed

Type of Attorney	Serious Person % N	Nonserious Person % N	Serious Property % N	Nonserious Property % N	Serious Victimless % N	Nonserious Victimless % N
Private	58.1 (117)	28.1 (32)	34.8 (46)	53.3 (152)	22.2 (72)	46.4 (84)
Public Defender	78.7 (183)	79.1 (43)	74.3 (113)	68.5 (327)	44.3 (61)	61.7 (81)
Significance(N)	.000 (300)	.000 (75)	.000 (159)	.001 (479)	.007 (133)	.050 (165)

N = 1401
 Data on the type of attorney is missing for 241 of the convicted offenders in Rivertown. There
is proportionally more missing data on type of attorney for non-committed than for committed
offenders. Furthermore about half of the missing cases involved nonserious property offenses.

Table 43

Conviction History by Type of Attorney
% Committed

| | Past Convictions | | | |
| | None | | 1 or More | |
Type of Attorney	%	N	%	N
Private	39.3	(427)	68.4	(114)
Public	59.7	(586)	90.1	(274)
	p=.000	(1013)	p=.000	(388)

N = 1401

40.7% (201) of the whites were incarcerated. While the chances of going to prison were greatest when offenders, black or white, pled innocent followed by pled guilty to the original charge, and least likely when offenders plea bargained, Table 44 indicates that for all types of pleas blacks were sent to prison significantly more often than white offenders. Furthermore, blacks were sentenced to prison more often than whites even when past record is taken into consideration (see Table 45).

The relatively high conviction rate of blacks remains even after controlling for the type and seriousness of the offense and past conviction (see Table 46). Racial differences are greatest for those offenders who had not been previously convicted of a criminal offense. For every type of offense first time black offenders were sentenced to prison significantly more often than first time white offenders. Indeed, for drug and weapons charges, first time black offenders were committed to prison twice as often as white offenders. On the other hand, there are few significant differences between black and white repeat offenders.

Access to a private attorney significantly increases the chances of escaping incarceration but proportionally less blacks than whites are represented by a private attorney. In Rivertown only 34.5% (362) of convicted

Table 44

Types of Pleas by Race
% Committed

	Other % N	Types of Pleas Actual % N	Innocent % N
Whites	25.8 (190)	48.9 (282)	63.6 (22)
Blacks	42.7 (368)	67.9 (729):	90.2 (51)
Sig. (Total N)	.000 (558)	.000 (1011)	.009 (73)

Table 45

Prior Conviction by Race
% Committed

	None % N	1 or More % N
Whites	32.8 (399):	58.1 (117)
Blacks	51.3 (818)	78.7 (183)
Sig. (Total N)	.000 (1217):	.002 (589)

black defendants as compared to 50.2% (215) of convicted white offenders retained a private attorney. It could therefore be argued that the large discrepancies in commitments by race are due to differences in types of representation rather than racism pre se. We find, however (see Table 47), that while blacks represented by a private attorney were committed to prison less often than blacks represented by public defenders, blacks with private attorneys were still committed significantly more often than white offenders even after controlling for past convictions. Thus, it appears that some form of institutionalized discrimination is at work in the Rivertown criminal justice system resulting in more severe treatment of blacks.

Table 46

Type of Offense and Past Conviction by Race
% Committed

Type ±Seriousness	No Past Conviction White % N	Black % N	Sig	Past Conviction White % N	Black % N	Sig
Serious Person	46.5 (43)	67.2 (180)	.01	87.5 (16)	86.1 (72)	.88
Nonserious Person	30.6 (36)	55.6 (36)	.03	75.0 (4)	86.7 (15)	.59
Serious Property	35.9 (39)	42.3 (78)	.50	85.7 (21)	87.5 (48)	.84
Nonserious Property	39.7 (131)	48.7 (302)	.08	73.1 (26)	86.8 (129)	.09
Serious Victimless	21.6 (74)	43.5 (46)	.01	14.3 (7)	58.8 (17)	.04
Nonserious Victimless	18.2 (55)	45.5 (121)	.00	50.0 (6)	80.6 (36)	.12
Weapons FBI-12	21.6 (37)	46.1 (102)	.007	50.0 (4)	80.6 (31)	.200
Drugs FBI-14	20.0 (90)	43.9 (57)	.002	12.5 (8)	61.9 (21)	.010

Table 47

Type of Attorney by Race
Controlling for Conviction History
% Committed

	No Prior Conviction Private Attorney % N	Public Defender % N	1 or More Prior Convictions Private Attorney % N	Public Defender % N
Whites	27.2 (173)	47.6 (147)	56.3 (32)	85.5 (55)
Blacks	47.6 (254)	63.6 (440)	73.2 (82)	91.3 (219)
Signif. (N)	.000 (427)	.001 (587)	.090 (114)	.211 (274)

As shown in Table 39, offenders between the ages of 22-30 were the most likely to be sentenced to prison and those under 21 years old were the least

likely. Male offenders were sentenced to prison more often than female offenders: 57.5% (836) of all convicted males were sentenced to prison while only 33.5% (63) of the females convicted in Rivertown were incarcerated (see Table 39).

