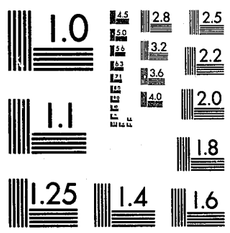

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per C. Lundy 12/13/82

DISPOSITIONS, PLEAS AND SENTENCING IN METRO

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There has been considerable interest in recent years concerning the possibility of differential treatment of men and women and of blacks and whites within the United States judicial system. This study will focus on the manner and extent to which differential treatment on the basis of race and gender takes place in a large midwestern city. To begin with, we will look at the determinants of final disposition. That is, we will seek to establish which variables help explain whether or not an individual is convicted. In later sections we will examine the determinants of plea bargaining and sentencing.

The population on which this analysis is based consists of all defendants processed on felony charges through the Metro City court system from January 1, 1976 to June, 1977, the time period during which PROMIS was in use. The sample is made up of black and white defendants for whom information on final disposition and offense type was available. Because the use of the PROMIS system ended abruptly, cases that were in the midst of processing lack final disposition and sentencing data. It would be reasonable to expect cases involving certain crimes and/or multiple offenses to take longer to process and hence be overrepresented among "open" cases when PROMIS was discontinued. There is, however, little difference by type of charge between closed and open cases. This also holds true for cases with and without sentencing information (see Appendix, Tables 1 and 2).

The ratio of men to women in the defendant population is about 10:1. For the subsequent analysis all women who were processed by the system during this period were included but only one out of every six men, randomly selected. This lowers the sex ratio, thus facilitating gender comparisons, but the actual ratio should be kept in mind when interpreting the findings.

The data set includes a number of variables that may affect final disposition. We have information on the background of the defendant --gender, race, and age. Variables pertaining to the offense with which the defendant is charged are "type", "seriousness", and the "number" of charges against the defendant. Information on presence or absence of codefendants is also available. Finally, process variables include the caseload of the judge and prosecutor, the amount of time spent in the court system, and the number of continuances for each case. Several key variables are lacking in this data set, namely indicators of evidence which in a justice system should be crucial to the outcome of final disposition, and the existence of past convictions, a variable more pertinent to sentencing and plea bargaining. Since we must do without evidence variables, the effect of evidence will be contained in unexplained variation. Information on past criminal record is available for a subsample of convicted cases and will be analyzed in one of the report sections.

During the time period in question, January 1976 to June, 1977, several different methods of case assignment were used. Until January 12, 1976, the "individual docket" method of assignment was used, in which cases were assigned to judges by "blind draw." On January 12, 1976 the court switched to the "central docket system." When a judge finished one case, he or she would notify the presiding judge and receive a new case. In other words, cases were assigned on the day of trial as judges became available. The presiding judge had a fair amount of discretion as to which cases would be assigned to which judges.

The central docket system, instituted for reasons of efficiency, proved to be quite inefficient and the back log of cases grew considerably. Consequently, on November 15, 1976, the court returned to the individual

docket system and blind draw case assignment again became the rule. Extra judges were brought in on a federal grant to decrease the enormous back log of cases, and judges with large dockets had cases transfered to judges with smaller dockets.

The assignment of cases to prosecutors remained the same throughout the period. Most prosecutors were assigned to specific judges. Therefore, the size of individual prosecutors' caseloads should be highly correlated with the caseload size of the judge to which they are assigned. Because judge assignment during the central docket period was not random, the cases seen by prosecutors during this period cannot be seen as randomly assigned either.[1]

The central docket and individual docket periods differ in more than manner of case assignment. During 1977 the court instituted a "crash program" in order to cut down on the large backlog of cases. Federal judges were brought in to help with the processing of cases and an effort was made to speed up the time spent on each case.

In addition to the general analysis, we will also compare differential processing of offenders during the central and individual docket period, because of the differing manner of both case assignment and the emphasis on speeding up the process. Date of screening and date of disposition are used to distinguish between the two periods. Twenty-eight percent of the cases were both screened and disposed during the 10 month central docket period. The individual docket period, seven and one half months in length, contains almost 29% of the cases. The remaining 43% of the cases were screened in one

[1]There are 64 cases in which a "special prosecutor" was assigned. Many prosecutors serve as a special prosecutor once or twice; that is, there is no select group of prosecutors that serve this function. When we exclude special prosecutors from the multivariate analysis, the relationships among the other variables do not change. This may be because the presence of midpoint and offense type controls for possible reasons for special prosecutor assignment.

period and disposed in another. We will exclude these hybrid cases when we compare the processing of offenders during the central and individual docket periods.

We will first describe the independent variables to be used as predictors of court processing in this study and discuss some of the ways in which they are interrelated. Subsequently, this report will be organized in three major sections. The first section will deal with dispositions, the second with type of pleas and the third with sentencing. Within each section descriptive measures of the defendant variables will be given followed by bivariate and multivariate analyses. In all instances comparisons of processing in the individual and central docket periods will be included. The major focus of the analysis is the comparison of court processing of male and female defendants.

DESCRIPTION OF THE INDEPENDENT VARIABLES

Defendant's Background

Background variables, such as gender, race, and age, should have no independent effect on final disposition when court processing follows a Justice Model. A review of the literature on differential court processing reveals a number of different hypotheses concerning how men and women are treated (see Washington Report, p. 2). Studies provide support for the hypothesis that women are treated more harshly than men, that women are treated more leniently than men, that women are treated more harshly for some crimes but more leniently for other crimes, or finally, that men and women are treated equivalently. It has been argued that different treatment of men and women will depend on the type of crime the defendant is charged with and its relation to socially defined gender roles. For example, we might find that

women charged with crimes that are contrary to the ideal of woman upholding the mores of the family and society are expected to be treated harshly. On the other hand, forgery, fraud, and larceny, as well as violent crimes committed in self defense, may be seen as characteristically female and perhaps "excusable" in that they provide protection and material support, albeit through illegitimate means, to the family. Aggressive violent crimes, however, are distinctly "unfeminine." One might argue therefore, that women charged with characteristically feminine offenses to be treated less harshly than men. Likewise, women charged with characteristically "unfeminine" crimes may be handled in a similar manner as men (Hoffman, Bustamante, 1973).

Research on juveniles, however, has shown that girls committing serious crimes are treated less harshly than boys committing similar crimes, while girls charged with status offenses receive much harsher treatment than boys. Girls committing serious offenses, it is argued, are not taken seriously and are not seen as dangerous. Their offense is seen as atypical of girls, and probably just a mistake (Chestney-Lynd, 1973). Girls committing status offenses, on the other hand, are seen as in need of supervision; the juvenile justice system therefore takes it upon itself to provide this supervision in the form of institutionalization. If we generalize these findings to adults we might expect women charged with serious offenses to be treated less harshly than men, all other factors held constant. Women charged with more minor crimes, on the other hand, such as shoplifting, drug use, or credit card fraud, may be seen by the court as in need of supervision or discipline, and receive a harsher sentence than the offense would appear to merit.

Documented racial discrimination against minorities across all walks of life in the United States lead us to expect that if differential racial treatment exists, it will show up as harsher treatment of blacks than of

whites. The age of the defendant, independent of variables such as past record and type of offense, should have little effect on final disposition.

As was mentioned above, only one out of every six men, chosen randomly, were included in the sample. As a result of this sampling procedure, 63% of the sample are men and 37% are women (see Table 1). The sample is predominantly black: only 14% of the defendants are white. The proportion of women defendants is somewhat larger among blacks than among whites. Thirty-eight percent of black defendants are women, while only 32.5% of white defendants are women. Because of the small number of whites, the possibility of analysis of the effects of the interaction of race and gender becomes limited and relatively important differences often are not statistically significant.[2]

Table 1

GENDER AND RACE DISTRIBUTIONS

GENDER	Male	Female			
N = 3627	62.6%	37.4%	100%		
RACE	White	Black			
N = 3627	13.7%	86.3%	100%		
GENDER*RACE	White Male	White Female	Black Male	Black Female	
N = 3627	9.3%	4.5%	53.3%	33.0%	100%

[2]From a total sample of 3629 defendants, there are only 162 white women. Analysis that include other independent variables with gender and race often show differential treatment for white women in terms of percent differences on the dependent variables. However, because they are based on very low ns, the results concerning the treatment of white women, while suggestive, cannot be generalized to the population of white women defendants.

The age variable was made trichotomous, grouping defendants aged 16-22, 23-29, and 30 and older. The defendant population is young; roughly 73% of all defendants are under the age of 30 (see Table 2). Female defendants tend to be older than male defendants; there are disproportionately fewer women than men in the youngest age group, and somewhat more women than men in the two older groups. Whites are much more likely than blacks to fall in the youngest age group. Nearly 42% of whites are between the ages of 16 and 22, while on 34% of blacks are in this age group. When we look at age by race and gender, however, we see that the racial difference is largely due to differences among white and black women. Table 2 shows that there is little difference in the proportions of white and black male defendants between the ages of 16 and 22. However, 48% of white women are in this youngest age group, compared to only 30% of black women. These differences are reversed in the 22-29 age group. Defendants are equally likely to fall in the oldest age groups, no matter what their gender or race. This racial difference in the age of women defendants cannot be explained by differences in the types of crimes white and black women are charged with. White women are consistently more likely to be found in the youngest age category in each offense category.

Offense Characteristics

The following offense indicators are used in the analysis: type of offense, seriousness of offense, and number of charges. One might argue that the more serious the offense, in terms of the type, number and seriousness of the charge, the harder the prosecution will work to get a conviction (Heuman), because society has more to lose if a dangerous criminal fails to be convicted than if a minor offender fails to be convicted. However, there are also

Table 2

AGE BY GENDER AND RACE

	Age 16-22	23-28	29+		Sig.
Total N=3560 missing=67	35.1%	37.8%	27.0%	100%	
Men N=2239 missing=30	37.0%	36.8%	26.1%	100%	
Women N=1321 missing=37	31.9%	39.5%	28.5%	100%	.0089
Whites N=490 missing=8	41.8%	30.8%	27.3%	100%	
Blacks N=3070 missing=59	34.1%	39.0%	27.0%	100%	.0007
White men N=333 missing=3	38.7%	33.3%	27.9%	100%	
White women N=157 missing=5	48.4%	25.5%	26.1%	100%	
Black men N=1906 missing=27	36.7%	37.5%	25.8%	100%	
Black women N=1164 missing=32	29.7%	41.4%	28.9%	100%	.0000

reasons to believe that the more serious the case against the defendant, the more difficult it may be for the prosecutor to win a conviction.[3]

Crime has been operationalized by using the most serious charge for each defendant, categorized by FBI general categories.[4] Table 3 gives the offense distribution by gender and race for the sample. Over one-third of offenses (38%) are either Weapons or Drug offenses. Robbery, Assault, Burglary and Larceny each account for approximately 10% of the sample.

There are clear gender differences in the type of crime committed. Table 4 illustrates, for example, that women are disproportionately represented in Forgery/Fraud and Drug offenses, while men are more likely to be charged with Burglary, Possession of Stolen Property, and Robbery.

There are also clear race differences in the type of crime with which the defendant is charged. These are not as pronounced as the gender differences, but still statistically significant. Whites are more likely to be charged with Burglary and Forgery/Fraud. Blacks are disproportionately represented in Drug offenses (see Table 4). White women are much more likely than black women to be charged with Forgery/Fraud, and less likely to be charged with Assault and Weapons charges.

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[3]Defendants who are charged with serious crimes or multiple charges face severe penalties if convicted, even if they plea to a lesser charge. Therefore, it is likely that such defendants will not plea bargain. Instead, serious offenders may go to trial with the hope of being acquitted. Consequently, defendants charged with relatively minor charges in which the likely punishment is probation as opposed to confinement, would be more likely than serious offenders to plea bargain, and therefore are more likely to end up with a guilty disposition (Rhodes, 1978).

[4]Examining the most serious charge by FBI level revealed that in instances of multiple charges (20% of the cases) the first charge was the most serious in over 90% of the cases. The margin of error in taking first charge as the most serious is therefore less than 2%.

Table 3. OFFENSE BY GENDER AND RACE

	Murder	Sexual Assault	Robbery	Assault	Burglary	Larceny	Fraud/ Forgery	Embezzlement	Stolen Property	Destruction of Property	Weapons	Sex Offenses	Drugs	Gambling	
Total N=3627	4.9	2.9	9.8	9.0	9.7	9.9	6.9	.2	7.2	.7	17.3	.2	20.7	.5	100%
Men N=2269	4.3	4.3	11.5	8.4	13.3	10.5	3.1	.1	9.3	.7	16.9	.1	17.2	.2	100%
Women N=1358	5.8	.7	6.8	9.9	3.7	8.8	13.3	.4	3.8	.5	18.1	.5	26.6	1.0	100%
Whites N=498	4.0	5.0	7.2	7.8	14.1	8.8	11.0	1.0	9.4	1.0	14.9	.2	14.9	.6	100%
Blacks N=3129	5.0	2.6	10.2	9.2	9.0	10.1	6.3	.1	6.9	.6	17.7	.3	21.7	.4	100%
White Men N=336	4.2	6.5	8.0	9.2	17.6	11.0	5.1	.3	11.0	1.2	15.8	0	9.5	.6	100%
White Women N=	3.7	1.9	5.6	4.9	6.8	4.3	23.5	2.5	6.2	.6	13.0	.6	25.9	.6	100%
Black Men N=	4.3	3.9	12.1	8.3	12.6	10.5	2.8	.1	9.0	.7	17.1	.1	18.6	.1	100%
Black Women N=1196	6.1	.5	7.0	10.6	3.3	9.4	12.0	.2	3.4	.5	18.8	.5	26.7	1.0	100%

Table 4

DISTRIBUTION OF SENTENCE MIDPOINT
("Seriousness of Crime")

	0.1-2 years	2.5-5 years	7-25 years	
Total N=3627	25.6%	37.1%	37.3%	100%
Men N=2269	20.3%	39.1%	40.6%	100%
Women N=1358	34.4%	33.7%	31.9%	100%

p = 0.