Summary. In general, sentencing in Rivertown does not quite fit the justice model. Admittedly, we find that the offenders' chances of commitment varied directly with crime seriousness and that repeat offenders were sent to prison more often than first offenders. While both of these findings are consistent with the justice model, we find that factors independent of the justice model affected sentencing decisions as well.

Offenders who had few witnesses were significantly less likely to be committed to prison than those who had several witnesses against them (Evidence Indicator). Process dimensions also affected the offenders' sentence. Offenders who pled innocent and were found guilty were most severely punished. Those who pled guilty to the original charge were often given a sentence reduction while those who plea bargained received not only a charge reduction, but often a significant sentence reduction as well. Furthermore, it seems that offenders who plea bargained soon after entering the system were additionally rewarded as they were committed to prison significantly less often than those who plea bargained later. Most notable is the finding that the defendants' probability of being committed to prison was greatly influenced by the type of attorney that represented them. In Rivertown, offenders with private attorneys were sentenced to prison significantly less often than those represented by public defenders even when controlling for the type and seriousness of the offense as well as past record.

The finding that sentencing decisions significantly varied with the offenders' age, gender, and race further removes the Rivertown criminal justice system from the justice model. We find that offenders between the ages of 22-30 were most often sentenced to prison. More importantly, we find that blacks were committed to prison significantly more often than white offenders convicted of the same type of crime. Among repeat offenders there were no significantly differences in sentences by race. However, being black seems to be a major criteria for commitment among first offenders.

In general, we find that females were sentenced to prison significantly less often than male offenders. We will explore this discrepancy further in the next section.

BIVARIATE GENDER DIFFERENCES

In this section we will attempt to determine the extent to which male and female offenders were similarly treated when they fell into the same categories on each of the predictor variables. Table 39 indicates that significant gender differences are pervasive across all the different types of indicators.

Evidence. The finding that offenders with few witnesses were the least likely to be committed to prison holds for both males and females. However, females were committed to prison significantly less often than males no matter how many witnesses there were against them. This was also true regardless of the type of witnesses.

Offense. For both males and females, the chances of being sentenced to prison were highest for person offenses, followed by property offenses and finally victimless offenses. However, of those convicted of property offenses, females were significantly less likely to be committed than males.

Looking at the type of offense stratified by seriousness, it appears that females were treated similarly to males when charged with nonserious person, serious property, and all victimless crimes. However, among those convicted of serious person and nonserious property, females were committed to prison less often than males.

Examining commitment rate by the FBI categories (Table 48) we find that females were significantly less likely than males to be committed to prison for robbery, this might account for the significant difference between males and females on the serious person category.[14]

In the analyses of final disposition and types of pleas, we found that females were treated more severely than males when charged with female dominated offenses, i.e., larceny, fraud and forgery. Therefore, it is surprising to find that males convicted of larceny and fraud/forgery were sentenced to prison more often than females. However, it must be remembered that females were not only convicted of these offenses significantly more often than males but bargained less often as well. Therefore, it might be that at least part of this apparent leniency is misleading. That is, males with similar charges were dismissed and engaged in plea bargaining more often than females.

The pattern between the number of charges and chances of being sentenced to prison is reversed for male and female offenders. Men were most often committed when convicted of multiple offenses and the reverse was true for women. Differences in the seriousness of the multiple charges brought against male and female defendants might account for this. Males charged with

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[14]A possible interpretation is that women might be simply considered passive accomplices in robbery cases perpetrated with men. Lack of information on codefendants precludes the testing of this hypothesis.

Table 48

FBI Index by Gender
% Committed

FBI Index Crime Categories	Males % N	Females % N	Signif.
Homicide	64.0 (25)	100.0 (2)	.1922
Sexual Assault	73.5 (34)	0	--
Robbery	75.6 (213)	28.6 (7)	.01
Assault	47.8 (115)	63.6 (11)	.3139
Burglary	58.6 (324)	20.0 (5)	.08
Larceny	62.3 (297)	32.7 (17)	.001
Fraud/Forgery	59.5 (37)	36.0 (50)	.03
Weapons	47.6 (166)	37.5 (8)	.57
Nonassault Sex Offenses	36.4 (11)	100.0 (1)	.17
Drugs	34.3 (143)	24.2 (33)	.26
Other	57.5 (73)	23.5 (17)	.01

N=1642

multiple offenses were most often charged with robbery offenses while females were most often charged with multiple nonserious property offenses.

Prior Record. As verified in Table 39, females without past convictions were sentenced to prison significantly less than males while the difference in the commitment rate of male and female offenders with prior convictions was not statistically significant. However, as shown in Table 49, when type of offense is controlled for, the only significant difference between male and female commitment rates is for first offenders convicted of nonserious

property crimes. Of the first time offenders convicted of nonserious property crimes, males were sentenced to prison almost twice as often as females.

Table 49

Past Record by Race
Controlling for Type and Seriousness of Offense
% Committed

	No Past Conviction			Past Conviction		
	Males % N	Females % N	Sig	Males % N	Females % N	Sig
Serious Person	64.3 (213)	40.0 (10)	.12	87.2 (86)	50.0 (2)	.21
Nonserious Person	40.0 (65)	71.4 (7)	.11	84.2 (19)	0 (0)	--
Serious Property	40.4 (114)	33.3 (3)	.80	87.0 (69)	0 (0)	--
Nonserious Property	51.2 (340)	26.9 (93)	.00	84.6 (143)	83.3 (12)	.90
Serious Victimless	30.5 (95)	28.0 (25)	.81	50.0 (22)	0.0 (2)	.10
Nonserious Victimless	37.7 (162)	28.6 (14)	.49	75.6 (41)	100.0 (1)	.45

Process. The chances of commitment for both male and female offenders increased with length of time in the system and number of continuances. However, females were significantly less likely than males to be sentenced to prison no matter how long they remained in the system. Gender differences were in the same direction for cases with three or less continuances. The difference between commitment rates of males and females with more than three continuances is nonsignificant.

While male and female conviction rates significantly vary with the size of the decision makers' caseload, these differences are hard to interpret. Most interesting is the finding that conviction rates of males and females handled by judges and prosecutors with large caseloads did not vary significantly. However, the lowest conviction rate for males and the highest conviction rate for females were found among those processed by decision

makers with large caseloads. As suggested in the section on final disposition, decision makers may use different baselines when dealing with male and female offenders. Decision makers with large caseloads handled mostly first time defendants charged with nonserious crimes, while decision makers with small caseloads handled predominantly serious cases. As a result, females were disproportionately represented in the larger caseloads. Thus, it may be that females were seen as less of a threat to society when they were a part of smaller caseloads mostly comprised of males charged with serious offenses as compared to when they were disproportionately represented in the larger caseloads charged with offenses more similar to those of male offenders'.

The type of attorney that represented the offenders seems to have made more of a difference for male than female offenders. Both male and female offenders were more often committed to prison when represented by a public defender instead of a private attorney, this difference is greater for male offenders. Whether represented by a public defender or a private attorney, female offenders were sentenced to prison significantly less often than male offenders (see Table 39).

Males and females benefited equally from pleading guilty through sentence reductions but females were sentenced to prison significantly less often than males when they bargained or pled guilty to the original charge (see Table 50).

Personal Background. Males between the ages of 22-30 years old were sentenced to prison more often than younger or older males. However, the relationship between age and commitment for female offenders is linear with female offenders older than 30 being sentenced to prison twice as often as

Table 50

Types of Pleas and Commitment Rates
of Male and Female Offenders
% Committed

	Other		Types of Pleas Actual		Innocent	
	%	N	%	N	%	N
Males	38.9	(493)	65.8	(891)	81.7	(71)
Females	21.5	(65)	38.8	(120)	100.0	(2)
Sig. (Total N)	.004	(558)	.000	(1011)	.372	(73)

females under 21 years old. Females up to 30 years old were sentenced to prison significantly less often than male offenders of the same age.

Finally, gender seems to have affected commitment decisions for black offenders only. It appears that black men received the harshest treatment within the Rivertown criminal justice system and undoubtedly, their harsh treatment accounts for the significant gender differences reported here.

Summary. In general, the bivariate associations noted when discussing the total sample hold for both male and female offenders with one or two exceptions. The major conclusion to be drawn from the bivariate analysis is that males, particularly black males, seem to have been treated severely by the Rivertown criminal justice system. Males were committed to prison significantly more often than females who had the same number of witnesses against them, spent the same time in the system, went through the same number of continuances, were represented by the same type of attorney, plea bargained, and were the same age. Furthermore, while chances of being sentenced to prison were associated with the seriousness of the offense for both males and females, males were significantly more likely to be committed

when convicted of serious person (robbery) and nonserious property offenses (larceny and fraud/forgery). Females were treated with relative leniency except when processed by decision makers with large caseloads. It is suggested that prosecutors and judges who handled a large number of cases processed a disproportionate number of females charged with nonserious offenses and thus were more likely to sentence females to prison than decision makers with smaller caseloads comprised of proportionately more males charged with serious offenses.

Finally, we find that offenders with prior convictions were treated more systematically than first time offenders. Gender and race differences related to sentencing were nonsignificant for repeat offenders but males and blacks first time offenders were sentenced to prison significantly more often than their counterparts.

MULTIVARIATE ANALYSIS

In the subsequent analyses, the time the offender spent in the system will be excluded because of its high correlation with the number of continuances the offenders' case went through (r=.67). Unfortunately, the type of attorney retained by convicted Rivertown defendants will also have to be excluded because of biases introduced by the large amount of missing data.