There are two broad categorizations of crime used in the subsequent analysis. The first represents a recode of the FBI classification into four categories:

(1) Violent crimes: Homicide, Sexual Assault, Robbery, and Assault,

(2) Property crimes: Burglary, Larceny, Forgery/Fraud, Embezzlement, Stolen Goods and Destruction of Property

(3) Drugs

(4) Victimless: Weapons, Sex Offenses, and Gambling.

The second categorization of crime incorporates an independent measure of seriousness based on the midpoint of the minimum and maximum sentence as established in the state's Compiled Laws for each specific type of criminal offense.

Table 4 shows that women are much more likely than men to be charged with crimes that have sentence midpoints of two years or less. The difference in

sentence midpoints between whites and blacks is not statistically significant.[5]

Using both offense indicators "type" and "seriousness" we created the following typology which permits more exact comparisons among groups of defendants differing on race and sex.

(1) High Serious Violent: Violent crimes for which the sentence is life imprisonment, e.g. First Degree Murder, Armed Robbery, Assault with Intent to Murder.

(2) Low Serious Violent: Violent crimes for which the sentence is less than life imprisonment, e.g. Manslaughter, Unarmed Robbery, Felonious Assault.

(3) High Serious Property: Property crimes in which the statute midpoint is five years or longer, e.g. Breaking and Entering an Occupied Building, Forgery.

(4) Low Serious Property: Property crimes in which the statute midpoint is less than five years, e.g. Receiving and Concealing Stolen Property, Entry without Breaking, Shoplifting, Illegal Use of Credit Cards.

(5) High Serious Drugs: Drug charges with sentence midpoints of three years or more, e.g. Manufacturing or Delivering Narcotics.

(6) Low Serious Drugs: Drug charges with sentence midpoints of less than three years, e.g. Possession of Narcotics.

[5]It must be kept in mind that we are comparing the <u>proportions</u> of gender and racial groups charged with specific crimes. In absolute numbers, the ratio of men to women is about 10:1. The ratio of blacks to whites is about 6:1.

(7) Victimless[6]: Victimless crimes are overwhelmingly Carrying a Concealed Weapons, which carries a two year midpoint.

As can be observed in Table 5, men are more likely to be distributed in serious Violent crimes and both serious and less serious Property crimes, while women are heavily represented in Drug charges and, to a lesser extent, Victimless offenses. Whites are disproportionately charged with Property crimes, while blacks are more heavily represented in the other five categories, especially less serious Drug offenses. Table 5 also shows the interaction of race and gender on the crime types for which the defendant is charged. Note the large proportion of white females among more serious Property charges (largely forgery of checks), as compared with black women (24.1% vs 11.6% respectively). Black women are more likely than white women to be charged with both Violent and Victimless offenses. There is little racial difference among women in less serious Property crimes or Drug offenses. Racial differences exist among men as well. Black men are more likely to be charged with Drug offenses, white men with Property offenses. There is a clear relative predominance of both white men and white women in Property crimes.

The vast majority of defendants, approximately 80%, have only one charge currently against them. This is true for both men and women, blacks and whites.

<u>Evidence</u>

Metro City has no evidence variables per se. We do know, however, whether there were codefendants involved. Codefendants can be thought of as

[6]Carrying a concealed weapon constitutes 96% of all victimless crimes.

Table 5

OFFENSE BY GENDER AND RACE

	High Serious Violent	Low Serious Violent	High Serious Property	Low Serious Property	High Serious Drugs	Low Serious Drugs	Victim-less	
Total N=3625 missing=2	16.9	9.7	14.8	19.9	5.4	15.3	18.1	100%
Men N=2269	18.8	9.7	15.7	21.4	4.5	12.7	17.1	100%
Women N=1356 missing=2	13.6	9.7	13.1	17.5	6.9	19.5	19.6	100%
								p=.0000
Whites N=498	15.1	9.0	21.7	23.7	3.8	11.0	15.7	100%
Blacks N=3127 missing=2	17.2	9.8	13.7	19.3	5.7	16.0	18.5	100%
								p=.0000
White men N=336	17.9	10.1	20.5	25.6	2.7	6.8	16.4	100%
White women N=162	9.3	6.8	24.1	19.8	6.2	19.8	14.2	100%
Black men N=1933	19.0	9.6	14.9	20.7	4.8	13.8	17.3	100%
Black women N=1194 missing=2	14.2	10.1	11.6	17.2	7.0	19.5	20.4	100%
								p=.0000

an indirect type of evidence.[7] If so, one might argue that the existence of codefendants would enhance an individual's probability of being found guilty.

The number of codefendants ranges from zero to eighty, but 76% of the cases with codefendants have only one or two. More than two-thirds of the cases do not involve codefendants and consequently we dichotomized this variable (no codefendants 69.1%; some codefendants 31.1%).

Table 6 shows that overall, there is no significant gender difference in whether or not a defendant has codefendants. But if we break this down by crime type we find there are statistically significant gender differences. Women are more likely than men to have codefendants for Violent crimes (both for serious and less serious Violent crimes). Women are also more likely than men to have codefendants for Drug and Victimless crimes, but they are less likely than men to have codefendants for Property crimes. Perhaps this is a result of the type of Property crimes women are arrested for, e.g. shoplifting, forgery or fraud.

Process Indicators

We have four variables which represent the processing of cases through the court: prosecutor caseload, judge caseload, time spent in court, and the number of continuances. We suggest that the more important Process variables are in determining disposition, the closer the court is to a bureaucratic processing model as opposed to a justice model.

The Prosecutor and Judge Caseload variables reflect the relative number of cases seen by these court officials. From a bureaucratic prospective the larger the caseload of the decision maker, the greater the pressures for quick

[7] It may be harder to get a foolproof defense when several actors are involved; there may be a greater likelihood that evidence will be available, at least in relation to one of the codefendants; and finally, one codefendant might incriminate the others.

Table 6

PRESENCE OF CODEFENDANTS BY GENDER AND TYPE OF OFFENSE*

	Men	Women	Significance
Total	30.1% (2269)	32.7% (1358)	.1263
Violent	28.9% (646)	41.1% (316)	.0002
Property	40.9% (343)	30.4% (415)	.0003
Drugs	21.0% (391)	31.0% (359)	.0016
Victimless	17.7% (389)	28.6% (266)	.0010

*Numbers in parentheses represent the case base for percentages.

disposals (e.g. dismissals).[8] From a Justice perspective caseload should not affect type of decision.

[8]In Metro City, federal judges were brought in to decrease the large backlog of cases throughout the period, but were used most heavily during 1977. Federal judges may be more accustomed to smaller dockets and therefore may spend more time on careful deliberation and observance of due process. We cannot identify the federal judges in our data set, although we expect them to have relatively light caseloads due to their unfamiliarity with the organization. We might speculate, therefore, that federal judges are disproportionally judges with light caseload. If this is the case, the effect of caseload in processing might be confounded with the effect of type of judge on processing.

In Metro City prosecutors are assigned to a specific judge. Therefore, judges with heavy caseloads should be associated with prosecutors with heavy caseloads. In fact, correlations between judge and prosecutor caseload are very low ($r = .02$ for the entire sample; $r = .04$ for the central docket period; and $r = .09$ for the individual docket period). Either prosecutors are assigned to more than one judge (e.g. to two judges with small caseloads) or more than one prosecutor to one judge (e.g. two prosecutors to a judge with a very large caseload).

The prosecutor caseload variable is trichotomous: ranging from relatively small to relatively large caseloads. The judge caseload variable has four categories, ranging from small to large caseloads. Blacks are more likely than whites to have prosecutors with small caseloads (28.4% of blacks vs 22.5% of whites). There is no significant gender relationship with Prosecutor or Judge Caseload.

"Time in the System" reflects the length of time in days a defendant spends in the court system, from screening to the final disposition.[9] We anticipate quick processing for most cases dismissed, a somewhat longer amount of time for those involved in plea bargaining, and the longest period of time for cases going through a full trial. Because defense strategies often purposefully prolong the court process, we expect that the longer the time a case stays in court, the lesser likelihood of conviction. Roughly 25% of the defendants fall into each of the following four categories of the Time Variable: less than 2 1/2 weeks (1-18 days), 2 1/2 to 8 weeks (19-56 days), 8 to 25 weeks (57-174 days), and over 25 weeks (175 days or longer). There is no statistically significant gender or race difference for Time in the Court System.

The fourth process variable, number of continuances, is strongly correlated with Time in the System ($r = .53$), and we expect Number of Continuances and Time in the System to have similar relationships with final disposition: dismissals will be associated with few continuances, plea bargaining with a moderate number of continuances, and trials with many continuances. Sixteen percent of defendants have only one continuance, 41% have two continuances, 22% have 3 continuances, and 21% have four or more

[9]The Time variable underestimates the time spent in Court for a minority of defendants who were not sentenced on the date of their final disposition.

continuances. Men and women, blacks and whites are equally distributed across each category.

DISPOSITIONS

Defendants can be seen as exiting from the court system in one of six ways:

(1) Warrant is Denied

(2) Dismissed before trial

(3) Dismissed at trial

(4) Pled guilty

(5) Pled innocent, found guilty

(6) Pled innocent, found innocent.

Cases in which the warrant was denied have been omitted from the analysis. Not only is there very little information about such cases, but also, these cases never in fact entered the court. It should be noted, however, that this group is disproportionately composed of women.

As shown in Table 7, the majority of defendants (61.1%) pled guilty. Most of the remaining defendants were dismissed at trial (24.6%), about 6% were dismissed pre-trial and only 8.1% went through a trial.

Table 7

DISTRIBUTION OF TYPES OF DISPOSITION

dismissed pre-trial	dismissed at trial	pled guilty	pled innocent found guilty	pled innocent found innocent
6.3%	24.6%	61.1%	4.8%	3.3%

N = 3627

For a large part of the analysis, the process variable has been collapsed to form a dichotomous variable: not guilty vs guilty. The "not guilty"

category (34.1% of the sample) includes dismissed before trial, dismissed at trial, and those who pled innocent and were found innocent. The "Guilty" category (65.9% of the sample) includes those who pled guilty, and who pled innocent, but were found guilty.

A. BIVARIATE ANALYSIS

We now turn to bivariate relationships between each independent variable and final disposition. Associations that vary significantly by gender or race are noted.

Defendant Background

In general, males are somewhat more likely to be found guilty than females, 67% and 64% respectively. There is no statistically significant racial difference in the defendant's probability of being found guilty. Although race is not significant by itself, there appears to be a race/gender interaction, in which white women are much less likely to be found guilty than the zero order gender effect would suggest. Conversely, white men are more likely to be found guilty than the zero order gender effect would suggest -- in fact, white men have the highest probability of being convicted of all four race/gender groups (see Table 8). Note also that the overall gender difference for being found guilty narrows for blacks. This suggests that if women are in fact treated more leniently by the courts, this paternalism is not extended to the same extent to black women. Clearly, we must control for a number of variables before we can conclude that this differential treatment reflects biased processing.

Overall, age has no significant effect on final disposition. Each age group is equally likely to be convicted. However, if we look at the relationship between age and final disposition separately for men and women,

Table 8

CONVICTIONS BY GENDER AND RACE*

	% Guilty	
Male	67.0 (2269)	p=.0614
Female	64.0 (1358)	
White	64.1 (498)	p=.3515
Black	66.2 (3129)	
White men	68.8 (336)	p=.0086
White women	54.3 (162)	
Black men	66.7 (1933)	
Black women	65.3 (1196)	

*Numbers in parentheses represent the case base for percentages.

we find that younger women are significantly less likely to be convicted than younger men; for other age groups there is no significant difference (see Table 9).