Relative Importance of Predictors. The thirteen predictors identified in Table 51 account for 22% of the variance in sentencing. The most important variables (those with betas above .10) are prior conviction, plea bargaining, type of offense, race, and size of the judges' caseload. It appears that consideration of past record played a more important role in sentencing than did the seriousness of the offense.

Table 51

MCA Betas - Sentencing
Total Sample and by Gender

	MCA Betas		
Predictors	Total	Males	Females
Conviction History	.23	.23	.18
Plea Bargaining	.18	.19	.13
Type of Offense	.13	.15	.13
Race	.12	.13	.06
Size of Judges' Caseload	.11	.12	.09
Number of Continuances	.09	.07	.20
Gender	.08	--	--
Size of Prosecutors' Caseload	.06	.07	.06
Number of Witnesses	.05	.06	.10
Age	.03	.04	.12
Seriousness	.02	.01	.06
Type of Witnesses	.01	.01	.02
Number of Charges	.01	.03	.13
R^2 (adjusted)	22%	22%	12%
N	1534	1364	170

The justice model is partially supported since the type of offense and
past record are among the strongest predictors of commitment. However process
indicators (size of judges' caseload, plea bargaining and number of
continuances) also have significant effects on sentencing. Furthermore, the
race of the offenders emerges as a significant predictor of commitment. Thus,
the justice model does not fit the Rivertown criminal justice system well.

The adjusted means displayed in Table 52 represent the relationship
between each predictor and sentencing after the effects of all the other
predictors have been controlled for. In general, the MCA results confirm the
relationships between the different predictors and sentencing found in the
bivariate analysis. Offenders with a past criminal conviction to their credit
were much more likely to be sentenced to prison than first time offenders.
Offenders charged with person offenses were most likely to be committed
followed by those charged with property offenses and lastly, victimless
offenses. However, the seriousness of the offense independent of the type of
offense did not prove to be an important predictor of sentencing in Rivertown
(see Table 51).

Even with the effects of all the other predictors controlled for,
offenders who bargained were sentenced to prison much less often than those
who pled guilty to the original charge or pled innocent. Also, it appears
that the size of the judges' caseload affected sentencing decisions over and
above the effects it had on plea bargaining rates. Even after past record,
seriousness and type of offense, plea bargaining etc. are controlled for,
judges with large caseloads sentenced offenders to prison less often than
those with smaller caseloads suggesting that these judges were involved in
sentence reduction deals more often than those who processed fewer cases.
Finally, even after plea bargaining is controlled for, the number of
continuances the offenders' cases went through seems to have affected
sentencing decisions. The more continuances the offenders' case went through,
the greater the chances that they would be sentenced to prison.

Personal characteristics of the offenders prove to be important
predictors of sentencing decisions. Black offenders were sentenced to prison
significantly more often than whites even after controlling for the type and

Table 52

Adjusted Means – Sentencing
Total Sample and by Gender

CONVICTION HISTORY	None	1 or More		
Total	.48	.74		
Males	.50	.76		
Females	.31	.59		

PLEA BARGAINING	Pled Original or Innocent	Plea Bargained		
Total	.61	.43		
Males	.64	.45		
Females	.39	.26		

TYPE OF OFFENSE	Person	Property	Victimless	
Total	.61	.56	.44	
Males	.63	.60	.44	
Females	.50	.30	.36	

RACE	White	Black		
Total	.46	.59		
Males	.47	.62		
Females	.30	.36		

JUDGES' CASELOAD	Large	Med.-Large	Med.-Small	Small
Total	.50	.48	.61	.59
Males	.51	.51	.64	.62
Females	.31	.32	.34	.43

CONTINUANCES	1 or Less	2-3	>3	
Total	.49	.55	.60	
Males	.53	.58	.61	
Females	.26	.36	.53	

NUMBER OF WITNESSES	4 or Less	5-6	>6	
Total	.55	.57	.52	
Males	.60	.59	.54	
Females	.28	.36	.39	

AGE	<21	22-30	>30	
Total	.54	.56	.53	
Males	.56	.60	.54	
Females	.25	.34	.43	

NUMBER OF CHARGES	One	More than One
Total	.54	.55
Males	.56	.60
Females	.39	.26

Mean

Total Sample = .55   0 = Not Committed
Males= .57   1 = Committed
Females= .34

seriousness of the offense, plea bargaining, conviction history, etc. Also, males seem to have been treated more harshly than females by the Rivertown criminal justice system as they were sentenced to prison more often even when the effects of the other predictors are controlled for. We will explore gender differences in more detail in the next section.

Summary. The multivariate analysis supports the findings of the bivariate analysis of sentencing. The more serious the type of crime the offender was charged with, the greater the likelihood of commitment. Also, repeat offenders were sentenced to prison much more often than first time offenders. However, process dimensions and personal characteristics of the offenders affected sentencing decisions as well.

Offenders who bargained were sentenced to prison less often than those who pled guilty or pled innocent to the original charge. Also, it appears that offenders handled by judges who processed a large number of cases were given sentence reductions more often than offenders handled by judges with smaller caseloads. We also find that the commitment rate of offenders increased with number of continuances.