Offense Characteristics

The Type of Crime affects the probability that a defendant will be convicted. Table 9 shows that people charged with less serious violent crimes are least likely to be convicted (55.7%); people charged with serious Property and Drug offenses are most likely to be convicted (71.6% and 70.4% respectively). When we examine gender differences within crime categories, we

Table 9
PERCENT GUILTY BY BACKGROUND, OFFENSE AND PROCESS INDICATORS CONTROLLING FOR GENDER*

	Total	Males	Females	Significance
EVIDENCE				
Codefendants				
none	68.0% (2500)	68.3% (1586)	67.6% (914)	.7293
some	61.1% (1127)	64.1% (683)	56.5% (444)	.0106
	p=.0000	p=.0534	p=.0001	
OFFENSE CHARACTERISTICS				
Number of Charges				
one	66.4% (2908)	67.1% (1813)	65.1% (1089)	.2646
multiple	65.1% (1089)	66.7% (450)	59.5% (269)	.0521
	p=.2259	p=.8531	p=.0852	
Crime				
High Serious Violent	64.7% (612)	67.7% (427)	57.8% (185)	.0193
Low Serious Violent	55.7% (350)	55.7% (219)	55.7% (131)	.9975
High Serious Property	71.6% (535)	73.4% (357)	68.0% (178)	.1909
Low Serious Property	66.7% (723)	69.1% (486)	61.6% (237)	.0437
High Serious Drugs	70.4% (196)	74.5% (102)	66.0% (94)	.1900
Low Serious Drugs	65.9% (554)	63.7% (289)	68.3% (265)	.2500
Victimless	65.5% (655)	64.8% (389)	66.5% (266)	.6417
	p=.0002	p=.0003	p=.0672	
Seriousness				
Light (0.1-2 years)	64.6% (927)	61.3% (460)	67.9% (467)	.0363
Medium (2.5-5 years)	64.7% (1316)	65.9% (888)	62.4% (458)	.2118
Severe (7-25 years)	67.9% (1354)	71.0% (921)	61.4% (433)	.0004
	p=.1319	p=.0009	p=.0920	

	Total	Males	Females	Significance
PROCESS INDICATORS				
Prosecutor caseload				
Light	72.8% (727)	72.4% (609)	73.5% (389)	.7011
Medium	81.0% (1064)	81.1% (851)	81.0% (462)	.9547
Heavy	45.6% (595)	48.3% (800)	41.3% (506)	.0141
	p=.0000	p=.0000	p=.0000	
Judge caseload				
Light	54.2% (506)	55.1% (628)	53.4% (373)	.5921
Medium	66.8% (559)	67.5% (502)	67.8% (267)	.9414
Heavy	71.1% (863)	74.0% (755)	66.2% (459)	.0036
Heaviest	72.0% (461)	72.3% (382)	71.7% (258)	.8800
	p=.0000	p=.0000	p=.0000	
Time in System				
1-18 days	51.1% (917)	52.7% (573)	48.5% (344)	.2226
19-56 days	79.2% (880)	80.4% (551)	77.2% (329)	.2584
57-174 days	71.1% (877)	71.3% (586)	70.7% (311)	.8524
175+ days	66.9% (585)	64.2% (556)	61.0% (374)	.3150
	p=.0000	p=.0000	p=.0000	
Number of Continuances				
1	3.2% (588)	4.1% (342)	2.0% (246)	.1633
2	85.8% (1460)	85.7% (925)	86.0% (535)	.8944
3	72.2% (784)	72.1% (502)	72.3% (282)	.9453
4+	71.5% (772)	72.0% (489)	70.7% (283)	.6971
	p=.0000	p=.0000	p=.0000	

	Total	Males	Females	Significance
BACKGROUND CHARACTERISTICS				
Age				
16-22	66.2% (1251)	69.4% (829)	60.0% (422)	.0009
23-28	67.0% (1317)	67.8% (825)	65.9% (522)	.4799
29+	64.7% (962)	63.4% (585)	66.6% (377)	.3170
	p=.4900	p=.0588	p=.0864	
Race				
White	64.1% (498)	68.8% (336)	54.3% (162)	.0017
Black	66.2% (3129)	66.7% (1933)	65.3% (1196)	.4098
	p=.3515	p=.4685	p=.0063	

*Numbers in parentheses represent the case base for percentages.

find that the gender effect varies with the type of crime. Statistically significant differences are present only for serious violent crimes and less serious property crimes. In Table 9 we see that men charged with serious violent crimes (crimes with life sentences) are more likely than women charged with these crimes to be convicted: 67.7% of men are found guilty of serious violent crimes compared to only 57.8% of women. Men charged with less serious property crimes are also more likely to be convicted than women charged with less serious property crimes (69.1% vs 61.6%). Overall, men show a broader range of conviction rates across crime categories than do women.

Race differences are not significant for crime categories except for serious drugs (sale of drugs), in which whites are much less likely than blacks to be found guilty (47.4% vs 72.9%, respectively). This racial difference increases when we look just at white and black men. As Table 10 shows, only 44.4% of white males are convicted of serious drug offenses compared to 77.4% of black males. Perhaps white drug dealers are more likely

than black drug dealers to have private attorneys and therefore have lower levels of conviction.

Table 10

CONVICTIONS BY RACE, GENDER AND TYPE OF OFFENSE*

	White	Black	p	White Men	White Women	Black Men	Black Women	p
High Serious Violent	66.7% (75)	64.4% (537)	.7044	66.7% (60)	66.7% (15)	67.8% (367)	57.1% (170)	.1085
Low Serious Violent	48.9% (45)	56.7% (305)	.3234	55.9% (34)	27.3% (11)	55.7% (185)	58.3% (120)	.268
High Serious Property	70.4% (108)	71.9% (427)	.7533	75.4% (69)	61.5% (39)	72.9% (288)	69.8% (139)	.4086
Low Serious Property	61.9% (118)	67.6% (605)	.2264	70.9% (86)	37.5% (32)	68.8% (400)	65.4% (205)	.0031
High Serious Drug	47.4% (19)	72.9% (177)	.0206	44.4% (9)	50.0% (10)	77.4% (93)	67.9% (84)	.0611
Low Serious Drug	65.5% (55)	65.9% (499)	.9435	60.9% (23)	68.8% (32)	63.9% (266)	68.2% (233)	.7029
Victimless	67.9% (78)	65.2% (577)	.6273	74.5% (55)	52.2% (23)	63.2% (334)	67.9% (165)	.1565

*Numbers in parentheses are the case base for percentages.

Table 10 reveals that the advantage of white women (see in Table 8) is not constant across crime categories. White women are less likely than other groups to be convicted for less serious Violent crimes, Property crimes, and Victimless crimes. Their advantage disappears for serious Violent crimes and Possession of Drugs. White women charged with serious Violent crimes and drug possession are treated as harshly, if not more so, as are men. It is important to note that the more lenient treatment of white women for Property and less serious Violent crimes is not extended to black women.

In general, there is no relationship between seriousness of a crime and final disposition for the sample as a whole. Interestingly, seriousness of the offense has an opposite affect on final disposition for men and women. Table 11 shows that men are <u>more</u> likely to be convicted as the midpoint of their charge increase while the reverse is true for women.

Table 11

CONVICTIONS BY GENDER AND SERIOUSNESS OF OFFENSE*

SERIOUSNESS	GENDER		
	Males	Females	Significance
0.1-2 years	61.3% (460)	67.9% (467)	.0363
2.5-5 years	65.9% (888)	62.4% (458)	.2118
7-25 years	71.0% (921)	61.4% (433)	.0004

*Numbers in parentheses are the case base for percentages.

No significant association was found between Number of Charges and conviction.

In summary, we hypothesized that the more serious the offense (measured by Type of Offense, Seriousness, and Number of Charges) a defendant was charged with the lesser the likelihood of conviction. We speculated that defendants charged with serious offenses would be less likely to plea bargain and hence would be less likely to be convicted. The data, however, do not offer much support for this hypothesis. For men, the opposite tendency is present. More serious offenses are associated with higher convictions and there is no relationship between number of charges and conviction. For women no clear pattern emerges. Although women with multiple charges are less likely to be convicted, the relationship between seriousness and conviction

varies for black and white women and no clear pattern appears with respect to offense type.

Evidence

Overall, the presence of codefendants is associated with a lower incidence of convictions (see Table 12). This is particularly true for women. While the percentage of men found guilty falls from 68.3% to 64.1% in cases with codefendants, the drop is much larger for women: from 67.6% to 56.5%. The effect of codefendants does not vary across race.

Why should the presence of codefendants work so much more to the benefit of women? When we look at Table 12, which shows the codefendant effect by crime categories on dispositions, we find that it is mainly in Violent and Property crimes that the presence of codefendants affects women more favorably than men. It is popularly believed that women are treated more benevolently if they have a male codefendant. In such mixed gender associations, the assumption is that the man is the active transgressor and the woman the passive accomplice. Unfortunately our data does not include information on the gender of the codefendant, thus precluding the testing of this hypothesis. Clearly, however, "codefendants" are not useful as "evidence," since their presence lowers the proportion of guilty dispositions.

Process Indicators

The relationship between Prosecutor Caseload and final disposition is curvilinear. Table 9 shows an increase in the conviction rate from 73% to 81% and then a sharp decrease to 46%, as caseload increases. This relationship is similar for men and women.[10] Our expectation of an increase in dismissals

[10]Note that prosecutors with heavy caseloads are significantly less likely to convict women than men.

Table 12

GUILTY DISPOSITIONS BY PRESENCE OF CODEFENDANTS, GENDER, AND CRIME TYPE*

	No Codefendants			Some Codefendants		
	Male	Female	Signif.	Male	Female	Signif.
Violent	64.1% (459)	60.8% (186)	.4314	62.6% (187)	51.5% (130)	.0503
Property	73.9% (498)	69.9% (289)	.2262	66.7% (345)	51.6% (126)	.0027
Drugs	67.3% (309)	68.7% (249)	.7321	63.4% (82)	65.5% (110)	.7700
Victimless	66.6% (320)	69.5% (190)	.4969	56.5% (69)	59.2% (76)	.7433

*Numbers in parentheses are the case base for percentage.

with an increase in caseload is thus partially substantiated; the prosecutors with the heaviest caseloads are the least likely to convict. However, an explanation for the initial increase in conviction is not immediately obvious.

The relationship between judge caseload and final disposition is different from what we had anticipated. The conviction rate increases with size of the caseload. This general relationship holds for men and women. For reasons that aren't immediately apparent, judges with moderately heavy caseloads are significantly less likely to convict women than men.

Time in the Court and Number of Continuances have similar curvilinear effects on disposition. Table 9 illustrates that defendants who spend between 19 and 56 days in the system are most likely to be convicted. The conviction rate then drops off for longer periods of time spent in the court system.[11]

[11]This relationship reflects the fact that dismissals at trial take the least amount of time to process, followed by pleas and, finally, full trials. (See Table 3 in Appendix.)

There are no significant gender or race interactions with Time in the System and final dispositions.

Number of Continuances is highly correlated with the dependent variable, final disposition. For this reason Number of Continuances will not be included in the subsequent multivariate analysis. As Table 9 shows, 96% of defendants with only one continuance were dismissed. About 86% of of defendants with two continuances were convicted. Conviction rates for three or more continuances fall to about 72%. The curvilinear relationships for both Time and Number of Continuances with final disposition may be due, in part, to a defense strategy of prolonging the court processing in order to weaken witness input, find exculpatory evidence or due process inadequacy and so enhance the chances of nonconviction.

Summary of the Bivariate Analysis

It was found that a number of the independent variables did not have a significant affect on final disposition. Examination of the background variables -- age, race, and gender --showed no significant bivariate relationship with final disposition.

Of the three offense variable -- Crime Type, Seriousness of the Charge, and Number of Charges -- only Crime Type showed a significant association with the dependent variable. Less serious violent crimes showed the lowest conviction rates, while serious property and drug offenses showed the highest conviction rates. The presence of codefendants appears to decrease the probability of conviction.

All the Process variables showed significant associations with final disposition. Conviction rates first increase and then fall precipitously as Prosecutor caseload increases. Conviction rates increase steadily with Judge caseload. Time in the System and Number of Continuances have similar

relationships with disposition. Conviction rates increase and then decrease as Time and Number of Continuances increase. This relationship may reflect the success of the defense strategy to prolong a case in order to lower the probability of conviction. However, the causal relationship may be the reverse -- dismissals, pleas and trials are associated with different lengths of time and number of continuances.

Although not an important explanatory variable in itself, gender interacts with some other variables in our data set. Race, for example, appears to play a role in disposition for women, but not for men. White women are much less likely than black women to be convicted. Furthermore, although white women are much less likely than white men to be convicted, this gender differential is not present among blacks. With respect to age, younger women are significantly less likely than younger men to be convicted.

Two of the Offense variables -- Crime Type and Seriousness -- play a significant role for men, but not for women. Men, we find, have a larger range of conviction rates across crime categories than do women. Within crime categories, the major gender differences are found for defendants charged with serious violent crimes and less serious property crimes. Under these circumstances women are significantly less likely to be convicted than are men. Both men and women are less likely to be convicted if codefendants are present. But we found that the affect of codefendants is much stronger for women.

The Process variables have important and similar affects on disposition for both men and women. We also found that prosecutors with heavy caseloads and judges with moderately heavy caseloads are less likely to convict women than men.

B. MULTIVARIATE ANALYSIS

If we include all the independent variables in an MCA,[12] 16% of the variance is explained (see Table 13). Prosecutor caseload is the most important predictor, followed by Time in Court and Judge caseload. Using only these three Process variables as predictors of disposition, 15% of the variance is explained. The addition of Offense variables, the Evidence variable, and Background variables, therefore, increases explained variation in the dependent variable by only 1%.

Table 13

MCA FINAL DISPOSITION: NOT GUILTY/GUILTY

Predictors	All Cases	Men Only	Women Only
Prosecutor Caseload	.31	.29	.34
Time in Court	.15	.15	.16
Judge Caseload	.14	.16	.09
Crime Type	.08	.09	.06
Seriousness	.07	.12	.04
Codefendants	.07	.06	.09
Age	.03	.03	.01
Race	.02	.00	.05
Gender	.02	--	--
Number of Charges	.01	.02	.00
	Mean=.66	mean=.67	mean=.64
	R^2=.16416 adj R^2=.15965 n=3554	R^2=.16127 adj R^2=.15443 n=2225	R^2=.18771 adj R^2=.17646 n=1319

[12]See Appendix for an explanation of Multiple Classification Analysis.

Repeating the analysis separately for men and women we find that, all predictors included, 15% of male convictions are explained as compared to 18% of female convictions. For men, seriousness of the charge shows up as an important explanatory variable along with Prosecutor caseload, Judge caseload, and Time in Court.[13] For women, only two variables, Prosecutor caseload and Time in Court, have betas of over 0.1. By themselves these two variables explain 16% of female dispositions. (In other words, these two variables explain 88% of the total explained variance.) The most important variables affecting final disposition (at least in an additive fashion) appear to be mainly Process variables: Prosecutor Caseload, Judge Caseload, Time in Court, and, for men, also Seriousness of the charge. The significant bivariate associations between Type of Offense, Codefendant and Race with dispositions disappear when the other variables are controlled for in the multivariate analysis.

The adjusted means for the categories of each variable resulting from this analysis are shown in Table 14.[14] Examination of the adjusted means allows us to determine the direction of the effect of each predictor on disposition while holding constant the effects of the other predictors.

The four variables that were found to be important in the MCA had been found significant in the bivariate analyses as well. Furthermore, the pattern of effects is similar to the bivariate associations. We see again that as

[13]Only variables with beta's of 0.1 or over are considered statistically significant. Seriousness and Crime Type apparently interact with each other. If we exclude all variables except the four with betas over 0.1, then explained variance drops from 15% to 12%, despite the fact that the beta for crime is less than 0.1. However, if we include crime, explained variance rises to 15% again.

[14]Since dispositions are bundled in this analysis as a dummy variable (0=non conviction, 1=conviction) the adjusted means can be presented as percentages of convictions.

Table 14

ADJUSTED PERCENTAGES OF CONVICTION
BY SIGNIFICANT PREDICTORS

PROSECUTOR CASELOAD	Light	Medium	Heavy
Total	74%	79%	47%
Male	74	79.5	49
Female	73.5	79	43

JUDGE CASELOAD	Light	Medium	Heavy	Heaviest
Total	58%	63%	74%	68%
Male	58	63	77	69
Female	57	63	69	67

SERIOUSNESS	Low	Medium	High
Total	64%	64%	70%
Male	60	65	74
Female	66	62	65

TIME	Short	Medium	Long	Very Long
Total	57%	76%	68.5%	64%
Male	58	77.5	69	65
Female	55	75	68	61

Prosecutor Caseload increases, a slight increase occurs initially and is then followed by sharp decreases in conviction rates. We find a general increase of conviction rates with Judge Caseload, except that for judges with the heaviest caseloads -- especially for men, a slight decline is present.

With increasing time spent in the system we see an initial increase and then a decrease in conviction rates. This pattern is most likely caused by the disposition rather than being a predictor of disposition. (As we noted earlier, the number of continuances was omitted from the MCA since a defendant who has only one continuance is invariably dismissed.)

Seriousness of the offense was important only for men. As was true in the bivariate analysis, an increase in the seriousness of an offense is associated with a rise in the conviction rate.

In summary, we have found that the Process variables are most important in explaining final disposition -- namely Prosecutor and Judge caseload, and amount of Time spent in court. Together these three variables explain 16% of the variance in final disposition. Separate analyses for men and women reveal a few differences. Men are more likely to be convicted as the Seriousness of their offense increases. There is no such relationship present for women. Although there is not much difference in explained variation for men and women, it is noteworthy that the two variables Time and Prosecutor Caseload explain more variance for women than do all the four significant predictors for men.

COMPARISON OF TWO TIME PERIODS

We now turn to a comparison of the processing of offenders during two sub-periods for which case assignment and the emphasis on the speed of processing varied. We ran the MCA using only cases assigned by the central docket system (assignment decisions made by the presiding judge) and again using only cases assigned by the individual docket system used during the latter part of the PROMIS period ("blind draw" method of assignment). The variable "Time in the Court" was excluded because of the limited time frame for each period. The MCA results are markedly different for these two distinct screening periods.

The independent variables explain only 11% of the variance in final disposition for cases screened during the central docket period, increasing to 20% during the later individual docket period (see Tables 15 and 16). For the central docket cases, Prosecutor Caseload, Crime, Codefendant, and Judge Caseload (in that order) are important predictors of disposition for the sample as a whole, as well as for men. In addition to these four variables, Seriousness and Age play a significant role for women. For the individual

docket cases, Judge Caseload, Prosecutor Caseload, Crime, and Seriousness (in order of importance) are significant for the sample as a whole and for women. Codefendant is not important for men, but Seriousness is (see Table 17). However, the major difference between the two periods is the impact of Judge Caseload. If we exclude the Judge Caseload variable from the analysis we lose only 1.4% of the explained variance for the central docket period compared to a loss of 8.3% for the individual docket period. The explanatory value of the variable "Prosecutor caseload" is similar for both periods. If we exclude Prosecutor caseload from the analysis approximately 7% of the variance from each period is lost.

The adjusted percentages showing the effect of each independent variable net the effects of other independent variables are shown in Table 18 and 19. Many of the patterns seen in the adjusted percentages reflect the bivariate relationships.

Central Docket System

Prosecutor Caseload: When we examined the entire period, we found a curvilinear relationship in which defendants with prosecutors with medium size caseloads were most likely to convict. During the central docket period, however, as Prosecutor Caseload increases, the probability of a guilty disposition decreases steadily. There is little difference in the effect of Prosecutor caseload on men and women.

Crime: Conviction rates are higher for Property crime (adjusted % = 75) than for Violent, Drug and Victimless offenses (adjusted % hover around 59). The pattern is similar for men and women with one exception. Women have a higher conviction rate than men for Victimless crimes (adjusted %: women 68.5, men 59).

Table 15

MCS FINAL DISPOSITION (% GUILTY)
CENTRAL DOCKET PERIOD

	Total	Men Only	Women Only
Prosecutor	.28	.27	.28
Crime	.16	.16	.11
Codefendant	.14	.11	.23
Judge	.11	.11	.10
Seriousness	.08	.08	.14
Age	.03	.07	.11
Number	.03	.05	.01
Race	.02	.01	.04
Gender	.00	--	--
	R^2=.12285 adj R^2=.10876 N=1013 mean=65%	R^2=.12189 adj R^2=.10083 n=643 mean=65%	R^2=.17862 adj R^2=.14382 n=370 mean=65%

ADJUSTED PERCENTAGES OF CONVICTION BY SIGNIFICANT PREDICTORS

PROSECUTOR CASELOAD	Light	Medium	Heavy
Total	87%	65%	52%
Males	87	65	53
Females	87	66	51

CRIME	Person	Property	Drugs	Victimless
Total	58%	75%	57%	62%
Males	58	74	59	59
Females	61	71	58	68.5

CODEFENDANT	None	Some
Total	70%	54.5%
Males	69	57
Females	72	47.5

JUDGE CASELOAD	Light	Medium	Heavy	Heaviest
Total	57%	60%	68%	71%
Males	58	60	69	70
Females	59	61	65	72.5

SERIOUSNESS	Low	Medium	High
Total	67%	61%	69%
Males	62	62	70
Females	74	58	65

AGE	Young	Medium	Old
Total	65%	67%	63%
Males	67	66	60
Females	58	69	69

Codefendant: Both men and women are less likely to be convicted if they had codefendants. This is especially true for women.

Judge Caseload: For the sample as a whole as well as for men and women separately, an increase in Judge Caseload is associated with an increase in the rate of conviction. We no longer find the drop in conviction rate among judges with the heaviest caseloads.

Seriousness: Conviction rates are highest for women charged with the least serious offenses (adjusted % of 74). Conviction rates are lowest for women charged with offenses of medium seriousness, increasing somewhat for the most serious offenses.

Age: Conviction rates are lowest for the youngest group of women, with an adjusted % of 58. Women in the older two age groups have identical adjusted conviction rates of 69%.

Individual Docket System

Judge caseload: Men and women are more likely to receive a guilty disposition as the caseload of the judge increases. This relationship is stronger than

Table 16

MCA FINAL DISPOSITION (% GUILTY)
INDIVIDUAL DOCKET

	Total	Men Only	Women Only
Judge	.31	.34	.28
Prosecutor	.28	.24	.35
Crime	.16	.11	.23
Codefendant	.12	.08	.17
Seriousness	.09	.11	.07
Number	.03	.07	.04
Age	.03	.05	.03
Gender	.03	.03	--
Race	.01	--	.09
	R^2=.21136 adj R^2=.19891 n=1031 mean=67%	R^2=.21464 adj R^2=.19644 n=663 mean=69%	R^2=.26719 adj R^2=.23596 n=368 mean=64%

ADJUSTED % CONVICTED FOR MOST IMPORTANT PREDICTORS

JUDGE CASELOAD	Light	Medium	Heavy	Heaviest
Total	44%	63%	81%	78%
Male	42	67	83	79.5
Females	47	53	78	75

PROSECUTOR CASELOAD	Light	Medium	Heavy
Total	77%	75%	48%
Male	74.5	77	52
Female	82	70	42

CRIME	Person	Property	Drugs	Victimless
Total	55.5%	76%	67%	68%
Male	61	74	68	71
Female	46	77	66	61

CODEFENDANT	None	Some
Total	71%	59%
Male	72	63
Female	70	53

SERIOUSNESS	Low	Medium	High
Total	66.5%	63%	73%
Male	65	65.5	76
Female	66	60	68.5

RACE	White	Black
Total	66%	68%
Male	72	69
Female	52.5	66

the one found in the central docket period. Judges with light caseloads are less likely to convict during the individual docket period than during the central docket period, while judges within the two heaviest caseload categories are more likely to convict in the individual docket period than in the central docket period.

Prosecutor Caseload: There is a tendency for guilty dispositions to decrease as Prosecutor Caseload increases. This is similar to the pattern found during the central docket period.

Crime: As we saw in the central docket period, defendants charged with violent crimes during the individual docket period are least likely to be found guilty. But unlike the central docket period, this is particularly true for women. Women charged with violent crimes have an adjusted conviction rate of 46%, compared to 61% for men. Defendants charged with Property crimes are most likely to receive a guilty disposition. Note that the cross tabulations showed women to be less likely than men to have a guilty disposition for property crimes; in the MCA, which controls for other variables, women are slightly more likely than men to be convicted for property crimes. Women are

somewhat less likely than men to be found guilty of Victimless crimes (adjusted means: 71% vs 61%).

Codefendants: The MCA supports the pattern that emerged in the cross tabulations. As we saw in the central docket period, both men and women in the individual docket period are less likely to be found guilty if they had codefendants, but women clearly benefit from their presence.

Seriousness: Men are most likely to be found guilty if their offense was very serious. This was not true for women: their rate of conviction is the same across levels of charge seriousness.

Race: Although the beta for race does not quite reach the significance level (.09), it is interesting to note the interaction between gender and race on disposition. As we saw in the cross tabulations, white men are somewhat more likely than black men to have a guilty disposition; white women are much less likely than black women to be found guilty. The difference in dispositions between white men and white women, controlling for other variables, is the largest.

In summary, our MCA findings for final disposition indicate that Process variables are the most important explanatory variables in our data set. While it is unclear to what extent Time in the System affects final disposition rather than being determined by final disposition, the effects of Judge and Prosecutor caseload variables are substantial suggesting that a bureaucratic model of criminal processing is at work in Metro City. In other words, 16% of the variance in final disposition is explained, not by attributes of the cases themselves, but by seemingly irrelevant factors to the innocence or guilty of

the defendant -- the caseload of decision makers and the length of time the defendant was involved in the criminal justice process.[18]

Also important is the substantial difference in the variance explained between the screening periods. The two periods vary not only in the way in which cases were assigned but also to the degree to which judges were pressured to reduce the backlog of cases. Cases screened during the central docket were assigned to judges by the presiding judge. Cases screened during the individual docket period were assigned randomly. Furthermore, this period was characterized by a heavy emphasis on decreasing the backlog of cases. We find that during the individual docket period the same predictors explain twice as much of the variance in disposition than during the central docket period. The increase in the betas of Judge caseload suggest that under pressure to process quickly, the tendency of caseload to affect decisions increases in the expected direction. That is, the greater the caseload the more cases are dismissed.

Finally, the findings indicate that, although gender is not significant in itself, separate runs for men and women result in different levels of explained variation as well as different variables contributing to that explained variance. The seriousness of the crime increases the likelihood that a man will be found guilty but has a curvilinear impact on women. The presence of codefendants lowers the probability of conviction much more for women than for men. Women are much less likely to be convicted of Violent crimes than men, somewhat less likely to be convicted of Victimless crimes than men, but equally likely to be convicted of Property and Drug charges.

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[18]The effect of evidence and witness variables has not been measured, and therefore falls within the variance that remains unaccounted for by our model. Comparisons with the other cities being studied will give us a ballpark figure of the importance of evidence and witnesses in final disposition.

Finally, although not quite statistically significantly, it is interesting to note that white women are less likely to be convicted than black women or than men of either race.

TYPES OF PLEAS

In the following section we examine the plea process in Metro City. Sixty-one percent of defendants entering the Metro court during the period under study pled guilty (see Table 7). We now turn to an examination of the variables which determine whether defendants plea guilty to the original charge or whether they plea bargain --that is, plea guilty to a less serious offense. Our focus is now on a narrower population than in the previous section: those defendants who plea guilty (n=2088).[16] We are interested in identifying the determinants of two different types of guilty pleas: to the same charge and to a lower charge. The latter will be referred to in this section as "plea bargain".

Our independent variables will be the same as those used in the analysis of final disposition, with a few exceptions. We will substitute Number of Continuances for Time in the System.[17] We also gathered personal data from pre-sentence reports for a subsample of 235 convicted defendants. As a result, we will be able to examine the effect of an offender's past criminal record on the plea process.

The decision of prosecutors to allow defendants to plead guilty and the decision of defense attorneys to recommend that their clients plead guilty might depend on a variety of factors. For example, Rhodes (1978) argues that defendants charged with crimes carrying severe sentences are more likely than other defendants to opt for full trials (e.g. plead innocent). In order to induce these defendants to choose the less tie consuming option of pleading

[16]Pleas of innocence are excluded from this analysis because they constitute only 8% of the entire sample (see Table 7).

[17]Number of Continuances is a more direct measure of defense strategy. It is also more clearly a causal factor in judicial outcomes, rather than being caused by court processing.

guilty, the prosecutor needs to offer a defendant a tempting alternative -- pleading guilty to a charge less severe than the one he would be tried for. Under these circumstances we would anticipate that more serious crimes would be associated with more plea bargaining.[18] Past record should have a negative effect on plea bargaining. Although ideally past record is not supposed to be a factor until after conviction -- at the sentencing stage -- it is likely that the longer the defendants' past record the less bargaining power he or she has with the prosecutor. So we anticipate a lower probability that defendants with prior record will have the opportunity to plead to a lesser charge.