Finally, both the race and gender of the offender show a significant effect on sentencing decisions in Rivertown. Blacks were committed to prison

much more often than their white counterparts. Women, however, were committed to prison much less often than men.

Gender Differences. The twelve variables entered into the separate analysis for males account for 22% of the variance in sentencing. These same variables account for only 12% of the variance in female sentencing. The relative importance of the predictors in accounting for the explained variance in sentencing is very different for males and females. For males, the results are identical to those for the total sample. The order of importance is different for females, and a couple of new predictors become salient. For females variables with betas above .10 are number of continuances, conviction history, plea bargaining, type of offense, number of charges, age, and lastly, number of witnesses.

Basically, the gender differences reported when looking at the bivariate associations are found when assessing the independent effects of each predictor on sentencing decisions. The results indicate that females were treated more leniently than males even after the effects of all other predictors are taken into consideration.

As noted in Table 52, for both genders past record increased the probability of commitment. Male repeaters and first offenders were sentenced to prison more often than their female counterparts.

While the percentage of male offenders sent to prison increased with the seriousness of the type of offense they were charged with, this is less true of female offenders. Female offenders charged with person offenses were indeed the most likely to end up in prison; however, females convicted of victimless offenses were sentenced to prison more often than those convicted of property offenses. Given the findings of the previous sections, it is possible that this results from a difference in the handling of property

offenses by gender: women more often securing sentence reductions through pleas of guilt and males more frequently dismissed.

One of the most intriguing findings from the MCA is that the number of continuances a case went through is the most important predictor of sentencing for females included in the Rivertown sample. As found in the bivariate analysis, for both males and females the offenders' chances of being committed to prison increased the more continuances their cases went through. This relationship appears to be strongest for female offenders as females who went through more than three continuances were sentenced to prison twice as often as those who went through one continuance. While females were still less likely to go to prison than males, the difference in commitment rates is relatively small for those offenders who went through more than three continuances.

Plea bargaining was related to lower commitment rates for both males and females although female offenders were sentenced to prison less often than males whether they plea bargained or not.

For male offenders, the size of the judges' caseload seems to have strongly affected their chances of being committed to prison. Males processed by judges with large caseloads were committed to prison less often than those handled by judges with smaller caseloads even when the seriousness and type of offense, the offenders' conviction history, plea bargaining, etc. are controlled for. For female offenders, the most notable characteristic of the distribution is that females processed by judges with the smallest caseloads were committed to prison more often than females processed by judges with larger caseloads.

Race of the offenders seems to have affected sentencing decisions for both men and women. The effect is, however, much stronger for male offenders.

Even after the effects of the other predictors are controlled for, we find
that 25% more black males were sentenced to prison than white males. The age
of the offender was an important predictor of sentencing for female offenders.
The female offenders' chances of being committed to prison increased with age.
Male offenders aged 22 to 30 were most often sentenced to prison. However,
for all age groups, male offenders were sentenced to prison more often than
their female counterparts.

The number of charges brought against the offenders was also an important
predictor of sentencing decisions for female offenders. The pattern between
the number of charges and commitment rate is reversed for male and female
offenders. For female offenders, those charged with multiple offenses were
committed to prison less often than those charged with a single offense. Male
offenders, on the other hand, were slightly more likely to be committed when
charged with multiple offenses. For female offenders, the chances of being
committed to prison increased as the number of witnesses increased while for
male offenders, the opposite was true.

To summarize, females were sentenced to prison less often than their male
counterparts. While the multivariate findings for the most part replicate the
differences between males and females found in the bivariate analysis of
sentencing, the results of the MCA indicate that different factors influence
the sentencing of male and female offenders.

Summary. In summary, we find that the conclusions from the bivariate
analysis are generally supported when the effects of the predictors are
independently assessed. This suggests that the variables can be considered
independent contributors to sentencing decisions. Twenty-two percent of the
variance in sentencing of the total sample was explained but only five of the
thirteen predictors emerge as important contributors: past record, plea

bargaining, type of offense, race, and size of the judges' caseload. Even
though the type of offense and the offenders' past record are among the
important predictors of sentences, process dimensions and personal
characteristics of the offenders are equally important. Therefore the
Rivertown justice system does not fit the justice model.

For male offenders, 22% of the variance in commitment decisions can be
accounted for by the twelve predictors entered into the MCA. The same
variables explain only 12% of the variance in female sentencing. The results
of the analysis of the male subsample parallel those of the total sample. For
females, the most important predictors of commitment decisions are number of
continuances followed by past record, plea bargaining, type of offense, number
of charges, age, and number of witnesses.