The presence of evidence and witnesses should have a positive effect on the strength of the case against an individual, and a negative effect on bargaining. Conversely, the weaker the case the greater the possibilities for bargaining. However, Metro City did not collect data on evidence and witnesses. We do know whether codefendants are involved, and if we consider this a type of evidence, then we can expect that the presence of codefendants will make plea bargaining less likely.

Finally, we anticipate that the caseload of the prosecutor will be positively associated with plea bargaining. The larger the caseload, the more pressure on the prosecutor to move cases, and possibly the greater his/her willingness to resort to reduction in charges as an incentive for guilty pleas. Other variables are not expected to affect the plea process.

[18]As Bernstein et al. (1979) point out, the least serious crimes, such as shoplifting or carrying a concealed weapon, cannot be reduced, except to a misdemeanor.

A. BIVARIATE ANALYSIS

Offense Characteristics

The probability that a defendant will plea bargain rather than plea to the original charge varies significantly with the type of offense with which the defendant has been charged. Table 17 shows that defendants who have been charged with a violent crime or drug offense are most likely to plea bargain (47% and 44% respectively), followed by defendants charged with property crimes (32%). Only 2% of defendants charged with Victimless crimes plea bargain.

When we examine seriousness, as measured by the midpoint between the minimum and maximum sentence associated with the offense in the state statutes (see the Appendix for a more detailed description of the midpoint measure), we find that the seriousness of the offense and the extent of plea bargaining are positively associated. Table 17 shows that defendant charged with the most serious crimes are the most likely to bargain. However, the relationship between seriousness and plea bargaining is curvilinear; while 47% of defendants with an offense of high seriousness plea to a reduced charge, only 16% of defendants with an offense of medium seriousness plea bargain, as compared to 36% of those charged with offenses of low seriousness. We can speculate that the average sentences for serious crimes are so severe that defendants can only be persuaded to plea guilty if they are offered the opportunity to plea to a reduced charge. The curious curvilinear relationship may be due to the type of offense associated with a medium midpoint. In fact, 45% of the charges with a medium midpoint are Carrying a Concealed Weapon. This common victimless crime may carry a high sentence midpoint relative to its perceived seriousness by judges and prosecutors, causing these

Table 17

PLEAS TO REDUCED CHARGES BY OFFENSE, EVIDENCE, BACKGROUND AND PROCESS INDICATORS*

	Total	Male	Female	p
OFFENSE VARIABLES				
Type of Offense				
Person	47.0% (453)	42.6% (317)	57.4% (136)	.0039
Property	32.4 (775)	30.0 (530)	37.6 (245)	.0367
Drugs	44.3 (395)	42.1 (232)	46.6 (163)	.3304
Victimless	2.0 (465)	.9 (242)	3.7 (223)	.0502
	p=0	p=0	p=0	
Number of Charges				
One	33.9% (1796)	31.4% (1131)	38.2% (665)	.0033
Multiple	23.6 (292)	22.6 (190)	25.5 (102)	.5835
	p=.0005	p=.0149	p=.0131	
Seriousness				
Light (0.1-2 yrs)	35.9% (555)	36.4% (264)	35.4% (291)	.8122
Medium (2.5-5 yrs)	16.3 (786)	15.6 (524)	17.6 (262)	.4945
Severe (7-25 yrs)	47.0 (747)	41.3 (533)	61.2 (214)	.0000
	p=0	p=0	p=0	
PERSONAL BACKGROUND				
Gender				
Male	30.1 (1321)			
Female	36.5 (767)			
	p=.0027			

	Total	Male	Female	p
Race				
White	31.4% (290)	30.9% (207)	32.5% (83)	.7891
Black	32.6 (1798)	30.0 (1114)	37.0 (684)	.0021
	p=.6687	p=.7876	p=.4256	
Age				
Young	35.2% (727)	33.6% (500)	38.8% (227)	.1765
Middle	32.2 (783)	28.5 (480)	38.0 (303)	.0060
Old	29.2 (544)	27.3 (326)	32.1 (218)	.2268
	p=.0769	p=.0968	p=.2736	
EVIDENCE				
Codefendants				
None	33.4% (1512)	30.2% (951)	38.9% (561)	.0005
Some	30.0 (576)	30.0 (370)	30.1 (206)	.9806
	p=.1422	p=.9493	p=.0255	
PROCESS VARIABLES				
Prosecutor Caseload (V1118)				
Light	30.6% (631)	26.8% (384)	36.4% (247)	.0105
Medium	32.9 (946)	31.1 (602)	36.0 (344)	.1165
Heavy	34.3 (507)	32.6 (331)	37.5 (176)	.2714
	p=.3912	p=.2004	p=.9480	
Judge Caseload (V3119)				
Light	34.6% (422)	31.4% (261)	39.8% (161)	.0804
Medium	30.8 (507)	28.2 (333)	35.6 (174)	.0864
Heavy	33.5 (770)	32.5 (496)	35.4 (274)	.4077
Heaviest	30.3 (389)	26.4 (231)	36.1 (158)	.0416
	p=.4358	p=.3109	p=.8144	

	Total	Male	Female	p
Time				
1	29.3% (441)	29.0% (283)	29.7% (158)	.8644
2	35.8 (660)	34.6 (419)	37.8 (241)	.4158
3	29.8 (543)	24.1 (348)	40.0 (195)	.0001
4	34.1 (443)	32.2 (270)	37.0 (173)	.3012
	p=.0555	p=.0137	p=.2287	
Continuances				
1	66.7% (3)	66.7% (3)	0% (0)	--
2	35.4 (1177)	34.2 (748)	37.5 (429)	.2540
3	29.4 (476)	26.1 (299)	35.0 (177)	.0385
4+	27.5 (432)	22.9 (271)	35.4 (161)	.0048
	p=.0044	p=.0007	p=.8006	

*Numbers in parentheses are the case base for percentages.

decisionmakers to treat the offense as though it had a lower associated sentence in the statutes.[19]

Defendants with multiple charges have the option of accepting a reduction in the number of charges, as opposed to simply a reduction in the severity of the first charge.[20] Because there is the possibility of reducing the number of charges, it is reasonable to expect that defendants with multiple charges will be less likely to plea bargain than defendants with only one charge. In

[19]When we exclude all cases of Carrying a Concealed Weapon, the curvilinear relationship between seriousness and type of plea is modified; the percentage of defendants plea bargaining with medium serious offenses increases from 16% to 31%.

[20]In fact, 47% of defendants with multiple charges have their charges reduced in number. Twenty-four percent plea bargain (3.4% of which include a reduction of charges as well as a reduction in the severity of the first charge), and 29% plea to the actual charge.

fact, the bivariate analysis shows this to be the case. We can see from Table 17 that while 24% of the defendants with multiple charges plea bargain, 34% of defendants with single charges do the same.

In sum, bivariate analysis of pleas with the offense variables indicates that there is a relationship between the type of charge and the plea process; defendants charged with violent offenses are most likely to plea bargain. Defendants charged with victimless offenses are least likely to plea bargain. There is a tendency for more serious crimes to be associated with plea bargaining, while less serious crimes are associated with pleas to the actual charge. Multiple charges, however, are associated with less plea bargaining than single charges, perhaps because defendants with multiple charges may be bargaining for a reduction in the number of charges rather than for a reduction in the severity of the charges.

Evidence

Ideally, we would want to examine the role of evidence in the plea process. However, the only "evidence" indicator available in the Metro City data set reflects whether or not the defendant has codefendants. Defendants with strong evidence against them will find the prosecutor unwilling to bargain. On the other hand, if the evidence against them is weak, the prosecutor may try to persuade the defendant to plea bargain. In fact, the Metro City data show no significant differences in the probability of plea bargaining between defendants with no codefendants (defendants, one might argue, with less evidence against them) and defendants with codefendants. Later in this section, when we examine gender interactions, we will have more to say about the effect of codefendants on plea bargaining.

Defense Strategy

By increasing the length of time a defendant's case takes to be processed, the defense may be able to weaken the case against his client. The Metro City data set has two variables that may be seen as measuring defense strategy: "length of time in the court system," and "number of continuances." We find that there is no easily interpretable relationship between length of time in court and type of plea. However, the likelihood of plea bargaining clearly decreases with an increase in continuances, contrary to the predictions of a defense strategy hypothesis. It may be that the prosecutor's case is actually strengthened with an increase in continuances.

Not surprisingly, "time" and "number of continuances" are strongly correlated (r=.44). While we could not use continuances in the analysis of final disposition because of the strong positive relationship between the dependent and independent variable (97% of the cases with one continuance were dismissed), the correlation between continuances and type of plea is quite low (r=-.07). The number of continuances will therefore be added to the analysis as a defense strategy variable. Time in the System, on the other hand, is a less appropriate variable to use as a proxy for defense strategy because it is not clear that the amount of time in court causally affects outcome. In fact, as we argued before, one might make a more convincing argument that the outcome of a case determines the time it takes to process that case.

Case Pressure

The usual explanation for the use of pleas, as opposed to trials, is that the judicial system does not have the resources to provide a trial for each defendant (see the discussion in the Washington paper). But, there are two types of errors possible when pleas are used in lieu of trials. First, a defendant may be coerced to plea guilty even when innocent, thus giving up his

right to a jury trial in which he might have been able to establish his innocence. Secondly, if we assume that a state's legal statutes have established appropriate sentences for specific offenses, then allowing defendants to plea to reduced charges does the public a disservice. Our data does not allow us to estimate the level of injustice experienced by defendants due to the plea process. We can, however, examine to what degree caseload pressure affects the willingness of judges and prosecutors to reduce the seriousness of charges against defendants who plea guilty. As we see in Table 17, there is no significant association between the size of the judge's or prosecutor's caseload and the probability of plea bargaining in Metro.

Defendant Background

In an ideal justice system, neither age, gender, nor race would affect plea bargaining, ceteris paribus. Neither race nor age, as we see in Table 17, have a significant effect on the type of plea. Whites and blacks are equally likely to plea bargain, as are defendants of each of the three age groups. Differences by gender are, however, statistically significant; 36.5% of women plea bargain, as opposed to 30.1% of men.

B. BIVARIATE ANALYSIS BY GENDER

The bivariate analysis revealed that gender is significantly associated with type of plea. On the average, women are more likely to plea bargain (as opposed to plea to the actual charge) than are men. We now turn to the effect of gender on the relationship between the independent variables and type of plea. Table 17 summarizes all of the relationships discussed below.

Offense Characteristics

When we examine Offense Type, we find that the largest gender difference in the proportion of defendants plea bargaining is among charges of violent

crime. Table 17 shows that 57.4% of women charged with violent crimes plea bargain, as compared to 43.6% of men. This percentage difference (13.8%) is more than twice that of the average percent difference (6.4%) between men and women who plea bargain. The only crime category in which there is no significant gender difference in the proportion plea bargaining is Drug offenses.

Looking at defendants with only a single charge against them, we find that women are more likely than men to plea to a reduced charge (38.2% vs 31.4%). This gender effect vanishes for defendants with multiple charges.

Turning to seriousness of the offense (as measured by sentence midpoint) we find gender differences only among defendants charged with the most serious offenses. While 41% of men charged with serious offenses plea bargain, 61% of women in this category do the same.

In sum, the largest gender differences in plea bargaining are found among defendants charged with violent and serious crimes, and defendants charged with only a single offense. Female defendants falling into these categories are far more likely than their male counterparts to plea bargain. In instances of multiple charges and drug offenses gender differences are not significant.

Evidence

Both male and female defendants are equally likely to plea bargain if they have codefendants. However, women are significantly more likely than men to plea bargain if there are no codefendants involved. As Table 17 shows, 39% of women with no codefendants plea bargain, as compared to 30% of men with no codefendants. Earlier in this study when we examined final disposition, we found that women had an advantage relative to men if their case involved codefendants; under these circumstances women were less likely to be

convicted. It now appears that those women without codefendants, who were just as likely as men to be convicted, get treated more leniently than their male counterparts; they are significantly (although certainly not overwhelmingly) more likely to be offered the option of pleading to a reduced charge. Conversely, women with codefendants who were convicted are given the same opportunities as men to bargain.

If the prosecutor wants to convince the defendant to plea, he will have to bargain harder when the case against the defendant is less than airtight. To the extent that codefendants may be thought of as a type of evidence, cases without codefendants have less "evidence" than do cases with codefendants. Although we found no significant relationship between the codefendants and plea bargaining for the sample as a whole, the relationship is significant for women; 39% of women with no codefendants plea bargain, as compared to 30% of women who have codefendants.

Defense Strategy

As the number of continuances increases men are increasingly less likely than women to plea bargain. We can see in Table 17 that while the percentage difference in plea bargaining between men and women is only 3.3% for defendants with two continuances (34.2% vs 37.5%) it increases to 8.9% for three continuances (27.9% vs 35.4%). This reflects the combination of a decreasing probability of men to plea bargain as continuances increase, with a relatively stable probability of women to plea bargain across Number of Continuances. Continuances, then, are not an effective defense strategy for men to the extent that they lower the likelihood of pleading to a reduced charge. The likelihood of women pleading to a reduced charge is not affected by the number of continuances.

Case Pressure

We speculated earlier that heavy caseloads may induce judges and prosecutors to encourage pleas by offering to reduce the charges against the defendant. We found, however, no significant relationship between either judge caseload and plea bargaining or prosecutor caseload and plea bargaining. The same is true when we examine men and women separately. However, we do find that women are significantly more likely than men to plea bargain if they have prosecutors with light caseloads (36.4% vs 26.8%) or judges with heavy caseloads (36.4% vs 26.4%). An explanation for these patterns is not immediately clear, but will be clarified in the multivariate analysis.

Defendant Background

For the total plea sample we found that women were more likely to plea bargain than men, but that neither age nor race was associated with the plea process. When we examine gender-race interaction with the type of plea, we find that while there is no gender difference among whites --white men and women are equally likely to plea bargain -- there is a significant gender difference among blacks. We see in Table 17 that 37% of black women plea bargain, compared to only 30% of black men.

Turning to the interaction of age and gender with type of plea, we find that it is among 23 to 29 year olds that gender plays a significant role. The likelihood that a man plea bargains drops with an increase from the youngest to the medium aged group. This drop does not occur for women. Table 17 shows that while 38% of women aged 23 to 29 plea bargain, only 28.5% of men in this age group do so. We will examine this relationship more closely in the multivariate analysis.

Summary of the Bivariate Analysis

To summarize our initial results, we found that offense type, number of charges, number of continuances, and gender were significantly related to the plea bargaining process. Race, age, the presence of codefendants, and Prosecutor or Judge caseload did not play an important role. Specifically, defendants who were charged with a violent crime or a drug offense, a single charge, a serious offense, had only two continuances, or who were women, were more likely to plea bargain (as opposed to pleading to the original charge) than were other defendants. Furthermore, we found that women were particularly more likely than men to plea bargain if they were charged with a violent crime, a serious crime, if they had a single charge against them, if they were black, if they had no codefendants, more than two continuances, a prosecutor with a light caseload, or if they were between 23 and 29 years of age.

Each of these relationships, while statistically significant, does not take into account other relevant variables. We cannot tell from the bivariate analysis alone, for example, whether black women are more likely than black men to plea bargain when we control for the type or seriousness of the offense. We therefore turn to the multivariate analysis, in which we examine the effect of each independent variable on the plea process, while simultaneously controlling for all other independent variables. We will also examine whether the relationships found for the entire period hold as well for each of the two different case assignment periods.

Multivariate Analysis

A multivariate analysis of the data allows us to determine the effects of each independent variable while simultaneously controlling for the effects of the other variables. We should expect, therefore, that the effect of some

variables seen in the bivariate analysis may change in size or even direction. An analysis that includes all of our ten independent variables explains 16% of the plea variance. Four of the five independent variables that were significantly associated with the plea process in the bivariate analysis remain significant in the multivariate analysis. These four alone account for 15% of the total variance. Tables 18 and 19 show the significance level of independent variables and the average percentages of defendants who plea bargain for categories of each statistically significant predictor.

Table 18

MCA PLEA PROCESS

	Total	Men Only	Women Only
Crime	.34	.31	.38
Seriousness	.16	.11	.26
Number	.11	.12	.08
Gender	.10	--	--
Continuance	.08	.10	.05
Prosecutor	.06	.08	.05
Codefendant	.05	.02	.10
Age	.04	.07	.05
Judge	.04	.05	.07
Race	.01	.01	.07
	Mean=.32 N=2047 R^2=.16637 adj R^2=.15897	Mean=.30 N=1299 R^2=.14813 adj R^2=.13683	Mean=.36 N=748 R^2=.22031 adj R^2=.20215

0 = plea to same charge
1 = plea to a lesser charge (bargain)

Table 19

TYPE OF PLEA - ADJUSTED PERCENTAGES PLEA BARGAINING

OFFENSE TYPE	Violent	Property	Drugs	Victimless
Total	45%	31%	48.5%	04%
Male	42	28	45	3.5
Female	50	35	53	05

SERIOUSNESS	Light	Medium	Severe
Total	23%	30%	42%
Male	26	26	36
Female	24	36	55

NUMBER OF CHARGES	One	Multiple
Total	34.5%	20%
Male	32.5	16
Female	38	27

GENDER	Male	Female
Total	29%	38%

NUMBER OF CONTINUANCES	(2)	(3)	(4+)
Total	36%	29.5%	27%
Male	34	27	23
Female	38.5	34	34

CODEFENDANTS	None	Some
Total	34%	29%
Male	31	29
Female	39	28

Offense Type is by far the most important predictor of plea bargaining. Defendants charged with drug and violent offenses are most likely to plea bargain. Defendants charged with property offenses are less likely to plea bargain, while defendants charged with Victimless offenses overwhelmingly plea to the actual charge. This pattern is similar to that found in the bivariate analysis, except that now drug charges are slightly more likely than violent offenses to be associated with plea bargaining.

The Number of Charges has a similar, albeit somewhat stronger effect on the plea process than was seen in the bivariate analysis; defendants charged with multiple offenses are less likely than those charged with single offenses to plea to a reduced charge. Controlling for other variables, the relationship between seriousness of the offense and plea bargaining becomes linear. We now find that defendants are more likely to plea bargain as the seriousness of the charge increases.

Finally, we find that gender is a significant determinant of plea bargaining; women are more likely than men to plea to a reduced charge. Number of Continuances, a variable that was important in the bivariate analysis, does not reach the significance level in the MCA.

Next, we turn to a separate analysis for men and women. Using this method, we allow for effects of independent variables to vary across gender. The independent variables explain 14% of the variance for men and 20% of the variance for women. Both Offense Type and Seriousness are important predictors of plea bargaining for men and women. The type of offense has the same effect for both men and women as we saw for the sample as a whole; defendants with Drug and Violent crimes are most likely to plea bargain; defendants with Victimless crimes are least likely to plea bargain. Both men and women are more likely to plea bargain the higher the seriousness of the charge against them, but the effect is much stronger for women. That is, the probability of plea bargaining rises at a more rapid rate for women than for men as seriousness of the offense increases.

Both women and men show a stronger tendency to plea bargain with a single as opposed to multiple charges, but this effect is only statistically significant for men. Also, the tendency for men to plea bargain declines

significantly with an increase in the number of continuances. This tendency is not present for women.

Finally, the presence of codefendants is an important element in whether women plea bargain. We see in the multivariate analysis, as we did in the bivariate analysis, that there is no difference in the tendency for men to plea bargain due to the presence of codefendants or lack thereof. Women, however, are more likely to plea bargain if they do not have codefendants than if codefendants are present. We speculated earlier that if codefendants are seen as a form of evidence, then cases without codefendants have less evidence than others and may be offered concessions by prosecutors to plea bargain.

In summary, then, we find that the multivariate analysis supports much of the findings from the bivariate analysis. Offense Type, Seriousness of Offense, Number of Charges, and gender are important determinants of plea bargaining for defendants as a whole. Analyzing the gender subsamples separately, we find that these independent variables as well as Number of Continuances are important determinants of plea bargaining for male defendants. Type of Crimes, Seriousness, and Codefendants are important determinants of the plea process for women. Perhaps the most interesting aspect of these results is the difference in the strength of offense seriousness in determining plea bargaining for men and women.

Past Record and Type of Plea

Previous convictions have an important effect on whether or not a defendant plea bargains. A multivariate analysis based on a subsample which includes information on past record of defendants shows this to be the case.[21]

[21]We ran two MCA's for the subsample: the first including past record as a predictor and the second excluding past record. This was done to evaluate whether the subsample (randomly selected) was, in fact, representative of the sample as a whole. Because subsample was chosen from the central docket

Table 20 shows past record to be the third most important predictor of type of plea, after type and seriousness of offense. As past convictions increase, the probability of plea bargaining decreases (see Table 21).

Number of past convictions are correlated with age (r=.33). We find therefore, that what seemed to be a tendency for plea bargaining to decrease with age (statistically insignificant, however) reverses when past record is included in the analysis. Table 21 shows a distinct increase in plea bargaining with increased age.

MCA by Case Assignment Period

As discussed previously, the Metro court went through two distinct phases during the period under study. During the central docket period cases were assigned to judges by the presiding judge when judges indicated that they were ready to see a new case. During the central docket period the backlog of cases grew steadily larger. The individual docket period was characterized primarily by random case assignment. During this period there was a special effort to reduce the size of the backlog; extra judges were brought in and the backlog, in fact, was reduced. When we analyzed final disposition we found that twice as much variance could be explained by our independent variables for the individual docket period than for the central docket period. Much of this difference was due to the strength of the Judge caseload effect during the individual docket period.

When we look at type of pleas by case assignment periods, we find that more variance is explained during the central docket period than during the individual docket period. Twenty-one percent of the variance is explained

period comparisons were made with the subset of PROMIS data for this period. The MCA results for pleas show high comparability between the pre-sentence subsample and the larger sample (see Tables 20 and 22).

Table 20

MCA TYPE OF PLEA
PRE-SENTENCE DATA

	Total Including Past Record		Total Excluding Past Record
Crime	.50	Crime	.50
Seriousness	. 27	Seriousness	.27
Record	.22	Continuance	.22
Continuance	.22	Codefendant	.17
Prosecutor	.17	Prosecutor	.16
Codefendant	.16	Age	.11
Age	.16	Judge	.10
Judge	.08	Number of Charges	.07
Number of Charges	.06	Gender	.05
Race	.02	Race	.02
Gender	.01		
	Mean=.34 N=225 R^2=.37 adj R^2=.30		Mean=.34 N=225 R^2=.34 adj R^2=.28

0 = plea to actual charge
1 = plea to reduced charge

during the central docket period compared to only 13% during the individual docket period (see Tables 22 and 24). The difference between the two periods lies mainly in the lower predictive value of Type of Offense during the individual docket period. Also, defendants, specifically male defendants, are on the average less likely to plea bargain during the individual docket period as compared to the previous period. Thirty-five percent of men plea bargain

Table 21

ADJUSTED PERCENTAGES
PLEA BARGAINING, PRE-SENTENCE DATA

CRIME	Violent	Property	Drugs	Victimless
Total	51%	36%	70%	00%
SERIOUSNESS	Light	Medium	Severe	
Total	17%	31%	50%	
CONTINUANCE	(2)	(3)	(4+)	
Total	36.5%	39%	00%	
RECORD	None	(1)	(2-4)	(5+)
Total	44%	38%	36%	17%
PROSECUTOR CASELOAD	Light	Medium	Heavy	
Total	20%	39%	40%	
AGE	16-22	23-28	29+	
Total	29%	34%	41%	
CODEFENDANTS	None	Some		
Total	39%	21%		
NUMBER OF CHARGES	One	Multiple		
Total	35%	26%		

during the central docket period, dropping to 25% during the individual docket period.

Although women in general are just as likely to plea bargain in the central as in the individual docket periods, they share with men a marked decrease in their incidence of plea bargaining for Violent crimes during the individual docket period. The adjusted percentage for defendants with Violent crimes who plea bargain drops from 56% (central docket period) to 29%

Table 22

MCA TYPE OF PLEA - CENTRAL DOCKET

	Total	Men Only	Women Only
Crime	.49	.38	.65
Seriousness	.18	.09	.31
Prosecutor Caseload	.09	.09	.17
Continuance	.08	.12	.03
Codefendant	.08	.05	.16
Age	.07	.07	.20
Number	.06	.07	.05
Judge Caseload	.05	.11	.08
Gender	.04	--	--
Race	.04	.01	.09
	Mean=.36 N=636 R^2=.241 adj R^2=.214	Mean=.35 N=392 R^2=.202 adj R^2=.163	Mean=.36 N=237 R^2=.396 adj R^2=.340

0 = Plea to the same charge
1 = Plea to a reduced charge

(individual docket period) (see Tables 23 and 25).[22] If there was an effort to quickly dispose of cases during the individual docket period, we might ask

[22] If we drop crime type from the central docket analysis, the explained variance in type of plea for women falls from 34% to 14% -- a decrease of 20.2 percentage points. During the individual docket period, the percentage drop is only 4.6 points. The effects of the next most important variable -- seriousness -- are similar during both periods. Removing the seriousness variable decreases the variance explained by 7 percentage points. Although crime is the strongest predictor for women during the individual docket period, removing the crime variable reduces the explained variance fewer percentage points than removing the seriousness variable. This is due to interaction between crime and seriousness.

Table 23

ADJUSTED PERCENTAGES FOR PLEA BARGAINING
CENTRAL DOCKET PERIOD

OFFENSE TYPE	Violent	Property	Drugs	Victimless
Total	56%	35%	62%	00%
Male	51	37	56	02
Female	65	32	65	00

SERIOUSNESS	1-2 years	2-5 years	7-25 years
Total	22%	38%	44%
Male	31	32	41
Female	17	44	51

PROSECUTOR CASELOAD	Light	Medium	Heavy
Total	30%	37%	40%
Male	29	40	35
Female	29	32	50

CONTINUANCES	(2)	(3)	(4+)
Total	37%	37%	22%
Male	37	35	15
Female	37	38	31.5

CODEFENDANTS	None	Some
Total	38%	29.5%
Male	37	31.5
Female	40	21

AGE	16-22	23-28	29+
Total	38%	34%	37.5%
Male	38	31	37
Female	41	37.5	36

JUDGE CASELOAD	Light	Medium	Heavy	Heaviest
Total	37%	38%	37%	32%
Male	37	42	36	27
Female	39	29	37	39

why we don't find an increase in the proportion of defendants plea bargaining? In order to get defendants to quickly plea, we might expect decisionmakers to offer reductions in the severity of the charges against them. But we have

found the opposite tendency -- during the individual docket period male defendants are in general less likely to plea bargain and female defendants are less likely to plea bargain in cases concerning violent crimes.

The Prosecutor Caseload is an important variable for women in both central and individual docket periods (despite the fact that Prosecutor caseload was not significant for women as a whole). Women were more likely to plea bargain as the caseloads of their prosecutors increased. This relationship is especially clear during the central docket period. This was an association we had expected to find for all defendants; as case pressure increases, decisionmakers are likely to offer more concessions to defendants to convince them to plea.

Judge Caseload is difficult to interpret. It is found to be a significant variable for women during the individual docket period and for men during the central docket period. But both times we see a different curvilinear effect (see Tables 23 and 25).