With but a few exceptions, we find that the multivariate findings support
the patterns of relationships between the predictors and commitment decisions
found in the bivariate analysis. Prior record significantly increased the
chances of conviction for both male and female offenders. However, while the
bivariate analysis suggested that the chances of being committed to prison
were greatest for all offenders charged with person offenses, followed by
those convicted of property offenses and lastly, victimless offenses, the MCA
indicates that this relationship is not valid for female offenders. Once the
other predictors have been controlled for, it appears that females convicted
of victimless offenses were sent to prison more often than females convicted
of property offenses. The relatively low commitment rate of females charged
with property offenses should be interpreted in light of two facts: 1. that a
large proportion of these offenders plead guilty, getting possible sentence
reductions; 2. that males equally charged are more often dismissed.

Having bargained instead of pled guilty or innocent resulted in fewer commitments for both males and females. The more continuances the offenders went through the greater the likelihood of their commitment. This relationship is especially strong for females.

The size of the judges' caseload seems to have had an independent effect on commitment rate. While the predictors included in the MCA may not capture all the differences between the type of cases processed by judges with different caseloads, the MCA results do suggest that judges with large caseloads were party to sentence reduction deals more often than judges with smaller caseloads even after the effects of the other predictors are controlled for. However, this is only valid for male offenders. In general, female offenders rates of commitment were less affected by size of judges' caseload. The only exception is that females processed by judges with smaller caseloads were sentenced to prison much more often than females sentenced by other judges.

The effect of the number of charges and number of witnesses on sentencing decisions varied by gender. The probability of being committed to prison increased with the number of witnesses against female offenders, however the reverse was true for male offenders. Also, the probability of commitment increased with number of charges for males and decreased for females.

Finally, personal characteristics had a substantial impact on the offenders' chances of being committed to prison. Older females were more likely to be sentenced to prison. Black males were sentenced to prison significantly more often than their white counterparts. In addition, the results of the MCA suggest that males, especially black males, were committed to prison more often than their female counterparts even after controlling for the effects of the predictors.

In conclusion, the Rivertown Promis data do not support the justice model of sentencing. The predictive power of all the indicators included in the analysis account for only 22% of the variance in commitment decisions. Type of offense and the offenders' past record emerged as important predictors of sentencing decisions but so did process dimensions (number of continuances, plea bargaining, size of the judges' caseload) and personal characteristics of the offenders (race, gender, age).

CONCLUSION

A major purpose of this study was to identify the criteria that affect dispositions, pleas, and sentencing in Rivertown. Final disposition and sentencing were evaluated by reference to the justice model. Because the process, of plea bargaining is informal and not subject to due process, it was examined by reference to a series of propositions developed in past studies to justify and describe its use. Another general purpose of the study was to identify differences in criteria used when processing male and female defendants. The following is a brief summary of the findings.

FINAL DISPOSITION

In Rivertown, 67.6% (1724) of the 2,552 defendants processed through the criminal justice system between October, 1978 and November, 1979 were convicted while 32.4% (826) were either dismissed or found not guilty. While the justice model suggests that evidence should be the major determinant of conviction, we found that process dimensions (the size of the prosecutors' caseload, number of continuances, and size of the judges' caseload), the type of offense (person, property, victimless), and the age of the defendants were the most important predictors of convictions. However, these variables explain only 9% of the variance in final disposition suggesting that

decisionmaking may be a random process in Rivertown or that the Promis data do not reflect the information most often used by Rivertown decision makers.

Bureaucratic pressures to speedily process cases through the overcrowded criminal justice system seem to have affected the defendants' chances of being convicted. Those defendants processed by judges and prosecutors with large caseloads were the least often convicted even when the effects of the other predictors were controlled for. We also found that the older the defendants were, the less their chances of conviction.

The relationship between the number of continuances and the chances of conviction was curvilinear as defendants who went through one continuance were the least often convicted, followed by those who went through more than three continuances. Defendants who went through two to three continuances were convicted the most often. The relationship between type of offense and chances of conviction was linear. Defendants charged with person offenses were convicted least often followed by those charged with property and lastly victimless offenses. Finally, even though we could not include the type of attorney in the multivariate analysis, our bivariate analysis indicated that defendants who were able to retain a private attorney were convicted significantly less often than those represented by a public defender.

The results of separate analyses for male and female defendants indicated the use of different criteria in the disposition of male and female defendants. The twelve variables entered in the MCA explain 9% of the variance in final dispositions for male defendants and 19% for female defendants. The five variables identified as important predictors of conviction decisions for the total sample emerged as equally important predictors of male convictions. Three additional variables were related to

the female defendants' chances of being convicted: type of witnesses, number of witnesses and number of charges.

While evidence indicators emerge as important predictors of conviction for female defendants, the direction of this relationship does not support the justice model. Instead of the expected direct relationship between the number and expertise of witnesses and convictions, the reverse was found. We found that the female defendants' chances of conviction decreased the larger and the higher the expertise of witnesses.

Female defendants were convicted significantly more often than their male counterparts when charged with female dominated offenses, i.e., larceny and fraud/forgery. We suggest that decision makers may use different baselines when dealing with male and female defendants. It may be that judicial decision makers prioritize crimes committed by males because of the vast number of males entering the Rivertown criminal justice system (males account for 89.1% of the total sample). As a result, even though male defendants are convicted of property and victimless offenses, the system is more concerned with convicting those charged with person offenses. Thus, when male defendants are charged with female dominated offenses, they may be seen as relatively less dangerous to society than the other males that are processed through the system. However, decision makers do not have to be as concerned with prioritizing the types of charges brought against female defendants because of their scarcity in the system. Indeed, it may be that those females charged with larceny and fraud/forgery are seen as the greatest threats to society simply because those are the offenses with which women are most often charged.

In sum, the most important differences between males and females are:

1. Females were convicted significantly more often than males in Rivertown.

2. Females were convicted of female dominated offenses more often than males charged with these offenses.

3. Females seem to have been treated more systematically than males as 19% of the variance in the Final Dispositions of female defendants was accounted for by twelve variables entered into the multivariate analyses as compared to 9% of the males'.

4. While evidence indicators emerge as important predictors of convictions for female defendants, the actual relationships between the number and type of witnesses and chances of conviction are the reverse of what the justice model would predict. Thus, the justice model was not supported by the Rivertown Promis data when examining conviction decisions for male and female defendants.

TYPES OF PLEAS

In Rivertown, 64% (1632) of the total sample pled guilty. Of those who pled guilty, 65% (1062) pled guilty to the original charge and 35% (570) plea bargained. Because the process of determining whether defendants will plea bargain or plead guilty to the original charge is unofficial, decisions concerning the type of plea entered by defendants are made away from public scrutiny. Unveiling operational criteria became, therefore, essential to the understanding of this process.

The twelve predictors entered in the MCA of Types of Pleas accounted for 14% of the variance. The most important predictors are size of the prosecutors' caseload, seriousness, type of offense, number of continuances, size of the judges' caseload, number of charges, and conviction record. The proposition that plea bargaining is a response to bureaucratic pressures that

call for the speedy processing of defendants through an overcrowded criminal justice system is supported by the results of the analysis. Prosecutors and judges who processed a large number of cases were more likely to employ the plea bargaining process than those who processed fewer cases. Furthermore, the defendants' chances of plea bargaining decreased as their case went through more continuances. Therefore, even when the type and seriousness of the charge, conviction record, etc. are controlled for, the process of plea bargaining seems to have been used as a strategy to speed up the processing of defendants.

The more serious the offense, the greater the defendants' chances of plea bargaining. The only exception refers to defendants charged with very minor offenses (Midpoint less than two years) who bargained second only to those charged with the most serious offenses.

Defendants charged with person offenses plea bargained most often while defendants charged with property and victimless offenses showed equal rates of bargaining. Defendants charged with a single offense as well as first time defendants bargained more often than those with opposite characteristics. Furthermore, the MCA results show that type of attorney made a difference for all defendants. Even when the defendants had a prior conviction, retaining a private attorney increased their chances of plea bargaining.

Overall, the rate of plea bargaining is not significantly different for male and female defendants. However, the eleven variables entered into the separate multivariate analysis explain more of the variance in types of pleas for females (23%) than for males (14%). Furthermore, the order of the importance of the predictors differ. For males, the important predictors are size of the prosecutors' caseload, the type of offense, seriousness, number of continuances, size of the judges' caseload, conviction record and number of

charges. For females, the important predictors are seriousness, age, size of the prosecutors' caseload, type of offense, size of the judges' caseload, and number of continuances.

In sum, the most important findings of the gender comparison are

1. Bureaucratic pressures to speedily process defendants through the Rivertown criminal justice system seem to have affected plea bargaining decisions concerning both male and female defendants. Male and female defendants were most likely to plea bargain when their cases were processed by decision makers who handled large numbers of cases even when controlling for the severity of the cases, conviction history, etc. However, bureaucratic pressures may influence plea bargaining decisions more for males than females as males with few continuances (three or less) were the most likely to plea bargain and more likely to plea bargain than their female counterparts. Females were most likely to plea bargain when their cases went through three to six continuances. This might reflect greater concern with the speedy processing of male defendants as males overwhelm the Rivertown criminal justice system accounting for 80% of all cases processed.

2. While both males and females were most likely to plea bargain when charged with person offenses, females plea bargained more often than males when charged with victimless offenses.

3. After the effects of the other predictors are controlled for, it appears that females were less likely than their male counterparts to plea bargain when charged with property offenses and offenses with a Midpoint below two years. This suggests that females were given less of an opportunity to plea bargain when charged with nonserious property crimes or in other words, female dominated offenses.

4. Female defendants under 21 years old constituted the gender-age group who bargained most often.

Sentencing. In Rivertown, 68% (1924) of the 2,552 defendants were convicted of at least one offense. Of these 1,724 cases, 62% (1062) pled guilty to the original charge, 33% (570) plea bargained, and 5% (92) pled innocent and were found guilty by a judge or jury. Of these conflicted offenders, 55% (899) were committed to prison while 45% (743) were penalized by other means.