Finally, more independent variables were significant determinants of the plea process during the individual docket period. Race is now a significant predictor for women during the individual docket period. White women are less likely to plea bargain than are black women. The adjusted percentage of white women plea bargaining is only 15%, as compared to 37% for black women. Does this finding -- that white women are less likely to plea bargain -- contradict the earlier finding in the analysis of final disposition that white women are more leniently treated by the courts? Not necessarily. It can be argued that because white women are most likely to be dismissed, those who remain in the system have more convincing evidence against them than the average defendant who is not dismissed. The report Women In Prison (Figueira-McDonough et al., 1981) finds that in the state of Michigan white women in prison have been

Table 24

MCA TYPE OF PLEA - INDIVIDUAL DOCKET

	Total	Men Only	Women Only
Crime	.30	.26	.33
Seriousness	.21	.14	.28
Gender	.12	--	--
Prosecutor	.08	.05	.16
Number	.08	.10	.05
Judge	.07	.03	.14
Continuance	.07	.12	.04
Age	.07	.13	.05
Codefendant	.04	.02	.14
Race	.01	.05	.14
	Mean=.25 $N=623$ $R^2=.16194$ adj $R^2=.13696$	Mean=.28 $N=410$ $R^2=.14048$ adj $R^2=.10320$	Mean=.35 $N=213$ $R^2=.26066$ adj $R^2=.19620$

0=Plea to same charge
1=Plea to reduced charge

committed for far more serious crimes than black women. In short, white women who are not dismissed may have such strong cases against them that they need not be offered a reduction in charge in order to induce them to plea. However, perhaps because of the small number of white women in the sample, the inclusion of race, although statistically significant, increases explained variance less than 2% -- from 18.3% to 19.6%.

Table 25

ADJUSTED PERCENTAGES PLEA BARGAINING
INDIVIDUAL DOCKET PERIOD

OFFENSE VARIABLES

OFFENSE TYPE	Violent	Property	Drugs	Victimless
Total	29%	28%	46%	06%
Male	31	23	39	06
Female	24.5	32.5	55	14

SERIOUSNESS	Light	Medium	Severe
Total	18.5%	25%	42%
Male	20	21	33
Female	25.5	30	60

NUMBER OF CHARGES	One	Multiple
Total	30%	19%
Male	26	13
Female	36	28

BACKGROUND VARIABLES

RACE	Black	White
Total	28.5%	27%
Male	24	31
Female	37	15

GENDER	Male	Female
Total	24%	36%

AGE	Young	Medium	Old
Total	32%	28%	24%
Male	33	22.5	20
Female	34.5	37	31.5

PROCESS VARIABLES

PROSECUTOR CASELOAD	Light	Medium	Heavy
Total	23%	31%	31%
Male	23	26	26
Female	25	42	39

JUDGE CASELOAD	Light	Medium	Heavy	Heaviest
Total	33%	27%	25%	31%
Male	29	23.5	23	26.5
Female	43	32	26	41

CONTINUANCES	(2)	(3)	(4+)
Total	32%	26%	25%
Male	31	21	20
Female	33	35	38

CODEFENDANTS	None	Some
Total	29%	25%
Male	24	26
Female	39	23

SENTENCES

In the final section of this paper we examine sentence outcome; whether or not a convicted offender is sentenced to confinement. In Metro City Recorder's Court 38.5% of convicted offenders receive jail or prison sentences. The remaining 61.5% received probation.[23]

A. TYPE OF PLEAS AND SENTENCE REDUCTION

Earlier we discussed the expectation that a defendant must be induced to plea guilty --either to the actual charge or to a reduced charge. If this expectation is correct, defendants with the same initial charge who plea guilty will receive less severe sentences than those who plea innocent but are found guilty.

In order to investigate this question, we examined the relationship between types of plea and rates of confinement, controlling for type and level of seriousness of the offense. Table 26 shows that with the exception of defendants charged with person crimes, there are few defendants who plea innocent and are found guilty. For serious person crimes and serious property crimes, convicted defendants who plea innocent are less likely to be sentenced to confinement than are defendants who pled guilty to the original charge. However, they are more likely to be committed than if they had pled guilty to a reduced charge. For less serious crimes, such as less serious drug and victimless crimes, convicted defendants who pled innocent are more likely to be sentenced to confinement than those who pled to the actual charge.

We might tentatively conclude that if a charge is serious, the defendant is not severely penalized for pleading innocent. However, if found guilty,

[23]Twenty-five individuals received either a fine or a suspended sentence. For the purposes of this analysis, we will include those individuals in the category "probation."

Table 26

TYPES OF PLEA BY SENTENCE SEVERITY (COMMITMENTS) CONTROLLING FOR OFFENSE SEVERITY*

Type of Offense	Total	Plea to Actual	Plea Bargain	Plea Innocent Found Guilty	Sig Level
High Serious Violent	73.7% (293)	89.1% (129)	52.7% (110)	79.6% (54)	.0000
Low Serious Violent	30.7% (140)	38.5% (52)	24.6% (69)	31.6% (19)	.2631
High Serious Property	43.2% (292)	58.1% (136)	29.9% (144)	33.3% (12)	.0000
Low Serious Property	42.7% (363)	43.2% (280)	35.9% (64)	57.9% (19)	.2210
High Serious DRugs	34.7% (95)	39.6% (53)	30.8% (39)	0 (3)	.2974
Low Serious Drugs	21.5% (274)	24.7% (146)	14.8% (122)	83.3% (6)	.0001
Victimless	16.6% (313)	15.0% (294)	25.0% (4)	46.7% (15)	.0051

*Numbers in parentheses are case bases for percentages

the defendant would have been better off having pled guilty to a reduced charge. The few convicted defendants who plea innocent to less serious charges may face harsher sentences than if they plea guilty.

B. BIVARIATE ANALYSIS

If a justice model is operating in the Metro City court, we would expect the seriousness of the offense to be the prime determinant of sentence outcome. Type of offense might also be important. Number of charges would not, since defendants are sentenced separately for each charge. Neither background variables nor process variables would be expected to affect outcome.

Table 27 presents both the bivariate associations of the independent variables with sentence outcome as well as gender interactions with the independent and dependent variables.

Violent crimes have the highest confinement rate (57.5%) followed by property crime (43.2%), drug offenses (24.7%), and finally, victimless crimes (14.9%). Offenders with multiple crimes are more likely to receive confinement sentences (for their most serious charge) than defendants with only one charge. The higher the seriousness (as measured by statute sentence midpoint) the higher the probability of confinement. Note that for women, less serious property crimes are second only to serious violent crimes in rate of confinement. In other words, the confinement rate for women convicted of less serious property crimes is higher than the rate of confinement for women convicted of less serious violent crimes, serious property crimes, and serious drug offenses. For men, on the other hand, the confinement rates for less serious property crimes is fourth highest of the seven categories.

There is no significant relationship between prosecutor or judge caseload and sentence, nor is the number of continuances associated with sentence in a bivariate analysis.

Age is not significantly associated with sentence. However, race and gender are both important. Blacks are more likely to be confined than are whites; men are more likely to be sentenced to jail or prison than are women.

Offenders who plea to a reduced charge are less likely to be confined than are defendants who plea to the actual charge. For a small number of defendants we have information on past convictions. For these individuals we find that the probability of confinement increases with the length of an individual's criminal record.

Table 27

COMMITMENTS BY GENDER AND OTHER INDEPENDENT VARIABLES

	Total	Males	Females	p
EVIDENCE INDICATOR				
Codefendants				
None	35.6% (1254)	44.5% (798)	20.2% (456)	.00
Some	42% (471)	49.5% (313)	27.2% (158)	.00
	p=.01	p=.13	p=.07	
OFFENSE INDICATORS				
Number of Charges				
One	34.4% (1435)	41.9% (917)	21.2% (518)	.00
Multiple	52.1% (290)	64.9% (194)	26% (96)	.00
	p=.00	p=.00	p=.30	
Crime				
Violent	57.5% (386)	67.2% (265)	36.4% (121)	.00
Property	43.2% (657)	50% (460)	27.4% (197)	.00
Drugs	24.7% (380)	32.2% (205)	16.0% (175)	.00
Victimless	14.9% (302)	19.9% (181)	7.4% (121)	.00
	p=.00	p=.00	p=.00	
Crime				
High Serious Violent	71.4% (255)	81.1% (185)	45.7% (70)	.00
Low Serious Violent	30.5% (131)	35% (80)	23.5% (51)	.16
High Serious Property	44.6% (296)	54.3% (208)	21.6% (88)	.00
Low Serious Property	42.1% (361)	46.4% (252)	32.1% (109)	.01
High Serious Drugs	35.6% (104)	47.5% (61)	18.6% (43)	.00
Low Serious Drugs	20.4% (274)	25.7% (144)	14.6% (107)	.02
Victimless	14.9% (302)	19.9% (181)	7.4% (121)	.00
	p=.00	p=.00	p=.00	

	Total	Males	Females	p
Midpoint				
Light (0.1-2 years)	24.1% (439)	28% (214)	20.4% (225)	.06
Medium (2.5-5 years)	29.6% (635)	36% (431)	16.2% (204)	.00
Severe (7-25 years)	53.9% (651)	63.3% (466)	30.3% (185)	.00
	p=.00	p=.00	p=.00	
PROCESS INDICATORS				
Prosecutor Caseload				
Light	39.6% (497)	50.3% (304)	22.8% (193)	.00
Medium	36.3% (783)	45.3% (516)	18.7% (267)	.00
Heavy	36.5% (441)	41.8% (287)	26.6% (154)	.00
	p=.44	p=.11	p=.16	
Judge Caseload				
Light	31.5% (362)	38.2% (228)	20.1% (134)	.00
Medium	38.5% (418)	45.9% (279)	23.7% (139)	.00
Heavy	38.8% (647)	45.5% (424)	26% (223)	.00
Heaviest	39.9% (298)	56.7% (180)	14.4% (118)	.00
	p=.07	p=.00	p=.09	
Number of Continuances				
2	38.0% (976)	45.7% (633)	23.9% (343)	.00
3	36.2% (384)	45.8% (236)	20.9% (148)	.00
4+	37.1% (353)	46.4% (235)	18.6% (118)	.00
	p=.92	p=.94	p=.39	

BACKGROUND VARIABLES	Total	Males	Females	p
Gender				
Male	45.9% (1111)			
Female	22.0% (614)			
	p=.00			
Race				
White	31.6% (234)	39.5% (167)	11.9% (67)	.00
Black	38.3% (1491)	47.0% (944)	23.2% (547)	.00
	p=.05	p=.07	p=.04	
Age				
Young	37.9% (620)	46% (1102)	22.2% (600)	.00
Medium	40.2% (651)	48% (425)	15.9% (195)	.00
Old	33.2% (431)	38.5% (260)	25.1% (171)	.00
	p=.06	p=.02	p=.04	
Plea Process				
Actual	40.0% (1092)	48.4% (734)	22.9% (358)	.00
Reduced	31.2% (552)	37.7% (329)	21.5% (223)	.00
	p=.00	p=.00	p=.70	
Record				
None	19.5% (82)	29% (31)	13.7% (51)	.09
One	39.0% (41)	48% (25)	25% (16)	.14
Some	39.6% (48)	53.3% (30)	16.7% (18)	.01
Many	69.5% (59)	73.3% (45)	57.1% (14)	.25
	p=.00	p=.00	p=.01	

C. GENDER DIFFERENCES

Women are significantly iess likely to be confined than men under all but a few circumstances.[24] Judge caseload is associated with sentence for men but not for women; confinement rates for men are positively associated with Judge caseload. Race is nonsignificant for men but significant for women; black women are more likely to be confined than are white women.

D. MULTIVARIATE ANALYSIS

A multivariate analysis including all independent variables, with the exception of past record, was done. Crime, the presence of plea bargaining, gender, and seriousness, in order of importance, together explain 18% of the variance (see Table 28).

Table 29 shows the adjusted means (percent of convicted offenders who are sentenced to confinement) for categories of the independent variables. In this way we can examine the relationship of each independent variable with the dependent variable, while simultaneously controlling for all other independent variables. Violent crimes are most likely to result in confinement, followed by property, drug, and victimless crimes, in that order. Offenders whose charge had been reduced were less likely to receive a sentence of confinement than if they were sentenced on the basis of the original charge. Men were more likely to be confined than were women. The probability of confinement increases with the seriousness of the offense.

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[24]These few circumstances are the following. Women charged with less serious Violent crimes or, in general, low seriousness offenses are not significantly less likely to be sentenced to confinement than men with similar charges. The relationship between sentence and past record also shows some non-significant gender differences (see Table 27). However, analyses using past record as a variable are based on data gathered from pre-sentence files, giving us a sample size of only 230. The smaller sample size in itself may explain the lower significance levels. The absolute percentage differences between men and women continue to be quite large.

Analyzing data on men alone, we find that crime, seriousness, plea bargaining, and Judge caseload explain 17% of the variance. For women, crime, plea bargaining, age, continuances, and Judge caseload explain 9% of the variance. For men and women separately, as well as for the sample as a whole, we find that violent crimes are most likely to result in confinement, followed by property, drug, and victimless crimes. Offenders were less likely to receive a sentence of confinement if they had plea bargained.