The thirteen predictors entered into the multivariate analysis explain 22% of the variance in sentencing. The most important variables are conviction history, type of plea, type of offense, number of continuances, race, and size of the judges' caseload. While the justice model is somewhat supported as the type of offense and the offenders' conviction record are among the strongest predictors of commitment, process indicators (size of judges' caseload, type of plea, number of continuances) seem to have had a major effect on sentencing decisions as well. Furthermore, the race of the offenders appears as a significant predictor of commitment. Evidence supporting the justice model in Rivertown sentencing is at best ambiguous.

Offenders with past criminal records were much more likely to be sentenced to prison than novice offenders. Offenders charged with person offenses were most likely to be committed followed by those charged with property offenses and lastly, victimless offenses. However, the seriousness of the offense independent of the type of offense did not prove to be an important predictor of sentencing in Rivertown.

Even with the effects of all the other predictors controlled for, offenders who plea bargained were sentenced to prison much less often than those who pled guilty to the original charge or pled innocent. Also, it

appears that the size of the judges' caseload affected sentencing decisions over and above the effects it had on plea bargaining rates. The finding that judges who processed a large number of cases sentenced offenders to prison less often than those who handled fewer cases, after controlling for conviction record, seriousness and type of offense, plea bargaining, etc., suggests that judges who processed many offenders were involved in sentence reduction deals more often than those who processed fewer cases. Number of continuances seem to have affected sentencing decisions independently of type of plea. Number of continuances was found to have a direct effect on probability of commitments.

Personal characteristics of the offenders also prove to be important predictors of sentence decisions. Black offenders were sentenced to prison significantly more often than whites even after controlling for the type and seriousness of the offense, types of pleas, past record, etc. Also, males seem to have been treated more harshly than females by the Rivertown criminal justice system as they were sentenced to prison more often even when the other variables were held constant.

Of notable interest is the finding that offenders similarly charged and processed were sentenced to prison significantly less often when represented by private attorneys instead of public defenders.

The twelve variables entered into the separate gender analyses explained 22% of the variance in the sentencing of males and 12% of females. The relative importance of the predictors in accounting for the explained variance in sentencing varies by gender. For males, the most important predictors mirror that of the total sample consisting of conviction record, plea bargaining, type of offense, race, and size of the judges' caseload. Not only is the order of importance different for females, but a couple of new

predictors emerge as important predictors of female sentences: number of charges, age, and number of witnesses.

In general, the results suggest that females are committed to prison significantly less often than males even after the effects of all other predictors are taken into consideration. The most important gender findings are:

1. The race of the offender had a very strong effect on sentencing for male defendants. Even after the effects of the other predictors are controlled for, we found that 25% more black males were sentenced to prison than their white counterparts.

2. The age of the offender was an important predictor of sentencing for female offenders. The female offenders' chances of being committed to prison increased with age. Thus, while older offenders were convicted less often than their younger counterparts, once convicted the older females were treated more harshly.

3. The pattern between the number of charges and commitment rate is reversed for male and female offenders. Multiple charges led to higher rates of commitment for females and lower for males.

4. Number of witnesses seems to have affected sentencing decisions only for female offenders, increasing their chances of commitment.

5. The chances of being committed to prison were greatest for male offenders charged with person offenses, followed by those convicted of property offenses and lastly, victimless offenses. Females convicted of victimless offenses were, however, sent to prison more often than females convicted of property offenses. The relatively low commitment rate of females charged with property offenses may reflect sentence reductions obtained

through pleas of guilt. Our analysis of convictions also permits the
speculation that for similar offenses males might be dismissed more often.

In conclusion, the justice model is not supported by our analysis of
Rivertown decisionmaking. Instead, our data suggest that bureaucratic
pressures to efficiently process defendants through the overcrowded criminal
justice system as well as biases based on the personal characteristics of
defendants (their age, gender, and race) affect conviction, plea bargaining,
and sentencing decisions.

The results of our analyses suggest that male and female defendants often
received differential treatment when charged with female dominated offenses,
i.e. larceny and fraud/forgery. Females were convicted of these offenses
significantly more often than males charged with the same offenses.
Furthermore, once the effects of the other predictors are controlled for, we
found that females bargained less often when charged with larceny, fraud and
forgery. However males were committed to prison significantly more often than
females charged with female dominated offenses. Consideration of the findings
on dispositions and types of pleas suggest a possible interpretation of this
sentencing pattern negating the apparent favorable treatment of women.
Instead of having their cases dismissed, some females may have been pushed
into pleading guilty in return for the assurance that they would not go to
jail. Thus, some females charged with female dominated offenses may actually
have been treated more severely than their male counterparts when looking
simultaneously at dispositions, pleas and sentencing decisions.

Finally, another notable finding is that defendants with a criminal
record were treated much more systematically than first time defendants.
Conviction history was not important in predicting convictions but repeat
offenders bargained less often and were sentenced to prison significantly more

often than defendants without a prior conviction. Thus, repeat offenders
received both more systematic and harsher treatment in the Rivertown criminal
justice system than did defendants without prior convictions.

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