Table 28

MULTIPLE CLASSIFICATION ANALYSIS
Dependent Variable: Sentence

(0=Non Confinement, 1=Confinement)

Predictors	Total Betas	Males Betas	Females Betas
Crime	.27	.27	.28
Plea	.18	.19	.15
Gender	.17	--	--
Seriousness	.16	.20	.05
Number	.08	.09	.05
Race	.07	.06	.09
Judge	.06	.10	.10
Age	.06	.05	.13
Continuance	.05	.04	.11
Prosecutor	.03	.06	.07
Codefendant	.00	.02	.08
	^{2}N=1721 R^2=.19998 adj R^2=.18961 Mean=.37	^{2}N=1107 R^2=.19760 adj R^2=.18207 Mean=.45	^{2}N=614 R^2=.13052 adj R^2=.09967 Mean=.22

Table 29

ADJUSTED PERCENTAGES COMMITTED
SELECTED PREDICTORS OF SENTENCING

	Total	Male	Female
CRIME			
Violent	53%	61%	37%
Property	42	49	27.5
Drugs	33	42	19
Victimless	13	19	02
PLEA BARGAINING			
Plea to Actual	44	52	27
Plea to Reduced	25	31	16
SERIOUSNESS			
Low	27.5	30	20
Medium	35	42	21
High	46	56	25
JUDGE CASELOAD			
Light	31.5	38	20
Medium	38	46	23
Heavy	39	47	26
Heaviest	40	54	15
AGE			
16-22 years	35.5	46	15
23-29 years	40	48	25
30+ years	36	42	27
CONTINUANCES			
2	39	47	25
3	35	43	21
4+	35	44	14.5
GENDER			
Male	44		
Female	26		

For men we find that the probability of confinement increases with the seriousness of the offense. This relationship is not significant for women.

Among men, the probability of confinement is positively associated with caseload of the judge; that is, as the judge's caseload increases, the offender is more likely to receive a jail or prison sentence rather than probation. Among women, the probability of confinement also increases with the judge's caseload, with the exception that the judges with the heaviest caseloads are the most lenient in the sentencing of women.

In the pre-sentence sample we found that men tend to have more past convictions than women.[25] This in itself could explain the gender difference in confinement rates. In fact, when past record is included in the MCA it becomes the most important variable explaining sentence, increasing the total explained variance by 4.2% (see Table 30). Gender drops in order of importance to a position behind seriousness and race. However, gender remains significant; the adjusted percentages for men and women are now 48% and 32% respectively (see Table 31).[26] Age also drops in order of importance when record is added to the analysis -- from sixth in eleven to tenth in twelve. This is due to a positive association between age and past record.

We cannot run separate analyses for men and women with the pre-sentence data because of the small sample size. Thus we are unable to examine the effect of past record separately for men and women holding all other predictors constant.

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[25]For the purpose of determining comparability with the larger data set we ran an MCA for the smaller pre-sentence data set using the same independent variables as before. Explained variation is higher for the smaller data set (25% vs 19%). But with one exception ("number of charges"), the independent variables fall in approximately the same order of importance. Number of charges ranks fifth in the large sample and eighth in the pre-sentence data set. Further investigation reveals that there are disproportionately few defendants with multiple charges in the pre-sentence sample (12.6% in pre-sentence vs 16.8% in the total sample). As a result, the affect of number of charges contributes less to total variance.

[26]Gender and race together add 3.5% variance, increasing explained variance from 33% to 36%.

Table 30

SENTENCE MCA
PRE-SENTENCE SAMPLE

Including Past Record		Excluding Past Record	
Record	.27	Crime	.27
Crime	.25	Plea	.26
Plea change	.20	Gender	.22
Seriousness	.16	Seriousness	.19
Race	.15	Race	.15
Gender	.14	Age	.13
Judge	.10	Judge	.12
Continuance	.07	Number	.09
Number	.07	Codefendant	.06
Age	.06	Continuance	.05
Codefendant	.05	Prosecutor	.03
Prosecutor	.05		
Mean=.40		Mean=.40	
n=230		n=230	
R^2=.36519		R^2=.31786	
adj R^2=.28739		adj R^2=.24536	

E. COMPARISON OF PERIODS

We find some major differences in sentencing between the central and individual docket periods. Significantly less people are confined during the individual docket period than during the central docket period (43.1% during the central docket period vs 31.2% during the individual docket period (p = .0001)).

Table 31

ADJUSTED PERCENTAGES COMMITTED
PRE-SENTENCE SAMPLE
(0=NON CONFINEMENT, 1=CONFINEMENT)

	Total
RECORD	
None	28%
One	41
Some	33
Many	62
CRIME	
Violent	58
Property	44
Drugs	22
Victimless	33
PLEA BARGAINING	
Plea to Actual	47
Plea to Reduced	26
SERIOUSNESS	
Low	31
Medium	36
High	50
RACE	
White	30
Black	46
GENDER	
Male	46
Female	32
JUDGE	
Light	34
Medium	44
Heavy	43
Heaviest	34

We can explain more variance during the individual docket period (25%) than during the central docket period (19%) (see Tables 32 and 34). Both gender and race are more important during the central docket period.[27]

Whether a woman is convicted on the actual charge or on a reduced charge has no bearing on whether she is confined or given probation during the central docket period. However, during the individual docket period, a reduction of charges has an effect on women similar to that for men: e.g. offenders of either sex who bargained were less likely to be sentenced to confinement.

Seriousness is not an important variable for women during the central docket period but it is important during the individual docket period. During the individual docket period women convicted of the most serious crimes are most likely to be sentenced to confinement. There is little difference between confinement rates of women with low and medium levels of offense seriousness.

During the central docket period the probability of confinement decreases for women with increases in judge caseload. There is no significant relationship between judge caseload and sentencing during the individual docket period.

In short, we find that sentencing during the individual docket period conforms more closely to the justice model than sentencing during the central docket period: there is less emphasis on background variables (i.e. race and gender) and a positive and statistically significant relationship between confinement and seriousness of offenses for women as well as for men.

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[27]Race has a beta of .10 during the central docket period but is insignificant during the individual docket period. Gender is significant during both periods, but adds 2.7% variance during the central docket period and only 1% during the individual docket period.

Furthermore, the caseload pressure of judges does not affect sentencing decisions.

The lower commitment rate during the individual docket period shows up across all categories of offenders (compare the adjusted means in Tables 33 and 35). However, the drop is larger among property and victimless crimes, larger among males than among females, and larger among blacks than among whites. The lower confinement rates for nonviolent crimes during the individual docket period suggests that when prison populations grow in size it might be partly due to fluctuations in sentencing policy for non-violent offenses, rather than merely a response to an increase in serious crimes referred to the court.

F. SUMMARY OF SENTENCING IN METRO CITY

We first looked at bivariate associations between the independent variables and sentencing outcome (probation vs confinement). Crime, Number of Charges, Seriousness, Race, Gender, Plea bargaining, and Past Record were all associated with sentencing outcome. However, when included in a multivariate analysis in which the independent effects of each predictor could be examined, we found that Race and Number of Charges were no longer significant.

Crime and the presence of plea bargaining are the most important variables predicting sentence outcome for both men and women. Judge caseload is also significant for both groups. Age and number of continuances play a role in predicting outcome for women. However, the effect of age is most likely spurious, merely reflecting its positive correlation with past record. In short, as anticipated by the justice model, we find that the offense variables Crime and Seriousness play a primary role in predicting sentencing outcome for men. However, seriousness was not important for women. Furthermore, far less variance was explained for women than for men. This

Table 32

MULTIPLE CLASSIFICATION ANALYSIS
CENTRAL DOCKET PERIOD
Dependent Variable: Sentence

(0=Non Confinement, 1=Confinement)

Predictors	Total Betas	Male Betas	Female Betas
Crime	.28	.29	.22
Plea	.18	.22	.03
Gender	.18	--	--
Seriousness	.16	.23	.02
Race	.10	.10	.10
Continuance	.09	.11	.11
Prosecutor	.09	.13	.06
Age	.08	.07	.14
Judge	.06	.02	.17
Codefendant	.03	.03	.12
Number	.02	.05	.03
	N=524 R^2=.2963 adj R^2=.18536 Mean=.43	N=335 R^2=.24746 adj R^2=.19697 Mean=.52	N=189 R^2=.14040 adj R^2=.03231 Mean=.28

suggests that decisions to confine women offenders might be based on other criteria than presenting offense.

Plea bargaining is an important predictor of sentence outcome for both men and women. Although plea bargaining is in itself incompatible with the justice model, we found that defendants (except for those charged with low serious offenses) who pled innocent and were found guilty were not unduly "punished" for having insisted on going through a trial. While treated more

Table 33

ADJUSTED PERCENTAGES COMMITTED (CENTRAL DOCKET PERIOD)
SIGNIFICANT PREDICTORS OF SENTENCING

(0=Non Confinement, 1=Confinement)

	Total	Male	Female
CRIME			
Violent	59%	69%	37%
Property	49	55	38
Drugs	40	51	24
Victimless	19	24	14
GENDER			
Male	50		
Female	31		
PLEA BARGAINING			
Plea to Actual	49	59	28.5
Plea to Reduced	32	38	27
SERIOUSNESS			
Low	33	32	28
Medium	40	47	27
High	53	64	29
RACE			
White	31	40.5	15.5
Black	45	54	30
CONTINUANCES			
2	41	50	26
3	46	53	34
4+	57	71	33
PROSECUTOR			
Light	45	51	32
Medium	47	59	28
Heavy	36	43	24

	Total	Male	Female
AGE			
16-22 years	41%	51%	20%
23-29 years	46	52	31.5
30+ years	44	54	32
JUDGE CASELOAD			
Light	45	52.5	40
Medium	44	52	31
Heavy	45	53	30
Heaviest	39	50	17
CODEFENDANTS			
None	42	51	25.5
Some	45	54	39

harshly than those who bargained, these defendants were somewhat less likely to be committed than those who pled to the same charge.

Finally, we found evidence of markedly different determinants of sentencing decisions during the first and second time periods under investigation. This change in sentencing outcome suggests that the processing of offenders cannot be considered fixed in a particular court system. In Metro changes in the method of case assignment and an emphasis on decreasing the backlog of cases appear to be associated with lower rates of confinement and less discretionary sentencing decisions.

Table 34

MULTIPLE CLASSIFICATION ANALYSIS
INDIVIDUAL DOCKET PERIOD
Dependent Variable: Sentence

(0=Non Confinement, 1=Confinement)

Predictors	Total Betas	Male Betas	Female Betas
Crime	.36	.41	.28
Plea Bargaining	.20	.19	.24
Seriousness	.19	.19	.22
Gender	.11	--	--
Age	.10	.08	.23
Number	.06	.11	.03
Prosecutor	.05	.09	.13
Judge	.05	.06	.04
Continuance	.04	.07	.11
Race	.04	.00	.13
Codefendant	.00	.05	.12
	N=513 R^2=.27987 adj R^2=.24754 Mean=.31	N=336 R^2=.29294 adj R^2=.24565 Mean=.38	N=177 R^2=.25228 adj R^2=.15098 Mean=.19

Table 35

ADJUSTED MEANS (INDIVIDUAL DOCKET PERIOD)
SIGNIFICANT PREDICTORS OF SENTENCING

(0=Non Confinement, 1=Confinement)

	Total	Male	Female
CRIME			
Violent	58%	65%	42%
Property	33	39	19
Drugs	31	39	19.5
Victimless	2.5	01	02
PLEA BARGAINING			
Plea to Actual	37.5	43	26
Plea to Reduced	16	21.5	7.5
SERIOUSNESS			
Low	20	22	15
Medium	30	39	13
High	42	46	34
GENDER			
Male	35		
Female	24		
AGE			
16-22 years	26	34	09
23-29 years	36	42.5	26
30+ years	30	35	21
RACE			
White	27	38	04
Black	32	38	20
PROSECUTOR CASELOAD			
Light	34	44	19
Medium	29	35	13
Heavy	31	34	26
CONTINUANCE			
2	30	34	22.5
3	34	42.5	17
4+	30	38	13

	Total	Male	Female
CODEFENDANTS			
None	31%	39%	16%
Some	31	34	27
NUMBER			
One	30	36	19
Multiple	38	51	16
JUDGE CASELOAD			
Light	29	34	16
Medium	29	35	17.5
Heavy	30.5	37	19
Heaviest	34	42	21

Appendix

CONTINUED

1 OF 2

Table 1

Comparison of "Open" and "Closed" Cases by FBI Crime Categories

	Homicide	Sexual Assault	Robbery	Assault	Burglary	Larceny	Forgery Fraud	Embezzle-ment	Stolen Goods	Destruction of Property	Weapons	Sex Offense	Drugs	Gambling	
A	4.8%	2.7%	8.8%	8.7%	9.7%	10.3%	7.6%	.3%	7.1%	.6%	15.6%	.2%	23.1%	.6%	100%
B	4.9	2.9	9.8	9.0	9.7	9.9	6.9	.2	7.2	.7	17.3	.2	20.7	.5	100

A = All cases (N=5542)

B = "Closed" cases (only cases with final disposition information) (N=3627)

Table 2

Comparison of Convicted Cases With and Without Sentencing Information, by FBI Crime Categories

	Murder	Sexual Assault	Robbery	Assault	Burglary	Larceny	Fraud Forgery	Embezzle-ment	Stolen Goods	Destruction of Property	Weapons	Sex Offense	Drugs	Gambling	
A	5.1%	2.4%	9.6%	7.6%	10.5%	10.8%	7.3%	.2%	6.9%	.5%	16.9%	.3%	21.1%	.7%	100%
B	4.6	2.3	10.1	7.9	11.1	10.5	7.5	.3	7.2	.5	16.7	.2	21.0	.2	100

A = All convicted cases(N=2390)

B = "Closed" cases (only convicted cases with sentencing information) (N=1859)

Table 3

TIME IN COURT BY TYPE OF PROCESS

Time	Pretrial Dismissal	Dismissed at Trial	Plea Guilty	Full Trial
1-18 days	4.0%	49.4%	21.2%	0
19-56 days	22.5%	14.2%	31.1%	4.8%
57-174 days	31.7%	14.8%	25.8%	41.3%
175 + days	41.9%	21.6%	21.9%	53.9%
	100%	100%	100%	100%
	N=227	N=889	N=2215	N=293

END